

RENTON CITY COUNCIL
Regular Meeting

May 5, 2008
Monday, 7 p.m.

Council Chambers
Renton City Hall

MINUTES

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**

MARCIE PALMER, Council President; RANDY CORMAN; GREG TAYLOR; RICH ZWICKER; TERRI BRIERE; DON PERSSON. MOVED BY PALMER, SECONDED BY ZWICKER, COUNCIL EXCUSE ABSENT COUNCILMEMBER KING PARKER. CARRIED.

**CITY STAFF IN
ATTENDANCE**

DENIS LAW, Mayor; JAY COVINGTON, Chief Administrative Officer; LAWRENCE J. WARREN, City Attorney; BONNIE WALTON, City Clerk; GREGG ZIMMERMAN, Public Works Administrator; TERRY HIGASHIYAMA, Community Services Administrator; PREETI SHRIDHAR, Communications Director; SUZANNE DALE ESTEY, Economic Development Director; JOE MCGUIRE, Court Services Director; FIRE CHIEF/EMERGENCY SERVICES ADMINISTRATOR I. DAVID DANIELS and DEPUTY CHIEF ROBERT VAN HORNE, Fire Department; CHIEF KEVIN MILOSEVICH and COMMANDER KENT CURRY, Police Department.

SPECIAL PRESENTATION
Police: Red Light School Zone
Photo Enforcement Program

Commander Curry reported on the new Photo Enforcement Program. He explained that RCW 46.63.170 allows the use of automated traffic safety cameras at railroad crossings, school speed zones, and two-arterial intersections, but strict rules must be followed, including: pictures are taken only while the violation is occurring and only of the vehicle and vehicle license plate; the notice of infraction is mailed to the registered owner within 14 days and the photographs and electronic images must be available for inspection; electronic images are used only for law enforcement; and all camera locations must be clearly marked by signs.

Commander Curry reviewed the benefits of the program, which include reducing intersection collisions, providing substantive proof of red light violations, avoiding profiling, and freeing officers for other important duties. He indicated that the program costs are covered by the violators. Commander Curry stated that the photo enforcement of intersections, for which the warning period began May 1 and enforcement begins June 1, includes the following: westbound S. Grady Way at Rainier Ave. S., southbound East Valley Rd. at SW 43rd St., southbound Sunset Blvd. S. at Bronson Way S., and westbound N. 3rd St. at Sunset Blvd. N.

Turning to the photo enforcement of school zones, Commander Curry indicated that the equipment is still being installed and should be up and running in approximately 30 days. The school zones include Renton High School, McKnight Middle School, and Talbot Hill Elementary. In response to Council inquiries regarding school zones, Commander Curry explained that signage marks each school zone and he assured that the schools' current schedules will be programmed into the system. Councilmember Taylor stressed the public safety benefits of the Photo Enforcement Program.

PUBLIC HEARING
Streets: Seahawks Way

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

Naming

consider renaming as "Seahawks Way," an approximately 1,900-foot roadway located between Lake Washington Blvd. N. and the northern property line of the Virginia Mason Athletic Center (Seattle Seahawks' Headquarters and Training Facility).

Economic Development Director Dale Estey reported that the Seattle Seahawks requested the renaming of the roadway, which is currently known as Ripley Lane, Hazelwood Lane, and Lake Washington Blvd. She pointed out that no other properties will be affected by the new street name except for potentially the Quendall Terminals property, depending on how the property redevelops in the future and where access points are located. Ms. Dale Estey indicated that if approved, dual signage will be installed so that drivers will be directed to the remaining portions of Ripley Lane N. via Seahawks Way.

Public comment was invited.

Gilla Bachellerie (Renton) stated that although she does not object to the Seahawks Way renaming, she is concerned about the inaccuracies on various public and commercial maps. Ms. Bachellerie pointed out that Hazelwood Lane is blocked off; however, many maps show that it is connected to Ripley Lane, thus resulting in drivers using her driveway off of Ripley Lane to turn around.

Eileen Halverson (Renton) stated that she lives in a Misty Cove condominium and objects to the street renaming. She indicated that a split name for such a short section of roadway is confusing for people trying to find residences beyond Ripley Lane. Emphasizing that affected residents have already been and will be greatly impacted by the new facility, Ms. Halverson requested that the name "Ripley Lane" be retained for the entire road.

