

RENTON CITY COUNCIL
Regular Meeting

November 5, 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; TERRI BRIERE; MARCIE PALMER; DON PERSSON; RANDY CORMAN.

**CITY STAFF IN
ATTENDANCE**

KATHY KEOLKER, Mayor; JAY COVINGTON, Chief Administrative Officer; LAWRENCE J. WARREN, City Attorney; BONNIE WALTON, City Clerk; GREGG ZIMMERMAN, Planning/Building/Public Works Administrator; TERRY HIGASHIYAMA, Community Services Administrator; ALEX PIETSCH, Economic Development Administrator; SUZANNE DALE ESTEY, Economic Development Director; DON ERICKSON, Senior Planner; MICHAEL BAILEY, Finance and Information Services Administrator; LINDA PARKS, Fiscal Services Director; MARTY WINE, Assistant CAO; PREETI SHRIDHAR, Communications Director; CHIEF I. DAVID DANIELS, DEPUTY CHIEF ROBERT VAN HORNE, and EMERGENCY MANAGEMENT DIRECTOR DEBORAH NEEDHAM; Fire Department; CHIEF KEVIN MILOSEVICH, DEPUTY CHIEF TIM TROXEL, and COMMANDER KATIE MCCLINCY, Police Department.

PROCLAMATIONS

Key Club Week - November 5 to 9, 2007

A proclamation by Mayor Keolker was read declaring November 5 to 9, 2007, to be "Key Club Week" in the City of Renton and encouraging all citizens to join in honoring local Key Club members who are preparing themselves to be better, more responsible citizens as they provide meaningful service to the community. MOVED BY CLAWSON, SECONDED BY NELSON, COUNCIL CONCUR IN THE PROCLAMATION. CARRIED.

Lindbergh High School Key Club President Alaska McGann, Renton High School Key Club President Dustin Dacuan, and Renton Kiwanis Club President Roxanne Hanson accepted the proclamation with appreciation.

Renton Eagle Day - November 17, 2007

A proclamation by Mayor Keolker was read declaring November 17, 2007, to be "Renton Eagle Day" in the City of Renton and encouraging all citizens to join in this special observance, as the Renton Eagles is celebrating its 100th anniversary and inspires its members to serve the community with a motto of "People Helping People." MOVED BY NELSON, SECONDED BY BRIERE, COUNCIL CONCUR IN THE PROCLAMATION. CARRIED.

Renton Eagles Trustee Rod Stewart and Renton Eagles Worthy Manager and Secretary Terry Francis accepted the proclamation with appreciation.

SPECIAL PRESENTATION
AJLS: Mayor's Presentation of
2008 Budget

Mayor Keolker presented her proposed City of Renton 2008 Budget to Renton citizens and members of the City Council. She indicated that the budget message, "Building for the Future," realizes the City's vision, reflects the policy direction of the Council, and strengthens the foundation of the City.

Stating that the proposed 2008 Budget totals \$223,702,220, Mayor Keolker pointed out that \$63,351,567 represents the capital budgets, \$86,747,342 the General Government budget, and \$73,603,311 the budget for other operating funds. The 2008 Budget anticipates sales tax revenues to grow by 7.6 percent over the 2007 Budget, and the capital budget includes improvements in

transportation, parks, and other enhancements to facilities and utilities. The budget also proposes eight new positions within General Government and 7.7 positions within Utility Funds.

The Mayor reviewed the 2007 accomplishments, noting that Renton's increase in taxable retail sales is expected at over 7 percent by the end of 2007, and its housing stock has increased by 20 percent since 2000. The accomplishments include: The Landing Phase I; the opening of the Small Business Development Center; the completion of the South Lake Washington infrastructure improvements; the opening of Heritage Park; the commencement of construction on the Springbrook Creek Wetland Mitigation Bank; the launching of the Visitor Information and Downtown Assistance pilot program for the Renton Transit Center; and the commencement of the Renton Heart Month campaign.

Mayor Keolker reported that if the proposed Benson Hill Communities Annexation is approved, the area will become a part of Renton on 3/1/2008 and add nearly 17,000 new residents. She noted that a separate plan and recommended budget was prepared that proposed adding 91 employees, along with related equipment and materials, for a total cost of \$10 million. The additional revenue generated by this area is estimated to be \$8.9 million, and the State will help pay for the difference for a period of ten years. The Mayor stressed that the City will maintain existing service levels to current residents.

