



Burien
WASHINGTON

CITY COUNCIL MEETING AGENDA

March 14, 2011

SPECIAL MEETING, Miller Creek Conference Room, 3rd Floor

For the purpose of conducting Arts Commission and Parks & Recreation Board interviews

6:00 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. Letter Dated March 5, 2011, from Chestine Edgar Regarding 2010 Census Data. | | 3. |
| 7. CONSENT AGENDA | a. Approval of Minutes: March 4, 2010, Council Meeting. | | 5. |
| 8. BUSINESS AGENDA | a. Motion to Approve Appointment to the Planning Commission. | | 9. |
| | b. Presentation on Public Works Department 2010 Performance Report. | | |
| | c. Discussion on Inter-Local Agreement (ILA) for Storage of Large Rocks on Port of Seattle Property. | | 11. |
| | d. City Business. | | 21. |
| 9. COUNCIL REPORTS | | | |
| 10. ADJOURNMENT | | | |

COUNCILMEMBERS

Joan McGilton, Mayor
Rose Clark

Brian Bennett, Deputy Mayor
Lucy Krakowiak

Gerald F. Robison
Jack Block, Jr.
Gordon Shaw

RECEIVED

MAR 07 2011

March 5, 2011
To the Burien City Council;

CITY OF BURIEN

Enclosed in this last packet was an orange sheet titled **AMERICAN Fact Finder** which displays the **2010 census data**. **I am writing to you about that sheet as the information on it appears to be incorrect by somewhere 11% and 13%**. This error may be due to how it was down loaded, interpreted or an error in the original question construct. However because it involves a significant amount of the population, it warrants further research.

In the tabling under Race, the first section of the table shows that 11.5% of the population reported themselves as another race. The only **Some other race** that might be considered is Australian Aboriginal and I doubt that percentage lives in Burien. However in the immediate section following, then only 0.3% of the population reports themselves as other race. This creates an **error factor of 11.2%**.

In the tabling under Race, 5.9% report to be **Two or More Races**. However in the next table below, 4.0% report to be Two or More Races. **This creates an error of 1.9%**.

In the table under Race, 513 people-1.5%- report to be **American Indian and Alaska Native**. In the table immediately below 291 people-0.9%-report to be American Indian and Alaska Native. **This creates an error of 0.6% and a loss of 222 people from an already small population.**

In the table under Race, 63.5% of the population reports to be **White**. However in the next table, 57% reports to be white. **This creates an error of 6.5%**.

Some of these percentage point spreads appear to be more than expected error factors in the process.

Another reason that there might appear to be these broad errors is the manner in which the table was constructed.

I am requesting that someone in the city, look in to what appears to be an incorrect reporting of the Demographics for the City of Burien. Funding and grant resources are driven from these facts and as a city, we need the correct stats on our city.

Sincerely,
Chestine Edgar

cc US Census Bureau

cc: City Manager's Office
CFTR: 03/14/11



QT-PL

Race, Hispanic or Latino, Age, and Housing Occupancy: 2010

2010 Census Redistricting Data (Public Law 94-171) Summary File

NOTE: For information on confidentiality protection, nonsampling error, and definitions, see <http://www.census.gov/prod/cen2010/pl94-171.pdf>

GEO: Burien city, Washington

Subject	Total		18 years and over	
	Number	Percent	Number	Percent
POPULATION				
Total population	33,313	100.0	25,842	100.0
RACE				
One race				
White	31,353	94.1	24,808	96.0
Black or African American	21,158	63.5	17,632	68.2
American Indian and Alaska Native	1,960	5.9	1,411	5.5
Asian	513	1.5	357	1.4
Native Hawaiian and Other Pacific Islander	3,304	9.9	2,501	9.7
Some Other Race	591	1.8	403	1.6
Two or More Races	3,827	11.5	2,504	9.7
HISPANIC OR LATINO AND RACE				
Hispanic or Latino (of any race)	1,960	5.9	1,034	4.0
Not Hispanic or Latino	6,902	20.7	4,409	17.1
One race	26,411	79.3	21,433	82.9
White	25,063	75.2	20,725	80.2
Black or African American	18,979	57.0	16,220	62.8
American Indian and Alaska Native	1,845	5.5	1,346	5.2
Asian	291	0.9	227	0.9
Native Hawaiian and Other Pacific Islander	3,275	9.8	2,481	9.6
Some Other Race	585	1.8	400	1.5
Two or More Races	88	0.3	51	0.2
HOUSING UNITS	1,348	4.0	708	2.7
Total housing units	14,322	100.0		
OCCUPANCY STATUS				
Occupied housing units	13,253	92.5		
Vacant housing units	1,069	7.5		

(X) Not applicable

Source: U.S. Census Bureau, 2010 Census.

