



CITY COUNCIL MEETING AGENDA

October 4, 2010

SPECIAL MEETING, Miller Creek Conference Room, 3rd Floor

For the purpose of holding an Executive Session to discuss potential litigation

6:30 p.m.

and

COUNCIL MEETING, Council Chambers, 1st Floor

7:00 p.m.

400 SW 152nd Street

Burien, Washington 98166

PAGE NO.

1. CALL TO ORDER	2. PLEDGE OF ALLEGIANCE	3. ROLL CALL	
4. AGENDA CONFIRMATION			
5. PUBLIC COMMENT	Individuals will please limit their comments to three minutes, and groups to five minutes.		
6. CORRESPONDENCE FOR THE RECORD	a. Email Dated September 22, 2010, from Bill Popp, Jr. Regarding Dog Bite.		3.
7. CONSENT AGENDA	a. Approval of Minutes: Council Meeting, September 27, 2010.		5.
	b. Motion to Adopt Ordinance No. 546, Allowing for the Sale and Consumption of Alcohol at Certain Community Events when Authorized in Advance by the City Manager Rather than the City Council.		9.
8. BUSINESS AGENDA	a. City Business.		13.
	b. Presentation of the 2011-2012 Preliminary Budget.		23.
	c. Discussion on and Possible Motion to Approve Revised Draft 2011 Legislative Priorities.		25.
	d. Motion to Accept the Resignation of City Councilmember Kathy Keene and Discussion on the Process for Filling the Resulting Vacancy.		29.
	e. Change of Development and Construction Agreement and Operations, Maintenance and Management Agreement with Environmental Science Center ("ESC").		33.
9. COUNCIL REPORTS			
10. ADJOURNMENT			

COUNCILMEMBERS

Joan McGilton, Mayor
Jack Block, Jr.

Rose Clark, Deputy Mayor
Kathy Keene
Lucy Krakowiak

Brian Bennett
Gordon Shaw

Lisa Clausen

From: Public Council Inbox
To: Bill Popp Jr (work)
Subject: RE: dog bite

Thank you for your message. It will be included in the Correspondence for the Record for an upcoming Council meeting.

L. Clausen
Burien City Manager's Office

From: Bill Popp Jr (work) [mailto:bpoppjr@wmpoppassoc.com]
Sent: Wednesday, September 22, 2010 10:04 AM
To: Public Council Inbox
Subject: dog bite

To all Council Members of Burien,

This whole story irritates me to no end, someone with small kids that DO NOT live in your fine city. How a dog (a breed with history of aggression) that can do the damage it did to a person, and not be put down is very questionable. The real topper in all this is how can your City permit the dog to return to family with conditions dog is not allowed in City -- wow! talk about moving the problem onto someone else?! I would seriously hope that if this dog again causes bodily harm to some innocent person that all resultant medical and mental damages be burdened by the City of Burien.

Thanks
Bill





CITY COUNCIL MEETING MINUTES

September 27, 2010

7:00 p.m.

Burien City Hall, Council Chambers
400 SW 152nd Street

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
- Check out a DVD of the Council Meeting from the Burien Library

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; Craig Knutson, City Attorney; Lisa Clausen, Government Relations Specialist; 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 September 27, 2010, Agenda.

CORRESPONDENCE FOR THE RECORD

- Written Public Comments for Public Hearing of August 30, 2010, from Bob Edgar Regarding SMP Public Hearing Comments: The Vote Not Taken.
- Letter Dated September 2, 2010, from Gary G. Coy Regarding 35 Years of Living on the Beach and the Changes That Have Taken Place.
- Email Dated September 8, 2010, from Chestine Edgar Regarding Burien August SMP Draft, Invasive Species, Buffers and Setbacks-Corrected Date.
- Response from Richard F. Loman, Economic Development Manager to Email Dated September 2, 2010, from Toni Stanko Regarding New Burien Project.
- Letter Dated September 11, 2010, from Lori Myers Regarding the Burien Wellness Fair and the Library/City Hall Building.
- Email Dated September 13, 2010, from Dave Douglas, Integrity Shoreline Permitting, Permit Manager/Shoreline Consultant, Regarding Piers, Docks and Floats Proposed as Conditional Uses in Burien SMP Update.
- Letter Dated September 13, 2010, from Lloyd Hara, King County Assessor, Regarding Capturing New Construction Revenues.

- h. Memorandum Dated September 13, 2010, from Chestine Edgar Transmitting a List of Materials that was Used in the Demonstration on How Buffers Work.
- i. Email Dated September 15, 2010, from Greg Anderson Regarding the SMP.
- j. Letter Dated September 20, 2010, from Chestine Edgar Regarding Burien SMP Draft/September 13, 2010, Meeting Testimony on Lake Burien Buffers and Setbacks.
- k. Letter Dated September 22, 2010, from Bob Edgar Regarding Conclusions Drawn from the Buffer Demonstration at the 9/13/10 Meeting.

PUBLIC COMMENT

Chestine Edgar, 1811 SW 152nd Street, Burien
Ms. Edgar spoke to the documentation she provided the Council supporting her prior testimony on the history of buffers and setbacks on Lake Burien.

Brooks Stanfield, 2459 SW 150th Street, Burien
Mr. Stanfield, Co-Organizer of the B-Town Bike Fair that was part of the Wild Strawberry Festival, stated over 125 kids participated in the bike rodeo and over 125 helmets were given out. He stated he wanted to be involved in the transportation planning process to have more complete streets that take into consideration the various users.

Ron Franz, 2821 SW 172nd Street, Burien
Mr. Franz thanked the Council for listening to those that spoke on the draft Shoreline Master Program.

CONSENT AGENDA

- a. Approval of Vouchers: Numbers 26119 - 26265 in the Amounts of \$283,233.77.
- b. Approval of Council Meeting Minutes: September 13, 2010.
- c. Motion to Adopt Resolution No. 317 Approving the Proposed Burien Shoreline Master Program.

Direction/Action

Motion was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, to approve the September 27, 2010, Consent Agenda. **Motion** carried 6-1. Opposed, Councilmember Shaw.

