



King County
Meeting Proceedings

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Metropolitan King County Council

Councilmembers: Dow Constantine, Chair;
Bob Ferguson, Vice Chair of Policy;
Jane Hague, Vice Chair for Administration and Finance;
Reagan Dunn, Larry Gossett, , Kathy Lambert, Julia Patterson, Larry
Phillips,
Pete von Reichbauer

Room 1001

March 16, 2009

11:00 AM

REVISED - Added Items 38-42

1. Call to Order

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The meeting was called to order at 11:09 a.m.

2. Roll Call

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Present: Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Phillips,
Mr. Gossett, Ms. Patterson and Mr. Dunn

3. Flag Salute and Pledge of Allegiance

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Ms. Patterson led the flag salute and Pledge of Allegiance.

4. Approval of Minutes of March 9, 2009

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*Mr. Phillips moved to approve the minutes of the March 9, 2009 meeting as presented. Seeing no
objection, the Chair so ordered.*

5. Additions to the Council Agenda

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Items 38-42 were added to the Council agenda

6. Reports on Special and Outside Committees

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*Ms. Patterson reported on the Puget Sound Regional Council Transportation Policy Board. She
indicated that staff from various agencies have been meeting to determine how to use funding from
the economic stimulus package. Members approved \$78 million in federal highway administration
funding and \$136 million in federal transit administration funding. King County has \$40 million to*

invest in its roads and \$87 million to invest in transit. Ms. Patterson shared with members a list of the different projects in the four county region.

Mr. Phillips complimented Councilmember Patterson for her leadership role in preparing our region.

Ms. Patterson briefed the Council on the Puget Sound Regional Council Executive Board. The Board gave its final approval of the distribution of the federal funds.

Ms. Patterson reported on Sound Transit. She shared a video on the opening of light rail to the airport. We are four months away from opening up central link and the entire link will be ready by December of this year.

Mr. Constantine commented on the Beacon Hill tunnel and its progress, as well as progress in Rainier Valley.

Mr. Phillips also made remarks.

Ms. Hague reported on the Eastside Transportation Partnership. The members approved the five projects that will be considered for PSRC funding. Members discussed tolling.

Motions, from Standing Committees and Regional Committees, for Council Action

Budget and Fiscal Management

7. [Proposed Substitute Motion No. 2008-0232.2](#)

Mr. Phillips

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A MOTION of the county council approving a bid for the county's Limited Tax General Obligation Bonds (Payable from Sewer Revenues), 2009, in the aggregate principal amount of \$300,000,000 and establishing certain terms of such bonds, all in accordance with Ordinance 16133.

The enacted number is 12944.

Pat Hamacher, Council staff, answered questions of the Council.

Ken Guy, Director, Office of Finance, answered questions of the Council.

Rob Shelley, Seattle Northwest Securities, answered questions of the Council.

David Thompson, Bond Counsel, K&L Preston Gates and Ellis LLP, answered questions of the Council.

A motion was made by Mr. Gossett that this matter be Passed. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips and Ms. Patterson

No: 0

Excused: 1 - Mr. Dunn

8. [Proposed Motion No. 2008-0277](#)

Mr. Ferguson

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A MOTION approving specifications for the provision of financial services, and authorizing the executive to seek bids for provision of those services.

The following people appeared to speak on 3/16/2009 :

Ann Erickson

Angel Emerson

The enacted number is 12945.

Pat Hamacher, Council staff, answered questions of the Council.

Mr. Phillips moved Amendment A1. The motion carried by the following vote:

*Votes: Yes: 8 - Mr. Constantine, Ms. Patterson, Mr. Gossett, Ms. Lambert,
Mr. Dunn, Mr. Phillips, Ms. Hague and Mr. von Reichbauer*

No: 0

Excused: 1 - Mr. Ferguson

A motion was made by Mr. Gossett that this matter be Passed as Amended. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips and Ms. Patterson

No: 0

Excused: 1 - Mr. Dunn

9. [Proposed Motion No. 2009-0150](#)**Mr. Gossett****[Play Video](#)**

A MOTION adopting the 2009 work program for the budget and fiscal management committee.

The enacted number is 12940.

A motion was made by Mr. Gossett that this matter be Passed. The motion carried by the following vote:

Votes: Yes: 7 - Mr. Constantine, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Ms. Patterson and Mr. Dunn

No: 0

Excused: 2 - Mr. Ferguson and Mr. Phillips

10. [Proposed Motion No. 2009-0152](#)**Mr. Gossett and Mr. Phillips****[Play Video](#)**

A MOTION identifying the department of transportation as the agency selected for biennial budgeting for the 2010-2011 biennium.

