CALL TO ORDER

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

ROLL CALL OF COUNCILMEMBERS

TERRI BRIERE, Council President; DENIS LAW; DAN CLAWSON; TONI NELSON; RANDY CORMAN; DON PERSSON; MARCIE PALMER.

CITY STAFF IN ATTENDANCE

KATHY KEOLKER-WHEELER, Mayor; JAY COVINGTON, Chief Administrative Officer; LAWRENCE J. WARREN, City Attorney; BONNIE WALTON, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; SANDRA MEYER, Transportation Systems Director; KAREN MCFARLAND, Engineering Specialist; MICHAEL BAILEY, Finance and Information Services Administrator; DON ERICKSON, Senior Planner; LINDA HERZOG, Interim Assistant to the CAO; COMMANDER KENT CURRY, Police Department.

PROCLAMATION

Make a Difference Day - October 22, 2005

A proclamation by Mayor Keolker-Wheeler was read declaring October 22, 2005, to be "Make A Difference Day" in the City of Renton, urging fellow citizens to observe this day by connecting with friends, fellow employees, and relatives, and with religious, school, and civic groups to engage in projects benefiting the community. MOVED BY LAW, SECONDED BY NELSON, COUNCIL CONCUR IN THE PROCLAMATION AS READ. CARRIED.

PUBLIC MEETING

Council: Initiative 912 (Motor Vehicle Fuel Taxes Repeal)

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Keolker-Wheeler opened the public meeting to consider State Initiative 912 concerning motor vehicle fuel taxes and transportation infrastructure, which will be on the November ballot. Gregg Zimmerman, Planning/Building/Public Works Administrator, reported that following his summary presentation on I-912, Dave Warner will present the "no" position on the initiative, and Wynn Cannon will present the "yes" position.

Mr. Zimmerman stated that earlier this year, the State Legislature approved the Transportation Partnership Act (TPA), a 16-year expenditure plan to address transportation needs that is funded mostly by a phased-in 9.5-cent-per-gallon gas tax increase. He explained that I-912, which repeals this gas tax, eliminates $5.475 billion in fuel taxes and net bond proceeds, which is 60% to 80% of the funding for approximately 265 new transportation projects specified by the Legislature. Approximately $562 million for local government transportation projects over 16 years will also be eliminated. He noted that I-912 does not affect scheduled increases in the State tax on diesel fuel.

Continuing, Mr. Zimmerman reviewed some of the larger regional projects in and around the Renton area to be funded through the TPA, including improvements to I-405 from SR-167 to SR-169, NE 44th St. to 112th Ave. SE, I-5 to West Valley Hwy., and the interchange at Talbot Rd. Local projects, estimated to receive $1.3 million in new fuel tax revenue over six years, include the SW 27th St./Strander Blvd. connection, Rainier Ave. and Hardie Ave. improvements, and the NE 3rd and 4th Street Corridor. Major regional projects include the SR-99/Alaskan Way Viaduct, SR-520 Bridge replacement, I-405 Corridor improvements (total), and bridge seismic retrofit. Mr. Zimmerman
indicated that in addition to the transportation projects, the gas tax also funds grants for small city pavement programs, safe routes to schools, and pedestrian and bicycle safety.

Mr. Zimmerman concluded that if I-912 is approved, the four step increases in the motor vehicle fuel tax enacted during the 2005 State legislative session will be repealed. Taxes will return to the pre-2005 rate, and revenue for the anticipated increase will not be available for the earmarked transportation projects.

Dave Warner, Transportation Engineer with a private firm and spokesman for the No on 912 Committee, pointed out that the transportation projects (nickel projects) funded by the five-cent-per-gallon gas tax enacted in 2003 show that the Washington State Department of Transportation (WSDOT) is accountable. Currently, 26 projects are under construction, eight were completed early, four were completed on time, and one was completed late. Additionally, the 2003 to 2005 budget cycle finished 349 construction projects, which were completed 10% below budget. He emphasized the accountability measures the TPA has in place, such as the quarterly progress reports and the transportation performance audit board, and pointed out that the cost, cash flow, and construction start times for the projects have been identified.

