



## CITY COUNCIL MEETING MINUTES

April 12, 2010

**SPECIAL MEETING, Miller Creek Conference Room, 3<sup>rd</sup> Floor**  
**For the purpose of holding an Executive Session to discuss litigation**

**5:45 p.m.**

**Followed by interviews for the Parks & Recreation Board**

**6:10 p.m.**

**and**

**Council Meeting**

**7:00 p.m.**

Burien City Hall, Council Chambers  
400 SW 152<sup>nd</sup> Street, 1<sup>st</sup> Floor  
Burien, Washington 98166

*To hear Council's full discussion of a specific topic or the complete meeting, the following resources are available:*

- *Watch the video-stream available on the City website, [www.burienwa.gov](http://www.burienwa.gov)*
- *Check out a DVD of the Council Meeting from the Burien Library*
- *Order a DVD of the meeting from the City Clerk, (206) 241-4647*

### **SPECIAL MEETING**

Mayor McGilton called the Special Meeting of the Burien City Council to order at 5:45 p.m. for the purpose of holding an Executive Session to discuss litigation per RCW 42.30.110(1i).

Present: Mayor Joan McGilton, Deputy Mayor Rose Clark, Councilmembers Brian Bennett, Jack Block, Jr., Kathy Keene, Lucy Krakowiak and Gordon Shaw.

Administrative staff present: Mike Martin, City Manager and Christopher Bacha, Interim City Attorney.

No action was taken.

The Special Meeting to hold an Executive Session was adjourned at 6:09 p.m.

Mayor McGilton called the Special Meeting of the Burien City Council to order at 6:10 p.m. for the purpose of conducting Parks and Recreation Board interviews.

Present: Mayor Joan McGilton, Deputy Mayor Rose Clark, Councilmembers Brian Bennett, Jack Block, Jr., Kathy Keene, Lucy Krakowiak and Gordon Shaw.

Administrative staff present: Mike Martin, City Manager.

### **ADJOURNMENT TO COUNCIL MEETING**

The Special Meeting was adjourned at 6:45 p.m.

**CALL TO ORDER**

Mayor McGilton called the meeting of the Burien City Council to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

Mayor McGilton led the Pledge of Allegiance.

**ROLL CALL**

Present: Mayor Joan McGilton, Deputy Mayor Rose Clark, Councilmembers Brian Bennett, Jack Block, Jr., Kathy Keene, Lucy Krakowiak, and Gordon Shaw.

Administrative staff present: Mike Martin, City Manager; Angie Chaufty, Human Resources Manager; Jenn Ramirez Robson, Management Analyst; Tabatha Miller, Finance Director; Gary Coleman, Accounting Manager; Larry Blanchard, Public Works Director; and Monica Lusk, City Clerk.

**AGENDA CONFIRMATION**

**Direction/Action**

**Motion** was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to affirm the April 12, 2010, Agenda.

**PROCLAMATION**

**Proclamation Recognizing Northwest Children's Fund on its 25<sup>th</sup> Anniversary and Proclaiming April 2010 Child Abuse Prevention Month in the City of Burien**

Councilmember Bennett read and presented a proclamation recognizing Northwest Children's Fund on its 25<sup>th</sup> Anniversary and proclaiming April 2010 Child Abuse Prevention Month in the City of Burien to Scot Rogers, member of the Board of Directors, Northwest Children's Fund.

**PUBLIC COMMENT**

Ron Franz, 2821 SW 172<sup>nd</sup> Street, Burien

Mr. Franz spoke to the proposed Shoreline Master Program amendments relating to nonconformity and 65' setbacks.

Bob Edgar, 12674 Shorewood Drive SW, Burien

As the Council prepares for the review of the Shoreline Master Program update, Mr. Edgar recommended that the Council also request copies of the four technical documents - Shoreline Characterization; Shoreline Inventory, Shoreline Restoration Plan, and the Cumulative Impact Analyses.

Stephen Lamphear, 12011 18<sup>th</sup> Avenue SW, Burien

Relating to the Domestic Partnership ordinance, Mr. Lamphear said he felt the proposed change is wrong, and noted that the City is not required to use the State definition in providing employee benefits as stated in RCW 26.60.060(1)(b).

Julie Dow, 9 Three Tree Point Lane, Burien

Ms. Dow spoke to the challenges of opening the Evergreen Pool for the community.

Regarding the Shoreline Master Program update, she asked that all work together for a positive outcome to benefit the children, community and environment.

Michael Noakes, 16409 Maplewild Avenue SW, Burien  
Mr. Noakes, President of the Burien Marine Homeowners Association, offered to provide experts to speak to the Shoreline Master Program update's core issues at the June 14 Council meeting. He asked the Council to direct the new City attorney to be involved in the crafting of the update.

Andy Ryan, 16525 Maplewild Avenue SW, Burien  
Mr. Ryan spoke to the scientific report being used to justify the Shoreline Master Program update. He noted conflicting data in the update.

Ed Dacy, 2016 SW 146<sup>th</sup> Street, Burien  
Relating to the proposed Domestic Partnership ordinance, Mr. Dacy stated that the State's correction to recognize registered domestic partners makes sense. He suggested that current employees who do not fit the standard should be grandfathered in and allowed to continue benefits until such time as they leave employment or their partner changes.

Liz Giba, 10230 10<sup>th</sup> Avenue SW, Seattle  
Relating to the proposed Domestic Partnership ordinance, Ms. Giba stated that categorizing people leads to problems and suggested that the new city attorney should review the proposed ordinance.