The enacted number is 12941.

A motion was made by Mr. Gossett that this matter be Passed. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn

No: 0

Excused: 1 - Mr. Ferguson

Physical Environment**11. [Proposed Motion No. 2009-0107](#)****Mr. Constantine****[Play Video](#)**

A MOTION approving the memorandum of understanding and attachments developed and agreed upon by King County, the cities of Burien and Seattle and King County Fire Districts 2 and 11 regarding the potential annexation of portions of the North Highline Potential Annexation Area to the cities of Seattle and Burien.

The enacted number is 12942.

Ms. Hague moved to relieve the Physical Environment Committee of further consideration of Proposed Motion 2009-0107 in order to take action. The motion carried.

Karen Freeman, Executive Office, answered questions of the Council.

A motion was made by Ms. Hague that this matter be Passed. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn

No: 0

Excused: 1 - Mr. Ferguson

Reappointment Consent Agenda Item 12

12. [Proposed Motion No. 2009-0197](#)

Mr. Ferguson

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A MOTION confirming the executive's reappointment of the Honorable David Baker, councilmember, city of Kenmore, who resides in council district one, to the King County solid waste advisory committee, representing local elected officials.

The enacted number is 12943.

This Matter was Passed on the Consent Agenda.

Passed The Consent Agenda

A motion was made by Ms. Hague that the Consent Agenda be passed. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn

No: 0

Excused: 1 - Mr. Ferguson

Hearing Examiner Consent Agenda Items 13-21

13. [Proposed Substitute Ordinance No. 2008-0529.2](#)

Ms. Patterson and Mr. Constantine

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AN ORDINANCE concurring with the recommendation of the hearing examiner to approve, subject to conditions, the application for public benefit rating system assessed valuation for open space submitted by David Brooks for property located at 29626 SE 82nd Street, Issaquah, WA 98027, designated department of natural resources and parks, water and land resources division file no. E08CT025.

The enacted number is 16381.

This Matter was Passed on the Consent Agenda.

14. [Proposed Substitute Ordinance No. 2008-0531.2](#)

Ms. Patterson and Mr. Constantine

AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by James and Lisa Nicol for property located at 29814 SE 392nd Street, Enumclaw, WA 98022, designated department of natural resources and parks, water and land resources division file no. E08CT027.

The enacted number is 16382.

This Matter was Passed on the Consent Agenda.

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15. **Proposed Substitute Ordinance No. 2008-0532.2** **Ms. Patterson and Mr. Constantine**
- AN ORDINANCE concurring with the recommendation of the hearing examiner to approve, subject to conditions, the application for public benefit rating system assessed valuation for open space submitted by LaDele and Brian Kilcup for property located at 21818 SE 424th Street, Enumclaw, WA 98022, designated department of natural resources and parks, water and land resources division file no. E08CT029.
- The enacted number is 16383.*
- This Matter was Passed on the Consent Agenda.**
16. **Proposed Substitute Ordinance No. 2008-0533.2** **Ms. Patterson and Mr. Constantine**
- AN ORDINANCE concurring with the recommendation of the hearing examiner to approve, subject to conditions, the application for public benefit rating system assessed valuation for open space submitted by James D. Hallum and Mary L. Laird for property located at 29318 and 29530 NE Cherry Valley Road, Duvall, WA 98019, designated department of natural resources and parks, water and land resources division file no. E08CT030.
- The enacted number is 16384.*
- This Matter was Passed on the Consent Agenda.**
17. **Proposed Substitute Ordinance No. 2008-0647.2** **Ms. Patterson and Mr. Constantine**
- AN ORDINANCE concurring with the recommendation of the hearing examiner to approve, subject to conditions, the application for public benefit rating system assessed valuation for open space submitted by Thomas Howatt for property located at 19828 SE 456th Way, Enumclaw, WA 98022, designated department of natural resources and parks, water and land resources division file no. E08CT032.
- The enacted number is 16385.*
- This Matter was Passed on the Consent Agenda.**
18. **Proposed Substitute Ordinance No. 2008-0648.2** **Ms. Patterson and Mr. Constantine**
- AN ORDINANCE concurring with the recommendation of the hearing examiner to approve, subject to conditions, the application for public benefit rating system assessed valuation for open space submitted by Richard and Alexis Kaplan for property located at 43012 SE 108th Street, North Bend, WA 98045, designated department of natural resources and parks, water and land resources division file no. E08CT033.
- The enacted number is 16386.*
- This Matter was Passed on the Consent Agenda.**