Greg Fawcett (Fall City) pointed out that he owns two parcels of land in the subject area and voiced his favor for the name change.

Vicente Farinas (Renton) stated that he is not opposed to the name change; however, he is concerned about the increase in traffic, flooding, and the lack of space for pedestrian and bicycle traffic. Public Works Administrator Zimmerman pointed out that the City just awarded the contract for the fixing of the drainage problems, and just entered into a contract with King County for a gravel walking surface on the east side of Ripley Lane.

Gregg Smith (Renton) expressed his opposition to the name change. Since the lane will not only be used to access the Seahawks site but also homes further north on Ripley Lane, he stated that confusion will be created despite the dual signage.

There being no further public comment, it was **MOVED BY PERSSON, SECONDED BY PALMER, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED.** (See page 151 for Transportation (Aviation) Committee report.)

APPEAL
Planning & Development
Committee

Appeal: 409 Whitworth
 Condominiums Site Plan,
 Various, SA-07-125

Planning and Development Committee Vice Chair Zwicker presented a report regarding the 409 Whitworth (Condominiums) Site Plan appeals. The Committee heard the matter on 5/1/2008. Pursuant to City Code 4-8-110F, the Committee's decision and recommendation is limited to the record, which consists of, but is not limited to the Hearing Examiner's report, the notice of appeal, and the submissions by the parties.

There were three appellants to this appeal: Harold Deacy, Phyllis Webb, and the applicant, Capital Homes LLC/Chris Cirillo. Mr. Deacy resides on 407

Whitworth Ave. S., which is located directly north and abuts the subject property. Ms. Webb resides at 249 Seneca Pl. NW. Ms. Webb did not appear in the hearing held before the Hearing Examiner, but became a party of record thereafter. On 4/30/2008, Appellant Deacy sent a letter to the City indicating that he had reached a settlement with Capital Homes to sell his property. He was thus, withdrawing his appeal and now supporting the development.

The subject property is located at 409 Whitworth Ave. S., which is zoned Center Downtown (CD). The area surrounding the subject site is all zoned CD, and the CD zoning was put in place in 1992. This project is the first application to submit an application under this new CD zoning which permits a height limitation up to 95 feet. Applicant Capital Homes LLC applied for a site plan approval for construction of a five-story condominium building on a 7,199 square foot lot. The proposed height of the building would be 60 feet and 4 and one-half inches. The Hearing Examiner approved the site plan, but imposed several specific conditions including a requirement to reduce the height to four stories with a maximum height of 48 feet, and to eliminate the proposed rear parking in lieu of open space. Applicant Capital Homes LLC filed an appeal specifically raising error with the Hearing Examiner's conditions #1, #2, and #3, set out in the 2/4/2008 decision on page 15. The basis for Ms. Webb's appeal appeared to be regarding FAA (Federal Aviation Administration) regulations, and concerns regarding the safety of having a building such as this in the vicinity of the Renton Airport.

The Committee opened the hearing and heard presentations and argument by Jennifer Henning (City's Current Planning Manager), Ms. Webb, and Justin Park, attorney for Capital Homes LLC. Having done so, the Committee found that there is a substantial error in both fact and law. The Committee further found that Appellant Webb lacks standing to bring this appeal.

With respect to Ms. Webb, she does not reside anywhere near the vicinity of the subject site. She did not appear in the open record site plan hearing before the Hearing Examiner. The FAA concerns and issues cited by Ms. Webb were not raised in the hearing, therefore there is no record of this issue.

Furthermore, Ms. Webb fails the test set forth in *Trepanier v. Everett*, 64 Wn. App. 380, 382, 824 P.2d 524 (1992), in that she cannot articulate an "injury in fact" to show how she would be "specifically and perceptively harmed" by the proposed condominium project.

As for the Applicant Capital Homes LLC, the proposed project will be consistent with the City's vision and Comprehensive Plan. The project is not out of scale and is reasonably within the confines of the CD zoning and will implement the vision of the City to create a more urban, dense, and higher intensity use in this area. The purpose of the CD zoning is to encourage higher density residential and commercial projects. The applicant should not be penalized for being the first developer to propose a project under this new zoning. To that end, they should not be penalized by being subject to a condition which prohibits them from making any modifications, however minor, without "additional public hearings or a new site plan review."

