RENTON CITY COUNCIL  
Regular Meeting

April 11, 2005  
Monday, 7:30 p.m.  
MINUTES  

Mayor Kathy Keolker-Wheeler called the meeting of the Renton City Council to order and led the Pledge of Allegiance to the flag.

ROLL CALL OF COUNCILMEMBERS
TERRI BRIERE, Council President; DENIS LAW; DAN CLAWSON; TONI NELSON; RANDY CORMAN; DON PERSSON; MARCIE PALMER.

CITY STAFF IN ATTENDANCE
KATHY KEOLKER-WHEELER, Mayor; JAY COVINGTON, Chief Administrative Officer; ZANETTA FONTES, Assistant City Attorney; BONNIE WALTON, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; ALEX PIETSCH, Economic Development Administrator; BEN WOLTERS; Economic Development Director; LESLIE BETLACH, Parks Director; DEREK TODD, Assistant to the CAO; COMMANDER FLOYD ELDRIIDGE, Police Department.

PROCLAMATIONS
Sexual Assault Awareness Week - April 11 to 15, 2005  
A proclamation by Mayor Keolker-Wheeler was read declaring the week of April 11 to 15, 2005, to be "Sexual Assault Awareness Week" in the City of Renton and encouraging all citizens to join in this special observance. MOVED BY LAW, SECONDED BY NELSON, COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

Mary Ellen Stone, King County Sexual Assault Resource Center (KCSARC) Executive Director, accepted the proclamation. She expressed her appreciation to the City for supporting KCSARC in providing the best possible victim services and outstanding prevention education. She explained that the Sex Offender Management Team in King County brings together people from various disciplines, and focuses on educating citizens, providing prevention information, and developing strategies to address sex offender issues.

Shauna Rumsey, KCSARC Prevention and Education Specialist, stated that the goal of ending sexual violence can be achieved, and thanked the City for its support.

Youth Service Day - April 16, 2005  
A proclamation by Mayor Keolker-Wheeler was read declaring the day of April 16, 2005, to be "Youth Service Day" in the City of Renton and encouraging all citizens to join in supporting youth volunteerism and making youth volunteer involvement part of the ongoing efforts to create a stronger youth community. MOVED BY BRIERE, SECONDED BY PALMER, COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

Arbor Day - April 23, 2005  
A proclamation by Mayor Keolker-Wheeler was read declaring the day of April 23, 2005, to be "Arbor Day" in the City of Renton and encouraging all citizens to join in this special observance, as trees reduce erosion of topsoil, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife. MOVED BY BRIERE, SECONDED BY CORMAN, COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

Parks Director Leslie Betlach accepted the proclamation with appreciation. She noted that the urban forest is a valuable resource, providing habitat for wildlife and improving the quality of life for citizens.

APPEALS
Planning and Development Committee Chair Clawson presented a report.
Appeal: Amberwood Phase II Preliminary Plat, Steve Beck, PP-04-117

regarding the appeal filed by Steve Beck on the Amberwood Phase II Preliminary Plat (PP-04-117). The Committee heard this appeal on 4/7/2005. After reviewing the record, the written appeal and hearing oral argument, and having heard about background from staff, the Committee found that the evidence submitted by the appellant justifies partially reversing the Hearing Examiner and granting R-4 zoning for this parcel with R-5 density and development standards. The Committee therefore recommended that the Council change the zoning on this parcel from R-1 to R-4, and approve the preliminary plat with a density of 17 lots subject to the following changes in the Hearing Examiner's report and recommendation:

1. Findings should be added on page 6 of the Hearing Examiner’s report and recommendations, those findings to read:

25. The issue of zoning this property to R-5 was submitted to the voters as part of the annexation vote. The R-5 zoning was defeated in that vote. Subsequently, the Council received letters from two of the voters indicating that they were confused and wished to vote for the R-5 zoning. These two votes, if they had voted for R-5, would have resulted in a favorable vote for R-5. However, the vote was over and complete and the Council was compelled to rezone the property to R-1, when it was annexed. However, the Council did encourage the property owners to approach the City about a rezone to R-5. Before that progress was complete, the City had eliminated the R-5 zone and rezoned all R-5 zoned property to R-4.

