

RENTON CITY COUNCIL
Regular Meeting

February 23, 2009
Monday, 7 p.m.

Council Chambers
Renton City Hall

MINUTES

CALL TO ORDER

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

**ROLL CALL OF
COUNCILMEMBERS**

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

**CITY STAFF IN
ATTENDANCE**

DENIS LAW, Mayor; JAY COVINGTON, Chief Administrative Officer;
ZANETTA FONTES, Assistant City Attorney; BONNIE WALTON, City Clerk;
ALEX PIETSCH, Community and Economic Development Administrator;
TERRY HIGASHIYAMA, Community Services Administrator; GREGG
ZIMMERMAN, Public Works Administrator; IWEN WANG, Finance and
Information Services Administrator; JENNIFER HENNING, Current Planning
Manager; ION ARAI, Assistant Planner; FIRE CHIEF/EMERGENCY
SERVICES ADMINISTRATOR I. DAVID DANIELS and DEPUTY CHIEF
ROBERT VAN HORNE, Fire Department; DEPUTY CHIEF TIM TROXELL,
Police Department.

SPECIAL PRESENTATION
King County: Lake to Sound
Regional Trail Update

Mayor Law announced that the special presentation from King County Parks regarding the Lake to Sound Regional Trail Update has been postponed.

PUBLIC HEARING
Public Safety: Wireless
Communication In-Building
Coverage Standards

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 consider public safety wireless communication in-building coverage standards. Community and Economic Development Administrator Alex Pietsch introduced Associate Planner Ion Arai.

Mr. Arai stated that the ability of the fire department or the police department to communicate within a building during an emergency situation is paramount and wireless communications are critical to the success of public safety operations. He remarked that wall thickness and subterranean areas such as parking garages and underground storage facilities can degrade radio transmission signals. He also remarked that dense construction materials such as steel and reinforced concrete can also weaken signal strength.

Mr. Arai reported that the cities of Kirkland, Bellevue, and Mercer Island have all recently adopted comparable ordinances regulating wireless communication in-building coverage. He stated that there is not a "one size fits all" approach to designing the telecommunication systems and pointed out that each situation may have unique challenges. He also remarked that it is difficult to generalize cost estimates due to the unique nature of each design.

Mr. Arai reported that the types of buildings impacted by the proposed regulations are new construction and existing buildings that are modified or renovated by more than twenty percent. He stated that the City will have to define in-building radio system requirements and testing procedures, the type of amplification systems allowed, and certification requirements for technicians.

Mr. Arai stated that the proposed ordinance will define minimum signal strength, require minimum signal strength coverage areas, define frequency range for public safety radio, require coordination with and receive approval

from regional government communication boards, and requires the submittal of system design information to the Development Services Director.

Mr. Arai reported that the following structures will be exempt from the proposed regulations: Existing building and structures; single-family residential buildings; structures three stories or less without subterranean storage or parking; structures three stories or less with subterranean storage or parking (exempting only the subterranean areas); wood construction of residential structures four stories or less without subterranean areas; and renovation of existing structures less than twenty percent of the original structure.

Responding to Council President Corman's inquiry, Mr. Arai stated that existing single story; large retail buildings would be exempt from the proposed regulations. Community and Economic Development Administrator Pietsch clarified that the exemption is for residential structures that are three stories or less and any new commercial buildings would be required to meet the proposed regulations.

There being no public comment it was, **MOVED BY TAYLOR, SECONDED BY CORMAN, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED.**

MOVED BY TAYLOR, SECONDED BY PERSSON, COUNCIL SUSPEND THE RULES AND PRESENT THE COMMITTEE REPORT REGARDING THIS MATTER FOR COUNCIL ACTION. CARRIED.

Public Safety Committee Chair Taylor presented a report regarding public safety wireless communication in-building coverage. Discussion ensued regarding the clarification of three story structures as residential or commercial (or both), declaring large retail stores as not exempt, rewording the report, and sending the report back to the Public Safety Committee for further clarification. A motion to adopt the report was withdrawn.

AUDIENCE COMMENT

Citizen Comment: McOmber -
Federal Stimulus Money

Howard McOmber (Renton) asked if any federal stimulus money will trickle down to Renton and if so will it be used for sidewalk and lighting improvements in the Highlands. Chief Administrative Officer Covington stated that of the federal stimulus money approximately \$2 million in utility improvements is expected for the Shattuck Ave. underpass project. Mr. Covington also confirmed that preliminary recommendations regarding the Highlands will be presented to Council at the upcoming Council retreat.

