CITY COUNCIL MEETING AGENDA

November 19, 2012

6:30 p.m. - Special Meeting: Executive Session to discuss potential litigation

7:00 p.m. – Regular Meeting

1. CALL TO ORDER **2. PLEDGE OF ALLEGIANCE** **3. ROLL CALL**

4. AGENDA CONFIRMATION

5. PUBLIC COMMENT Individuals will please limit their comments to three minutes, and groups to five minutes.

6. CORRESPONDENCE FOR THE RECORD

a. Email Dated November 2, 2012, from Michael ONeill. 3.
b. Response from Senior Planner Chip Davis to Email Dated November 3, 2012, from April Smith. 11.
c. Email Dated November 3, 2012, from Eric Dickman. 13.
d. Email Dated November 7, 2012, from Greg Anderson. 15.

7. CONSENT AGENDA

a. Approval of Vouchers: Numbers 33096 – 33241 in the Amounts of $1,173,577.94. 17.
b. Approval of Minutes: Regular Council Meeting, November 5, 2012. 39.

8. BUSINESS AGENDA

a. Motion on Declaring November 19th, 2012 as Malala Yousafzai Day and Honoring Her as Daughter of Burien. 43.
b. Discussion of Ordinance 573 Regarding North Burien Zoning Map Amendments, 2012 Comprehensive Plan Text and Map Amendments. 47.
c. Discussion on Ordinance No. 572, Relating to Regulation of Chronic Nuisance Properties. 53.
d. Discussion on Ordinance No. 576, Relating to B&O Tax Amendments. 61.
e. Review of Proposed Council Agenda Schedule. 91.
f. City Business. 107.

9. COUNCIL REPORTS

10. ADJOURNMENT

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

Carol Allread

From: Public Council Inbox
Sent: Friday, November 02, 2012 4:31 PM
To: 'Michael ONeill'
Subject: RE: resignation from Arts Commission

Dear Mr. O'Neill:

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 Office
City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

From: Michael ONeill [mailto:mo@michaeloneillinteriors.com]
Sent: Friday, November 02, 2012 9:56 AM
To: Public Council Inbox
Cc: 'Andrea Reay'; 'Chloe Bjordahl'; 'Debbie Thoma (dpthoma@att.net)'; 'Donna DiFiore'; 'Robbie Howell'; 'Shelley Brittingham'; 'Shelli Park'; 'Virginia Wright'
Subject: resignation from Arts Commission

Hello,

I have come to the conclusion that I no longer wish to be a member of the Burien Arts Commission. When I sought this appointment I envisioned an independent citizens group entrusted with advising the City Council on matters concerning art expenditures and policies for the City of Burien. My experience instead has been that the Commission is directed, supervised and, in my personal experience, coerced by paid staff from the Parks and Recreation Department under the guise of "support". The Commission has less input when it comes to decision making than would appear. Given the authority to influence, filter and even bypass the Commission that staff exercises, the need for a commission is, from my perspective, questionable. Let the autocracy rule!

Last April I challenged the process for the selection of the mural artist. Established policy was not followed and I confronted the Cultural Arts Supervisor as to why the selection process was circumvented. In July (what took so long?) when I was out of town for a lengthy period of time I received an email from the City Manger saying he had been told I had been "abusive" towards one of "his employees" and requested I meet with Mr. Lafreniere. Mr. Lafreniere had left two voice mails on my home phone which I did not receive until days later when I was told by my daughter I had messages on my phone. Mr. Martin also left me a short cryptic voice mail telling me "not responding was not an option". I called Mr. Lafreniere from my cell phone and agreed to meet with him to discuss what he called Commission procedures before I had received the above email from Mr. Martin. Since the real reason for the meeting was the abuse accusation, on advice from counsel, I rescinded my agreement to a meeting until I was given the name of accuser, date, and a detailed written description of the alleged incident. No such information was forthcoming. Several weeks later I received a phone call from Mr. Lafreniere. He said I had been aggressive and disrespectful to "staff" (who he would not identify) and wanted my assurance it would not happen again. I repeatedly told him I had never behaved disrespectively on any occasion but had definitely challenged "staff" on the procedure used to select the artist for the mural. I have polled other commissioners who were present at all my interactions with staff and they saw no behavior that could be identified as offensive on my part. Mr. Lafreniere on the other hand said the other commissioners had validated his claim. The call was ended with my assurance that I would behave politely and respectfully as I always have. During the course of the conversation Mr. Lafreniere stated he would be attending all Arts Commission meetings going forward (as what – policeman?). Now there are 3 staff members attending the meetings. The lesson here? Don't take staff to task on how they run or run over the Commission or big brother will be all over you!.

CFTR: 11/19/12 CC: Michael Lafreniere, Director, Parks

In the matter of the letter to Council regarding an art and culture district for Town Square, the attached email from Mr. Lafreniere illustrates the department's efforts to exclude input and cooperation from citizens and citizens groups in conjunction with the Commission under the screen of "procedural precedent". Forbid that the council receive communications of the will of its citizens through a city commission! Protocol is much more important than voice or maybe there's another agenda at work? Perhaps the views of the citizenry don't mesh with those of paid city management.

There was also a hard push by "staff" to table any further meetings in 2012 of the Economic Development subcommittee of the Arts Commission prior to the work they did on the Town Square effort for an arts and culture district. One of the committee members was instructed by Mr. Lafreniere that she would not be able to schedule meetings with other city staff who could give input on the subject without first going through him as she was impinging on city time.

Take a hard look at your city staff and how they interact with the commissions and more importantly the citizens of Burien. It would seem there is little autonomy for the commissions of the City of Burien. Do you wish to have true uncensored input from your citizens or are the commissions just a false face to put on an autocracy run by city management? Too bad for Burien, but that's how it is.

My resignation is effective immediately.

Respectfully,

Michael O'Neill

May 17, 2012

Fellow Members of the Arts Commission,

As an addendum to my email of 4/27 here are concerns I have regarding the Arts Commission's relationship with the Parks and Recreation Department and more specifically the selection of the artist for the mural project and the already determined subject matter and theme. It does not appear to me that the Commission is functioning as was originally intended. I don't know if my vision of an appointed citizens group functioning independent from, although in cooperation, with paid City staff is shared by all the other members of the Commission. I have noticed two conflicting perceptions of the Commission by community members. First is that the Arts Commission makes all the decisions regarding public art (this has been fortified by the media) and second that in reality it's the Cultural Arts Supervisor (this comes from persons in the arts community).

My thoughts are below. Please let me know yours.

1. It would appear Parks and Recreation staff has been representing themselves as the Arts Commission. This misrepresentation raises legal questions and needs to stop. When "staff" issues press releases or memos to the Council the Arts Commission needs to be treated as the entity of nine members that it is and not a catch all identity including "staff" or one or two Commission members.

2. Resolution NO. 152 clearly states that the jury selection for the mural artist be approved by the Commission. It was not. It also states that the "Department managing the project shall review the Jury's recommendation(s) to review artists qualifications or previous work, prior to recommendation going to the Arts Commission", that "the Jury recommendation be forwarded to the Arts Commission for review" and Arts Commission recommendation will be forwarded to City Council for final approval". The artist was selected and hired without any of this happening. Now we will be asked to approve the subject and theme without any real choice. The Arts Commission should be presented with at 3 concepts from which to choose. Final artist approval is a moot point.

3. Because it's an appointed citizen panel autonomy should be restored to the Commission and clear guidelines need to be established as to Parks and Recreation staff's involvement with the Commission and its sub committees. Currently it would appear the Commission is an extension of the Parks and Recreation Department and subject to the direction and supervision of same. Why does our agenda get printed on Parks and Recreation letterhead? If this is to be the case then it needs to be defined as such in a resolution or ordinance by the City Council.

4. The ordinance in effect at present defines the Commission as advisors to the City Council and staff and authorizes it to "develop bylaws to govern internal affairs of the Arts Commission. All bylaws must be approved by the Burien City Council." It further authorizes development of "programs alone or in cooperation with any other private, civic or public body of the City, county, state or local government."

5. Unless specifically invited, Parks and Recreation staff members attendance at Commission and Commission committee meetings should be viewed as members of the public unless they are acting in a capacity requested by the Commission. Recording secretary would appear to fall into this category.

6. Requests for one on one meetings from Parks and Recreation staff with individual Commission members for the purpose of furthering the agenda of the Parks and Recreation Department or influencing the Commission seem at the very least inappropriate and definitely out of line when the express purpose is to encourage to disband a committee authorized by the Commission.

Timeline Illustrating Artist selection without full Commission approval and misrepresentation of Arts Commission's involvement in the media

Excerpt from Gina's email 4/27/12

- Gina did first purge of proposals based on Call selection criteria (attached)
- Public Art Committee Chair Andrea Reay and B/IAS Developer Kathy Justin were invited to help with the second purge, again using the Call selection criteria
- A panel was chosen using the resolution procedure, jury selection #5.3
- The panel chose Augustina with no reservations
- Gina has been working with Augustina and the city legal staff to complete contracts and organize insurance and other needed paperwork
- For her community connection Augustina has solicited cultural pattern drawings from the community, she also hopes to have professionals and student artists volunteer on the painting process.
- Augustina will visit Burien in May to absorb the city, see the site, and start planning some of the details of the project
- Augustina will provide a draft design for council and commission to review in May/June and provide suggestions for final design.
- Augustina will return in July/August to create Mural.

