RENTON CITY COUNCIL
Regular Meeting

May 17, 2004
Council Chambers
Renton City Hall

MINUTES

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

ROLL CALL OF COUNCILMEMBERS
DON PERSSON, Council President; TONI NELSON; DAN CLAWSON; DENIS LAW; TERRI BRIERE; MARCIE PALMER. MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL EXCUSE ABSENT COUNCILMEMBER RANDY CORMAN. CARRIED.

CITY STAFF IN ATTENDANCE
KATHY KEOLKER-WHEELER, Mayor; JAY COVINGTON, Chief Administrative Officer; LAWRENCE J. WARREN, City Attorney; BONNIE WALTON, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; BEN WOLTERS, Economic Development Director; NORMA MCQUILLER, Neighborhood Coordinator; DEREK TODD, Assistant to the CAO; DEPUTY CHIEF LARRY RUDE, Fire Department; CHIEF GARRY ANDERSON, Police Department.

PROCLAMATION
American Legion Auxiliary
Poppy Sales Days - May 21 to 31, 2004
A proclamation by Mayor Keolker-Wheeler was read declaring the days of May 21 through 31, 2004, to be "American Legion Auxiliary Poppy Sales Days" in the City of Renton, encouraging Renton citizens to wear a poppy as a sign of gratitude to the men and women of this country who have risked their lives in defense of the freedom we continue to enjoy as Americans. MOVED BY BRIERE, SECONDED BY LAW, COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

SPECIAL PRESENTATION
EDNSP: 2004 Neighborhood Grant Awards
Norma McQuiller, Neighborhood Coordinator, presented the 2004 Neighborhood Grant Awards to representatives of the North Renton Neighborhood Association, Ginger Creek Community Association, Kennydale Neighborhood Association, Tiffany Park Homeowners Association, Summerwind Homeowners Association, and Highlands Community Association. Neighborhood projects include A-frame signs to advertise neighborhood events, urban park development, in-ground irrigation system installation, traffic circle improvements, and tree replacement.
Ms. McQuiller expressed her pleasure in working with the residents and in being associated with the Neighborhood Program. She stated that approximately $39,000 is still available this year for neighborhood improvement projects, and she encouraged residents to take advantage of this opportunity.

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 2004 and beyond. Items noted included:

- The Washington State Department of Transportation (WSDOT) has scheduled a Renton Hill Neighborhood community meeting on June 1st from 6:00 to 7:30 p.m. in the Renton City Council Chambers to discuss the I-405 Corridor project.

- A WSDOT maintenance crew started work to repair bridge decks and expansion joints along I-405. Sites are: I-405 bridge east and west of N.
Park Dr., I-405 bridge at Benson Rd. S., and I-405 bridge east and west overcrossing on Talbot Rd. S. motorists can expect lane closures on I-405 between 8:00 p.m. and 6:30 a.m. on weeknights. Work is expected to be complete in July.

* Today, Renton firefighters participated in a variety of training exercises as they burned to the ground a two-story single-family residence and the accompanying garage in the Highlands. In addition to the live training, the Fire Department tested "Blockade," a new fire suppression product.

AUDIENCE COMMENT

Citizen Comment: DeMastus - Highlands Community Association
Sandel DeMastus, Highlands Community Association (HCA) President, 1137 Harrington Ave. NE, Renton, 98056, announced that the Olympic Pipe Line will be the topic of discussion at the next HCA meeting on May 27th.

Citizen Comment: Colee - Permit Fee Exemption, Renton Stadium Access
Jeffrey Colee, 330 Park Ave. N., Renton, 98055, requested an exemption from permit fees for low-income disabled senior citizens, and said that he has used Renton's Housing Repair Assistance Program. Mr. Colee explained that his house has a major foundation problem, and a permit is required to repair it. Stating that he cannot afford the permit, he indicated that since he qualifies for the housing repair program, he should also be exempt from paying the permit fee.