APPEAL

Planning & Development Committee

Appeal: St Thomas Orthodox
Church Conditional Use
Permit, Christman, CU-08-102

Planning and Development Committee Chair Parker presented a report regarding the St. Thomas Orthodox Church Conditional Use Permit appeal. The Committee heard this appeal on February 12, 2009. Pursuant to RMC 4-8-11F, 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 submissions and presentation made by the Parties.

The subject property is located on 11651 SE 188th St. in Renton, WA. The applicant sought a conditional use permit ("CUP") to renovate an existing mechanical shop building on the property to a worship/study center called the St. Thomas Orthodox church. There are also two separate residential buildings located in the same property, but those remain unaffected by the CUP.

The Hearing Examiner held a public hearing regarding the CUP on October 21, 2008. In its original report, City staff had recommended denial of the CUP applicable based on conflicts and incompatibility issues. However, on the day

of the hearing, applicants submitted a new proposal which ameliorated many of the outstanding issues and addressed all of the City staff's concerns with the project. The Hearing Examiner continued this hearing after receiving testimony by members of the public, including the appellant, Mr. David Christman, Sr.

On November 4, 2008, the Parties reconvened. Based on the changes made to their proposal, City staff recommended approval of the CUP. City staff found that the change in access proposed by the applicant mitigated the various concerns which previously existed.

Access to the property is currently available via 118th Ave. SE, a 12-foot wide gravel private street. A records search of the area revealed that 118th Ave. SE is not a public right-of-way, and although an easement appears to exist, it is unrecorded and does not show specific access rights. However, the applicant has proposed to close off this access and screen with landscaping to provide buffer and mitigate any impacts to the residential neighbors across the street. Instead, the applicant will restructure access via SE 188th St., a larger, public residential street to the north of the subject property. The applicant has further proposed bringing in sewer services to replace the current septic system in the subject property.

After consideration of all the testimony and evidence, the Hearing Examiner issued his decision on November 20, 2008, approving the CUP subject to thirteen (13) specific conditions. On December 3, 2008, appellant David Christman, Sr. filed a request for reconsideration. On December 30, 2008, the Hearing Examiner denied the request for reconsideration and affirmed his initial decision of November 20, 2008. Appellant Christman filed a timely appeal to the City Council requesting denial of the CUP.

Having considered the comments made by and on behalf of the appellant, and having reviewed the files and evidence in this matter, this Committee makes the following recommendations to the City Council:

1. That the City Council find that the Hearing Examiner did not make any error of fact or law in approving the CUP;
2. That the City Council adopt all the Findings and Conclusions set forth in the Hearing Examiner's Report dated November 20, 2008; and
3. That the City Council **affirms** the decision made by the Hearing Examiner to approve the CUP, and adopt the specific conditions 1 through 13 set forth in the Hearing Examiner's Report dated November 20, 2008.

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

CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing. Mayor Law removed Item 8.d. from consideration for further staff work.

Council Meeting Minutes of 2/9/2009

Approval of Council meeting minutes of 2/9/2009. Council concur.

CED: Restrictive Covenant Release Request, WSADA Property LLC

City Clerk submitted request from Washington Auto Dealers Association (WSADA) Property, LLC for release of restrictive covenant at 621 SW Grady Way. Refer to Planning and Development Committee.

CAG: 08-037, Police Locker Rooms, HS Builders

Community Services Department submitted CAG-08-037, Police Locker Rooms; and requested approval of the project, authorization for final pay estimate in the amount of \$10,299.91, commencement of a 60-day lien period, and release of retained amount of \$12,797.59 to H.S. Builders, Inc., contractor, if all required releases are obtained. Council concur.

~~Legal: Create City Attorney Department & Rename AJLS Department~~

~~Legal Services Department recommended amendment to RMC 3-1 to create the City Attorney Department, and rename the Administrative, Judicial, and Legal Services (AJLS) Department. Council concur.~~

Utility: Lift Station & Telemetry Services, RH2 Engineering

Utility Systems Division recommended approval of a contract in the amount of \$73,867 with RH2 Engineering, Inc. to review developer lift stations, provide technical services for lift station construction, and engineering support for the telemetry system. Council concur.