Per the City's Public Art plan, a mural is planned for the west wall of the Dollar Store, located between 151st and 152nd Streets on 4th Ave SW. Thirty-five artists responded to the 'Call for Artists', which is an impressive number for a project of this size. A selection panel comprised of community representatives, public artists and business owners convened on March 14 to review the proposals. The panel's recommendations will be submitted to the Arts Commission for review at their April 24 meeting. Staff will be taking the Commission's recommendation to Council after a design proposal has been approved by the Commission. The mural project is funded through the City's Arts-in-Public-Places Fund.

4/20/2012

Press release: Front page article in the Highline Times

The City of Burien Arts Commission is thrilled to announce Augustina Droze as the 2012 Burien mural artist! 35 artists applied for this project and a panel of local business owners and community members picked Augustina, excited by her dynamic and innovative style and ideas.

Augustina hails from the west coast and recently moved to New York State. She has created murals across the country and internationally, including Palm Beach, Chicago, Indianapolis, Baltimore, and Buffalo. She recently worked with underprivileged artists in Nagpur, India to create the largest mural in the city.

Augustina states "I am a two dimensional artist who focuses primarily on mural painting. I find that the scale of a mural allows for increased expression and evokes a transitory response in viewers. Murals have the ability to relocate an onlooker and change one's perspective. I also feel that the accessibility of mural arts creates a large and robust viewing population which is often more diverse than that which frequents museums or galleries. Viewers are forced to face the art, make personal aesthetic and emotional judgments and move on."

Augustina is influences by the passionate murals of the Mexican mural movement (most notably Diego Riviera) and the realistic narrative murals of contemporary muralists including Jeff Zimmerman and John Pugh. These artists have helped to shape Augustina's style and scale.

The mural will be created on the wall on 4th Avenue SW at 151st, across from the Library/City Hall on the building housing the Dollar Tree. We would like to thank the Dollar Tree for their participation in this project.

Augustina will be collaborating with the community on the project and will be working on the final art in July and August. Please watch for more information on community involvement!

Excerpt from 4/24 minutes

Public Art—– Artist Augustina Droze will be visiting Burien in May for two days to gather information and experience the community. She has also developed a cultural pattern drawing project that has been sent out to the local community and teachers. The drawings are due May 24th and a few of the drawings will be picked to be incorporated into Augustina's mural design.

RESOLUTION NO. 152

8.3 Jury Selection

- Jury selection will be approved by the Arts Commission.
- Panel size may range from 5 to 7.
- All juries shall include at least 1 artist.
- Panel may have 1 community representative.
- Panel will include minimum of 1 Arts Commisioner, and may also include the Project Manager/Designer, and/or other City employee.
- Panel shall include the Project Consultant/Architect as a non-voting advisor.
- Panel review shall be open to observers who wish to attend; however, panelists may elect to cast votes in closed session.
- Panel will have option of making no selection. In this event, a new selection process may be initiated or the project may be abandoned.

8.4 Final Approval of Artist

- The Department managing the project shall review the Jury's recommendation(s) to review artists qualifications or previous work, prior to recommendation going to the Arts Commission. In cases where legitimate concerns are articulated, the Jury shall be reconvened to select an alternative artist.
- Jury recommendation will be forwarded to Arts Commission for review.
- Arts Commission's recommendation will be forwarded to City Council for final approval.

Mr. O'Neill,

At the Commission meeting it seemed evident to me that Commission members understood and agreed that the underlying process with respect to the letter is that it is a voted-upon recommendation from the Commission in the form of a letter outlining the Commission's recommendations to the Council. Per long-established procedural precedent in such matters, a committee of the Commission studied an issue, took input, brought a recommendation forward to the Commission for consideration, the Commission then took action to reach a consensus statement, voted to approve it, and we now forward that recommendation to the Council. The Commission's action approving the final language of the letter did not need the approval of its own committee nor that of the non-voting participants in the committee's meeting. As is our job, it is customary for staff to put such official documents into their final form (attached). However the proper form and protocol for such a communication regarding an advisory recommendation to the Council from its Commission would only list the Commissioner's names, not those you reference ... in sum, this is a Commission recommendation, not a petition. As is also customary, an explanatory staff report will accompany the letter in the Council Packet that will provide the background and genesis of the letter, including a reference to the committee's role and to those who provided input. If you disagree with this process, you are welcome to attend the Council meeting on Sept 17 to let the Council know how you feel.

Michael Lafreniere
Director of Parks, Recreation & Cultural Services

-----Original Message-----
From: Michael O'Neill [mailto:michaeloneill@hotmail.com]
Sent: Thursday, August 30, 2012 9:07 AM
To: Michael Lafreniere
Subject: RE: Letter to Council revised.doc

We also want to add the names of our co-members and their organizations

Michael O'Neill
217 S 168th St
Burien, WA 98148
206 290-3303

-----Original Message-----
From: Michael Lafreniere [mailto:MichaelL@burienwa.gov]
Sent: Wednesday, August 29, 2012 1:16 PM
To: Shelley Brittingham; Gina Kallman
Cc: Michael O'Neill; chlolita2002@gmail.com; RobbieHowell; drea.reay@gmail.com; virginia.wright@artscommission.org; donnaldifiore@earthlink.net; debrannt@gmail.com; Shelli Park
Subject: RE: Letter to Council revised.doc

Shelley & Gina,

That is correct. We will add the Commissioners' names to the document and it will be included in the Council packet for their Sept 17 meeting. Thank you.

Michael Lafreniere

-----Original Message-----
From: Shelley Brittingham [mailto:sbritt7517@aol.com]
Sent: Wednesday, August 29, 2012 12:59 PM
To: Gina Kallman
Cc: Michael O'Neill; chlolita2002@gmail.com; RobbieHowell; drea.reay@gmail.com; virginia.wright@artscommission.org;
donnaldifiore@earthlink.net; debrannt@gmail.com; Shelli Park; Michael Lafreniere
Subject: Re: Letter to Council revised.doc

Looks good. Since this is coming from the BAC, we add all our names at the end, yes?

Shelley

Carol Allread

From: Carol Allread
Sent: Tuesday, November 13, 2012 3:09 PM
To: Public Council Inbox
Subject: FW: RE: Process for requesting a change in Burien's Chicken laws

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From: Chip Davis
Sent: Tuesday, November 13, 2012 11:04 AM
To: 'lolatu2002@gmail.com'
Subject: RE: Process for requesting a change in Burien's Chicken laws

Dear April Smith,
I have been asked to reply to your email below regarding the keeping of domestic fowl within the City of Burien. There has been some discussion regarding this issue in the past 18 months and there is at least one City Council member who has expressed interest in the topic. At the beginning of the year a group of students from the University of Washington's Community, Environment and Planning (CEP) program delivered a feasibility plan for implementation of Community Gardens in Burien. In this plan they recommended that the City take a look at Seattle's regulations relating to chickens and small animals and how fowl are dealt with in the context of community gardens. In the end, the Planning Commission decided to focus on the gardening component of community gardens and not on the keeping of animals component.

Staff has been monitoring the actions of other jurisdictions as they deal with this subject, one of the most recent being the City of Tukwila which has adopted a graduated scale allowing 1 chicken for every 1,000 square feet of lot size and reducing the setback requirement to 10 feet from a lot line or a neighboring residence. Given the wide range of regulations currently in place for South King County jurisdictions, staff will be conducting further research and we hope to take the topic to the Planning Commission for their consideration as part of our 2013 Zoning Code Amendments.

Thank you for sharing your thoughts on this issue, and please feel free to contact me if you have further questions or comments.

Sincerely,

Charles W. "Chip" Davis, AICP
Senior Planner
City of Burien
(206) 248-5501
chipd@burienwa.gov
www.burienwa.gov

CFTR: 11/19/12
Staff follow-up by Chip Davis, Senior Planner

From: April Smith [mailto:lolatu2002@gmail.com]
Sent: Saturday, November 03, 2012 12:36 PM

To: Public Council Inbox
Subject: Process for requesting a change in Burien's Chicken laws

Hello,

I am looking at buying a house in the city of Burien as opposed to Seattle. Seattle allows a total of 8 fowl and currently Burien only allows 3. Has there been discussion on increasing this number to become more open like Seattle? Is there a process that could be gone through to try & change the current rule of 3?

Thanks for any help that you can provide on this issue. This area is big on urban farming and it seems as if Burien is way behind of Seattle with this. I would typically think that the outlying areas would allow more fowl than you can have in the heart of Seattle. Seattle changed their rules on this several years ago to allow 8 to be kept.

Thanks,
--
April Smith

Carol Allread

From: Public Council Inbox
Sent: Monday, November 05, 2012 9:25 AM
To: 'eric@burienlittletheatre.org'
Subject: RE: BLT in the top 10 best theater groups in Western Washington

Dear Mr. Dickman,

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

Sincerely,

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

-----Original Message-----
From: Eric [mailto:eric@burienlittletheatre.org]
Sent: Saturday, November 03, 2012 4:20 PM
To: Public Council Inbox; Brian Bennett; Rose Clark; Jack Block Jr.; Joan McGilton; Lucy Krakowiak; Jerry Robison; Bob Edgar
Subject: BLT in the top 10 best theater groups in Western Washington

Dear Mayor and Council,

The results are in from the King 5 Best of Western Washington Poll and Burien Little Theatre is proud to let you know that BLT came in at number 10 for the best theater group in Western Washington. BLT finished just after the Seattle Repertory Theater. Good company indeed.

http://best.king5.com/best/theatre-group/arts-and-entertainment/western-washington

BLT's blog post on the King 5 Best of Western Washington vote - http://burienlittletheatre.org/blog/2012/11/10th-in-western-washington/

BLT is very happy to be recognized for doing the high quality of theater Burien has come to expect from it.