Continuing, Mayor Keolker reviewed proposed changes to public safety, which includes changing the service model and structure of the Fire Department, and implementing a police cadet program. Turning to affordable housing, the Mayor said the budget proposes establishing a fund for affordable housing, and establishing a homebuyer assistance program. Regarding economic development, Mayor Keolker pointed out that the budget includes funds to provide staffing for special events in downtown such as the Farmers Market, and for additional landscaping in the City's rights-of-way.

Mayor Keolker reviewed the budget's provisions for basic services and for utilities. She noted the adoption of an increase in utility rates to pay for maintenance, needed capital improvements, and compliance with the federally mandated National Pollutant Discharge Elimination System permit requirements.

Mayor Keolker described the new community accountability effort being introduced with the 2008 Budget, known as "Renton Results," which defines the core services that the City provides to meet the needs of the community. In conclusion, she thanked City staff for their efforts, and the community for continuing to offer ideas about how to make Renton even better. Mayor Keolker emphasized that safe neighborhoods and streets, job opportunities and a strong economy, and sound fiscal management are the principal foundations of the City's continued prosperity.

PUBLIC HEARING

Annexation: Marshall, Duvall
Ave NE & NE Sunset Blvd

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 hearing to consider annexation and R-8 zoning of 7.6 acres located adjacent and immediately west of Duvall Ave. NE, just north of the commercial development at the northwest corner of Duvall Ave. NE and NE Sunset Blvd. The western boundary is Anacortes Ave. NE, if extended, and the northern boundary is NE 17th St., if extended (Marshall).

Senior Planner Erickson explained that 26 single-family dwellings exist on this unincorporated island area, and public services are currently provided by Fire District #25, Renton water and sewer, and the Renton School District. Existing King County zoning is R-4 (four dwelling units per gross acre), and the Renton Comprehensive Plan designates the area as Residential Single Family, for which R-8 (eight dwelling units per net acre) zoning is proposed. He pointed out that the Planning Commission reviewed possible commercial zoning along Duvall Ave. NE, but recommended holding off until the widening of the street occurs.

Turning to the fiscal impact analysis that assumes 26 existing single-family homes and 17 new single-family homes, Mr. Erickson estimated a deficit of \$3,009 at current development and a surplus of \$4,429 at full development. The one-time parks acquisition and development cost is estimated at \$33,102. He concluded that the annexation proposal is consistent with City policies and Boundary Review Board objectives.

Public comment was invited.

Charles Grass (Renton) encouraged the City to change the zoning along Duvall Ave. NE to commercial sooner rather than later.

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

MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL EFFECTUATE THE 7.6-ACRE MARSHALL ANNEXATION AND HOLD FIRST AND SECOND READINGS OF THE ANNEXATION AND R-8 ZONING ORDINANCES ON 11/19/2007. CARRIED.

APPEAL

Committee of the Whole

Appeal: Beclan Place

Preliminary Plat, Beck, PP-07-041

Council President Nelson presented a Committee of the Whole report regarding the Beclan Place Preliminary Plat appeal. The Committee met on this appeal on 10/22/2007. Committee member Terri Briere was not present. The Committee found that there is substantial error in fact and law in the Hearing Examiner's recommendation to the City Council and therefore, the Committee recommended that the Hearing Examiner's recommendation be rejected and instead, Council grant approval of the appellant's request subject to the conditions listed below.

The subject property is the Beclan Place Preliminary Plat located at 255 Jericho Ave. NE and Hoquiam Ave. NE. The applicant/appellant, Steve Beck, submitted an application to subdivide this 7.1-acre site into 31 lots for future single-family homes. The property is located in the R-4 zone, but is vested to R-5 standards. In its report to the Hearing Examiner, City staff recommended approval of the plat subject to eight specific conditions, which were set out in its report dated 8/14/2007. Condition No. 5 required the applicant to revise the preliminary plat map "to reflect an alley loaded layout for review and approval" pursuant to City Code 4-7-150(E)(5). On 8/30/2007, the Hearing Examiner held a hearing on this matter and concluded that "This office cannot recommend approval of this plat as currently configured." The Hearing Examiner thus, recommended denial of the Beclan Plan Preliminary Plat application unless the applicant was to submit another application with an alley access.