CAG: 09-017, City Hall Seventh Floor Remodel, MG Tudhope

City Clerk reported bid opening on 2/18/2009 for CAG-09-017, City Hall Seventh Floor Remodel; 13 bids; engineer's estimate \$115,000; and submitted staff recommendation to award the contract to low bidder, M.G. Tudhope, in the amount of \$86,110. Council concur.

MOVED BY CORMAN, SECONDED BY TAYLOR, COUNCIL APPROVE THE CONSENT AGENDA AS PRESENTED MINUS ITEM 8.d. CARRIED.

UNFINISHED BUSINESS
Planning & Development
Committee

Planning: Development Regulations (Title IV) Docket, Housekeeping Amendments

Planning and Development Committee Chair Parker presented a report recommending concurrence in the staff recommendation to amend Renton Municipal Code to include the following corrections and clarifications:

- Amend the language throughout the code related to the former Planning/Building/Public Works and Economic Development Neighborhoods and Strategic Planning departments to reflect the departmental reorganizations that were effective March 1, 2008;
- Amend language throughout Title IV related to the Uniform Building Code and change it to the International Building Code;
- Amend zoning purpose statements in 4-2-020 to eliminate references to applicable Comprehensive Plan Policies, which were revised in 2008 Comprehensive Plan Amendment T-02;
- Amend 4-2-030D to clarify that when there are conflicts between a legal description and a zoning map, the text will prevail;
- Amend 4-2-030F to allow the official zoning map of the City to be updated quarterly;
- Amend language and diagrams throughout Title IV to eliminate the dual standard (stories and feet) of measuring height in residential zones;
- Correct references to *Urban Center Design Overlay Regulations* to read *Urban Design Regulations*;
- Correct illustration of the definition of *Floor Area* in 4-11-060;
- Amend 4-2-060 and the definition of *Outdoor Storage* to clarify the administration of this use;
- Clarify setback requirements in the R-14 zone for attached dwellings with less than three units;
- Clarify building coverage and landscaping standards in the R-10 zone; and
- Amend the submittal requirements for Comprehensive Plan Amendments to be consistent with the material staff needs to process these applications.

The Committee further recommended that the ordinance regarding this matter be presented for first reading.

MOVED BY PARKER, SECONDED BY BRIERE, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 56 for ordinance.)

Finance Committee

Finance: Vouchers

Finance Committee Chair Persson presented a report recommending approval of Claim Vouchers 280844 - 281204 and two wire transfers totaling \$3,755,234.33; and approval of 454 Payroll Vouchers, one wire transfer, and 807 direct deposits totaling \$3,250,917.74. MOVED BY PERSSON, SECONDED BY TAYLOR, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

CAG: 08-201, Liberty Park
Ballfield Lighting, Service
Electric Company (Corrected)

Finance Committee Chair Persson presented a corrected report (superseding the report adopted 2/9/2009) recommending concurrence in the staff recommendation to approve the contract with Service Electric Company, Inc., in the amount of \$234,567.89 to provide for new lighting at Big Liberty Ballfield. The Finance Committee also recommended concurrence in the staff recommendation for the following:

- Authorization of \$20,000 from the 2009 Parks Major Maintenance (Fund 316) for a construction contingency budget.

The Committee further recommended that the Mayor and City Clerk be authorized to execute the contract. MOVED BY PERSSON, SECONDED BY TAYLOR, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Finance: Investment Policy

Finance Committee Chair Persson presented a report recommending concurrence in the staff recommendation to revise the Investment Policy No. 210-07 as follows:

Section 5.11.1 Diversification

- **Add** a Target Portfolio Allocation as a guide for the portfolio allocation during normal economic times
- **Raise** the maximum investment (by Instrument) in the State Investment Pool from 50% to 75% **Raise** the maximum investment (by Instrument) in CD's from 50% to 75%
- **Raise** the maximum investment (by Instrument) in CD's from 50% to 75%
- **Raise** the maximum investment (by Institution) in the State Investment Pool from 50% to 75% (to mirror the above maximum)
- **Lower** the maximum investment (by Institution) in CD's from 25% to 20%

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

City Clerk: Broadcast Digital
Television Transition

Finance Committee Chair Persson presented a report regarding the broadcast television digital transition. The Committee was briefed on the digital transition and recommends no further action be taken at this time.