As you may know, BLT has been continuously producing plays here in Burien since 1980. It has been located at what is now called the Burien Community Center Annex throughout those 32 years. In spite of the increasing rents BLT pays to the Burien Parks Department for the use of that space, BLT continues to produce better live theater that brings an ever expanding audience to Burien to dine out and shop before and after attending a performance. According to BLT surveys over 80% of BLT's audience dines out before or after a show.

Thank you for your continued support of BLT, and hope to see you at a show soon. When you come to "A Tuna Christmas," remember to bring nonperishable food for the BLT food drive and get $2 off your ticket price. BLT's blog post on the BLT food drive - http://burienlittletheatre.org/blog/2012/10/tuna-helps-the-hungry/

Eric Dickman
Voluntary Artistic Director

CFTR: 11/19/12

Carol Allread

From: Public Council Inbox
Sent: Tuesday, November 13, 2012 3:07 PM
To: 'mudwagon@juno.com'
Subject: FW: CFTR & forward to Council

Dear Mr. Anderson,

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 Office City of Burien
(206) 248-5508 Office
(206) 248-5539 Fax
carola@burienwa.gov

-----Original Message-----
From: Carol Allread
Sent: Thursday, November 08, 2012 11:29 AM
To: Public Council Inbox
Subject: FW: CFTR & forward to Council

-----Original Message-----
From: mudwagon@juno.com [mailto:mudwagon@juno.com]
Sent: Wednesday, November 07, 2012 10:44 AM
To: Monica Lusk
Subject:

Monica: Could you please include this letter in the council packet, and forward it to each council member.

Dear Burien City Council Members:

Regarding zoning changes in the North Burien annexed area:

1. Zoning Change: If, in fact, the people in the annexed area were told their zoning would not change, it shouldn't change. Matching it as CLOSELY to Burien zoning is not keeping it the same. The solution is adding new zoning designation that meets the existing zoning.

2. Zoning Change Notice: My perception was that staff was struggling on how to notify property owners of possible zoning change. Notification of property owners is REQUIRED by short plat applicants. The city staff knows how this is done and is required by the city all the time.

In the past when the city was proposing zoning changes in the Highline Hospital area, SW 160th & 4th SW, notice was sent out to the property owner and it was specific to the tax parcel number with the specific zoning change. That is how it should be done.

CFTR: 11/19/12
CC: David Johanson, Interim Community Development Director

The city council has always been proud of the fact that they keep the citizens informed. Please don't change now...this is too important to the property owners.

Thanks,

Greg Anderson

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 19th day of November 2012** the FOLLOWING:

CHECK NOs. **33096– 33241**

IN THE AMOUNTS OF **$1,173,577.94**

WITH VOIDED CHECK NOS. **0**

Accounts Payable
Checks for Approval

Burien
Washington, USA

User: cathyr
Printed: 11/15/2012 - 7:36 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
33096	11/19/2012	General Fund	Subscriptions/Publications	ABC LEGAL		121.00
					Check Total:	121.00
33097	11/19/2012	Parks & Gen Gov't CIP	Construction	Affordable Backflow Testing		657.00
					Check Total:	657.00
33098	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	ACE Hardware		13.63
33098	11/19/2012	General Fund	Drug Seizure Proceeds KCSO	ACE Hardware		70.57
33098	11/19/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	ACE Hardware		5.55
33098	11/19/2012	Street Fund	Repairs & Maint. - Fleet	ACE Hardware		5.55
33098	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	ACE Hardware		25.17
33098	11/19/2012	Street Fund	Office And Operating Supplies	ACE Hardware		25.18
33098	11/19/2012	Street Fund	Office And Operating Supplies	ACE Hardware		95.21
33098	11/19/2012	Street Fund	Office And Operating Supplies	ACE Hardware		57.88
33098	11/19/2012	Street Fund	Office And Operating Supplies	ACE Hardware		12.83
33098	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	ACE Hardware		12.83
33098	11/19/2012	Street Fund	Office And Operating Supplies	ACE Hardware		2.47
33098	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	ACE Hardware		2.46
					Check Total:	329.33
33099	11/19/2012	General Fund	Subscriptions/Publications	Attorney's Eagle Eye Service		59.13
					Check Total:	59.13
33100	11/19/2012	General Fund	Operating Rents & Leases	AGRII Party & Events		961.41
					Check Total:	961.41
33101	11/19/2012	General Fund	Office and Operating Supplies	Airgas USA LLC		80.25

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
33101	11/19/2012	General Fund	Office and Operating Supplies	Airgas USA LLC		66.80
					Check Total:	147.05
33102	11/19/2012	Street Fund	Repairs & Maint. - Fleet	Al Books Custom Welding		82.13
33102	11/19/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	Al Books Custom Welding		82.12
					Check Total:	164.25
33103	11/19/2012	Street Fund	Office And Operating Supplies	Alpine Fence Company		40.21
33103	11/19/2012	Street Fund	Repairs And Maintenance	Alpine Fence Company		111.58
33103	11/19/2012	Surface Water Management Fund	Repairs And Maintenance	Alpine Fence Company		111.58
					Check Total:	263.37
33104	11/19/2012	Street Fund	Office And Operating Supplies	Alpine Products Inc		1,618.85
					Check Total:	1,618.85
33105	11/19/2012	General Fund	Office and Operating Supplies	Amerigas - Kent		509.51
					Check Total:	509.51
33106	11/19/2012	General Fund	Professional Services	Administrative Office of the C		8.45
					Check Total:	8.45
33107	11/19/2012	General Fund	Dues/memberships	American Planning Association		340.00
					Check Total:	340.00
33108	11/19/2012	General Fund	Parks Maintenance	Aquatic Specialty Services Inc		125.36
33108	11/19/2012	General Fund	Parks Maintenance	Aquatic Specialty Services Inc		125.36
33108	11/19/2012	General Fund	Parks Maintenance	Aquatic Specialty Services Inc		125.36
33108	11/19/2012	General Fund	Parks Maintenance	Aquatic Specialty Services Inc		125.36
33108	11/19/2012	General Fund	Parks Maintenance	Aquatic Specialty Services Inc		125.36
					Check Total:	626.80
33109	11/19/2012	General Fund	Telephone	A T & T		51.78
					Check Total:	51.78

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
33110	11/19/2012	General Fund	Teen Programs	Brian J Barnes		571.08
					Check Total:	571.08
33111	11/19/2012	General Fund	Sftwre Subscript & Licensing	Paul Trevor Graham Barton		250.00
					Check Total:	250.00
33112	11/19/2012	General Fund	Arts & Culture Grants	Burien Little Theatre		2,500.00
					Check Total:	2,500.00
33113	11/19/2012	General Fund	Prof. Svcs-instructors	Nancy Bogni		594.00
					Check Total:	594.00
33114	11/19/2012	General Fund	Printing/Binding/Copying	Brim Press, LLC		592.67
33114	11/19/2012	Street Fund	Printing/binding/copying	Brim Press, LLC		427.05
33114	11/19/2012	General Fund	Printing	Brim Press, LLC		65.70
					Check Total:	1,085.42
33115	11/19/2012	General Fund	Prof. Svcs-instructors	Viola Brumbaugh		1,238.97
					Check Total:	1,238.97
33116	11/19/2012	Surface Water Management Fund	Repairs And Maintenance	Bryant's Tractor & Mower Inc		25.01
33116	11/19/2012	Street Fund	Repairs And Maintenance	Bryant's Tractor & Mower Inc		25.01
33116	11/19/2012	Surface Water Management Fund	Repairs And Maintenance	Bryant's Tractor & Mower Inc		21.63
33116	11/19/2012	Street Fund	Repairs And Maintenance	Bryant's Tractor & Mower Inc		21.62
33116	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	Bryant's Tractor & Mower Inc		4.80
33116	11/19/2012	Street Fund	Office And Operating Supplies	Bryant's Tractor & Mower Inc		4.80
33116	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	Bryant's Tractor & Mower Inc		56.67
33116	11/19/2012	Street Fund	Office And Operating Supplies	Bryant's Tractor & Mower Inc		56.68
					Check Total:	216.22
33117	11/19/2012	General Fund	Office and Operating Supplies	Burien Bark LLC		76.10
					Check Total:	76.10
33118	11/19/2012	Street Fund	Repairs & Maint. - Fleet	Burien Chevrolet		41.94
33118	11/19/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	Burien Chevrolet		41.93