Appellant Beck cited errors of fact and law by the Hearing Examiner. Although the appellant acknowledged the City Code provision's preference for alley-loaded access, he believed that the requirement to place an alley in his subdivision was not feasible for various reasons. These reasons included: an increase in impervious surface area causing additional storm detention needs, increased criminal activity resulting from alleys in residential neighborhoods, additional financial burdens in having to reconfigure and lose available lots and safety issues resulting from conflicts in turning movements, and likely traffic backup.

The Committee's recommendation decision is solely limited to the record, the Hearing Examiner's report, the notice of appeal, and additional submissions by parties per City Code 4-8-110(F)(6). No new or additional testimony or evidence can be considered per City Code 4-8-110(F)(5). Based on the foregoing, the Committee found that a substantial error in fact and law exists in the record.

The Committee reached this decision based on all the factors presented by the appellant, in that when taken as a whole and viewed under the totality of the circumstances, the requirement of an alley in the Beclan Plat is not feasible. Furthermore, the Committee found that the Hearing Examiner incorrectly applied what is "feasible" in attempting to interpret what the Council intended in the context of City Code 4-7-150(E)(5). Therefore, the Committee recommended that City Council reject the Hearing Examiner's recommendation to deny the plat, and recommended approval of the plat without the requirement of an alley loaded access. The Committee further recommended that the approval of the plat shall still be subject to conditions No. 1 through 4 and 6 through 8 set forth in the City staff's 8/14/2007 report.

Additionally, the Committee recommended that Council refer City Code Section 4-7-150(E)(5) to the proper Committee to re-evaluate the ordinance to determine whether an amendment is necessary to limit the application of this provision to small lot subdivisions, or in the alternative, to recommend alternate changes to the language of this ordinance. **MOVED BY NELSON, SECONDED BY LAW, 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:

- * City Hall Information Desk Volunteers were recently presented certificates of appreciation at a dinner hosted by City Clerk Division staff. Since the program's establishment in 1984, volunteers have given over 53,000 hours of excellent service to the City.
- * The second "Ahead of the Curve" job fair for The Landing will be held on November 13 at Renton Technical College.
- * The Renton Fire Department reminds everyone that working smoke detectors save lives and a malfunctioning smoke detector provides a false sense of security.
- * The Federal Emergency Management Agency will host a public meeting on the new preliminary floodplain maps on November 8 at City Hall.

AUDIENCE COMMENT

Citizen Comment: Petersen -
Highlands Area
Redevelopment

Inez Petersen (Enumclaw) commented on the need for better maintained pavement on City streets, and also on the declaration of blight and community renewal discussed last year by the City regarding the Highlands area redevelopment.

Councilman Clawson commented on the past consideration of the State Community Renewal Act as an option for the Highlands area redevelopment, noting that Council determined not to proceed with using the Act. He further noted that one of the reasons the Act was considered was to preserve affordable housing in the Highlands area.

Citizen Comment: Wagner -
2007 Comprehensive Plan
Amendments

Christopher Wagner (King County), who is a resident of Huntington Heights Condominium (SE 176th St.) in the Benson Hill Communities Annexation area, opposed the commercial rezoning of the Village Chapel property located at 17418 108th Way SE (2007 Comprehensive Plan Amendment 2007-M-06). He expressed his fear that the commercial zoning designation will disrupt the peacefulness of the neighborhood, especially if the church sells the property. Listing reasons why the proposed commercial zoning does not meet Comprehensive Plan policy criteria, Mr. Wagner indicated that a Residential Medium Density land use designation is the only appropriate designation for any parcel located on 108th Way SE.

Citizen Comment: McOmber -
Highlands Community
Association

Howard McOmber (Renton) expressed appreciation for the City's help in improving the Highlands area, and commented that he is grateful the declaration of blight was not used. Mr. McOmber invited everyone to attend the Highlands Community Association's Emergency Preparedness Workshop, which will be held on November 14 at the Highlands Neighborhood Center. Noting that the Highlands is one of the more vulnerable areas in the City due to the diversity of the residents, he voiced his hope that this workshop is the first of many to come.