26. At the time the application for rezone was filed, it should have been reviewed under residential low density policies LU-26 through LU-33.1, not the R-4 overlay policies nor the new Comprehensive Plan policies for 2004. The new text that sets up the R-4 zoning does not apply to this parcel as the parcel is excluded from the hatched area in the zoning map that follows policy LU-33.5. Exclusion of this parcel was done intentionally, in 2003, because a number of properties were annexing and a commitment was made for R-5 zoning to those parcels, including the subject parcel. At the same time, the Council was making policy commitments to the residents of the potential annexation area supporting a downzoned R-4 for the remainder of the area upon annexation. This led to the creation of an overlay with a low-density designation but only mapping the overlay where there were not existing commitments. In 2004, the Comprehensive Plan was again amended to eliminate the overlay, rescind the R-5 zone, and use R-4 zoning exclusively to implement these policies.

2. Even if this property was not excluded from the R-4 zoning, as set forth in the overlay map, it would be excluded from the R-4 density and development standards because of Renton Ordinance 5100, Section XIII, page 26, which states in relevant part:

"For properties vested with a complete plat application prior to 11/10/2004, and for the Mosier II, Maplewood East, and Anthone’, the following standards apply. Vested plats must be developed within five years of preliminary plat approval and/or annexation.

Maximum density-5 dwelling units per acre."

As stated in finding 24, the applicant submitted the application to change the zoning from R-1 to R-5 prior to the date of 11/10/2004.

The conclusions of the Hearing Examiner for the rezone should be modified as follows:
1. Conclusion 1, the last sentence should be amended by adding the phrase "but should approve R-4 zoning subject to R-5 density and development regulations."

2. Conclusion 3 should be modified. All of that conclusion after the fourth sentence should be stricken and its place substituted the following:

"For the reasons set forth in findings of fact 25, 26, and 27, R-4 zoning should be approved, subject to R-5 density and development standards."

3. Conclusions 4, 5, 6, 9, and 11 should be stricken.

4. Conclusion 10 should be amended by striking the last sentence thereof.

The Hearing Examiner's conclusions concerning the preliminary plat should be modified as follows:

1. Conclusion 12 should be stricken and in its place the following language should be added:

"The proposed preliminary plat is appropriate based on the rezone of this parcel to R-4 with R-5 density and development standards."

2. Conclusion 13 should be modified by changing the term R-4 to R-5.

3. Conclusion 19 should be stricken.

In the Hearing Examiner's recommendations starting on page 9, the following changes should be made:

1. The preamble to the recommendations should be stricken and in its place should be added the following language:

"The City Council should reclassify the subject's site from R-1 to R-4, subject to R-5 density and development standards."

"The City Council should approve the 17-lot preliminary plat subject to the following conditions:"

2. Recommendation 3 should be modified by adding at the end of that sentence the phrase "If possible, because of the small lots."

3. Recommendation 7 on page 10 should be modified by adding the phrase "The applicant shall comply with the R-4 landscaping requirements."

MOVED BY CLAWSON, SECONDED BY LAW, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Appeal: Park Place Preliminary Plat, Heritage Homes, PP-04-126

Planning and Development Committee Chair Clawson presented a report regarding the appeal filed by Heritage Homes on the Park Place Preliminary Plat (PP-04-126). The Committee heard this appeal on 4/7/2005. The appellant argued that the City should consider only the one lot that it sought to subdivide. However, this lot was part of a larger lot, which had been platted within the last five years. According to City Code, the entire parcel must be replatted. If the entire parcel is replatted, the replat would be denser than permitted by City Code.

Therefore, the Committee recommended that the Council affirm the decision of the Hearing Examiner and deny the replat. MOVED BY CLAWSON, SECONDED BY LAW, COUNCIL CONCUR IN THE COMMITTEE
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 2005 and beyond. Items noted included:

- The Renton Public Library is looking for regular library users to join the Friends of the Library group to help promote library use in the community.
- The economic recovery is alive and well in the City of Renton, with businesses adding 2,470 more employees to their employment rosters between October 31st and December 31st in 2004. Business license records compiled at the end of March, 2005, indicate that in the last quarter of 2004, nine of the City's ten largest private employers increased the number of employees by a combined 1,090.
- April is Disaster Preparedness Month in Washington and a good time to review personal preparedness plans. Call the Renton Fire Department for information including free disaster preparedness presentations, handouts, display kits, and audio-visual presentations.
- The City is taking proactive steps to handle code violations. It is now easy to report code violations by either calling 425-430-7373, filling out an online form on the City's website at www.ci.renton.wa.us, or e-mailing codecompliance@ci.renton.wa.us.

Jim Codling, 1123 4th Ave. N., Kent, 98032, asked if the City reached a decision regarding the request to reduce its costs related to the upcoming hydroplane race at Gene Coulon Beach Park.