19. [Proposed Substitute Ordinance No. 2008-0650.2](#) **Ms. Patterson and Mr. Constantine**
- AN ORDINANCE concurring with the recommendation of the hearing examiner to approve, subject to conditions, the application for public benefit rating system assessed valuation for open space submitted by Nadija Lebed for property located at 1213 - 324th Way NE, Carnation, WA 98014, designated department of natural resources and parks, water and land resources division file no. E08CT036.
- The enacted number is 16387.*
- This Matter was Passed on the Consent Agenda.**
20. [Proposed Substitute Ordinance No. 2008-0651.2](#) **Ms. Patterson and Mr. Constantine**
- AN ORDINANCE approving an application for current use assessment for either public benefit rating system or timber land, or both, submitted by Kay Cogan for property located at 20420 NE 85th Street, Redmond, WA 98053, designated department of natural resources and parks, water and land resources division file no. E08CT037.
- The enacted number is 16388.*
- This Matter was Passed on the Consent Agenda.**
21. [Proposed Substitute Ordinance No. 2008-0652.2](#) **Ms. Patterson and Mr. Constantine**
- AN ORDINANCE concurring with the recommendation of the hearing examiner to approve, subject to conditions, the application for public benefit rating system assessed valuation for open space submitted by Tammy Ruther for property located at 40605 - 212th Avenue SE, Enumclaw, WA 98022, designated department of natural resources and parks, water and land resources division file no. E08CT038.
- The enacted number is 16389.*
- This Matter was Passed on the Consent Agenda.**

Passed The Consent Agenda

A motion was made by Ms. Hague that the Consent Agenda be passed. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn
No: 0
Excused: 1 - Mr. Ferguson

First Reading and Referral of Ordinances

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22. [Proposed Ordinance No. 2009-0116](#) **Mr. Constantine**
- AN ORDINANCE relating to reducing the greenhouse gas emissions from project and non-project actions subject to the state Environmental Policy Act; and adding new sections to K.C.C. chapter 20.44.
- Introduced and Referred to Physical Environment Committee**

23. **Proposed Ordinance No. 2009-0193** **Mr. Constantine and Mr. Gossett**
AN ORDINANCE relating to the Community Development Block Grant program, and to economic development and revitalization in unincorporated South King County, authorizing the King County executive to execute contracts, promissory notes and related documents for a \$5,250,000 and a \$1,000,000 Section 108 Loan Guarantee with the United States Department of Housing and Urban Development (HUD); authorizing the executive to execute an indenture of trust and custodial agreement with Bank of New York to manage and account for payments and repayment of the Section 108 Loan Guarantee with HUD; authorizing the executive to execute any assignments of collateral required by the HUD contracts; and pledging future Community Development Block Grant funds for the repayment of the principal and interest due the Department of Housing and Urban Development Fiscal Agent or Trustee, authorizing the executive to execute a collateral agency agreement with White Center Investment Fund, LLC, as required by HUD, to enforce security rights and assure completion of the project and compliance with federal requirements; authorizing the executive to execute a loan agreement and related documents with the White Center Square Investment Fund, LLC to provide equity financing for the construction of a multi-tenant retail/office plaza; and authorizing the executive to execute a Standstill and Subordination Agreement with equity investor Vong Brothers, LLC, to increase the security of King County's Loan to the White Center Investment Fund, LLC.
Introduced and Referred to Budget and Fiscal Management Committee
24. **Proposed Ordinance No. 2009-0194** **Mr. Constantine and Mr. Gossett**
An ORDINANCE adopting 2009 amendments to the King County Consortium Consolidated Housing and Community Development Plan for 2005-2009.
Introduced and Referred to Budget and Fiscal Management Committee
25. **Proposed Ordinance No. 2009-0199** **Ms. Hague**
AN ORDINANCE relating to Bow Lake transfer station access; authorizing the director of the solid waste division of the department of natural resources and parks to modify access to the county's Bow Lake transfer station for users who have not established monthly accounts, in order to facilitate the efficient and cost-effective construction of a replacement transfer station on the site.
Introduced and Referred to Physical Environment Committee
26. **Proposed Ordinance No. 2009-0200** **Ms. Hague, Mr. Phillips and Ms. Lambert**
AN ORDINANCE relating to the management of solid waste, and implementing an emergency storm debris voucher program; and amending Ordinance 800, Section 5, as amended, and K.C.C. 10.12.050.
Introduced and Referred to Physical Environment Committee
27. **Proposed Ordinance No. 2009-0201** **Mr. von Reichbauer**
AN ORDINANCE relating to the regional policy committee; establishing the subject matters for the 2009 work program for the regional policy committee.
Introduced and Referred to Committee of the Whole

First Reading and Referral of Motions

28. [Proposed Motion No. 2009-0184](#)

Mr. Dunn

A MOTION confirming the executive's appointment of Jerry Hardebeck who resides in council district nine, to the King County solid waste advisory committee, to fill interested citizen number 13 position.