BUSINESS AGENDA

City Business

Direction/Action

Motion by Deputy Mayor Clark, second by Councilmember Krakowiak to authorized the City Manager to sign the contracts necessary to design and build the Street Overlay Project. **Motion** passed 5-2. Opposed, Councilmember Krakowiak and Councilmember Shaw.

Follow-up

Staff will provide an update on the 800 MHz interoperability emergency communications with the city of Normandy Park.

Review of Council Proposed Agenda Schedule

Follow-up

Staff will provide Council agenda items for the quarter.

Discussion on Draft 2011 Legislative Priorities

Follow-up

Staff will add the following priorities for Council discussion on October 4, 2010: (1) support for a Puget Sound Partnership request for funding related to local shoreline projects; (2) support creation of a "drug buy-back program; and, (3) address a concern about municipal electric utilities, which should be overseen by the Washington Utilities and Transportation Commission, in order for Burien ratepayers to have protection against inequitable rates.

Discussion on Ordinance Related to Authorizing Liquor in Public Places

Direction/Action

Councilmembers reached consensus to place proposed Ordinance No. 546 on the October 4, 2010, Consent Agenda for approval.

COUNCIL REPORTS

Councilmember Keene announced her resignation as of December 31, 2010.

Follow-up

Staff will provide a draft procedure on filling Council vacancies for Council discussion at the October 4 meeting.

ADJOURNMENT

Direction/Action

MOTION was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak and passed unanimously to adjourn the meeting at 8:14 p.m.

Joan McGilton, Mayor

Monica Lusk, City Clerk

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 546

**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON
AMENDING SECTION 9.15.200 OF THE BURIEN MUNICIPAL
CODE (PROHIBITING ALCOHOL IN PUBLIC PLACES) TO ALLOW
FOR THE SALE AND CONSUMPTION OF ALCOHOL AT CERTAIN
COMMUNITY EVENTS WHEN AUTHORIZED IN ADVANCE BY
THE CITY MANAGER RATHER THAN THE CITY COUNCIL,
PROVIDING FOR SEVERABILITY AND ESTABLISHING AN
EFFECTIVE DATE**

WHEREAS, BMC 9.15.200 prohibits the possession of open container(s) of alcohol and the consumption of alcohol in public places; and

WHEREAS, the City Council of the City of Burien desires to amend BMC 9.15.200(2) to provide for the City Manager rather than the City Council to authorize the consumption of alcohol at certain times and at certain places on public property when offered for sale and consumption as part of a community event;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Amendment. Burien Municipal Code Section 9.15.200 is amended to read as follows:

(1) Except as permitted by RCW Title 66, no person shall open a package containing liquor or possess an open container of liquor, or consume liquor in a public place; provided this provision shall not apply to containers kept in the trunk of a vehicle or in some other area of the vehicle not normally occupied by the driver or passengers, if the vehicle does not have a trunk. A utility compartment or glove compartment is deemed to be within the area occupied by the driver and passengers.

(2) This Section shall not prohibit the offering of alcohol for sale and consumption in a public place as part of a community event PROVIDED that the organization seeking to offer alcohol must request in writing authorization from the City Council Manager and identify the particular community event or events at which the sponsor wishes to offer alcohol for sale and consumption. The written

request must be made no later than thirty (30) days prior to the first community event for which authorization is sought. Those applying for the City ~~Council~~ Manager's authorization to offer alcohol for sale and consumption must meet the requirements of state law with respect to liquor permits and this chapter. During the course of the community event, the state liquor permit must be displayed within the area. For purposes of this subsection, "community event" shall mean fairs, markets, and festivals held on public property where the public at large is invited to attend, including but not limited to the Farmers Market, the Strawberry Festival, Oktoberfest, and the Fourth of July Festival. As appropriate, the City ~~Council~~ Manager may specify special conditions of use and note the conditions on the authorization.

(3) Violation of this section is a misdemeanor punishable by a fine of not more than \$100.00.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This ordinance shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF _____, 2010, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ____ DAY OF _____, 2010.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Craig Knutson, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No. 546
Date of Publication:



Burien

Washington, USA

400 SW 152nd St., Suite 300, Burien, WA 98166

Phone: (206) 241-4647 • FAX (206) 248-5539

www.burienwa.gov

MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Mike Martin, City Manager
DATE: October 4, 2010
SUBJECT: City Manager's Report

I. INTERNAL CITY INFORMATION

A. PaRCS Staff Make Presentation to Trout Unlimited regarding Seahurst Project

Parks Manager Steve Roemer was invited to the September 21 meeting of Trout Unlimited at the North Hill Community Club in Des Moines to provide an update on the Seahurst Seawall Removal project. The presentation included a recap of the southern seawall removal and beach restoration to demonstrate construction techniques and the shoreline changes to anticipate. The future north shore restoration project was reviewed in detail explaining the seawall removal and beach restoration components in partnership with the Army Corps, as well as the reconstruction of the park recreational elements to follow, as funding allows. The presentation was well received and the project clearly supported.

B. Arbor Lake Park Neighborhood Meeting

Staff including Parks Manager Steve Roemer, Sergeant Henry McLauchlan and Dennis Clark, Watershed Public Outreach/Stewardship Coordinator, met with the neighbors of Arbor Lake Park on September 23. The purpose of the meeting was to provide an opportunity for neighbors to meet staff, hear about upcoming planned improvements and express any concerns or desires related to park operations and impacts to neighbors. The meeting was extremely positive with great turnout and staff was given three important messages: 1) neighbors are very happy with the services Burien Police have been providing and have noticed changes in the park usage and safety; 2) neighbors have noticed and are pleased with the recent improvements in the maintenance of the park; and 3) several neighbors when they were asked why they thought there was such a good meeting turnout, their response was "because we have never been asked before for our input".

C. Permit Issued for Temporary Bus Transit Parking Site

The building permit has been issued for work to begin at the temporary bus transit parking site at the old Burien Dodge lot on 1st Avenue. The lot will have approximately 300 parking spaces for bus transit parking during the construction of the new parking garage on 4th Ave. The grading permit has been approved by the City and as soon as work on the temporary lot is done, the grading and demolition work is expected to begin at the site of the new parking garage.