Jay Covington, Chief Administrative Officer, explained that in review of the costs, staff adhered to Council's directive that any City costs associated with the boat race event be reimbursed. The review was based on last year's estimates, and information from the event organizers regarding this year's event. Noting the original cost estimate of $9,400, Mr. Covington indicated that the City can still recover its costs and lost revenue by charging event organizers $3,730. He pointed out that the City is not assigning extra emergency service personnel based on the commitment by event organizers that adequate fire protection will be provided, and based on their past well-run events.

Economic Development, Neighborhoods and Strategic Planning Department submitted 10% Notice of Intent to annex petition for the proposed Hoquiam Annexation, and recommended a public meeting be set on April 25, 2005, to consider the petition; 20.49 acres located along the west and east sides of Hoquiam Ave. NE between 140th Ave. SE and 144th Ave. SE. Council concur.

Hearing Examiner recommended approval, with conditions, of the Parkside Preliminary Plat; 15 single-family lots on 2.77 acres located at 2204 NE 24th St. (PP-04-155). Council concur.

Development Services Division recommended approval, with conditions, of the Heritage Glen Final Plat, aka Westchester Kennydale; 37 single-family lots on 6.38 acres located in the vicinity of NE 20th St. and Monterey Ave. NE (FP-04-147). Council concur. (See page 129 for resolution.)
Airport: Development Study

Transportation Division recommended approval of the Renton Municipal Airport Development Study and approval of the eight policy recommendations. Refer to Transportation (Aviation) Committee.

MOVED BY BRIERE, SECONDED BY PERSSON, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.

CORRESPONDENCE

Citizen Comment: Gates - Net Assets Corporation Services

Correspondence was read from David J. Gates, President and CEO of Net Assets Corporation, 44 Club Rd., Eugene, OR, 97401, regarding an administrative decision not to use the services of the Net Assets Corporation.

MOVED BY BRIERE, SECONDED BY PERSSON, COUNCIL REFER THIS CORRESPONDENCE TO THE ADMINISTRATION. CARRIED.

UNFINISHED BUSINESS

Citizen Comment: Mann - Sunset Bluff Preliminary Plat Appeal, SR 900 LLC & Herons Forever, PP-04-002

Assistant City Attorney Zanetta Fontes noted receipt of a letter from David S. Mann, Herons Forever representative, 1424 4th Ave., Suite 1015, Seattle, 98101, regarding the Sunset Bluff Preliminary Plat. Mr. Mann asked that Council take no action on SR 900 LLC's request for reconsideration, or if Council does reconsider its decision of 3/21/2005, that it amend condition 2 to prohibit all forest clearing, hillside grading, and construction activities between January 15 and July 31 in any year that such work is necessary.

There was no motion to take action on the matter; therefore, the motion to reconsider (which was made at the 4/4/2005 Council meeting) failed.

Committee of the Whole

Public Works: SW 27th St Improvements, Bond Issuance, Federal Reserve Bank Agreement

Council President Briere presented a Committee of the Whole report recommending concurrence in the staff recommendation to approve the agreement with the Federal Reserve Bank of San Francisco regarding the SW 27th St. parcel and stormwater detention parcel, and authorize the Mayor and City Clerk to execute the agreement. The Committee further recommended concurrence in the staff recommendation to authorize the expenditure of $3,000,000 to pay for the City's share of the roadway project, recognizing that the City will ultimately issue bonds to pay for this project. MOVED BY BRIERE, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Council: Filling Council Vacancies Policy (#800-10)

Council President Briere presented a Committee of the Whole report regarding the update to Council Policy and Procedure #800-10, Filling Council Vacancies. The Committee reviewed the policy and recommended revisions to allow Council the option, prior to selecting a candidate as the new councilmember, of whether or not to conduct interviews of person(s) who submit a letter of interest. This change will allow Council to select or interview, by majority vote, only a selected candidate or candidates, rather than requiring that all persons submitting a letter of interest be interviewed. The Committee also recommended that the Council President be authorized to sign revised Policy and Procedure #800-10 to implement this change. MOVED BY BRIERE, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT.*

Councilman Clawson stated that instead of having a mandatory public interview of all applicants, the new process affords Council the ability to interview only a selected applicant or applicants. He emphasized that it is important for the public to know that Council will consider everyone who applies. Mr. Clawson explained that as Renton grows, the number of applicants may also grow, and it is difficult to conduct quality interviews with such a large number of people. He pointed out that if someone has the interest and the background to merit an interview, Council will take a good look at them whether they are known to the Council or not. Mr. Clawson concluded by expressing his support for the
revised policy.