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	83.87
33119	11/19/2012	General Fund	Animal Control Services	CARES		10,000.00
					Check Total:	10,000.00
33120	11/19/2012	General Fund	Office And Operating Supplies	CDW-G		153.00
					Check Total:	153.00
33121	11/19/2012	General Fund	Office and Operating Supplies	Clay Art Center Inc		66.67
					Check Total:	66.67
33122	11/19/2012	Street Fund	Telephone	CenturyLink		49.77
33122	11/19/2012	Surface Water Management Fund	Telephone	CenturyLink		49.78
					Check Total:	99.55
33123	11/19/2012	General Fund	Professional Services	VersoGenics Inc		250.00
					Check Total:	250.00
33124	11/19/2012	General Fund	Office/Operating Supplies	Complete Office		417.72
33124	11/19/2012	General Fund	Office/Operating Supplies	Complete Office		470.27
33124	11/19/2012	General Fund	Office And Operating Supplies	Complete Office		365.61
33124	11/19/2012	General Fund	Office And Operating Supplies	Complete Office		365.61
33124	11/19/2012	General Fund	Office And Operating Supplies	Complete Office		470.27
33124	11/19/2012	General Fund	Office and Operating Supplies	Complete Office		52.10
33124	11/19/2012	General Fund	Office/Operating Supplies	Complete Office		52.10
33124	11/19/2012	General Fund	Office and Operating Supplies	Complete Office		52.10
33124	11/19/2012	General Fund	Office And Operating Supplies	Complete Office		169.02
33124	11/19/2012	General Fund	Office And Operating Supplies	Complete Office		230.12
33124	11/19/2012	General Fund	Office And Operating Supplies	Complete Office		34.03
					Check Total:	2,678.95
33125	11/19/2012	General Fund	Instructors Prof Svcs	Janet S. Crawley		264.00
33125	11/19/2012	General Fund	Prof. Svcs-instructors	Janet S. Crawley		690.90
					Check Total:	954.90

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
33126	11/19/2012	General Fund	Human Svc-Family/Youth	City of Auburn		9,000.00
					Check Total:	9,000.00
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		75.75
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		51.99
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		18.14
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		66.33
33127	11/19/2012	General Fund	Utilities	City of Seattle		67.40
33127	11/19/2012	General Fund	Utilities	City of Seattle		16.80
33127	11/19/2012	General Fund	Utilities	City of Seattle		9.51
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		17.20
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		54.57
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		42.73
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		94.95
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		105.96
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		74.53
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		16.68
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		84.40
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		39.01
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		222.52
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		102.01
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		88.73
33127	11/19/2012	General Fund	Utilities	City of Seattle		14.35
33127	11/19/2012	General Fund	Utilities	City of Seattle		361.28
33127	11/19/2012	General Fund	Utilities	City of Seattle		993.77
33127	11/19/2012	General Fund	Utilities	City of Seattle		1,430.68
33127	11/19/2012	General Fund	Utilities	City of Seattle		737.74
33127	11/19/2012	General Fund	Utilities	City of Seattle		13.67
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		131.46
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		8.12
33127	11/19/2012	Street Fund	Utilities-street Lighting	City of Seattle		57.12
33127	11/19/2012	Street Fund	Utilities-street Lighting	City of Seattle		24.78
33127	11/19/2012	Street Fund	Utilities-street Lighting	City of Seattle		12.78
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		333.05
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		191.26
33127	11/19/2012	Street Fund	Utilities-street Lighting	City of Seattle		14.91
33127	11/19/2012	Street Fund	Utilities-street Lighting	City of Seattle		4,000.95
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		204.78
33127	11/19/2012	Street Fund	Utilities - Traffic Signals	City of Seattle		75.67
					Check Total:	9,855.58
33128	11/19/2012	Street Fund	Office And Operating Supplies	Culligan Seattle		16.43
33128	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	Culligan Seattle		16.42

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	32.85
33129	11/19/2012	General Fund	State Lobbying Services	Michael D. Doubleday		2,907.00
33129	11/19/2012	General Fund	Federal Lobbying Services	Michael D. Doubleday		2,000.00
					Check Total:	4,907.00
33130	11/19/2012	Street Fund	Discover Burien	Discover Burien		38,802.64
33130	11/19/2012	Street Fund	Street Maintenance-non-county	Discover Burien		26,653.36
					Check Total:	65,456.00
33131	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	Dunn Lumber Co.		63.70
33131	11/19/2012	Street Fund	Office And Operating Supplies	Dunn Lumber Co.		63.70
33131	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	Dunn Lumber Co.		46.79
33131	11/19/2012	Street Fund	Office And Operating Supplies	Dunn Lumber Co.		46.79
33131	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	Dunn Lumber Co.		5.44
33131	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	Dunn Lumber Co.		33.88
33131	11/19/2012	Street Fund	Office And Operating Supplies	Dunn Lumber Co.		33.88
33131	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	Dunn Lumber Co.		33.88
33131	11/19/2012	Street Fund	Office And Operating Supplies	Dunn Lumber Co.		33.88
33131	11/19/2012	General Fund	Office and Operating Supplies	Dunn Lumber Co.		23.64
33131	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	Dunn Lumber Co.		12.26
33131	11/19/2012	Street Fund	Office And Operating Supplies	Dunn Lumber Co.		12.26
					Check Total:	410.10
33132	11/19/2012	General Fund	Professional Services	Davis Wright Tremaine		5,541.30
					Check Total:	5,541.30
33133	11/19/2012	General Fund	Professional Services	Eden Advanced Pests Tech.		109.50
					Check Total:	109.50
33134	11/19/2012	General Fund	Operating Rentals and Leases	Emerald City Water, LLC		147.83
					Check Total:	147.83
33135	11/19/2012	General Fund	Prof. Svcs-instructors	EvoFit LLP		1,228.05

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	1,228.05
33136	11/19/2012	General Fund	Subscriptions/Publications	FedEx		5.70
					Check Total:	5.70
33137	11/19/2012	Street Fund	Repairs & Maint. - Fleet	Firestone Complete Auto Care		52.54
33137	11/19/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	Firestone Complete Auto Care		52.54
33137	11/19/2012	Street Fund	Repairs & Maint. - Fleet	Firestone Complete Auto Care		52.54
33137	11/19/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	Firestone Complete Auto Care		52.54
					Check Total:	210.16
33138	11/19/2012	Surface Water Management Fund	Fuel/gas/gasoline consumption	Wex Bank		3,731.79
33138	11/19/2012	General Fund	Fuel/Gas Consumption	Wex Bank		125.12
33138	11/19/2012	General Fund	Fuel/gas/gasoline Consumption	Wex Bank		402.48
33138	11/19/2012	General Fund	Fuel/gas/gasoline Consumption	Wex Bank		548.93
33138	11/19/2012	General Fund	Fuel/Gas Consumption	Wex Bank		67.03
33138	11/19/2012	General Fund	Fuel/gas/gasoline Consumption	Wex Bank		492.17
33138	11/19/2012	Street Fund	Fuel/gas/gasoline consumption	Wex Bank		2,923.30
					Check Total:	8,290.82
33139	11/19/2012	General Fund	Instructors Prof Svcs	Pam Fredback		262.50
					Check Total:	262.50
33140	11/19/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	Genuine Parts Co. Seattle-DC		16.33
33140	11/19/2012	Street Fund	Repairs & Maint. - Fleet	Genuine Parts Co. Seattle-DC		16.32
33140	11/19/2012	Street Fund	Repairs & Maint. - Fleet	Genuine Parts Co. Seattle-DC		33.62
33140	11/19/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	Genuine Parts Co. Seattle-DC		33.61
33140	11/19/2012	Street Fund	Repairs & Maint. - Fleet	Genuine Parts Co. Seattle-DC		4.59
33140	11/19/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	Genuine Parts Co. Seattle-DC		4.59
33140	11/19/2012	Street Fund	Repairs & Maint. - Fleet	Genuine Parts Co. Seattle-DC		2.99
33140	11/19/2012	Street Fund	Repairs & Maint. - Fleet	Genuine Parts Co. Seattle-DC		29.99
33140	11/19/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	Genuine Parts Co. Seattle-DC		29.98
					Check Total:	172.02
33141	11/19/2012	General Fund	Office and Operating Supplies	Grainger		834.39

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	834.39
33142	11/19/2012	General Fund	Parks Building Security	Guardian Security		65.00
					Check Total:	65.00
33143	11/19/2012	General Fund	Instructors Prof Svcs	Victoria E. Hamilton		594.00
33143	11/19/2012	General Fund	Instructors Prof Svcs	Victoria E. Hamilton		369.00
					Check Total:	963.00
33144	11/19/2012	General Fund	Professional Services	Highline Community College		3,000.00
33144	11/19/2012	General Fund	Small Business Dev. Center	Highline Community College		10,000.00
					Check Total:	13,000.00
33145	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	HOME DEPOT		80.55
33145	11/19/2012	Street Fund	Office And Operating Supplies	HOME DEPOT		80.56
33145	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	HOME DEPOT		21.90
33145	11/19/2012	Street Fund	Office And Operating Supplies	HOME DEPOT		21.89
					Check Total:	204.90
33146	11/19/2012	Street Fund	Small Tools & Minor Equipments	HD Fowler Company		190.25
					Check Total:	190.25
33147	11/19/2012	General Fund	Operating Rentals and Leases	Head-quarters		81.50
					Check Total:	81.50
33148	11/19/2012	Street Fund	Repairs & Maint. - Fleet	IBS, INC.		184.08
33148	11/19/2012	Street Fund	Office And Operating Supplies	IBS, INC.		133.19
33148	11/19/2012	Street Fund	Office And Operating Supplies	IBS, INC.		51.03
					Check Total:	368.30
33149	11/19/2012	Surface Water Mgmt CIP	Construction	ICON Materials		160.64
33149	11/19/2012	Surface Water Mgmt CIP	Construction	ICON Materials		265.37
33149	11/19/2012	Surface Water Mgmt CIP	Construction	ICON Materials		366.37
33149	11/19/2012	Street Fund	Office And Operating Supplies	ICON Materials		128.94
33149	11/19/2012	Surface Water Mgmt CIP	Construction	ICON Materials		128.94