Mr. Warner reported that Statewide, approximately 90% of the projects from the TPA program will be completed. Of those projects, there are over 200 at-risk structures that will be replaced or retrofitted. He indicated that this region is at high risk for natural disasters, and many projects will address those risks, as well as safety issues. Congestion relief and freight mobility projects are also planned. Mr. Warner reviewed the funding for the Alaskan Way Viaduct and SR-520 floating bridge projects, and noted that some improvements will be funded through another upcoming regional package proposal by the Regional Transportation Investment District (RTID).

Mr. Warner stated that over the next 16 years, Renton will take in over $4.3 million dollars for transportation improvements through the TPA. In conclusion, he emphasized that WSDOT will continue to be accountable, and that the transportation projects will be completed.

Wynn Cannon, member of the Steering Committee for Initiative 912 and chairman of the League of Washington Taxpayers, stated his concerns regarding the lack of plans for many of the earmarked transportation projects. Pointing out that there is no completion guarantee for any of the projects, he said money from the tax increases is not legally required to be spent on a single project. Therefore, the projects should not be viewed as projects that will be completed, but as projects that will potentially be cut.

Mr. Cannon indicated that projects such as the Alaskan Way Viaduct and the SR-520 floating bridge lack clear plans, and stressed that a finished plan must come before the funding. He noted the funding package that Sound Transit plans on presenting to voters, and pointed out that the five-cent gas tax should have addressed US Highway 12, SR-9, and US 395 safety improvements. Mr. Cannon also noted that the RTID funding package proposal will increase taxes for continued funding of the underfunded TPA program. He stated that the underfunding will require a large tax increase of some type.

Continuing, Mr. Cannon said the primary transportation problem is congestion, which is not addressed in the TPA program. He emphasized that the State of
Washington is fortunate to have an initiative process, and expressed his concerns regarding the way the TPA legislation was written and presented. Mr. Cannon predicted that the transportation revenue bill enacted to increase the fuel tax will be defeated. He concluded that a plan is needed before the money is spent.

Councilman Clawson pointed out some of the problems Renton faces in regards to traffic congestion, and asked Mr. Cannon how transportation projects should be funded and if he would support an initiative that calls for a higher gas tax to fund projects. Mr. Cannon stated that taxpayers want a plan that is clearly defined, and he would support an increased gas tax when he sees what the gas tax is going to provide for the State.

Public comment was invited. There being none, it was MOVED BY PERSSON, SECONDED BY PALMER, COUNCIL CLOSE THE PUBLIC MEETING. CARRIED.

Council discussion ensued during which Councilmembers Briere, Palmer, Persson, Corman, Clawson, and Law expressed their opposition to I-912. MOVED BY BRIERE, SECONDED BY CORMAN, COUNCIL ADOPT A RESOLUTION STATING ITS OPPOSITION TO I-912. CARRIED. (See page 360 for resolution.)

PUBLIC HEARINGS

Annexation: Park Terrace, SE 112th Pl & Anacortes Ave NE

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Keolker-Wheeler reopened the public hearing continued from 10/3/2005, to consider the proposed expanded annexation and zoning of 80 acres located generally between SE 112th Pl. on the north and NE 6th Pl. on the south, and between 136th Ave. SE on the west and 144th Ave. SE, if extended, on the east (Park Terrace).

Don Erickson, Senior Planner, explained that the public hearing was continued to allow a 30-day separation between the first public hearing (held 9/12/2005) on the zoning of the expanded site, and the second public hearing at which action can be taken on the matter.

Public comment was invited. There being none, it was MOVED BY NELSON, SECONDED BY CLAWSON, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED.