For these reasons, the Committee makes the following recommendations to the City Council:

- That the City Council find that the Hearing Examiner made a substantial error of fact in finding that the project was out of scale with the immediate community and therefore not compatible; and

- That the City Council find that the Hearing Examiner made a substantial error of law in that he overstepped his authority by imposing the restriction set forth in his decision #3 on page 15; and therefore,
- Move to approve the Hearing Examiner's decision to approve the site plan, but amend his decision to remove decision conditions #1, #2, and #3 (but otherwise affirm the remaining conditions #4 through #7).

MOVED BY ZWICKER, SECONDED BY TAYLOR, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

ADMINISTRATIVE REPORT

Chief Administrative Officer 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 2008 and beyond. Items noted included:

- * On May 19, the Washington State Department of Transportation plans to repair portions of SR-900, specifically along S. 3rd St. from Whitworth Ave. S. to Burnett Ave. S. in the eastbound, far left lane; and along Rainier Ave. S., between S. 2nd St. and S. 3rd St., at the Pizza Hut in the southbound curb lane.
- * The City, in partnership with the American Red Cross and Renton Technical College, will present a Business Continuity Workshop on May 20. The workshop will provide participants with tools to evaluate risks and pre-plan strategies for economically surviving emergency events.

AUDIENCE COMMENT

Citizen Comment: Breeden - Wonderland Estates Mobile Home Park

Raymond A. Breeden, Sr. (King County) issued an invitation to an open house at the Wonderland Estates Mobile Home Park on May 17. He voiced his appreciation to the City for helping to save the mobile home park.

CONSENT AGENDA

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

Council Meeting Minutes of 4/28/2008

Approval of Council meeting minutes of 4/28/2008. Council concur.

Court Case: Thomas McGurn & Joan McGurn, CRT-08-005

Court Case filed on behalf of Thomas McGurn and Joan McGurn by Sheffield & Associates, who seek compensation for injury and permanent disability sustained by Thomas McGurn on 4/19/2005 when a vehicle operated by a Police Department employee allegedly failed to stop at a stop sign and ran into the side of his vehicle. Refer to City Attorney and Insurance Services.

Development Services: Barbee Mill Preliminary Plat, ROW Dedication, N 42nd Pl

Development Services Division recommended acceptance of a deed of dedication for additional right-of-way on N. 42nd Pl. to fulfill a requirement of the Barbee Mill Preliminary Plat (PP-02-040). Council concur.

Finance: Signatures for Banking Transactions

Finance and Information Services Department recommended approval of a resolution updating signature authorities for depositories and electronic fund transfers for the City, due to personnel changes. Council concur. (See page 152 for resolution.)

Airport: 820 Building Demolition Design, WHPacific

Transportation Systems Division recommended approval of a contract in the amount of \$106,275 with WHPacific, Inc. for engineering services related to the demolition of the 820 Building at the Airport. Refer to Transportation (Aviation) Committee.

Airport: Runway 15/33

Transportation Systems Division recommended approval to accept a \$73,102

Resurfacing Phase II Design, FAA Grant Federal Aviation Administration grant for the design of the Runway 15/33 Resurfacing Phase II project at the Airport. Council concur. (See page 153 for resolution.)

CAG: 08-039, Community Center Gym Floor Replacement, Greater Seattle Floors

City Clerk reported bid opening on 4/25/2008 for CAG-08-039, Community Center Gym Floor Replacement; one bid; engineer's estimate \$160,000; and submitted staff recommendation to award the contract to the sole bidder, Greater Seattle Floors, in the amount of \$154,498.78. Refer to Finance Committee.

MOVED BY PALMER, SECONDED BY CORMAN, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED. CARRIED.

UNFINISHED BUSINESS
Transportation (Aviation)
Committee
Streets: Seahawks Way Naming

Transportation (Aviation) Committee Chair Corman presented a report recommending concurrence in the staff recommendation to rename approximately 1,900 feet of roadway adjacent to the new Seattle Seahawks' Headquarters and Training Facility to "Seahawks Way," from the intersection with Lake Washington Blvd. to the Seahawks' northern property line.

Only certain portions of the streets shall be renamed so as not to affect the Misty Cove Condominiums or any of the other residential properties located on Ripley Lane N. to the north. Conner Homes' Barbee Mill development shall not be impacted. The only property that could potentially be addressed off of Seahawks Way is the Quendall Terminals property which is currently undergoing environmental remediation through the Environmental Protection Agency's Superfund process. Whether or not this property is affected will depend on how it redevelops in the future and where access points are located.