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	1,050.26
33150	11/19/2012	General Fund	Operating Rents & Leases	RICOH USA Inc		455.54
33150	11/19/2012	General Fund	Operating Rents & Leases	RICOH USA Inc		665.82
					Check Total:	1,121.36
33151	11/19/2012	General Fund	Miscellaneous	Iron Mountain		327.00
33151	11/19/2012	General Fund	Miscellaneous	Iron Mountain		350.50
					Check Total:	677.50
33152	11/19/2012	General Fund	Telephone	Integra Telecom		112.83
33152	11/19/2012	General Fund	Telephone	Integra Telecom		169.25
33152	11/19/2012	General Fund	Telephone	Integra Telecom		141.04
33152	11/19/2012	General Fund	Telephone	Integra Telecom		56.42
33152	11/19/2012	General Fund	Telephone	Integra Telecom		282.08
33152	11/19/2012	General Fund	Telephone	Integra Telecom		141.04
33152	11/19/2012	General Fund	Telephone	Integra Telecom		169.25
33152	11/19/2012	General Fund	Telephone	Integra Telecom		338.50
33152	11/19/2012	General Fund	Telephone	Integra Telecom		1,329.20
					Check Total:	2,739.61
33153	11/19/2012	Street Fund	Professional Services	JTS Inc		2,079.41
					Check Total:	2,079.41
33154	11/19/2012	General Fund	Prof. Svcs-instructors	Moodette Ka'apana		127.40
33154	11/19/2012	General Fund	Prof. Svcs-instructors	Moodette Ka'apana		159.25
					Check Total:	286.65
33155	11/19/2012	General Fund	Police Contract - King Co	King County Sheriff's Office		822,439.92
33155	11/19/2012	General Fund	Police Contract - King Co	King County Sheriff's Office		38,847.34
					Check Total:	861,287.26
33156	11/19/2012	General Fund	Jail Contracts	KING COUNTY FINANCE		420.03
33156	11/19/2012	General Fund	Jail Contracts	KING COUNTY FINANCE		802.94
33156	11/19/2012	Street Fund	Traffic Signal/control.mainten	KING COUNTY FINANCE		1,727.61
33156	11/19/2012	Transportation CIP	Design-engineering	KING COUNTY FINANCE		351.81

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
33156	11/19/2012	Street Fund	Traffic Signal/control.mainten	KING COUNTY FINANCE		4,221.20
33156	11/19/2012	Street Fund	Traffic Signal/control.mainten	KING COUNTY FINANCE		10,917.35
33156	11/19/2012	Surface Water Management Fund	Swm Billed By King Co Roads	KING COUNTY FINANCE		7,709.28
					Check Total:	26,150.22
33157	11/19/2012	General Fund	Plan Review Fee Fire Dist 2	King County Fire District #2		2,122.88
					Check Total:	2,122.88
33158	11/19/2012	General Fund	Drug Seizure Proceeds KCSO	K.C.Sheriff-Sgt.R. Crenshaw		1,074.00
33158	11/19/2012	General Fund	Drug Seizure Proceeds KCSO	K.C.Sheriff-Sgt.R. Crenshaw		1,813.00
					Check Total:	2,887.00
33159	11/19/2012	General Fund	Instructors Prof Svcs	Keli Sim-DiRitis		240.00
					Check Total:	240.00
33160	11/19/2012	General Fund	Public Defender	Kirshenbaum & Goss, Inc., P.S		6,100.00
					Check Total:	6,100.00
33161	11/19/2012	General Fund	Office/Operating Supplies	KIM KRAUSE		147.83
					Check Total:	147.83
33162	11/19/2012	General Fund	Instructors Prof Svcs	Lauren Laughlin		330.00
					Check Total:	330.00
33163	11/19/2012	General Fund	Prof. Svcs-instructors	Lori Leberer		120.00
					Check Total:	120.00
33164	11/19/2012	General Fund	Prof. Svcs-instructors	Alexander Lewis		1,650.00
					Check Total:	1,650.00
33165	11/19/2012	General Fund	Prof. Svcs-instructors	Anne Marie Littleton		690.30

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	690.30
33166	11/19/2012	Surface Water Mgmt CIP	Construction	Lloyd Enterprises Inc		262.59
					Check Total:	262.59
33167	11/19/2012	General Fund	Repairs & Maint. - Fleet	Les Schwab		246.30
					Check Total:	246.30
33168	11/19/2012	General Fund	Prof. Svcs-instructors	Galina Malevannaya		120.00
					Check Total:	120.00
33169	11/19/2012	General Fund	Prof. Svcs-instructors	Jacob Matthew		750.10
					Check Total:	750.10
33170	11/19/2012	General Fund	Prof. Svcs-instructors	Shannon McConnell		60.00
					Check Total:	60.00
33171	11/19/2012	General Fund	Instructors Prof Svcs	Hunter McGee		262.50
					Check Total:	262.50
33172	11/19/2012	General Fund	Office and Operating Supplies	McLendon Hardware Inc		589.03
33172	11/19/2012	Street Fund	Office And Operating Supplies	McLendon Hardware Inc		19.53
33172	11/19/2012	Street Fund	Office And Operating Supplies	McLendon Hardware Inc		9.74
33172	11/19/2012	Street Fund	Office And Operating Supplies	McLendon Hardware Inc		23.86
33172	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware Inc		23.86
33172	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware Inc		1.73
33172	11/19/2012	Street Fund	Office And Operating Supplies	McLendon Hardware Inc		1.74
33172	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware Inc		3.24
33172	11/19/2012	Street Fund	Office And Operating Supplies	McLendon Hardware Inc		3.25
33172	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware Inc		152.83
33172	11/19/2012	Street Fund	Office And Operating Supplies	McLendon Hardware Inc		152.82
33172	11/19/2012	General Fund	Miscellaneous	McLendon Hardware Inc		21.69
33172	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware Inc		28.21
33172	11/19/2012	Street Fund	Office And Operating Supplies	McLendon Hardware Inc		28.22
33172	11/19/2012	Street Fund	Office And Operating Supplies	McLendon Hardware Inc		108.64
33172	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware Inc		108.63

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
33172	11/19/2012	Surface Water Management Fund	Minor Tools & Equipment	McLendon Hardware Inc		433.88
33172	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware Inc		93.30
33172	11/19/2012	Street Fund	Office And Operating Supplies	McLendon Hardware Inc		93.29
33172	11/19/2012	Street Fund	Office And Operating Supplies	McLendon Hardware Inc		63.27
					Check Total:	1,960.76
33173	11/19/2012	General Fund	Human Svc-Family/Youth	Matt Griffin YMCA		3,000.00
					Check Total:	3,000.00
33174	11/19/2012	General Fund	Burien Marketing Strategy	Marketing Innovations		2,530.00
33174	11/19/2012	General Fund	Burien Marketing Strategy	Marketing Innovations		1,796.44
33174	11/19/2012	General Fund	Burien Marketing Strategy	Marketing Innovations		1,300.00
					Check Total:	5,626.44
33175	11/19/2012	Street Fund	Dt Business License Svcs	Microflex Inc		3,594.24
33175	11/19/2012	General Fund	B&O Tax Collect & Audit	Microflex Inc		1,927.74
33175	11/19/2012	General Fund	Sales Tax Auditing Costs	Microflex Inc		10.00
33175	11/19/2012	Street Fund	Dt Business License Svcs	Microflex Inc		55.48
33175	11/19/2012	General Fund	B&O Tax Collect & Audit	Microflex Inc		55.47
					Check Total:	5,642.93
33176	11/19/2012	General Fund	Instructors Prof Srvs	Paul Miller		700.00
					Check Total:	700.00
33177	11/19/2012	General Fund	Nuisance Abatement Costs	Miller Paint Co		20.62
33177	11/19/2012	General Fund	Nuisance Abatement Costs	Miller Paint Co		36.24
33177	11/19/2012	General Fund	Nuisance Abatement Costs	Miller Paint Co		36.24
33177	11/19/2012	General Fund	Nuisance Abatement Costs	Miller Paint Co		22.73
33177	11/19/2012	General Fund	Nuisance Abatement Costs	Miller Paint Co		36.23
33177	11/19/2012	General Fund	Nuisance Abatement Costs	Miller Paint Co		36.23
					Check Total:	188.29
33178	11/19/2012	General Fund	Instructors Prof Svcs	Shariana Mundi		1,034.00
					Check Total:	1,034.00
33179	11/19/2012	General Fund	Instructors Prof Svcs	Aaron Murray		200.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	200.00
33180	11/19/2012	Street Fund	Repairs & Maint. - Fleet	Nelson Truck Equipment Co. Inc		85.47
33180	11/19/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	Nelson Truck Equipment Co. Inc		85.48
					Check Total:	170.95
33181	11/19/2012	General Fund	Instructors Prof Svcs	Drew Nicklas		365.00
					Check Total:	365.00
33182	11/19/2012	General Fund	City Hall Custodial	National Maintenance Cont.		1,032.29
					Check Total:	1,032.29
33183	11/19/2012	Street Fund	Repairs & Maint. - Fleet	Norstar Industries, Inc.		1,200.12
					Check Total:	1,200.12
33184	11/19/2012	Street Fund	Repairs & Maint. - Fleet	Novus Glass		99.00
33184	11/19/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	Novus Glass		99.00
					Check Total:	198.00
33185	11/19/2012	General Fund	Prof. Svcs-instructors	Pamela Odegard		180.00
					Check Total:	180.00
33186	11/19/2012	General Fund	Office and Operating Supplies	Jonathon R Williams		266.58
					Check Total:	266.58
33187	11/19/2012	General Fund	Prof. Svcs-instructors	Fritzi Oxley		192.00
					Check Total:	192.00
33188	11/19/2012	General Fund	Operating Rentals And Leases	Pacific Rim Equipment Rental		498.77
					Check Total:	498.77
33189	11/19/2012	Parks & Gen Gov't CIP	Retainage Payable	Pacific Northwest Earthworks L		852.98

