CALL TO ORDER

Mayor Denis Law called the meeting of the Renton City Council to order and led the Pledge of Allegiance to the flag.

ROLL CALL OF COUNCILMEMBERS

DON PERSSON, Council President; MARCIE PALMER; RANDY CORMAN; GREG TAYLOR; ARMONDO PAVONE; ED PRINCE. MOVED BY PERSSON, SECONDED BY PRINCE, COUNCIL EXCUSE ABSENT COUNCILMEMBER TERRI BRIERE. CARRIED.

CITY STAFF IN ATTENDANCE

DENIS LAW, Mayor; JAY COVINGTON, Chief Administrative Officer; ZANETTA FONTES, Senior Assistant City Attorney; JASON SETH, Acting City Clerk; IWEN WANG, Administrative Services Administrator; GREGG ZIMMERMAN, Public Works Administrator; CHIP VINCENT, Community and Economic Development Administrator; JAMIE THOMAS, Fiscal Services Director; ANGIE MATHIAS, Senior Planner; COMMANDER JON SCHULD, Police Department.

Council President Persson requested a moment of silence in memory of the victims of the Marysville Pilchuck High School shooting incident.

PROCLAMATION

A proclamation by Mayor Law was read declaring November 2014 to be “DECA Month and Hazen DECA Entrepreneurship Month” in the City of Renton and encouraging everyone to join in this special observance. MOVED BY TAYLOR, SECONDED BY PALMER, COUNCIL CONCUR IN THE PROCLAMATION. CARRIED.

Gene Kolcynski, Lindbergh High School, thanked City officials for recognizing the achievements of the Renton School District DECA students. He added that Hazen High School’s entrepreneurship program exemplifies what DECA students are doing in Renton’s high schools.

PUBLIC HEARING

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Law opened the public hearing to consider the six-month extension, as declared on September 15, 2014, of the moratorium on the acceptance of business licenses and permits for medical marijuana businesses declared on November 4, 2013.

Senior Planner Angie Mathias reported that the City is required by State law to hold a public hearing within 60 days of declaring the six-month extension of the moratorium. She explained that the purpose of the hearing is to provide the public with an opportunity to speak in favor or opposition of the moratorium extension. She also clarified that the moratorium is related to the submission, acceptance, processing or approval of applications or licenses by or for new business licenses or permits for new establishments in the sale, use, growing, manufacture, distribution or processing of medical marijuana only.

Ms. Mathias reported that the City has already adopted regulations related to the zoning of recreational marijuana. She explained that the State Liquor Control Board regulates recreational marijuana, and controls the issuance of licenses for producers, processors, and retailers. She added that the recreational marijuana industry is highly regulated, and noted that the medical marijuana industry is not.
Concluding, Ms. Mathias reported that the City declared the moratorium because the administration anticipates that the State legislature will take action to align the regulations regarding the recreational and medical marijuana industries. She stated that moratorium also prevents businesses from vesting to regulations that are anticipated to be changed by the State legislature.

Public comment was invited.

Howard McOmber (Renton) acknowledged that the City is not going to take any action on this issue until the State provides further guidance. He urged Council to apply as liberal a policy as possible for medicinal cannabis when making its final decision on this issue. He also remarked that he believes medicinal cannabis to be no more harmful than over-the-counter headache medicines.

There being no further public comment, it was MOVED BY PERSSON, SECONDED BY PRINCE, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED.

APPEAL
CED: Enclave at Bridle Ridge

Planning and Development Committee Chair Prince presented a report recommending that the City Council AFFIRM the Hearing Examiner’s Final Decision on Reconsideration (Final Decision) on August 13, 2014, subject to the suggested modifications made below.

Facts:
On October 23, 2014, the Planning and Development Committee (PDC), with a quorum, heard the closed hearing arguments of the Appellants, Roger and Jason Paulsen, and the applicant’s/developer’s representative, attorney Brent Carson. Staff, represented by Jill Ding, provided a basic overview of the project with a PowerPoint presentation which was followed by the Appellant’s argument.

Findings of Fact and Conclusions of Law:
The PDC reviewed the materials before the closed hearing, and the Parties stayed within the record. After careful consideration of the arguments, the hundreds of pages of documents, including the Final Decision, the PDC does not find any substantial error that warrants reversal of the Hearing Examiner’s Final Decision. As a result, the PDC adopts the Hearing Examiner’s Final Decision, in its entirety, subject to the modifications noted below.