D. Relocation of Burien Park-and-Ride Lot Slightly Delayed

King County Metro has sent a rider notice that the Burien Transit Center Park-and-Ride lot would not be closing as planned on Oct. 2, 2010.

The developer of the Transit Oriented Development parking garage project has reported that the timing of the closure of the existing lot is related to the timing of the construction work on the interim Park-and-Ride lot and the necessary inspections. The necessary work on the interim lot has begun and is expected to be completed in mid-October. The interim lot is located on 1st Avenue South at the northeast corner of SW 148th Street, at the former BBC Dodge lot.

According to Metro, there are no changes to bus service at the Burien Transit Center, either before or after the parking lot closure.

Two new temporary bus stops on 1st Avenue South and related service revisions were expected to be implemented as planned on Oct. 2, so that Metro customers may become familiar with the new routing and bus stops, after the parking lot move does take place.

When it opens, the interim lot will be served by Metro routes 121, 122, 123, 131 and 132.

E. Clean-up of the Northwest Corner of 6th Ave. SW & 152nd St.

The Public Works maintenance crew is cleaning, leveling and hydroseeding the lot at the northwest corner of 6th Ave. SW and SW 152nd St. in order to enhance the area and enable easier and more efficient maintenance.

F. 2010 Fall Recycling Collection Event Results (Pg. 17)

Olympic Environmental Resources has provided a summary of the Normandy Park/Burien 2010 Fall Recycling Collection Event. Over 32 tons of materials were collected. The summary is attached.

G. State Legislative Work Picks Up

The 2011 legislative session is still more than three months away, but preparations are stepping up. The City's Government Relations Specialist and the City's advocate in Olympia have been keeping track of the work of several legislative subcommittees for the Association of Washington Cities (AWC). That work was brought to the AWC's full Legislative Committee, which met on September 27 to discuss dozens of issues and to select their preliminary priorities for AWC to work on in the next session. The full Legislative Committee meets again in November to finalize the AWC's priorities. Several items parallel the City's proposed legislative priorities, such as preserving infrastructure funding tools and state-shared revenues.

In addition, the Governor's Northwest Regional Representative, Julien Loh, requested a meeting with the Mayor and City Manager. At the meeting at City Hall on September 28, Mr. Loh said the Governor is asking for innovative ideas for providing state services, and "everything is on the table" for possible cost-cutting. The Mayor and City Manager offered their perspective on priorities such as cities' need to keep the state sales tax credit

for annexations, and suggested the timing is good for fundamental policy changes that do not involve funding. Mr. Loh said if anyone has questions about the 6.3% across-the-board state budget cuts effective on October 1, each state agency may be contacted directly about their approach for reducing their budgets.

II. COUNCIL UPDATES/REPORTS

A. Water Districts Discussion Follow-Up

At the June 21st meeting during the construction code adoption discussion, the Burien City Council requested staff to follow up with the Water Districts regarding installation cost differences between a ¾" and 1" water meter and increased monthly rate charge. Normandy Park Council is considering requiring fire sprinklers in all residential structures and also requested staff to meet with the Water Districts.

The Fire Marshal, Fire Chief, Building Official and Normandy Park City Manager met with management staff of the Highline Water District on September 23rd to discuss this and to request the district consider reducing or eliminating these increases where the larger sized meter is necessary only to accommodate a Fire Sprinkler System.

The Highline managers explained some of their challenges include doing business in five different jurisdictions, and revising their current accounting procedures. They agreed to consider our request and plan to have some internal discussions. Our next meeting will be with Water District 49 on October 5th.

B. Advisory Board Meeting Minutes (Pg. 19)

The following approved advisory board minutes are attached:

- August 24, 2010 Art Commission Minutes

C. Notices (Pg. 22)

The following Public Notices (see attached) have been published:

- Notice of meeting of Business & Economic Development Subcommittee on Friday, October 1, 2010, 7:00 a.m. at Sal's Deli.



Olympic Environmental Resources

4715 SW Walker Street Seattle WA 98116

Tel. 206 938-8262 Fax (206) 938-9873

Email: pauldevine@msn.com

TO: City of Normandy Park, City of Burien
FROM: Olympic Environmental Resources (OER)
DATE: September 22, 2010
RE: 2010 Fall Recycling Collection Event Results

We had a good day for the Normandy Park and Burien Fall Recycling Collection Event. Four hundred and seventy-one (471) carloads of recyclable material arrived. The total amount of material collected was 64,154 pounds or over 32 tons. The total averages out to 136 pounds of material per vehicle. The event also included a rain barrel sale for distribution of rain barrels to Normandy Park and Burien residents.

The event included the collection of:

- 36,400 pounds of scrap metal, appliances, computers, and electronic equipment. The material will be sorted and recycled by Independent Metals in Seattle.
- 11 used refrigerators and freezers. The ozone depleting chemicals and gas will be removed from these units and disposed of properly by Total Reclaim in Seattle (3,850 pounds).
- 22 propane tanks. The tanks will be reused through Blue Rhino Cylinder Exchange Service or the tanks will be recycled as scrap metal through Independent (1,100 pounds).
- 5,100 pounds of reusable household goods. This material was collected by the Seattle Goodwill for resale through their retail outlets with the proceeds going to Goodwill charity programs.
- 325 gallons of used motor oil and petroleum based products. This will be re-refined into new motor oil or reused as bunker fuel (2,405 pounds).
- 50 gallons of used antifreeze. This toxic liquid will be recycled into new anti-freeze (400 pounds).
- 11 used oil filters. These will be drained of oil and the scrap metal will be recycled (30 pounds).
- 186 used tires. These tires will be re-used if in good condition, if not, chipped and made into such products as garden hoses, playground mats, road bedding, and burned as fuel (4,650 pounds).

-51 lead acid batteries. The batteries will be dismantled, the acid disposed of properly, and the cores recycled into new batteries (1,836 pounds).