In response to Councilman Clawson's inquiry, Mr. Colee estimated that the permit will cost $300 to $400.

MOVED BY CLAWSON, SECONDED BY BRIERE, COUNCIL REFER THIS MATTER TO THE PLANNING AND DEVELOPMENT COMMITTEE. CARRIED.

On another subject, Mr. Colee stated that Renton Stadium has no wheelchair access into the stands, and he has to watch football games from the track. He explained that this does not give him a good view of the game, and requested that a ramp be built to the stands.

Pointing out that the Renton School District owns the stadium, Mayor Keolker-Wheeler indicated that the City can forward his concern to the school board, and he can also express his concern at a school board meeting.

Citizen Comment: Jenks - Fireworks Ban
Dale Jenks, 2325 NE 24th St., Renton, 98055, said that in regard to the fireworks ban, the Council is acting upon complaints from a minority of citizens. These complaints focus on issues that are already addressed by law, common sense, and civil responsibility. Mr. Jenks said that many non-profit organizations sell fireworks as a way to fund various activities such as local youth sports programs and scout packs and troops. He requested that Council review the impact the ban will have on these activities, and questioned whether the City will allow these organizations to have fundraisers at City events without sponsoring a major venue. Mr. Jenks stressed that funds raised from the sale of fireworks are used to help a lot of people.

Citizen Comment: Darst - Fireworks Ban
Pat Darst, 2601 Edmonds Ave. NE, Renton, 98056, emphasized that fireworks sales help the Lions Club fund many projects, and noted that information regarding applicable fireworks laws is given to all purchasers.

Citizen Comment: Headland - Fireworks Ban
Lisa Headland, 17030 106th Ave. SE, Renton, 98055, spoke on behalf of the Renton Area Athletic Association, which is a non-profit youth football and cheerleading program known as Renton Rangers. She detailed the program's
objectives and how it benefits the youth in this community. Stating that the organization opposes the fireworks ban, Ms. Headland pointed out that proceeds from the sale of fireworks help pay league fees, and the ban will detrimentally affect the organization's fundraising efforts.

Citizen Comment: Farley - Fireworks Ban

Jerry Farley, 16526 Shore Dr. NE, Lake Forest Park, 98155, representing the Washington Independence Day Association, a non-profit, voluntary association of non-Indian, fireworks wholesalers and retailers, said that many of the comments made by parties that oppose the sale of fireworks are on questionable grounds. He commented on the use and misuse of fireworks statistics, the association's support of public education, and how firework bans affect communities. Mr. Farley stated he does not believe that Renton residents support a ban on fireworks, and recommended placing the issue on the ballot.

CONSENT AGENDA

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

Council Meeting Minutes of May 10, 2004


Vacation: 140th Ave SE, Conner Homes, VAC-04-001

City Clerk submitted petition for street vacation for portion of 140th Ave. SE, between SE 132nd and 136th Streets; petitioner John Skochdopole, Conner Homes, 846 108th Ave. NE, #202, Bellevue, 9804, representing Jean W. Lucas (VAC-04-001). Refer to Planning/Building/Public Works Administrator; set public hearing on 6/14/2004. (See page 163 for resolution setting the public hearing.)

CAG: 03-151, Duvall Ave NE Improvements King County Portion, Berger/Abam Engineers

Transportation Systems Division recommended approval of Supplement No. 1 to CAG-03-151, agreement with Berger/Abam Engineers, Inc., for design services in the amount of $46,807 for the King County portion of the Duvall Ave. NE Widening Project. (King County will reimburse the City for the additional costs.) Council concur.

Transportation: Benson Rd S (Main to 26th), TIB Grant

Transportation Systems Division recommended approval of an agreement accepting $150,000 in grant funds from the Transportation Improvement Board for design and construction of Benson Rd. S. (440 feet south of Main Ave. S. to S. 26th St.). Refer to Transportation (Aviation) Committee.