Signage for the new street should be developed so that drivers shall be directed to the remaining portion of Ripley Lane N. via Seahawks Way. New signage shall be installed as soon as possible, but definitely prior to the beginning of the Seahawks' public training camp activities expected to begin in the last week of July 2008.*

Councilmember Corman noted that the concerns raised by the public hearing speakers had been discussed by the Committee at its meeting on April 24.

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

Public Safety Committee
Fire: 2006 International Fire Code Adoption

Public Safety Committee Chair Taylor presented a report recommending concurrence in the staff recommendation to set a public hearing on 5/19/2008 to consider amendments to City Code regarding the 2006 International Fire Code adoption. Local amendments address requirements for the following: fire sprinkler systems, fire alarm systems, fire sprinkler riser room access, high-rise emergency equipment rooms, special events permits, automatic external defibrillators, fire escape testing, kitchen hood suppression systems, and stand-by power for service stations, nursing homes, and assisted living facilities.

The Committee further recommended that the City loan automatic external defibrillators as required to groups with a special events permit. MOVED BY TAYLOR, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Utilities Committee
Utility: Highlands Water Main

Utilities Committee Chair Zwicker presented a report recommending concurrence in the staff recommendation to approve the agreement and

Improvements, Harrington Square Associates

authorize the Mayor and City Clerk to sign the agreement with Harrington Square Associates, LLC for the cost sharing for the construction of the Highlands Water Main Improvements project. **MOVED BY ZWICKER, SECONDED BY TAYLOR, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

SAD: Highlands Water Main Improvements

Utilities Committee Chair Zwicker presented a report recommending concurrence in the staff recommendation to approve the preliminary Special Assessment District (SAD) for the Highlands Water Main Improvements project, and to direct staff to proceed with the establishment of the final SAD upon completion of the construction of the project. **MOVED BY ZWICKER, SECONDED BY TAYLOR, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

Planning & Development Committee

Planning: Development Regulations (Title IV) Docket Review

Planning and Development Committee Vice Chair Zwicker presented a report recommending concurrence in the staff recommendation to approve the proposed amendments to the Monopole I in residential zones and housekeeping amendments to wireless regulations in all zones (City Code Title IV, Development Regulations, Docket Item 08-01).

The amendment will allow Monopole I structures on a one-half acre lot with an administrative conditional use permit provided that they meet a one hundred foot setback from residential, and create some additional flexibility within the City Code to allow a lesser setback with a Hearing Examiner conditional use permit. In the public right-of-way, Monopole I would only be allowed on designated arterial roads. The housekeeping amendments would provide non-substantive language corrections, and cross-references.

The Committee further recommended that the ordinance regarding this matter be presented for first reading. **MOVED BY ZWICKER, SECONDED BY TAYLOR, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.** (See page 153 for ordinance.)

Community Services Committee

Community Services: Park Rules & Regulations Changes

Community Services Committee Chair Briere presented a report recommending concurrence in the staff recommendation to adopt the revised Park Rules and Regulations. The revisions include the following: 1) the Community Services Administrator is authorized to grant permission for certain special events or activities, rather than the Park Board, in order to improve customer service to the public; 2) domestic animals are restricted at the Maplewood Golf Course; 3) similar sections in the rules are combined to eliminate repetition and/or confusion; 4) the sections entitled "Conduct" and "Lost Property" are moved from Article C, Civil Violations, to Article B, Criminal Violations, and an "Additional Violations" section is added to Article B; 5) the penalties sections refers to City Code instead of stating the specific penalties; 6) references to the "Park Board" are corrected to "Parks Commission"; and 7) other formatting and minor language revisions are made as necessary, and to be in accordance with City Code.

The Committee further recommended that the resolution regarding this matter be presented for reading and adoption. **MOVED BY BRIERE, SECONDED BY PALMER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.** (See page 153 for resolution.)