2010 Census Redistricting Data (Public Law 94-171) Summary File, Tables P1, P2, P3, P4, H1.

DRAFT

Burien
WASHINGTON

CITY COUNCIL MEETING MINUTES

March 7, 2011

SPECIAL MEETING, Miller Creek Conference Room, 3rd Floor
For the purpose of holding Planning Commission interviews
6:00 p.m.

SPECIAL MEETING, Miller Creek Conference Room, 3rd Floor
For the purpose of holding an Executive Session to review the performance of a public employee
6:30 p.m.

and

COUNCIL MEETING, Council Chambers, 1st Floor
7:00 p.m.

400 SW 152nd Street
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
- Check out a DVD of the Council Meeting from the Burien Library

SPECIAL MEETINGS

Mayor McGilton called the Special Meeting of the Burien City Council to order at 6:00 p.m. for the purpose of conducting Planning Commission interviews.

Present: Mayor Joan McGilton, Deputy Mayor Brian Bennett, Councilmembers Rose Clark, Lucy Krakowiak, and Gerald F. Robison. Councilmember Gordon Shaw was excused. Councilmember Jack Block, Jr. was absent.

Administrative staff present: Mike Martin, City Manager.

Interviews were held with applicants Andrew Tyler, Robert Edgar, and Betsy Wheelock.

No action was taken.

Mayor McGilton called the Special Meeting of the Burien City Council to order at 6:30 p.m. for the purpose of holding an Executive Session to review the performance of a public employee.

Present: Mayor Joan McGilton, Deputy Mayor Brian Bennett, Councilmembers Rose Clark, Lucy Krakowiak, and Gerald F. Robison. Councilmember Gordon Shaw was excused. Councilmember Jack Block, Jr. was absent.

Administrative staff present: Mike Martin, City Manager.

No action was taken.



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 Brian Bennett, Councilmembers Jack Block, Jr., Rose Clark, Lucy Krakowiak, and Gerald F. Robison. Councilmember Gordon Shaw was excused.

Administrative staff present: Mike Martin, City Manager; Craig Knutson, City Attorney; Michael Lafreniere, Parks and Recreation Director; Steve Roemer, Parks Development and Operations Manager; and Monica Lusk, City Clerk.

AGENDA CONFIRMATION

Direction/Action

Motion was made by Deputy Mayor Bennett, seconded by Councilmember Krakowiak, and passed unanimously to affirm the March 7, 2011, Agenda as amended to remove Business Agenda Item 8 "a" Presentation on Public Works Department 2010 Performance Report and reorder subsequent items.

PUBLIC COMMENT

Bob Edgar, 12674 Shorewood Drive SW, Burien

Mr. Edgar, referring to Packet Page 83, suggested the City synthesize the results of the US Census Bureau's American FactFinder for Burien so it is easier for the residents to understand and read.

John Hickman, 13671 18th Avenue SW, Burien

Mr. Hickman spoke to the unfairness of the fee for the 1st Avenue undergrounding because it is calculated by electrical usage.

Jared Standiford, 2116 SW 146th Street, Burien

Mr. Standiford proposed another place, such as a park, for teens to hang out after schools besides the library so they do not have to worry about disturbing others or breaking rules.

Lauren Ji, 1408 SW 170th Street, Normandy Park

Ms. Ji, speaking on behalf of her father Kun Ji, stated that their home is serviced by Water District 49. They asked what could be done with a hydrant that was wrongly installed close to their driveway even though they had a signed agreement with the District.

Ed Dacy, 2016 SW 146th Street, Burien

Mr. Dacy stated that last weekend's Hospitality House auction was a success. He thanked those who are volunteering to be flag wavers for the upcoming Cove to Clover event.

Diane Patterson, 12233 Shorewood Drive SW, Burien

Ms. Patterson stated she hoped for beach restoration at Standring Lane that has suffered degradation from seawalls.

CORRESPONDENCE FOR THE RECORD

No correspondence was received.

CONSENT AGENDA

a. Approval of Vouchers: Numbers 27636 – 27671, 927672 – 927675, 27676 – 27724 in the Amounts of \$253,296.60.

b. Approval of Minutes: February 28, 2011, Council Meeting.

Direction/Action

Motion was made by Deputy Mayor Bennett, seconded by Councilmember Krakowiak, and passed unanimously to approve the March 7, 2011, Consent Agenda.

BUSINESS AGENDA

Presentation on Public Works Department 2010 Performance Report.

