

RENTON CITY COUNCIL  
Regular Meeting

July 9, 2007  
Monday, 7 p.m.

Council Chambers  
Renton City Hall

MINUTES

**CALL TO ORDER**

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

**ROLL CALL OF  
COUNCILMEMBERS**

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

**CITY STAFF IN  
ATTENDANCE**

KATHY KEOLKER, Mayor; JAY COVINGTON, Chief Administrative Officer; ZANETTA FONTES, Assistant City Attorney; BONNIE WALTON, City Clerk; PETER HAHN, Deputy Planning/Building/Public Works Administrator - Transportation; ALEX PIETSCH, Economic Development Administrator; SUZANNE DALE ESTEY, Economic Development Director; DON ERICKSON, Senior Planner; TERRY HIGASHIYAMA, Community Services Administrator; LESLIE BETLACH, Parks Director; PETER RENNERT, Facilities Director; GERALD RERECICH, Recreation Director; DEPUTY CHIEF CHUCK DUFFY, Fire Department; COMMANDER CHARLES MARSALISI, Police Department.

**PROCLAMATION**

Parks and Recreation Month -  
July 2007

A proclamation by Mayor Keolker was read declaring the month of July 2007 to be "Parks and Recreation Month" in the City of Renton and encouraging all citizens to join in this special observance as recreation and parks programs enhance quality of life by contributing to a healthy lifestyle, increasing communication skills, building self esteem, teaching life skills, and providing places for enjoyment. MOVED BY LAW, SECONDED BY NELSON, COUNCIL CONCUR IN THE PROCLAMATION. CARRIED. Community Services Administrator Higashiyama accepted the proclamation with appreciation.

**PUBLIC MEETING**

Annexation: Liberty, 156th  
Ave SE & SE 144th St

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Keolker opened the public meeting to consider the 10% Notice of Intent to annex petition for the proposed Liberty Annexation; 184.2 acres, including the abutting street right-of-way, located east of 154th Ave. SE, west of Liberty High School, north of SE 144th St., and south of SE 134th St.

Economic Development Administrator Pietsch explained that the subject annexation is the first area in the East Renton Plateau Potential Annexation Area to be considered for annexation since the Preserve Our Plateau Annexation (POPA) was defeated at the 2/6/2007 Special Election. He noted that the annexation is being brought forward by property owners representing more than ten percent of the area's assessed value.

Senior Planner Erickson reported that the site is the western portion of what was the POPA area. The site's topography is relatively flat with a 4.9 percent slope running west to east. A potential erosion area exists in the southeast corner. Mr. Erickson stated that public services are currently provided by Fire District #25, Water District #90, Renton sewer, and the Renton and Issaquah school districts.

Continuing, Mr. Erickson explained that the area's existing King County zoning is R-4 (four dwelling units per gross acre), and the City's Comprehensive Plan designates the area as Residential Low Density, for which R-4 (four dwelling units per net acre) zoning is proposed. He reported that the proposed annexation is generally consistent with relevant City annexation policies and Boundary Review Board objectives. Mr. Erickson further reported that the fiscal impact analysis indicates a surplus of \$53,930 at full development, and an estimated one-time parks development cost of \$230,260.

Mr. Erickson stated that the annexation proposal serves the best interests and general welfare of the City. He noted that the Utility Division suggests using King County's *2005 Surface Water Design Manual, Level 2*, for future development. Mr. Erickson said staff recommends that along with accepting the 10% petition and authorizing circulation of the 60% petition, that signers of the 60% petition support property owners within the annexation area assuming their proportional share of the City's existing outstanding bonded indebtedness. He pointed out that the proportional share for the entire area totals \$5,225.

Correspondence was read from Gwendolyn High, 13405 158th Ave. SE, Renton, 98059, asking that residents of the annexation area be excused from being required to accept a share of the City's current outstanding bonded indebtedness.

Correspondence was read from the following Highland Estates subdivision residents requesting that the subdivision be included in the Liberty Annexation area: Alice Chung and Michael Tena, 15308 SE 136th Lane, Renton, 98059; Annaliza Metra-Cruz, 13602 153rd Pl. SE, Renton, 98059; Scott and Wendi Higginbotham, 13727 153rd Pl. SE, Renton, 98059; and Santhosh Pillai, 15315 SE 136th Lane, Renton, 98059.

Public comment was invited.

Claudia Donnelly, East Renton Plateau Community Council President, 10415 147th Ave. SE, Renton, 98059, pointed out that a majority of the POPA area residents voted against annexing to Renton on 2/6/2007. Regarding the covenants to annex, she noted that when questioned, Economic Development Administrator Pietsch indicated that while much of the annexation area has covenants that require support of the annexation, the annexation will still be dependent on those property owners to sign the 60% petition. Ms. Connelly further noted that for the POPA election, residents did not have to vote on the issue of assuming a proportional share of the City's outstanding voted indebtedness. She pointed out that staff is now recommending that property owners assume their fair share of Renton's indebtedness.