Concerning the positions of the parties, the PDC understands that one of the Appellants’ concerns relates to the volume of traffic that utilizes 156th Ave. SE. It appears that this volume may be the result of people seeking to avoid or bypass I-405 and other passageways in the vicinity. Traffic operating at LOS F (the worst possible level), is not desirable and needs to be corrected. Furthermore, the PDC understands that traffic along 156th Ave. SE is a problem now, will continue to be a problem in the future, even without this development, and that the addition of up to nine more trips during rush hour will not make it better.

Notwithstanding this fact and the anticipated poor access, the PDC does not believe that the solution to the existing problem and the anticipated problem is to prevent the development of Enclave at Bridle Ridge. An effective solution must address the flow and/or amount of traffic along 156th Ave. SE. As a result, the PDC recommends the following:
That the City Council require City staff to reprioritize the 156th Ave. SE/SE 142nd Pl. intersection for installation as soon as possible, and no less than three years after the completion of the project.

The Hearing Examiner noted that the concurrency determination that the proposal will not violate Renton’s transportation LOS is undisputed and therefore must be accepted as a verity. Final Decision, page 18, lines 4-9. This means that any additional congestion caused by the Enclave proposal “would not be considered a significant adverse environmental impact.” Final Decision, page 18, lines 8-9. In sum, the PDC finds that the Hearing Examiner did not err in approving the proposed development with the stated mitigation measures as it relates to traffic.

Contrary to the Appellant’s claim, the PDC also finds that the Hearing Examiner made sufficient written findings and found that this project was in the public interest by references to frontage improvements and a right-of-way dedication. However, to address this alleged deficiency, the Hearing Examiner’s Final Decision shall be modified to include the following language for clarity:

Renton’s Comprehensive Plan’s primary purpose “is to define and establish the policy relating to the development of the community as a whole.” RMC 4-1-060.A.1 One aspect of that policy is that Renton’s traffic requirements also consider the impact to the entire City’s transportation system and not merely a specific intersection. Another aspect of that policy is that the Enclave at Bridle Ridge subdivision will serve the public use and interest by providing housing that is consistent with the site’s designation of Residential Low Density on the Renton Comprehensive Plan Land Use Map and the property’s R-4 zoning designation. The Enclave at Bridle Ridge subdivision project is consistent with Renton’s Comprehensive Plan as it insures acceptable levels of access, public services and it promotes the public interest in satisfaction of RMC 4-1-060.A.5.b. and c.

Additionally, there appeared to be a couple of Scrivener’s errors in the Hearing Examiner’s decision that need to be corrected. These errors are amended as follows:

Page 21, line 21 should be amended to change the word “County” to “Renton.” The sentence will then read as “The primary relevant inquiry for purposes of assessing whether Renton staff correctly issued an MDNS is whether the project as proposed has a probable significant environmental impact.”

Page 24, line 3 the word “not” shall be removed. The sentence will then read as follows: “In this case the City clearly made a prima facie showing that it did an adequate review of traffic impacts prior to issuance of the MDNS.”

In sum, the Appellant’s have failed to establish pursuant to RMC 4-8-110.F.7 that any “substantial error in fact or law exists in the record” justifying a reversal of the Hearing Examiner’s Final Decision. The errors or areas that require clarification or correction have been modified for the consideration of the City Council. The PDC recommends that the City Council affirm the Hearing Examiner’s decision subject to the modifications outlined above.
MOVED BY PRINCE, SECONDED BY PALMER, COUNCIL CONCUR IN THE
COMMITTEE RECOMMENDATION. CARRIED.

ADMINISTRATIVE REPORT

Chief Administrative Officer Jay Covington reviewed a written administrative report summarizing the City’s recent progress towards goals and work programs adopted as part of its business plan for 2014 and beyond. Item noted was:

* The Regional Fire Authority (RFA) Planning Committee is holding a meeting on October 30, 2014, 2:00 p.m., at Fire Station 13, 18002 108th Ave. SE. All interested parties are invited to attend the meeting; however, there will be no opportunity for public comment during the meeting. Topics for discussion will be King County Fire District 20’s request to participate in the RFA planning process, RFA plan template, RFA funding, and establishment of a Community Advisory Committee.

AUDIENCE COMMENT

Citizen Comment: Wawern – SECO Development and B&O Tax

Grace Wawern (Renton), representing SECO Development, remarked that the firm is building a new hotel in Renton. She expressed concern that the proposed Business and Occupation (B&O) Tax will discourage large companies like Amazon from moving to Renton. She added that her company is also interested in attracting foreign investors.