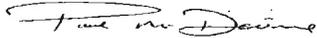
-4580 alkaline batteries. The batteries will be dismantled, the hazardous material disposed of properly, and the cores recycled into new batteries through All Battery (458 pounds).

-19 toilets and sinks. The porcelain material will be processed by Lloyd Enterprises into concrete material (1,425 pounds).

-6,500 pounds of cardboard. The cardboard collected will be recycled by Smurfit in Renton.

Overall we were happy with the way the event went and the amount of material collected. We appreciate the opportunity to work with the City of Normandy Park and the City of Burien. OER looks forward to working on future events in 2011. Thank you.

Sincerely,



**Paul M. Devine
General Manager
Olympic Environmental Resources**

CITY OF BURIEN, WASHINGTON

**Art Commission
MEETING MINUTES**

Date: August 24, 2010

Time: 6:30 p.m.

Arts Commission Members Present:

<input checked="" type="checkbox"/> Shelley Brittingham	<input checked="" type="checkbox"/> Dane Johnson	<input checked="" type="checkbox"/> Virginia Wright
<input checked="" type="checkbox"/> Donna DiFiore	<input checked="" type="checkbox"/> Kathy Justin	
<input type="checkbox"/> Victoria Hall	<input checked="" type="checkbox"/> Ted Ottinger	
<input checked="" type="checkbox"/> Robbie Howell	<input checked="" type="checkbox"/> Debbie Thoma	

Staff Present:

Gina Kallman, Cultural Arts Supervisor

Guests:

Maureen Hoffman, past Burien Arts Commissioner

Minutes

Meeting called to order. Minutes are approved.

AREAS OF FOCUS REPORT

Arts Education — Donna updated the commission on the 153rd Street Banner Project. Victoria has written a draft of a letter to go to the businesses on 153rd asking for funding support. Victoria and Donna met with designer Maureen Hoffman to review the project. We are hoping to work with Rainier Industries to create the banners. The cost for 15 banners would be \$6,000, approx \$400 per banner for fabric banner and metal hanger. Maureen mentioned it would be a possibility to use fewer designs to keep costs low. The committee is looking at how create a visually cohesive look with the banners. They also discussed how to thank the donors. Some options would be listing the business on the banner, giving the business a thank you for their store or a certificate with a snapshot of the banner. Dane mentioned that it would be helpful to have a mock up banner created so the project can be sold to businesses. Maureen will work on mock up.

Gina shared information from the Education Committee from there July meeting:

The committee recommendations for 2011 were to: 1) Support the Downtown Banner Project, 2) Invite a parent or instructor from each Burien school to serve on the education committee to keep the committee updated on what is happening with the arts in the schools, 3) Serve as advocates for the arts in the Highline School District.

The committee recommended for the five year plan to : 1) Promote the Art Docent Program in Burien Elementary Schools, 2) Work on how to get more Arts Corps or similar residency programs into Burien Elementary Schools.

Public Art—Dane shared information about the Eagle Landing public art project. The wood sculpture of an eagle will be donated by local artist Galen Willis, and the artist hopes to find an Eagle Scout to help create an enclosure for the sculpture. The public art committee recommended

that the arts commission approve the Galen Willis eagle sculpture for the park. The Commission recommends the Eagle Landing Sculpture at Eagle Landing Park. Shelly motioned, Dane seconds. All approve.

Dane and Gina provided information from the Public Art Committee discussion on the use of Public Art Funds. The Public Art Committee would like to recommend that the existing funds are used on a variety of projects in a way that will provide the most impact for the community and create an artistic dialogue. The committee would like to strongly state that they are not interested in using the funds to fund one permanent art piece. Instead they would like to create a 10 year plan, using up to 10% of the funds each year on smaller projects with community participation. The funds and plan would be reviewed by the Arts Commission's Public Art Committee every three years, the next review being in 2013.

The Committee believes strongly in leveraging the 1% funds for the largest community impact by engaging Burien in an artistic dialog that includes local artists, patrons of the arts and local businesses. It is the goal of the committee to achieve this objective by creating two basic programs.

The first program would be an Art Commission driven program that uses the resources of the commission to drive art awareness, community driven art projects and broader arts driven projects (an example of such a project is the 153rd beatification banner project that is being currently worked on by the commission in cooperation with local designers and grade schools.)

The second style of programming would be an Art Commission sourced grant for temporary or permanent art installations within the city of Burien. This style of programming would be directed through the commission with the cooperation of the parks department for call placement, site location and cooperative sponsorship.

To better leverage the conservative expenditures the Art Commission has set for its self and to better engage the business community and Burien as a whole the Art commission has set a suggested 50% match goal for any expenditure of the fund.

Current working project ideas include the 153rd Banner Project, artist designed bus shelters, temporary art for Dottie Harper Park, Puget Sound Skills Center sculpture projects, a call to artists for art for specific spaces, and a mural project for the Dollar Store wall on 4th and 151st. The Commission will develop each year's project focus within the time frame and discussion of the yearly Arts commission work plan for the following year.

Dane also mentioned the possibility of working with Black Arts Foundation again to bring more large sculpture to the Northwest. He will keep the commission updated on this opportunity.

Arts and Economic Development—No report at this time. A meeting is planned for this fall.

Staff Report

Arts-A-Glow—Gina reported on the Arts-A-Glow Lantern Festival. The event will be held on Saturday, September 18th from 5-10pm in Town Square Park. The event will include a lantern procession, lantern making, face painting, a tea house, music and lantern performers. Gina is looking for volunteers for the event.

Arts and Culture Grant—The interviews for the grants will be Wednesday, Sept 8th. The committee will then make their recommendations to the full art commission at the September meeting.

Arts and Culture Brochure—The brochure is designed and will be sent to the printer in early September. All organizations from the 2009-2010 brochure returned with the addition of the Highline Community Symphonic Band, the new Burien Music and Art School, and Abyssinian Dance School. The brochures will be mailed to 10,000 local arts patrons in late September.

Music and Movies in the Park Summary—The Music and Movies in the Park program went well this summer, with good weather and attendance. The concerts brought 500-600 people to each concert; the movie attendance was around 150 for each movie. New this year was ice cream sales at the concerts by Full Tilt, more involvement at the Fiesta by Para los Ninos as they provided games and other activities as well as selling treats, and Burien Arts running a sno-cone machine and face painting booth at one of the concerts.

