REVISED

# CITY COUNCIL MEETING AGENDA

**October 15, 2012**

**6:30 p.m. - Special Meeting: Executive Session to discuss potential litigation and real estate acquisition**

**7:00 p.m. – Regular Meeting**

| | | 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. Response from Dan Trimble, Economic Development Manager, to Email Dated August 23, 2012, from Randy and Diane Mullinax. | 3. |
| | b. Response from Dan Trimble, Economic Development Manager, to Email Dated September 19, 2012, from Robbie Howell. | 7. |
| | c. Letter Dated September 26, 2012, from H. Johnson. | 9. |
| | d. Email Dated September 27, 2012, from Don Nold. | 11. |
| | e. Email Dated September 28, 2012, from Mitch Stone. | 13. |
| | f. Email Dated October 1, 2012, from Connie Jones, Office Manager for Tukwila Pantry. | 15. |
| | g. Email Dated October 3, 2012, from Joey Martinez. | 17. |
| | h. Email Dated October 9, 2012, from Jeff Abolofia. | 19. |
| | i. Email Dated October 9, 2012, from Marcy A. Rivas. | 21. |
| | j. Email Dated October 9, 2012, from Paul S. McCarroll. | 23. |
| | k. Email Dated October 9, 2012, from Stan and Nancy Milkowski. | 25. |
| | l. Email Dated October 10, 2012, from Shelli Park. | 27. |
| **7. CONSENT AGENDA** | a. Approval of Vouchers: Numbers 32825 - 32946 in the Amounts of $262,224.61. | 33. |
| | b. Approval of Minutes: Council Regular Meeting, October 1, 2012. | 51. |
| | c. Motion to Adopt Ordinance No. 566, Amending Title 2 of the Burien Municipal Code Relating to the Membership and Meetings for Advisory Boards. | 55. |

**COUNCILMEMBERS**

**Brian Bennett, Mayor** **Rose Clark, Deputy Mayor** **Jack Block, Jr.**
**Bob Edgar** **Lucy Krakowiak** **Joan McGilton** **Gerald F. Robison**

**City Hall, 400 SW 152nd Street, 1st Floor**

**8. BUSINESS AGENDA**

a. Motion to Authorize the City Manager to Sign an Interlocal Agreement With King County to Provide Landmark Preservation and Protection Services. 63.
b. Motion to Adopt Ordinance 567, Relating to Zoning Code Amendments for Landmark Preservation and Protection. 71.
c. Discussion on 2013-14 Preliminary Budget Including Operating, Capital Improvement Program and Human Services Funding. 95.
d. Discussion on 2013 Federal & State Legislative Priorities. 101.
e. Discussion on a Motion to Approve a Cooperative Agreement Between the Highline School District No. 401 and the Cities of Burien, Des Moines, Normandy Park and SeaTac. 105.
f. Discuss Ordinance Regulating Chronic Nuisance Properties. 109.
g. Discuss Waste Management Settlement Agreement. 117.
h. City Business. 125.

**9. COUNCIL REPORTS**

**10. ADJOURNMENT**

**Carol Allread**

**From:** Dan Trimble
**Sent:** Tuesday, October 09, 2012 8:49 AM
**To:** 'randy@rem-pi.com'
**Cc:** Carol Allread
**Subject:** Re: Burien Town Square Condos

Dear Mr. Mullinax,

I am glad that you are considering purchasing a condo in the Burien Town Square. It has been some time since they have been available for purchase and it is good to see them selling again. Your email from August 28th regarding concerns about the future development of Burien Town Square has been sent to me for a response. I hope to address your concerns. If I don't, please know that this is the start of conversation which I am happy to continue in person or through correspondence.

First, a status update on the remaining undeveloped parcels in Burien Town Square: the parcels are owned by the development company Harbor Urban, which was recently formed through the merger of Urban Partners and Harbor Properties. Phase II of the development was to have commenced July of 2011, and the City has been encouraging the developer to proceed as required in the Disposition and Development Agreement (DDA) that was agreed to when they purchased the properties from the City.

What we have heard from the developer and others in the real estate and development community is that developing a similar condo project to Phase I would most likely not occur now and probably not for several years. This is due in part to the broader market conditions and in part to the absorption, or sales pace versus supply, at the existing Phase I condo building. Most likely, developing an additional 150 to 175 for-sale condos on the now vacant Parcel V, while there are nearly 100 vacant for sale condos, would depress prices in both the existing development and the proposed development.

In contrast, there is an existing demand for higher end, transit proximate apartments of the type that have been discussed. While there is some marketing cross over, the apartments would not be considered a direct competitor to the existing condos. Higher end, in this case, would be professionally managed apartments that would demand a higher rental rate than anything we currently have in the City. As stated in the Standstill Agreement recently approved by the City Council, we are seeking a proposal from the developer for a quality market rate development that compliments the existing development in Burien Town Square.

I hope that I have addressed some, if not all, of your concerns. If not, please feel free to contact me.

Sincerely,

**Dan Trimble**
Economic Development Manager
City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166

206.248.5528 - Office
206.248.5539 - Fax
dant@burienwa.gov
www.burienwa.gov

CFTR: 10/15/12
Staff follow-up by Dan Trimble, Economic Development Director

**Carol Allread**

**From:** Randy E. Mullinax [randy@rem-pi.com]
**Sent:** Thursday, August 2?, 2012 10:23 PM
**To:** Mike Martin; Brian Bennett; Jack Block Jr.; Lucy Krakowiak; Joan McGilton; Jerry Robison; Bob Edgar
**Subject:** Burien Town Square Condominiums

Dear Mayor Bennett and Burien City Council,

My wife and I very recently commenced negotiations for a new condominium home in the Burien Town Square mixed-use residential project. We have chosen, at over $300/square foot, a lovely corner sixth-floor condo unit. I am retired and my wife plans to retire in the next few years. The condo is our dream home – and we have worked very hard and have saved our entire married lives (41 years) in order to afford it at this point.

Unfortunately, this evening we read an article about an agreement between the City of Burien and Harbor Urban developers which would allow rental apartments on the vacant property remaining in the Town Square development. In fact, the unit we are interested in looks directly down on the vacant lots. I have just sent an email to the Town Square sales staff advising them that because of this development, we may wish to reconsider our offer. Paying about $400,000 for less than 1200 square feet in an upscale condominium-- which sounds as if it will very soon be adjacent to a stick-built rental apartment complex-- is NOT what we have in mind. We believe this type of rental apartment development would only lead to the continued devaluation of the development in Burien Town Square. Our investment is already rather risky as the development has sat almost entirely vacant since its completion in 2009. Only about 30 of the 120-plus units have sold or have pending offers, and only one retail space is under contract. Yet, we have been willing to place our confidence in the obvious commitment of the City of Burien to develop the Town Square to a high standard as evidenced by the quality of construction in the condo project, the library/City Hall buildings and the park area.

Now, you are apparently planning to stray from your goal of improving Burien as you take steps to sanction rental apartments smack in the middle of Town Center. Ask any residential homeowner's on condo association to explain why—more often than not—renters are discouraged, limited or forbidden in new or established developments. They will tell you that renters tend to move on after a few years, and without a financial commitment or pride of ownership linked to the apartment they inhabit, they are often unconcerned about the condition and well-being of their building. They are also often unconcerned about their behavior, causing noise and other detrimental problems. Apartment rules are generally more lax than condominium covenants causing digression to the surrounding community. We urge you to stay the course and uphold the high standards of improvement that you have set in the Town Center development. There are many apartments (in a variety of price ranges) already available in and around Burien.

And, please don't tell us that you are planning to allow a "nice apartment building" that will not detract from the condo project. We do not believe that is possible. If we wanted to live next door to an apartment complex, we have plenty of opportunity to do so without plunking down $300+/square foot. A beautiful city park in that vacant lot --that could be enjoyed by all Burien residents-- would be a much better choice in continuing to improve the City.

In light of our on-going negotiations for a condo unit in Town Center, we would appreciate more and specific information from you immediately regarding your plans for the vacant lot. We believe the economy is improving and residential sales, particularly condos in the Seattle area, are starting to grow once again. Yet, the recovery is fragile at this point, and your decision to allow apartments in Town Center will undoubtedly have a negative effect on decisions made by potential condo buyers like ourselves. We are asking you to reverse or at least postpone your decision until the economic uptick has an opportunity to take hold.

Respectfully,

CFTR: 09/17/12
cc: Dan Trimble, Economic Development Manager

Randy & Diane Mullinax
206.349.2406

**Carol Allread**

**From:** Dan Trimble
**Sent:** Wednesday, October 10, 2012 3:44 PM
**To:** 'robbieh@windermere.com'
**Cc:** Carol Allread
**Subject:** Town Square Apartment project

Dear Ms. Howell,

I have been asked to respond to your email from September 19, 2012 regarding a proposed residential development in Town Square. I believe your assertion that developing high end apartments as part of the Town Square development "would turn the property into a Ghetto" is unfounded and counterintuitive. A project of this type would cost about $35 to $40 million to construct and would bring much needed momentum back to the Town Square development. The residents of this development would be a welcome addition to our downtown and would have a positive economic impact on our businesses.

While we have stated our preference for ownership units (in other words, condos), the approved development plan or DDA as it is referred to allows for apartments on Parcel V, the property that is the subject of our recent discussions. Everything we have heard from the development community and from market consultants indicates that there is no market for developing condos at this time or in the near future (read this as 3-5 years at least). Given the high demand for this housing type, it is likely that this building could be fully occupied well before the existing condo building is sold out.

This isn't to say that there can't be improvements made to the concept that was submitted or that it meets the development goals we have articulated. However, declining apartments of any type or arrangement in Town Square at this time simply because they are apartments and not condos would most likely mean mothballing the development for a significant amount of time.

If you should want to discuss the development objectives further, please let me know.

Thank you for your interest in the Town Square development.

**Dan Trimble**
Economic Development Manager
City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166

206.248.5528 - Office
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dant@burienwa.gov
www.burienwa.gov

*"Entrepreneurship is the pursuit of opportunity without regard to resources currently controlled." Howard Stevenson*

CFTR: 10/15/12

**Carol Allread**

**From:** Public Council Inbox
**Sent:** Thursday, September 20, 2012 12:01 PM
**To:** 'Robbie Howell'
**Subject:** RE: Town Square Apartment project

Dear Robbie,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant, City Manager's Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** Robbie Howell [mailto:robbieh@windermere.com]
**Sent:** Wednesday, September 19, 2012 3:16 PM
**To:** Public Council Inbox
**Subject:** Town Square Apartment project

Dear Council Members,

The Town Square Apartment project will be very bad for Burien. It will turn prime property into a Ghetto. Already the adjoining properties have excessive vandalism and robberies because of the many apartments that are located a few blocks away. Many young people cause disruptions at the Burien Library. They pee in the elevator and the police have to be called to break up gang fights and other altercations and disruptions. Their have been shootings near the transit center, and many other criminal activities occur near the Dollar Tree and Burger King. When the artist came to paint the mural on the west wall of the Dollar Tree, she had her purse with all her ID and her computer stolen. Towards the end of her stay some bum accosted her.

I am happy the Burien Town Square Park is being used in the summer, but on some days it is already filled to capacity. When these huge apartments are built the park will be totally inadequate to accommodate everyone from the apartments. What was once a destination park for everyone will be a local play ground for the apartments.

There is much more crime in Burien than is reported because the only crimes that are published in the public police reports are car vandalism and house break-ins. This will be a terrible waste of what could have been a community asset."

Robbie Howell

CFTR: 10/1/12
CC: Dan Trimble, Economic Development Manager

September 26, 2012
To the Burien City Council

City Council Members;

I am tired of having to take my allergy pills and put on bug repellent before I can go to the Burien City Hall. Burien's City Hall has fleas in the carpet and pet dander everywhere. Dogs run out, bark, jump on visitors, drag their fannies on the carpet, hump legs and objects, and drop flea eggs and tapeworm eggs in the carpet. I don't think it cute and I do think it disrespects citizen rights under ADA law to use that building. I see nothing clever about Jack Block strongly encouraging people to drag all of their dogs into the area where there are City Council meetings. I do think Mr. Block needs to respect the right of all citizens to use the city facilities without causing them health risks.

City staff members are always having their dogs pee in the new planting around the City Hall and some staff member are so rude that they bring multiple dogs to work constantly. Their dogs scare people, bark, fight and jump on the glass doors. I didn't pay my taxes to build new and clean city facilities that then became doggie daycare facilities. I seriously question why every city staff member should have to bring their dog to work every day.

Right now we do not have enough park space for our citizens or kids on the east side of the city. Right now we can't afford to take care of our parks. So the idea that we would turn one of these east side parks into a doggie playland to be covered with dog poop and pee and become unusable play space for our children fries my gizzard. I am not willing to pay for extra police to monitor people and their dogs who do even live in Burien. The consultant for the PROs plan said that the majority of people who end up using the dog parks end up being people who do not even live in that city.

People who want a dog park can go a mile or two to the one in Tukwila. If they want a place to meet singles, join a dating service. If they want agility training for their dog, join a club. But the general citizenry should not have to pay for their hobby, love life or give up their park land to the dogs.

H. Johnson

CFTR: 10/15/12

PC: 9/28/12

## Carol Allread

**From:** Public Council Inbox
**Sent:** Monday, October 01, 2012 10:07 AM
**To:** 'don nold'
**Subject:** RE: I have a few questions of the burien city council

Dear Mr. Nold,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant, City Manager's Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** don nold [mailto:don_nold@hotmail.com]
**Sent:** Thursday, September 27, 2012 2:54 PM
**To:** Public Council Inbox
**Subject:** RE: I have a few questions of the burien city council

Mrs Allread,
Thank You for answering my email but I have to ask this. When my guestions are included in the correspondence packet for the record and sent to the council members is this just something they may or may not read and then it gets thrown in their round file? Is my asking any questions of the counsil just an exercise in futility. Will the city council if this is read bring it up for discussion at a council meeting? Also just why haven't city council meetings been made an open form for Q&A with the counsil. I know that I was told that they just don't have open form Q&A meetings, well I think this policy should be changed so the citizens of Burien could be able to question our city council about their decisions not just make statements either pro or con about them.

Regards Don Nold

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From: council@burienwa.gov
To: don_nold@hotmail.com
Date: Thu, 27 Sep 2012 10:27:49 -0700
Subject: RE: I have a few questions of the burien city council

Dear Mr. Nold,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant, City Manager's Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax

CFTR: 10/15/12

carola@burienwa.gov

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**From:** don [mailto:don_nold@hotmail.com]
**Sent:** Thursday, September 20, 2012 3:14 PM
**To:** Public Council Inbox
**Subject:** I have a few questions of the burien city council

What I would like to know first is why doesn't Burien have open council meetings. I know that in most cities council meetings are open to the public so the public is able to ask questions of the city council. Why is it that in Burien's council meetings the public is only allowed to make statements and not question the council members. Is it that the council will be asked questions about decisions which they have made and really don't want to try and defend them. I would think questions from the citizen of Burien which are relevant to the way Burien is being run should be brought up before the council in an open form and the council should be able to address them.

Now I would like to get some direct answers from the city council about the underground utilities being installed along 1st. Ave. So. It would seem that something could be printed into the Burien City News letter about this project and telling the citizens of Burien why they have this extra charge on their City Light Bill..

1. I would like to know just how this project was conceived by who and when.

2. Which council members voted for this project and who in Burien's government approved its construction without a vote by the citizens of Burien. I would think a project this large and costing this much money would have needed a vote of the Burien citizens.

3. Why did the Burien City Council commit the city to pay to have this work done when in fact the city didn't have any money for it in the first place.

4.Who in the city council came up with the bright idea that since Burien actually doesn't have any money for construction of this project we will have City Light just add another .03% each month to all of a Burien's City Light customers to cover this cost. It doesn't sound like much but I have electric heat and I figure it will add about $10.50 to my bill each billing cycle in the winter months and I can't see any benefit for me at all.

5.The most important question is just what benefit does this have for all the residents of Burien who will be paying for this project for another 20-25 years. Is the benefit just being able to say " look no overhead utility wires". We all know that within a year the underground wires will have to be opened back up for some reason. We see this all the time when a road has new blacktop then 4 weeks later it has to opened up.

6. I would like to know where they plan to start the burying the wiring and where it will end. Will there still be utility poles along 1st. avenue So. after the cables have been buried? If not where do you plan to hang the street lights? If there will still be poles what was the point of install the wiring underground? Who will pay to have the businesses along first avenue hooked up to the new underground utility system the business owners or is just an added cost of this project paid for the citizens.

I expect some kind of a response from the city council answering these questions.

Regards
Don Nold
12208 16th. Ave So.
206-242-7873

## Carol Allread

**From:** Public Council Inbox
**Sent:** Monday, October 01, 2012 9:57 AM
**To:** 'MITCH STONE'
**Subject:** RE: Pacwest Little League needs your help

Dear Mr. Stone,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant, City Manager's Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** MITCH STONE [mailto:cms1987@msn.com]
**Sent:** Friday, September 28, 2012 3:52 PM
**To:** Public Council Inbox
**Subject:** Pacwest Little League needs your help

To all members of the Burien City Council:

My name is Mitch Stone and I am the President of Pacwest Little League. If you are not familiar with our league, we are the Chartered Little League in the Burien area and have been for more than 55 years. In 2001, Burien Little League and Highline East Little league merged to create Pacwest Little League. The reason for this letter is to ask for your help in stopping the Port of Seattle from tearing down our caretaker's house which sits on the property we rent from the Port. If the Port moves forward with their plans to tear down this house, it will put a huge financial strain on our league and we would unfortunately have to pass this along to the parents in the form of higher registration fees. Pacwest has always been self-reliant in that we do not ask for or receive money from any City or County agencies and pride ourselves on being the most affordable League to play at in the surrounding area.

Our only request is to obtain a meeting with the Port Commission or any of its members to explain to them the importance of this issue to the community. Below is an email that was sent to Gael Tarleton along with several phone messages which to date have not been replied to. We sincerely hope you also see the importance of this issue and I would appreciate someone contacting me at your earliest convenience to discuss it further.

Sincerely,
Mithch Stone
President
Pacwest Little league
Cell- 206-235-7891

CFTR: 10/15/12

Dear Ms. Tarleton:

My name is Mitch Stone and I am the President of Pacwest Little League. If you are not familiar with our league, we have been a chartered Little League in the Burien/SeaTac area for over 55 years and serve over 700 kids and their families each and every year. We have been renting property from the Port of Seattle for our baseball and softball facility since 1974. On this property with the help of countless volunteers and the Army Corps of Engineers, we have built four fields with a snack bar, bathrooms and storage area. There is also a house on the property that was left there by the Port that we use as office space for our Board of Directors and this is also the field caretaker's residence, which brings me to my reason for this letter. This morning we were informed that the Port is requesting that the house be unoccupied by Oct 26th so it can be torn down. If this happens, it will not only put a tremendous strain on the league financially, it will also make the facility an unsafe place for the kids of our community to play baseball and softball because of all of the illegal activity that will start to happen without someone there at night. We have been fortunate enough to have our caretaker reside in the house not only to take care of our fields, but also to watch over the facility itself. Our main source of income that helps keep our registration fees low for families in our community is our snack shack. If there is no one on the premise to help detour thieves, our livelihood will be taken as it will unfortunately be an open target.

Our hope is that you as well agree that no good can come from the tear down of the house and join us in doing whatever we can to make sure this does not happen. I look forward to hearing back from you, and if you have any questions please let me know.

Additionally, I would love to give you a tour of the facility at your convenience.

Sincerely,

Mitch Stone
President
Pacwest Little League
Cell phone 206-235-7891

**Carol Allread**

**From:** Public Council Inbox
**Sent:** Monday, October 01, 2012 10:05 AM
**To:** 'info@tukwilapantry.org'
**Subject:** RE: Tukwila Pantry Fall Fund Raiser

Dear Ms. Jones,

Thank you for writing to the City Council to announce the Tukwila Pantry Fall Fund Raiser. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant, City Manager's Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** info@tukwilapantry.org [mailto:info@tukwilapantry.org]
**Sent:** Monday, October 01, 2012 8:37 AM
**To:** Public Council Inbox
**Subject:** Tukwila Pantry Fall Fund Raiser

I am sorry for the short notice, but I wanted to touch bases with you and make sure we include you in our notification of our fall Spaghetti Dinner/Silent Auction fundraiser. I have included a copy of our notice below:

**Tukwila Pantry Fall Fund Raiser**

*Friday, October 12*

*Spaghetti Dinner/Silent Auction*

Tukwila Pantry
*Lend A Hand Feed A Neighbor*

**Where:** SeaTac Community Center
13735 24th Ave. S.
SeaTac, WA 98168
**Time:** 5:00 - 7:30 PM
**Dinner:** 6:00 PM
**Please call** Tukwila Pantry at 206-431-8293 to purchase tickets.

All proceeds benefit the food bank.

**Businesses!!**
Get your organization recognized in the fight against hunger with a $500.00 event sponsorship

Tickets
$15.00 - Adults
(Children, with adults, admitted free)
$120.00 for a table of 8
Wine - $5.00

Again I apologize for the short notice, but we do hope to see as many of you there as possible.

Thank you for your support,

CFTR: 10/15/12

Connie

Connie Jones
Office Manager
Tukwila Pantry
3118 S. 140th Street
Tukwila, WA 98168
206-431-8293
www.tukwilapantry.org

**Carol Allread**

**From:** Public Council Inbox
**Sent:** Thursday, October 04, 2012 3:10 PM
**To:** 'Joey Martinez'
**Subject:** RE: King County Parks and Open Spaces Task Force

Dear Mr. Martinez,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant, City Manager's Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** Joey Martinez [mailto:martinez3660@msn.com]
**Sent:** Wednesday, October 03, 2012 3:09 PM
**To:** Public Council Inbox; citycouncil@desmoineswa.gov; citycouncil@ci.seatac.wa.us
**Subject:** King County Parks and Open Spaces Task Force

Honorable Mayors and Councils and especially Deputy Mayor Rose Clark,

As you may know, the King County Parks system is not supported by the King County General fund and is funded entirely by a pair of levies authorized by King County voters.

I had the honor and privilege of serving as a citizen task force member through the summer meeting Tuesdays on Mercer Island. This meeting ran until 6pm and at times it was a challenge getting from Mercer Island to my Burien Planning Commission meetings at 7pm (but I always made it on time).

The purpose of this task force was to recommend to the King County Executive and King County council items to include in a replacement levy to be brought forth to the voters in 2013.
I am happy to report that as a part of the recommendation the task force included funding for approximately 90% of the entire Lake to Sound trail. Assuming the levy passes, most of the trail will be completed by 2020. Portions in Renton were left off the recommendation.

The Lake to Sound trail has been dubbed the "Burke-Gilman" trail of SouthWest King County. When completed, the Lake to Sound trail will allow people to safely travel from the Des Moines Marina, through Burien, SeaTac, and Tukwila, to Renton via non-motorized methods.

Additionally, this trail will intersect the Green River and Interurban trails allowing Highline Area residents to easily, and safely, travel the rest of King County.

Now, I ask you as the elected leaders of the Highline area to do your part and advocate to the King County Executive and our King County Council members on behalf of this trail.

Thank you for your time, CFTR: 10/15/12 cc: Maiya Andrews, Public Works Director
Michael Lafreniere, Parks + Recreation Director
cc: David Johanson, Interim Community Development Director

Joey Martinez
429 S 189th st
Burien, Wa 98148

## Carol Allread

**From:** Public Council Inbox
**Sent:** Wednesday, October 10, 2012 4:13 PM
**To:** 'Jeff Abolofia'
**Subject:** RE: Lake Burien Access

Dear Mr. Abolofia,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant, City Manager's Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** Jeff Abolofia [mailto:abolofia@u.washington.edu]
**Sent:** Tuesday, October 09, 2012 8:17 PM
**To:** Public Council Inbox
**Subject:** Lake Burien Access

To the Burien City Council and The Burien Planning Commission;

I am requesting that the City of Burien follow the mitigations required in its Comprehensive Plan EIS and in the EIS used for the Shoreline Master Plan. The mitigations require that there be no physical public access to the lake through the RDCC/Special Planning Area 2 site. Only visual access should be considered in future redevelopment plans. If the Shoreline Master Plan ( SMP ) was developed with an inconsistency to the EIS, then the SMP needs to be corrected before it is sent into DOE for final approval, again.

Sincerely

Jeff Abolofia
1239 Southwest 152nd
Burien, Washington 98166
206 246 1019

CFTR: 10/15/12

cc: David Johanson, Interim Community Development Director

**Carol Allread**

**From:** Public Council Inbox
**Sent:** Wednesday, October 10, 2012 4:10 PM
**To:** 'marcy rivas'
**Subject:** RE: Shoreline Master Plan

Dear Ms. Rivas,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant, City Manager's Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** marcy rivas [mailto:tadpoltx@gmail.com]
**Sent:** Tuesday, October 09, 2012 11:10 AM
**To:** Public Council Inbox
**Subject:** Shoreline Master Plan

To the Burien City Council and The Burien Planning Commission;

I have been a resident of Burien most of my life. My parents bought a one room cabin on Lake Burien in the 50's and I am still living on that land. As a resident of Burien, I am counting on you to represent the best interests of Lake Burien. **I am requesting that the City of Burien follow the mitigations required in its Comprehensive Plan EIS and in the EIS used for the Shoreline Master Plan. The mitigations require that there be no physical public access to the lake through the RDCC/Special Planning Area 2 site. Only visual access should be considered in future redevelopment plans. If the Shoreline Master Plan(SMP) was developed with an inconsistency to the EIS, then the SMP needs to be corrected before it is sent into DOE for final approval, again.**

Sincerely,
Marcy A. Rivas
15711 14th Ave SW
Burien WA 98166

CFTR: 10/15/12
cc: David Johanson, Interim Community Development Director

**Carol Allread**

**From:** Public Council Inbox
**Sent:** Wednesday, October 10, 2012 4:11 PM
**To:** 'Paul'; Public Council Inbox
**Cc:** David Johanson
**Subject:** RE: Lake Burien

Dear Mr. McCarroll,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant, City Manager's Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** Paul [mailto:pablo98166@yahoo.com]
**Sent:** Tuesday, October 09, 2012 11:30 AM
**To:** Public Council Inbox
**Cc:** David Johanson
**Subject:** Lake Burien

To the Burien City Council and The Burien Planning Commission;

I am requesting that the City of Burien follow the mitigations required in its Comprehensive Plan EIS and in the EIS used for the Shoreline Master Plan. The mitigations require that there be no physical public access to the lake through the RDCC/Special Planning Area 2 site. Only visual access should be considered in future redevelopment plans. If the Shoreline Master Plan(SMP) was developed with an inconsistency to the EIS, then the SMP needs to be corrected before it is sent into DOE for final approval, again.