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

**Transportation (Aviation)
Committee**

Streets: SE 192nd St
Temporary Closure

Transportation (Aviation) Committee Chair Palmer presented a report recommending concurrence in the staff recommendation for the temporary street closure of SE 192nd St. from 102nd Ave. SE to 99th Pl. S. to take place between May 11, 2009 and May 22, 2009. Emergency and domestic access for the two residential lots that have driveways accessing SE 192nd St. in the regrade zone shall be available at all times. The Committee further recommended that the resolution regarding this matter be presented for reading and adoption.

MOVED BY PALMER, SECONDED BY ZWICKER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 56 for resolution.)

RESOLUTIONS AND ORDINANCES

The following resolution was presented for reading and adoption:

RESOLUTION #3999

Streets: SE 192nd St
Temporary Closure

A resolution was read authorizing the temporary total closure of SE 192nd St. from 102nd Ave. SE to 99th Pl. S. from May 11, 2009 to May 22, 2009.

MOVED BY CORMAN, SECONDED BY ZWICKER, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

The following ordinance was presented for first reading and referred to the Council meeting of 3/2/2009 for second and final reading:

Planning: Development
Regulations (Title IV) Docket,
Housekeeping Amendments

An ordinance was read correcting Chapter 10, Planning Commission, Chapter 14, Environmental Review Committee, Chapter 16, Lodging Tax Advisory Committee, and Chapter 17, Airport Advisory Committee, of Title II (Commissions and Boards); Chapter 3, Economic Development, Neighborhoods and Strategic Planning Department, and Chapter 7, Planning/Building/Public Works Department, of Title III (Departments and Officers); Chapter 1, Administration and Enforcement, Chapter 2, Zoning Districts - Uses and Standards, Chapter 3, Environmental Regulations and Overlay Districts, Chapter 4, City-Wide Property Development Standards, Chapter 5, Building and Fire Prevention Standards, Chapter 6, Street and Utility Standards, Chapter 7, Subdivision Regulations, Chapter 8, Permits - General and Appeals, Chapter 9, Permits - Specific, and Chapter 11, Definitions, of Title IV (Development Regulations); Chapter 3, Salaries, Chapter 12, Adult Entertainment Standards, and Chapter 19, Telecommunication Licenses and Franchises, of Title V (Finance and Business Regulations); Chapter 1, Garbage, and Chapter 7, Noise Level Regulations, of Title VIII (Health and Sanitation); Chapter 2, Excess Right-of-Way Use, Chapter 5, Latecomer's Agreements, Chapter 8, Sidewalk Construction, Chapter 9, Street Closure, Chapter 10, Street Excavations, Chapter 11, Street Grid System, Chapter 14, Vacations, Chapter 15, Weeds and Noxious Matter, and Chapter 16, Special Assessment Districts, of Title IX (Public Ways and Property); Chapter 8, One-Way Streets and Alleys, Chapter 10, Parking Regulations, and Chapter 13, Commute Trip Reduction, of Title X (Traffic), of City Code, to complete a second set of housekeeping amendments to Title IV amendments made during docket review and to correct references to the former Economic Development, Neighborhoods, and Strategic Planning Department and the former Planning/Building/Public Works Department.

MOVED BY PARKER, SECONDED BY BRIERE, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 3/2/2009. CARRIED.

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

ORDINANCE #5447

Annexation: Springbrook
Terrace, S 55th St &
Talbot Rd S

An ordinance was read annexing approximately 19.9 acres generally located south of SE 192nd St. (S. 55th St.) and east of Talbot Rd. S; Springbrook Terrace Annexation.

MOVED BY PERSSON, SECONDED BY BRIERE, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL. ALL AYES. CARRIED.

