

RENTON CITY COUNCIL
Regular Meeting

June 9, 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 invited Evan Bradley with Boy Scout Troop 725 to lead the Pledge of Allegiance to the flag. Haydon Truitt introduced the troop and thanked Council for the opportunity to attend the meeting.

**ROLL CALL OF
COUNCILMEMBERS**

MARCIE PALMER, Council President; DON PERSSON; KING PARKER; TERRI BRIERE; RICH ZWICKER; GREG TAYLOR; RANDY CORMAN.

**CITY STAFF IN
ATTENDANCE**

DENIS LAW, Mayor; JAY COVINGTON, Chief Administrative Officer; MARK BARBER, Assistant City Attorney; MICHELE NEUMANN, Deputy City Clerk; GREGG ZIMMERMAN, Public Works Administrator; ALEX PIETSCH, Community and Economic Development Administrator; PREETI SHRIDHAR, Communications Director; PETER HAHN, Deputy Public Works Administrator - Transportation; DEPUTY CHIEF ROBERT VAN HORNE, Fire Department; DEPUTY CHIEF TIM TROXEL, Police Department.

APPEALS

Committee of the Whole

Appeal: Monopole Conditional Use Permit, T-Mobile, CU-07-065

Council President Palmer presented a Committee of the Whole report regarding the T-Mobile Monopole Conditional Use Permit appeal. The appeal was referred to the Committee of the Whole to determine the issue of jurisdiction to hear this appeal, and, if necessary, the substantive issues of the appeal. Subsequently, T-Mobile filed a brief raising the issue of the applicability of Section 253 of the Telecommunications Act to this application and appeal. The Committee of the Whole recommended that the City Council take the following action:

1. Find that the Council does not have the authority to consider alleged violations of Section 253 of the Telecommunications Act as the Council's jurisdiction is derived from an appeal from the Hearing Examiner and neither the Hearing Examiner nor the City Council has the authority to consider the validity of provisions of the City Code under the Telecommunications Act.
2. Deny the City's motion to dismiss this appeal for lack of jurisdiction. The Committee feels that the issue of jurisdiction should have been raised earlier, before the Hearing Examiner, and in the interest of fairness to T-Mobile, the Council should hear and rule upon the merits of this appeal.
3. Affirm the decision of the Hearing Examiner as the appellant T-Mobile has failed to meet its burden to establish that the Hearing Examiner's decision was based upon a substantive error of fact or law.

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

MOVED BY PARKER, SECONDED BY ZWICKER, COUNCIL REMOVE THE T-MOBILE CONDITIONAL USE PERMIT APPEAL REFERRAL FROM THE PLANNING & DEVELOPMENT COMMITTEE. CARRIED.

**Planning & Development
Committee**

Appeal: RTC Short Plat,

Planning and Development Committee Chair Parker presented a report regarding the RTC Short Plat Appeal. The Committee heard the matter on 6/5/2008. Pursuant to City Code 4-8-110F, the Committee's decision and

Voght, SHP-07-088

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.

The subject property is located on 630 Monroe Ave. NE consisting of a three-lot subdivision in the R-8 zone. The short plat proposal called for Lots 1 and 2 to be 6,769 square feet (gross) and Lot 3 to be 6,348 square feet. This plat was encumbered with a King County restrictive covenant, which called for a minimum lot size requirement of 6,000 square feet. The applicable City Code provision requires 5,000 square feet net density. The hearing concerned the dispute over the interpretation of this covenant as to whether the 6,000 square feet minimum lot size requirement was one of net or gross density. On 2/18/2008 the Hearing Examiner issued his decision affirming the decision of the Administrative Director to interpret the covenant as requiring 6,000 square feet gross. Appellant Voght appealed this decision.

On 4/21/2008, the Renton City Council approved the release of this restrictive covenant. This action effectively renders any application containing this covenant will be processed without the restriction contained therein, and solely based on the existing zoning and development criteria for that particular parcel.

On 4/24/2008, Chair Parker sent a letter to appellant Voght explaining that based on this recent action by the City Council regarding the covenant, the basis of his appeal was effectively moot. Accordingly, Chair Parker advised that he was inclined to cancel the appeal hearing unless the appellant could articulate a basis to still hold the hearing. The appellant did not wish to acquiesce and therefore, the hearing was opened on the scheduled date. On the date of the hearing, the appellant presented his case.

Having considered the comments made by the appellant, and taken into consideration the files therein and actions taken regarding this covenant, this Committee made the following recommendations to the City Council: That the City Council finds that having previously approved to release this King County restrictive covenant by its action of 4/21/2008, this appeal of RTC Short Plat is rendered moot, and therefore, the appellant's appeal should be dismissed. MOVED BY PARKER, SECONDED BY ZWICKER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

**Planning & Development
Committee**

Appeal: Blueberry Haven
Short Plat, Gordley, SHP-07-
131

Planning and Development Committee Chair Parker presented a report regarding the Blueberry Haven Short Plat appeal. The Committee heard the matter on 6/5/2008. 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.