(This item was removed under Item 4 Agenda Confirmation)

Project Partnership Agreement with the U.S. Army Corps of Engineers for the Removal of the Seahurst Park North Seawall & Beach Restoration Project

Steve Roemer, Parks Development and Operations Manager, introduced Chris Behrens, US Army Corps of Engineers Project Manager. Mr. Roemer provided an update on the project noting the existing site conditions of the north shore, project goals, future improvements, the three phases (sewer restoration, habitat restoration, and recreation improvements), schedule, project and funding partners, funding strategy, and monitoring.

Direction/Action

Councilmember Block, referring to Diane Patterson's earlier comments, suggested exploring a Local Improvement District for beach restoration at Standring Lane.

Deputy Mayor Bennett left the dais at 7:49 p.m. and returned at 7:51 p.m.

City Business

Direction/Action

Councilmember Krakowiak, referring to Packet Page 83, asked for a further breakout for the Hispanic or Latino (of any race) that was provided from the US Census Bureau.

Councilmember Krakowiak, referring to Packet Page 96, requested that "small but cosmopolitan" be updated to "small town cosmopolitan" as listed on Page 95.

Councilmember Clark requested an update regarding the shooting of car and home windows in the Chelsea Park neighborhood and on crime in Burien.

Discussion on Information Provided to Council on a Regular Basis

Follow-up

Staff will reformat the matrix presented, provide information for a number of the items within the timeframes listed, inform the Council on which items are problematic, will let the Council know if money is needed for data sources, and schedule a further discussion on March 28.

COUNCIL REPORTS

Mayor McGilton noted that the King County Metro Transit Strategic Plan for Public Transportation 2011-2021 is available for review in the City Manager's Office.

ADJOURNMENT

Direction/Action

MOTION was made by Deputy Mayor Bennett, seconded by Councilmember Krakowiak and passed unanimously to adjourn the meeting at 8:18 p.m.

Joan McGilton, Mayor

Monica Lusk, City Clerk

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Approve Appointment to the Planning Commission		Meeting Date: March 14, 2011
Department: City Manager	Attachments:	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Monica Lusk, City Clerk		
Telephone: (206) 248-5517		
Adopted Work Plan Priority: Yes No <input checked="" type="checkbox"/> X	Work Plan Item Description:	
PURPOSE/REQUIRED ACTION:		
The purpose of this agenda item is for Council to make an appointment to the Planning Commission. Council held interviews on February 7 & 28 and March 7.		
Background (Include prior Council Action and Discussions):		
A call for volunteers to serve on Burien's Planning Commission was placed in the Highline Times, Burien City News, on TBC21, on the B-Town Blog, on White Center Now, and on the City's website. Ten applications for the Planning Commission were received to fill one position with a term that will expire on March 31, 2012.		
OPTIONS (Including fiscal impacts):		
<ol style="list-style-type: none"> 1. Appoint an applicant to fill the Planning Commission vacancy with the term noted. 2. Do not appoint any of the applicants, and re-advertise. 		
Administrative Recommendation: Per Council direction.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion:		
Move to appoint _____ to Planning Commission Position 7 for a term that will begin on March 14, 2011, and expire on March 31, 2012.		
Submitted by: Monica Lusk	Mike Martin	
Administration _____	City Manager _____	
Today's Date: March 9, 2011	File Code: <u>R:/CC/AgendaBill2011/031411cm-1</u> <u>advbdappt-pc</u>	