Mayor Law remarked that Renton is the only city of its size that has not already adopted a B&O tax. He stated that Amazon owns and operates businesses in Seattle which has a much higher B&O tax than what Renton is proposing to adopt. He added that Renton is also interested in attracting foreign investors, and noted that the City’s proposed tax embraces a high reporting threshold to protect small businesses and a cap to protect large businesses.

Mr. Covington added that the main reason Council considered adopting the B&O tax was to provide the ability for the City to maintain essential services. He remarked that these core services help Renton be more attractive to businesses that are looking to invest in the area. He stated that unfortunately the City is unable to maintain these service levels without enacting the proposed tax.

Citizen Comment: Zimmerman – Amazing Grace Lutheran School Lease of 200 Mill Bldg

Dr. David-Paul Zimmerman (King County), administrator at Amazing Grace Lutheran School, remarked that the school has been located in Skyway for 60 years and has outgrown its current facility. He expressed appreciation to City facilities staff that helped to convert the first floor of the 200 Mill Building for use as a school. He remarked that the school desires to eventually occupy the second and third floors of the building.

Dr. Zimmerman explained that Amazing Grace Lutheran School’s student population is very diverse, and represents 26 nations. He further explained that students receive individualized schedules, learning plans, and support. He added that students receive introductory courses from universities like Harvard, MIT, Stanford Engineering, and Duke. Concluding, Dr. Zimmerman reported that the school has the ambitious goal of graduating 100 percent of students who are ready for college.
Citizen Comment: Dissinger – Human Services Funding Allocation
Lynn Dissinger (Tukwila), from Domestic Abuse Women’s Network (DAWN), expressed appreciation to City officials for supporting the program for many years. She stated that DAWN is the only comprehensive domestic violence agency in south King County. She explained that the organization’s mission is to lead and support efforts to end domestic violence by providing the critical services and education to survivors to make informed choices for their future, and to engage the community to raise awareness to take action. She added that DAWN provides legal advocacy, children and youth programs, mental health counseling, and safety planning and preventive programs to survivors.

Citizen Comment: McOmber – Homelessness Advocacy
Howard McOmber (Renton) requested support for the A.R.I.S.E. (Area of Renton Interfaith Shelter Endeavor) program. He stated that the Renton Ecumenical Association of Churches (REACH) supports the program and is asking anyone who has the means to pledge $10 per month to the program. He explained that if 150 people pledged $10 a month there would be enough money to support the program ad infinitum. He stated that people can go to the REACH webpage and sign up.

Councilmember Taylor remarked that this is an excellent opportunity for people who oppose panhandlers to make a difference in someone’s life and in the community.

CONSENT AGENDA
Items listed on the consent agenda are adopted by one motion which follows the listing.

Council: Meeting Minutes of 10/20/2014
Approval of Council meeting minutes of 10/20/2014. Council concur.

Court Case: Rubinchikov, Forfeiture Removal, CRT-14-007
Court case filed by Amanda Speed, represented by Michael J. Kelly, Attorney for Plaintiff, versus the City of Renton, et al, regarding alleged false arrest and seeking damages from an incident that began on 2/3/2013. Refer to City Attorney and Insurance Services.

CAG: 13-149, Sunset Neighborhood Park Fourplex Demolition, Forma Construction
Community Services Department recommended approval of a Job Order Contract Work Order with Forma Construction in the amount of $192,673.05 for Sunset Neighborhood Park Fourplex demolition project. Council concur.

MOVED BY PERSSON, SECONDED BY PRINCE, COUNCIL CONCUR IN THE CONSENT AGENDA AS PRESENTED. CARRIED.

UNFINISHED BUSINESS
Finance Committee
Finance: Vouchers
Finance Committee Vice-Chair Palmer presented a report recommending approval of Claim Vouchers 333186 – 333644, five wire transfers and one payroll run with benefit withholding payments totaling $7,679,825.42 and payroll vouchers including 713 direct deposits and 61 payroll checks totaling $1,582,820.11. MOVED BY PALMER, SECONDED BY PRINCE, COUNCIL CONCUR IN THE COMMITTEE RECOMMENDATION. CARRIED.

Lease: 1st Floor of 200 Mill Building, Amazing Grace Lutheran School
Finance Committee Chair Briere presented a report recommending concurrence in the staff recommendation to approve a five-year lease with Amazing Grace Lutheran Church to operate the Amazing Grace Christian School on the first floor of the 200 Mill Building. Revenue generated over the duration of the lease will be $705,728.47.
The Committee further recommended that the Mayor and City Clerk be authorized to execute the lease.