4 Culture Lodging Tax--Shelley talked about the August 30th Advocacy meeting at Act Theatre. This is the year that the State needs to decide if they will extend this funding for 4 Culture. This year it is very important to lobby for this funding.

The meeting was adjourned.



Burien

Washington, USA

400 SW 152nd, Suite 300, Burien, WA 98166
Phone: (206) 241-4647 • FAX (206) 248-5539
www.burienwa.gov

DATE: September 28, 2010
FOR RELEASE: Immediately
CONTACT: City Clerk's Office, 248-5517

**CITY OF BURIEN
BUSINESS AND ECONOMIC DEVELOPMENT PARTNERSHIP
ANNEXATION/SUSTAINABILITY SUB -COMMITTEE
MEETING NOTICE**

The City of Burien's Business and Economic Development Partnership
Annexation/Sustainability Sub-Committee will meet on Friday, October 1, 2010, at 7:00
a.m. at Sal's Deli, 15212 6th SW.

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The City of Burien strives to provide alternate communication opportunities. Please contact the City Clerk's office, 206/248-5517, twenty-four hours prior to the meeting, for assistance.

cc: Burien City Council
Burien Staff
Discover Burien
Highline Times
Burien Library
White Center Now
B-Town Blog
Web site: www.burienwa.gov/

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Presentation of the 2011-2012 Preliminary Budget.		Meeting Date: October 4, 2010
Department: Finance Department	Attachments:	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Gary Coleman, Interim Finance Director		
Telephone: (206) 248-5505		
Adopted Initiative: Yes No	Initiative Description:	
PURPOSE/REQUIRED ACTION:		
<p>The purpose of this agenda item is to present and provide an overview of the City of Burien's Preliminary 2011-2012 Biennial Budget. No Council action is required but questions, feedback, and direction are welcome.</p>		
BACKGROUND (Include prior Council action & discussion):		
<p>Tonight's meeting is a presentation and overview of the City's Preliminary 2011-2012 Biennial Budget. Upcoming budget meetings are as follows:</p>		
<p>Monday, October 11, 2010 – Regular Council meeting – Discussion on Preliminary 2011-2012 Biennial Budget, including Human Services and Capital Improvement Program (CIP).</p>		
<p>Monday, November 8, 2010 – Regular Council meeting – Second Public Hearing on the Budget.</p>		
<p>Monday, November 22, 2010 – Regular Council meeting – Adopt the 2011-2012 Biennial Budget and Set the Property Tax Levy Rate.</p>		
OPTIONS (Including fiscal impacts):		
N/A		
Administrative Recommendation: Receive an overview of the Preliminary 2011-2012 Biennial Budget		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required.		
Submitted by: Gary Coleman, Interim Finance Director		
Administration _____		City Manager _____
Today's Date: September 29 ,2010		File Code: R:\CC\Agenda Bill 2010\100410ad-1 Present prelim budget.docx

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion on and Possible Motion to Approve Revised Draft 2011 Legislative Priorities		Meeting Date: October 4, 2010
Department: City Manager	Attachments: Revised Draft 2011 Legislative Priorities	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Lisa Clausen, Government Relations Specialist		
Telephone: (206) 248-5515		
Adopted Initiative: Yes <input checked="" type="checkbox"/> No	Initiative Description: Develop and advance state and federal legislative agendas	
PURPOSE/REQUIRED ACTION:		
<p>The purpose of this agenda item is for the City Council to discuss the revised “Draft 2011 Legislative Priorities” and possibly take action.</p> <p>BACKGROUND (Include prior Council action & discussion):</p> <p>At the Council meeting on September 27, staff was asked to work on possible additions to the draft 2011 Legislative Priorities.</p> <p>The Mayor requested the addition of support for a Puget Sound Partnership request for funding related to local shoreline projects. She also requested that the City support creation of a “drug buy-back program.” The proposed text adding these priorities is provided in “bold” font, highlighted near the end of the attached revised draft document.</p> <p>Councilmember Block requested that staff work on a draft priority to address a concern about municipal electric utilities which he believes should be overseen by the Washington Utilities and Transportation Commission, in order for Burien ratepayers to have protection against inequitable rates.</p> <p>The City Attorney was asked to investigate the constitutionality of this concept, and to date he has discovered no constitutional prohibition but additional research is continuing. The text for this proposed priority is also included at the end of the attached draft, in “bold” font.</p> <p>Following the Council’s action on the revised “2011 Legislative Priorities,” the staff will finalize the document and create a separate list of the State priorities to share with individual members of the City’s legislative delegation at meetings beginning on October 7.</p> <p>OPTIONS (Including fiscal impacts):</p> <ol style="list-style-type: none"> 1. Approve the revised draft legislative priorities with all requested revisions. 2. Approve the revised priorities with only selected revisions. 3. Request additional changes to the priorities and delay action. 		
Administrative Recommendation: Discuss the revised “Draft 2011 Legislative Priorities” and take action.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to approve the 2011 legislative priorities.		
Submitted by: Lisa Clausen		
Administration _____	City Manager _____	
Today’s Date: September 30, 2010	File Code: R:\CC\Agenda Bill 2010\100410cm-2 RevisedDraft2011LegPriorities.docx	



REVISED DRAFT

City of Burien 2011 Federal & State Legislative Priorities

[NOTE: Completely new items are italicized; italics to be removed when finalized.]