Responding to Mayor Keolker's inquiry, Ms. Donnelly indicated that she does not reside in the subject annexation boundary.

Sally Nipert, 14004 156th Ave. SE, Renton, 98059, noted that the City of Renton has grown a lot, traffic is horrible, and the roads do not support development. She further noted that residents have already said they do not want to annex.

Lynn Wilmot, 13900 160th Ave. SE, Renton, 98059, expressed her surprise that this area is once again up for annexation to Renton so soon after the POPA issue was voted down. Ms. Wilmot questioned why the annexation area is such

an odd shape, and why Liberty High School was not included in the area.

Mr. Pietsch indicated that the annexation boundary was brought forward by property owners representing 10 percent of the assessed value of the area, and the City did not design the boundary. He noted that historically, Renton has grown incrementally by annexation as property owners have been interested in joining the City. Regarding Liberty High School, Mr. Pietsch explained that a Superior Court decision found that school district property could not be included in the petition method of annexation and therefore schools are required to annex to cities on their own. He noted that development in the area will allow the extension of the City sewer line to Liberty High School, and regardless of whether the school annexes, the sewer line extension could occur within the next couple of years.

There being no further public comment, it was **MOVED BY CORMAN, SECONDED BY NELSON, COUNCIL CLOSE THE PUBLIC MEETING. CARRIED.**

Councilman Corman objected to having property owners pay the proportional share of the City's existing outstanding bonded indebtedness, pointing out that Benson Hill Communities Annexation-area residents are not being asked to assume the City's bonded indebtedness.

**MOVED BY CLAWSON, SECONDED BY PALMER, COUNCIL ACCEPT THE 10% NOTICE OF INTENT PETITION FOR THE LIBERTY ANNEXATION AND AUTHORIZE THE CIRCULATION OF A 60% DIRECT PETITION TO ANNEX SPECIFYING THAT SIGNERS SUPPORT FUTURE ZONING CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN LAND USE DESIGNATION FOR THE AREA.\***

Mr. Pietsch brought to the Council's attention the correspondence received from Highland Estates residents in support of adding the subdivision to the Liberty Annexation boundary. He pointed out that the 8.7-acre subdivision is located immediately west of the annexation area and contains 58 houses.

**MOVED BY CLAWSON, SECONDED BY PERSSON, COUNCIL AMEND THE MOTION TO ADD THE HIGHLAND ESTATES SUBDIVISION TO THE ANNEXATION AREA. CARRIED.**

**\*MAIN MOTION AS AMENDED CARRIED.**

**APPEALS**  
**Planning & Development**  
**Committee**

Appeal: Seahawks  
Headquarters & Training  
Facility, Football Northwest,  
SA-06-073

Planning and Development Committee Vice Chair Clawson presented a report regarding the appeal of the Seahawks' Headquarters and Training Facility site plan (SA-06-073). The appeal deals with a minor modification of the permitted height of the Seahawks' training facility. The height is less than that permitted in the zone. The height reviewed and approved by the environmental review committee (ERC) was 120 feet, less than the height after the minor modification of 115 feet. Minor modifications are controlled by City Code Section 4-9-200I. The Hearing Examiner found that all of the elements of that City Code section have been met.

The Hearing Examiner originally approved the site plan with an elevation of 111 feet for the training facility. On appeal, the Hearing Examiner conditioned the minor modification on the planting of between 12 and 24 trees of a reasonable specimen size at maturity. The Committee recommended that the City Council affirm the decision of the Hearing Examiner with respect to the

granting of the minor modification, but insofar as the additional conditions imposed by the Hearing Examiner, the Committee recommended that the City

Council find that the Hearing Examiner made errors of fact and law by conditioning the minor modification on the planting of trees.

To that end, the Committee recommended that the Hearing Examiner's decision be affirmed as to the minor modification but modified by adding three findings of fact as follows:

11. Increasing the building's height to a full 115 feet would only create a 3 percent increase. At 113 feet, the likely end result, the overall site massing would only increase by 1.5 percent. The change in elevation would be unnoticeable from the appellant's home, which is three-quarters of a mile away on Mercer Island.
12. Requiring the applicants to plant evergreen trees along the lakeshore façade of the building would be nearly impossible in that there are emergency fire access lanes along that area. Furthermore, there are structural and utility-based issues which would need to be completely overhauled and re-assessed in order to comply with this condition.
13. The Seahawks moved the facility back from the shoreline to preserve the view from the Misty Cove condominiums. The planting of trees shoreward of the facility would do much greater harm to the adjacent view of the Misty Cove residents than it would benefit Mercer Island residents.