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion on Inter-Local Agreement (ILA) for Storage of Large Rocks on Port of Seattle Property		Meeting Date: March 14, 2011
Department: Public Works and Parks and Recreation & Cultural Svcs.	Attachments: 1. ILA with Port of Seattle 2. Map of location of Rock Storage Area	Fund Source: Parks & General Gov't CIP – Seahurst Park - North Shoreline Activity Cost: \$10,000 Amount Budgeted: \$2,762,500 (this amount includes funds for removal of rock wall to the POS property) Unencumbered Budget Authority: N/A
Contact: Larry Blanchard- Public Works Director		
Telephone: (206) 248-5514		
Adopted Initiative: Yes X No	Initiative Description: Seahurst Park North Seawall Removal / Beach Restoration	
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is to discuss the Inter-local Agreement between the City of Burien and the Port of Seattle (POS) to store rock from the removal of the seawall in Seahurst Park on POS property.		
BACKGROUND (Include prior Council action & discussion): This agreement is entered into pursuant to Chapter 39.33 RCW as of April 30, 2011, between the City of Burien (“City”) and Port of Seattle (“Port”), for the purpose of setting forth the terms and conditions under which the Port shall grant to the City use of Port property in the Northeast Redevelopment Area (NERA) for rock storage. <ul style="list-style-type: none"> • The City and the Port entered into a Memorandum of Agreement in May, 2008 regarding joint planning work in the NERA in which the Port and the City agreed to work cooperatively to prepare a redevelopment plan for the airport-impacted property within the NERA. • This joint planning work resulted in NERA Redevelopment Plan and Implementation Strategy completed in April, 2010 (the “NERA Plan”). • The NERA Plan recommends that the City and Port cooperate in constructing a comprehensive stormwater management system to facilitate redevelopment of the entire NERA. • To that end, the City has identified materials from another City project that could be used in the construction of the NERA Stormwater Management System. • The City has requested the Port allow storage of approximately 8,900 tons of “2-3 man rock” on Port property in the NERA. • Storage of the 8,900 tons of rock would constitute a stockpile approximately 4’ high by 100’ wide and 100’ long. • Relocating the rock to another, non-Port-owned site would cost approximately \$250,000. • Purchasing this material for the NERA would likely cost \$250K including a hauling cost of \$250K the removal of the Seawall would total \$500K if the City and Port did not store the rock at this time. • Removal of the seawall in Seahurst Park is a joint City and the US Army Corps of Engineers (Corps) project. The cost to remove the wall includes the cost of preparing the POS site for storage. • Permits are ready to proceed with the project this fall, internal approval is necessary to proceed. 		
OPTIONS (Including fiscal impacts): 1) Place the ILA on the next City Council Meeting for consideration. 2) Do not place the ILA on the next City Council Meeting for consideration.		
Administrative Recommendation: Authorize the placement of the ILA on the March 28, 2011, City Council agenda for consideration.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required.		
Submitted by: Larry Blanchard	Mike Martin	
Administration _____	City Manager _____	
Today’s Date: March 10 th , 2011	File Code: R:/CC/AgendaBill2011/031411pw-1 ILA POS	

**INTERLOCAL AGREEMENT BETWEEN CITY OF BURIEN AND
PORT OF SEATTLE FOR USE OF PORT PROPERTY IN NORTHEAST
REDEVELOPMENT AREA FOR ROCK STORAGE**

THIS AGREEMENT is entered into pursuant to Chapter 39.33 RCW as of _____, 2011, between the City of Burien (“City”) and Port of Seattle (“Port”), for the purpose of setting forth the terms and conditions under which the Port shall grant to the City use of Port property in the Northeast Redevelopment Area (“NERA”) for rock storage.

RECITALS

A. The City and the Port entered into a Memorandum of Agreement in May, 2008 regarding joint planning work in the NERA in which the Port and the City agreed to work cooperatively to prepare a redevelopment plan for the airport-impacted property within the the NERA. This joint planning work resulted in NERA Redevelopment Plan and Implementation Strategy completed in April, 2010 (the “NERA Plan”).

B. The NERA Plan recommends that the City and Port cooperate in constructing a comprehensive stormwater management system to facilitate redevelopment of the entire NERA. To that end, the City has identified materials from another City project that could be used in the construction of the NERA stormwater management system.

C. The City has requested the Port allow storage of approximately 8,900 tons of “2-3 man rock” on Port property in the NERA. Storage of the 8,900 tons of rock would constitute a stockpile approximately 4’ high by 100’ wide and 100’ long.

D. The 8,900 tons of rock is from the seawall at Seahurst Park, which will be removed as part of a shoreline improvement project by the City and the Army Corps of Engineers. Relocating the rock to another, non-Port-owned site would cost approximately \$250,000.

E. It is anticipated that the 2-3 man rock will be used to construct the NERA stormwater management system, including re-aligning and re-lining the Miller Creek channel to restore the wetlands, enhance the water quality, and improve the habitat of Miller Creek. Purchasing this material for the NERA stormwater management system project would likely cost approximately \$250,000 in addition to the \$250,000 hauling costs identified above, for a total estimated cost of \$500,000 that would be required if the City and Port did not take advantage of obtaining and storing the rock at this time.