Promote Economic Development with Infrastructure

- Seek federal and state support for the SR 518/Des Moines Memorial Drive interchange improvement project to improve access to the Northeast Redevelopment Area (NERA), with funding through reauthorization of the federal SAFETEA-LU transportation program and a state transportation revenue package. (Federal and State)
- Pursue \$5 million through a Federal Aviation Administration (FAA) Pilot Program, to partner with the Port of Seattle on a pilot project to conduct joint planning and pre-construction activities needed to develop the NERA. (Federal)
- *Work with other stakeholders in support of legislation that will enable the state to make an investment in Burien and provide local flexibility to develop infrastructure and secure economic development in the NERA. (State)*
- Maintain efforts with other jurisdictions to retain and expand successful financing tools, such as the Transportation Improvement Board (TIB), Public Works Trust Fund (P WTF), and Washington Wildlife and Recreation Program (WWRP), and advocate for increased flexibility for local revenues, in order to maintain and enhance infrastructure and services and generate economic development. (State)

Strengthen City Services and Facilities

- *Pursue legislation to allow local jurisdictions to create a Public Safety Authority, in order to enhance the police presence in the community through stronger local control and to save local tax dollars. (State)*
- *Defend against legislation that would damage cities' ability to finance vital city facilities and operations, including threats to impact fees, the annexation sales tax credit, and state-shared revenues. (State)*

THE FOLLOWING BOLDED ITEMS WERE REQUESTED BY MEMBERS OF THE CITY COUNCIL:

- ***Support efforts to improve the health of Puget Sound, including:***
 - ***the \$55 million Puget Sound Acquisition and Restoration request of the Puget Sound Partnership, to fund shoreline protection plans;***
 - completion of the Seahurst Park North Shoreline Restoration project, to help implement the Puget Sound Action Agenda, ***and***
 - ***creation of a pharmaceutical return program to prevent toxic prescription drugs from entering the Sound through inappropriate disposal practices. (Federal and State)***

- ***Work with other affected jurisdictions to pursue oversight by the Washington Utilities and Transportation Commission of municipal utilities that provide service beyond their city borders, to provide those jurisdictions' ratepayers the same protection as private utility customers. (State)***

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Accept the Resignation of City Councilmember Kathy Keene and Discussion on the Process for Filling the Resulting Vacancy		Meeting Date: October 4, 2010
Department: City Clerk	Attachments: Draft Procedure to Filling Council Vacancies	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Monica Lusk		
Telephone: (206) 248-5517		
Adopted Initiative: Yes No X	Initiative Description:	
PURPOSE/REQUIRED ACTION:		
The purpose of this agenda item is for the Council to accept the resignation of Councilmember Keene and to discuss the proposed procedure for filling the vacancy.		
BACKGROUND (Include prior Council action & discussion):		
At the Council meeting of September 27, 2010, City Councilmember Kathy Keene informed the Council and the public that she would be resigning her position at the end of 2010.		
Under Council Policies and Procedures, the Council must take formal action to accept the resignation of a Councilmember. Councilmember Keene's letter of resignation will be provided at the October 4 meeting.		
In addition, the Council will consider the attached procedure for filling the vacancy resulting from Councilmember Keene's resignation.		
OPTIONS (Including fiscal impacts):		
<ol style="list-style-type: none"> 1. Accept Councilmember Keene's resignation. 2. Do not accept Councilmember Keene's resignation. 		
Administrative Recommendation: Accept Councilmember Keene's resignation and hold discussion on the procedure for filling the vacancy.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: Move to Accept the Resignation of City Councilmember Kathy Keene.		
Submitted by: Monica Lusk	Mike Martin	
Administration _____	City Manager _____	
Today's Date: September 29, 2010	File Code: R:/CC/AgendaBill2010/100410cm-3 Resignation & Process.docx	

Proposed Procedure for Filling Council Vacancies

1. Council accepts letter of resignation on October 4
2. Advertise for candidates October 6 through October 15
3. Application process is open for two weeks: October 6 through October 20
4. Candidates complete questionnaire, submit cover letter and resume (optional)
5. Staff verifies residency and voter registration
6. Council reviews applications October 22 through October 24
7. Council selects their top 10 in order of priority
8. Staff aggregates the top 10 based on score from Council's prioritization
9. Interviews begin at 6 p.m. on November 1 and November 8
10. Interviews will be open to the public but not televised
11. Indication of intent at November 22 Council meeting
12. Council votes first meeting in January 2011

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Change of Development and Construction Agreement and Operations, Maintenance and Management Agreement with Environmental Science Center ("ESC")		Meeting Date: October 4, 2010
Department: City Manager	Attachments: First Amendments to Environmental Science Center/City of Burien: 1. Development and Construction Agreement; and 2. Operations, Maintenance and Management Agreement	Fund Source: General Fund (property sale settlement and other) Activity Cost: Not to exceed \$150,000 Amount Budgeted: \$0 Unencumbered Budget Authority: \$0
Contact: Mike Martin		
Telephone: (206) 248-5503		
Adopted Initiative: Yes No X	Initiative Description: N/A	
PURPOSE/REQUIRED ACTION: Staff proposes completing the funding of the Environmental Science Center (ESC) at a cost of \$150,000 and modifying the agreements between the two agencies to reflect a commensurate benefit to the public. Staff asks Council to consider this request at this Council meeting, then approve it at the October 11 meeting.		
BACKGROUND (Include prior Council action & discussion): The City agreed in 2008 to provide property in Seahurst Park for a building that would house various ESC programs. The programs are generally intended to educate children about the marine environment. Since that time, ESC has raised \$1.1 million to fund construction of the building. Total cost of the building is estimated to be \$1.3 million. In 2008, the ESC, with the City's encouragement, decided to take advantage of a favorable construction climate and proceed with construction of the building's shell. That work is complete, but there still remains an estimated \$230,000 in work to complete the project. Staff recommends setting aside \$150,000 in City matching funds. The funds would be disbursed to the ESC when the agency has raised the remaining funds, estimated at \$80,000 to complete the facility. This arrangement would be void in the event the ESC did not provide the matching funds by November 1, 2011. Staff further recommends modifying the agreements with the Environmental Science Center in two ways: - Transfer responsibility for maintenance of the building structure to the ESC (it is currently the City's responsibility) beginning five years after a certificate of occupancy is awarded; - Shorten the time in which the City may take possession of the building to 25 years (it is currently 30 years). In combination, these changes will ensure the public receives an appropriate benefit in exchange for this arrangement. Secondly, none of these changes will materially affect the finances of the ESC in the near term and thus will not add a financial burden during the critical years of startup.		
OPTIONS (Including fiscal impacts): 1. Agree to contribute \$150,000 in matching funds to help complete the facility, subject to the terms described above. 2. Agree to contribute some funds, subject to the same or different terms. 3. Decline to fund any part of completion.		
Administrative Recommendation: Discuss and conceptually approve the proposal. Formally approve the proposal at the October 11 Council meeting.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required.		
Submitted by: Mike Martin		
Administration City Manager		City Manager _____
Today's Date: September 1, 2010		File Code: R:/CC/Agenda Bill2010/100410cm-1 modify ESC MOU