ORDINANCE #5448

Annexation: Springbrook Terrace, R-1 Zoning

An ordinance was read establishing the zoning classification of property annexed within the City of Renton for approximately 3.47 acres located immediately east of Talbot Rd. S., immediately south of S. 55th St., and north of SE 194th Pl, if extended, and west of SE 100th Ave. SE, if extended., from R-6 (six dwelling units per gross acre, King County zoning) to R-1 (One dwelling unit per net acre) zoning, Springbrook Terrace Annexation. **MOVED BY PARKER, SECONDED BY BRIERE, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL. ALL AYES. CARRIED.**

ORDINANCE #5449

Annexation: Springbrook Terrace, R-4 Zoning

An ordinance was read establishing the zoning classification of property annexed within the City of Renton for approximately 16.43 acres generally located immediately east of Talbot Rd. S., south of SE 194th Pl, if extended, and west of SE 100th Ave. SE, if extended., from R-6 (six dwelling units per gross acre, King County zoning) to R-4 (Four dwelling units per net acre) zoning, Springbrook Terrace Annexation. **MOVED BY PARKER, SECONDED BY BRIERE, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL. ALL AYES. CARRIED.**

NEW BUSINESS

Planning: Land Use
Application Expiration Date Extension

MOVED BY PARKER, SECONDED BY BRIERE, COUNCIL REFER THE TOPIC OF LAND USE AND SUBDIVISION TIMING (EXTENDING THE VALIDITY PERIOD AN ADDITIONAL TWO YEARS) FOR PERMIT APPLICATIONS TO THE PLANNING AND DEVELOPMENT COMMITTEE. CARRIED.

Citizen Comment: Kenyon - CROPWALK Fee Waiver Request

MOVED BY PERSSON, SECONDED BY TAYLOR, COUNCIL REFER THE LETTER (RECEIVED FROM SHARON KENYON, CROPWALK COORDINATOR) REQUESTING A WAIVER OF FEES FOR THE CROP HUNGER WALK (CROPWALK) SCHEDULED FOR MAY 3, 2009, TO THE FINANCE COMMITTEE. CARRIED.

Development Services:
Contractor Liability for Street Repairs/Maintenance

MOVED BY PALMER, SECONDED BY ZWICKER, COUNCIL REFER THE ORDINANCE REGARDING CONTRACTOR'S LIABILITY FOR MAINTENANCE CLEAN-UP ON STREET WORK TO THE TRANSPORTATION (AVIATION) COMMITTEE. CARRIED.

ADJOURNMENT

MOVED BY PARKER, SECONDED BY CORMAN, COUNCIL ADJOURN. CARRIED. Time: 7:48 p.m.

Bonnie I. Walton

Bonnie I. Walton, CMC, City Clerk

Recorder: Jason Seth
February 23, 2009

RENTON CITY COUNCIL COMMITTEE MEETING CALENDAR
Office of the City Clerk
COUNCIL COMMITTEE MEETINGS SCHEDULED AT CITY COUNCIL MEETING
February 23, 2009

COMMITTEE/CHAIRMAN	DATE/TIME	AGENDA
COUNCIL WORKSHOP/RETREAT	THURS., 2/26 8 a.m. - 5:00 p.m.	Budget; Annexation; Capital Project Priorities; Business Plan *Merrill Gardens at Renton Centre, 104 Burnett Ave. S.*
	FRI., 2/27 8 a.m. - 5:00 p.m.	Budget; Annexation; Capital Project Priorities; Business Plan *Merrill Gardens at Renton Centre, 104 Burnett Ave. S.*
COMMITTEE OF THE WHOLE (Corman)	MON., 3/2 6:00 p.m.	Renton School District Administration and Board Members - Meet & Greet *7th Floor Conferencing Center*
COMMUNITY SERVICES (Briere)	MON., 3/2 4:30 p.m.	Barbara Clark-Elliott Appointment to Advisory Committee on Diversity; Communities Count - 2008 King County Indicators (briefing only); Aquatics/Henry Moses Aquatic Center Rules (briefing only); Renton Walk-a-bout Introduction (briefing only)
FINANCE (Persson)	MON., 3/2 5:45 p.m.	Renton CROPWALK Fee Waiver Request
PLANNING & DEVELOPMENT (Parker)	THURS., 2/26	CANCELED
PUBLIC SAFETY (Taylor)	MON., 3/2	CANCELED
TRANSPORTATION (AVIATION) (Palmer)	THURS., 2/26	CANCELED
UTILITIES (Zwicker)	THURS., 2/26	CANCELED

NOTE: Committee of the Whole meetings are held in the Council Chambers unless otherwise noted.
All other committee meetings are held in the Council Conference Room unless otherwise noted.