The Committee further recommended that conclusions 5, 6, and 7 be stricken and replaced with the following conclusions, and the decision be modified to grant the minor modification without condition.

5. However, since the change in elevation would be indistinguishable from appellants' property, and otherwise meets all the requisite criteria of City Code Section 4-9-200I, there is no basis to condition the minor modification.
6. Because the ERC did not condition the project when it was greater in elevation than the current elevation with the minor modification and the Hearing Examiner did not condition the original site plan approval, there appears to be no authority to impose conditions on this minor modification.

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

Appeal: The Landing, Harvest Partners, SA-06-071

Planning and Development Committee Vice Chair Clawson presented a report regarding the appeal by Harvest Partners regarding The Landing site plan (SA-06-071). The Committee met on 7/5/2007 to consider the appeal brought by the applicant, Harvest Partners of the decision of the Hearing Examiner dated 5/22/2007. This matter stems from an appeal by Brad Nicholson and Alliance for South End (appellants) of the site plan approval for The Landing. The Hearing Examiner heard the appeal and rendered a decision on 5/22/2007. The Hearing Examiner's decision affirmed the Development Services Director's approval of the site plan for The Landing project in most respects but reversed the Director's approval of certain specific elements in the The Landing site plan.

The City of Renton filed a request for clarification. On 6/5/2007, appellants

and Harvest Partners filed separate requests to reconsider with the Hearing Examiner.

On 6/6/2007, consistent with a settlement between appellants and Harvest Partners, appellants, through their attorney, withdrew appellant's request for reconsideration and they notified the Hearing Examiner that they did not oppose the request for reconsideration submitted by Harvest Partners. Thereafter, the Hearing Examiner, on 6/12/2007, issued his reconsideration and his clarification. In his reconsideration, the Hearing Examiner upheld his earlier decision, which had denied several modifications previously granted by Development Services Director Neil Watts.

In addition to the oral presentations at the Committee meeting, the Committee reviewed the file, including the Hearing Examiner's decisions, the letter submitted by the Hearing Examiner dated 7/3/2007, the motions and briefs therein, as well as the written submissions by the parties to the Committee. The Committee also reviewed appellants' withdrawal of their request for reconsideration and their statement of support for applicant Harvest Partners' request for reconsideration, filed pursuant to the settlement agreement reached by the parties. Finally, the Committee considered the submission by Peter Buck, attorney for appellants, dated 6/27/2007, which made it clear that the settlement by the parties was intended to be a resolution of all appeals, including the site plan appeal. The documentation submitted to the Hearing Examiner was not as clear as Mr. Buck's correspondence of 6/27/2007.

In light of the evidence, the Committee finds that the decision of 5/22/2007 was not a final order. Further, the Committee finds that the Hearing Examiner did not understand and could not have understood the breadth of the settlement entered into by the parties. The Committee finds the Hearing Examiner no longer had a case or controversy before him. At that point the appeal was moot. The Committee finds itself in the same situation.

The Committee recommended that the City Council vacate the decisions of the Hearing Examiner, dated 5/22/2007 and 6/12/2007, and dismiss the appeals related to the site plan approval. **MOVED BY CLAWSON, SECONDED BY PALMER, 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 2007 and beyond. Items noted included:

- \* Residents are invited to help shape the future of the Renton Public Library by completing a questionnaire about library services by July 21. The survey is part of the City's Library Master Plan process.
- \* BNSF Railway Company opened construction bids for four railroad bridge replacement projects in Renton: the Cedar River Bridge, the Rainier Ave. Bridge, the Shattuck Ave. Bridge, and the Hardie Ave. Bridge. The first project—Rainier Ave. Bridge—will begin August 11. As a result, Rainier Ave. will be closed August 11 through August 15 between S. 3rd St. and S. 7th St.

## **AUDIENCE COMMENT** Citizen Comment: Sarthurak - Benson Hill Communities

Linda Sarthurak, 17504 155th Ave. SE, Renton, 98058, noted the City's preliminary costs associated with the Benson Hill Communities Annexation and the funding made available from King County and the State via Senate Bill

Annexation, S 200th St &  
128th Ave SE

6686 (authorizing a local sales and use tax that is credited against the State sales and use tax). She questioned whether the funding via Senate Bill 6686 can be used for initial purchases of equipment.

Chief Administrative Officer Covington confirmed that the funding can be used for capital purchases.

## **CONSENT AGENDA**

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

Council Meeting Minutes of  
7/2/2007

Approval of Council meeting minutes of 7/2/2007. Council concur.