Sincerely,

Paul S McCarroll

CFTR: 10/15/12

cc: David Johanson, Interim Community Development Director

## Carol Allread

**From:** Public Council Inbox
**Sent:** Wednesday, October 10, 2012 4:12 PM
**To:** 'Stan and Nancy Milkowski'
**Subject:** RE: deny public access to Lake Burien

Dear Mr. and Mrs. Milkowski,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant, City Manager's Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** Stan and Nancy Milkowski [mailto:snoopyonlakeburien@comcast.net]
**Sent:** Tuesday, October 09, 2012 12:00 PM
**To:** Public Council Inbox
**Subject:** deny public access to Lake Burien

Hello Lake Burien Neighborhood neighbors;

Tonight the Planning Commission is meeting and again the City Staff is trying to remove the protection of No Public Access from the RDCC/Special Planning Area 2.

Burien has an Environmental Impact Statement that clearly states that there is to be **no physical public access** through the RDCC lands **in order to protect the sensitive/critical areas and to protect water quality.**

John Upthegrove has done an excellent job of trying to fight this change that the staff is pushing for. We need to show up and make comments to support him and our lake or we need you to send an email to the City Council and the Planning Commission, ASAP.

Your statement should be simple-

To the Burien City Council and The Burien Planning Commission;

I am requesting that the City of Burien follow the mitigations required in its Comprehensive Plan EIS and in the EIS used for the Shoreline Master Plan. The mitigations require that there be no physical public access to the lake through the RDCC/Special Planning Area 2 site. Only visual access should be considered in future redevelopment plans. If the Shoreline Master Plan(SMP) was developed with an inconsistency to the EIS, then the SMP needs to be corrected before it is sent into DOE for final approval, again.

Sign your name

_____

Send this message to-

City Council Burien <council@burienwa.gov>;
David Johanson <DAVIDJ@burienwa.gov>;

CFTR: 10/15/12
cc: David Johanson, Interim Community Development Director

To the Burien City Council and The Burien Planning Commission;

We are requesting that the City of Burien follow the mitigations required in its Comprehensive Plan EIS and in the EIS used for the Shoreline Master Plan. The mitigations require that there be no physical public access to the lake through the RDCC/Special Planning Area 2 site. Only visual access should be considered in future redevelopment plans. If the Shoreline Master Plan(SMP) was developed with an inconsistency to the EIS, then the SMP needs to be corrected before it is sent into DOE for final approval, again.

Stan and Nancy Milkowski

**Carol Allread**

**From:** Public Council Inbox
**Sent:** Wednesday, October 10, 2012 4:14 PM
**To:** 'Shelli Park'
**Subject:** RE: Burien: Into the future

Dear Ms. Park,

Thank you for writing to the City Council to express your concerns. Your email will be included in a future Council agenda packet as Correspondence for the Record.

Sincerely,

Carol Allread
Executive Assistant, City Manager's Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

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**From:** Shelli Park [mailto:crimsonpark@hotmail.com]
**Sent:** Wednesday, October 10, 2012 11:58 AM
**To:** Public Council Inbox
**Subject:** Burien: Into the future

Hello Councilmembers,

Thank you for taking the time to read over my thoughts, arguments, and ideas about the importance of our Town Square to the financial health of Burien. At the end of the document, you will find some inspirational words about the importance of civic planning and architecture.

You will find the document attached to this email.

Respectfully,

Shelli Park
*Designer, Crimson Park Design*
*206-790-5906*

CFTR: 10/15/12

cc: Michael Lafreniere, Parks Director
David Johanson, Interim Community Development Director
Dan Trimble, Economic Development manager

# Burien: Into the Future
***By Shelli Park***

Burien is a relatively young city. It has been incorporated for almost 20 years. The community, however, has been around much longer and has a rich history. All of the work that the community has done to get Burien to where it is now has taken much effort and energy. We wouldn't have a city with such potential if it weren't for those who came before and who continue to work to create the best Burien.

Burien is at a crossroads. This is a time that requires careful thought and planning. What is decided about the remaining three Town Square parcels will set the tone for the city's future. The city and its citizens must be very thoughtful and we must work together.

The planning of a city for a viable future can be a complicated process. There are many differing views on what makes a city successful. A city's needs are met through a complex system that, when properly managed, create a functioning and livable place for its citizens. A thriving economy and accompanying tax revenue is what brings and keeps the people and services in the city. The city's governing body is charged with having the vision to vote on and approve a solid plan of action. Without a long-term plan for the success of small and large businesses in a city, the city will stagnate awaiting a time when a new set of visionaries step in to create a new plan for success. The city must create the conditions under which commerce can thrive, create conditions that support residents and draw people from other areas to come and spend their money in the city. What is the formula for planning and implementing this plan for a successful economic future of the city of Burien?

It has been shown that a strong arts/cultural district is one of the most important ingredients in an economically successful city. The state of Iowa is an example of a state that has recognized the value of arts and business partnerships for economic success. In 2005 the Iowa Department of Cultural Affairs certified nine Cultural and Entertainment Districts across the state. The creation of these cultural districts brings together performing and visual arts, working artists, restaurants and businesses in a centralized location to boost economic development through the support of the arts, history and culture. Once a cultural district is certified it is eligible for aid from the state for cultural rehabilitation and development.

The definition of an Arts and Cultural District:

*"A **Cultural District** is a well-recognized, labeled area of a city in which a high concentration of cultural facilities and programs serve as an anchor of attraction. Typically, cultural districts are geographically defined, and have many different names, including: arts district, arts and entertainment district, arts and science district, artists' quarter, museum district, and theatre district. Cultural districts can*

*be found in communities as small as Pawtucket, RI to New York City. Cultural districts boost urban revitalization in many ways. They beautify and animate cities, provide employment, attract residents and tourists to the city, enhance property values, expand the tax base, and contribute to a creative, innovative environment." Artists Link, www.artistlink.org*

Culture here is defined by the celebrated heritage of the residents, the history of the area, and the fine arts: theatre/performance, dance, film, and literary arts, and design/architecture. Burien can use these elements to become a high-quality destination and embody a unique sense of place by planning in such a way that each of the areas defined are visibly represented throughout the city. An arts/cultural district is created when a cluster of arts and cultural facilities and amenities are established at city center. Thoughtful design is used to increase the quality of life for the residents, current and future and to bring visitors and their dollars, to the city. To be clear, *it is not suggested that all of the arts/cultural venues be concentrated in one central area.* A couple of main arts/culture/heritage venues would be tucked-in among civic buildings and mixed-in with strong business presence, creating a civic anchor. Radiating from this central point to the edges of the city in different neighborhoods a complete variety of cultural celebrations should exist. When the city supports the celebration of cultural diversity and the arts it has the effect of bringing new and varied consumers to the surrounding businesses causing competition for customer dollars by increasing the quality of services and goods thus, creating a higher level of commerce. As a result, this draws more people to spend their monies in Burien - an upward spiral. In the end the city's tax revenues are higher, assuring quality services in the community.

The importance of the impact of a city's arts/cultural district on its economic success has been studied. Many cities plan their future with an emphasis on arts and culture. Burien needs to create an Arts and Culture District in its downtown core. When the arts are a strong presence in a city, the city thrives. There are many examples of the success of this strategy all over the country.

The reason to begin this development at the downtown core is that when the heart of a city is strong, and solidly planned, the success that begins there spreads to the rest of the city. Where once there were vacant storefronts, there are thriving businesses. People want to participate in that success, and look to bring their business as close to that core as possible. Arterials leading from the downtown core, leading to sites of cultural and arts interest, are an important part of the whole city's health drawing people through Burien and creating new, strong neighborhood centers with unique branding opportunities. But it all begins at the heart: Town Square. These places of interest can be thoughtfully planned so that visitors are funneled through the city where they discover businesses, activities, and parks they didn't previously know existed, encouraging them to return to Burien again and again. The city can provide a map for visitors that highlight the various hot spots.

In the current economy it is easy to overlook arts and culture as a way to sustain an economy. It can seem to be a luxury; an extraneous part of a city's budget. It is often one of the first items to be cut from the budget. It doesn't

feed, clothe, or house its citizens. Arts and culture can seem not as important as other services or budget-saving strategies by those who don't have a personal connection or interest in art or culture. However, as is being discovered in the schools, most pressingly in the Highline School District, culture and the arts help establish important pathways deep within the mind and in the community.

Looked at in a holistic way, creating the structure on which the mixture of heritage, culture, and artistic endeavors is built, both physical and in spirit, will take Burien a long way towards solid fiscal stability and a healthy, thriving community.

Now is the time!! The Arts and Economic Development Committee of the Burien Arts Commission is re-envisioning this committee as peopled with diverse stakeholders and experts in Burien to assist in creating planning scenarios that reflect the desires of the citizens of Burien, and establish a strong economic development plan that will bring economic growth and stability to Burien. Burien has already made it clear that it values a strong arts and culture presence, as discovered in the 2011 Visioning Process, and subsequent adoption of relevant wording in the city's Comp Plan and DC Zoning (see accompanying documents.) It takes more than just one organization, or one set of city staff, to create a solid plan. A well-rounded roster of people committed to round-table discussion is necessary to create the best scenario for the future of Burien.

* * * * * * * *

The following excerpts are from a speech by former congressman and ambassador to Denmark Richard Swett, FAIA. He is a licensed architect and vice president and managing principal at Leo A. Daly in Washington DC. The words are inspiring and are a call to exercise our civic duty:

"Has the ubiquitous "mall" replaced the once vital public square and siphoned out of our lives the meaning of community? Has the social platform for the meeting of commerce, religion, politics and celebration been forever replaced by the soullessness of shopping? How do we now symbolize our founding fathers' motto, *e pluribus unum*—out of many, one—in the design of our civic architecture and public spaces?

"At the pace we are currently churning out urban plans and buildings, there is little time to even consider civic iconography or interpretation. And yet these concerns are, I believe, more important than ever. They are the signposts of our common identity and point us toward our shared goals."

"It seems to me that people know less and less about how to fit into a society that is careening at breakneck speed. The spaces in the civic realm where we gather to reaffirm our commitments to community and the symbols and icons that affirm our common identity are weak or missing altogether. This is a subtle distinction, but important nonetheless. Much of what we know of great civilizations of the past exists through their architecture. Why should we be any different?"

"Our civic architecture should be timeless in the same sense that the constitution itself should be; a manifestation of a set of principles and binding

relationships that can, like muscles, be flexed over time with each new generation. We, of all people, are obliged to ask, "What is architecture in America saying to us about ourselves?'"

"Today we face a more insipid, less obvious threat to our national common identity. Without the symbols and icons of our public places to help remind us who we are and without debate about what those symbols should be, and what they should mean, we will, as Lincoln so eloquently warned, face a dissolution of our national community via our chronic indifference, the antecedent to conditions of chaos and anarchy."

"It is the unique responsibility of the architect (in partnership with city planners) to use space and design as a unifying force, to physically realize the insistent perception of community wherever it struggles to exist on its own.

"As Senator Daniel Patrick Moynihan once said, "If we are to restore to American public life the sense of shared experience, trust and common purpose that seems to be draining out of it, the quality of public design has got to be made a public issue because it is a political fact. It is not an efflorescence of elite aestheticism; it is the bone and muscle of democracy, and it is time those who see this begin insisting on it." Robert Swett, 2011

# COMPUTER CHECK REGISTER

CHECK REGISTER APPROVAL

WE, THE MEMBERS OF THE CITY COUNCIL OF BURIEN, WASHINGTON, HAVING RECEIVED DEPARTMENT CERTIFICATION THAT MERCHANDISE AND/OR SERVICES HAVE BEEN RECEIVED OR RENDERED, DO HEREBY APPROVE FOR PAYMENT ON **This 15th day of October 2012** the FOLLOWING:

CHECK NOs. **32825– 32946**

IN THE AMOUNTS OF **$262,224.61**

WITH VOIDED CHECK NOS. **0**

# Accounts Payable
## Checks for Approval

Burien
Washington, USA

User: CathyR
Printed: 10/11/2012 - 7:26 AM

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| 32825 | 10/03/2012 | General Fund | Human Svc-family/youth | New Futures | | 8,000.00 |
| | | | | | Check Total: | 8,000.00 |
| 32826 | 10/04/2012 | Street Fund | Neighborhood Traffic Control | Cardmember Service | | 356.82 |
| 32826 | 10/04/2012 | Surface Water Management Fund | NPDES Phase II | Cardmember Service | | 290.66 |
| 32826 | 10/04/2012 | Surface Water Management Fund | Registration - Trainng/workshp | Cardmember Service | | 234.00 |
| 32826 | 10/04/2012 | General Fund | Other Travel | Cardmember Service | | 16.00 |
| | | | | | Check Total: | 897.48 |
| 32827 | 10/15/2012 | General Fund | Subscriptions/publications | ABC LEGAL | | 64.00 |
| | | | | | Check Total: | 64.00 |
| 32828 | 10/15/2012 | General Fund | Drug seizure proceeds KCSO | ACE Hardware | | 18.16 |
| 32828 | 10/15/2012 | Surface Water Management Fund | Office And Operating Supplies | ACE Hardware | | 14.74 |
| 32828 | 10/15/2012 | Street Fund | Office And Operating Supplies | ACE Hardware | | 14.73 |
| 32828 | 10/15/2012 | Surface Water Management Fund | Office And Operating Supplies | ACE Hardware | | 16.41 |
| 32828 | 10/15/2012 | Surface Water Management Fund | Office And Operating Supplies | ACE Hardware | | 16.41 |
| | | | | | Check Total: | 80.45 |
| 32829 | 10/15/2012 | General Fund | Repairs And Maintenance | Tyco Integrated Security LLC | | 21.90 |
| | | | | | Check Total: | 21.90 |
| 32830 | 10/15/2012 | Surface Water Management Fund | Office And Operating Supplies | David Karch | | 88.70 |
| 32830 | 10/15/2012 | Street Fund | Office And Operating Supplies | David Karch | | 88.69 |
| | | | | | Check Total: | 177.39 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| 32831 | 10/15/2012 | Street Fund | Office And Operating Supplies | Alpine Products Inc | | 437.89 |
| 32831 | 10/15/2012 | Street Fund | Office And Operating Supplies | Alpine Products Inc | | 315.91 |
| | | | | | Check Total: | 753.80 |
| 32832 | 10/15/2012 | Parks & Gen Gov't CIP | Project Development | Anchor QEA, L.L.C. | | 3,921.75 |
| 32832 | 10/15/2012 | Street Fund | Business Licenses | Anchor QEA, L.L.C. | | 45.00 |
| | | | | | Check Total: | 3,966.75 |
| 32833 | 10/15/2012 | General Fund | Professional Services | Administrative Office of the C | | 7.61 |
| | | | | | Check Total: | 7.61 |
| 32834 | 10/15/2012 | General Fund | Telephone | A T & T | | 51.23 |
| | | | | | Check Total: | 51.23 |
| 32835 | 10/15/2012 | General Fund | Annexation | Kenneth Barger | | 45.00 |
| | | | | | Check Total: | 45.00 |
| 32836 | 10/15/2012 | General Fund | Teen Programs | Brian J Barnes | | 190.36 |
| | | | | | Check Total: | 190.36 |
| 32837 | 10/15/2012 | General Fund | Refund Clearing Account -Parks | Karla Beyer | | 23.00 |
| | | | | | Check Total: | 23.00 |
| 32838 | 10/15/2012 | General Fund | Printing/binding/copying | Brim Press, LLC | | 131.40 |
| 32838 | 10/15/2012 | General Fund | Printing/Binding/Copying | Brim Press, LLC | | 220.93 |
| 32838 | 10/15/2012 | Surface Water Management Fund | Printing/binding/copying | Brim Press, LLC | | 65.70 |
| 32838 | 10/15/2012 | Street Fund | Printing/binding/copying | Brim Press, LLC | | 32.85 |
| 32838 | 10/15/2012 | General Fund | Printing/binding/copying | Brim Press, LLC | | 49.28 |
| | | | | | Check Total: | 500.16 |
| 32839 | 10/15/2012 | General Fund | Prof. Svcs-instructors | Viola Brumbaugh | | 913.77 |
| | | | | | Check Total: | 913.77 |
| 32840 | 10/15/2012 | Surface Water Management Fund | Office And Operating Supplies | Bryant's Tractor & Mower Inc | | 12.30 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| 32840 | 10/15/2012 | Surface Water Management Fund | Repairs And Maintenance | Bryant's Tractor & Mower Inc | | 97.18 |
| 32840 | 10/15/2012 | Street Fund | Repairs And Maintenance | Bryant's Tractor & Mower Inc | | 97.19 |
| 32840 | 10/15/2012 | Surface Water Management Fund | Repairs And Maintenance | Bryant's Tractor & Mower Inc | | 19.17 |
| 32840 | 10/15/2012 | Street Fund | Repairs And Maintenance | Bryant's Tractor & Mower Inc | | 19.16 |
| | | | | | Check Total: | 245.00 |
| 32841 | 10/15/2012 | General Fund | Office and Operating Supplies | Burien Bark LLC | | 62.10 |
| 32841 | 10/15/2012 | General Fund | Office and Operating Supplies | Burien Bark LLC | | 27.59 |
| 32841 | 10/15/2012 | Surface Water Management Fund | Office And Operating Supplies | Burien Bark LLC | | 310.50 |
| 32841 | 10/15/2012 | Surface Water Mgmt CIP | Construction | Burien Bark LLC | | 170.00 |
| 32841 | 10/15/2012 | Street Fund | Office And Operating Supplies | Burien Bark LLC | | 27.59 |
| 32841 | 10/15/2012 | Surface Water Mgmt CIP | Construction | Burien Bark LLC | | 170.00 |
| | | | | | Check Total: | 767.78 |
| 32842 | 10/15/2012 | General Fund | Repairs And Maintenance | Buds Auto Truck | | 150.00 |
| | | | | | Check Total: | 150.00 |
| 32843 | 10/15/2012 | General Fund | Animal Control Services | CARES | | 10,000.00 |
| | | | | | Check Total: | 10,000.00 |
| 32844 | 10/15/2012 | General Fund | Telephone | CenturyLink | | 48.99 |
| 32844 | 10/15/2012 | General Fund | Telephone | CenturyLink | | 60.82 |
| 32844 | 10/15/2012 | Street Fund | Telephone | CenturyLink | | 49.77 |
| 32844 | 10/15/2012 | Surface Water Management Fund | Telephone | CenturyLink | | 49.78 |
| 32844 | 10/15/2012 | General Fund | Telephone | CenturyLink | | 45.40 |
| 32844 | 10/15/2012 | General Fund | Telephone | CenturyLink | | 102.90 |
| | | | | | Check Total: | 357.66 |
| 32845 | 10/15/2012 | Transportation CIP | Construction | Columbia Bank | | 2,770.51 |
| 32845 | 10/15/2012 | Transportation CIP | Retainage Payable | Columbia Bank | | 6,759.59 |
| | | | | | Check Total: | 9,530.10 |
| 32846 | 10/15/2012 | General Fund | Professional Services | Comforce CTS Staffing Services | | 1,250.00 |
| | | | | | Check Total: | 1,250.00 |
| 32847 | 10/15/2012 | General Fund | Machinery And Equipment | Complete Office | | 1,456.33 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| 32847 | 10/15/2012 | General Fund | Office And Operating Supplies | Complete Office | | 481.13 |
| 32847 | 10/15/2012 | General Fund | Office And Operating Supplies | Complete Office | | 53.31 |
| 32847 | 10/15/2012 | General Fund | Office/Operating Supplies | Complete Office | | 53.31 |
| 32847 | 10/15/2012 | General Fund | Office And Operating Supplies | Complete Office | | 53.31 |
| 32847 | 10/15/2012 | General Fund | Office/operating Supplies | Complete Office | | 427.33 |
| 32847 | 10/15/2012 | General Fund | Office/operating Supplies | Complete Office | | 481.13 |
| 32847 | 10/15/2012 | General Fund | Office And Operating Supplies | Complete Office | | 374.06 |
| 32847 | 10/15/2012 | General Fund | Office And Operating Supplies | Complete Office | | 374.06 |
| 32847 | 10/15/2012 | General Fund | Office And Operating Supplies | Complete Office | | 440.22 |
| | | | | | Check Total: | 4,194.19 |
| 32848 | 10/15/2012 | General Fund | Instructors Prof Svcs | Janet S. Crawley | | 198.00 |
| | | | | | Check Total: | 198.00 |
| 32849 | 10/15/2012 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 39.62 |
| 32849 | 10/15/2012 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 83.94 |
| 32849 | 10/15/2012 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 111.79 |
| 32849 | 10/15/2012 | General Fund | Utilities | City of Seattle | | 8.41 |
| 32849 | 10/15/2012 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 98.44 |
| 32849 | 10/15/2012 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 68.85 |
| 32849 | 10/15/2012 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 109.30 |
| 32849 | 10/15/2012 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 189.22 |
| 32849 | 10/15/2012 | General Fund | Utilities | City of Seattle | | 38.37 |
| 32849 | 10/15/2012 | General Fund | Utilities | City of Seattle | | 236.90 |
| 32849 | 10/15/2012 | General Fund | Utilities | City of Seattle | | 786.41 |
| 32849 | 10/15/2012 | General Fund | Utilities | City of Seattle | | 1,544.74 |
| 32849 | 10/15/2012 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 57.68 |
| 32849 | 10/15/2012 | General Fund | Utilities | City of Seattle | | 564.70 |
| 32849 | 10/15/2012 | General Fund | Utilities | City of Seattle | | 69.07 |
| 32849 | 10/15/2012 | General Fund | Utilities | City of Seattle | | 60.34 |
| 32849 | 10/15/2012 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 8.96 |
| 32849 | 10/15/2012 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 163.94 |
| 32849 | 10/15/2012 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 10.69 |
| | | | | | Check Total: | 4,251.37 |
| 32850 | 10/15/2012 | General Fund | Utilities | City Of Seattle | | 30.06 |
| 32850 | 10/15/2012 | General Fund | Utilities | City Of Seattle | | 46.40 |
| 32850 | 10/15/2012 | General Fund | Utilities | City Of Seattle | | 91.91 |
| 32850 | 10/15/2012 | General Fund | Utilities | City Of Seattle | | 305.89 |
| 32850 | 10/15/2012 | General Fund | Utilities | City Of Seattle | | 51.43 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| | | | | | Check Total: | 525.69 |
| 32851 | 10/15/2012 | General Fund | Federal Lobbying Services | Michael D. Doubleday | | 2,000.00 |
| 32851 | 10/15/2012 | General Fund | State Lobbying Services | Michael D. Doubleday | | 2,907.00 |
| | | | | | Check Total: | 4,907.00 |
| 32852 | 10/15/2012 | Parks & Gen Gov't CIP | Machinery & Equipment | Department of Enterprise Servi | | 5,037.69 |
| | | | | | Check Total: | 5,037.69 |
| 32853 | 10/15/2012 | Street Fund | Dues/memberships | State Treasurer, Department of Licensing | | 116.00 |
| | | | | | Check Total: | 116.00 |
| 32854 | 10/15/2012 | General Fund | Leasehold Excise Taxes | Washington State DOR | | 382.67 |
| | | | | | Check Total: | 382.67 |
| 32855 | 10/15/2012 | Surface Water Management Fund | Office And Operating Supplies | Dunn Lumber Co. | | 122.99 |
| 32855 | 10/15/2012 | Street Fund | Office And Operating Supplies | Dunn Lumber Co. | | 122.99 |
| | | | | | Check Total: | 245.98 |
| 32856 | 10/15/2012 | General Fund | Instructors Prof Srvs | Evergreen Community Aquatic | | 404.23 |
| 32856 | 10/15/2012 | General Fund | Instructors Prof Srvs | Evergreen Community Aquatic | | 200.22 |
| | | | | | Check Total: | 604.45 |
| 32857 | 10/15/2012 | General Fund | Professional Services | Elidrew, LLC | | 11.83 |
| | | | | | Check Total: | 11.83 |
| 32858 | 10/15/2012 | Surface Water Management Fund | NPDES Phase II | Environmental Science Center | | 1,377.00 |
| | | | | | Check Total: | 1,377.00 |
| 32859 | 10/15/2012 | General Fund | Small Tools & Equipment | Flags A' Flying LLC | | 120.69 |
| | | | | | Check Total: | 120.69 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| 32860 | 10/15/2012 | General Fund | Senior Trips | Falls Creek Retreat Center | | 1,157.30 |
| | | | | | Check Total: | 1,157.30 |
| 32861 | 10/15/2012 | General Fund | Instructors Prof Srvs | Deborah King | | 425.00 |
| | | | | | Check Total: | 425.00 |
| 32862 | 10/15/2012 | General Fund | Fuel/gas consumption | Wright Express FSC | | 66.98 |
| 32862 | 10/15/2012 | General Fund | Fuel/gas/gasoline Consumption | Wright Express FSC | | 298.14 |
| 32862 | 10/15/2012 | General Fund | Fuel/gas/gasoline Consumption | Wright Express FSC | | 648.63 |
| 32862 | 10/15/2012 | General Fund | Fuel/Gas Consumption | Wright Express FSC | | 112.92 |
| 32862 | 10/15/2012 | General Fund | Fuel/gas/gasoline Consumption | Wright Express FSC | | 348.89 |
| 32862 | 10/15/2012 | Street Fund | Fuel/gas/gasoline consumption | Wright Express FSC | | 2,035.06 |
| 32862 | 10/15/2012 | Surface Water Management Fund | Fuel/gas/gasoline consumption | Wright Express FSC | | 2,836.79 |
| | | | | | Check Total: | 6,347.41 |
| 32863 | 10/15/2012 | General Fund | Instructors Prof Svcs | Pam Fredback | | 84.00 |
| | | | | | Check Total: | 84.00 |
| 32864 | 10/15/2012 | General Fund | Utilities | Glendale Heating | | 2,167.31 |
| | | | | | Check Total: | 2,167.31 |
| 32865 | 10/15/2012 | General Fund | Office and Operating Supplies | Grainger | | 92.76 |
| | | | | | Check Total: | 92.76 |
| 32866 | 10/15/2012 | Street Fund | Office And Operating Supplies | JUAN GRANIZO | | 80.00 |
| | | | | | Check Total: | 80.00 |
| 32867 | 10/15/2012 | General Fund | Parks Building Security | Guardian Security | | 65.00 |
| | | | | | Check Total: | 65.00 |
| 32868 | 10/15/2012 | General Fund | Instructors Prof Svcs | Victoria E. Hamilton | | 396.00 |
| 32868 | 10/15/2012 | General Fund | Instructors Prof Svcs | Victoria E. Hamilton | | 18.00 |
| | | | | | Check Total: | 414.00 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| 32869 | 10/15/2012 | Surface Water Management Fund | Mileage | JEFF HEGLUND | | 158.35 |
| | | | | | Check Total: | 158.35 |
| 32870 | 10/15/2012 | Surface Water Mgmt CIP | Construction | ICON Materials | | 208.53 |
| 32870 | 10/15/2012 | Surface Water Mgmt CIP | Construction | ICON Materials | | 27.07 |
| 32870 | 10/15/2012 | Surface Water Mgmt CIP | Construction | ICON Materials | | 137.47 |
| 32870 | 10/15/2012 | Surface Water Mgmt CIP | Construction | ICON Materials | | 515.75 |
| 32870 | 10/15/2012 | Surface Water Mgmt CIP | Construction | ICON Materials | | 677.07 |
| 32870 | 10/15/2012 | Surface Water Mgmt CIP | Construction | ICON Materials | | 29.04 |
| | | | | | Check Total: | 1,594.93 |
| 32871 | 10/15/2012 | General Fund | Operating Rents & Leases | RICOH USA Inc | | 455.54 |
| 32871 | 10/15/2012 | General Fund | Operating Rents & Leases | RICOH USA Inc | | 837.19 |
| | | | | | Check Total: | 1,292.73 |
| 32872 | 10/15/2012 | General Fund | Miscellaneous | Iron Mountain | | 321.60 |
| 32872 | 10/15/2012 | General Fund | Miscellaneous | Iron Mountain | | 247.56 |
| | | | | | Check Total: | 569.16 |
| 32873 | 10/15/2012 | General Fund | Telephone | Integra Telecom | | 164.51 |
| 32873 | 10/15/2012 | General Fund | Telephone | Integra Telecom | | 137.09 |
| 32873 | 10/15/2012 | General Fund | Telephone | Integra Telecom | | 54.84 |
| 32873 | 10/15/2012 | General Fund | Telephone | Integra Telecom | | 274.19 |
| 32873 | 10/15/2012 | General Fund | Telephone | Integra Telecom | | 137.09 |
| 32873 | 10/15/2012 | General Fund | Telephone | Integra Telecom | | 164.51 |
| 32873 | 10/15/2012 | General Fund | Telephone | Integra Telecom | | 329.03 |
| 32873 | 10/15/2012 | General Fund | Telephone | Integra Telecom | | 109.68 |
| 32873 | 10/15/2012 | General Fund | Telephone | Integra Telecom | | 1,329.20 |
| | | | | | Check Total: | 2,700.14 |
| 32874 | 10/15/2012 | General Fund | Repairs And Maintenance | Interstate Tire & Automotive | | 102.33 |
| 32874 | 10/15/2012 | Street Fund | Repairs & Maint. - Fleet | Interstate Tire & Automotive | | 25.26 |
| 32874 | 10/15/2012 | Surface Water Management Fund | Repairs & Maint. - Fleet | Interstate Tire & Automotive | | 25.26 |
| | | | | | Check Total: | 152.85 |
| 32875 | 10/15/2012 | General Fund | Plan Review Fee Fire Dist 2 | King County Fire District #2 | | 2,059.04 |
| 32875 | 10/15/2012 | General Fund | Plan Review Fee Fire Dist 2 | King County Fire District #2 | | 2,766.11 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| | | | | | Check Total: | 4,825.15 |
| 32876 | 10/15/2012 | General Fund | King Co Pet License Trust Acct | King County Pet License | | 1,290.00 |
| | | | | | Check Total: | 1,290.00 |
| 32877 | 10/15/2012 | General Fund | Drug seizure proceeds KCSO | K.C.Sheriff-Sgt.R. Crenshaw | | 1,010.00 |
| | | | | | Check Total: | 1,010.00 |
| 32878 | 10/15/2012 | General Fund | Public Defender | Kirshenbaum & Goss, Inc., P.S | | 6,100.00 |
| | | | | | Check Total: | 6,100.00 |
| 32879 | 10/15/2012 | Transportation CIP | Construction Inspection | KPG, Inc. | | 22,088.52 |
| | | | | | Check Total: | 22,088.52 |
| 32880 | 10/15/2012 | General Fund | Instructors Prof Svcs | Lauren Laughlin | | 198.00 |
| | | | | | Check Total: | 198.00 |
| 32881 | 10/15/2012 | General Fund | Prof. Svcs-instructors | Lori Leberer | | 67.50 |
| | | | | | Check Total: | 67.50 |
| 32882 | 10/15/2012 | General Fund | Prof. Svcs-instructors | Alexander Lewis | | 1,155.00 |
| | | | | | Check Total: | 1,155.00 |
| 32883 | 10/15/2012 | Surface Water Mgmt CIP | Construction | Lloyd Enterprises Inc | | 25.14 |
| | | | | | Check Total: | 25.14 |
| 32884 | 10/15/2012 | General Fund | Federal Lobbying Services | McBee Strategic Consulting LLC | | 6,000.00 |
| | | | | | Check Total: | 6,000.00 |
| 32885 | 10/15/2012 | General Fund | Prof. Svcs-instructors | Shannon McConnell | | 120.00 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| | | | | | Check Total: | 120.00 |
| 32886 | 10/15/2012 | General Fund | Instructors Prof Svcs | Hunter McGee | | 157.50 |
| | | | | | Check Total: | 157.50 |
| 32887 | 10/15/2012 | Surface Water Management Fund | Office And Operating Supplies | McLendon Hardware Inc | | 47.17 |
| 32887 | 10/15/2012 | Street Fund | Office And Operating Supplies | McLendon Hardware Inc | | 47.18 |
| 32887 | 10/15/2012 | General Fund | Office Supplies | McLendon Hardware Inc | | 48.79 |
| 32887 | 10/15/2012 | Surface Water Management Fund | Office And Operating Supplies | McLendon Hardware Inc | | 9.87 |
| 32887 | 10/15/2012 | Street Fund | Office And Operating Supplies | McLendon Hardware Inc | | 9.88 |
| 32887 | 10/15/2012 | Surface Water Management Fund | Repairs & Maint. - Fleet | McLendon Hardware Inc | | 3.25 |
| 32887 | 10/15/2012 | Street Fund | Repairs & Maint. - Fleet | McLendon Hardware Inc | | 3.25 |
| 32887 | 10/15/2012 | Street Fund | Office And Operating Supplies | McLendon Hardware Inc | | 9.74 |
| 32887 | 10/15/2012 | Street Fund | Office And Operating Supplies | McLendon Hardware Inc | | 33.18 |
| 32887 | 10/15/2012 | Surface Water Management Fund | Office And Operating Supplies | McLendon Hardware Inc | | 23.85 |
| 32887 | 10/15/2012 | Street Fund | Office And Operating Supplies | McLendon Hardware Inc | | 23.85 |
| 32887 | 10/15/2012 | Surface Water Management Fund | Repairs & Maint. - Fleet | McLendon Hardware Inc | | -12.03 |
| 32887 | 10/15/2012 | Street Fund | Repairs & Maint. - Fleet | McLendon Hardware Inc | | -12.04 |
| 32887 | 10/15/2012 | Street Fund | Repairs & Maint. - Fleet | McLendon Hardware Inc | | 15.17 |
| 32887 | 10/15/2012 | Surface Water Management Fund | Repairs & Maint. - Fleet | McLendon Hardware Inc | | 15.17 |
| 32887 | 10/15/2012 | Surface Water Management Fund | Repairs & Maint. - Fleet | McLendon Hardware Inc | | 15.18 |
| 32887 | 10/15/2012 | Street Fund | Repairs & Maint. - Fleet | McLendon Hardware Inc | | 15.19 |
| 32887 | 10/15/2012 | Street Fund | Office And Operating Supplies | McLendon Hardware Inc | | 56.95 |
| 32887 | 10/15/2012 | Surface Water Management Fund | Office And Operating Supplies | McLendon Hardware Inc | | 56.95 |
| 32887 | 10/15/2012 | Surface Water Management Fund | Office And Operating Supplies | McLendon Hardware Inc | | 261.61 |
| 32887 | 10/15/2012 | Street Fund | Office And Operating Supplies | McLendon Hardware Inc | | 261.60 |
| | | | | | Check Total: | 933.76 |
| 32888 | 10/15/2012 | Street Fund | Dt Business License Svcs | Microflex Inc | | 3,540.48 |
| 32888 | 10/15/2012 | General Fund | B&O Tax collect & audit | Microflex Inc | | 1,927.74 |
| 32888 | 10/15/2012 | General Fund | Sales Tax Auditing Costs | Microflex Inc | | 480.00 |
| 32888 | 10/15/2012 | Street Fund | Dt Business License Svcs | Microflex Inc | | 105.55 |
| 32888 | 10/15/2012 | General Fund | B&O Tax collect & audit | Microflex Inc | | 105.55 |
| | | | | | Check Total: | 6,159.32 |
| 32889 | 10/15/2012 | General Fund | Instructors Prof Srvs | Paul Miller | | 700.00 |
| | | | | | Check Total: | 700.00 |
| 32890 | 10/15/2012 | General Fund | Nuisance Abatement Costs | Miller Paint Co | | 28.16 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| 32890 | 10/15/2012 | General Fund | Office and Operating Supplies | Miller Paint Co | | 6.18 |
| | | | | | Check Total: | 34.34 |
| 32891 | 10/15/2012 | General Fund | Registration - Trainng/workshp | BLYTHE MINIKEN | | 76.75 |
| | | | | | Check Total: | 76.75 |
| 32892 | 10/15/2012 | General Fund | Instructors Prof Svcs | Shariana Mundi | | 858.00 |
| | | | | | Check Total: | 858.00 |
| 32893 | 10/15/2012 | General Fund | Instructors Prof Svcs | Aaron Murray | | 80.00 |
| | | | | | Check Total: | 80.00 |
| 32894 | 10/15/2012 | Surface Water Mgmt CIP | Construction | NC Machinery Co. | | 1,258.84 |
| | | | | | Check Total: | 1,258.84 |
| 32895 | 10/15/2012 | General Fund | Instructors Prof Svcs | Drew Nicklas | | 180.00 |
| | | | | | Check Total: | 180.00 |
| 32896 | 10/15/2012 | General Fund | City Hall Custodial | National Maintenance Cont. | | 1,560.00 |
| | | | | | Check Total: | 1,560.00 |
| 32897 | 10/15/2012 | General Fund | Prof. Svcs-instructors | Pamela Odegard | | 120.00 |
| | | | | | Check Total: | 120.00 |
| 32898 | 10/15/2012 | Surface Water Mgmt CIP | Construction | Olympic Foundry, Inc. | | 221.35 |
| | | | | | Check Total: | 221.35 |
| 32899 | 10/15/2012 | Street Fund | Repairs & Maint. - Fleet | O'Reilly Auto Parts | | 21.27 |
| 32899 | 10/15/2012 | Surface Water Management Fund | Repairs & Maint. - Fleet | O'Reilly Auto Parts | | 21.26 |
| | | | | | Check Total: | 42.53 |
| 32900 | 10/15/2012 | General Fund | Comp Plan Implementation Costs | OTAK, Inc | | 1,968.00 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| | | | | | Check Total: | 1,968.00 |
| 32901 | 10/15/2012 | Surface Water Mgmt CIP | Construction | Pacific Rim Equipment Rental | | 2,390.38 |
| | | | | | Check Total: | 2,390.38 |
| 32902 | 10/15/2012 | Parks & Gen Gov't CIP | Construction | Pacific Northwest Earthworks L | | 1,202.58 |
| | | | | | Check Total: | 1,202.58 |
| 32903 | 10/15/2012 | General Fund | Miscellaneous | Petty Cash Custodian | | 21.34 |
| 32903 | 10/15/2012 | General Fund | Office/operating Supplies | Petty Cash Custodian | | 13.49 |
| 32903 | 10/15/2012 | General Fund | Miscellaneous | Petty Cash Custodian | | 9.79 |
| 32903 | 10/15/2012 | General Fund | Office/operating Supplies | Petty Cash Custodian | | 33.58 |
| 32903 | 10/15/2012 | General Fund | Mileage | Petty Cash Custodian | | 5.55 |
| 32903 | 10/15/2012 | General Fund | Mileage | Petty Cash Custodian | | 9.99 |
| 32903 | 10/15/2012 | General Fund | Miscellaneous | Petty Cash Custodian | | 0.95 |
| 32903 | 10/15/2012 | General Fund | Mileage | Petty Cash Custodian | | 14.99 |
| 32903 | 10/15/2012 | General Fund | Miscellaneous | Petty Cash Custodian | | 17.98 |
| 32903 | 10/15/2012 | General Fund | Miscellaneous | Petty Cash Custodian | | 11.76 |
| 32903 | 10/15/2012 | Street Fund | Office And Operating Supplies | Petty Cash Custodian | | 6.56 |
| 32903 | 10/15/2012 | Surface Water Management Fund | Office And Operating Supplies | Petty Cash Custodian | | 6.56 |
| 32903 | 10/15/2012 | Street Fund | Fuel/gas/gasoline consumption | Petty Cash Custodian | | 15.00 |
| | | | | | Check Total: | 167.54 |
| 32904 | 10/15/2012 | General Fund | Other Travel | Petty Cash Custodian | | 3.33 |
| 32904 | 10/15/2012 | General Fund | Office and Operating Supplies | Petty Cash Custodian | | 20.00 |
| 32904 | 10/15/2012 | General Fund | Office and Operating Supplies | Petty Cash Custodian | | 20.00 |
| 32904 | 10/15/2012 | General Fund | Office and Operating Supplies | Petty Cash Custodian | | 8.21 |
| 32904 | 10/15/2012 | General Fund | Office and Operating Supplies | Petty Cash Custodian | | 10.78 |
| 32904 | 10/15/2012 | General Fund | Office and Operating Supplies | Petty Cash Custodian | | 5.00 |
| 32904 | 10/15/2012 | General Fund | Office and Operating Supplies | Petty Cash Custodian | | 2.83 |
| 32904 | 10/15/2012 | General Fund | Office and Operating Supplies | Petty Cash Custodian | | 5.48 |
| 32904 | 10/15/2012 | General Fund | Office and Operating Supplies | Petty Cash Custodian | | 16.56 |
| 32904 | 10/15/2012 | General Fund | Office And Operating Supplies | Petty Cash Custodian | | 10.00 |
| 32904 | 10/15/2012 | General Fund | Office And Operating Supplies | Petty Cash Custodian | | 21.88 |
| 32904 | 10/15/2012 | General Fund | Office and Operating Supplies | Petty Cash Custodian | | 11.44 |
| 32904 | 10/15/2012 | General Fund | Postage | Petty Cash Custodian | | 1.30 |
| 32904 | 10/15/2012 | General Fund | Office and Operating Supplies | Petty Cash Custodian | | 12.25 |
| 32904 | 10/15/2012 | General Fund | Office and Operating Supplies | Petty Cash Custodian | | 16.00 |
| 32904 | 10/15/2012 | General Fund | Office and Operating Supplies | Petty Cash Custodian | | 14.58 |
| 32904 | 10/15/2012 | General Fund | Office and Operating Supplies | Petty Cash Custodian | | 9.86 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| | | | | | Check Total: | 189.50 |
| 32905 | 10/15/2012 | Surface Water Management Fund | Repairs & Maint. - Fleet | Pacific Industrial Supply | | 118.92 |
| 32905 | 10/15/2012 | Street Fund | Repairs & Maint. - Fleet | Pacific Industrial Supply | | 118.91 |
| | | | | | Check Total: | 237.83 |
| 32906 | 10/15/2012 | General Fund | Utilities | PSE Pmt. Processing | | 16.95 |
| 32906 | 10/15/2012 | Street Fund | Utilities-street Lighting | PSE Pmt. Processing | | 1,610.23 |
| 32906 | 10/15/2012 | General Fund | Utilities | PSE Pmt. Processing | | 198.93 |
| 32906 | 10/15/2012 | General Fund | Utilities | PSE Pmt. Processing | | 67.91 |
| | | | | | Check Total: | 1,894.02 |
| 32907 | 10/15/2012 | General Fund | Electrical Permit | ADT Security Services Inc | | 59.20 |
| | | | | | Check Total: | 59.20 |
| 32908 | 10/15/2012 | Street Fund | Business Licenses | Sound Inpatient Physicians | | 45.00 |
| | | | | | Check Total: | 45.00 |
| 32909 | 10/15/2012 | Street Fund | Business Licenses | Bottom Line Plumbing LLC | | 150.00 |
| | | | | | Check Total: | 150.00 |
| 32910 | 10/15/2012 | General Fund | Security/performance Bond Payb | John Vanlandingham | | 5,000.00 |
| | | | | | Check Total: | 5,000.00 |
| 32911 | 10/15/2012 | General Fund | Refund Clearing Account -Parks | Sherrie Bacon | | 11.00 |
| | | | | | Check Total: | 11.00 |
| 32912 | 10/15/2012 | General Fund | Refund Clearing Account -Parks | Rick McMichael | | 6.00 |
| | | | | | Check Total: | 6.00 |
| 32913 | 10/15/2012 | Street Fund | Business Licenses | Installed Building Products II | | 45.00 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| | | | | | Check Total: | 45.00 |
| 32914 | 10/15/2012 | General Fund | Engrg Review - Reimbrsbl | James Smith | | 191.50 |
| | | | | | Check Total: | 191.50 |
| 32915 | 10/15/2012 | Street Fund | Office And Operating Supplies | Renton Concrete Recyclers LLC | | 51.79 |
| 32915 | 10/15/2012 | Surface Water Management Fund | Office And Operating Supplies | Renton Concrete Recyclers LLC | | 51.78 |
| | | | | | Check Total: | 103.57 |
| 32916 | 10/15/2012 | General Fund | Printing/binding/copying | Claude McAlpin, III | | 130.96 |
| 32916 | 10/15/2012 | General Fund | Printing/binding/copying | Claude McAlpin, III | | 956.64 |
| | | | | | Check Total: | 1,087.60 |
| 32917 | 10/15/2012 | General Fund | Instructors Prof Svcs | George Rodriguez | | 225.00 |
| | | | | | Check Total: | 225.00 |
| 32918 | 10/15/2012 | General Fund | Att Svcs - Litigation - 1st So | Ryan, Swanson & Cleveland | | 4,724.00 |
| | | | | | Check Total: | 4,724.00 |
| 32919 | 10/15/2012 | General Fund | Prof. Svcs-instructors | Sandra Schneider | | 120.00 |
| | | | | | Check Total: | 120.00 |
| 32920 | 10/15/2012 | General Fund | Professional Services | Safety Team, Inc. | | 162.94 |
| | | | | | Check Total: | 162.94 |
| 32921 | 10/15/2012 | General Fund | Office and Operating Supplies | Seattle Pottery Supply Inc. | | 41.07 |
| | | | | | Check Total: | 41.07 |
| 32922 | 10/15/2012 | General Fund | Computer Consultant Prof Svcs | SEITEL Systems, LLC | | 759.38 |
| 32922 | 10/15/2012 | Street Fund | Computer Consultant Pro Svc | SEITEL Systems, LLC | | 126.56 |
| 32922 | 10/15/2012 | Surface Water Management Fund | Computer Consultant Pro Svc | SEITEL Systems, LLC | | 126.56 |
| 32922 | 10/15/2012 | Street Fund | Computer Consultant Pro Svc | SEITEL Systems, LLC | | 141.95 |
| 32922 | 10/15/2012 | Surface Water Management Fund | Computer Consultant Pro Svc | SEITEL Systems, LLC | | 141.95 |
| 32922 | 10/15/2012 | General Fund | Computer Consultant Prof Svcs | SEITEL Systems, LLC | | 851.73 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| | | | | | Check Total: | 2,148.13 |
| 32923 | 10/15/2012 | General Fund | Professional Services | Nancy Shattuck | | 1,925.00 |
| | | | | | Check Total: | 1,925.00 |
| 32924 | 10/15/2012 | Surface Water Management Fund | Repairs & Maint. - Fleet | Six Robblees' Inc. | | 42.89 |
| 32924 | 10/15/2012 | Street Fund | Repairs & Maint. - Fleet | Six Robblees' Inc. | | 42.88 |
| | | | | | Check Total: | 85.77 |
| 32925 | 10/15/2012 | General Fund | Office and Operating Supplies | SPORTS-FAB Inc | | 597.88 |
| | | | | | Check Total: | 597.88 |
| 32926 | 10/15/2012 | General Fund | Telephone | SPRINT | | 18.32 |
| 32926 | 10/15/2012 | General Fund | Telephone | SPRINT | | 42.96 |
| 32926 | 10/15/2012 | General Fund | Telephone | SPRINT | | 178.08 |
| 32926 | 10/15/2012 | General Fund | Telephone | SPRINT | | 109.50 |
| 32926 | 10/15/2012 | Street Fund | Telephone | SPRINT | | 223.34 |
| 32926 | 10/15/2012 | Surface Water Management Fund | Telephone | SPRINT | | 290.25 |
| 32926 | 10/15/2012 | General Fund | Telephone | SPRINT | | 138.78 |
| 32926 | 10/15/2012 | General Fund | Telephone | SPRINT | | 209.77 |
| 32926 | 10/15/2012 | General Fund | Drug seizure proceeds KCSO | SPRINT | | 301.64 |
| | | | | | Check Total: | 1,512.64 |
| 32927 | 10/15/2012 | Surface Water Management Fund | Office And Operating Supplies | Sunset Materials Inc | | 45.33 |
| 32927 | 10/15/2012 | Surface Water Management Fund | Office And Operating Supplies | Sunset Materials Inc | | 44.75 |
| | | | | | Check Total: | 90.08 |
| 32928 | 10/15/2012 | Surface Water Mgmt CIP | Construction | Superlon Plastics | | 483.37 |
| | | | | | Check Total: | 483.37 |
| 32929 | 10/15/2012 | General Fund | SW King Co. Chamber of Comm. | SWKC Chamber of Commerce | | 5,500.00 |
| | | | | | Check Total: | 5,500.00 |
| 32930 | 10/15/2012 | General Fund | Utilities | Southwest Suburban Sewer Dist. | | 55.00 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| | | | | | Check Total: | 55.00 |
| 32931 | 10/15/2012 | Street Fund | Professional Services | The Work Clinic | | 27.50 |
| 32931 | 10/15/2012 | Surface Water Management Fund | Professional services | The Work Clinic | | 27.50 |
| 32931 | 10/15/2012 | Surface Water Management Fund | Professional services | The Work Clinic | | 73.00 |
| 32931 | 10/15/2012 | Street Fund | Professional Services | The Work Clinic | | 73.00 |
| | | | | | Check Total: | 201.00 |
| 32932 | 10/15/2012 | General Fund | Teen Programs | Reginald Thomas | | 190.36 |
| | | | | | Check Total: | 190.36 |
| 32933 | 10/15/2012 | Transportation CIP | Construction | Transportation Systems Inc. | | 52,639.77 |
| | | | | | Check Total: | 52,639.77 |
| 32934 | 10/15/2012 | Surface Water Mgmt CIP | Construction | United Rentals America Inc | | 237.18 |
| | | | | | Check Total: | 237.18 |
| 32935 | 10/15/2012 | General Fund | Operating Rentals and Leases | United Site Services | | 255.00 |
| | | | | | Check Total: | 255.00 |
| 32936 | 10/15/2012 | General Fund | Professional Services | Waldron Resources | | 116.58 |
| | | | | | Check Total: | 116.58 |
| 32937 | 10/15/2012 | General Fund | Prosecution - City Atty | Walls Law Firm | | 12,497.25 |
| | | | | | Check Total: | 12,497.25 |
| 32938 | 10/15/2012 | General Fund | Jail contracts | WASPC-Regional Cities EHM | | 2,461.00 |
| | | | | | Check Total: | 2,461.00 |
| 32939 | 10/15/2012 | General Fund | Prof. Svcs-instructors | Carly Waterman | | 90.00 |
| | | | | | Check Total: | 90.00 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | | Amount |
|---|---|---|---|---|---|---|
| 32940 | 10/15/2012 | General Fund | Utilities | Water District No 20 | | 132.05 |
| 32940 | 10/15/2012 | General Fund | Utilities | Water District No 20 | | 39.50 |
| 32940 | 10/15/2012 | General Fund | Utilities | Water District No 20 | | 870.40 |
| 32940 | 10/15/2012 | General Fund | Utilities | Water District No 20 | | 12,068.30 |
| 32940 | 10/15/2012 | Transportation CIP | construction | Water District No 20 | | 12,601.00 |
| | | | | | Check Total: | 25,711.25 |
| 32941 | 10/15/2012 | Street Fund | Garbage Franchise Tech Assist | Wilder Environmental Consultin | | 600.00 |
| | | | | | Check Total: | 600.00 |
| 32942 | 10/15/2012 | General Fund | Probatn/public Defndr Screenng | Tammy Weigel | | 840.00 |
| | | | | | Check Total: | 840.00 |
| 32943 | 10/15/2012 | General Fund | Jury & Witness Fees | Halid Okanovic | | 2.04 |
| | | | | | Check Total: | 2.04 |
| 32944 | 10/15/2012 | General Fund | Office And Operating Supplies | Walter E Nelson Co | | 339.01 |
| 32944 | 10/15/2012 | General Fund | Office and Operating Supplies | Walter E Nelson Co | | 169.51 |
| 32944 | 10/15/2012 | General Fund | Office Supplies | Walter E Nelson Co | | 56.50 |
| | | | | | Check Total: | 565.02 |
| 32945 | 10/15/2012 | Transportation CIP | construction engineering | Washington State D.O.T. | | 100.42 |
| | | | | | Check Total: | 100.42 |
| 32946 | 10/15/2012 | General Fund | State Surcharge | STATE TREASURER | | 769.50 |
| | | | | | Check Total: | 769.50 |
| | | | | | Report Total: | 262,224.61 |

# CITY COUNCIL MEETING MINUTES

## October 1, 2012

**6:30 p.m. - Special Meeting: Executive Session to discuss potential litigation and real estate acquisition**

**7:00 p.m. – Regular Meeting**

**400 SW 152nd Street, 1st Floor**
**Burien, Washington 98166**

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

- *Watch the video-stream available on the City website, www.burienwa.gov*
- *Check out a DVD of the Council Meeting from the Burien Library*

**SPECIAL MEETING**

Mayor Bennett called the Special Meeting of the Burien City Council to order at 6:30 p.m. for the purpose holding an Executive Session to discuss potential litigation per RCW 42.30.110(1)(i) and real estate acquisition per RCW 42.30.110(1)(b).

Present: Mayor Brian Bennett, Deputy Mayor Rose Clark, Councilmembers Jack Block, Jr., Bob Edgar, Lucy Krakowiak, Joan McGilton, and Gerald F. Robison.

Administrative staff present: Mike Martin, City Manager and Craig Knutson, City Attorney.

No action was taken.

The Executive Session was conducted per RCW 42.30.110(2).

The Special Meeting adjourned to the Regular Meeting at 6:55 p.m.

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE**

Mayor Bennett led the Pledge of Allegiance.

**ROLL CALL**

Present: Mayor Brian Bennett, Deputy Mayor Rose Clark, Councilmembers Jack Block, Jr., Bob Edgar, Lucy Krakowiak, Joan McGilton and Gerald F. Robison.

**AGENDA CONFIRMATION**

**Direction/Action**

**Motion** was made by Deputy Mayor Clark, seconded by Councilmember McGilton to affirm the October 1, 2012, Agenda.

**Introduction of Susan Enfield, Superintendent of Highline Public Schools**

Superintendent Susan Einfield addressed the Council.

**Direction/Action**
Councilmembers directed staff to bring a recommendation regarding off-leash dog park in Burien.

**AGENDA CONFIRMATION (cont'd.)**

**Direction/Action**
**Motion** was made by Councilmember Krakowiak, seconded by Councilmember Edgar and passed unanimously to approve the Agenda as amended by removing Consent Agenda Item 7 "e" Motion to Adopt Ordinance No. 566, Amending Title 2 of the Burien Municipal Code Relating to the Membership and Meetings for Advisory Boards and place it on a future Agenda.