#### **CORRESPONDENCE FOR THE RECORD**

- a. Email Dated March 29, 2010, from Gary Christianson Regarding Continued Concern about Shoreline Master Program Update Process.
- b. Written Public Comments for Meeting of March 29, 2010, from Bob Edgar Regarding Road Overlay.
- c. Response from Mike Martin, City Manager, to Written Public Comments for Meeting of March 29, 2010, from Chestine Edgar Regarding Proposed Street Overlay Program.
- d. Response from Mike Martin, City Manager, to Memo Dated March 30, 2010, from Bob Edgar Regarding Special Council Meeting of March 29, 2010.
- e. Response from Lisa Clausen, Government Relations Specialist, to Letter Dated March 30, 2010, from Barbara Vannier Regarding Adult Entertainment Business.
- f. Email Dated April 2, 2010, from Marco Spani Regarding Burien and Haltern am see (Lake Burien).
- g. Written Comments for Meeting of April 5, 2010, from Bob Edgar Regarding the Shoreline Master Program Schedule.
- h. Letter Dated April 5, 2010, from Ronald A. Franz, Vice President for Legal Affairs, Burien Marine Homeowners Association, Regarding Draft Shoreline Master Program.
- i. Letter Received April 5, 2010, from Shawn Richardson Regarding Proposed Shoreline Master Program Update.
- j. Letter Received April 5, 2010, from Darrell and Barbara Williams Regarding Proposed Shoreline Master Program Update.

- k. Letter Received April 5, 2010, from William and Janet Younger Regarding Proposed Shoreline Master Program Update.
- l. Letter Received April 5, 2010, from Gay and Joane Evanger Regarding Proposed Shoreline Master Program Update.
- m. Letter Received April 5, 2010, from Brian and Jeryl Finch Regarding Proposed Shoreline Master Program Update.
- n. Letter Received April 5, 2010, from Kris and Mollie Jensen Regarding Proposed Shoreline Master Program Update.
- o. Letter Received April 5, 2010, from Richard Roberts Regarding Proposed Shoreline Master Program Update.
- p. Email Dated April 5, 2010, from Andrew Ryan Regarding Draft Shoreline Management Plan.
- q. Letter Dated April 8, 2010, from Mayor McGilton Thanking the Planning Commissioners for their Work on Updating the Shoreline Master Program (SMP).

#### **CONSENT AGENDA**

- a. Approval of Minutes: Council Meetings, April 5 and 6, 2010.

##### **Direction/Action**

**Motion** was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to approve the April 12, 2010, Consent Agenda.

#### **BUSINESS AGENDA**

##### **City Manager's Report**

##### **Direction/Action**

Councilmember Block asked staff to provide the costs involved in a community skating rink to be possibly located in a vacant lot that would be part of the Winterfest activities.

##### **Follow-up**

Staff will provide the status of speed bumps on SW 172<sup>nd</sup> Street per Rachel Moodie's request at the March 22 Council meeting.

##### **Discussion of and Possible Motion to Adopt Proposed Ordinance No. 537 Regarding the Reconciliation of Ordinance No. 348 and RCW 26.60's Qualifying Criterion for Domestic Partnerships**

##### **Direction/Action**

**Motion** was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to adopt Ordinance No. 537 relating to Domestic Partner Benefits, conforming BMC 2.27 to Referendum 71, providing for severability, and establishing an effective date.

Deputy Mayor Clark withdrew her motion.

##### **Follow-up**

Staff will schedule a continued discussion on proposed Ordinance No. 537 on the April 26 Business Agenda.

**Motion to Approve Appointments to the Planning Commission**

**Motion** was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to appoint Gregory Duff to Planning Commission Position 1, Ray Helms to Planning Commission Position 2, Nancy Tosta to Planning Commission Position 3, and John Upthegrove to Planning Commission Position 4 for terms that will begin on April 17, 2010, and expire on March 31, 2014.

**Motion to Approve Resolution 310 Authorizing the City Manager to Execute the Interlocal Agreements with King County for the Transition of Services and Property within the North Highline South Annexation Area (North Burien) from King County to the City of Burien**

**Motion** was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to approve Resolution 310, authorizing the City Manger to execute the interlocal agreements with King County for the transition of services and property within the North Highline South Annexation Area (North Burien) from King County to the City of Burien.

**Discussion on King County Animal Control Services**

**Follow-up**

Staff will provide a recommendation on animal control services at the April 26 Council meeting.

**Discussion on Proposed Ordinance #538 Modifying Burien Municipal Code Chapter 5.05 Relating to Business Licenses**

**Direction/Action**

Councilmember Krakowiak asked that the Business and Economic Development Partnership provide input on proposed Ordinance No. 538.

**Follow-up**

Staff will place Ordinance No. 538 on the April 26, 2010, Business for consideration.

**Discussion on Street Overlay Program and Funding Options**

**Follow-up**

Staff will schedule a continued discussion on the April 26 Business Agenda. For the discussion, staff will provide: more complete information on the Street Overlay Program for the cities of Des Moines, Tukwila and SeaTac; information on using the Transportation Benefit District to help fund the SR 518 and Des Moines Memorial Drive ramps to include the effect of having a \$20 Car Tab tax instead of \$10, and the ability to reallocate the Car Tab tax for matching funds for the ramps; the effects of not using a taxing mechanism on the level of the Pavement Conditions Index; information on how the Capital Reserve Fund grows; and information on Reserve provisions.

**COUNCIL REPORTS**

Deputy Mayor Clark reported on the Southwest King County Chamber of Commerce luncheon, the grand opening of the Highline Medical Center's Emergency Room, and the student legislature class conducted by the YMCA that she attended.

**ADJOURNMENT**

**Direction/Action**

**MOTION** was made by Deputy Mayor Clark, seconded by Councilmember Block and passed unanimously to adjourn the meeting at 9:45 p.m.

/s/ Joan McGilton, Mayor

/s/ Monica Lusk, City Clerk