The subject property is located in the upper Kennydale neighborhood at 2010 Jones Ave. NE, and consists of a 37,714 square foot (.86 acre) lot located between Jones Ave. NE and NE 20th St. The property along NE 20th St. is located across from the Blueberry Farm. City staff approved applicant Richard and Lauralee Gordley's short plat request to subdivide this parcel into two lots, with Lot A proposed at 17,930 square feet and Lot B proposed at 19,784 square feet. As part of their application, the Gordley's submitted a Critical Areas Study, which identified a 9,601 square foot Category 3 wetland on the site. Although there is also a "stream" on the site, the City waived a supplemental stream study because there had been several prior studies in the surrounding areas that satisfied the City as to its Class 4 designation. Based on these

studies,

the Water Class Map and the Streams and Lakes Map set out in City Code, City staff deemed the property to contain a Category 3 wetland and Class 4 streams, and applied the appropriate buffers associated with those levels.

Appellant Sue Rider, who resides in the neighborhood, filed a timely appeal and the matter was held before the Hearing Examiner. There was no independent study submitted by the appellants, but the appellant did present testimony from Larry Fisher of the Washington State Department of Fish and Wildlife, and numerous neighbors who all indicated that they believed the stream running along the subject site was perennial, rather than intermittent. The Gordleys testified that the stream was manmade, was not able to sustain any life forms, and was intermittent.

On 3/27/2008, the Hearing Examiner issued his decision finding that City staff erred in waiving the requisite stream study and in not undertaking an independent wetland assessment. Accordingly, the Hearing Examiner reversed the approval of the Blueberry Haven Short Plat. A timely appeal of the Hearing Examiner's decision was filed by the Gordleys.

This Committee, after hearing the presentations by City staff, the Gordleys and Ms. Rider, and having considered the record, finds that the Hearing Examiner made a substantial error of law and fact and recommended reversal of the Hearing Examiner's decision.

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

- That the City Council finds that the Hearing Examiner made a substantial error of fact in finding that City staff did not follow the applicable City Codes by waiving the stream study and not requiring an independent wetland analysis; and a substantial error of law in that he found City staff's decision to be clearly erroneous and arbitrary and capricious.
- Accordingly, the decision of the Hearing Examiner should be reversed, thereby reinstating the approval of the Blueberry Haven Short Plat, subject to the conditions set forth in the Approval Report and Decision dated 12/10/2007, the applicable mitigation measures set forth in the Environmental Review Committee Report dated 12/3/2007, and any other related City staff provisions.

MOVED BY PARKER, SECONDED BY ZWICKER, COUNCIL CONCUR IN THE COMMITTEE REPORT.*

Discussion ensued regarding the stream running along the subject site. Citing a conflict of interest, Councilmembers Corman and Palmer recused themselves from the meeting. Time: 7:18 p.m.

Discussion continued regarding the stream, the studies and maps, and the Hearing Examiner's decision.

*MOTION CARRIED.

Councilmembers Corman and Palmer returned to the meeting. Time: 7:23 p.m.

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:

- * The Renton Fire and Emergency Services Department will be conducting a live fire drill June 17 to June 19. The residential structure to be used for the drill, located at 4518 Talbot Rd. S., was donated by the John C. Radovich Development Company.

Annexation: New Life - Aqua Barn, Maple Valley Hwy

Mayor Law welcomed approximately 2,200 new residents who joined the City as a result of the New Life - Aqua Barn annexation. He noted that the City's population is now just under 80,000.

Streets: Duvall Ave NE Closure, Road Improvements Project

Noting that Duvall Ave. NE was closed on June 5 for construction, Mayor Law acknowledged the impact the temporary full closure will have on residents and motorists. He thanked staff for their work with residents to mitigate the impacts.

Reporting on the closure, Deputy Public Works Administrator - Transportation Hahn noted that the City, responding to concerned citizens, has and will place additional directional and informational signs. He stressed that staff will continuously monitor the situation and follow-up on citizen concerns. Mr. Hahn also reported the contractor's proposal to work occasional Saturdays to reduce the amount of time the road will be closed. He indicated that the contractor will refrain from activities prior to 8 a.m. on Saturdays that create additional noise.

Mayor Law assured that citizen complaints will be addressed. Council discussion ensued regarding the contractor working on Saturdays, the local access signage, and the importance of updating the City's website.

AUDIENCE COMMENT

Citizen Comment: McOmber - Emergency Preparedness Event

Howard McOmber (Renton) announced a Highlands Community Association emergency preparedness event on June 12 at the Highlands Neighborhood Center, and asked for volunteers to help assemble the kits that are being handed out to senior citizens and disabled residents.