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	852.98
33190	11/19/2012	General Fund	Instructors Prof Svcs	Johawna Olena Perry		138.00
					Check Total:	138.00
33191	11/19/2012	Surface Water Management Fund	Office And Operating Supplies	Pacific Industrial Supply		122.36
33191	11/19/2012	Street Fund	Office And Operating Supplies	Pacific Industrial Supply		122.35
					Check Total:	244.71
33192	11/19/2012	General Fund	Office And Operating Supplies	Pacific Lamp & Supply Company		216.02
					Check Total:	216.02
33193	11/19/2012	General Fund	Office and Operating Supplies	PLATT		321.90
					Check Total:	321.90
33194	11/19/2012	General Fund	Printing/binding/copying	Print Place		367.65
					Check Total:	367.65
33195	11/19/2012	General Fund	Utilities	PSE Pmt. Processing		159.07
33195	11/19/2012	General Fund	Utilities	PSE Pmt. Processing		1,475.86
33195	11/19/2012	General Fund	Utilities	PSE Pmt. Processing		35.04
33195	11/19/2012	Street Fund	Utilities-street Lighting	PSE Pmt. Processing		1,610.65
					Check Total:	3,280.62
33196	11/19/2012	General Fund	Business & Occupation Tax	NW Pain Management & Rehab		51.95
					Check Total:	51.95
33197	11/19/2012	Street Fund	Business Licenses	Sentinel Pest Control Inc		45.00
					Check Total:	45.00
33198	11/19/2012	Street Fund	Business Licenses	Patriot Fire Protection Inc		45.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	45.00
33199	11/19/2012	General Fund	Business & Occupation Tax	Khass Liquor & Wine LLC		30.63
					Check Total:	30.63
33200	11/19/2012	General Fund	Refund Clearing Account -Parks	Serrano Sanchez Araceli		200.00
					Check Total:	200.00
33201	11/19/2012	General Fund	Refund Clearing Account -Parks	Artists United Club		500.00
					Check Total:	500.00
33202	11/19/2012	General Fund	Refund Clearing Account -Parks	FMG Events		250.00
					Check Total:	250.00
33203	11/19/2012	General Fund	Refund Clearing Account -Parks	Joan Henzi		27.00
					Check Total:	27.00
33204	11/19/2012	General Fund	Refund Clearing Account -Parks	Margot Reid		25.00
					Check Total:	25.00
33205	11/19/2012	General Fund	Refund Clearing Account -Parks	Seattle Junior Tamburitzans		110.00
					Check Total:	110.00
33206	11/19/2012	General Fund	Printing/binding/copying	Claude McAlpin, III		6.55
					Check Total:	6.55
33207	11/19/2012	General Fund	Prof. Svcs-instructors	Elizabeth B. Rodgers		670.00
					Check Total:	670.00
33208	11/19/2012	General Fund	Instructors Prof Svcs	George Rodriguez		575.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	575.00
33209	11/19/2012	General Fund	Prof. Svcs-instructors	Sandra Schneider		240.00
					Check Total:	240.00
33210	11/19/2012	Parks & Gen Gov't CIP	Machinery/Equip Non-capitalize	Scalable		499.20
33210	11/19/2012	Parks & Gen Gov't CIP	Machinery/Equip Non-capitalize	Scalable		2,496.00
					Check Total:	2,995.20
33211	11/19/2012	General Fund	Other Travel	MEGAN SCHMIEDER		28.92
					Check Total:	28.92
33212	11/19/2012	Debt Service Fund	Score Bond Interest	SCORE		35,383.14
					Check Total:	35,383.14
33213	11/19/2012	Street Fund	Repairs & Maint. - Fleet	Seattle Pump & Equipment Co		468.26
					Check Total:	468.26
33214	11/19/2012	General Fund	Advertising	Seattle Times		256.45
33214	11/19/2012	General Fund	Advertising	Seattle Times		144.95
33214	11/19/2012	General Fund	Advertising	Seattle Times		168.67
					Check Total:	570.07
33215	11/19/2012	General Fund	Office Supplies	Seatown Locksmith		31.21
					Check Total:	31.21
33216	11/19/2012	General Fund	Computer Consultant Prof Svcs	SEITEL Systems, LLC		810.00
33216	11/19/2012	Street Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC		135.00
33216	11/19/2012	Surface Water Management Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC		135.00
33216	11/19/2012	General Fund	Computer Consultant Prof Svcs	SEITEL Systems, LLC		737.81
33216	11/19/2012	Street Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC		122.97
33216	11/19/2012	Surface Water Management Fund	Computer Consultant Pro Svc	SEITEL Systems, LLC		122.97
					Check Total:	2,063.75

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
33217	11/19/2012	General Fund	Nuisance Abatement Costs	Sherwin-Williams Co.		-29.55
33217	11/19/2012	General Fund	Nuisance Abatement Costs	Sherwin-Williams Co.		65.80
					Check Total:	36.25
33218	11/19/2012	Street Fund	Repairs & Maint. - Fleet	Six Robblees' Inc.		28.52
33218	11/19/2012	Surface Water Management Fund	Repairs & Maint. - Fleet	Six Robblees' Inc.		28.51
					Check Total:	57.03
33219	11/19/2012	General Fund	Dues/Memberships	Springbrook Ntl User Group		175.00
					Check Total:	175.00
33220	11/19/2012	General Fund	Drug Seizure Proceeds KCSO	SPRINT		309.02
33220	11/19/2012	General Fund	Telephone	SPRINT		9.13
33220	11/19/2012	General Fund	Telephone	SPRINT		37.44
33220	11/19/2012	General Fund	Telephone	SPRINT		178.31
33220	11/19/2012	General Fund	Telephone	SPRINT		184.57
33220	11/19/2012	Street Fund	Telephone	SPRINT		285.76
33220	11/19/2012	Surface Water Management Fund	Telephone	SPRINT		333.27
33220	11/19/2012	General Fund	Telephone	SPRINT		245.41
33220	11/19/2012	General Fund	Telephone	SPRINT		163.70
					Check Total:	1,746.61
33221	11/19/2012	Surface Water Management Fund	Professional services	Summit Security & Sound System		60.00
33221	11/19/2012	Street Fund	Professional Services	Summit Security & Sound System		60.00
					Check Total:	120.00
33222	11/19/2012	Surface Water Mgmt CIP	Construction	Sunset Materials Inc		708.00
					Check Total:	708.00
33223	11/19/2012	General Fund	Utilities	Southwest Suburban Sewer Dist.		121.00
33223	11/19/2012	General Fund	Utilities	Southwest Suburban Sewer Dist.		520.26
33223	11/19/2012	General Fund	Utilities	Southwest Suburban Sewer Dist.		55.00
33223	11/19/2012	General Fund	Utilities	Southwest Suburban Sewer Dist.		55.00
33223	11/19/2012	General Fund	Utilities	Southwest Suburban Sewer Dist.		55.00
33223	11/19/2012	General Fund	Utilities	Southwest Suburban Sewer Dist.		144.33
33223	11/19/2012	General Fund	Utilities	Southwest Suburban Sewer Dist.		111.67

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	1,062.26
33224	11/19/2012	Street Fund	Repairs & Maint. - Fleet	LORELI TAYLOR		95.63
					Check Total:	95.63
33225	11/19/2012	Transportation CIP	Construction	Tacoma Electric Supply Inc		998.55
					Check Total:	998.55
33226	11/19/2012	General Fund	Parks Maintenance	Trugreen-landcare/NW Region		401.87
					Check Total:	401.87
33227	11/19/2012	General Fund	Operating Rentals and Leases	United Site Services		255.00
					Check Total:	255.00
33228	11/19/2012	Street Fund	Office And Operating Supplies	Uresco Construction Materials		1,272.17
					Check Total:	1,272.17
33229	11/19/2012	General Fund	Quarterly Newsletter	U.S. POSTAL SERVICE		4,000.00
					Check Total:	4,000.00
33230	11/19/2012	General Fund	Operating Rentals & Leases	Valley View Sewer District		1,030.00
					Check Total:	1,030.00
33231	11/19/2012	General Fund	Prof. Svcs-instructors	Pamela Ann Videen		1,049.10
					Check Total:	1,049.10
33232	11/19/2012	General Fund	Prosecution - City Atty	Walls Law Firm		12,719.20
					Check Total:	12,719.20
33233	11/19/2012	General Fund	Prof. Svcs-instructors	Carly Waterman		120.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
					Check Total:	120.00
33234	11/19/2012	General Fund	Utilities	Water District No 20		618.21
33234	11/19/2012	Street Fund	Landscape Maint - Utilities	Water District No 20		19.75
33234	11/19/2012	General Fund	Utilities	Water District No 20		50.00
33234	11/19/2012	General Fund	Utilities	Water District No 20		124.10
33234	11/19/2012	General Fund	Utilities	Water District No 20		2,224.55
33234	11/19/2012	General Fund	Utilities	Water District No 20		39.50
33234	11/19/2012	Street Fund	Landscape Maint - Utilities	Water District No 20		118.50
33234	11/19/2012	General Fund	Utilities	Water District No 20		2,902.95
33234	11/19/2012	General Fund	Utilities	Water District No 20		59.26
33234	11/19/2012	General Fund	Utilities	Water District No 20		52.10
33234	11/19/2012	General Fund	Utilities	Water District No 20		45.80
					Check Total:	6,254.72
33235	11/19/2012	General Fund	Utilities	King Co Water Dist 49		1,538.30
					Check Total:	1,538.30
33236	11/19/2012	General Fund	Probatn/Public Defndr Screenng	Tammy Weigel		960.00
					Check Total:	960.00
33237	11/19/2012	General Fund	Seasonal Security	Washington Merchant Patrol LLC		3,262.50
33237	11/19/2012	General Fund	Instructors Prof Srvs	Washington Merchant Patrol LLC		200.00
33237	11/19/2012	General Fund	Seasonal Security	Washington Merchant Patrol LLC		2,900.50
					Check Total:	6,363.00
33238	11/19/2012	General Fund	Registration - Trainng/workshp	W.R.P.A.		548.00
					Check Total:	548.00
33239	11/19/2012	General Fund	Professional Services	Washington State Patrol		110.00
					Check Total:	110.00
33240	11/19/2012	General Fund	Telephone	Yes of Course, Inc.		39.35
33240	11/19/2012	General Fund	Telephone	Yes of Course, Inc.		39.35
33240	11/19/2012	General Fund	Telephone	Yes of Course, Inc.		33.32
33240	11/19/2012	Street Fund	Telephone	Yes of Course, Inc.		102.46