RESOLUTIONS AND ORDINANCES

Resolution #3945

The following resolutions were presented for reading and adoption:

A resolution was read authorizing signatures for depositories and electronic

Finance: Signatures for
Banking Transactions

fund transfers on behalf of and in the name of the City of Renton. MOVED BY PERSSON, SECONDED BY BRIERE, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

Resolution #3946

Airport: Runway 15/33
Resurfacing Phase II Design,
FAA Grant

A resolution was read authorizing the Mayor and City Clerk to execute the Federal Aviation Administration's federal grant application and grant assurances and accept the grant to fund Phase II of the design and engineering portion of the Runway 15/33 Resurfacing project. MOVED BY CORMAN, SECONDED BY PALMER, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

Resolution #3947

Community Services: Park
Rules & Regulations Changes

A resolution was read adopting amendments to the Park Rules and Regulations. MOVED BY BRIERE, SECONDED BY CORMAN, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

The following ordinance was presented for first reading and referred to the Council meeting of 5/12/2008 for second and final reading:

Planning: Development
Regulations (Title IV) Docket
Review (Monopole I &
Wireless Facilities)

An ordinance was read amending Chapter 2, Zoning Districts - Uses and Standards, of Title IV (Development Regulations) of City Code to amend the regulations regarding wireless facilities. MOVED BY ZWICKER, SECONDED BY TAYLOR, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 5/12/2008. CARRIED.

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

Ordinance #5373

Annexation: New Life - Aqua
Barn, Maple Valley Hwy

An ordinance was read annexing approximately 374 acres of property generally located immediately south of the Renton Maple Valley Hwy. and immediately east of the Cedar River at approximately 136th Ave. SE; New Life - Aqua Barn Annexation. MOVED BY ZWICKER, SECONDED BY PALMER, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

Ordinance #5374

Annexation: New Life - Aqua
Barn, CA Zoning (3.062
Acres)

An ordinance was read establishing the zoning classification for approximately 3.062 acres of property annexed within the City of Renton from King County zoning to CA (Commercial Arterial) zoning; CPA 2007-M-03; New Life - Aqua Barn Annexation. MOVED BY ZWICKER, SECONDED BY TAYLOR, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

Ordinance #5375

Annexation: New Life - Aqua
Barn, RC Zoning (109.35
Acres)

An ordinance was read establishing the zoning classification for approximately 109.35 acres of property annexed within the City of Renton from King County zoning to RC (Resource Conservation) zoning; CPA 2007-M-03; New Life - Aqua Barn Annexation. MOVED BY ZWICKER, SECONDED BY TAYLOR, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

Ordinance #5376

Annexation: New Life - Aqua
Barn, RMH Zoning (26.79
Acres)

An ordinance was read establishing the zoning classification of approximately 26.79 acres of property annexed within the City of Renton from King County zoning to RMH (Residential Manufactured Home) zoning; CPA 2007-M-03; New Life - Aqua Barn Annexation. MOVED BY ZWICKER, SECONDED BY TAYLOR, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

Ordinance #5377

Annexation: New Life - Aqua Barn, R-4 Zoning (95.20 Acres)

An ordinance was read establishing the zoning classification of approximately 95.20 acres of property annexed within the City of Renton from King County zoning to R-4 (Residential - four dwelling units per net acre) zoning; CPA 2007-M-03; New Life - Aqua Barn Annexation. MOVED BY ZWICKER, SECONDED BY TAYLOR, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

Ordinance #5378

Annexation: New Life - Aqua Barn, R-8 Zoning (12.10 Acres)

An ordinance was read establishing the zoning classification of approximately 12.10 acres of property annexed within the City of Renton from King County zoning to R-8 (Residential - eight dwelling units per net acre) zoning; CPA-2007-M-03; New Life - Aqua Barn Annexation. MOVED BY ZWICKER, SECONDED BY TAYLOR, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

Ordinance #5379

Annexation: New Life - Aqua Barn, R-14 Zoning (69.35 Acres)

An ordinance was read establishing the zoning classification of approximately 69.35 acres of property annexed within the City of Renton from King County zoning to R-14 (Residential - 14 dwelling units per net acre) zoning; CPA-2007-M-03; New Life - Aqua Barn Annexation. MOVED BY ZWICKER, SECONDED BY TAYLOR, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

Ordinance #5380

Budget: 2008 Amendment, Information Technology Projects

An ordinance was read amending the 2008 Budget in the total amount of \$486,000 as it relates to Information Services Fund 503. MOVED BY PERSSON, SECONDED BY BRIERE, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

ADJOURNMENT

MOVED BY TAYLOR, SECONDED BY CORMAN, COUNCIL ADJOURN. CARRIED. Time: 8:11 p.m.

Bonnie I. Walton, CMC, City Clerk

Recorder: Michele Neumann
May 5, 2008