NOW, THEREFORE, for good and valuable consideration, the adequacy of which is acknowledged here, the City and the Port agree as follows:

AGREEMENT

1. Authorization for Use of the Property. In consideration of and subject to the terms and conditions set forth herein, the Port grants to the City the right to store approximately 8,900 tons of 2-3 man rock from the Seahurst Park improvement project on approximately ten thousand (10,000) square feet (the "Leased Premises") of Port property located at 14239 Des Moines Memorial Drive South, King County Tax Lot Number 1723049198. The Leased Premises are shown on Exhibit "A" attached hereto and incorporated herein and the property (the "Property") of which the Leased Premises is a part is legally described as follows:

S 1/2 OF SE 1/4 OF SE 1/4 LY W OF DES MOINES WAY S LESS N 173 FT LESS BEG NW COR THOF TH E 415 FT TO TPOB TH CONTG E TO C/L OF DES MOINES WAY S TH S ALG SD C/L TAP 30 FT N OF S MGN SD SUBD TH W 225 FT TH N 298.77 FT M/L TO S MGN OF N 322.30 FT OF S 1/2 OF SE 1/4 OF SE 1/4 TH W TAP S OF TPOB TH N TO TPOB LESS LESS SLY 30 FT.

The Port disclaims any and all warranties, express or implied, of any kind whatsoever (except as otherwise provided herein), including, but not limited to, warranty of fitness for a particular purpose, in connection with the Property or this Agreement.

2. Term;Extension Options. The term of this Agreement shall be for two (2) years from the date of this Agreement (the "Term"), unless extended as provided below.

The City shall have two (2) successive options to extend the Term of this Agreement (herein referred to individually as an "Extension Option") for an additional period of six (6) months for each option (herein referred to individually as "Extension Term") on the same terms, covenants, and conditions, except that no additional options to extend shall apply following the extension of the second Extension Term. Written notice of the City's exercise of the Extension Option for each Extension Term must be given to the Port no less than three (3) months prior to the expiration of the then-current Term.

If upon the expiration of this Agreement, the City elects to retain some or all of the materials, the City shall remove, at its sole cost and expense, such materials within a reasonable time, but in no event later than ninety (90) days thereafter and shall return the Property to its prior condition.

3. Termination. Either party may terminate this Agreement by giving one hundred eighty (180) days prior written notice to the other. Upon any such termination, the City shall be required to remove, at its sole cost and expense, all the stored materials and return the Property to its prior condition by the effective date of the termination.

Notwithstanding anything herein to the contrary, if either party breaches the terms and conditions of this Agreement and such violation continues for thirty (30) days after written notice of such violation, the nonbreaching party may terminate this Agreement at any time thereafter, and the parties shall have no further obligation to each other.

4. Consideration. The consideration to the Port for the City's use of the Property for rock storage shall be the Port's benefit from and cost savings associated with reuse of the rock to construct the NERA stormwater management system project, including re-aligning and re-lining the channel of Miller Creek for wetland restoration, enhancement of water quality, and

improvement of the habitat. The parties acknowledge that the value of the rock is approximately \$250,000, and removing the rock to another location outside Burien could cost an additional \$250,000, for an approximate total of \$500,000.

5. **Condition of the Property.** The City agrees that the Property is in acceptable condition for the storage of rock as set forth in this Agreement, and the City further agrees that neither the City nor its contractors shall commit damage or waste, or permit damage or waste to be committed, on or to the Property.

6. **Safety, Security, and Responsibility for Damage.** The City agrees that it shall be responsible for safety and security of the City's use of the Property and that the City's use of the Property shall be at the City's sole risk. The City further agrees that it shall be responsible for all damage or waste to the Property that may result from the City's use of the Property in connection with this Agreement.

7. **Applicable Land Use Approvals and Permits.** The City shall be responsible for obtaining all required land use approvals and permits for the storage of the 8,900 tons of 2-3 man rock on the Property. Any conditions or required work as a result of the land use approval or the issuance of the permits for the rock storage shall be the responsibility of the City. Any monitoring or testing shall be the responsibility of the City. All test results required as a condition of the permitting shall be submitted to the Port upon the Port's request.

8. **Compliance with Laws, Rules and Regulations.** The City agrees to comply with all applicable laws, rules and regulations of local, state and federal government agencies with jurisdiction over the City's use of the Property.

9. **Indemnification.**

A. The City agrees to indemnify the Port from any claims, damages, losses, and costs, including, but not limited to, attorney's fees and litigation costs, arising out of claims by third parties for property damage and bodily injury, including death, caused solely by the negligence or willful misconduct of the City and its contractors or agents in connection with this Agreement.

B. The Port agrees to indemnify the City from any claims, damages, losses, and costs, including, but not limited to, attorney's fees and litigation costs, arising out of claims by third parties for property damage and bodily injury, including death, caused solely by the negligence or willful misconduct of the Port and its contractors or agents in connection with this Agreement.

C. If negligence or willful misconduct of both the Port and the City (or a person identified above for whom each is liable) is a cause of such damage or injury, the loss, cost or expense shall be shared between the Port and the City in proportion to their relative degrees of negligence or willful misconduct and the right of indemnity shall apply for such proportion.