MOVED BY CLAWSON, SECONDED BY LAW, COUNCIL: HOLD THE FIRST READING OF THE ORDINANCE ANNEXING THE 80-ACRE PARK TERRACE EXPANDED SITE, HOLD THE FIRST READING OF THE ORDINANCE REZONING 3.4 ACRES TO RENTON'S R-10 ZONE, AND HOLD THE FIRST READING OF THE ORDINANCE REZONING 63 ACRES TO RENTON'S R-8 ZONE. CARRIED. (See page 360 for ordinances.)

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

This being the date set and proper notices having been posted and published in accordance with local and State laws, Mayor Keolker-Wheeler opened the public hearing to consider the petition to vacate an unopened portion of Aberdeen Ave. NE right-of-way, 30 feet in width and 255 feet in length, located south of NE 40th St. at Monterey Pl. NE. (Ron G. Dohrn; VAC-05-003).

Karen McFarland, Engineering Specialist, stated that pursuant to State and City Code, more than two-thirds of the abutting property owners must sign the vacation petition. In this case, 100% of the abutting owners have signed the petition. She pointed out that the City does not own any facilities in the right-of-way, and that Coal Creek Utility District owns an eight-inch water line in the
Ms. McFarland explained that the petitioner seeks this vacation in association with the proposed Dohrn Short Plat to reduce the limitations on development of the site, and to reduce future congestion. Additionally, the petitioner contends that development of the right-of-way into a road will unnecessarily duplicate the access provided by 113th Ave. SE.

Since this right-of-way is undeveloped, Ms. McFarland stated that City Code does not require special notification to property owners in the vicinity; however, three City of Newcastle property owners to the east of the site were notified. She reported that the vacation petition received no objections when circulated to City department and outside agencies. Planning/Building/Public Works Department staff recommends that the vacation be approved, subject to Coal Creek Utility District receiving any necessary easements.

Public comment was invited.

Ron Dohrn, 3767 Monterey Pl. NE, Renton, 98056, introduced himself as the petitioner, and asked Council to approve the vacation.

Mark Shinn, 8529 113th Ave. SE, Newcastle, 98056, thanked City staff for explaining the vacation process to him, and inquired as to why he was not asked to sign the petition since his property abuts the vacation area.

City Attorney Larry Warren explained that when the City owns a right-of-way, it does not own the underlying fee interest in the property. The fee interest remains with the original dedicating owner. He stated that in this instance, the full vacation area came from one dedication, and the party that dedicated the property still owns the underlying fee. Therefore, the property dedicator is 100% of the abutting property owners to this particular vacation. Mr. Warren added that when the property is vacated, all of the property will go to the underlying fee owner.

Additionally, Mr. Shinn asked that the surrounding property owners be informed of the future development.

James Toole, 11505 SE 85th Lane, Newcastle, 98056, commended City staff for helping him understand the vacation process. Pointing out that his property abuts the vacation area, Mr. Toole indicated that he does not want a street behind his property. He urged Council to approve the vacation.

Mary Toole, 11505 SE 85th Lane, Newcastle, 98056, spoke in favor of the street vacation, saying that she does not want the subject property to be a street.

There being no further public comment, it was MOVED BY LAW, SECONDED BY PERSSON, COUNCIL CLOSE THE PUBLIC HEARING. CARRIED.

MOVED BY CLAWSON, SECONDED BY LAW, COUNCIL APPROVE THE STREET VACATION REQUEST SUBJECT TO THE PETITIONER PROVIDING SATISFACTORY PROOF THAT COAL CREEK UTILITY DISTRICT HAS RECEIVED AND IS SATISFIED WITH ANY EASEMENTS NECESSARY TO PROTECT ITS FACILITIES IN THE VACATION AREA. CARRIED.

Chief Administrative Officer Jay 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 2005 and beyond. Items noted included:
The Annual "Boo Carnival" will be held on October 29th at the Renton Community Center for children ages eight and under, and the Annual Renton Senior Activity Center Craft Bazaar will also be held on October 29th at the Senior Center.