Check Number	Check Date	Fund Name	Account Name	Vendor Name		Amount
33240	11/19/2012	Surface Water Management Fund	Telephone	Yes of Course, Inc.		102.47
					Check Total:	316.95
33241	11/19/2012	General Fund	Other Travel	Debbie Zemke		42.18
33241	11/19/2012	General Fund	Other Travel	Debbie Zemke		8.25
					Check Total:	50.43
					Report Total:	1,173,577.94

CITY COUNCIL MEETING MINUTES

November 5, 2012

6:00 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 6:00 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, Craig Knutson, City Attorney, Dan Trimble, Economic Development Manager, David Johanson, Interim Community Development Director, and Heartland representatives Katlin Jackson and Jim Reinhardsen.

No action was taken.

The Special Meeting adjourned to the Regular Meeting at 6:58 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., Lucy Krakowiak, Joan McGilton and Gerald F. Robison. Bob Edgar returned at 7:06 p.m.

AGENDA CONFIRMATION

Direction/Action

Motion was made by Deputy Mayor Clark, seconded by Councilmember McGilton and passed unanimously to affirm the November 5, 2012, Agenda.

PUBLIC COMMENT

Marilyn Nyyssela, 19615 1st Place South, Normandy Park
Rachel Levine, 430 South 124th Street, Burien
Elizabeth Gordon, 8601 24th Avenue SW, Seattle
Bob Price, 10905A Glen Acres Drive South, Seattle
Barbara Dobkin, North Highline Unincorporated Area Council (NHUAC), Seattle
Gil Loring, 10009 20th Avenue SW, Seattle

CORRESPONDENCE FOR THE RECORD

a. Email Dated October 16, 2012, from Debi Wagner.
b. Response from City Attorney Craig Knutson to Email Dated September 25, 2012, from Eugenia Gengler.
c. Response from City Attorney Craig Knutson to Email Dated October 24, 2012, from Lynn Mascarello Felts.

CONSENT AGENDA

a. Approval of Vouchers: Numbers 32947 - 33095 in the Amounts of $979,162.19.
b. Approval of Minutes: Regular Council Meeting, October 22, 2012.
c. Adoption of Ordinance No. 575, Amending the 2011-2012 Biennial Budget for Specific Transportation Capital Projects.
d. Approval of 2013 Legislative Priorities.

Direction/Action

Councilmembers reached consensus to move Consent Agenda Item C, "Adoption of Ordinance No. 575, Amending the 2011-2012 Biennial Budget for Specific Transportation Capital Projects" to the end of the Business Agenda.

Direction/Action

Motion was made by Deputy Mayor Clark, seconded by Councilmember McGilton, and passed unanimously to approve the November 5, 2012, Consent Agenda as amended.

BUSINESS AGENDA

Adoption of Financial Policies.

Direction/Action

MOTION was made by Deputy Mayor Clark, seconded by Councilmember McGilton to adopt the Financial Policies.

MOTION by Councilmember Block, second by Councilmember Krakowiak to add "direct staff to submit the top 3 CDBG recommendations for Council approval with pedestrian projects in elementary school zones as a top priority" to the Financial Polices. **Failed** 3-4. Opposed, Mayor Bennet, Deputy Mayor Clark, and Councilmembers McGilton and Robison.

A vote was taken on the main motion. **Passed** 4-3. Opposed, Councilmembers Block, Edgard and Krakowiak.

Adoption of Ordinance No. 569, Setting the 2013 Property Tax Levy.

Direction/Action

MOTION was made by Deputy Mayor Clark, seconded by Councilmember McGilton and passed unanimously to adopt Ordinance No. 569 setting the 2013 Property Tax Levy.

Adoption of Ordinance No. 571, Increasing the City's Parking Tax Rate and Amending Chapter 3.13 of the Burien Municipal Code.

Direction/Action

MOTION was made by Deputy Mayor Clark, seconded by Councilmember McGilton and passed unanimously to Adopt Ordinance No. 571 increasing the City's Parking Tax rate and amending Chapter 3.13 of the Burien Municipal Code.

Adoption of Ordinance No. 570, Increasing the City's Electric Utility Tax Rate and Amending Chapter 3.12 of the Burien Municipal Code.

Direction/Action

MOTION was made by Deputy Mayor Clark, seconded by Councilmember McGilton to adopt Ordinance No. 570 increasing the City's Electric Utility Tax rate and amending Chapter 3.12 of the Burien Municipal Code. **Passed** 5-2. Opposed, Councilmembers Edgar and Krakowiak.

Approval of Ordinance No. 568, Adopting the 2013-2014 Biennial Budget.

Direction/Action

MOTION was made by Deputy Mayor Clark, seconded by Councilmember McGilton to approve Ordinance No. 568 adopting the 2013-14 Biennial Budget. **Passed** 4-3. Opposed, Councilmembers Block, Edgar and Krakowiak.

Adoption of Ordinance No. 574, Increasing the City's Surface Water Management Service Charges and Amending Chapter 13.10 of the Burien Municipal Code.

Direction/Action

MOTION was made by Deputy Mayor Clark, seconded by Councilmember McGilton to adopt Ordinance No. 574 increasing the Surface Water Management Service Charges and amending Chapter 13.10 of the Burien Municipal Code. **Passed** 6-1. Opposed, Councilmember Krakowiak.

Discussion Regarding North Burien Zoning Map Amendments, 2012 Comprehensive Plan Text and Map Amendments.

Follow-up

Staff will create a matrix listing Council comments, and schedule futher discussion on November 19, 2012.

City Business.

Follow-up

Staff will postpone the CARES audit by Denise McVicker, Deputy Director for the Humane Society of Tacoma and Pierce County, until February 2013, and provide an update on the Impediments to Development Focus Groups meetings in a future City Manager's report .

Amendment to the Standstill Agreement for Town Square.

Direction/Action

MOTION was made by Deputy Mayor Clark, seconded by Councilmember McGilton and passed unanimously to authorize the City Manager to sign an amendment to the Standstill Agreement for Town Square, extending for up to 90 days the deadlines for approving the Alternate Project and sending the Stanstill Termination Notice.

Adoption of Ordinance No. 575, Amending the 2011-2012 Biennial Budget for Specific Transportation Capital Projects.

(moved from the Consent Agenda)

Direction/Action

MOTION was made by Deputy Mayor Clark, seconded by Councilmember McGilton to adopt Ordinance No. 575, amending the 2011-2012 Biennial Budget of the City of Burien. **Passed** 5-2. Opposed, Councilmembers Block and Krakowiak.

COUNCIL REPORTS

Follow-up

Staff will provide suggestions for safety measures at the crosswalk on SW 152nd Street at 5th Place SW.

Direction/Action

Councilmember McGilton spjoke to her meeting with Michael Noakes, Chair of the Shoreline Master Program Work Group.

ADJOURNMENT

Direction/Action

MOTION was made by Deputy Mayor Clark, seconded by Councilmember McGilton and passed unanimously to adjourn the meeting at 9:37 p.m.

_____
Brian Bennett, Mayor

_____
Monica Lusk, City Clerk

CITY OF BURIEN
AGENDA BILL

Agenda Subject: Motion on Declaring November 19th, 2012 as Malala Yousafzai Day and Honoring Her as Daughter of Burien.		**Meeting Date:** November 19, 2012
Department: City Manager **Contact:** Nhan Nguyen, Management Analyst **Telephone:** (206) 439-3165	**Attachments**: Proclamation	**Fund Source:** N/A **Activity Cost:** N/A **Amount Budgeted:** N/A **Unencumbered Budget Authority:** N/A
Adopted Initiative: **Priority:** Yes No X	**Initiative Description:** N/A	

PURPOSE/REQUIRED ACTION:

The purpose of this agenda item is for Council to declare November 19th, 2012 as Malala Yousafzai Day and to honor her as Daughter of Burien

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

At October 22nd Council meeting, Councilmember Jack Block, Jr. asked staff to write a Proclamation to declare November 19th, 2012 as Malala Yousafzai Day and to honor her as Daughter of Burien. Malala Yousafzai is a 14-year-old blogger and activist who lives and attends school in Mingora, northern Pakistan. She promoted girls' education and children's rights despite threats from Taliban extremists and was shot by the Taliban in an attempted murder on October 9th. Councilmember Block also asked staff to invite a representative of the Pakistan Embassy to receive the Proclamation on Ms. Yousafzai's behalf.