D. Should a court of competent jurisdiction determine that this Agreement is subject to RCW 4.24.115, then, in the event of any liability caused by or resulting from the concurrent

negligence of the City and the Port, each party's liability shall be only to the extent of its negligence.

10. Insurance. The City shall procure and maintain in full force throughout the duration of the Agreement comprehensive general liability insurance with a minimum coverage of \$1,000,000 per occurrence/aggregate for personal injury and property damage. In the event that a party is a member of a pool of self-insured governmental entities, the party shall provide proof of such membership in lieu of the insurance requirement above upon request for such proof from the other party. Such self-insurance shall provide coverage equal to or greater than that required of non-self insurance pool parties to this Agreement.

11. Notice. Any notice given by either party to the other under the provisions of, or with respect to, this Agreement, shall be in writing, delivered in person or by certified or registered mail to the following addresses:

City: City of Burien
400 S.W. 152nd Street
Burien, WA 98166
ATTN: City Manager

Port: Port of Seattle
Post Office Box 68727
Seattle, WA 98168
ATTN: Managing Director of the Airport

Or to such other address(es) as each party hereto may notify the other in writing.

12. Entire Agreement. The parties agree that this Agreement sets forth completely the terms of the parties' agreement and understanding, that this Agreement supersedes any and all prior agreements or understanding, both oral and written, and that this Agreement cannot be modified without the express written consent of all parties hereto.

13. Counterparts. This Agreement may be signed in counterpart originals.

14. Filing. A copy of this Agreement shall be filed with the King County Auditor.

15. Dispute Resolution. If a dispute arises from or relates to this Agreement or the breach thereof, the Managing Director of the Airport and the City of Burien City Manager shall attempt to resolve the dispute through direct discussions. If the dispute cannot be resolved through discussions, the parties agree to endeavor first to attempt to settle the dispute in an amicable manner by mediation administered by a mediator under the American Arbitration Association Rules. The mediator shall be selected by agreement of the parties. All fees and expenses for mediation shall be borne by the parties equally. Each party shall, however, bear the expense of its own counsel, experts, witnesses, and preparation and presentation of evidence. If the dispute cannot be resolved through mediation, the parties agree to attempt to settle the dispute by arbitration administered by the American Arbitration Association Rules, and in accordance with the applicable provisions of

RCW Title 7. The arbitrator may be selected by agreement of the parties. All fees and expenses for arbitration shall be borne by the parties equally. Each party, however shall bear the expense of its own counsel, experts, witnesses, and preparation and presentation of evidence.

16. Applicable Law; Venue; Attorney's Fees. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Agreement, the parties specifically understand and agree that venue shall be exclusively in King County, Washington.

PORT OF SEATTLE

By _____
Tay Yoshitani, Chief Executive Officer

Dated this _____ day of _____, 2011.

CITY OF BURIEN,

By _____
Mike Martin, City Manager

Dated this _____ day of _____, 2011.

APPROVED AS TO FORM

By _____
Name: _____
Title: City Attorney, City of Burien

ATTEST:

By _____
Name: _____
Title: City Clerk, City of Burien

Attachment 2

**Map of location of Rock
Storage Area**

Pages 19 – 20

**Will be provided at the
meeting**



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: March 14, 2011
SUBJECT: City Manager's Report

I. INTERNAL CITY INFORMATION

A. Open House for SW 132nd Street Improvement Project (Pg. 23)

All persons interested in the future improvements of SW 132nd St. between Ambaum Blvd. SW and Hazel Valley Elementary School are invited to an Open House to meet with city staff and project designers on March 21, anytime between 4:30 and 7:00 p.m. at Burien City Hall, 1st Floor Meeting Room. See attached notice for further details.

B. Permit Activity Update

Ross Dress for Less

Ross Dress for Less was issued their building permit on March 2nd for tenant improvements at 15716 1st Ave. S. According to the contractor Berman Bros., work is expected to begin around March 15th. They are currently selecting their subcontractors and preparing to mobilize.

Pep Boys

Pep Boys have been issued a business license to open at 266 SW 153rd St. (Big O Tires).

Fred Meyer

A building permit application was received March 4th to add additional gas pumps and canopy at the Fred Meyer on 1st Ave. S.

C. Gray Whale Spotted at Seahurst Park

On March 1, Marine Science Center instructor Joe Weiss reported the sighting of a 40-ft. long grey whale feeding in the shallow sediments along the Seahurst Park shoreline. The whale, probably a male, was feeding at about 10am Tuesday morning and came as close as 100 ft. from the seawall and in about 20 ft. deep waters. At the time Joe was conducting classes and was able to bring the students out to the shoreline for a rare treat.