Councilman Corman stated that if there were a vacancy on the Council, a person who is interested in the position can always address Council during the audience comment portion of the Council meeting. He noted that the policy change does not shut off the ability of citizens to express their interest to Council. Councilman Clawson added that interested citizens can also contact Council via mail, e-mail, and telephone.

*MOTION CARRIED.

Planning & Development Committee
Vacation: Alley, Burnett Ave S & S 2nd St, McLendon Hardware, VAC-04-004

Planning and Development Committee Chair Clawson presented a report regarding compensation for the McLendon Hardware street vacation (VAC-04-004), located east of Burnett Ave. S. and north of S. 2nd St. The Committee recommended concurrence in the staff recommendation to accept the appraisal for the portion of the City alley, accept the appraisal for the 20-foot right-of-way dedication, set compensation at $25,500 for the alley vacation, and accept the dedication in lieu of a part of the cash compensation that would be paid for the alley vacation. Since City Code calls for the difference between the appraised values of $25,500 to be paid to the petitioner, the monies due the City from the petitioner would be zero. Accordingly, the monies due the petitioner from the City would also be zero. MOVED BY CLAWSON, SECONDED BY LAW, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Planning: Critical Areas Ordinance

Planning and Development Committee Chair Clawson presented a report regarding the critical areas regulations. The Committee has studied the documents prepared by City staff and the consultants, including but not limited to, best available science reviews, proposed policy, map, and regulation amendments, and public comments and responses. The Committee concurred with the staff recommended approach, and in particular finds that:

The City's program for "Best Available Science Critical Areas Regulations and Shoreline Master Program GMA (Growth Management Act) Integration, Featuring New Stream, River, and Lake Regulations" focuses primarily on new stream and lake, and shoreline buffers, which are designed to develop standard stream and lake and shoreline buffer widths that would result in no net loss of functions and values. Further, to provide incentives to restore degraded buffer conditions, the City's proposed critical areas update allows for both standard and flexible review processes, so that applications proposing to substantially improve functions and values may be allowed to reduce buffer widths with added site-specific studies and mitigation.

Regarding wetlands, in most cases, the City expects that the standard wetland buffers will be sufficient to protect the functions and values of wetlands. However, the proposal also recognizes: 1) Renton's proposed code would widen buffers as needed to preserve all functions and values (including wildlife); 2) Renton has performed reconnaissance of its wetlands (and streams) and does understand to a greater degree the functions and values and categories of streams and wetlands in its jurisdiction, increasing confidence in its code structure to protect functions and values by lowering risk; 3) Renton's areas of linked wildlife habitat are limited to those areas where the City has been active in its purchases of wetlands and wetland banks and property along Springbrook Creek, May Creek, and the Black River. The City continues to be active in habitat protection and restoration as evidenced in its Capital Improvement Program 2005 to 2010; 4) Recognizing another concentration of higher value wetlands is found in the Soos Creek vicinity outside of the City limits, Renton has added a policy to do
cooperative basin planning for the Soos Creek watershed should annexation be imminent.

The Committee recommended that the City Attorney's office prepare ordinances, and that the City Council take action as follows:

- Approve the recommended Shoreline Master Program amendments including policies, maps, and regulations dated 1/26/2005 with all supplemental recommendations and edits based on staff recommendations and responses to comments through 3/31/2005.

- Approve the critical areas regulations amendments and related City Code Title IV amendments dated 1/26/2005 with all supplemental recommendations and edits based on staff recommendations and responses to comments through 3/31/2005.

Lastly, the Committee recommended that approval of Comprehensive Plan policy amendments not associated with the Shoreline Master Program policy integration be deferred to be considered with the 2005 Comprehensive Plan Amendment cycle.*

Noting the tremendous amount of work undertaken on this matter, Councilman Clawson indicated that every buffer of a certain size will be reviewed individually. He explained that this staff-intensive approach will result in more developable land and better protection for streams and wetlands.

*MOVED BY CLAWSON, SECONDED BY LAW, COUNCIL CONCUR IN THE COMMITTEE REPORT.*

Councilman Law pointed out that staff did an outstanding job in helping people understand this complicated issue.

*MOTION CARRIED.

Utilities Committee
Solid Waste: Garbage Ordinance

Utilities Committee Chair Corman presented a report regarding the garbage ordinance. The Committee recommended concurrence in the staff recommendation to approve amendments to City Code to clarify and add definitions, make garbage collection mandatory with certain limited exceptions, and clarify violations to the garbage ordinance, and criminalize violations. These amendments are part of the stepped up code enforcement and nuisance abatement effort. The Committee further recommended that the ordinance regarding this matter be presented for first reading, and that the ordinance contain an emergency clause.