**PUBLIC COMMENT**

Goodspaceguy, 10219 Ninth Avenue South, Seattle
Mitch Stone, 1429 South 132nd Street, Burien

**Direction/Action**
Mayor Bennett directed staff to follow up with Mr. Stone's issue.

Mark Ufkus, 10735 22nd Avenue SW, Seattle
Kate Hull Pease, 14221 13th Avenue SW, Burien
Kellie Bassen, 120 SW 132nd Street, Burien
Kate and Caare Bysheim, 12819 2nd Avenue South, Burien
Rob Johnson, 13422 6th Avenue South, Burien
Ed Dacy, 2016 SW 146th Street, Burien
Helen Maxi, 1639 SW Hillcrest Road, Burien

**CORRESPONDENCE FOR THE RECORD**

a. Email Dated September 13, 2012, from Tom Lane.
b. Email Dated September 14, 2012, from Scott Greenberg, Community Development Director.
c. Email Dated September 17, 2012, from Debi Wagner.
d. Email Dated September 19, 2012, from Robbie Howel.
e. Email Dated September 20, 2012, from Don Nold.
f. Email Dated September 23, 2012, from David Krull.
g. Email Dated September 23, 2012, from C. Edgar.
h. Email Dated September 27, 2012, from Rachael Levine.

**CONSENT AGENDA**

a. Approval of Vouchers: Numbers 32709 - 32824 in the Amounts of $1,607,364.23.
b. Approval of Minutes: Council Meeting, September 17, 2012; Council Study Session, September 24, 2012.
c. Motion to Adopt Resolution 338, Adopting a Modified Benefit Plan for All City Employees.
d. Motion to Adopt Resolution 339, Adopting a Modified Benefit Plan for All Non-Represented City Employees.
e. Motion to Adopt Ordinance No. 566, Amending Title 2 of the Burien Municipal Code Relating to the Membership and Meetings for Advisory Boards.

**Direction/Action**
**Motion** was made by Deputy Mayor Clark, seconded by Councilmember McGilton to approve the October 1, 2012, Consent Agenda as amended to remove Item E "Motion to Adopt Ordinance No. 566, Amending Title 2 of the Burien Municipal Code Relating to the Membership and Meetings for Advisory Boards."

**Direction/Action**
Councilmembers reached consensus with Councilmember Krakowiak's request for revisions to the September 24 Council Study Session Minutes to include her request that economic development be the topic for the November Study Session under "Review of Study Session Topics," and to correct the makers of the motion under "Adjournment."

**Direction/Action**
The **motion** passed to approve the Consent Agenda as amended 6-1. Opposed, Deputy Mayor Clark.

**BUSINESS AGENDA**
**Introduction of Susan Enfield, Superintendent of Highline Public Schools**
(This item occurred after Roll Call)

**Discussion on Motion to Authorize the City Manager to Sign an Interlocal Agreement with King County to Provide Landmark Preservation and Protection Services**
and
**Discussion on Proposed Zoning Code Amendment Related to Landmark Preservation and Protection**

**Direction/Action**
Councilmembers agreed to discuss the above items jointly.

**Follow-up**
Staff will provide information on any recent takings litigation related to historic designations and if landmark designations are limited to property owner requests.

**Discussion on Highline Forum's Revised Mission**

**Direction/Action**
Councilmembers reached consensus to support the proposed changes to the Highline Forum's revised Mission.

**Follow-up**
Staff will provide the outcome of Highline Forum's revised Mission in a future City Manager's report.

**Discussion on 2013-14 Preliminary Budget Including Capital Improvement Program, Human Services Funding and Arts & Culture Funding**

**Follow-up**
Staff will place all Council budget questions in a matrix, and provide recommendations for using the Council's Contingency Fund for Human Services.

**City Business**

**Direction/Action**

Councilmembers reached consensus to schedule a public hearing on the revisions to the Shoreline Master Program (SMP) Update in November.

**COUNCIL REPORTS**

Councilmember Block announced that he would no longer be the representative on the South County Area Transportation Board (SCATBd) due to scheduling conflicts. It was determined that Deputy Mayor Clark would be the representative with Public Works Director Maiya Andrews being the alternate.

**ADJOURNMENT**

**Direction/Action**

**MOTION** was made by Deputy Mayor Clark, seconded by Councilmember McGilton and passed unanimously to adjourn the meeting at 9:47 p.m.

_____
Brian Bennett, Mayor

_____
Monica Lusk, City Clerk

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 566

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**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING TITLE 2 OF THE BURIEN MUNICIPAL CODE RELATING TO THE MEMBERSHIP AND MEETINGS OF THE PLANNING COMMISSION, BUSINESS AND ECONOMIC DEVELOPMENT PARTNERSHIP, PARKS AND RECREATION ADVISORY BOARD, AND ARTS COMMISSION**

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THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Chapter 2.45 of the Burien Municipal Code, Planning Commission, is hereby amended by amending BMC 2.45.020 and 2.45.030 and adding BMC 2.45.050 to read as follows:

**2.45.020 Membership.**

(1) Number of Members. The planning commission shall consist of seven voting members.

(2) Appointment. All members of the planning commission shall be appointed by the city council. The four positions filled in 2003 (Positions 1, 2, 3, and 4) shall be appointed for terms expiring March 31, 2006, or until their successors are duly appointed and confirmed. The three incumbent positions (Positions 5, 6, and 7) shall expire March 31, 2004, or until their successors are duly appointed and confirmed. Subsequent appointments for full terms shall begin as of April 1st and shall be for four-year terms, or until their successors are duly appointed and confirmed. There shall be a term limit of two consecutive full terms. After a two year absence, members may be reappointed. Members must reside within the city. The planning commission shall at all times include between five and seven voting members. All planning commission members shall be selected without respect to political affiliation and shall serve without compensation. The city council shall attempt, but shall not be obligated, to appoint planning commission members so that all geographic areas of the city are represented. Employees of the City of Burien are not eligible. [Ord. 566 § 1, 2012]

(3) Removal. Planning commission members may be removed by a majority vote of the entire city council for neglect of duty, conflict of interest, malfeasance in office or other just cause~~,~~. Members may be removed if they have unexcused absences totaling 25% of the regularly scheduled meetings for the calendar year or three consecutive unexcused absences.~~including absence for more than eight regular meetings in a calendar year.~~ The city manager shall notify the city council of any such absences. The decision of the city council shall be final and there shall be no appeal therefrom. [Ord. 566 § 1, 2012]

(4) Vacancies. Vacancies occurring other than through the expiration of a term shall be filled for the unexpired term in the same manner as for appointments as provided in this chapter. [Ord. 388 § 2, 2003; Ord. 187 § 2, 1996; Ord. 113 § 2, 1995]

**2.45.030 Meetings.**

(1) The planning commission shall hold such regular and special meetings as may be necessary to complete its responsibilities. The planning commission shall elect from among its members a chair who shall preside at all meetings and a vice chair who shall preside in the absence of the chair. A majority of the planning commission members shall constitute a quorum for the transaction of business, and a majority vote of members present shall be necessary to carry any motion. Staff will prepare meeting agendas with advice from the chair.

(2) The planning commission shall adopt such rules and regulations as are necessary for the conduct of its business.

**2.45.050 City staff support.**

Administrative staff support shall be provided by the community development director or any other designee of the city manager. Said staff support shall be responsible for the agenda packets, written record of the proceedings of the planning commission, and such other support as necessary to enable the planning commission to conduct business and carry out its duties and responsibilities.

Section 2. Chapter 2.50 of the Burien Municipal Code, Business and Economic Development Partnership, is hereby amended by amending BMC 2.50.020 and 2.50.030 and adding BMC 2.50.050 to read as follows:

**2.50.020 Membership.**

(1) Number, Terms and Qualifications of Members. The partnership shall consist of 14 appointed members and one nonvoting ex officio member. Appointed members shall serve four-year terms running from April 1st through March 31st, or until a member's successor is duly appointed and confirmed. The appointments shall be staggered with every odd-numbered year, half of the members due for re-appointment or replacement.

The voting membership shall be selected with a goal of having predominantly business representation. To the extent available, representation should include applicants from the following areas serving Burien:

(a) Business owners, managers and employees;

(b) Commercial property owners;

(c) Chambers of commerce and merchants' associations;

(d) Burien city residents;

(e) Employment and job training services;

(f) Education;

(g) Others with interest in Burien.

In addition, the city manager or the city manager's designee shall be a nonvoting ex officio member of the partnership.

(2) Appointment. Members of the partnership shall be appointed by the city council in a manner consistent with the council's appointment procedures. Members shall be selected without respect to political affiliation and shall serve without compensation. Employees of the City of Burien are not eligible.

(3) There shall be a term limit of two consecutive full terms. After a two year absence, members may be reappointed. [Ord. 566 § 1, 2012]

(4) Removal. Members may be removed by a majority vote of the entire city council. The decision of the city council shall be final and there shall be no appeal therefrom. Members may be removed if they have unexcused absences totaling 25% of the regularly scheduled meetings for the calendar year or three consecutive unexcused absences.

(5) Vacancies. Vacancies occurring other than through the expiration of the term shall be filled for the unexpired term in the same manner as for appointments as provided in this chapter. [Ord. 258 § 2, 1999; Ord. 114 § 2, 1995]

**2.50.030 Meetings.**

(1) The partnership shall hold such regular and special meetings as may be necessary to complete its responsibilities. The partnership shall elect from among its members a chair who shall preside at all meetings and a vice chair who shall preside in the absence of the chair. A majority of the partnership members shall constitute a quorum for the transaction of business, and a majority vote of those present shall be necessary to carry any motion. Staff will prepare meeting agendas with advice from the chair.

(2) The partnership shall adopt bylaws and such rules and regulations as are necessary for the conduct of its business, subject to approval by the city council. [Ord. 258 § 3, 1999; Ord. 114 § 3, 1995]

**2.50.050 City staff support.**

Administrative staff support shall be provided by the economic development manager or any other designee of the city manager. Said staff support shall be responsible for the agenda packets, written record of the proceedings of the partnership, and such other support as necessary to enable the partnership to conduct business and carry out its duties and responsibilities.

Section 3. Chapter 2.55 of the Burien Municipal Code, Parks and Recreation Advisory Board, is hereby amended by amending BMC 2.55.020, 2.55.040, and 2.55.050 to read as follows:

**2.55.020 Creation – Eligibility.**

(1) There is hereby created an advisory parks and recreation board, consisting of seven voting members, each appointed by a majority vote of the city council, from among the residents of the city. Appointments shall be made from citizens of recognized fitness for the position, based on a demonstrated interest in parks and recreation, dedication to representing the interests of the public, and to some degree, based on professional training/expertise in related fields. Employees of the City of Burien are not eligible to be appointed to the board.

(2) The Council may also appoint alternate (non-voting) members. The Board may from time to time create short-term ad-hoc committees that include non-members who are deemed important in performing the Board's duties. Tenure shall vary with the need as determined by the Board's voting members. Non-members and alternate members shall not have voting rights.

**2.55.040 Terms of board members – Vacancies.**

(1) Except as noted in subsection (2) of this section, board members shall be appointed to four-year terms running from April 1st through March 31st, or until a member's successor is duly appointed and confirmed; provided, that the term of the member's successor will be shortened by the length of the hold-over and will be considered a full term. Members of the board may be excused by majority vote of the city council. Vacancies shall be filled for the remaining unexpired portion of the term being filled. Members may be removed if they have unexcused absences totaling 25% of the regularly scheduled meetings for the calendar year or three consecutive unexcused absences.

(2) During the initial organization of the Board, three of the members shall be appointed to two-year terms to stagger initial membership expiration.

(3) There shall be a term limit of two consecutive full terms. A member who has served two full terms may reapply to serve on the board after a period of two years has elapsed.

**2.55.050 Officers – Meetings – Quorum – Records.**

(1) Members of the Board shall meet and organize by electing from the members of the Board a Chair and Vice-Chair and such other officers as may be necessary. The Chair and Vice-Chair shall be elected for a one-year term. All Board members present are eligible to vote. In the event the Chair is unable to complete his or her term, the Vice-Chair will assume the position of the Chair until the expiration of the one-year term, and a new Vice-Chair shall be elected.

(2) The chair shall preside at all meetings of the board and in his or her absence, the vice-chair shall preside. Staff will prepare meeting agendas with advice from the chair.

(3) A majority of the Board shall constitute a quorum, and ~~four (4) affirmative votes shall be necessary to carry any proposition~~a majority vote of those present shall be necessary to carry any motion.

(4) A meeting of the Board shall be held at least once a month.

Section 4. Chapter 2.60 of the Burien Municipal Code, Arts Commission, is hereby amended by amending BMC 2.60.020, 2.60.040, and 2.60.050 and adding BMC 2.60.070 to read as follows:

**2.60.020 Creation – Eligibility.**

(1) There is hereby created an advisory arts commission, consisting of nine voting members, each appointed by a majority vote of the city council, from among the residents of the city. Appointments shall emphasize citizens involved in nonprofit arts organizations. Employees of the City of Burien are not eligible to be appointed to the commission.

(2) The council may also appoint alternate (non-voting) members. The commission may from time to time create short-term ad-hoc committees that include non-members who are deemed important in performing the commission's duties. Tenure shall vary with the need as determined by the commission's voting members. Non-members and alternate members shall not have voting rights.

**2.60.040 Terms of commission members – Vacancies.**

(1) Except as noted in subsection (2) of this section, commission members shall be appointed to four-year terms running from April 1st through March 31st, or until a member's successor is duly appointed and confirmed; provided, that the term of the member's successor will be shortened by the length of the hold-over and will be considered a full term. Members of the commission may be excused by majority vote of the city council. Vacancies shall be filled for the remaining unexpired portion of the term being filled. Members may be removed if they have unexcused absences totaling 25% of the regularly scheduled meetings for the calendar year or three consecutive unexcused absences.

(2) During the initial organization of the Commission, three of the members shall be appointed to two-year terms to stagger initial membership expiration.

(3) There shall be a term limit of two consecutive full terms. A member who has served two full terms may reapply to serve on the board after a period of two years has elapsed.

**2.60.050 Officers – Meetings – Quorum – Records.**

(1) Members of the Commission shall meet and organize by electing from the members of the Commission a Chair, Vice-Chair, Recording Secretary, and such other officers as may be necessary.

The Chair and Vice-Chair shall be elected for a one-year term. All Commission members present are eligible to vote. In the event the Chair is unable to complete his or her term, the Vice-Chair will assume the position of the Chair until the expiration of the one-year term, and a new Vice-Chair shall be elected.

(2) The chair shall preside at all meetings of the commission and in his or her absence, the vice-chair shall preside. The recording secretary shall keep and publish a summary of the minutes and provide those minutes to the city clerk. Staff will prepare meeting agendas with advice from the chair.

(3) A majority of the commission shall constitute a quorum, and ~~five affirmative votes shall be necessary to carry any proposition~~a majority vote of those present shall be necessary to carry any motion.

(4) A meeting of the Commission shall be held at least once a month.

**2.60.070 City staff support.**

Administrative staff support shall be provided by the parks and recreation manager or any other designee of the city manager. Said staff support shall be responsible for the agenda packets, written record of the proceedings of the arts commission, and such other support as necessary to enable the arts commission to conduct business and carry out its duties and responsibilities.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publications.

**ADOPTED** by the City Council at a regular meeting thereof on the _____day of _____, 2012.

CITY OF BURIEN

_____

Brian Bennett, Mayor

ATTEST/AUTHENTICATED:

_____
Monica Lusk, City Clerk

APPROVED AS TO FORM:

_____
Craig D. Knutson, City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.: 566
Date of Publication:

**CITY OF BURIEN**
**AGENDA BILL**

| | | |
|---|---|---|
| **Agenda Subject:** Motion to Authorize the City Manager to Sign an Interlocal Agreement With King County to Provide Landmark Preservation and Protection Services | | **Meeting Date:** October 15, 2012 |
| **Department:** Community Development<br>**Contact:** David Johanson, Interim Community Development Director<br>**Telephone:** (206) 248-5522 | **Attachments**:<br>1) Memo to Council<br>2) Draft Interlocal Agreement | **Fund Source:** General Fund—Community Development—Professional Services<br>**Activity Cost:** To be determined<br>**Amount Budgeted:** To be determined<br>**Unencumbered Budget Authority:** To be determined |
| **Adopted Work Plan Priority:** Yes___No __X_. | **Work Plan Item Description:** N/A | |

**PURPOSE/REQUIRED ACTION:**
The purpose of this agenda item is for the City Council to discuss and act on a proposed motion authorizing the City Manager to execute an Interlocal Agreement (ILA) with King County for landmark designation and protection services.

**BACKGROUND (*Include prior Council action & discussion)*:** This agenda item was considered by Council at your October 1st meeting. See Attachment 1 for background information (same memo that was in the October 1 Council packet).

**OPTIONS (*Including fiscal impacts*):**
There are three actions required:
Interlocal Agreement:

1. Authorize City Manager to execute ILA.
2. Authorize City Manager to execute ILA with changes.
3. Do not authorize City Manager to execute ILA.

Fees:

1. Direct staff to include fee reimbursement in fee schedule.
2. Direct staff to not include fee reimbursement in fee schedule.

Appointment to Landmarks Commission:
Council consensus at your October 1 meeting was to appoint a Planning Commissioner to the Landmarks Commission. Direct staff on how Council would like to select the appointee.

**Administrative Recommendation:** Authorize the City Manager to sign an interlocal agreement with King County to provide landmark preservation and protection services, and add fee reimbursement to the City's fee schedule.

**Committee Recommendation:** N/A

**Advisory Board Recommendation:** N/A

**Suggested Motion:** Move to authorize the City Manager to sign an interlocal agreement with King County to provide landmark preservation and protection services, and add fee reimbursement to the City's fee schedule.

Submitted by: David Johanson
**Administration** _____ **City Manager** _____

| | |
|---|---|
| **Today's Date:** October 3, 2012 | **File Code:** R:\CC\Agenda Bill 2012\101512cd-1 Landmark Services ILA.docx |

# CITY OF BURIEN, WASHINGTON
# MEMORANDUM

**DATE:** September 24, 2012

**TO:** Mayor Bennett and Councilmembers

**FROM:** Scott Greenberg, AICP, Community Development Director

**SUBJECT:** Interlocal Agreement with King County for Landmark Designation and Protection Services

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## PURPOSE

The purpose of this agenda item is for the City Council to discuss and provide direction to staff on a proposed motion authorizing the City Manager to execute an Interlocal Agreement (ILA) with King County for landmark designation and protection services (Attachment 2).

## BACKGROUND

Recently, the City was approached by a resident seeking landmark designation for his property. Burien's Comprehensive Plan calls for historic properties and sites to be indentified and protected:

> Pol. HT.1.1 The City should protect local historic, archeological and cultural sites and structures through designation and incentives for the preservation of such properties.

A benefit to the owner of a designated landmark is the number of available tax and other financial incentives. These are offered and run by other agencies, as described on Attachment 3.

King County's Historic Preservation Program offers landmark designation and protection services to cities within King County through an ILA. Seventeen cities have signed the ILA with King County: Auburn, Black Diamond, Carnation, Des Moines, Issaquah, Kenmore, Kent, Kirkland, Maple Valley, Newcastle, North Bend, Redmond, Sammamish, Shoreline, Skykomish, Snoqualmie and Woodinville. A summary of the program is on Attachment 4.

The ILA allows member cities to use the King County Landmarks Commission to act on the City's behalf in landmark designation cases and on Certificates of Appropriateness. An applicant for landmark designation would apply to King County. County staff would forward the application to city staff for review and comment. The Landmarks Commission would review the application and make a final decision on landmark designation. That decision can be appealed. In the separate Zoning Code Amendment agenda bill, we are proposing that it be a local appeal to Burien's Hearing Examiner.

Once designated, alterations to a landmark require Landmark Commission approval of a Certificate of Appropriateness.

In addition to the nine King County-appointed members to the Landmarks Commission, each City is required to appoint a "special member" who joins the Commission to vote on cases involving the member's city. More information about the Landmarks Commission is at http://www.kingcounty.gov/property/historic-preservation/landmarks-commission.aspx. If Burien signs the ILA, the Council will need to appoint a special member to the Landmarks Commission. ***Staff is***

***requesting direction on the process to be used to appoint the special member.*** The special member can be a Councilmember or another person.

The City would reimburse King County for services on an hourly basis for review and processing of a landmark designation and for a Certificate of Appropriateness. There will some city staff costs to review applications and coordinate with King County (maybe a few hours). ***Staff recommends collecting 100% of King County's costs from applicants.*** Of seven cities to reply to an inquiry, only one charges fees to the applicant. Shoreline collects a fee to cover city staff costs. There are also grant opportunities available in 2014 to fund these costs from 4Culture and the State Dept. of Archaeology and Historic Preservation. If grant funds were available in 2014, Council could eliminate collection of applicant fees, if those were covered by the grant.

**NEXT STEPS**

The motion should be approved prior to or simultaneously with the proposed Zoning Code amendment related to landmarks (see next agenda bill). No action is required at this meeting.

# INTERLOCAL AGREEMENT FOR LANDMARK SERVICES

## AN AGREEMENT BETWEEN KING COUNTY AND THE CITY OF BURIEN RELATING TO LANDMARK DESIGNATION AND PROTECTION SERVICES

THIS IS AN AGREEMENT between King County, a home rule charter county and a political subdivision of the State of Washington, hereinafter referred to as the "County," and the City of Burien, a municipal corporation of the State of Washington, hereinafter referred to as the "City".

WHEREAS, the City is incorporated; and

WHEREAS, local governmental authority and jurisdiction with respect to the designation and protection of landmarks within the city limits resides with the City; and

WHEREAS, the City desires to protect and preserve the historic buildings, structures, districts, sites, objects, and archaeological sites within the city for the benefit of present and future generations; and

WHEREAS, the County is able to provide landmark designation and protection services for the City; and

WHEREAS, the City has elected to contract with the County to provide such services; and

WHEREAS, it is in the public interest that the jurisdictions cooperate to provide efficient and cost effective landmark designation and protection; and

WHEREAS, pursuant to R.C.W. 39.34, the Interlocal Cooperation Act, the parties are each authorized to enter into an agreement for cooperative action;

NOW THEREFORE, the County and the City hereby agree:

1. Services. At the request of the City, the County shall provide landmark designation and protection services using the criteria and procedures adopted in King County Ordinance 10474, King County Code (K.C.C.), Chapter 20.62 within the City limits.

2. City's Responsibilities

   A. Adopt an ordinance establishing regulations and procedures for the designation of historic buildings, structures, objects, districts, sites, objects, and archaeological sites as landmarks and for the protection of landmarks. Regulations and procedures shall be substantially the same as the regulations and procedures set forth in K.C.C. Chapter 20.62. The ordinance shall provide that the King County Landmarks Commission, with

the addition of a special member, acting as the City of Burien Landmarks Commission (Commission) shall have the authority to designate and protect landmarks within the City limits in accordance with the City ordinance. The ordinance shall include:

1) Provision for the appointment of a special member to the Commission as provided by K.C.C. Chapter 20.62.030.

2) A provision that appeals from decisions of the Commission pertaining to real property within the City limits shall be taken to the City of Burien Hearing Examiner.

3) A provision for penalties for violation of the certificate of appropriateness procedures (K.C.C. Chapter 20.62.080).

4) A provision that the official responsible for the issuance of building and related permits shall promptly refer applications for permits which affect historic buildings, structures, objects, sites, districts, or archaeological sites to the King County Historic Preservation Officer (HPO) for review and comment. The responsible official shall seek and take into consideration the comments of the HPO regarding mitigation of any adverse effects affecting historic buildings, structures, objects, sites or districts.

B. Appoint a Special Member to the Commission in accordance with the ordinance adopted by the City. Pursuant to K.C.C. Chapter 20.62 such Special Member shall be a voting member of the Commission on all matters relating to or affecting landmarks within the City, except review of applications to the Special Valuation Tax Program, and the Current Use Taxation Program.

C. Except as to Section 5, the services provided by the County pursuant to this agreement do not include legal services.

3. <u>County Responsibilities</u>

A. Process all landmark nomination applications and conduct planning, training, and public information tasks necessary to support landmarking activities in the City. Such tasks shall be defined by mutual agreement of both parties on an annual basis.

B. Process all Certificate of Appropriateness applications to alter, demolish, or move any significant feature of a landmark property within the City limits.

C. Act as the "Local Review Board" for the purposes related to Chapter 221, 1986 Laws of Washington, (R.C.W. 84.26 and WAC 254.20) for the special valuation of historic properties within the city limits.

D. Review and approve all applications to the King County Landmark Loan Program.

E. Review and comment on applications for permits which affect historic buildings, structures, objects, sites, districts, and archaeological sites. Comments shall be forwarded to the city official responsible for the issuance of building and related permits.

4. Compensation

A. Costs. The City shall reimburse the County fully for all costs incurred in providing services under this contract, including overhead and indirect administrative costs. Costs charged to the City may be reduced by special appropriations, grants, or other supplemental funds, by mutual agreement of both parties. The rate of reimbursement to the County for labor costs shall be revised annually, by mutual agreement of both parties. Maximum total cost to the City shall be revised annually.

B. Billing. The County shall bill the City quarterly. The quarterly bill shall reflect actual costs plus the annual administrative overhead rate. Payments are due within 30 days of invoicing by the County.

5. Indemnification.

A. The County shall indemnify and hold harmless the City and its officers, agents and employees or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by reason or arising out of any negligent act or omission of the County, its officers, agents, and employees, or any of them, in providing services pursuant to this agreement. In the event that any suit based upon such a claim, action, loss, or damage is brought against the City, the County shall defend the same at its sole cost and expense; provided, that the City retains the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment be rendered against the City and its officers, agents, employees, or any of them, or jointly against the City and the County and their respective officers, agents and employees, or any of them, the County shall satisfy the same.

B. In executing this agreement, neither party assumes liability or responsibility for or in any way releases the other party from any liability or responsibility which arises in whole or in part from the existence or effect of the other party's ordinances, rules or regulations, polices or procedures. If any cause, claim, suit, actions or administrative proceeding is commenced regarding the enforceability and/or validity of any ordinance, rule or regulation of either party, said party shall defend the same at its sole expense and if judgment is entered or damages are awarded against said party, said party shall satisfy the same, including all chargeable costs and attorneys' fees.

C. The City shall indemnify and hold harmless the County and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses and damages of any nature whatsoever, by reason of or arising out of any negligent act or omission of the City, its officers, agents, and employees, or any of them. In the event that any suit based upon such a claim, action, loss or damage is brought against the County, the City shall defend the same at its sole cost and expense; provided

that the County retains the right to participate in said suit if any principle of governmental or public laws is involved; and if final judgment be rendered against the County, and its officers, agents, and employees, or any of them, the City shall satisfy the same.

D. The City and the County acknowledge and agree that if such claims, actions, suits, liability, loss, costs, expenses and damages are caused by or result from the concurrent negligence of the City, its agents, employees, and/or officers and the County, its agents, employees, and/or officers, this Article shall be valid and enforceable only to the extent of the negligence of each party, its agents, employees and/or officers.

6. Duration. This agreement is effective beginning upon execution, and shall be reviewed annually.

7. Termination. Either party may terminate this agreement by forty-five (45) days written notice from one party to the other.