D. Volunteers Making Playgrounds Safer

Members from The Church of Jesus Christ of Latter-day Saints came out to Chelsea and Lake Burien Parks on March 3 to help distribute 40 cubic yards of wood fiber throughout the two playgrounds. About 20 volunteers coordinated by PaRCS Adopt-A-Park staff spread two very large piles of chips throughout the playgrounds for an even play surface and re-established the depth of surfacing that provides a safe fall zone around the equipment.

E. Vandals Cause Damage at Seahurst Park

At Seahurst Park's south picnic shelter on the evening of February 16, vandals caused about \$700 worth of damage to the concrete surfacing. These vandals apparently pulled rocks from the adjacent retaining walls at the shelter to make a fire ring on the concrete. The heat from the fire caused the concrete underneath to actually explode and damage a 4 ft. square by 3 inches deep section of concrete. A large square of concrete will need to be cut out and removed, in order to re-pour new material. PaRCS staff are proceeding to make the repairs to the concrete surface.

F. Healthy Highline Communities Update

- The Healthy Highline Communities Coalition (HHCC) is moving forward on inter-jurisdictional collaboration, starting with Joint Use Agreements for facility usage at the cities of Burien, SeaTac, Normandy Park, Des Moines and the Highline School District. Facility inventories have been completed by each city and a draft agreement will be created for feedback and input sometime in early April.
- The HHCC will be part of a focus group to test public health messages about Communities Putting Prevention to Work (CPPW) for the King County region. The Focus Groups convene the week of March 14.
- The CPPW baseline assessment for the food retail environment in South King County was released this week which included Burien. Data that was overlaid with the food retail data included prevalence of diabetes, % of adults overweight and obese, % of adults lacking adequate daily consumption of fresh fruits and vegetables. This information will be used to assess the food environment and access to healthful food choices in Burien as part of the Healthy Eating Active Living –CPPW grant.
- The review of the Comprehensive Plan for opportunities that support healthy eating and active living has begun.

II. COUNCIL UPDATES/REPORTS

A. Advisory Board Meeting Minutes (Pg. 25)

Approved minutes from the following advisory board are attached:

- Business & Economic Partnership minutes from January 14 & January 28, 2011.



City of Burien
Open House Meeting
for
SW 132nd Street Improvements
(Ambaum Blvd SW to Hazel Valley Elementary School)

DATE: Monday, March 21, 2011
Burien City Hall, Multipurpose Room (1st Floor)
400 SW 152nd Street, Burien, Washington

Drop in anytime between 4:30 and 7:00 p.m.
Refreshments

City staff and project designers would like to meet with all persons interested in the future improvements of SW 132nd Street between Ambaum Blvd SW and Hazel Valley Elementary School. The City of Burien is planning an extension of the sidewalk along the north side of SW 132nd Street from Hazel Valley Elementary School to Ambaum Boulevard SW. The project will also include the installation of a drainage system along SW 132nd Street, on 8th Avenue SW (between SW 132nd and SW 130th Street) and on SW 130th Street (between 8th and 6th Avenue SW).

The City has identified pedestrian safety deficiencies in this corridor that require correction, as well as the need for better stormwater facilities. To resolve the described concerns, SW 132nd Street within the stated corridor will be reconstructed to provide: a new hard surface, curb, gutter, sidewalk, and new stormwater facilities.

The SW 132nd Street Improvements will provide safer connectivity to Hazel Valley Elementary School. Please notify anyone you know who might be interested in this project. If you have any questions, or are unable to attend the meeting and would like more information on this project, please contact the Burien Public Works representative listed below:

Ramesh Davad, Capital Projects Engineer
City of Burien
Public Works Department
Phone: (206) 248-5527

cc: Burien City Council
Burien Staff
Discover Burien
Highline Times
King County/Burien Public Library

Seahurst Post Office
Web site: www.burienwa.gov
B-Town Blog
White Center Now

Burien Business and Economic Development Partnership

Date: January 14, 2011

Time: 7:00-8:30 am

Members Present: Judy Coovert, Dave Elliott, Bob Ewing, Geri Fain, Kevin Fitz, Michael Goldsmith, Jim Hughes, Alice Madsen, Sherrill Miller, Mark Minium, Carmen Moore, Doug Moreland

Excused Absentees: Nancy Hinthorne, Jane Voget

Absent:

Staff: Mike Martin, City Manager; Dick Loman, Economic Development Manager; Janet Stallman, Dept. Assistant, City Manager Office

Guests: Councilmembers Gordon Shaw and Rose Clark; Steve Gilbert, Executive Director of Discover Burien; Marco Milanese, Port of Seattle

Presentation

Jerry O'Day of O'Day Media Group gave a presentation on Burien Wellness and the joint promotional marketing campaign that will be undertaken this year. Burien Wellness hopes to kick off their campaign with a media kit by the end of February. The media kit will feature individual businesses and educational partners that belong to Burien Wellness. Dick Loman thanked Jerry for his volunteer work in helping Burien Wellness get to the next level by providing his expertise to the group. Jerry is making something possible that very likely would otherwise not have happened.