Introduced and Referred to Physical Environment Committee

29. [Proposed Motion No. 2009-0198](#)

Mr. Dunn

A MOTION confirming the executive's appointment of Sean Kronberg, who resides in council district nine, to the King County solid waste advisory committee, to fill the interested citizen number 4 position.

Introduced and Referred to Physical Environment Committee

30. [Proposed Motion No. 2009-0202](#)

Mr. Constantine and Mr. Phillips

A MOTION affirming King County's commitment to fair, open and competitive procurement practices.

Introduced and Referred to Government Accountability and Oversight Committee

31. [Proposed Motion No. 2009-0203](#)

Mr. Dunn and Mr. Phillips

A MOTION authorizing the chair of the council to amend a contract for an independent consultant to provide key technical analysis expanding the scope of the King County auditor's office performance audit of King County Metro Transit.

Introduced and Referred to Government Accountability and Oversight Committee

32. Recess

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The meeting was recessed at 12:00 p.m.

The meeting was reconvened at 3:06 p.m.

Hearings and Second Reading of Ordinances from Standing Committees and Regional Committees

Budget and Fiscal Management

33. [Proposed Ordinance No. 2008-0593](#)

Ms. Hague

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AN ORDINANCE making a supplemental appropriation of \$6,289,049 to the building repair and replacement fund for the purpose of implementing a contract with McKinstry Essention for a series of facility energy improvements, the most significant of which is to provide local boilers in the courthouse and King County Correctional Facility, and providing for the costs of overseeing the delivery of the improvements and department of adult and juvenile detention escort; and amending the 2008 Budget Ordinance, Ordinance 15975, Section 130, as amended, and Attachment B, as amended.

On 3/16/2009, a public hearing was held and closed.

The following people appeared to speak on 3/16/2009 :

Mike Dean
Robert Johnson
Michael Stachowiak
Ron Fues

The enacted number is 16390.

Wendy Soo Hoo, Council staff, answered questions of the Council.

Mr. Gossett moved Amendment S1. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Ms. Patterson, Mr. Gossett, Ms. Lambert, Mr. Ferguson, Mr. Phillips, Ms. Hague and Mr. von Reichbauer

No: 0

Excused: 1 - Mr. Dunn

Mr. Gossett moved Title Amendment T1. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Ms. Patterson, Mr. Gossett, Ms. Lambert, Mr. Ferguson, Mr. Phillips, Ms. Hague and Mr. von Reichbauer

No: 0

Excused: 1 - Mr. Dunn

A motion was made by Mr. Gossett that this matter be Passed as Amended. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips and Ms. Patterson

No: 0

Excused: 1 - Mr. Dunn

34. [Proposed Substitute Ordinance No. 2009-0130.2](#) Mr. Ferguson, Mr. Dunn and Ms. Lambert

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AN ORDINANCE increasing transparency and oversight in public policy making as it relates to budget appropriation ordinances and the annual budget; making technical corrections; and amending Ordinance 12076, Section 3, as amended, and K.C.C. 4.04.030 and Ordinance 12045, Section 23, as amended, and K.C.C. 4.04.040 and adding a new section to K.C.C. chapter 4.04.

On request of Mr. Ferguson, Proposed Substitute Ordinance 2009-0130 is deferred until the March 23, 2009 Council meeting.

Deferred

35. [Proposed Substitute Ordinance No. 2009-0157.2](#) Mr. Gossett and Mr. Phillips

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AN ORDINANCE relating to the forecast council; amending Ordinance 12014, Section 5, as amended, and K.C.C. 3.12.010, Ordinance 12076, Section 3, as amended, and K.C.C. 4.04.030 and Ordinance 12045, Section 23, as amended, and K.C.C. 4.04.040 and adding a new chapter to K.C.C. Title 2.

On 3/16/2009, a public hearing was held and closed.

The enacted number is 16391.

Mr. Gossett moved Amendment S1.

Amy Tsai, Council staff, answered questions of the Council.