8. Administration. This agreement shall be administered for the County by the Director of the Department of Natural Resources and Parks, or the director's designee, and for the City by the City Manager or the manager's designee.

9. Amendments. This Agreement may be amended at any time by mutual written agreement of the parties.

IN WITNESS WHEREOF, the parties have executed this agreement this _____ day of _____, 2012.

**CITY OF BURIEN**

By:_____
Mike Martin

Title: City Manager_____

**KING COUNTY**

By:_____
King County Executive

Approved as to form:

By:_____
King County Prosecutor

**CITY OF BURIEN**
**AGENDA BILL**

| | | |
|---|---|---|
| **Agenda Subject:** Motion to Adopt Ordinance 567 Relating to Zoning Code Amendments for Landmark Preservation and Protection | | **Meeting Date:** October 15, 2012 |
| **Department:** Community Development<br>**Contact:** David Johanson, Interim Community Development Director<br>**Telephone:** (206) 248-5522 | **Attachments**:<br>1-Memo to City Council<br>2-Draft Ordinance 567 and Exhibit A<br>3-King County Code Chapter 20.62 | **Fund Source:** N/A<br>**Activity Cost:** N/A<br>**Amount Budgeted:** N/A<br>**Unencumbered Budget Authority:** N/A |
| **Adopted Work Plan Priority:** Yes___No __X_. | **Work Plan Item Description:** | |

**PURPOSE/REQUIRED ACTION:**
The purpose of this agenda item is for the City Council to discuss and act on a proposed Zoning Code Amendment related to landmark preservation and protection.

**BACKGROUND (*Include prior Council action & discussion)*:** See Attachment 1 for greater detail.
Council reviewed the proposed amendments at your October 1 meeting and had two questions:

1) *Can the City limit landmark nominations to property owners only?* The answer is yes. We have included language in Attachment 2, Sec. 19.85.020.3 which requires an owner's written consent to the nomination.

2) *Can a landmark designation be considered a "taking?"* This question related to a scenario where 'anyone" could propose a landmark designation. With the owner consent language proposed above, a taking is no longer a concern. Therefore, we did not research this question.

**OPTIONS (*Including fiscal impacts*):**
1-Adopt recommended amendment.
2-Adopt recommended amendment with changes.
3-Do not adopt recommended amendment.

**Administrative Recommendation:** Adopt Ordinance 567.

**Committee Recommendation:** N/A

**Advisory Board Recommendation:** The Planning Commission unanimously recommended approval of the proposed amendments on Attachment 2.

**Suggested Motion:** Move adoption of Ordinance 567 relating to Zoning Code amendments for landmark preservation and protection.

Submitted by: David Johanson
**Administration** _____ **City Manager** _____

| | |
|---|---|
| **Today's Date:** October 8, 2012 | **File Code:** R:\CC\Agenda Bill 2012\101512cd-2 Landmark Preservation Zoning Code Amendment.docx |

# CITY OF BURIEN, WASHINGTON
# MEMORANDUM

**DATE:** September 21, 2012

**TO:** Mayor Bennett and Councilmembers

**FROM:** Scott Greenberg, AICP, Community Development Director

**SUBJECT:** Zoning Code Amendment—Preservation and Protection of Landmarks

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## PURPOSE

The purpose of this agenda item is for the City Council to discuss and provide direction to staff on a proposed Zoning Code Amendment related to landmark preservation and protection.

## BACKGROUND

The City was recently approached by a resident seeking landmark designation for his property. Burien's Comprehensive Plan calls for historic properties and sites to be identified and protected. The Planning Commission considered the proposed amendments at their August 28 and September 11, 2012 meetings and recommended approval of the attached amendments (Attachment 2). The recommended regulations and procedures would amend BMC 19.85, the existing Historic Preservation chapter in the Zoning Code. The current chapter is inadequate to protect such resources and offers no incentives or process for designation and protection.

## DISCUSSION

The recommended amendments heavily reference King County's Zoning Code chapter on landmark preservation. Another agenda item addresses a proposed Interlocal Agreement (ILA) with King County to provide landmark designation services for the City of Burien. If the ILA is approved by Council, Burien's regulations and procedures relating to landmarks must be substantially the same as the King County landmark ordinance (Attachment 3).

### Recommended Code Amendments

The following summarizes the recommended amendments to BMC 19.85:

- Title: Changed to "Protection and Preservation of Landmarks", to better reflect proposed regulations and procedures.
- 19.85.010--Purpose: Added a few words to better align with King County's code.
- 19.85.020—City of Burien landmarks: Eliminated list of landmarks. These have never been officially designated as landmarks. Any future landmark designation would be made by the King County Landmarks Commission using the proposed procedures.
- 19.85.020—Limit on noise impacts: Duplicate section numbering (two with 19.85.020). This section is recommended for elimination. It was adopted prior to third runway operation to protect the listed properties from airport noise impacts.
- 19.85.030--Requirement for noise mitigation plan: This section is recommended for elimination. It was adopted prior to third runway operation to protect the listed properties from airport noise impacts.

- NEW 19.85.020—King County Code Chapter 20.62 adopted: This new section adopts a number of King County Code sections by reference. This is the primary connection with the King County regulations, designation criteria and procedures for designation.
- NEW 19.85.030—Landmarks Commission Created: This new section authorizes King County's Landmarks Commission to act on behalf of the City of Burien. Of note is the requirement for the City Council to appoint a "special member" to the Landmarks Commission. This member serves as a voting member of the Commission on matters related to landmark designations and other issues relating to Burien.
- NEW 19.85.040—Review of building and related permits: This new section authorizes the City to consider comments from the King County Historic Preservation Officer when determining any required mitigation of adverse effects affecting historic resources.
- NEW 19.85.050—Appeal procedure: Allows appeal of a Landmarks Commission decision using the same procedure as a Type 1 appeal.

**Burien Comprehensive Plan Policies:**
The following existing Comprehensive Plan polices apply to historic preservation and landmark designation. The Planning Commission is also considering amendments to these policies as part of the annual Comprehensive Plan amendment package that Council will review this fall. These are included here for your information.

Existing Policies:

***Goal HT.1 Ensure that historic properties and sites are identified, protected from undue adverse impacts associated with incompatible land uses or transportation facilities, and protected from detrimental exterior noise levels.***

Pol. HT.1.1 The City should protect local historic, archeological and cultural sites and structures through designation and incentives for the preservation of such properties.

Pol. HT 1.2 Historic properties and sites which exhibit one or more of the following characteristics may be designated by the City as locally significant historic resources:

a. It is listed, or eligible for listing, in the National Register for Historic Places or the King County Inventory of Historic Places;

b. It is associated with events that have made a significant contribution to the broad patterns of national, state, or local history;

c. It is associated with the life of a person who is important in the history of the community, city, state, or nation or who is recognized by local citizens for substantial contribution to the neighborhood or community;

d. It embodies the distinctive characteristics of a type, period, style or method of construction;

e. It is an outstanding or significant work of an architect, builder, designer or developer who has made a substantial contribution to the profession;

f. It has yielded, or may be likely to yield, information important in prehistory or history;

g. Because of its location, age or scale, it is an easily identifiable visual feature and contributes to the distinctive quality or identity of the community or City;

h. The property or site includes significant cultural facilities such as amphitheaters, museums, community centers, sports complexes, marinas, etc.

***Discussion:*** Using the above criteria, the City should be able to identify historic properties and sites as locally significant and worthy of protection from incompatible land uses and activities

Pol. HT1.3 The City shall consider the impacts of new development on historical resources as a part of its environmental review process and require any appropriate mitigation measures.

Pol. HT 1.4 The City will take all reasonable actions within its means to preserve and protect locally significant historic properties and sites incompatible land uses.

Pol. HT 1.5 In order to minimize adverse impacts related to noise, unless prohibited by federal or state law historic properties and sites of local significance should be protected from exterior noise exposure levels that exceed a Ldn of 55 dBA.

Amended Policies Under Consideration by Planning Commission:

***Goal HT.1 Ensure that historic properties and sites are identified, protected from undue adverse impacts associated with incompatible land uses or transportation facilities.***

Pol. HT.1.1 Protect local historic, archeological and cultural sites and structures through designation and incentives for the preservation of such properties.

Pol. HT 1.4 The City will take all reasonable actions within its means to preserve and protect locally significant historic ~~properties and sites~~ resources from incompatible land uses.

(Policies HT 1.2, HT 1.3 and HT 1.5 would be deleted)

Add new definition: Historic resource: A district, site, building, structure or object significant in national, state or local history, architecture, archeology, and culture.

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 567

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**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING TITLE 19 OF THE BURIEN MUNICIPAL CODE RELATED TO THE PROTECTION AND PRESERVATION OF LANDMARKS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.**

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WHEREAS, historic preservation fosters civic pride in the beauty and accomplishments of the past and improves the economic vitality of our communities; and

WHEREAS, the City of Burien desires to designate, protect, and enhance those sites, buildings, districts, structures and objects that reflect significant elements of its cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, and other history; and

WHEREAS, King County is able to provide landmark designation and protection services to the City; and

WHEREAS, the City has elected to contract with King County to provide such services; and

WHEREAS, it is in the public interest that the jurisdictions cooperate to provide efficient and cost effective landmark designation and protection; and

WHEREAS, the Planning Commission held a duly noticed public hearing to receive public comments on September 11, 2012 and subsequently recommended approval of the proposed amendments; and

WHEREAS, the City Council has received a unanimous recommendation from the Planning Commission regarding the proposed amendments; and

WHEREAS, the City provided the proposed amendments to the Washington State Department of Commerce and did not receive any comments during the 10-day expedited comment deadline; and

WHEREAS, the City Council held public meetings on October 1 and 15, 2012 to review and discuss the proposed amendments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN,

WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1: Amendments to BMC Title 19. The City Council of the City of Burien hereby amends BMC Title 19 as set forth in Exhibit A, which is attached hereto and is incorporated herein by this reference.

Section 2: Findings and Criteria. In accordance with the criteria set forth in BMC 19.65.100, the City Council finds that the amendments adopted herein are consistent with the Comprehensive Plan, bear a substantial relation to the public health, safety, or welfare, and are in the best interest of the community as a whole.

Section 3: Severability. Should any section, subsection, 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 4: Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 5: Effective Date. This ordinance shall be published by summary 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 THIS ____ DAY OF _____, 2012, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ____ DAY OF _____, 2012.

CITY OF BURIEN
/s/ Brian Bennett, Mayor

ATTEST/AUTHENTICATED:
/s/ Monica Lusk, City Clerk

Approved as to form:
/s/ Craig D. Knutson, City Attorney

Filed with the City Clerk: _____, 2012
Passed by the City Council: _____, 2012
Ordinance No. 567
Date of Publication: _____, 2012

## 19.85 ~~Historic Preservation~~Protection and Preservation of Landmarks

19.85.010 Purpose.
19.85.020 ~~City of Burien Landmarks.~~ King County Code Chapter 20.62 Adopted.
~~19.85.020 Limit On Noise Impacts to Significant Sites, Districts, Buildings, Structures, and Objects.~~
19.85.030 ~~Requirement For Noise Mitigation Plan.~~ Landmarks Commission Created—Membership and Organization
19.85.040 Review of Building and Related Permits.
19.85.050 Appeal Procedure.

### 19.85.010 Purpose.

The purposes of this chapter are to:

1. Designate ~~and~~ , preserve, protect, enhance and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of the city of Burien's, the county's, the state's, and the nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic, and other heritage;

2. Foster civic pride in the beauty and accomplishments of the past;

3. Stabilize and improve the economic values and vitality of landmarks;

4. Encourage, p~~P~~rotect and enhance the city of Burien's tourist industry by promoting heritage-related tourism;

5. Promote the continued use, exhibition and interpretation of significant sites, districts, buildings, structures, and objects for the education, inspiration, and welfare of the people of the city of Burien;

6. Promote and continue incentives for ownership and utilization of landmarks;

7. Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation, and use of landmark buildings, sites, districts, structures, and objects;

8. Work cooperatively with other jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter. [Ord. 545 § 1, 2010, Ord. 130 § 1, 1995]

### ~~19.85.020 City of Burien landmarks.~~

~~The following is a list of currently identified significant sites, districts, buildings, structures, and objects within the city of Burien.~~

~~1. Highline High School, 251 SW 152nd Street;~~

~~2. Sunnydale School, 15631 8th Avenue South;~~

~~3. Subdivision 44, 7th Avenue South, 128th Street to S. 132nd Street;~~

~~4. Brick Commercial Structure, 658 S. 152nd Street;~~

~~5. Derion House, 505 S. 150th Street;~~

~~6. Dodd Homestead, 606 S. 140th Street;~~

~~7. Pacific Telephone Building, 14605 8th Avenue South;~~

~~8. Pollock House, 624 S. 152nd Street;~~

~~9. YMCA House, 17874 Des Moines Way South; and~~

~~10. Crosby House, 14628 8th Avenue South. [Ord. 545 § 1, 2010, Ord. 130 § 1, 1995]~~

~~**19.85.020 Limit on noise impacts to significant sites, districts, buildings, structures, and objects.**~~

~~Significant sites, districts, buildings, structures, and objects shall not be subject to adverse land uses which generate exterior noise exposure levels exceeding 55 dbA Ldn. [Ord. 545 § 1, 2010, Ord. 130 § 1, 1995]~~

~~**19.85.030 Requirement for noise mitigation plan.**~~

~~Proponents of projects which will increase exterior noise levels to which significant sites, districts, buildings, structures, and objects are exposed above an Ldn of 55 dbA must submit a noise mitigation plan to the city of Burien department of community development for review and approval before required permits are issued to allow the project to proceed. The city manager, with the assistance of the director of the department of community development, is authorized and directed to develop criteria for such review and approval. Such criteria shall be available in writing to applicants and shall, at minimum, require that the best available technology be employed to achieve no more than the maximum allowable noise standard set forth in this section. [Ord. 545 § 1, 2010, Ord. 130 § 1, 1995]~~

## 19.85.020 King County Code Chapter 20.62 adopted.

The following sections of Chapter 20.62 King County Code (KCC) are incorporated by reference herein and made a part of this chapter:

1. K.C.C. 20.62.020 – Definitions, except as follows:

   A. Paragraph H. is changed to read ""Director" is the director of the City of Burien Department of Community Development or his/her designee."

   B. Add paragraph: Z. "Council" is the City of Burien City Council.

2. K.C.C. 20.62.040 - Designation Criteria, except all references to "King County" are changed to read "City of Burien."

3. K.C.C. 20.62.050 - Nomination Procedure, except that property owner written consent is required prior to King County acceptance of a nomination request.

4. K.C.C. 20.62.070 - Designation Procedure, except all references to "King County" are changed to read "City of Burien."

5. K.C.C. 20.62.080 - Certificate of Appropriateness Procedure, except the last sentence of paragraph A thereof.

6. K.C.C. 20.62.100 - Evaluation of Economic Impact.

7. K.C.C. 20.62.130 - Penalty for Violation of Section 20.62.080 (Paragraph 5. above).

8. K.C.C. 20.62.140 - Special Valuation for Historic Properties

9. Permit applications for changes to landmark properties shall not be considered complete unless accompanied by a certificate of appropriateness pursuant to Section 5 above. Upon receipt of an application for a development proposal, which affects a King County landmark or an historic resource that has received a preliminary determination of significance as defined in Section 1 above, the application circulated to the King County historic preservation officer shall be deemed an application for a certificate of appropriateness pursuant to Section 5 above, if accompanied by the additional information required to apply for such certificate.

**19.85.030 Landmarks Commission Created—Membership and Organization.**

1. The King County Landmarks Commission ("Commission"), established pursuant to King County Code (K.C.C.), Chapter 20.62, is hereby designated and empowered to act as the Landmarks Commission for the City of Burien pursuant to the provisions of this chapter.

2. The Special Member of the Commission, provided for in Section 20.62.030 of the King County Code, shall be appointed by the City Council. Such special member shall have a demonstrated interest and competence in historic preservation. Such appointment shall be made for a three-year term. Such special member shall serve until his or her successor is duly appointed and confirmed. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Such special member may be reappointed but may not serve more than two consecutive, three-year terms. Such special member shall be deemed to have served one full term, if such special member resigns at any time after appointment or if such special member serves more than two years of an unexpired term. The special member of the Commission shall serve without compensation.

3. The Commission shall file its rules and regulations, including procedures consistent with this chapter, with the City Clerk.

**19.85.040 Review of Building and Related Permits.**

The official responsible for the issuance of building and related permits shall promptly refer applications for permits which "affect" historic buildings, structures, objects, sites, districts, or archaeological sites to the King County Historic Preservation Officer (HPO) for review and comment. For the purposes of this section, "affect" shall be defined as an application for change to the actual structure, on a property with a landmark structure or designated as a landmark property, or on an adjacent property sharing a common boundary line. The responsible official shall seek and take into consideration the comments of the HPO regarding mitigation of any adverse effects affecting historic buildings, structures, objects, sites, or districts.

**19.85.050 Appeal procedure.**

1. A party of record aggrieved by a decision of the commission designating or rejecting a nomination for designation of a landmark, or issuing or denying a certificate of appropriateness may, appeal such decision pursuant to the procedures established for a Type 1 Decision in BMC 19.65.065.5 through 19.65.065.12.

2. If, after the appeal hearing, the hearing examiner determines:

   A. An error in fact was made by the commission, the hearing examiner shall remand the proceeding to the commission for reconsideration; or

   B. The decision of the commission is based on an error in judgment or conclusion, the hearing examiner may modify or reverse the decision of the commission.

**20.54.110 Amendments to designations of King County agricultural districts or agricultural lands of county significance.**

A. Applications to amend boundaries of King County agricultural districts and agricultural lands of county significance to include lands not so designated by this chapter shall be made to the office of agriculture in writing with such supporting evidence as required by the office of agriculture. Boundaries of agricultural districts or agricultural lands of county significance may be amended where lands are found to meet the criteria for designation contained in this chapter.

B. All applications to revise the boundaries of King County agricultural districts shall be heard directly by the King County council.

C. All applications to revise the boundaries of agricultural lands of county significance shall be heard by the zoning and subdivision examiner in accordance with the procedures in King County Code Chapter 20.24.

D. For applications to revise the boundaries of agricultural lands of county significance, the hearing examiner may consider special exceptions to the criteria set forth in Attachment F* and to the procedures set forth in King County Code Chapter 20.24 for those lands producing horticultural crops which the producer sells directly to the public through public markets, u-pick operations, and roadside stands. (Ord. 3064 § 11, 1977).

**20.54.120 Development of agricultural protection program.**

A. Agricultural land programs, and information for the purchase and trade of certain agricultural lands and other agricultural support programs, shall be developed in conjunction with agricultural district advisory committees as set forth in Ordinance 3074, and presented to the council by the King County office of agriculture as specified in Attachment G*, which is incorporated by reference. The council intends that these programs shall be, to the fullest extent possible, implemented on a voluntary basis, based on the expressed interest of affected property owners.

B. The following criteria shall be considered in the development of priorities for the agricultural land program:

1. The criteria set forth on Attachment F*;
2. Farmer-owned and operated agricultural land;
3. Farming activity on lands since 1970;
4. Lands producing horticultural crops which are sold directly by the producer to the public through public markets, u-pick operations, or roadside stands; and
5. Lands zoned in the agricultural zoning classifications. (Ord. 3064 § 12, 1977).

***Available in the office of the clerk of the council.**

**20.54.130 Duration.** Continued application of the provisions of Section 20.54.070 beyond eighteen months from February 10, 1977, shall require further council action by ordinance. Extension of the provisions of Section 20.54.070 or comparable provisions beyond such period shall not occur unless the agricultural land and support programs as set forth in Attachment G* have been developed and approved by the council and the funding for such programs has been approved. (Ord. 3064 § 13, 1977).

***Available in the office of the clerk of the council.**

## 20.62 PROTECTION AND PRESERVATION OF LANDMARKS, LANDMARK SITES AND DISTRICTS

**Sections:**


20.62.010 Findings and declaration of purpose.
20.62.020 Definitions.
20.62.030 Landmarks commission created - membership and organization.
20.62.040 Designation criteria.
20.62.050 Nomination procedure.
20.62.070 Designation procedure.
20.62.080 Certificate of appropriateness procedure.
20.62.100 Evaluation of economic impact.
20.62.110 Appeal procedure.
20.62.120 Funding.
20.62.130 Penalty for violation of Section 20.62.080.
20.62.140 Special valuation for historic properties.
20.62.150 Historic Resources - review process.

20.62.160 Administrative rules.

**20.62.010 Findings and declaration of purpose.** The King County council finds that:

A. The protection, enhancement, perpetuation and use of buildings, sites, districts, structures and objects of historical, cultural, architectural, engineering, geographic, ethnic and archaeological significance located in King County, and the collection, preservation, exhibition and interpretation of historic and prehistoric materials, artifacts, records and information pertaining to historic preservation and archaeological resource management are necessary in the interest of the prosperity, civic pride and general welfare of the people of King County.

B. Such cultural and historic resources are a significant part of the heritage, education and economic base of King County, and the economic, cultural and aesthetic well-being of the county cannot be maintained or enhanced by disregarding its heritage and by allowing the unnecessary destruction or defacement of such resources.

C. Present heritage and preservation programs and activities are inadequate for insuring present and future generations of King County residents and visitors a genuine opportunity to appreciate and enjoy our heritage.

D. The purposes of this chapter are to:

1. Designate, preserve, protect, enhance and perpetuate those sites, buildings, districts, structures and objects which reflect significant elements of the county's, state's and nation's cultural, aesthetic, social, economic, political, architectural, ethnic, archaeological, engineering, historic and other heritage;

2. Foster civic pride in the beauty and accomplishments of the past;

3. Stabilize and improve the economic values and vitality of landmarks;

4. Protect and enhance the county's tourist industry by promoting heritage-related tourism;

5. Promote the continued use, exhibition and interpretation of significant historical or archaeological sites, districts, buildings, structures, objects, artifacts, materials and records for the education, inspiration and welfare of the people of King County;

6. Promote and continue incentives for ownership and utilization of landmarks;

7. Assist, encourage and provide incentives to public and private owners for preservation, restoration, rehabilitation and use of landmark buildings, sites, districts, structures and objects;

8. Assist, encourage and provide technical assistance to public agencies, public and private museums, archives and historic preservation associations and other organizations involved in historic preservation and archaeological resource management; and

9. Work cooperatively with all local jurisdictions to identify, evaluate, and protect historic resources in furtherance of the purposes of this chapter. (Ord. 14482 § 68, 2002: Ord. 10474 § 1, 1992: Ord. 4828 § 1, 1980).

**20.62.020 Definitions.** The following words and terms shall, when used in this chapter, be defined as follows unless a different meaning clearly appears from the context:

A. "Alteration" is any construction, demolition, removal, modification, excavation, restoration or remodeling of a landmark.

B. "Building" is a structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. Building may refer to an historically related complex, such as a courthouse and jail or a house and barn.

C. "Certificate of appropriateness" is written authorization issued by the commission or its designee permitting an alteration to a significant feature of a designated landmark.

D. "Commission" is the landmarks commission created by this chapter.

E. "Community landmark" is an historic resource which has been designated pursuant to K.C.C. 20.62.040 but which may be altered or changed without application for or approval of a certificate of appropriateness.

F. "Designation" is the act of the commission determining that an historic resource meets the criteria established by this chapter.

G. "Designation report" is a report issued by the commission after a public hearing setting forth its determination to designate a landmark and specifying the significant feature or features thereof.

H. "Director" is the director of the King County department of development and environmental services or his or her designee.

I. "District" is a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.

J. "Heritage" is a discipline relating to historic preservation and archaeology, history, ethnic history, traditional cultures and folklore.

K. "Historic preservation officer" is the King County historic preservation officer or his or her designee.

L. "Historic resource" is a district, site, building, structure or object significant in national, state or local history, architecture, archaeology, and culture.

M. "Historic resource inventory" is an organized compilation of information on historic resources considered to be significant according to the criteria listed in K.C.C. 20.62.040A. The historic resource inventory is kept on file by the historic preservation officer and is updated from time to time to include newly eligible resources and to reflect changes to resources.

N. "Incentives" are such compensation, rights or privileges or combination thereof, which the council, or other local, state or federal public body or agency, by virtue of applicable present or future legislation, may be authorized to grant to or obtain for the owner or owners of designated landmarks. Examples of economic incentives include but are not limited to tax relief, conditional use permits, rezoning, street vacation, planned unit development, transfer of development rights, facade easements, gifts, preferential leasing policies, private or public grants-in-aid, beneficial placement of public improvements, or amenities, or the like.

O. "Interested person of record" is any individual, corporation, partnership or association which notifies the commission or the council in writing of its interest in any matter before the commission.

P. "Landmark" is an historic resource designated as a landmark pursuant to K.C.C. 20.62.060.

Q. "Nomination" is a proposal that an historic resource be designated a landmark.

R. "Object" is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

S. "Owner" is a person having a fee simple interest, a substantial beneficial interest of record or a substantial beneficial interest known to the commission in an historic resource. Where the owner is a public agency or government, that agency shall specify the person or persons to receive notices under this chapter.

T. "Person" is any individual, partnership, corporation, group or association.

U. "Person in charge" is the person or persons in possession of a landmark including, but not limited to, a mortgagee or vendee in possession, an assignee of rents, a receiver, executor, trustee, lessee, tenant, agent, or any other person directly or indirectly in control of the landmark.

V. "Preliminary determination" is a decision of the commission determining that an historic resource which has been nominated for designation is of significant value and is likely to satisfy the criteria for designation.

W. "Significant feature" is any element of a landmark which the commission has designated pursuant to this chapter as of importance to the historic, architectural or archaeological value of the landmark.

X. "Site" is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains an historical or archaeological value regardless of the value of any existing structures.

Y. "Structure" is any functional construction made usually for purposes other than creating human shelter. (Ord. 14482 69, 2002: Ord. 11620 § 13, 1994: Ord. 10474 § 2, 1992: Ord. 4828 § 2, 1980).

**20.62.030 Landmarks commission created - membership and organization.**

A. There is created the King County landmarks commission which shall consist of nine regular members and special members selected as follows:

1. Of the nine regular members of the commission at least three shall be professionals who have experience in identification, evaluation, and protection of historic resources and have been selected from among the fields of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archaeology, cultural geography, landscape architecture, American studies, law, or other historic preservation related disciplines. The nine regular members of the commission shall be appointed by the county executive, subject to confirmation by the council, provided that no more than four members shall reside within any one municipal jurisdiction. All regular members shall have a demonstrated interest and competence in historic preservation.

2. The county executive may solicit nominations for persons to serve as regular members of the commission from the Association of King County Historical Organizations, the American Institute of Architects (Seattle Chapter), the Seattle King County Bar Association, the Seattle Master Builders, the chambers of commerce, and other professional and civic organizations familiar with historic preservation.

3. One special member shall be appointed from each municipality within King County which has entered into an interlocal agreement with King County providing for the designation by the commission of

landmarks within such municipality in accordance with the terms of such interlocal agreement and this chapter. Each such appointment shall be in accordance with the enabling ordinance adopted by such municipality.