Citizen Comment: Gitchel - Pavement Paint Markings Removal, SE 3rd Pl

Chuck Gitchel (Renton) questioned who is responsible for removing excessive spray painted pavement markings left by T-Mobile utility locaters at Anacortes Ave. SE and SE 3rd Pl. Public Works Administrator Zimmerman said the matter will be investigated.

CONSENT AGENDA

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

Council Meeting Minutes of 6/02/2008

Approval of Council meeting minutes of 6/02/2008. Council concur.

CAG: 08-059, Thomas Teasdale Park Playfield & Irrigation Improvements, Spiritridge Construction

City Clerk reported bid opening on 5/22/2008 for CAG-08-059, Thomas Teasdale Park Playfield and Irrigation Improvements; two bids; engineer's estimate \$249,988; and submitted staff recommendation to award the contract to the low bidder, Spiritridge Construction, Inc., in the amount of \$264,664.30. Refer to Finance Committee for discussion of funding.

CED: 2007 Countywide Planning Policies Amendments

Community and Economic Development Department recommended adoption of a resolution ratifying the 2007 Buildable Lands amendment to the Growth Management Planning Council's Countywide Planning Policies. Refer to Planning and Development Committee.

Comprehensive Plan: 2008 Amendments

Community and Economic Development Department submitted proposed 2008 Comprehensive Plan amendments (three map amendments and two text

amendments). Refer to Planning and Development Committee and Planning Commission.

CED: Multi-Family Housing Property Tax Exemption Modifications

Community and Economic Development Department recommended approval to modify the designated residential targeted areas for the multi-family housing property tax exemption; implement the provisions of House Bill 1910; incorporate affordable housing; and modify project eligibility and fees. Refer to Planning and Development Committee; set public hearing on 6/23/2008. (See page 193 for resolution setting public hearing.)

Transportation: Duvall Ave NE Reconstruction Utility Conversion, Puget Sound Energy

Transportation Systems Division recommended approval of a construction agreement in the amount of \$170,240 with Puget Sound Energy for underground utility conversion as part of the Duvall Ave. NE Widening/Coal Creek Parkway SE Reconstruction project. City's net cost is \$114,920. Refer to Transportation (Aviation) Committee.

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

UNFINISHED BUSINESS
Finance Committee

Finance: Vouchers

Finance Committee Chair Persson presented a report recommending approval of Claim Vouchers 272313 - 273225 and four wire transfers totaling \$8,716,772.98; and approval of 309 Payroll Vouchers, two wire transfers, and 1558 direct deposits totaling \$5,441,755.70. MOVED BY PERSSON, SECONDED BY BRIERE, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

CAG: 08-072, Community Center Readerboard, Daktronics

Finance Committee Chair Persson presented a report recommending approval to award the contract for the replacement of the electronic readerboard in Cedar River Park to the sole bidder Daktronics, Inc. The contract amount is \$115,546.54 and funds are available in Fund 316. The Committee further recommended that the Mayor and City Clerk be authorized to sign the contract.*

Councilmember Persson reported that this state-of-the-art replacement readerboard has a ten-year warranty and will use less energy.

*MOVED BY PERSSON, SECONDED BY BRIERE, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Budget: 2008 Amendment, Maintenance Custodian Position

Finance Committee Chair Persson presented a report recommending concurrence in the staff recommendation to amend the 2008 Budget by \$66,541. The Finance Committee additionally recommended concurrence with the staff recommendation to approve a full-time Maintenance Custodian position related to the additional maintenance requirements of Fire District #40, and \$15,000 designated for associated landscaping expenses. Funds from the revenue account of 000.000000.000.3380.0022.00.000001 to be dispersed to the following accounts:

\$ 1,000	001.000000.020.5760.0010.48.000000
\$14,000	001.000000.020.5760.0010.48.000003
\$51,541	001.000000.020.5180.0010.10.000000

The Committee further requested that the ordinance regarding this matter be presented for first reading. MOVED BY PERSSON, SECONDED BY CORMAN, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 193 for ordinance.)

Budget: 2008 Amendment,

Finance Committee Chair Persson presented a report recommending

Firemen's Pension Fund

concurrence with the staff recommendation to amend the 2008 Budget by \$75,000 to meet the Firemen's Pension Fund obligation for 2008. The Committee further recommended that the ordinance regarding this matter be presented for first reading. **MOVED BY PERSSON, SECONDED BY BRIERE, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.** (See page 193 for ordinance.)

Utilities Committee

Utility: Sewer Service
Connection Outside City
Limits, City Code Amend

Utilities Committee Chair Zwicker presented a report recommending concurrence with the staff recommendation to amend City Code, Section 4-6-040C, to limit connections outside Renton's city limits and exclude connection for properties desiring to develop through further subdivision of their land. 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.***

Responding to an inquiry from Councilmember Parker, Councilmember Briere stated that only single-family residences, not developments, located outside the City limits can hook up to City's sewer system.