Transportation: Rainier Ave S Improvements (7th to 4th), TIB Grant

Transportation Systems Division recommended approval of an agreement accepting $2,202,000 in grant funds from the Transportation Improvement Board for design and construction of Rainier Ave. S. Improvements (S./SW 7th St. to S. 4th Pl.). Refer to Transportation (Aviation) Committee.

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

OLD BUSINESS

Committee of the Whole

Council: Order of Business Policy (#800-03)

Council President Persson presented a Committee of the Whole report concurring in the staff recommendation to revise City Council Policy and Procedure #800-03, Order of Business, Preparation and Reading of the Minutes, to update language and reflect current practice. The Committee further recommended that the Council President be authorized to sign the revised policy to be effective May 17, 2004. MOVED BY PERSSON, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Public Safety Committee

Police: Motorized Scooters

Public Safety Committee Chair Law presented a report regarding motorized scooters. The Revised Code of Washington (RCW) 46.61.710 has authorized the use of motorized foot scooters upon the highways of the State, but has allowed for local jurisdictions to limit or otherwise regulate the use of such
vehicles.

RCW 46.61.710 does not establish a minimum age requirement, does not make use of helmets mandatory, and does not prohibit use in business districts, parks, or on sidewalks. Most jurisdictions have, or are in the process of, restricting use of motorized scooters by City ordinance. The Committee recommended that the City Attorney's office provide this Committee with ordinance language for its review. MOVED BY LAW, SECONDED BY CLAWSON, COUNCIL CONCUR IN THE COMMITTEE REPORT.*

In response to Mayor Keolker-Wheeler's inquiry, Councilman Law confirmed that the ordinance language is for a restriction.

Councilman Clawson noted that the Committee reviewed issues such as noise, safety, speed, and underage users.

*MOTION CARRIED.

Utilities Committee Chair Clawson presented a report that replaces the previously approved report by Council dated May 10, 2004, regarding the Wharton request for latecomer agreement on SE 122nd St. On March 22, 2004, Glenn Wharton submitted an application for a latecomer agreement to recover a portion of the costs of extending wastewater facilities for his main extension to serve his lots. Staff reviewed the application and found that the request met submittal requirements. The developer has paid the required processing fee.

The Committee recommended that Council grant preliminary approval of the application for a latecomer agreement for a period of one year. The duration of the final agreement will be for a period of 15 years, and the most equitable method of spreading the costs over the benefiting properties is by front foot method.

The Committee further recommended that Council authorize the preliminary assessment roll to be forwarded to the City Clerk, who will notify the affected property owners. If no protests are received, after construction of the facilities and approval of the final costs, the Council can authorize preparation of the final assessment roll and latecomer agreement. In the event of a protest for valid cause, a public hearing will be held to resolve any issues prior to proceeding with this matter.*

Councilman Clawson pointed out that the previous report did not specify the 15-year time period.

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

The following resolution was presented for reading and adoption:

**Resolution #3691**

Vacation: 140th Ave SE, Conner Homes, VAC-04-001

A resolution was read setting a public hearing date on 6/14/2004 to vacate a portion of unimproved road located on 140th Ave. SE, between SE 132nd and 136th Streets (Conner Homes; VAC-04-001). MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

The following ordinances were presented for second and final reading and adoption:

**Ordinance #5074**

Annexation: Carlo, 136th Ave

An ordinance was read annexing approximately 37 acres located between 136th Ave. SE on the west, 140th Ave. SE on the east, City limits and SE 132nd St.
Ordinance #5075

Annexation: Carlo, R-8 Zoning

An ordinance was read establishing the zoning classification of approximately 37 acres located between 136th Ave. SE on the west, 140th Ave. SE on the east, City limits and SE 132nd St. on the north, and SE 135th St., if extended on the south, annexed within the City of Renton from R-4 (Urban Residential - four dwelling units per acre; King County zoning) to R-8 (Residential - eight dwelling units per acre); Carlo Annexation. MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