Pointing out that the ordinance increases the penalties for extreme cases, it was MOVED BY CORMAN, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 130 for ordinance.)

Finance Committee
Finance: Vouchers

Finance Committee Chair Persson presented a report recommending approval of Claim Vouchers 236175 - 236560 and one wire transfer totaling $1,889,694.86; and approval of Payroll Vouchers 56582 - 56806, one wire transfer, and 569 direct deposits totaling $1,899,043.51. MOVED BY PERSSON, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Lease: Eoscene, 200 Mill Building (4th & 6th Floors),

Finance Committee Chair Persson presented a report recommending concurrence in the staff recommendation to approve the lease amendment with
LAG-02-003

Eoscene Corporation for a five-year extension of tenancy on the fourth and sixth floors of the 200 Mill Building (LAG-02-003). The Committee further recommended that the Mayor and City Clerk be authorized to sign the lease amendment. **MOVED BY PERSSON, SECONDED BY NELSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

**Transportation (Aviation) Committee**

**Transportation: Fund 317 2005 Increase and Reallocation**

Transportation (Aviation) Committee Chair Palmer presented a report regarding the 2005 Transportation Capital Improvement Fund 317 budget increase and project reallocation. The Committee recommended concurrence in the staff recommendation to approve the 2005 Fund 317 budget increase and project reallocation as identified in the ordinance as "Transportation Capital Fund, Attachment A" for the purpose of increasing the Fund 317 appropriations and reallocating the project allocation.

The Committee further recommended that the ordinance regarding this matter be presented for first reading. **MOVED BY PALMER, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See later this page for ordinance.)**

**RESOLUTIONS AND ORDINANCES**

**Resolution #3747**

Development Services: Heritage Glen, NE 20th St, FP-04-147

A resolution was read approving the Heritage Glen Final Plat, aka Westchester Kennydale; approximately 6.38 acres located in the vicinity of Monterey Ave. NE and NE 20th St. (FP-04-147). **MOVED BY BRIERE, SECONDED BY LAW, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.**

**Resolution #3748**

Streets: Lake Washington Blvd NE Temporary Closures

A resolution was read authorizing the temporary closure of the north and southbound lanes of Lake Washington Blvd. NE, in the vicinity of NE 50th St., during the period of April 15, 2005 and July 15, 2005, for the Lake Washington Blvd. Slip Plane Project. **MOVED BY BRIERE, SECONDED BY PALMER, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.**

The following ordinance was presented for first reading and referred to the Council meeting of 4/18/2005 for second and final reading:

**Transportation: Fund 317 2005 Increase and Reallocation**

An ordinance was read amending Ordinance 5110 relating to the annual City of Renton 2005 Budget by appropriating funds from the Transportation Capital Improvement Fund balance, increasing the 2005 Budget, and reallocating the expenditures in specific transportation improvement projects. **MOVED BY CORMAN, SECONDED BY PALMER, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 4/18/2005. CARRIED.**

The following ordinance was presented for first reading and advanced for second and final reading:

**Solid Waste: Garbage Ordinance**

An ordinance was read amending Chapter 8-1, Garbage, of Title VIII (Health and Sanitation) of City Code by revising definitions, unlawful acts, and penalties, and revising the procedures for handling the accumulation, storage, collection, and disposal of garbage, solid waste, recyclables, and yard waste, and revising the declaration of public nuisance for violations of Chapter 8-1 and declaring an emergency. **MOVED BY CORMAN, SECONDED BY CLAWSON, COUNCIL ADVANCE THIS ORDINANCE TO SECOND AND FINAL READING. CARRIED.**

**Ordinance #5133**

Following second and final reading of the above-referenced ordinance, it was
Solid Waste: Garbage Ordinance

MOVED BY CORMAN, SECONDED BY CLAWSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

NEW BUSINESS
Transportation: Traffic Calming, Police Enforcement

MOVED BY LAW, SECONDED BY CORMAN, COUNCIL REFER THE ISSUE OF POLICE ENFORCEMENT AS RELATED TO TRAFFIC CALMING AND SPEEDING IN NEIGHBORHOODS TO THE PUBLIC SAFETY COMMITTEE. CARRIED.

ADJOURNMENT

MOVED BY PERSSON, SECONDED BY CORMAN, COUNCIL ADJOURN. CARRIED. Time: 8:26 p.m.

Bonnie I. Walton, CMC, City Clerk

Recorder: Michele Neumann
April 11, 2005