B. Appointments of regular members, except as provided in subsection C of this section, shall be made for a three-year term. Each regular member shall serve until his or her successor is duly appointed and confirmed. Appointments shall be effective on June 1st of each year. In the event of a vacancy, an appointment shall be made to fill the vacancy in the same manner and with the same qualifications as if at the beginning of the term, and the person appointed to fill the vacancy shall hold the position for the remainder of the unexpired term. Any member may be reappointed, but may not serve more than two consecutive three-year terms. A member shall be deemed to have served one full term if such member resigns at any time after appointment or if such member serves more than two years of an unexpired term. The members of the commission shall serve without compensation except for out-of-pocket expenses incurred in connection with commission meetings or programs.

C. After May 4, 1992, the term of office of members becomes effective on the date the council confirms the appointment of commission members and the county executive shall appoint or reappoint three members for a three-year term, three members for a two-year term, and three members for a one-year term. For purposes of the limitation on consecutive terms in subsection B of this section an appointment for a one- or a two-year term shall be deemed an appointment for an unexpired term.

D. The chair shall be a member of the commission and shall be elected annually by the regular commission members. The commission shall adopt, in accordance with K.C.C. chapter 2.98, rules and regulations, including procedures, consistent with this chapter. The members of the commission shall be governed by the King County code of ethics, K.C.C. chapter. 3.04. The commission shall not conduct any public hearing required under this chapter until rules and regulations have been filed as required by K.C.C. chapter 2.98.

E. A special member of the commission shall be a voting member solely on matters before the commission involving the designation of landmarks within the municipality from which such special member was appointed.

F. A majority of the current appointed and confirmed members of the commission shall constitute a quorum for the transaction of business. A special member shall count as part of a quorum for the vote on any matter involving the designation or control of landmarks within the municipality from which such special member was appointed. All official actions of the commission shall require a majority vote of the members present and eligible to vote on the action voted upon. No member shall be eligible to vote upon any matter required by this chapter to be determined after a hearing unless that member has attended the hearing or familiarized him or herself with the record.

G. The commission may from time to time establish one or more committees to further the policies of the commission, each with such powers as may be lawfully delegated to it by the commission.

H. The county executive shall provide staff support to the commission and shall assign a professionally qualified county employee to serve as a full-time historic preservation officer. Under the direction of the commission, the historic preservation officer shall be the custodian of the commission's records. The historic preservation officer or his or her designee shall conduct official correspondence, assist in organizing the commission and organize and supervise the commission staff and the clerical and technical work of the commission to the extent required to administer this chapter.

I. The commission shall meet at least once each month for the purpose of considering and holding public hearings on nominations for designation and applications for certificates of appropriateness. Where no business is scheduled to come before the commission seven days before the scheduled monthly meeting, the chair of the commission may cancel the meeting. All meetings of the commission shall be open to the public. The commission shall keep minutes of its proceedings, showing the action of the commission upon each question, and shall keep records of all official actions taken by it, all of which shall be filed in the office of the historic preservation officer and shall be public records.

J. At all hearings before and meetings of the commission, all oral proceedings shall be electronically recorded. The proceedings may also be recorded by a court reporter if any interested person at his or her expense shall provide a court reporter for that purpose. A tape recorded copy of the electronic record of any hearing or part of a hearing shall be furnished to any person upon request and payment of the reasonable expense of the copy.

K. The commission is authorized, subject to the availability of funds for that purpose, to expend moneys to compensate experts, in whole or in part, to provide technical assistance to property owners in connection with requests for certificates of appropriateness upon a showing by the property owner that the need for the technical assistance imposes an unreasonable financial hardship on the property owner.

L. Commission records, maps or other information identifying the location of archaeological sites and potential sites shall be exempt from public disclosure as specified in RCW 42.17.310 in order to avoid

looting and depredation of the sites. (Ord. 14482 § 70, 2002: Ord. 10474 § 3, 1992: Ord. 10371 § 1, 1992: Ord. 4828 § 3, 1980).

**20.62.040 Designation criteria.**

A. An historic resource may be designated as a King County landmark if it is more than forty years old or, in the case of a landmark district, contains resources that are more than forty years old, and possesses integrity of location, design, setting, materials, workmanship, feeling and association, and:

1. Is associated with events that have made a significant contribution to the broad patterns of national, state or local history; or

2. Is associated with the lives of persons significant in national, state or local history; or

3. Embodies the distinctive characteristics of a type, period, style or method of design or construction, or that represents a significant and distinguishable entity whose components may lack individual distinction; or

4. Has yielded or may be likely to yield, information important in prehistory or history; or

5. Is an outstanding work of a designer or builder who has made a substantial contribution to the art.

B. An historic resource may be designated a community landmark because it is an easily identifiable visual feature of a neighborhood or the county and contributes to the distinctive quality or identity of such neighborhood or county or because of its association with significant historical events or historic themes, association with important or prominent persons in the community or county, or recognition by local citizens for substantial contribution to the neighborhood or community. An improvement or site qualifying for designation solely by virtue of satisfying criteria set out in this section shall be designated a community landmark and shall not be subject to the provisions of 20.62.080.

C. Cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past forty years shall not be considered eligible for designation. However, such a property shall be eligible for designation if they are:

1. An integral part of districts that meet the criteria set out in 20.62.040A or if it is:

2. A religious property deriving primary significance from architectural or artistic distinction or historical importance; or

3. A building or structure removed from its original location but which is significant primarily for its architectural value, or which is the surviving structure most importantly associated with a historic person or event; or

4. A birthplace, grave or residence of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with his or her productive life; or

5. A cemetery that derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or

6. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner or as part of a restoration master plan, and when no other building or structure with the same association has survived; or

7. A property commemorative in intent if design, age, tradition, or symbolic value has invested it with its own historical significance; or

8. A property achieving significance within the past forty years if it is of exceptional importance. (Ord. 10474 § 4, 1992: Ord. 4828 § 4, 1980).

**20.62.050 Nomination procedure.**

A. Any person, including the historic preservation officer and any member of the commission, may nominate an historic resource for designation as a landmark or community landmark. The procedures set forth in Sections 20.62.050 and 20.62.080 may be used to amend existing designations or to terminate an existing designation based on changes which affect the applicability of the criteria for designation set forth in Section 20.62.040. The nomination or designation of an historic resource as a landmark shall constitute nomination or designation of the land which is occupied by the historic resource unless the nomination provides otherwise. Nominations shall be made on official nomination forms provided by the historic preservation officer, shall be filed with the historic preservation officer, and shall include all data required by the commission.

B. Upon receipt by the historic preservation officer of any nomination for designation, the officer shall review the nomination, consult with the person or persons submitting the nomination, and the owner, and prepare any amendments to or additional information on the nomination deemed necessary by the officer. The historic preservation officer may refuse to accept any nomination for which inadequate information is

provided by the person or persons submitting the nomination. It is the responsibility of the person or persons submitting the nomination to perform such research as is necessary for consideration by the commission. The historic preservation officer may assume responsibility for gathering the required information or appoint an expert or experts to carry out this research in the interest of expediting the consideration.

C. When the historic preservation officer is satisfied that the nomination contains sufficient information and complies with the commission's regulations for nomination, the officer shall give notice in writing, certified mail/return receipt requested, to the owner of the property or object, to the person submitting the nomination and interested persons of record that a preliminary or a designation determination on the nomination will be made by the commission. The notice shall include:

1. The date, time, and place of hearing;

2. The address and description of the historic resource and the boundaries of the nominated resource;

3. A statement that, upon a designation or upon a preliminary determination of significance, the certificate of appropriateness procedure set out in Section 20.62.080 will apply;

4. A statement that, upon a designation or a preliminary determination of significance, no significant feature may be changed without first obtaining a certificate of appropriateness from the commission, whether or not a building or other permit is required. A copy of the provisions of Section 20.62.080 shall be included with the notice;

5. A statement that all proceedings to review the action of the commission at the hearing on a preliminary determination or a designation will be based on the record made at such hearing and that no further right to present evidence on the issue of preliminary determination or designation is afforded pursuant to this chapter.

D. The historic preservation officer shall, after mailing the notice required herein, refer the nomination and all supporting information to the commission for consideration on the date specified in the notice. No nomination shall be considered by the commission less than thirty nor more than forty five calendar days after notice setting the hearing date has been mailed except where the historic preservation officer or members of the commission have reason to believe that immediate action is necessary to prevent destruction, demolition or defacing of an historic resource, in which case the notice setting the hearing shall so state. (Ord. 10474 § 5, 1992: Ord. 4828 § 5, 1980).

**20.62.070 Designation procedure.**

A. The commission may approve, deny, amend or terminate the designation of a historic resource as a landmark or community landmark only after a public hearing. At the designation hearing the commission shall receive evidence and hear argument only on the issues of whether the historic resource meets the criteria for designation of landmarks or community landmarks as specified in K.C.C. 20.62.040 and merits designation as a landmark or community landmark; and the significant features of the landmark. The hearing may be continued from time to time at the discretion of the commission. If the hearing is continued, the commission may make a preliminary determination of significance if the commission determines, based on the record before it that the historic resource is of significant value and likely to satisfy the criteria for designation in K.C.C. 20.62.040. The preliminary determination shall be effective as of the date of the public hearing at which it is made. Where the commission makes a preliminary determination it shall specify the boundaries of the nominated resource, the significant features thereof and such other description of the historic resource as it deems appropriate. Within five working days after the commission has made a preliminary determination, the historic preservation officer shall file a written notice of the action with the director and mail copies of the notice, certified mail, return receipt requested, to the owner, the person submitting the nomination and interested persons of record. The notice shall include:

1. A copy of the commission's preliminary determination; and

2. A statement that while proceedings pursuant to this chapter are pending, or six months from the date of the notice, whichever is shorter, and thereafter if the designation is approved by the commission, the certificate of appropriateness procedures in K.C.C. 20.62.080, a copy of which shall be enclosed, shall apply to the described historic resource whether or not a building or other permit is required. The decision of the commission shall be made after the close of the public hearing or at the next regularly scheduled public meeting of the commission thereafter.

B. Whenever the commission approves the designation of a historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written designation report, which shall include:

1. The boundaries of the nominated resource and such other description of the resource sufficient to identify its ownership and location;

2. The significant features and such other information concerning the historic resource as the commission deems appropriate;

3. Findings of fact and reasons supporting the designation with specific reference to the criteria for designation in K.C.C. 20.62.040; and

4. A statement that no significant feature may be changed, whether or not a building or other permit is required, without first obtaining a certificate of appropriateness from the commission in accordance with K.C.C. 20.62.080, a copy of which shall be included in the designation report. This subsection B.4. shall not apply to historic resources designated as community landmarks.

C. Whenever the commission rejects the nomination of a historic resource under consideration for designation as a landmark, it shall, within fourteen calendar days of the public meeting at which the decision is made, issue a written decision including findings of fact and reasons supporting its determination that the criteria in K.C.C. 20.62.040 have not been met. If a historic resource has been nominated as a landmark and the commission designates the historic resource as a community landmark, the designation shall be treated as a rejection of the nomination for King County landmark status and the foregoing requirement for a written decision shall apply. Nothing contained herein shall prevent renominating any historic resource rejected under this subsection as a King County landmark at a future time.

D. A copy of the commission's designation report or decision rejecting a nomination shall be delivered or mailed to the owner, to interested persons of record and the director within five working days after it is issued. If the commission rejects the nomination and it has made a preliminary determination of significance with respect to the nomination, it shall include in the notice to the director a statement that K.C.C. 20.62.080 no longer applies to the subject historic resources.

E. If the commission approves, or amends a landmark designation, K.C.C. 20.62.080 shall apply as approved or amended. A copy of the commission's designation report or designation amendment shall be recorded with the records and licensing services division, or its successor agency, together with a legal description of the designated resource and notification that K.C.C. 20.62.080 and 20.62.130 apply. If the commission terminates the designation of a historic resource, K.C.C. 20.62.080 shall no longer apply to the historic resource. (Ord. 15971 § 92, 2007: Ord. 14482 § 71, 2002: Ord. 14176 § 4, 2001: Ord. 11620 § 14, 1994: Ord. 10474 § 6, 1992: Ord. 4828 § 7, 1980).

**20.62.080 Certificate of appropriateness procedure.**

A. At any time after a designation report and notice has been filed with the director and for a period of six months after notice of a preliminary determination of significance has been mailed to the owner and filed with the director, a certificate of appropriateness must be obtained from the commission before any alterations may be made to the significant features of the landmark identified in the preliminary determination report or thereafter in the designation report. The designation report shall supersede the preliminary determination report. This requirement shall apply whether or not the proposed alteration also requires a building or other permit. The requirements of this section shall not apply to any historic resource located within incorporated cities or towns in King County, except as provided by applicable interlocal agreement.

B. Ordinary repairs and maintenance which do not alter the appearance of a significant feature and do not utilize substitute materials do not require a certificate of appropriateness. Repairs to or replacement of utility systems do not require a certificate of appropriateness provided that such work does not alter an exterior significant feature.

C. There shall be three types of certificates of appropriateness, as follows:

1. Type I, for restorations and major repairs which utilize in-kind materials.
2. Type II, for alterations in appearance, replacement of historic materials and new construction.
3. Type III, for demolition, moving and excavation of archaeological sites.

In addition, the commission shall establish and adopt an appeals process concerning Type I decisions made by the historic preservation officer with respect to the applications for certificates of appropriateness.

The historic preservation officer may approve Type I certificates of appropriateness administratively without public hearing, subject to procedures adopted by the commission. Alternatively the historic preservation officer may refer applications for Type I certificates of appropriateness to the commission for decision. The commission shall adopt an appeals procedure concerning Type I decisions made by the historic preservation officer.

Type II and III certificates of appropriateness shall be decided by the commission and the following general procedures shall apply to such commission actions:

1. Application for a certificate of appropriateness shall be made by filing an application for such certificate with the historic preservation officer on forms provided by the commission.

2. If an application is made to the director for a permit for any action which affects a landmark, the director shall promptly refer such application to the historic preservation officer, and such application shall be deemed an application for a certificate of appropriateness if accompanied by the additional information required to apply for such certificate. The director may continue to process such permit application, but shall not issue any such permit until the time has expired for filing with the director the notice of denial of a certificate of appropriateness or a certificate of appropriateness has been issued pursuant to this chapter.

3. After the commission has commenced proceedings for the consideration of any application for a certificate of appropriateness by giving notice of a hearing pursuant to subsection 3 of this section, no other application for the same or a similar alteration may be made until such proceedings and all administrative appeals therefrom pursuant to this chapter have been concluded.

4. Within forty five calendar days after the filing of an application for a certificate of appropriateness with the commission or the referral of an application to the commission by the director except those decided administratively by the historic preservation officer pursuant to subsection 2 of this section, the commission shall hold a public hearing thereon. The historic preservation officer shall mail notice of the hearing to the owner, the applicant, if the applicant is not the owner, and parties of record at the designation proceedings, not less than ten calendar days before the date of the hearing. No hearing shall be required if the commission, the owner and the applicant, if the applicant is not the owner, agree in writing to a stipulated certificate approving the requested alterations thereof. This agreement shall be ratified by the commission in a public meeting and reflected in the commission meeting minutes. If the commission grants a certificate of appropriateness, such certificate shall be issued forthwith and the historic preservation officer shall promptly file a copy of such certificate with the director.

5. If the commission denies the application for a certificate of appropriateness, in whole or in part, it shall so notify the owner, the person submitting the application and interested persons of record setting forth the reasons why approval of the application is not warranted.

D. The commission shall adopt such other supplementary procedures consistent with K.C.C. 2.98 as it determines are required to carry out the intent of this section. (Ord. 11620 § 15, 1994: Ord. 10474 § 7, 1992: Ord. 4828 § 8, 1980).

**20.62.100 Evaluation of economic impact.**

A. At the public hearing on any application for a Type II or Type III certificate of appropriateness, or Type I if referred to the commission by the historic preservation officer, the commission shall, when requested by the property owner, consider evidence of the economic impact on the owner of the denial or partial denial of a certificate. In no case may a certificate be denied, in whole or in part, when it is established that the denial or partial denial will, when available incentives are utilized, deprive the owner of a reasonable economic use of the landmark and there is no viable and reasonable alternative which would have less impact on the features of significance specified in the preliminary determination report or the designation report.

B. To prove the existence of a condition of unreasonable economic return, the applicant must establish and the commission must find, both of the following:

1. The landmark is incapable of earning a reasonable economic return without making the alterations proposed. This finding shall be made by considering and the applicant shall submit to the commission evidence establishing each of the following factors:

a. The current level of economic return on the landmark as considered in relation to the following:

(1) The amount paid for the landmark, the date of purchase, and party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the landmark was purchased;

(2) The annual gross and net income, if any, from the landmark for the previous five (5) years; itemized operating and maintenance expenses for the previous five (5) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period;

(3) The remaining balance on any mortgage or other financing secured by the landmark and annual debt service, if any, during the prior five (5) years;

(4) Real estate taxes for the previous four (4) years and assessed value of the landmark according to the two (2) most recent assessed valuations;

5) All appraisals obtained within the previous three (3) years by the owner in connection with the purchase, financing or ownership of the landmark;

(6) The fair market value of the landmark immediately prior to its designation and the fair market value of the landmark (in its protected status as a designated landmark) at the time the application is filed;

7) Form of ownership or operation of the landmark, whether sole proprietorship, for profit or not-for-profit corporation, limited partnership, joint venture, or both;

(8) Any state or federal income tax returns on or relating to the landmark for the past two (2) years.

b. The landmark is not marketable or able to be sold when listed for sale or lease. The sale price asked, and offers received, if any, within the previous two (2) years, including testimony and relevant documents shall be submitted by the property owner. The following also shall be considered:

(1) Any real estate broker or firm engaged to sell or lease the landmark;

(2) Reasonableness of the price or lease sought by the owner;

(3) Any advertisements placed for the sale or lease of the landmark.

c. The unfeasibility of alternative uses that can earn a reasonable economic return for the landmark as considered in relation to the following:

(1) A report from a licensed engineer or architect with experience in historic restoration or rehabilitation as to the structural soundness of the landmark and its suitability for restoration or rehabilitation;

(2) Estimates of the proposed cost of the proposed alteration and an estimate of any additional cost that would be incurred to comply with the recommendation and decision of the commission concerning the appropriateness of the proposed alteration;

(3) Estimated market value of the landmark in the current condition after completion of the proposed alteration; and, in the case of proposed demolition, after renovation of the landmark for continued use;

(4) In the case of proposed demolition, the testimony of an architect, developer, real estate consultant, appraiser or other real estate professional experienced in historic restoration or rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing landmark;

(5) The unfeasibility of new construction around, above, or below the historic resource.

d. Potential economic incentives and/or funding available to the owner through federal, state, county, city or private programs.

2. The owner has the present intent and the secured financial ability, demonstrated by appropriate documentary evidence to complete the alteration.

C. Notwithstanding the foregoing enumerated factors, the property owner may demonstrate other appropriate factors applicable to economic return.

D. Upon reasonable notice to the owner, the commission may appoint an expert or experts to provide advice and/or testimony concerning the value of the landmark, the availability of incentives and the economic impacts of approval, denial or partial denial of a certificate of appropriateness.

E. Any adverse economic impact caused intentionally or by willful neglect shall not constitute a basis for granting a certificate of appropriateness. (Ord. 10474 § 8, 1992: Ord. 4828 § 10, 1980).

**20.62.110 Appeal procedure.**

A. Any person aggrieved by a decision of the commission designating or rejecting a nomination for designation of a landmark or issuing or denying a certificate of appropriateness may, within thirty-five calendar days of mailing of notice of such designation or rejection of nomination, or of such issuance or denial or approval of a certificate of appropriateness appeal such decision in writing to the council. The written notice of appeal shall be filed with the historic preservation officer and the clerk of the council and shall be accompanied by a statement setting forth the grounds for the appeal, supporting documents, and argument.

B. If, after examination of the written appeal and the record, the council determines, that: 1. An error in fact may exist in the record, it shall remand the proceeding to the commission for reconsideration or, if the council determines that: 2. the decision of the commission is based on an error in judgment or conclusion, it may modify or reverse the decision of the commission.

C. The council's decision shall be based solely upon the record, provided that, the council may at its discretion publicly request additional information of the appellant, the commission or the historic preservation officer.

D. The council shall take final action on any appeal from a decision of the commission by adoption of an Ordinance, and when so doing, it shall make and enter findings of fact from the record and reasons therefrom which support its action. The council may adopt all or portions of the commission's findings and conclusions.

E. The action of the council sustaining, reversing, modifying or remanding a decision of the commission shall be final unless within twenty calendar days from the date of the action an aggrieved person obtains a writ of certiorari from the superior court of King County, state of Washington, for the purpose of review of the action taken. (Ord. 10474 § 9, 1992: Ord. 4828 § 11, 1980).

**20.62.120 Funding.**

A. The commission shall have the power to make and administer grants of funds received by it from private sources and from local, state and federal programs for purposes of:

1. Maintaining, purchasing or restoring historic resources located within King County which it deems significant pursuant to the goals, objectives and criteria set forth in this chapter if such historic resources have been nominated or designated as landmarks pursuant to this chapter or have been designated as landmarks by municipalities within King County or by the State of Washington, or are listed on the National Historic Landmarks Register, the National Register of Historic Places; and

2. Developing and conducting programs relating to historic preservation and archaeological resource management. The commission shall establish rules and regulations consistent with K.C.C. chapter 2.98 governing procedures for applying for and awarding of grant moneys pursuant to this section.

B. The commission may, at the request of the historic preservation officer, review proposals submitted by county agencies to fund historic preservation and archaeological projects through the Housing and Community Development Act of 1974 (42 U.S.C. Secs. 5301 et seq.), the State and Local Fiscal Assistance Act of 1972 (31 U.S.C. Secs. 1221 et seq.) and other applicable local, state and federal funding programs. Upon review of such grant proposals, the commission may make recommendations to the county executive and county council concerning which proposals should be funded, the amount of the grants that should be awarded, the conditions that should be placed on the grant, and such other matters as the commission deems appropriate. The historic preservation officer shall keep the commission apprised of the status of grant proposals, deadlines for submission of proposals and the recipients of grant funds. (Ord. 14482 § 72, 2002: Ord. 10474 § 10, 1992: Ord. 4828 § 12, 1980).

**20.62.130 Penalty for violation of Section 20.62.080.** Any person violating or failing to comply with the provisions of Section 20.62.080 of this chapter shall incur a civil penalty of up to five hundred dollars per day and each day's violation or failure to comply shall constitute a separate offense; provided, however, that no penalty shall be imposed for any violation or failure to comply which occurs during the pendency of legal proceedings filed in any court challenging the validity of the provision or provisions of this chapter, as to which such violations or failure to comply is charged. (Ord. 4828 § 13, 1980).

**20.62.140 Special valuation for historic properties.**

A. There is hereby established and implemented a special valuation for historic properties as provided in chapter 84.26 RCW.

B. The King County landmarks commission is hereby designated as the local review board for the purposes related to chapter 84.26 RCW, and is authorized to perform all functions required by chapter 84.16 RCW and chapter 254-20 WAC.

C. All King County landmarks designated and protected under this chapter shall be eligible for special valuation in accordance with chapter 84.26 RCW. (Ord. 14482 § 73, 2002: Ord. 10474 § 12, 1992: Ord. 9237 §§ 1-3 , 1989).

**20.62.150 Historic Resources - review process**.

A. King County shall not approve any development proposal or otherwise issue any authorization to alter, demolish, or relocate any historic resource identified in the King County Historic Resource Inventory, pursuant to the requirements of this chapter. The standards contained in K.C.C. 21A.12, Development Standards - Density and Dimensions and K.C.C. 21A.16, Development Standards - Landscaping and Water Use shall be expanded, when necessary, to preserve the aesthetic, visual and historic integrity of the historic resource from the impacts of development on adjacent properties.

B. Upon receipt of an application for a development proposal located on or adjacent to a historic resource listed in the King County Historic Resource Inventory, the director shall follow the following procedure:

1. The development proposal application shall be circulated to the King County historic preservation officer for comment on the impact of the project on historic resources and for recommendation on mitigation. This includes all permits for alterations to historic buildings, alteration to landscape elements, new construction on the same or abutting lots, or any other action requiring a permit which might affect the historic character of the resource. Information required for a complete permit application to be circulated to the historic preservation officer shall include:

a. a vicinity map;

b. a site plan showing the location of all buildings, structures, and landscape features;

c. a brief description of the proposed project together with architectural drawings showing the existing condition of all buildings, structures, landscape features and any proposed alteration to them;

d. photographs of all buildings, structures, or landscape features on the site; and

e. an environmental checklist, except where categorically exempt under King County SEPA guidelines.

2. Upon request, the historic preservation officer shall provide information about available grant assistance and tax incentives for historic preservation. The officer may also provide the owner, developer, or other interested party with examples of comparable projects where historic resources have been restored or rehabilitated.

3. In the event of a conflict between the development proposal and preservation of an historic resource, the historic preservation officer shall:

a. suggest appropriate alternatives to the owner/developer which achieve the goals of historic preservation.

b. recommend approval, or approval with conditions to the director of the department of development and environmental services; or

c. propose that a resource be nominated for county landmark designation according to procedures established in the landmarks preservation ordinance (K.C.C. 20.62).

4. The director may continue to process the development proposal application, but shall not issue any development permits or issue a SEPA threshold determination until receiving a recommendation from the historic preservation officer. In no event shall review of the proposal by the historic preservation officer delay permit processing beyond any period required by law. Permit applications for changes to landmark properties shall not be considered complete unless accompanied by a certificate of appropriateness pursuant to K.C.C. 20.62.080.

5. On known archaeological sites, before any disturbance of the site, including, but not limited to test boring, site clearing, construction, grading or revegetation, the State Office of Archaeology and Historic Preservation (OAHP), and the King County historic preservation officer, and appropriate Native American tribal organizations must be notified and state permits obtained, if required by law. The officer may require that a professional archaeological survey be conducted to identify site boundaries, resources and mitigation alternatives prior to any site disturbance and that a technical report be provided to the officer, OAHP and appropriate tribal organizations. The officer may approve, disapprove or require permits conditions, including professional archeological surveys, to mitigate adverse impacts to known archeological sites.

C. Upon receipt of an application for a development proposal which affects a King County landmark or an historic resource that has received a preliminary determination of significance as defined by K.C.C. 20.62.020V, the application circulated to the King County historic preservation officer shall be deemed an application for a certificate of appropriateness pursuant to K.C.C. 20.62.080 if accompanied by the additional information required to apply for such certificate. (Ord. 11620 § 12, 1994).

**20.62.160 Administrative rules.** The director may promulgate administrative rules and regulations pursuant to K.C.C. 2.98, to implement the provisions and requirements of this chapter. (Ord. 11620 § 16, 1994).

**CITY OF BURIEN**
**AGENDA BILL**

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| **Agenda Subject:** Discussion on 2013-14 Preliminary Budget including Operating, Capital Improvement Program and Human Services Funding. | | **Meeting Date:** October 15, 2012 |
| **Department:** Finance Department<br>**Contact:** Kim Krause, Finance Director<br>**Telephone:** (206) 439-3150 | **Attachments:**<br>1. Budget Matrix | **Fund Source:** N/A<br>**Activity Cost:** N/A<br>**Amount Budgeted:** N/A<br>**Unencumbered Budget Authority:** N/A |

**PURPOSE/REQUIRED ACTION:**

The purpose of this agenda item is to conduct follow-up discussion on 2013-2014 Preliminary Budget, including the Operating and the Capital Improvement Program Budgets, and Human Services funding recommendations.