Ordinance #5076

Legal: RCW Numbers Update, Marijuana Possession & Criminal Impersonation

An ordinance was read amending Sections 6-10-1 of Chapter 10, Criminal Code, and 6-12-1, Drug Paraphernalia, Sales or Use, of Title VI (Police Regulations) of City Code by updating the statute (RCW) numbers for possession of marijuana and criminal impersonation in the second degree. MOVED BY LAW, SECONDED BY NELSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

Ordinance #5077

SAD: NE 2nd St

An ordinance was read establishing an assessment district for sanitary sewer service for properties adjacent to NE 2nd St., from Lyons Ave. NE to approximately 300 feet east of Lyons Ave. NE, and establishing the amount of the charge upon connection to the facilities. MOVED BY CLAWSON, SECONDED BY PERSSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

Ordinance #5078

Public Safety: Fireworks

Mayor Keolker-Wheeler noted that Council considered the fireworks matter for a long time, and there have been many opportunities for public comment. An ordinance was read amending Section 1-3-2.C.1.e(1) of Chapter 3, Remedies and Penalties, of Title I (Administration); Section 4-5-070.C.15 of Chapter 5, Building and Fire Prevention Standards, of Title IV (Development Regulations); amending the preamble to Section 6-10-1, and adding Section 6-10-1.U of Chapter 10, Criminal Code, of Title VI (Police Regulations) of City Code by outlawing all fireworks and establishing penalties for violation of the fireworks laws. MOVED BY LAW, SECONDED BY CLAWSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

City Attorney Larry Warren explained that the ban on fireworks known as "safe and sane" by law does not take effect until 2005; however, the amended penalties for violation will be in effect on June 20, 2004.

NEW BUSINESS

Planning: View Protection Ordinance

MOVED BY PERSSON, SECONDED BY BRIERE, COUNCIL REFER THE TOPIC OF A VIEW PROTECTION ORDINANCE TO THE PLANNING AND DEVELOPMENT COMMITTEE.*

City Attorney Warren stated that the City has addressed this issue several times. He advised that the matter needs to be approached very carefully, as the courts have overruled many view obstruction ordinances.

*MOTION CARRIED.
School District: Activities

Councilwoman Nelson reviewed Renton School District announcements and activities. Items noted included: scholarship winners, Nelson Middle School student's participation in a math competition, Tiffany Park Elementary student's used book donations for the summer reading program, and Renton Rotary's selections for students and teachers of the month.

AUDIENCE COMMENT

Citizen Comment: Madson - Fireworks Ban
Lori Madson, Highlands resident, expressed her support for the fireworks ban, emphasizing that the safety of citizens is more important than money.

Citizen Comment: DeMastus - Fireworks Ban
Sandel DeMastus, 1137 Harrington Ave. NE, Renton, 98056, supported the Council's decision to ban fireworks.

Citizen Comment: Khaeyfaty - Traffic Enforcement Around Schools
Heidi Khaeyfaty, 15751 117th Ave. SE, Renton, 98058, said she attends Lindbergh High School, and although her school and schools such as Tiffany Park and Renton Park Elementary Schools have speed bumps, people still disobey traffic laws and speed. She indicated that she rarely sees police officers patrolling these areas or ticketing violators.

Mayor Keolker-Wheeler explained that most of the schools Ms. Khaeyfaty mentioned are outside the Renton City limits; thus the King County Sheriff's Office is responsible for patrolling those areas. The Mayor stated that the City will provide her with contact information for the King County Council.

ADJOURNMENT

MOVED BY PERSSON, SECONDED BY NELSON, COUNCIL ADJOURN. CARRIED. Time: 8:44 p.m.

Bonnie I. Walton, City Clerk

Recorder: Michele Neumann
May 17, 2004