CONSENT AGENDA

Items on the consent agenda are adopted by one motion which follows the listing. At the request of Councilmember Persson, item 9.i. was removed for separate consideration.

Council Meeting Minutes of
10/22/2007

Approval of Council meeting minutes of October 22, 2007. Council concur.

Appointment: Municipal Arts
Commission

Mayor Keolker appointed Dalia Amin to the Municipal Arts Commission (youth position) to fill the unexpired term previously held by Renne Saling (term to expire 12/31/2007). Refer to Community Services Committee.

AJLS: Benson Hill
Communities Annexation,
Budget Amend

Administrative, Judicial and Legal Services Department recommended adoption of an ordinance amending the 2007 Budget to recruit, hire, train personnel, and purchase equipment, conditioned upon an affirmative vote for the Benson Hill Communities Annexation on 11/6/2007 and acceptance by City Council. Refer to Committee of the Whole.

Court Case: AcuWings, CRT-
07-012

Complaint filed under 14 CFR Part 16 by AcuWings LLC, represented by Law Offices of Douglas N. Owens, with the Federal Aviation Administration for alleged noncompliance with grant assurances, violation of property acquisition terms, and discriminatory leasing conditions. Refer to City Attorney and Insurance Services.

Court Case: Pro-Flight
Aviation, CRT-07-013

Complaint filed under 14 CFR Part 16 by Pro-Flight Aviation, Inc., represented by Jump Law Group, with the Federal Aviation Administration for alleged economic discriminatory actions and violation of grant assurances. Refer to

City Attorney and Insurance Services.

Community Services: Maplewood Golf Course Fees	Community Services Department recommended adoption of an ordinance increasing the golf course green fees and adding a driving range fee for 2008. Refer to <u>Committee of the Whole</u> .
Plat: Honey Brooke West, NE 6th St, FP-07-067	Development Services Division recommended approval of the Honey Brooke West Final Plat (aka Sagecrest); 51 single-family lots on 8.33 acres located in the vicinity of NE 6th St. and Hoquiam Ave. NE. Council concur. (See page 386 for resolution.)
Annexation: Merritt II, SE May Valley Rd & Coal Creek Parkway	Economic Development, Neighborhoods and Strategic Planning Department recommended adoption of an ordinance extending the effectuation date of Phase II of the Merritt II Annexation from 12/31/2007 to 4/30/2008, or 30 days after awarding the contract for road improvements along Duvall Ave. NE, whichever comes first. Council concur. (See page 386 for ordinance.)
Legal: Settlement Agreement, Darwin Bosteder, CRT-02-005	Legal Division recommended approval of a settlement agreement with Darwin Bosteder in the amount of \$90,000, plus mediation fees, pertaining to an alleged violation of his Fourth Amendment rights. Council concur.
Police: Community Corrections Officer at City Hall, WA State Corrections	Police Department recommended approval of an agreement with the Washington State Department of Corrections to allow the placement of a Community Corrections Officer at City Hall. Council concur. (See page 386 for resolution.)
Transportation: Rainier Ave S/S 4th Pl Intersection Improvements, WSDOT Grant	Transportation Systems Division recommended approval of an agreement with Washington State Department of Transportation for a \$230,000 Pedestrian and Bicycle Safety Program grant for pedestrian-related improvements at Rainier Ave. S. and S. 4th Pl. Council concur.
Transportation: Environmental Services, Widener and Associates	Transportation Systems Division recommended approval of a contract in the amount of \$250,000 with Widener and Associates for environmental services for transportation projects. Council concur.
Transportation: Logan Ave N Bike Lane Design, WHPacific	Transportation Systems Division recommended approval of a contract in the amount of \$155,000 with WHPacific for design services for the Logan Ave. N. bike lane project. Council concur.
Utility: Final Water Conservation Goals	Utility Systems Division requested adoption of the final water conservation goals prior to 1/22/2008 to comply with the State Municipal Water Law (Water Use Efficiency Rule). Refer to <u>Utilities Committee</u> .
CAG: 06-152, 2006 Emergency Power Generation, Wick Constructors	Utility Systems Division submitted CAG-06-152, Water Utility 2006 Emergency Power Generation; and requested approval of the project, authorization for final pay estimate in the amount of \$1,089, commencement of 60-day lien period, and release of retained amount of \$104,219.82 to Wick Constructors, Inc., contractor, if all required releases are obtained. Council concur.
CAG: 07-107, Maplewood Creek Sediment 2007 Cleaning & Maintenance, Clearcreek Contractors	Utility Systems Division submitted CAG-07-107, Maplewood Creek Sediment Basin 2007 Cleaning and Maintenance; and requested approval of the project, authorization for final pay estimate in the amount of \$9,329.57, commencement of 60-day lien period, and release of retained amount of \$3,704.27 to Clearcreek Contractors, Inc., contractor, if all required releases are obtained.