Minutes

Minutes from December 10, 2010 were approved as written.

Chair's Report – Judy Coovert, Chair

Judy discussed the structure of the two meetings per month. Judy reminded the group that both meetings will be 1-1/2 hours in length. The second Friday of the month will keep the same format. The fourth Friday meeting will be “work study” sessions. It was agreed that at the January 28th meeting, an agenda for the first several months of work study sessions would be determined.

Subcommittee Reports

Marketing Subcommittee

The Market Subcommittee has not met since the last regular meeting.

Annexation/Sustainability Subcommittee

BEDP made a presentation to Council on December 13th. Members requested that the City consider updating an economic development study for Burien, since the last one was completed many years ago. BEDP will be back in front of Council on January 24th to continue a discussion on their request. Doug asks that partnership members let him know if they plan to be at the Council meeting on the 24th. He also noted that he hopes the BEDP will be involved in the Visioning process. This statement prompted a discussion on the Visioning project, and Mike Martin gave a brief overview of how the process may work.

City Manager Report – Mike Martin

Mike spoke a bit about the Steering Committee for the Visioning project. He also described that the Visioning project is meant to get a more broad view of what the community wants before specifics are nested under that vision. Mike and Dick will be meeting with the Port of Seattle today to discuss the potential auto mall project in the NERA. Mike has met with several legislators the last several weeks about the Public Safety Authority idea. Berk & Associates is actively working on a comparative analysis for a Police Dept.

Economic Manager Report – Dick Loman

Dick gave an overview of the newly launched Business Attraction Program in partnership with Discover Burien. There is now an inventory of the available space in Burien, along with a list of who the brokers and owners of those properties are. The next thing that is being compiled is a list of what types of businesses we do not have in Burien that we need, and/or for which there may be a market in Burien. We also want to know what other nearby businesses might be ready to expand and open a second or additional location in Burien. We are working with the SBDC and banks, too, to work with small businesses that want to come here. We have volunteers from Discover Burien willing to work on this. Dick asked the partnership members to be thinking about what types of businesses we don't currently have that might do well here, as well as what businesses may be expanding and might consider coming to Burien.

Discover Burien Report – Steve Gilbert

Steve believes that 2011 will be a great year for Discover Burien. There will be more networking and educational events this year, and they are very excited about the Business Attraction Program with the City. Steve has event calendars for folks to take with them today.

Round the Table

It was recommended that the retail specialist with whom the Marketing Subcommittee met be brought in for one of the BEDP meetings. Someone on the Marketing Subcommittee will contact her.

Next meeting: January 28, 7-8:30 a.m., City Hall

Burien Business and Economic Development Partnership

Date: January 28, 2011

Time: 7:00 – 8:30 am

Members Present: Bob Ewing, Judy Coovert, Sherrill Miller, Nancy Hinthorne, Dave Elliott, Doug Moreland, Alice Madsen, Michael Goldsmith, Jim Hughes

Excused Absentees: Carmen Moore, Jane Voget, Geri Fain, Mark Minium, Kevin Fitz

Guests: Steve Gilbert, Executive Director, Discover Burien

A discussion was held on the Council meeting and our presentation of January 24th. Since Council and staff don't want to spend money on an economic enhancement study, it will be up to the Partnership to develop focus projects and determine our role in these projects.

BEDP 2011 topics were suggested by Bob Ewing. Discussion followed as to how we could best put topics into action. The topics discussed were:

- City Visioning Project

- NERA/1st Ave.

- Property Development Analysis

- Burien Outlet/Commissary Model

- Completing Town Center

- Community/Ethnic Outreach

- Education/Training

- Wellness Cluster

- White Center Analysis

- Economic Development Data and Performance Evaluation

- BEDP Strategy and Plan

Members volunteered to research the different topics to give us information to create action plans.

February study meeting on February 25th: Arrange for Elizabeth Best to talk to us.

Meeting adjourned at 8:30 am.