Mr. Gossett's motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Mr. Gossett, Ms. Lambert, Mr. Ferguson,

Mr. Phillips, Ms. Hague, Ms. Patterson and Mr. von Reichbauer

No: 0

Excused: 1 - Mr. Dunn

Mr. Gossett moved Title Amendment T1. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Mr. Gossett, Ms. Lambert, Mr. Ferguson,

Mr. Phillips, Ms. Hague, Ms. Patterson and Mr. von Reichbauer

No: 0

Excused: 1 - Mr. Dunn

A motion was made by Mr. Gossett that this matter be Passed as Amended. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips and Ms. Patterson

No: 0

Excused: 1 - Mr. Dunn

Physical Environment

36. **Proposed Ordinance No. 2009-0153**

**Ms. Patterson, Mr. Phillips, Mr.
Constantine, Ms. Hague and Mr.
Ferguson**

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AN ORDINANCE related to fertilizers containing phosphorus; and adding a new chapter to K.C.C. Title 9.

On 3/16/2009, a public hearing was held and closed.

The enacted number is 16392.

Ms. Hague moved to relieve the Physical Environment Committee of further consideration of Proposed Ordinance 2009-0153 in order to take action. The motion carried.

A motion was made by Ms. Hague that this matter be Passed. The motion carried by the following vote:

Votes: Yes: 8 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. von Reichbauer, Mr. Gossett, Mr. Phillips and Ms. Patterson
No: 0
Excused: 1 - Mr. Dunn

Other Business

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Mr. von Reichbauer asked the Chair for a moment of silence regarding the death of former King County employee, Barbara Nettlebeck.

Land Use Appeal

37. **Proposed Substitute Ordinance No.
2008-0390.2**

Ms. Patterson and Mr. Constantine

AN ORDINANCE concurring with the recommendation of the hearing examiner to deny reclassification of certain property located at 23612 Military Road South, Postal City Kent, as described in department of development and environmental services file no. L08TY401, from I, Industrial (with P-suffix condition limiting use of the property) to I, Industrial, at the request of Kent West LLC (Kirk Hiller).

Jim O'Connor, Hearing Examiner, summarized his appeal arguments.

Kirk Hiller, Appellant, spoke and asked the Council to view a visual.

Darren Carnell, Prosecuting Attorney's Office, answered questions of the Council.

After review by the Hearing Examiner, the Chair denied acceptance of the visual as part of Mr. Hiller's presentation.

Rick Bautista, Council staff, answered questions of the Council.

On request of Mr. von Reichbauer, the Chair deferred Proposed Substitute Ordinance 2008-0390 until the March 23, 2009 Council meeting.

Deferred

Employment Committee Consent Agenda - Items 38-42**38. Approval of Producer/Reporter Position Description in KCTV**

A motion was made by Ms. Hague that this matter be passed. The motion carried by the following vote:

Votes: Yes: 7 - Mr. Constantine, Mr. Gossett, Ms. Lambert, Mr. Ferguson, Ms. Patterson, Ms. Hague and Mr. von Reichbauer

No: 0

Excused: 2 - Mr. Dunn and Mr. Phillips

39. Approval of a revised Position Description for Government Relations Assistant

A motion was made by Ms. Hague that this matter be passed. The motion carried by the following vote:

Votes: Yes: 7 - Mr. Constantine, Mr. Gossett, Ms. Lambert, Mr. Ferguson, Ms. Patterson, Ms. Hague and Mr. von Reichbauer

No: 0

Excused: 2 - Mr. Dunn and Mr. Phillips

40. Approval of a Position Description for Human Resources/Administrative Services Coordinator

A motion was made by Ms. Hague that this matter be passed. The motion carried by the following vote:

Votes: Yes: 7 - Mr. Constantine, Mr. Gossett, Ms. Lambert, Mr. Ferguson, Ms. Patterson, Ms. Hague and Mr. von Reichbauer

No: 0

Excused: 2 - Mr. Dunn and Mr. Phillips

41. Approval of a Position Description for Administrative Services Technician

A motion was made by Ms. Hague that this matter be passed. The motion carried by the following vote:

Votes: Yes: 7 - Mr. Constantine, Mr. Gossett, Ms. Lambert, Mr. Ferguson, Ms. Patterson, Ms. Hague and Mr. von Reichbauer

No: 0

Excused: 2 - Mr. Dunn and Mr. Phillips

42. Approval of a revised Position Description for Accounting Technician

A motion was made by Ms. Hague that this matter be passed. The motion carried by the following vote:

Votes: Yes: 7 - Mr. Constantine, Mr. Gossett, Ms. Lambert, Mr. Ferguson, Ms. Patterson, Ms. Hague and Mr. von Reichbauer

No: 0

Excused: 2 - Mr. Dunn and Mr. Phillips

Adjournment

The meeting was adjourned at 4:32 p.m.

Approved this _____ day of _____.

Clerk's Signature