Council concur.

CAG: 06-159, Renton Ave S/S
3rd St Storm System Outfall
Relocation, Gary Merlino
Const Co

Utility Systems Division submitted CAG-06-159, Renton Ave. S/S. 3rd St. Storm System Outfall Relocation; and requested approval of the project, authorization for final pay estimate in the amount of \$7,280.20, commencement of 60-day lien period, and release of retained amount of \$2,749.26 to Gary Merlino Construction Company, Inc., contractor, if all required releases are obtained. Council concur.

MOVED BY NELSON, SECONDED BY CORMAN, COUNCIL APPROVE THE CONSENT AGENDA AS AMENDED TO REMOVE ITEM 9.i. FOR SEPARATE CONSIDERATION. CARRIED.

Separate Consideration
Item 9.i.

Fire: Assistant Fire Marshal
Hire at Step D

Fire Department requested authorization to fill the Assistant Fire Marshal position at Step D of the salary range.

MOVED BY PERSSON, SECONDED BY LAW, COUNCIL REFER THIS ITEM TO THE FINANCE COMMITTEE. CARRIED.

UNFINISHED BUSINESS
Committee of the Whole

Annexation: Benson Hill
Communities, S 200th St &
128th Ave SE

Council President Nelson presented a Committee of the Whole report recommending concurrence in the staff recommendation to accept the negotiated terms of the Benson Hill Communities Annexation interlocal agreement and authorize the Mayor and City Clerk to execute an interlocal agreement with King County. The Committee further recommended that the City Council accept the proposed technical amendments to Section 4.a. of the 10/22/2007 version, clarifying the timing of payment, and incorporate those changes in the City's approved version of the agreement. MOVED BY NELSON, SECONDED BY BRIERE, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED. (See page 386 for resolution.)

Utilities Committee

Utility: Oversizing
Reimbursement for Sanitary
Sewer Lift Station, Shy Creek
Plat, Conner Homes

Utilities Committee Chair Clawson presented a report regarding the request by Conner Homes (John R. "Barney" Skochdopole) for cost reimbursement for oversizing a sanitary sewer lift station. The Committee recommended concurrence in the staff recommendation to approve the request for oversizing, utilizing the method of cost reimbursement developed jointly by staff and the developer for the additional work associated with wastewater improvements at the plat of Shy Creek by Conner Homes.

The Committee further recommended that staff be authorized to reimburse Conner Homes for actual costs not to exceed the requested \$259,944. Costs in excess of the requested amount shall be brought back to Council for its approval.

The Committee also recommended that \$190,000 from the Stonegate II account be transferred to the Oversizing account to provide sufficient funding for the oversizing request. MOVED BY CLAWSON, SECONDED BY BRIERE, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.

Transportation (Aviation)
Committee

Airport: Layout Plan Update

Transportation (Aviation) Committee Chair Palmer presented a report regarding the withdrawal of consideration for a corporate jet center at the Renton Municipal Airport. The Committee recommended that the corporate jet center concept be removed from further consideration in the Airport Layout Plan (ALP) because of City Council revisions earlier this year to the Airport Development Policies and because of the pending proposal from The Boeing Company to lease a bigger part of the airport than previously assumed in the ALP. MOVED BY PALMER, SECONDED BY CORMAN, COUNCIL

CONCUR IN THE COMMITTEE REPORT.*

In response to Councilmember Clawson's inquiry, Councilmember Palmer explained that an Airport Layout Plan has not yet been approved and the consultant will be directed to present new proposals. She stated that business jets at the airport will continue; however, the City will not be looking for a company to build a new business that would feature or try to attract a large number of business jets.