**BACKGROUND (*Include prior Council action & discussion*):**

The City's 2013-2014 Preliminary Operating and Capital Improvement Program Budgets were presented to the City Council on September 24 and October 1, 2012. The October 1 meeting also included presentations on the Human Services and Arts and Culture funding recommendations.

Upcoming budget meetings are as follows:

Monday, October 22, 2012 – Regular Council Meeting – Second Public Hearing on Revenue Sources and Discussion on the proposed Budget Ordinance, Property Tax Levy, Financial Policies, Proposed Electric Utility Tax (PSE) increase, Proposed Surface Water Management Rate increase and Proposed Parking Tax increase.

Monday, November 5, 2012 – Regular Council Meeting – Adopt the 2013-2014 Biennial Budget, Property Tax Levy, Financial Policies, Electric Utility Tax (PSE) increase, Surface Water Management Fee increase and Parking Tax increase.

**OPTIONS (*Including fiscal impacts*):** N/A

**Administrative Recommendation:** Hold discussion and provide direction to staff.

**Suggested Motion:** None Required.

**Submitted by:** Kim Krause
**Administration** _____ **City Manager** _____

| | |
|---|---|
| **Today's Date:** October 6, 2012 | **File Code:** R:\CC\Agenda Bill 2012\101512ad-1 Prelim Budget Discussion - Followup.docx |

# 2013-14 Budget Matrix

| Councilmember | # | Meeting Date | Request/Comment | Response |
|---|---|---|---|---|
| Block | 1 | 9/24/2012 | Ask Assessor to value multi-family housing at investment value rather than market value or add a rental housing license fee and dedicate the revenues to public safety | See #2 |
| Robison | 2 | 9/24/2012 | By law, all property must be assessed at market value | None required |
| Block | 3 | 9/24/2012 | Break down School and Fire District property tax levies between capital and operating | School District = $5.15 per $1,000 AV<br>Operating = $3.40126<br>Capital = $1.74569<br>Fire District = $1.94 per $1,000 AV<br>Operating = $1.50<br>Capital = $.43614<br>Library = $.57 per $1,000 AV<br>Operating = $.50<br>Capital = $.06992 |
| Robison | 4 | 9/24/2012 | Break down School and Fire District property tax levies between voted and non-voted | School District = $5.15 per $1,000 AV<br>All Voted<br>Fire District = $1.94 per $1,000 AV<br>Non-voted = $1.50<br>Voted = $.43614<br>Library = $.57 per $1,000 AV<br>Non-voted = $.50<br>Voted = $.06992 |
| Krakowiak | 5 | 9/24/2012 | Details not provided on some professional service budgets – will send list of departments requiring more detail | Staff waiting for Council to respond |
| Block | 6 | 9/24/2012 | Use Capital Project Reserve fund balance for grant match to hire two officers authorized under COPS grant | Capital Project Reserve Fund ending fund balance is $108,000 |

# 2013-14 Budget Matrix

| Councilmember | # | Meeting Date | Request/Comment | Response |
|---|---|---|---|---|
| Block | 7 | 9/24/2012 | Raise TBD fee to $20 to increase Street Fund revenue instead of transferring solid waste utility tax from General Fund; use solid waste utility tax in General Fund for grant match to hire two officers authorized under COPS grant | Need further Council direction |
| Block | 8 | 9/24/2012 | Staff to provide list of funding options to add and sustain the officers authorized under COPS grant | Cost of two fully loaded officers for 2013 (less grant match) = $267,000<br>Cost of two fully loaded officers for 2014 (less grant match) = $281,000<br>Cost of two fully loaded officers for 2013-14 biennium (less grant match) = $548,000<br>Cost of two fully loaded officers for 2015 (less grant match) = $297,000<br>Cost of two fully loaded officers for 2016 (no grant match) = $394,000<br>Cost of two fully loaded officers over four years = $1,239,000 |
| Block | 9 | 9/24/2012 | Hire security officer for school district – put commissioned police officer on the street | Outside City's jurisdiction |
| Block | 10 | 9/24/2012 | Fund the economic development strategic plan at $100,000; implement one-time increase in business license fee to fund the full study | Need further Council direction |
| Block | 11 | 9/24/2012 | Increase the SWM fee to maximum recommendation in first year and purchase street sweeper and vactor truck; consider combination vactor/sweeper equipment | Staff unable to implement two substantial initiatives simultaneously in addition to current facilities not accommodating both pieces of equipment; staff has considered combo equipment and learned that the vactor piece is not effective |

# 2013-14 Budget Matrix

| Councilmember | # | Meeting Date | Request/Comment | Response |
|---|---|---|---|---|
| Block | 12 | 9/24/2012 | Use CDBG funds for safety issues instead of parks/playgrounds – interested in 8th Ave South near Cedarhurst School | Staff will continue to bring CDBG project recommendations to Council |
| Krakowiak | 13 | 10/1/2012 | Develop budget matrix | Done |
| Krakowiak | 14 | 10/1/2012 | Carryover and appropriate unspent 2012 Human Services contingency funds in 2013 | See #19 |
| Robison | 15 | 10/1/2012 | Consider reallocating funding for St. Vincent de Paul to new programs such as dental and mental health; will review applications for #15, 26, 39, 42 and 44 | Staff emailed applications to all Councilmembers on October 3 |
| Edgar | 16 | 10/1/2012 | Consider appropriating unspent Human Services contingency funds at end of biennium | See #19 |
| Edgar | 17 | 10/1/2012 | Would like to see articulation of Council goals for Human Services funding | Staff emailed goals to all Councilmembers on October 3 |
| Block | 18 | 10/1/2012 | Consider reallocating funding for Navos Employment Services (27) and South King Council of Human Services (43) to dental programs | Need further Council direction |
| All | 19 | 10/1/2012 | Consensus to use unspent 2012 Human Services contingency funds in 2013 | Staff will present funding recommendations at 10/15/12 meeting |

**CITY OF BURIEN**
**AGENDA BILL**

| | | |
|---|---|---|
| **Agenda Subject:**<br>Discussion on 2013 Federal & State Legislative Priorities | | **Meeting Date:** October 15, 2012 |
| **Department:**<br>City Manager<br>**Contact:** Mike Martin<br>**Telephone:** 206/248-5503 | **Attachments:**<br>Draft 2013 Legislative Priorities | **Fund Source:** N/A<br>**Activity Cost:** N/A<br>**Amount Budgeted:** N/A<br>**Unencumbered Budget Authority:** N/A |
| **Adopted Initiative:**<br>**Yes No X** | **Initiative Description:** | |

**PURPOSE/REQUIRED ACTION:**
Discuss 2013 legislative agenda and give guidance to staff regarding its modification. Adopt it at next council meeting.

**BACKGROUND *(Include prior Council action & discussion)*:**
The City of Burien annually adopts a legislative agenda that becomes the bench mark of our state and federal lobbying efforts . Typically, city representatives discuss this agenda with members of our State delegation just prior to the upcoming session. The agenda is likewise used to guide the interaction between our lobbyist and our Federal legislators.

As the attachment shows, our principle focus at both the state and federal level in 2013 will be funding the new eastbound off ramp from State Highway 518 to Des Moines Memorial Boulevard. The total "ask" for this project is $10 million. The remainder of the document is self-explanatory, but generally is consistent with priorities set in previous years.

Once Council has adopted these priorities (or modified and adopted them) staff will begin arranging meetings with our state legislators, and make arrangements to transmit them to our federal representatives. Any council member is welcome to attend these meetings, which are generally held locally.

**OPTIONS *(Including fiscal impacts)*:**
1) Adopt the attached legislative agenda without modifications
2) Adopt a modified legislative agenda

**Administrative Recommendation:** Discuss the legislative agenda and consider placing it on the October 22, 2012, Consent Agenda for approval.

**Advisory Board Recommendation:** N/A

**Suggested Motion:** None required.

Submitted by:
**Administration** _____ **City Manager** _____

| | |
|---|---|
| **Today's Date:** October 4, 2012 | **File Code:** R:/CC/Agenda Bill 2012/101512cm-2 legislative agenda |

# D R A F T **City of Burien**
# **2013 Federal & State**
# **Legislative Priorities**

***Promote Economic Development through Infrastructure***

- Advocate for $10 million in federal support and a state transportation revenue package to assist with the SR 518/Des Moines Memorial Drive interchange improvement project, improving access and providing incentives for commercial development in the airport-affected Northeast Redevelopment Area (NERA). (Federal and State)

- Work with the Port of Seattle to acquire $5 million through the Federal Aviation Administration (FAA) Pilot Program, for construction in the NERA. (Federal)

***Maintain and Strengthen City Services and Facilities***

- Work to retain local control over City Business and Occupation (B&O) taxes, while encouraging the simplification of collection. (State)

- Work with other local jurisdictions to pursue equitable cost-recovery for responding to Public Records requests. (State)

- Maintain partnership efforts to improve the health of Puget Sound, including:
    - Continue federal and state support for shoreline protection plans through the work of the Puget Sound Partnership and U.S. Army Corps of Engineers (Federal and State);
        - Support the Puget Sound Salmon Recovery Council's request for the Puget Sound Acquisition and Restoration Fund to fund the restoration works currently in progress at watersheds across Puget Sound. (State)
    - Create a pharmaceutical return program to prevent toxic prescription drugs from entering the Sound through inappropriate disposal practices. (Fed. & State)

**CITY OF BURIEN**
**AGENDA BILL**

| | | |
|---|---|---|
| **Agenda Subject:** Discussion on a Motion to Approve a Cooperative Agreement Between the Highline School District No. 401 and the Cities of Burien, Des Moines, Normandy Park and SeaTac | | **Meeting Date:** October 15, 2012 |
| **Department:** Parks, Recreation and Cultural Services (PaRCS)<br><br>**Contact:** Michael Lafreniere, Director of PaRCS<br>**Telephone:** (206) 988-3703 | **Attachments:**<br><br>1. Cooperative Agreement | **Fund Source:** N/A<br>**Activity Cost:** $0<br>**Amount Budgeted:** $0<br>**Unencumbered Budget Authority:** $0 |
| **Adopted Initiative:**<br>**Yes** **No** ☒ | **Initiative Description:** N/A | |

**PURPOSE/REQUIRED ACTION:**

To consider approval of an interlocal agreement with the Healthy Highline Cities Coalition (HHCC) partners concerning development of joint use agreements between the member cities and Highline School District.

**BACKGROUND (*Include prior Council action & discussion*):**

The City of Burien was one of the recipients of the national 2010 CPPW/HEAL (Communities Putting Prevention to Work/Healthy Eating Active Living) grant that provides planning assistance to create healthier City environments. Much of that policy work has been completed and previously reviewed by Council.

The grant provisions and deliverables of the Grant Contract Scope of Work included one other piece of work, that is, the development of a joint use agreement between the member cities and the school district for the shared use of recreational and indoor facilities areas that would allow and encourage the Cities and the District to collaborate towards the efficient utilization of existing outdoor and indoor facilities and create opportunities to plan, develop, upgrade and build similar facilities.

The electeds serving on the HHCC have developed the attached cooperative agreement calling for continued work towards development of such a joint use agreement. Some of the cities and the District agreed to a similar effort in 1998, however a subsequent joint use agreement formalizing such a partnership never happened. If the Council concurs and agrees that such an effort is still worthwhile, this project would become a Work Plan item for the coming year.

**OPTIONS (*Including fiscal impacts*):**

1. Approve by placing a motion on the October 22 Agenda approving the Cooperative Agreement and authorizing the City Manager to sign the Agreement.
2. Do not approve the Cooperative Agreement.

**Administrative Recommendation:** Hold discussion and consider placing the Cooperative Agreement on the 10/22 Consent Agenda for approval.

**Committee Recommendation:** N/A

**Advisory Board Recommendation:** N/A

**Suggested Motion:** None required.

Submitted by:
**Administration** _____ **City Manager** _____

| | |
|---|---|
| **Today's Date:** October 10, 2012 | **File Code:** R:/CC/Agenda Bill 2012/101512pks-1 Cooperative JUA Agreement |

# Cooperative Agreement to promote the development of a Joint Use Agreement between Highline School District NO. 401 and the Cities of Burien, Des Moines, Normandy Park and SeaTac, and between the said Cities one with the other

This Cooperative Agreement ("Agreement") is entered into this _____day of ____, 2012 with the intent of joint use agreement development by and between the Highline School District No. 401, and hereinafter referred to as "the District," and the Cities of Burien, Des Moines, Normandy Park and SeaTac, which are municipal corporations under the laws of the State of Washington, and hereinafter referred to as the "City" or "Cities" respectively.

## RECITALS

**WHEREAS**, the Cities and District have established a positive and cooperative relationship between and among each other; and

**WHEREAS**, the Cities among each other and the District are authorized to enter into agreements with each other to maximize available opportunities, to provide community recreation and student activities, and to cooperate for the betterment of the community; and

**WHEREAS**, the Cities and the District have agreed to coordinate and collaborate with respect to planning and implementations of policies concerning health promotion and active living for the benefit of the citizens of the respective jurisdictions; and

**WHEREAS**, the parties desire to enter into an agreement with each other that is mutually advantageous and thereby to provide services and facilities in a manner pursuant to forms of governmental organizations that will accord best geographic economic, population and other factors influencing the needs and development of local communities; and

**WHEREAS**, the Cities and the District share a common goal to develop adequate recreation and school facilities for all students and residents and realize the Cities and the District have a limited number of athletic fields and indoor recreation areas available for public use and face a great demand for these facilities; and

**WHEREAS**, a partnership agreement for the use of individual athletic fields and indoor areas would allow and encourage the Cities and the District to work together to utilize the existing outdoor and indoor facilities and create an opportunity to plan, develop, upgrade and build similar facilities.

**NOW, THEREFORE**, the Cities and the District authorize staff to pursue the above collaborative efforts and to identify and initiate partnership opportunities regarding the use of individual existing sites and the opportunity for the development of future sites and to forward those agreements for approval to the City Councils, respectively, and the Highline School District School Board.

**DATED** this _____ day of _____, 2012.

_____
Mike Martin,
Burien City Manager

_____
Tony Piasecki,
Des Moines City Manager

_____
Dr. Susan Enfield,
Highline Schools Superintendent

_____
Doug Schulze,
Normandy Park City Manager

_____
Todd Cutts,
SeaTac City Manager

**CITY OF BURIEN**
**AGENDA BILL**

| | | |
|---|---|---|
| **Agenda Subject:**<br>Discuss and adopt ordinance regulating chronic nuisance properties | | **Meeting Dates:** October 15 and November 5, 2012 |
| **Department:** Legal<br><br>**Contact:** Craig Knutson, Scott Kimerer<br><br>**Telephone:** | **Attachments:**<br>Ordinance No. 572 regulating chronic nuisance properties | **Fund Source:** N/A<br>**Activity Cost:** N/A<br>**Amount Budgeted: N/A**<br>**Unencumbered Budget Authority:** N/A |
| **Adopted Work Plan Priority:** Yes No X | **Work Plan Item Description:** N/A | |

**PURPOSE/REQUIRED ACTION:**

The City Manager, City Attorney and Police Chief are recommending adoption of an ordinance regulating chronic nuisance properties. The proposed ordinance provides a new enforcement mechanism for dealing with properties where three or more nuisance activities occur within a 3 month period. BMC 9.120.020(3).

The proposed ordinance defines "nuisance activity" to include: nuisances set forth in the city's nuisance ordinance (such as overgrown lots, junk vehicles, trash covered premises, etc) and specified crimes set forth in the city's criminal code (such as assault, drug activity, prostitution, disorderly conduct, etc). BMC 9.120.020(4)(a) and (b).

The primary enforcement mechanism in the proposed ordinance is for the Police Chief or designee to issue a warning to the person responsible for the chronic nuisance property and to enter into an agreement for the person responsible to take a mutually acceptable course of action to abate or correct the problem causing the nuisance activity. BMC 9.120.040.

If the agreed upon course of action is followed, no further enforcement action would occur. However, if the person responsible fails to respond or fails to implement the agreed upon course of action, the matter would be referred to the City Attorney for legal action. Such action could include civil fines, costs for abatement of the nuisance, and/or court ordered closure of the property for up to one year. BMC 9.120.050.

As with the City's recently adopted Code Enforcement Ordinance, the definition of "person responsible for violation" includes owners, managers, developers, and banks holding a mortgage of property that is in foreclosure or has been unoccupied for 90 days. BMC 9.120.020(6).

**OPTIONS** ***(Including fiscal impacts)*****:**

1. Adopt the ordinance.
2. Do not adopt the ordinance.

**Administrative Recommendation:** Adopt the ordinance

**Suggested Motion for November 5, 2012 meeting:**

Move to adopt Ordinance No. 572, regulating chronic nuisance properties

Submitted by:
**Administration** _____ **City Manager** _____

| | |
|---|---|
| **Today's Date:** 10/10/2012 | **File Code:** \\File01\records\CC\Agenda Bill 2012\101512ls-Ord No 547 relating to chronic nuisance properties.doc |

# CITY OF BURIEN, WASHINGTON

## ORDINANCE NO. 572

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**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, ADOPTING A NEW CHAPTER 9.120 OF THE BURIEN MUNICIPAL CODE RELATED TO REGULATION OF CHRONIC NUISANCE PROPERTIES**

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**WHEREAS**, as a code city operating under Title 35 RCW, Optional Municipal Code, the City of Burien has broad statutory authority to define, prevent, abate, and impose fines upon persons creating or allowing nuisances; and

**WHEREAS,** some persons who own or control property in the City have allowed or may allow their properties to be used on multiple occasions for illegal purposes or for activities constituting a nuisance, with the result that these properties have or may become chronic nuisance properties; and

**WHEREAS,** neighboring property owners and residents should be able to own, use or possess property without the negative impacts caused by chronic nuisance properties; and

**WHEREAS,** it is in the interest of the public health, safety and welfare to adopt regulations related to chronic nuisance properties in the City of Burien;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON DO HEREBY ORDAIN AS FOLLOWS:**

Section 1. A new Chapter 9.120 of the Burien Municipal Code is hereby adopted to read as follows:

**Chapter 9.120**
**CHRONIC NUISANCE PROPERTIES**

Sections:

9.120.010 Purpose
9.120.020 Definitions
9.120.030 Violation
9.120.040 Procedure
9.120.050 Commencement of Action - Enforcement
9.120.060 Summary Closure

**9.120.010 Purpose.**

(1) Chronic nuisance properties present significant health, safety and welfare concerns, where the persons responsible for such properties fail to take corrective action to abate the nuisance condition. Chronic nuisance properties can have a tremendous negative impact upon the quality of life, safety and health of the neighborhoods where they are located. This chapter is enacted to provide a remedy for nuisance activities that are particularly disruptive to quality of life and repeatedly occur or exist at properties. This remedy is not the exclusive remedy available under state or local laws and may be used in conjunction with such other laws.

(2) Also, chronic nuisance properties can be a financial burden to the city due to repeated calls for service necessitated by nuisance activities that repeatedly occur or exist on such properties. This chapter provides a practical process for ameliorating such activities and for holding accountable the persons ultimately responsible for such properties.

**9.120.020 Definitions.**

For purposes of this chapter, the following words or phrases shall have the meaning prescribed below:

(1) "Abate" means to repair, replace, remove, destroy, or otherwise remedy a condition which constitutes a violation of this chapter, by such means and in such a manner and to such an extent as the applicable city department director or designee(s) determines is necessary in the interest of the general health, safety and welfare of the community.

(2) "Control" means the ability to regulate, restrain, dominate, counteract or govern property or conduct that occurs on a property.

(3) "Chronic nuisance property" means property on which any combination of three (3) or more nuisance activities occur or exist during any sixty (60) day period.

(4) "Drug-related activity" means any unlawful activity at a property, which consists of the manufacture, delivery, sale, storage, possession, or giving away of any controlled substance as defined in Chapter 69.50 RCW, legend drug as defined in Chapter 69.41 RCW, or imitation controlled substances as defined in Chapter 69.52 RCW or which is established as a crime under Chapter 9.35 BMC.

(5) "Nuisance activity" means and includes:

(a) Any nuisance as defined by State law or local ordinance occurring on, around or near a property, including, but not limited to, violations of the following laws and regulations:

(i) Title 8 BMC, Health and Safety;

(ii) Title 15 BMC, Buildings and Construction; and

(iii) BMC 9.75.100, Public Nuisances.

(b) Any criminal conduct as defined by State law or local ordinance occurring on, around or near a property, including, but not limited to, the following activities or behaviors:

(i) Stalking, BMC 9.80.300;

(ii) Harassment, BMC 9.80.300;

(iii) Public disturbance, BMC 9.105.100;

(iv) Disorderly conduct, BMC 9.105.200**;**

(v) Assault, BMC 9.80.100;

(vi) Domestic violence crimes, BMC 9.80.100;

(vii) Reckless endangerment, BMC 9.80.100;

(viii) Prostitution, BMC 9.90.010 and .020;

(ix) Patronizing a prostitute, BMC 9.90.030;
(x) Public disturbance noises BMC 9.105.400;
(xi) Crimes relating to public morals, Ch. 9.95 BMC;
(xii) Crimes relating to firearms and dangerous weapons violation, Ch. 9.50 BMC;
(xiii) Dangerous animal or cruelty to animal violations, BMC 6.05.300; and

(xiv) Drug-related activity.

(c) For purposes of this chapter, "nuisance activity" shall not include conduct where the person responsible is the victim of a crime and had no control over the criminal act.

(6) "Person responsible for property" or "person responsible" means, unless otherwise defined, any of the following: any person who has titled ownership of the property or structure which is subject to this chapter; an occupant in control of the property or structure which is subject to this chapter; a developer, builder, or business operator or owner who is developing, building, or operating a business on the property or in a structure which is subject to this chapter; a mortgagee that has filed an action in foreclosure on the property that is subject to the regulation, based on breach or default of the mortgage agreement, until title to the property is transferred to a third party; a mortgagee of property that is subject to the regulation and has not been occupied by the owner, the owner's tenant, or a person having the owner's permission to occupy the premises for a period of at least ninety (90) days; and/or any person who has control over the property and created, caused, participated in, or has allowed a violation to occur.

(7) "Person" means natural person, joint venture, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, officer or employee of any of them.

(8) "Premises and property" may be used by this chapter interchangeably and means any public or private building, lot, parcel, dwelling, rental unit, real estate or land or portion thereof including property used as residential or commercial property.

(9) "Rental unit" means any structure or that part of a structure, including but not limited to single-family home, room or apartment, which is rented to another and used as a home, residence, or sleeping place by one (1) or more persons.

**9.120.030 Violation.**

(1) Any property within the City of Burien which is a chronic nuisance property is in violation of this chapter and subject to its remedies; and

(2) Any person responsible for property who permits property to be a chronic nuisance property shall be in violation of this chapter and subject to its remedies.

**9.120.040 PROCEDURE.**

(1) When the Chief of Police, or his/her designee(s), receives documentation confirming the occurrence of three or more nuisance activities within a sixty (60) day period on any property, the Chief of Police, or his/her designee(s), may review such documentation to determine whether it describes the nuisance activities enumerated in BMC 9.120.020. Upon such a finding, the Chief of Police, or his/her designee(s), shall warn the person responsible for such property, in writing, that the property is in danger of being declared a chronic nuisance property.

(2) The warning shall contain:

(a) The street address or a legal description sufficient for identification of the property;

(b) A concise description of the nuisance activities that exist, or that have occurred on

the property;

(c) A demand that the person responsible for such property respond to the Chief of Police or his/her designee(s) within ten (10) days of service of the notice to discuss the nuisance activities and create a plan to abate the chronic nuisance;

(d) Offer the person responsible an opportunity to abate the nuisance activities giving rise to the violation; and

(e) A statement describing that if legal action is sought, the property could be subject to closure and civil penalties and/or costs assessed up to one hundred dollars ($100.00) per day if the property is declared a chronic nuisance property.

(3) The Chief of Police or his/her designee(s) shall serve or cause to be served such warning upon the person responsible in accordance with the procedures set forth in BMC 1.15.070.

(4) If the person responsible fails to respond to the warning within the time prescribed, the Chief of Police, or his/her designee(s) shall issue a notice declaring the property to be a chronic nuisance property and post such notice at the property and issue the person responsible a civil infraction, punishable by a maximum penalty of one thousand dollars ($1,000). If the person responsible fails to respond to the issued infraction and/or continues to violate the provisions of this chapter, the matter shall be referred to the Office of the City Attorney for further action.

(5) If the person responsible responds as required by the notice and agrees to abate the nuisance activity, the Chief of Police, or his/her designee(s), and the person responsible, may work out an agreed upon course of action which would abate the nuisance activity. If an agreed course of action does not result in the abatement of the nuisance activities or if no agreement concerning abatement is reached, the matter shall be forwarded to the Office of the City Attorney for enforcement action. Provided, that in the event the Chief of Police or his/her designee(s) or the City Attorney determines that the person responsible has taken reasonable steps to abate the nuisance activity, the City Attorney shall not commence an enforcement action under this chapter, notwithstanding the continuance of the nuisance activity.

(6) It is a defense to an action for chronic nuisance property that the person responsible, at all material times, could not, in the exercise of reasonable care or diligence, determine that the property had become a chronic nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the determination that the property is chronic nuisance property.

**9.120.050 Commencement of Action - Enforcement.**

(1) Once the matter is referred to the City Attorney, the City Attorney shall immediately review and make a determination to initiate legal action authorized under this chapter or State statute, or may seek alternative forms of abatement of the nuisance activity. The City Attorney may initiate legal action on the chronic nuisance property and seek civil penalties and costs in King County Superior Court for the abatement of the nuisance.

(2) In determining whether a property shall be deemed a chronic nuisance property and subject to the Court's jurisdiction, the City shall have the initial burden of proof to show by a preponderance of the evidence that the property is a chronic nuisance property. The City may submit official police reports and other affidavits outlining the information that led to arrest(s), and other chronic nuisance activity occurring or existing at the property. The failure to prosecute an individual, or the fact no one has been convicted of a crime is not a defense to a chronic nuisance action.

(3) Once the Superior Court determines the property to be a chronic nuisance under this chapter the Court may impose a civil penalty against any or all of the persons responsible for the property, and may order any other relief deemed appropriate. A civil penalty may be assessed for up to one hundred dollars ($100.00) per day for each day the nuisance activity continues to occur following the date of the original warning by the Chief of Police, or his/her designee(s), as described in BMC 9.120.040. In assessing the civil penalty, the Court may consider the following factors, citing to those found applicable:

(a) The actions taken by the person responsible to mitigate or correct the nuisance activity;

(b) The repeated or continuous nature of the nuisance activity;

(c) The statements of the neighbors or those affected by the nuisance activity; and

(d) Any other factor deemed relevant by the Court.

(4) The Superior Court which determined the property to be a chronic nuisance property shall also assess costs against the person responsible in the amount it costs the City to abate, or attempt to abate, the nuisance activity.