*MOTION CARRIED. (See later this page for ordinance.)

SAD: White Fence Ranch
Sanitary Sewer

Utilities Committee Chair Zwicker presented a report recommending concurrence in the staff recommendation to approve the preliminary White Fence Ranch Sanitary Sewer Extension Special Assessment District. The Committee further recommended staff to proceed with the establishment of the final Special Assessment District upon completion of the construction of the White Fence Ranch Sanitary Sewer Extension project. **MOVED BY ZWICKER, SECONDED BY TAYLOR, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

RESOLUTIONS AND ORDINANCES**Resolution #3950**

CED: Multi-Family Housing
Property Tax Exemption
Modifications

A resolution was read setting a public hearing date on 6/23/2008 to consider the proposed modifications to the multi-family housing property tax exemption. **MOVED BY PARKER, SECONDED BY BRIERE, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.**

The following ordinances were presented for first reading and referred to the Council meeting of 6/16/2008 for second and final reading:

Budget: 2008 Amendment,
Firemen's Pension Fund

An ordinance was read amending the 2008 Budget by transferring funds from the 2007 Year-End Fund Balance to the Firemen's Pension Fund in the amount of \$75,000, for the purpose of meeting pension obligations. **MOVED BY PERSSON, SECONDED BY CORMAN, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 6/16/2008. CARRIED.**

Budget: 2008 Amendment,
Maintenance Custodian
Position

An ordinance was read amending the 2008 Budget by allocating contract payments from Fire District #40 in the amount of \$66,541 to Fund 001 Community Services Fund; authorizing the addition of a Maintenance Custodian Position; adding the position to the 2008 Budget index of positions; and authorizing appropriation authority to support contracted landscaping costs and hire maintenance staff. **MOVED BY CORMAN, SECONDED BY PALMER, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 6/16/2008. CARRIED.**

Utility: Sewer Service

An ordinance was read amending Chapter 6, Street and Utility Standards, of

Connection Outside City Limits, City Code Amend

Title IV (Development Regulations) of City Code by revising policies by which the City allows connection to its sanitary sewer system by property owners outside of the current City limits. **MOVED BY ZWICKER, SECONDED BY TAYLOR, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 6/16/2008. CARRIED.**

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

Ordinance #5384

Budget: 2008 Amendment, Burnett Linear Park Phase II Project

An ordinance was read amending the 2008 Budget to appropriate and transfer from Fund 502 to Fund 317 for Burnett Linear Park Phase II project expenses in the total amount of \$60,000. **MOVED BY PERSSON, SECONDED BY BRIERE, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.**

Ordinance #5385

Budget: 2008 Amendment, Clean Sweep Program

An ordinance was read amending the 2008 Budget by appropriating \$95,000 from the 2008 Solid Waste Utility Fund (403) for the 2008 Solid Waste Clean Sweep account. **MOVED BY PERSSON, SECONDED BY BRIERE, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.**

Ordinance #5386

Budget: 2008 Amendment, Principal Financial & Administrative Analyst, Maintenance Shops Secretary

An ordinance was read amending the 2008 Budget by increasing the General fund budget for Public Works Administration (Fund 000/015) by \$14,823 in order to increase the authorization of the Public Works Principal Financial and Administrative Analyst position from .75 FTE to 1.0 FTE and decrease the Street Fund Budget (Fund 003/019) by \$16,920 in order to reduce the authorization of a Maintenance Shops Secretary I position from 1.0 FTE to .50 FTE. **MOVED BY PERSSON, SECONDED BY BRIERE, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.**

Ordinance #5387

Planning: Development Regulations (Title IV) Docket, Assisted Living

An ordinance was read amending Chapter 2, Zoning Districts - Uses and Standards; Chapter 4, Citywide Property Development Standards; Chapter 9, Permits - Specific; and Chapter 11, Definitions; of Title IV (Development Regulations) of City Code to amend the regulations regarding assisted living and to delete the duplicative use tables for each zone in Section 4-2-070. **MOVED BY PARKER, SECONDED BY ZWICKER, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.**

NEW BUSINESS

Community Services: Burnett Linear Park Sculpture

Responding to Councilmember Corman's inquiry about the running horses sculpture at Burnett Linear Park, Councilmember Persson remarked that the sculpture is being cleaned and repainted at Renton Technical College and will be returned to the park when completed.

ADJOURNMENT

MOVED BY PERSSON, SECONDED BY TAYLOR, COUNCIL ADJOURN. CARRIED. Time: 8:05 p.m.

Michele Neumann, Deputy City Clerk

Recorder: Jason Seth
June 9, 2008