Community Services: 200 Mill  
Bldg Seismic Evaluation,  
Gensler & Coffman Engineers

Community Services Department requested approval of a work authorization with Gensler & Coffman Engineers in the amount of \$42,550 for a Tier 2 seismic evaluation of the 200 Mill Building, and approval of the associated geotechnical evaluation in the estimated amount of \$23,000. Council concur.

Development Services: Gong  
Short Plat, ROW Dedication,  
Jones Ave NE, SHP-06-141

Development Services Division recommended acceptance of a deed of dedication for additional right-of-way at the corner of Jones Ave. NE and NE 24th St. to fulfill a requirement of the Gong Short Plat. Council concur.

Public Works: SE Maple  
Valley Hwy Property Purchase  
for SR-169 HOV  
Improvements Project

Planning/Building/Public Works Department requested approval of a Road Right-of-Way and Slope Easement and Purchase and Sale Agreement with AnMarCo at 1915 SE Maple Valley Hwy. related to the Maple Valley Hwy. (SR-169) HOV, 140th Way SE to SR-900 project. Purchase price is \$514,800 and WSDOT will reimburse the City the estimated amount of \$232,000. Council concur.

Airport: Bahr Aero Operating  
Permit & Sublease

Transportation Systems Division recommended approval of an operating permit and agreement with Bahr Aero for an aircraft business at the airport, and approval of the sublease agreement between Aerodyne, LLC and Bahr Aero. Refer to Transportation (Aviation) Committee.

Airport: Kenmore Air Harbor  
Operating Permit & Sublease

Transportation Systems Division recommended approval of an operating permit and agreement with Kenmore Air Harbor, Inc. for an aircraft business at the airport, and approval of the sublease agreement between Beaver Hangar Corporation (BHC), Inc. and Kenmore Air Harbor, Inc. Refer to Transportation (Aviation) Committee.

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

## **UNFINISHED BUSINESS** **Utilities Committee**

Vacation: Aberdeen Ave NE,  
Dohrn, VAC-05-003

Utilities Committee Chair Clawson presented a report regarding the Ron Dohrn fee waiver request associated with the vacation of a portion of Aberdeen Ave. NE. The Committee recommended concurrence in the staff recommendation to deny Mr. Dohrn's request to waive the appraisal and compensation. The Committee further recommended that the petitioner submit an appraisal and pay the City fair compensation for this right-of-way. MOVED BY CLAWSON, SECONDED BY LAW, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

## **Finance Committee**

Finance: Maintenance Task  
Management Software, InFor  
Global Solutions, Interim  
Project Manager

Finance Committee Chair Persson presented a report regarding the purchase of EMMS (Enterprise Maintenance Management System) software and contract approval. The Committee recommended concurrence in the staff recommendation to approve a contract with InFor Global Solutions, Inc. in the amount of \$494,102 as negotiated from the RFP (request for proposals)

response, and the hiring of a limited term project manager. **MOVED BY PERSSON, SECONDED BY LAW, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

Fire: Fire District Liaison Position

Finance Committee Chair Persson presented a report recommending concurrence to approve the proposed creation of a new City of Renton employee position of Fire District Liaison to provide administrative support for King County Fire District #25 and the Renton Fire Department. **MOVED BY PERSSON, SECONDED BY LAW, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

Finance: Vouchers

Finance Committee Chair Persson presented a report recommending approval of Claim Vouchers 261331 - 261796 and two wire transfers totaling \$3,918,696.30; and approval of 315 Payroll Vouchers, zero wire transfers, and 709 direct deposits totaling \$2,325,070.89. **MOVED BY PERSSON, SECONDED BY LAW, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

CAG: 03-167, Enterprise Maintenance Management System, Weston Solutions

Finance Committee Chair Persson presented a report regarding extension of the contract with Weston Solutions, Inc. for EMMS (Enterprise Maintenance Management System). The Committee recommended concurrence in the staff recommendation to approve an extension of Weston Solution's contract in the amount of \$150,000 to assist in the implementation of the EMMS project. **MOVED BY PERSSON, SECONDED BY LAW, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

#### **NEW BUSINESS**

Finance: Business License, Red Storm Towing

Councilmember Persson asked the Administration to investigate a citizen complaint regarding a business license issued to Red Storm Towing located on NE 10th St. He indicated that the business may be inappropriate for the neighborhood because the idling trucks' diesel fumes enter neighboring houses.

#### **ADJOURNMENT**

**MOVED BY NELSON, SECONDED BY PERSSON, COUNCIL ADJOURN. CARRIED. Time: 7:58 p.m.**

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Bonnie I. Walton, CMC, City Clerk

Recorder: Michele Neumann  
July 9, 2007