*MOTION CARRIED.

Finance Committee

Finance: Vouchers

Finance Committee Chair Persson presented a report recommending approval of Claim Vouchers 265554 - 265982 and one wire transfer totaling \$2,880,820.76. **MOVED BY PERSSON, SECONDED BY LAW, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

Community Services**Committee**

Appointment: Library Board

Community Services Committee Chair Corman presented a report recommending concurrence in Mayor Keolker's appointment of Catherine Ploué-Smith for a five-year term (expiring 6/1/2012) to the Library Board. **MOVED BY CORMAN, SECONDED BY PALMER, COUNCIL CONCUR IN THE COMMITTEE REPORT. CARRIED.**

RESOLUTIONS AND ORDINANCES**Resolution #3913**

Plat: Honey Brooke West, NE 6th St, FP-07-067

A resolution was read approving the Honey Brooke West Final Plat (aka Sagecrest) consisting of 8.33 acres located in the vicinity of NE 6th St. and Hoquiam Ave. NE. **MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.**

Resolution #3914

Police: Community Corrections Officer at City Hall, WA State Corrections

A resolution was read authorizing the Mayor, or her designee, to enter into an interlocal agreement with the Washington State Department of Corrections to provide office space and services for a Community Corrections Officer. **MOVED BY LAW, SECONDED BY PERSSON, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.**

Resolution #3915

Annexation: Benson Hill Communities, S 200th St & 128th Ave SE

A resolution was read authorizing the Mayor and City Clerk to enter into an interlocal agreement between the City of Renton and King County relating to the annexation of the Benson Hill Communities Annexation area. **MOVED BY LAW, SECONDED BY CLAWSON, COUNCIL ADOPT THE RESOLUTION AS READ. CARRIED.**

The following ordinances were presented for first reading and referred to the Council meeting of 11/19/2007 for second and final reading:

Finance: Impact Fees, Issaquah and Kent School Districts

An ordinance was read adopting the 2007 Issaquah School District Capital Facilities Plan, adopting the 2007-2008 to 2012-2013 Kent School District Capital Facilities Plan, changing the impact fee collection on behalf of the school districts within the City of Renton from \$6,136 per new single-family home to \$6,021 per new single-family home in the Issaquah School District, changing the impact fee collection on behalf of the Kent School District from \$4,928 per new single-family home to \$5,110, and implementing an impact fee of \$3,146 per new multi-family unit in the Kent School District. **MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 11/19/2007. CARRIED.**

Annexation: Merritt II, SE

An ordinance was read amending Ordinance 5142 by changing the timing for

May Valley Rd & Coal Creek
Parkway

effectuating Phase II of the Merritt II Annexation to the City of Renton to 4/30/2008, or 30 days after awarding the contract for road improvements along Duvall Ave. NE, whichever comes first. **MOVED BY BRIERE, SECONDED BY CLAWSON, COUNCIL REFER THE ORDINANCE FOR SECOND AND FINAL READING ON 11/19/2007. CARRIED.**

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

Ordinance #5314

Utility: Capital Expenditures
Funding, Budget Amend

An ordinance was read amending the 2007 Budget by transferring funds in the amount of \$3,173,000 from the 2006 year-end fund balance for the purpose of funding capital expenditures by water, wastewater, and surface water utilities. **MOVED BY CLAWSON, SECONDED BY BRIERE, COUNCIL ADOPT THE ORDINANCE AS READ. ROLL CALL: ALL AYES. CARRIED.**

**EXECUTIVE SESSION
AND ADJOURNMENT**

MOVED BY NELSON, SECONDED BY CORMAN, COUNCIL RECESS INTO EXECUTIVE SESSION FOR APPROXIMATELY 30 MINUTES TO DISCUSS POSSIBLE LITIGATION WITH NO OFFICIAL ACTION TO BE TAKEN AND THAT THE COUNCIL MEETING BE ADJOURNED WHEN THE EXECUTIVE SESSION IS ADJOURNED. CARRIED. Time: 8:28 p.m.

Executive session was conducted. There was no action taken. The executive session and the Council meeting adjourned at 8:50 p.m.

Bonnie I. Walton, CMC, City Clerk

Recorder: Michele Neumann
November 5, 2007