**FIRST AMENDMENT TO
ENVIRONMENTAL SCIENCE CENTER
DEVELOPMENT AND CONSTRUCTION
AGREEMENT**

**BY AND BETWEEN
THE CITY OF BURIEN
AND
THE ENVIRONMENTAL SCIENCE CENTER**

THIS FIRST AMENDMENT to the Development and Construction Agreement dated the first day of November, 2008 is made and entered into as of this ___ day of _____, 2010, by and between the **CITY OF BURIEN**, a municipal corporation operating as a code city under the laws of the State of Washington, hereinafter referred to as the “City,” and the **Environmental Science Center**, a nonprofit Washington State corporation duly and currently registered and existing in the State of Washington with its primary offices located at Environmental Science Center, 126 SW 148th Street, Suite C100-170, Burien, WA 98166, hereinafter referred to as the “**ESC**”.

RECITALS:

WHEREAS, the City owns Seahurst Park, upon which was located at the north portion of the park certain improvements consisting of a caretaker building and appurtenances (the “**Caretaker Building**”), and

WHEREAS, the ESC has been organized as a community-based nonprofit corporation for the purpose of offering science-based environmental education programs in classroom and field trip settings with a strong message of stewardship to protect the beautiful and diverse habitats of the region, and

WHEREAS, the City and ESC entered into a Development and Construction Agreement dated the 1st day of November, 2008 (the “**Development Agreement**”), providing for the demolition of the Caretaker Building, redevelopment of the property, and construction of an environmental science center (the “**Environmental Science Center**”) to replace the Caretaker Building and to be used by the ESC for environmental educational programming and related uses, and

WHEREAS, the City and ESC entered into an Operation, Maintenance and Management Agreement (the “**O & M Agreement**”) for the purpose of providing for the long-term management, maintenance and operation of the Environmental Science Center and to provide for certain obligations of the ESC to utilize the Environmental Science

Center to provide environmental educational and related programming to persons of all ages within Burien and the South King County Area, and

WHEREAS, the ESC worked diligently to raise the funds necessary to complete the design and construction of the Environmental Science Center; however, there exists a gap between funds raised and the anticipated cost of completing construction of the improvements described in the Development Agreement, and

WHEREAS, since the ESC has been unable to completely bridge the funding gap on its own, the City is willing and able to assist with some of the remaining funding, provided that the City receives additional consideration therefore, as set forth in this Amendment and in a related amendment to the O & M Agreement, and

WHEREAS, the City Council has previously determined that the proposed use of the Environmental Science Center by the ESC will provide long-term benefits to the City of Burien by fostering, developing, and facilitating environmental stewardship and conservation in a way that will protect and preserve valuable and important resources of the City of Burien, and

WHEREAS, the City Council finds that it is in the public interest to provide up to \$150,000 in City funds to match \$80,000 in additional funds to be raised by ESC by November 1, 2011, in order to ensure that construction of the Environmental Science Center is completed in a timely manner and that the full benefits of the environmental programming to be offered by the ESC will be made available to the public, and

WHEREAS, the City Council further finds that the City will receive sufficient consideration for its \$150,000 contribution in the form of the amendments to the O & M Agreement, which (1) transfer the City's responsibility for maintenance of the building structure to the ESC five years after building occupancy and (2) shorten the time in which the City may take possession of the building from 30 years to 25 years,

NOW, THEREFORE, in consideration of the City's and ESC's agreement to provide matching funds for completion of the Environmental Science Center, and in further consideration of the mutual undertakings and promises contained in the amendments to the O & M Agreement and the benefits to be realized by each party, and in further consideration of the benefit to the general public by the enhancement of environmental awareness and education to be realized by and through the performance of the Development Agreement and the O & M Agreement, as amended, and as a direct benefit to the City, the parties hereto agree to amend the Development Agreement as follows:

SECTION 1. The City and ESC agree that the above stated recitals are true and correct to the best of their knowledge and that the same are incorporated in the Development Agreement as if fully set forth therein.

SECTION 2. Article 3, entitled Financing Commitments, is hereby amended by the addition of a new Section 3.8 to read as follows:

3.8. The City and ESC shall each contribute matching funds to be used to complete the construction of the Environmental Science Center. The City shall contribute \$150,000, and ESC shall contribute \$80,000. If the ESC has not raised its \$80,000 in matching funds by November 1, 2011, then the City's obligation to contribute \$150,000 in matching funds shall be null and void.

The City's contribution shall also be contingent upon the O & M Agreement being amended to (1) transfer the City's responsibility for maintenance of the building structure to the ESC five years after building occupancy and (2) shorten the time in which the City may take possession of the building from 30 years to 25 years.

Since City funds are being contributed to complete the Project, the ESC shall be required to comply with the statutory requirements applicable to code cities for public works projects, including competitive bidding, retainage, payment of prevailing wages, and requirements for performance bonds. The ESC shall also be required to submit the Construction Plans and Schedule for prior written approval by the City Manager, as set forth in Section 6.3 of the Development Agreement.

IN WITNESS WHEREOF, authorized representatives of City and ESC hereby execute this First Amendment to the Development Agreement as of the date first set forth herein.