Washington State Department of Transportation will host an open house related to the Renton I-405 Nickel Improvement Project on November 1st at the Renton High School Commons.

Sound Transit: Sound Move Funding for Two Renton Projects

Mr. Covington reported that the Sound Transit Board met on October 13th, and approved the change to Sound Move that will provide Renton with a $19 million funding contribution for two City of Renton projects: $15 million for the Rainier/Hardie Ave. Corridor improvements and $4 million for the SW 27th St./Strander Blvd. connection. This funding approval is the culmination of extensive negotiations with Sound Transit initiated by Mayor Keolker-Wheeler and Sound Transit Board members, and with the participation of Renton City Councilmembers Palmer and Persson.

Mayor Keolker-Wheeler expressed her appreciation to Mr. Covington and to Planning/Building/Public Works Administrator Gregg Zimmerman and his staff for their efforts in obtaining the funding from Sound Transit.

CONSENT AGENDA

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

Council Meeting Minutes of 10/10/2005


Vacation: Lyons Ave NE, Bales, VAC-04-002

City Clerk reported receipt of $13,100 compensation paid by petitioner, as set by Council on 7/11/2005, and recommended adoption of an ordinance to finalize the Robin Bales vacation of a portion of Lyons Ave. NE, south of NE 4th St. (VAC-04-002). Council concur. (See page 360 for ordinance.)

Vacation: N 14th St, Pool Brothers Construction, VAC-05-001

City Clerk reported receipt of $21,285 compensation paid by petitioner, as set by Council on 7/11/2005, and recommended adoption of an ordinance to finalize the Pool Brothers Construction, LLC vacation of a portion of N. 14th St., east of Lake Washington Blvd. N. and Gene Coulon Memorial Beach Park (VAC-05-001). Council concur. (See page 361 for ordinance.)

City Clerk: Quarterly Contract List, 7/2005 to 9/2005

City Clerk submitted Quarterly Contract List for period of 7/1/2005 to 9/30/2005; 56 contracts and 16 addenda totaling $8,700,156.66. Information.

Community Services: Long Range Parks, Recreation, Open Space & Trails Plan, MIG Inc

Community Services Department recommended approval of an agreement with MIG, Inc. in the amount of $50,000 to update the Long Range Parks, Recreation, Open Space and Trails Plan. Council concur.

Annexation: Querin II, Hoquiam Ave NE

Economic Development, Neighborhoods and Strategic Planning Department submitted 60% Notice of Intent to annex petition for the proposed Querin II Annexation and recommended a public hearing be set on 11/7/2005 to consider the petition and R-8 zoning; 7.18 acres located between Hoquiam Ave. NE on the west and 144th Ave. SE, if extended, on the east, south of SE 112th St. Council concur.

Planning: Boeing Subdistrict 1B Conceptual Plan

Economic Development, Neighborhoods and Strategic Planning Department recommended approval, with conditions, of Boeing's Subdistrict 1B Conceptual Plan for a second phase of redevelopment of surplus property located south of N. 8th St. and east of Logan Ave. N. Refer to Committee of the Whole; set public hearing on 11/7/2005.
Legal: Penalty Provisions
Clarification in City Code
Legal Division requested the emergency adoption of an ordinance clarifying penalty provisions in Title IV, Title V and Title IX of City Code. Council concur. (See page 361 for ordinance.)

CAG: 03-151, Duvall Ave NE Improvements King County Portion, Berger/Abam Engineers
Transportation Systems Division requested approval of Supplemental Agreement No. 3 to CAG-03-151, agreement with Berger/Abam Engineers, Inc. for design services in the amount of $85,409 for the King County portion of the Duvall Ave. NE Widening Project. (King County will reimburse the City for the additional costs.) Council concur.