(5) If the Superior Court determines the property to be a chronic nuisance property, the Superior Court shall order the property closed and secured against all unauthorized access, use and occupancy for a period up to one year, and may impose a civil penalty and costs.

(6) Once a determination has been made by the Superior Court that the chronic nuisance property shall be subject to closure the Court may authorize the City to physically secure the premises and initiate such closure. Costs for such closure shall be submitted to the Court for review. Any civil penalty and/or costs awarded to the City may be filed with the City Treasurer who shall cause the same to be filed as a lien on the property with the County Treasurer. The City shall file a formal lis pendens notice when an action for abatement is filed in the Superior Court.

(7) The Superior Court shall retain jurisdiction during any period of closure or abatement of the property.

(8) King County District Court is to have jurisdiction of all civil infractions issued pursuant to this chapter.

**9.120.060 Summary Closure.**

Nothing in this chapter prohibits the City from taking any emergency action for the summary closure of such property when it is necessary to avoid an immediate threat to public welfare and safety. The City may take summary action to close the property without complying with the notification provisions of BMC 9.120.040, but shall provide such notice as is reasonable under the circumstances.

Section 2. Effective Date. This Ordinance shall take effect five days after publication.

Section 3. 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.

**ADOPTED** BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 5TH DAY OF NOVEMBER, 2012, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 5TH DAY OF NOVEMBER, 2012.

CITY OF BURIEN
/s/ Brian Bennett, Mayor

ATTEST/AUTHENTICATED:
/s/ Monica Lusk, City Clerk

Approved as to form:
/s/ Craig D. Knutson, City Attorney

Filed with the City Clerk: October 10, 2012
Passed by the City Council: November 5, 2012
Ordinance No. 568
Date of Publication: November__, 2012

**CITY OF BURIEN**
**AGENDA BILL**

| | | |
|---|---|---|
| **Agenda Subject:**<br>Discuss and approve Waste Management settlement agreement | | **Meeting Dates:** October 15 and November 5, 2012 |
| **Department:** City Manager/Legal<br>**Contact:** Mike Martin,Craig Knutson<br>**Telephone:** | **Attachments:**<br>Waste Management settlement agreement | **Fund Source:** N/A<br>**Activity Cost:** N/A<br>**Amount Budgeted: N/A**<br>**Unencumbered Budget Authority:** N/A |
| **Adopted Work Plan Priority:** Yes No X | **Work Plan Item Description:** N/A | |

**PURPOSE/REQUIRED ACTION:**

The City Manager and City Attorney are recommending that the City Council approve the proposed settlement agreement with Waste Management, which provides an inconvenience credit to customers for temporary disruption of garbage collection service that occurred as a result of the July 25-August 2, 2012 labor strike.

The proposed settlement agreement provides the same credit that the City of Seattle has already agreed upon. Waste Management is also offering to provide the same credit to other cities whose customers were affected by the strike.

The amount of the credit is $10 for single-family residences and $50 for multi-family complexes and commercial customers. The estimated total amount of the settlement for Burien customers is $135,430. However, Waste Management's total payment may be more or less than the estimated amount, based on the actual number of active customer accounts when the credits are invoiced. (Sections 3 and 4 of the settlement agreement.)

The settlement agreement contains a claim resolution process, in the event any customers claim that they are entitled to the credit but did not receive it. (Section 4.7 of the settlement agreement.)

**OPTIONS** ***(Including fiscal impacts*)**:

1. Approve the settlement agreement.
2. Do not approve the settlement agreement.

**Administrative Recommendation:** Approve the settlement agreement

**Suggested Motion for November 5, 2012 meeting:**
Move to approve the Waste Management settlement agreement

Submitted by:
**Administration** _____ **City Manager** _____

| | |
|---|---|
| **Today's Date:** 10/10/2012 | **File Code:** \\File01\records\CC\Agenda Bill 2012\101512ls-Waste Management settlement agreement.doc |

# SETTLEMENT AGREEMENT

This SETTLEMENT AGREEMENT ("Agreement") is made and entered into between the CITY OF BURIEN, a municipal corporation of the State of Washington ("City"), and WASTE MANAGEMENT OF WASHINGTON, INC. ("WMW"). The parties shall be collectively referred to herein as the "Parties" and individually as a "Party", unless specifically identified otherwise. This Agreement shall be effective upon the date that all Parties have executed this Agreement (the "Effective Date"), as evidenced by the signatures below.

## RECITALS

**WHEREAS** the Parties entered into that certain Comprehensive Garbage, Recyclables and Yard Debris Collection Contract Between the City of Burien and Waste Management of Washington, Inc., dated March 2004 pursuant to which WMW provides certain garbage, recyclables, and yard waste collection services within the City (the "Contract"); and

**WHEREAS** during the period beginning on or about July 25, 2012 and continuing until approximately August 2, 2012 WMW experienced a labor strike which limited WMW's ability to collect garbage, recyclables, and yard waste materials from residential and commercial customers within the City, and then during the subsequent period continuing until approximately August 11, 2012, WMW expended certain additional efforts to recover from the labor strike to return service to normal levels (collectively, this period of July 25, 2012 through August 11, 2012 which included both the labor strike and the recovery period will hereafter be referred to as the "Labor Strike"); and

**WHEREAS** the City has requested certain performance fees and other amounts related to the temporary disruption in service that occurred in connection with the Labor Strike, and the Parties have negotiated a resolution to these issues, upon the terms set forth herein, in order to avoid further dispute under the Contract and in the interest of preserving the current business relationship between the Parties.

## TERMS AND CONDITIONS

**NOW, THEREFORE**, in consideration of the mutual covenants and promises contained herein, the Parties agree, represent, and warrant as follows:

**1. STATEMENT OF PURPOSE**. This Agreement is for the purpose of resolving, compromising, and settling any actual or potential issue, claim, or dispute arising in connection with the temporary disruption in service that occurred as a result of the Labor Strike. The Parties have agreed to settle and compromise as set forth herein, and are satisfied that the terms and conditions of this Agreement are fair, adequate, and reasonable.

**2. DEFINITIONS**. Except as expressly defined herein, capitalized terms shall have the same meaning as in the Contract.

**3. SETTLEMENT AMOUNT AND TERMS**.

3.1. WMW has agreed to a total estimated settlement amount of **$135,430**, which is based on a credit of $10 per Single-Family Residence and $50 per Multifamily Complex or Commercial Customer, as described more fully below (the "Settlement Amount"):

| | Accounts | $ per Account | Total |
|---|---|---|---|
| Single-Family Residences | 9,428 | $10.00 | $94,280 |
| Multifamily Complex and Commercial Customers | 823 | $50.00 | $41,150 |
| **Total** | | | **$135,430** |

3.2. The $10 per Single-Family Residence rate referenced above reflects a total for the three different lines of service provided by WMW – i.e., garbage, recycling, and yard waste. For each individual line of service, the per-account amount would be approximately $3.33. The $50 per Multifamily Complex or Commercial Customer rate referenced above reflects a total amount for each customer account.

3.3. The Parties agree that the number of Single-Family Residence, Multifamily Complex, and Commercial Customer accounts referenced above are based on the best information currently available. The Parties acknowledge that the account totals are a reasonable estimate and may not be absolutely accurate; however, WMW shall be deemed to satisfy the Settlement Amount by issuing credits based on the actual number of customers, as described more fully in Section 4 below.

3.4. The Settlement Amount is intended to be a comprehensive figure, and the City agrees that it will not independently penalize WMW for any missed pickups or complaints related to service interruptions that occurred in connection with the Labor Strike, nor will the City administer any other deductions or fees related to unperformed services during this period.

## 4. PAYMENT; CUSTOMER CREDITS.

4.1. WMW's payment of the Settlement Amount shall be fully satisfied by WMW issuing credits to each Single-Family Residence, Multifamily Complex, and Commercial Customer in the following amounts and in accordance with this section:

| Account Type | Credit per Account |
|---|---|
| Single-Family Residences | $10.00 |
| Multifamily Complexes | $50.00 |
| Commercial Customers | $50.00 |

4.2. WMW shall include an inconvenience credit in the above amounts for each active Single-Family Residence, Multifamily Complex, and Commercial Customer account serviced by WMW within the City of Burien. For Single-Family Residences, which are billed quarterly, such credits shall be included on the quarterly invoices issued on or about December 13, 2012, January 13, 2013, and February 13, 2013, or such later time as directed by the City. (If the Effective Date is on or later than November 21, 2012, the invoice dates shall be one month later or such later time as directed by the City.) For Multifamily Complexes and Commercial Customers, which are billed monthly, such credits shall be included on invoices issued on or about November 23, 2012, or at such later time as directed by the City. The Parties agree that the credits provided for in this Section shall be provided only to those accounts that are active at the time the invoices are issued.

4.3. The Parties acknowledge that the intent of this Agreement is to provide credits to customers receiving regular (i.e., weekly or every-other-week) collection services under the

Contract. WMW's obligation to issue credits shall apply only to those accounts receiving regular collection services and shall not apply to other accounts, including but not limited to those accounts receiving on-call or temporary Drop-Box Container Garbage Collection services under Section 2.2.7 of the Contract, accounts for on-call or temporary customers under Section 2.2.8 of the Contract, any other on-call or temporary services, or City accounts with free service under Section 2.2.9 or Section 2.2.10 of the Contract.

4.4. As stated in Section 3.3 above, the Parties acknowledge that the actual number of Single-Family Residence, Multifamily Complex, and Commercial Customer accounts is an estimate for purposes of this Agreement and may not be absolutely accurate. WMW is responsible for issuing the account credits and shall bear the risk that the actual number of accounts differs from the estimate provided above, which includes the risk that the amount of account credits WMW actually issues may be higher or lower than the Settlement Amount.

4.5. Nothing in this Agreement grants any person, including any Single-Family Residence, Multifamily Complex, and Commercial Customer, any right, interest, or claim to the Settlement Amount, except as provided in Section 4.7 below.

4.6. The City will cooperate with WMW in providing information reasonably requested by WMW to assist WMW in providing credits to the customers.

4.7. If a customer asserts to the City a claim to a credit under Section 4.2 above, the City shall refer the claim to WMW at WMW's Customer Service Center (800-592-9995). WMW shall resolve all such claims and any other claims to credits asserted directly to WMW by (a) issuing the applicable credit to the customer if WMW determines that the customer meets the criteria in Section 4.2 above, (b) denying the credit if WMW determines that the customer does not meets the criteria in Section 4.2 above or has already been credited, or (c) otherwise resolving the claim to the satisfaction of the customer. If the customer is not satisfied with WMW's resolution of the claim, WMW shall refer the customer to City for final resolution of the claim, and shall issue a credit to the customer if the City determines that that the customer meets the criteria in Section 4.2 above and is owed the credit.

## 5. RELEASES.

5.1. Each Party hereby agrees that the Settlement Amount fully resolves all claims that the City has made or could make for itself and/or on behalf of the City's residential and commercial customers relating to the disruption of solid waste, recyclables, and yard waste collection services during or in connection with the Labor Strike, including but not limited to all claims for damages, inconvenience, penalties, fines, performance fees, interest, and costs, contractual or extra-contractual, whether known or unknown. Upon payment by WMW of the Settlement Amount, the City, on behalf of itself and its residential and commercial customers, will fully and forever waive and release WMW and its officers, directors, members, shareholders, partners, employees, and attorneys (the "WMW Releasees") from, and agrees not to invoke contractual remedies, sue or initiate arbitration or other proceedings concerning, any and all claims, contentions, debts, liabilities, demands, promises, agreements, costs, expenses (including but not limited to attorneys' fees), damages, actions, or causes of action, of whatever kind or nature, whether now known or unknown, suspected or unsuspected, and whether based on contract, tort, statutory or other legal or equitable theory of recovery that arise from or are based in any manner upon any act or omission arising from or in connection with the Labor Strike.

5.2. WMW (including any corporate parents, affiliates and subsidiaries) does hereby fully and forever waive and release the City, on behalf of itself and its residential and commercial customers (the "City Releasees") from, and agrees not to invoke contractual remedies, sue or initiate arbitration proceedings concerning, any and all claims, contentions, debts, liabilities, demands, promises, agreements, costs, expenses (including but not limited to attorneys' fees), damages, actions, or causes of action, of whatever kind or nature, whether now known or unknown, suspected or unsuspected, and whether based on contract, tort, statutory or other legal or equitable theory of recovery that arise from or are based in any manner upon any act or omission arising from or in connection with the Labor Strike.

5.3. The Parties' respective rights to enforce this Agreement and to seek relief for its breach are excluded from and not within the scope of the releases stated in Sections 5.1 and 5.2 above.

**6. NO ADMISSION OF LIABILITY**. This Agreement does not constitute and shall not be construed as an admission of liability. Neither any payment, credit or any other consideration provided hereunder, nor the grant of any release shall be considered an admission by or against any Party, and no past or present wrongdoing on the part of the Parties shall be implied by such payment, other consideration, release, or entry into this Agreement. WMW and the City acknowledge that the Settlement Amount represents a compromise intended to avoid further dispute over the issues related to the Labor Strike. Without limiting the generality of the foregoing, the Parties agree that nothing in this Agreement shall be considered an admission by or against any Party as to the enforceability of the "Performance Fees" under the Contract or a waiver of any right to contest the validity, calculation, assessment, or amount of any performance fee, penalty, or damages assessment in the future.

**7. MISCELLANEOUS PROVISIONS.**

7.1. Each Party represents and warrants that no other person or entity has, or has had, any interest in the claims, demands, obligations or causes of action referred to in and released pursuant to this Agreement, except as expressly provided herein; that each Party has the sole right and exclusive authority to execute this Agreement; and that each Party has not sold, assigned, transferred, conveyed or otherwise disposed of, by operation of law or otherwise, any of the claims, rights, demands, obligations or causes of action referred to in this Agreement.

7.2. This Agreement is a valid and binding agreement, enforceable in accordance with its terms against the Parties, and it shall be binding on and inure to the benefit of the Parties and their respective legal representatives, successors and/or assigns. This Agreement has been negotiated by the Parties and their respective counsel and shall be interpreted fairly in accordance with its terms and without any strict construction in favor of or against either Party. No ambiguity or omission in this Agreement shall be construed or resolved against any Party on the ground that this Agreement or any of its provisions was drafted or proposed by that Party.

7.3. This Agreement is made solely and specifically among and for the benefit of the Parties hereto, and their respective successors and assigns, and no other person will have any rights, interest, or claim hereunder or be entitled to any benefits under or on account of this Agreement, except as expressly provided herein, whether as a third party beneficiary or otherwise.

7.4. The section headings used in this Agreement are intended for reference purposes only and shall not affect the interpretation of the Agreement.

7.5. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington, without regard to principles of conflicts of laws, as applicable to agreements made and to be performed entirely within Washington. The exclusive venue and forum for any dispute regarding this Agreement shall be the state or federal court located in King County, Washington. The prevailing party in any action arising from or relating to this Agreement, including but not limited to any action to enforce this Agreement, shall be entitled to reasonable attorneys' fees and costs.

7.6. This Agreement will be effective as of the Effective Date. This Agreement may be executed in counterparts, including facsimile and email/PDF, each of which when so executed and delivered shall be deemed an original, and such counterparts taken together shall constitute one instrument.

7.7. In entering into this Agreement, neither Party has made any representations or warranties, and neither Party has relied upon any representations or warranties, other than those representations and warranties expressly stated in this Agreement.

7.8. If any provision of this Agreement or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of this Agreement that can be given effect without the invalid provision or application and, to this end, the provisions of this Agreement are declared to be severable.

7.9. This Agreement contains the sole and entire agreement between the Parties with respect to the matters set forth herein, supersedes any and all prior or other agreements with respect to the matters set forth herein (including but not limited to the Contract), and may not be changed, amended, modified, terminated, waived or discharged except in a subsequent written agreement by the Parties hereto. Each Party represents and acknowledges that it has read this Agreement, has had opportunity to consult with its legal counsel regarding this Agreement, is satisfied that the terms and conditions are fair, adequate and reasonable, and fully understands and agrees to its terms.

* * *

**IN WITNESS WHEREOF**, the Parties enter into this Agreement. Each person signing this Agreement represents and warrants that he or she has been duly authorized to enter into this Agreement by the Party on whose behalf it is indicated that the person is signing.

| **WASTE MANAGEMENT OF WASHINGTON, INC.** | **THE CITY OF BURIEN** |
|---|---|
| By: _____ | By: _____ |
| Name: Robert C. Sherman | Name: Mike Martin |
| Title: Vice President | Title: City Manager |
| Date: _____ | Date: _____ |

Burien
Washington, USA

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

# M E M O R A N D U M

**TO:** Honorable Mayor and Members of the City Council
**FROM:** Mike Martin, City Manager
**DATE:** October 15, 2012
**SUBJECT:** City Manager's Report

## I. INTERNAL CITY INFORMATION

### A. Grant Research Pilot Program Completed

Beginning in early July, the City's part-time Public Information Officer (PIO) worked an additional eight hours a week performing research to identify grant opportunities that Burien might be missing. Some potential grants were identified through this effort, including a successful Parks grant for $10,000 and funding for additional educational programming at the Environmental Science Center. This three-month pilot project ended September 30, as it was determined through this effort that appropriate City staff is already aware of most of the grant opportunities.

### B. New Futures Grand Opening

New Futures is holding a grand opening of its new community center at the Woodridge Park Apartment complex on Tuesday, October 16, 5:30 – 7 pm. The new facility includes room for classes and larger gatherings, and a kitchen. It will serve kids, families and the community at Woodridge Park Apartments, 12424 28th Ave. S.

### C. Annexation Information Sessions

At the invitation of the North Highline Unincorporated Area Council (NHUAC), staff participated in the Annexation Information Forum they conducted at the North Highline Fire Station on October 4. In addition to City staff, the panel included State Senator Sharon Nelson, King County Councilmember Joe McDermott, Fire Chief Mike Marrs and other officials who gave statements and answered questions on the annexation issue. The meeting was well-attended by residents and business owners in North Highline and the surrounding areas.

The last City-sponsored annexation information session will be held on October 18, 6 pm, at Cascade Middle School, 11212 10th Ave SW.

**D. CDBG Funding Award for Dottie Harper Park Improvement Project**

The Joint Recommendations Committee (JRC) recently approved the City's application for $195,000 in federal Community Development Block Grant (CDBG) funding for replacement of the outdated playground equipment at Dottie Harper Park. The City was also awarded 15,000 for the Burien Community Center Roof Replacement Project. The roof project had previously been awarded $154,000 in CDBG funds, however additional design work was necessary and this additional funding will help cover those costs. Both projects are scheduled to be done in 2013. These successful grant applications were the result of collaborative efforts on the part of Finance and the Parks, Recreation & Cultural Services (PaRCS) staff.

**COUNCIL UPDATES/REPORTS**

**A. Letter Sent to Governor Gregoire Requesting Funding for Seahurst Phase II Ecosystem Restoration Project (Page 127)**

Mayor Brian Bennett sent a letter (attached) on behalf of the City of Burien to Governor Gregoire requesting $1.2 million to replace funding for the Seahurst project that was shifted to another project in late September by the Army Corps of Engineers.

**A. Notices: (Page 129)**

The following (attached) Notices were published:

- Notice of Application for a Short Plat-one residential lot into two residential lots. Written comments must be received prior to 5:00 p.m. on November 8, 2012.
- SEPA Determination of Nonsignificance (DNS), published October 4, 2012, for the purpose of receiving public comments on the proposed 2012 Comprehensive Plan and Zoning Map Amendments. Written comments must be submitted by October 18, 2012.
- Notice of the availability of the City of Burien 2013-2014 Preliminary Budget.

**Burien**
*Washington, USA*

**City of Burien**
400 SW 152nd St., Suite 300, Burien, WA 98166-1911
Phone: (206) 241-4647 • Fax: (206) 248-5539
*www.burienwa.gov*

October 4, 2012

Governor Christine Gregoire
416 Sid Snyder Ave. SW, Suite 200
PO Box 40002
Olympia, WA 98504-0002

Dear Governor Gregoire:

On behalf of the City of Burien, I am writing to request a $1.2 million appropriation in your 2013-15 capital budget for the Seahurst Phase II Ecosystem Restoration Project, a high priority project for the Puget Sound Partnership (the Partnership). You may recall we met during your visit to Seahurst Park on July 18, 2012, when you were joined by Martha Kongsgaard, Chair of the Puget Sound Leadership Council, Bill Ruckelshaus, former Chair of the Council, and Colonel Anthony Wright, the new Executive Director of the Puget Sound Partnership.

Burien's request is in addition to the Partnership's capital request of $80 million. We understand that the Seahurst project has been ranked third on the Large Capital Project List of the Puget Sound Acquisition and Restoration (PSAR) fund. Burien is supportive of the Partnership's funding request.

In addition to the PSAR funding for the Seahurst project, the City of Burien is requesting the additional $1.2 million to replace funding the Army Corps of Engineers shifted to another project in late September after the Corps had solicited and received bids for the $1.2 million share of the project. Due to this loss of funding, Phase II of the project has been put on hold.

Continual delays in construction places a variety of state and regional funding that has been committed to this project at great risk. Burien's funding partners (including the Salmon Recovery Funding Board, Estuary and Salmon Restoration Program, WRIA-9 and the King Conservation District) have already contributed a total of $2,360,000 for the Seahurst Phase II project. A substantial portion of this funding is in jeopardy of being lost as a result of current and potential construction delays.

As you know, this project is the second phase of a partnership effort between the City of Burien and the Army Corps of Engineers, which began in 2004 with the successful seawall removal and shoreline restoration along the southern portion of Seahurst Park. The southern project was implemented by the Corps using the newly created Puget Sound and Adjacent Waters Restoration (PSAWR) funding authority. It is viewed as a model project, and its success has helped build momentum for larger-scale nearshore habitat restoration in Puget Sound. Completion of the Seahurst Phase II project would result in the largest nearshore restoration in Puget Sound, restoring almost a mile of shoreline. This project is the next critical link in regional efforts to remove bulkheads and restore shoreline in Puget Sound.

The Seahurst project has been and continues to be a collaborative effort among many local, regional and statewide partners. The project is supported locally and regionally, as well as at the state level. Advocates include the King Conservation District, WRIA-9, the Burien Environmental Science Center, the Puget Sound Skills Center, Highline School District, Sustainable Burien, the University of Washington's School of Aquatic Fisheries and Sciences, and Friday Harbor Labs.

Seahurst Park is visited by more than 400,000 people annually, and the restoration of this critical shoreline will serve as a highly visible model of the benefits associated with shoreline restoration. We understand that priorities for capital budget proposals for 2013 are being made within a constrained and challenging budget environment. However, the Corps' recent withdrawal of funding for Phase II of this project and the ripple effect on funding that could occur from that decision have caused us to turn to you for consideration of funding for Phase II.

Thank you for considering our request.

Sincerely,

Brian Bennett

Brian Bennett
Mayor, City of Burien

Cc: Sandi Triggs, Office of Financial Management
Burien City Council Members
Mike Martin, Burien City Manager

MD:ca

# Notice of Application

City of Burien 400 SW 152nd Street (Suite 300) Burien, Washington 98166

| | |
|---|---|
| Date | October 9, 2012 |
| Applicant | Han Pham with PBG, LLC |
| Proposal | Short Plat One Residential Lot Into Two Residential Lots. |
| File No. | PLA 12-1814<br>File is available for viewing at Burien City Hall during regular business hours. |
| Location | 238 SW 119th Street, Burien, Washington |
| Tax Parcel No. | 072304-9189 |
| Current Zoning | RS-7,200 Single-Family Residential Zone |
| Application Submitted/Complete | Submitted: September 10, 2012<br>Complete: September 27, 2012 |
| Other Permits Needed | Building Permit and Right-of-Way Permit |
| Other Studies Needed | None |
| Existing Environmental Info. | None |
| Review Process and Public Comment | The decision on this application will be made by the Community Development Director. Prior to the decision, there is an opportunity for the public to submit written comments. **Written comments must be received prior to 5:00 p.m. on November 8, 2012.** Send written comments to the project planner (see below). Please indicate your name and address and refer to the file indicated above. Only people who submitted comments as indicated above may appeal the decision on this application. |
| Project Planner (for written comments and more information) | Charles W. "Chip" Davis, AICP<br>Department of Community Development<br>City of Burien<br>400 SW 152nd Street (Suite 300)<br>Burien, WA 98166<br>Phone: (206) 248-5501 E-Mail: chipd@burienwa.gov |
| Published in the Seattle Times: | Date of Notice: October 9, 2012 |

cc: Burien City Council
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White Center Now
B-Town Blog
Web site: www.burienwa.gov
Burien Daily

# SEPA Determination of Nonsignificance (DNS) WAC 197-11-970

**City of Burien** 400 SW 152nd St, Suite 300 Burien, Washington 98166

| | |
|---|---|
| **Date** | October 4, 2012 |
| **Applicant** | City of Burien |
| **Proposal** | 2012 Comprehensive Plan and Zoning Map Amendments:<br><br>1) Amendments to the comprehensive plan map (LU-1) and zoning map primarily in the north Burien area that was annexed in April of 2010. Some parcels subject to the changes are located west of Ambaum Blvd. SW in the area originally part of the city's incorporation in 1993.<br><br>2) Amendments to the text and maps in the comprehensive plan Land Use element |
| **File** | File is available for viewing at Burien City Hall during regular business hours. |
| **Location** | Applies city-wide |
| **Lead Agency** | City of Burien |
| **Environmental Determination** | The lead agency for this proposal has determined that the proposal does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after a review of a completed environmental checklist and other information on file with the lead agency.<br><br>This Determination of Nonsignificance is specifically conditioned on compliance with the applicable regulations set forth in the Burien Municipal Code.<br><br>All information relating to this proposal is available to the public upon request. |
| **Public Comment and Appeal Process** | This DNS is issued under 197-11-340 (2). The lead agency will not act on this proposal for 14 days from the date above. Written comments must be submitted by October 18, 2012. Questions regarding the DNS or proposal above may be directed to David Johanson, AICP, Senior Planner at 206-248-5522 or davidj@burienwa.gov. |
| **SEPA Responsible Official** | Scott Greenberg, AICP<br>Community Development Director<br>City of Burien<br>400 SW 152nd St. (Suite 300)<br>Burien, WA 98166<br><br>Signature: _____ |
| **Published in the Seattle Times** | Date of Notice: October 4, 2012 |

cc:

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www.burienwa.gov

**DATE:** **September 26, 2012**
**FOR RELEASE:** **September 30 & October 7, 2012**
**CONTACT:** **Finance Department**
**Telephone: (206) 248-5505**

## CITY OF BURIEN
## NOTICE OF THE AVAILABILITY OF THE 2013-2014 PRELIMINARY BUDGET

Copies of the 2013-2014 Preliminary Budget are available for review at City Hall. The budget is also available on the City's website, www.burienwa.gov. City Hall is located at 400 SW 152nd Street, Suite 300 and is open from 8:00 a.m. to 5:00 p.m. Monday through Friday.

For more information, please contact the Finance Department at (206) 439-3150.

###

Published in The Seattle Times: Sunday, September 30 & October 7, 2012

cc: Burien City Council
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Web site: www.burienwa.gov
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