CITY OF BURIEN

ESC

Mike Martin, City Manager

Caroline Bobanick, Executive Director

Board Chair

UBI# _____

Approved as to form:

Craig D. Knutson, City Attorney

FIRST AMENDMENT TO
ENVIRONMENTAL SCIENCE CENTER
OPERATIONS, MAINTENANCE AND
MANAGEMENT AGREEMENT

BY AND BETWEEN
THE CITY OF BURIEN
AND
THE ENVIRONMENTAL SCIENCE CENTER

THIS FIRST AMENDMENT to the Operations, Maintenance and Management Agreement (the “**O & M Agreement**”) dated the first day of November, 2008 is made and entered into as of this ___ day of _____, 2010, by and between the **CITY OF BURIEN**, a municipal corporation operating as a code city under the laws of the State of Washington, hereinafter referred to as the “City,” and the **Environmental Science Center**, a nonprofit Washington State corporation duly and currently registered and existing in the State of Washington with its primary offices located at Environmental Science Center, 126 SW 148th Street, Suite C100-170, Burien, WA 98166, hereinafter referred to as the “**ESC**”.

RECITALS:

WHEREAS, the City owns Seahurst Park, upon which was located at the north portion of the park, certain improvements consisting of a caretaker building and appurtenances (the “**Caretaker Building**”), and

WHEREAS, the ESC has been organized as a community-based nonprofit corporation for the purpose of offering science-based environmental education programs in classroom and field trip settings with a strong message of stewardship to protect the beautiful and diverse habitats of the region, and

WHEREAS, the City and ESC entered into a Development and Construction Agreement dated the 1st day of November, 2008 (the “**Development Agreement**”), providing for the demolition of the Caretaker Building, redevelopment of the property, and construction of an environmental science center (the “**Environmental Science Center**”) to replace the Caretaker Building and to be used by the ESC for environmental educational programming and related uses, and

WHEREAS, the City and ESC entered into the O & M Agreement for the purpose of providing for the long-term management, maintenance and operation of the Environmental Science Center and to provide for certain obligations of the ESC to utilize

the Environmental Science Center to provide environmental educational and related programming to persons of all ages within Burien and the South King County Area, and

WHEREAS, the ESC worked diligently to raise the funds necessary to complete the design and construction of the Environmental Science Center; however, there exists a gap between funds raised and the anticipated cost of completing construction of the improvements described in the Development Agreement, and

WHEREAS, since the ESC has been unable to completely bridge the funding gap on its own, the City is willing and able to assist with some of the remaining funding, provided that the City receives additional consideration therefore, as set forth in this Amendment and in a related amendment to the Development Agreement, and

WHEREAS, the City Council has previously determined that the proposed use of the Environmental Science Center by the ESC will provide long-term benefits to the City of Burien by fostering, developing, and facilitating environmental stewardship and conservation in a way that will protect and preserve valuable and important resources of the City of Burien, and

WHEREAS, the City Council finds that it is in the public interest to provide \$150,000 in City funds to match \$80,000 in additional funds to be raised by ESC by November 1, 2011, in order to ensure that construction of the Environmental Science Center is completed in a timely manner and that the full benefits of the environmental programming to be offered by the ESC will be made available to the public, and

WHEREAS, the City Council further finds that the City will receive sufficient consideration for its \$150,000 contribution in the form of the amendments to the O & M Agreement set forth below, which (1) transfer the City's responsibility for maintenance of the building structure to the ESC five years after building occupancy and (2) shorten the time in which the City may take possession of the building from 30 years to 25 years,

NOW, THEREFORE, in consideration of the City's and ESC's agreement to provide matching funds for completion of the Environmental Science Center, and in further consideration of the mutual undertakings and promises contained in the amendments to the O & M Agreement and the benefits to be realized by each party, and in further consideration of the benefit to the general public by the enhancement of environmental awareness and education to be realized by and through the performance of the Development Agreement and the O & M Agreement, as amended, and as a direct benefit to the City, the parties hereto agree to amend the O & M Agreement as follows:

SECTION 1. The City and ESC agree that the above stated recitals are true and correct to the best of their knowledge and that the same are incorporated in the O & M Agreement as if fully set forth therein.

SECTION 2. Article 7 entitled Financial Obligations, is hereby amended by the addition of a new Section 7.5 to read as follows:

7.5 Matching Funds. The City and ESC shall each contribute matching funds to be used to complete the construction of the Environmental Science Center. The City shall contribute \$150,000, and ESC shall contribute \$80,000. If the ESC has not raised its \$80,000 in matching funds by November 1, 2011, then the City's obligation to contribute \$150,000 in matching funds shall be null and void.

SECTION 3. Article 5, Section 5.2 is hereby amended as follows (amendments shown in legislative revision marks):

5.2 City Maintenance Obligations. For the first five years after a certificate of occupancy is issued for the Project, the City shall, at its sole cost and expense, be responsible for maintenance and repair of the Building Structure and exterior grounds and landscaping and shall keep and maintain the Building Structure in good repair and working order. City shall promptly make repairs (considering the nature and urgency of the repair) for which City is responsible, in accordance with and subject to applicable Laws. ESC shall notify the City as soon as practical after it becomes aware of any material defects in or damage to the Building Structure.

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The City may, but is not obligated to, make its staff available to the ESC on a case-by-case basis as necessary or desirable to facilitate and support inspections, maintenance and repairs of the Environmental Science Center Non-structural Components and Building Systems.

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Five years after a certificate of occupancy is issued for the Project, the City's responsibility for maintenance and repair of the Building Structure shall cease and ESC shall assume responsibility for such maintenance and repair for the remaining term of this O & M Agreement.

SECTION 4. Article 10, Section 10.1 is hereby amended as follows (amendments shown in legislative revision marks):

10.1 Initial Term. This Agreement shall be effective on the Effective Date and shall be in full force and effect for a term of twenty-five (25) years, unless sooner terminated by either Party. In the event that this Agreement is executed on or after the Effective Date, the Parties agree that the Agreement, and the rights, duties, and obligations of the Parties, shall be interpreted and applied as though all terms and conditions hereof became effective on the Effective Date.

Deleted: thirty

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IN WITNESS WHEREOF, authorized representatives of City and ESC hereby execute this First Amendment to the O & M Agreement as of the date first set forth herein.

CITY OF BURIEN

ESC

Mike Martin, City Manager

Caroline Bobanick, Executive Director

Board Chair

UBI# _____

Approved as to form:

Craig D. Knutson, City Attorney