Public Works: WRIA 9 Salmon Habitat Plan
Utility Systems Division recommended approval of the WRIA 9 Salmon Habitat Plan entitled "Green/Duwamish and Central Puget Sound Watershed, Water Resource Inventory Area 9 Salmon Habitat Plan, Making our Watershed Fit for a King." Council concur. (See page 360 for resolution.)

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

UNFINISHED BUSINESS
Committee of the Whole
Council: 2006 Legislative Priorities
Council President Briere presented a Committee of the Whole report regarding Renton's 2006 legislative priorities. The Committee concurred with the recommendation of the Administration to adopt the 2006 legislative priorities as presented. Topics include municipal finance, transportation funding, economic development and annexation tools, land use, law enforcement, and the Growth Management Act. The Council further authorized the Administration to work with other agencies and the State Legislature regarding these issues and initiatives on its behalf. MOVED BY BRIERE, SECONDED BY LAW, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Transportation (Aviation) Committee
Franchise: Sprint Communications, Fiber Optic Communication Facilities
Transportation (Aviation) Committee Chair Palmer presented a report recommending concurrence in the staff recommendation to approve the Sprint Communications Company L.P. Master Use Agreement, which will generate revenue of $3,000 annually over the proposed ten-year term. Sprint Communications, a telecommunications provider and carrier, requested the master use agreement, and plans to build a lateral fiber route from their backbone system in Tukwila to their switch site located at 1415 Maple Ave. SW in Renton. The build is for Sprint's own corporate use. Conduit and fiber will be installed underground using conventional trenching, horizontal boring, and directional drilling methods. City Code encourages telecommunications services such as this to promote competition and provide advanced services on the widest possible basis to businesses, institutions, and residences of the City for the future.

The Committee further recommended that the master use agreement ordinance be presented for reading. MOVED BY PALMER, SECONDED BY PERSSON, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 361 for ordinance.)

RESOLUTIONS AND ORDINANCES
Resolution #3776
Public Works: WRIA 9 Salmon Habitat Plan
The following resolutions were presented for reading and adoption:

The following resolutions were presented for reading and adoption:

A resolution was read ratifying the "Water Resource Inventory Area 9 Salmon Habitat Plan, Making our Watershed Fit for a King." MOVED BY CLAWSON, SECONDED BY CORMAN, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.
### Added Resolution #3777

**Council: Initiative 912 (Motor Vehicle Fuel Taxes Repeal)**

A resolution was read stating the City Council's opposition to Washington State Initiative 912, which would repeal the 9.5-cent motor vehicle fuel tax (gas tax) rate increase, enacted by the Washington State Legislature during the 2005 Legislative Session, for Statewide transportation and public safety purposes, and urging voters to vote "no" on this initiative on 11/8/2005. MOVED BY BRIERE, SECONDED BY CORMAN, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.

The following ordinances were presented for first reading and referred to the Council meeting of 10/24/2005 for second and final reading:

<table>
<thead>
<tr>
<th>Ordinance Type</th>
<th>Details</th>
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<tr>
<td>Annexation: Park Terrace, SE 112th Pl &amp; Anacortes Ave NE</td>
<td>An ordinance was read annexing approximately 80 acres located east of Anacortes Ave. NE, if extended, south of SE 112th St., if extended, north of SE 122nd St., if extended, and west of Hoquiam Ave. NE, if extended (Park Terrace Annexation). MOVED BY CLAWSON, SECONDED BY CORMAN, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 10/24/2005. CARRIED.</td>
</tr>
<tr>
<td>Annexation: Park Terrace, R-8 Zoning</td>
<td>An ordinance was read establishing the zoning classification for approximately 63 acres of property annexed within the City of Renton generally located south of SE 112th St., if extended, and east of Anacortes Ave. NE, if extended, north of SE 122nd St., if extended, and west of 144th Ave. SE, if extended from R-4 (Urban Residential - four dwelling units per acre; King County zoning), R-6 (Urban Residential - six dwelling units per acre; King County zoning), and R-8 (Urban Residential - eight dwelling units per acre; King County zoning) to R-8 (eight dwelling units per net acre) zoning; Park Terrace Annexation. MOVED BY CLAWSON, SECONDED BY CORMAN, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 10/24/2005. CARRIED.</td>
</tr>
<tr>
<td>Annexation: Park Terrace, R-10 Zoning</td>
<td>An ordinance was read establishing the zoning classification for approximately 3.4 acres of property annexed within the City of Renton generally located south of SE 113th St., if extended, and west of Duvall Ave. NE, if extended from R-6 (Urban Residential - six dwelling units per acre; King County zoning) to R-10 (eight dwelling units per net acre) zoning; Park Terrace Annexation. MOVED BY CLAWSON, SECONDED BY BRIERE, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 10/24/2005. CARRIED.</td>
</tr>
<tr>
<td>Vacation: Lyons Ave NE, Bales, VAC-04-002</td>
<td>An ordinance was read vacating a portion of Lyons Ave. NE, located approximately 144 feet south of NE 4th St., on the westerly half of the road, for a distance of approximately 100 feet (Steve Beck &amp; Core Design [Bales]; VAC-04-002). MOVED BY CLAWSON, SECONDED BY BRIERE, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 10/24/2005. CARRIED.</td>
</tr>
<tr>
<td>Vacation: N 14th St, Pool Brothers Construction, VAC-05-001</td>
<td>An ordinance was read vacating a portion of N. 14th St., located east of Lake Washington Blvd. N. and Gene Coulon Memorial Beach Park (Pool Brothers Construction, LLC; VAC-05-001). MOVED BY CLAWSON, SECONDED BY BRIERE, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 10/24/2005. CARRIED.</td>
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</table>

The following ordinance was presented for first reading and advanced for second and final reading:
Legal: Penalty Provisions
Clarification in City Code

An ordinance was read repealing Section 1-3-2.C.1 of Chapter 3, Remedies and Penalties, of Title I (Administrative); and amending Chapters 4-2 through 4-7, 4-9, and 4-10 of Title IV (Development Regulations); Chapter 5-13 of Title V (Finance and Business Regulations); and Chapters 9-10, 9-13, and 9-15 of Title IX (Public Ways and Property) of City Code by clarifying the penalty provisions for violations of City Code, and declaring an emergency. MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL ADVANCE THE ORDINANCE FOR SECOND AND FINAL READING. CARRIED.

Ordinance #5159
Legal: Penalty Provisions
Clarification in City Code

Following second and final reading of the above ordinance, it was MOVED BY BRIERE, SECONDED BY LAW, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

The following ordinance was presented for second and final reading and adoption:

Ordinance #5160
Franchise: Sprint Communications, Fiber Optic Communication Facilities

An ordinance was read granting unto Sprint Communications Company L.P., a Delaware Limited Partnership, its successors and assigns, the right, privilege, authority and master use agreement to install telecommunication facilities together with appurtenances thereto, upon, over, under, along, across the streets, avenues and alleys of the City of Renton within City right-of-way and public properties of the City. MOVED BY PALMER, SECONDED BY PERSSON, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.

NEW BUSINESS
Budget: Funds

MOVED BY PERSSON, SECONDED BY CORMAN, COUNCIL REFER THE ISSUE OF THE NUMBER OF FUNDS IN THE BUDGET TO THE FINANCE COMMITTEE. CARRIED.

Airport: Leasing Policy

MOVED BY PALMER, SECONDED BY CORMAN, COUNCIL REFER THE AIRPORT LEASING POLICY TO THE TRANSPORTATION (AVIATION) COMMITTEE. CARRIED.

ADJOURNMENT

MOVED BY NELSON, SECONDED BY PERSSON, COUNCIL ADJOURN. CARRIED. Time: 8:42 p.m.

Bonnie I. Walton, CMC, City Clerk

Recorder: Michele Neumann
October 17, 2005