MOVED BY PALMER, SECONDED BY PRINCE, COUNCIL CONCUR IN THE COMMITTEE RECOMMENDATION.*

Councilmember Pavone recused himself from voting on the Amazing Grace Lutheran School lease Committee report. He explained that both of his children attend the school.

Councilmember Taylor explained that his daughter had attended the school approximately five years ago. He asked the City Attorney to clarify whether or not he too should recuse himself.

Senior Assistant City Attorney Zanetta Fontes replied that he did not have to recuse himself from voting on the report.

*MOTION CARRIED.

The following ordinances were presented for first reading and referred to the 11/3/2014 Council meeting for second and final reading:

RESOLUTIONS AND ORDINANCES

Budget: Authorize 2015 Property Tax Levy
An ordinance was read authorizing the property tax levy for the year 2015. MOVED BY PERSSON, SECONDED BY PRINCE, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 11/3/2014. CARRIED.

Budget: Establish 2015 Property Tax Levy
An ordinance was read establishing the property tax levy for the year 2015 for general City operational purposes in the amount of $36,420,000. MOVED BY PERSSON, SECONDED BY PRINCE, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 11/3/2014. CARRIED.

Budget: 2015/2016 Utility Rates
An ordinance was read amending Sections 8-2-2 and 8-2-3 of Chapter 2, Storm and Surface Water Drainage, Sections 8-4-12, 8-4-24, 8-4-31 and 8-4-33 of Chapter 4, Water, and Section 8-5-15 of Chapter 5, Sewers, of Title VIII (Health and Sanitation), of City Code, allowing for adjustments to current utility rates for 2015 and 2016, clarifying the water shutoff fee language, and clarifying the qualifications for reduced rates. MOVED BY PERSSON, SECONDED BY PRINCE, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 11/3/2014. CARRIED.

Budget: 2015/2016 Solid Waste Rates
An ordinance was read amending Section 8-1-10 of Chapter 1, Garbage, of Title VIII (Health and Sanitation), of City Code, relating to year 2015 and 2016 services and utility rates for all customer classes. MOVED BY PERSSON, SECONDED BY PRINCE, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 11/3/2014. CARRIED.

Budget: Adopt Business & Occupation Tax
An ordinance was read amending Title V (Finance and Business Regulations), of City Code, imposing a Business and Occupation Tax and adopting a new Chapter 5-25, entitled "Business and Occupation Tax Code." MOVED BY PERSSON, SECONDED BY PRINCE, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 11/3/2014. CARRIED.
Budget: Clarify Business License Fees

An ordinance was read amending Section 5-5-3 of Chapter 5, Business Licenses, of Title V (Finance and Business Regulations), of City Code, by clarifying the methods of calculation of Business License Fees and restating the Section entitled “Exemption.” MOVED BY PERSSON, SECONDED BY PRINCE, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 11/3/2014. CARRIED.

Budget: Modify Senior Citizen Threshold for Pet Licenses

An ordinance was read amending Subsection 5-4-2.C of Chapter 4, Animal Licenses, of Title V (Finance and Business Regulations), of City Code, by reducing the age for City residents to qualify for discounted animal licenses available to low income seniors. MOVED BY PERSSON, SECONDED BY PRINCE, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 11/3/2014. CARRIED.

Budget: Adopt 2015/2016 Biennial Budget

An ordinance was read adopting the Biennial Budget for the years 2015/2016, in the amounts of $243,543,692 and $242,343,675, respectively. MOVED BY PERSSON, SECONDED BY PRINCE, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 11/3/2014. CARRIED.

ADJOURNMENT

MOVED BY PERSSON, SECONDED BY PRINCE, COUNCIL ADJOURN. CARRIED.

TIME: 7:43 p.m.

Jason Seth, Recorder
October 27, 2014

Jason A. Seth, CMC, Acting City Clerk
Council Committee Meeting Calendar

October 27, 2014

November 3, 2014
Monday

CANCELED Utilities Committee, Chair Pavone

CANCELED Public Safety Committee, Chair Corman

CANCELED Community Services Committee, Chair Taylor

5:30 PM Planning & Development Committee, Chair Prince -- Council Conference Room
1. Title IV (Development Regulations), Docket #10

6:00 PM Committee of the Whole, Chair Persson -- Council Chambers
1. Inclusion Project Update
2. Presentation: Adopt the Sunset Neighborhood Park Master Plan