Staff reached out to the Embassy of the Islamic Republic of Pakistan in Washington D.C. but didn't receive a returned phone call. Staff recommends sending the Proclamation to Embassy of Pakistan in Washington D.C.

OPTIONS *(Including fiscal impacts)*:

N/A

Administrative Recommendation: Approve motion declaring November 19th, 2012 as Malala Yousafzai Day and honoring her as Daughter of Burien.

Suggested Motion:

Move to declare November 19th, 2012 as Malala Yousafzai Day and to honor her as Daughter of Burien

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

Today's Date: November 13, 2012	**File Code:** R:/CC/Agenda Bill 2012/111912cm-2 Malala Yousafzai

PROCLAMATION

OF THE CITY OF BURIEN
Washington

A PROCLAMATION OF THE BURIEN CITY COUNCIL OF
THE CITY OF BURIEN, WASHINGTON, HONORING

MALALA YOUSAFZAI

Whereas, Malala Yousafzai is a 14-year-old blogger and activist who lives and attends school in Mingora, northern Pakistan; and

Whereas, Malala Yousafzai is a courageous young woman who since the age of 9 has promoted girls' education and children's rights despite threats from Taliban extremists; and

Whereas, Malala Yousafzai was shot by the Taliban in an attempted murder – a cowardly act that aimed to silence Malala Yousafzai and suppress people's rights and freedoms especially those of women; and

Whereas, the Burien City Council stands in solidarity with the people of Pakistan and the world in admiration and support of Ms. Yousafzai's courageous campaign for human rights.

NOW THEREFORE, THE BURIEN CITY COUNCIL, WASHINGTON, DOES HEREBY DECLARE NOVEMBER 19TH, 2012 AS MALALA YOUSAFZAI DAY AND ASKS ALL BURIEN CITIZENS TO JOIN TOGETHER TO HONOR

MALALA YOUSAFZAI

as

DAUGHTER OF BURIEN

Dated this 19th Day of November, 2012

Mayor Brian Bennett
Councilmember Jack Block, Jr.
Councilmember Lucy Krakowiak

Deputy Mayor Rose Clark
Councilmember Bob Edgar
Councilmember Gerald Robison

_____

City of Burien Mayor

CITY OF BURIEN
AGENDA BILL

Agenda Subject: Discussion of Ordiance 573 regarding North Burien Zoning Map Amendments, 2012 Comprehensive Plan Text and Map Amendments.		**Meeting Date:** November 19, 2012
Department: Community Development	**Attachments:** 1) 2012 Comprehensive Plan and Zoning Amendment City Council Comment Summary	**Fund Source:** N/A **Activity Cost:** N/A **Amount Budgeted:** N/A
Contact: David Johanson AICP, Interim Community Development Director		
Telephone: (206) 248-5522		
Adopted Work Plan Priority: Yes X No__.	**Work Plan Item Description:** Processing and adoption of annual Comprehensive Plan amendments.	

PURPOSE/REQUIRED ACTION: The purpose of this agenda item is to continue the discussion of the 2012 Comprehensive Plan and zoning amendments. The Council may ask questions, request more information or comment on the information attached. No action is necessary at this time.

BACKGROUND (*Include prior Council action & discussion*):
In 1997, the City adopted its first Comprehensive Plan. In 2003, the City Council completed mandatory updates to the Comprehensive Plan to comply with state law. Additional amendments have been considered annually. Annual amendments to the Comprehensive Plan must be approved in a single processing cycle, per state law. This amendment cycle primarily has been focused on adopting comprehensive plan land use designations for the North Burien area and continuing to update language in the plan to be consistent with changes in state and regional plans.

The commission began the North Burien land use designation work in May 2011; the work was completed in March 2012. This was followed by the commission working on text updates. The public process used in developing the Planning Commission recommendation included two public open houses in North Burien, two public hearings and 18 Planning Commission meetings. The text amendment work was completed in October 2012. It is noteworthy that all recommendations of the Planning Commission were unanimous.

At the November 5, 2012, City Council meeting there were a number of council comments and requests regarding the proposed updates to the plan and the area-wide zoning amendments. Staff has prepared a comment summary responding to questions raised by the City Council(see Attachment 1). This document will be useful for City Council to provide direction to staff regarding actions necessary prior to the council taking action on Ordiance 573.

Please also use the attachments provided in the November 5th City Council meeting packet for background and reference materials.

FUTURE ACTIONS
A City Council decision on proposed amendments to the Comprehensive Plan in early 2013.

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

Administrative Recommendation: Provide direction to staff regarding necessary actions and/or text amendments to Ordinance 573.

Advisory Board Recommendation: The Planning Commission unanimously recommended the City Council approve the map and text amendments as set forth in Ordinance No. 573, as presented on November 5, 2012.

Suggested Motion: None required.

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

Today's Date: November 13, 2012	**File Code**: R:\CC\Agenda Bill 2012\111912cd-1 CompPlanAmend 2012.docx

Council Member	2012 COMPREHENSIVE PLAN/ZONING AMENDMENTS CITY COUNCIL COMMENT SUMMARY WORKING DRAFT 11/5/2012				Modified (Since11/19/12	
	#	TOPIC (Nov. 5th CC Packet Page No.)	SUMMARY of COMMENT	DRAFT RESPONSE		CC Direction
JR/JB/BB	1	Notice/Process	Request that each property owner receive individualized notice when there is a proposed down zone. The notice should specifically state the zoning change. Notice of potential downzone should be provided. Can we provide another notice?	If the Council so chooses, a public hearing can be scheduled and public notice could be expanded to include an individualized notice to properties where a change proposed. There are cost and timing implications that will need to be considered. Should the hearing occur before the holidays in December or early in 2013? The earliest staff could coordinate a public hearing is for your December 17th meeting.		
JR/BE/BB	2	Pg. 126, 299 Pol. PI 1.5	-How do you meet a "public benefit"? It is too restrictive of a standard. -Change the text to read "it will not result in a net loss to the community". -The current language could be considered an impediment to development. -Net benefit compared to net loss language. Provide examples of what the application of the criteria could lead too. Use real world examples if possible.	Public benefits can be a wide range of items depending on the specific attributes of any individual proposal. Some public benefits identified in past analysis include providing increased opportunity or capacity for employment, housing or recreation amenities. Typically a public benefit can and should be related to a goal or policy in the Comprehensive plan. The goals and policies in the plan provide direction on where the community wishes to improve and/or maintain a desired level of service or feature in the community. Some proposals may indirectly result in a public benefit, such as encouraging compact development or allowing higher intensity uses adjacent to transit. The benefits of this scenario include use of transit which reduces air pollution, added health benefits and reduced costs associated with transit capacity improvements. All of which are tangible benefits to the greater community. If a "no loss" or "no harm" standard is included in the criteria, it assumes that the community is content with the status quo and positive gains will be minimized slowing the progress toward the community's vision.		
LK	3	Pg. 92, 252 RE 1.6	Large home sizes section is proposed to be deleted. The Council should reconsider deleting the language.	Please see response in the table provided on Nov. 5th(page 252). Building coverage and impervious surface coverages are regulated by the zoning code and the public has not expressed concern regarding structure sizes. The city has also implemented size requirements for accessory structures in the zoning beginning in 2009.		
LK	4	Pg. 93 RE 1.7	What is the appropriate terminology? Unit per acre or unit per net acre.	The term "net" should be used when describing the allowed density because it most accurately represents the achieved density once land area deductions for items such as right-of-way and drainage facilities are incorporated into the		

				calculation. The term "net" excludes these types of facilities from a density calculation. The term "net" should <u>not</u> be used when describing the character of an area because dedications of land (right-of-way and drainage) have already occurred. Upon further review staff recommends the term "net" should be removed from policy RE 1.6 designation criteria 1. With only that one exception all other references are consistent with the explanation above. RE 1.5 should not be amended because it is a policy included in the proposed SMP policy and any changes would make the documents inconsistent.		
LK	5	Pg. 112 SE 1.2	Define boundaries of Old Burien in writing.	The language describing the general location of the SPA-1 (Old Burien) land use designation could remain. OR Old Burien is identified on the zoning and comprehensive plan maps as Special Planning Area 1. The comprehensive plan and zoning maps contain sufficient detail to determine the boundaries. The maps are available on line at this web address: http://www.burienwa.gov/DocumentView.aspx?DID=657 .		
BE	6	Pg. 112 SE 1.3	Change language to read "physical public access to the water is prohibited and development supports the historical link to old Burien."	Should physical access be prohibited before the merits of any proposal, good or bad, are analyzed? Staff recommends that shoreline access related issues be addressed as part of the policies and regulations of the SMP rather than in the land use designation portion of the comprehensive plan.		
LK	7	Pg. 114, 283 PH 1.1	TDR why are we removing this section?	The language was not recommended to be removed. It was intended to be moved to the introduction section (Section 2.1) as specified on page 283 in the table provided at the Nov. 5th meeting. Upon further review, it appears the text was not included in the introduction section as printed in the draft ordinance. The appropriate changes will be made to the proposed ordinance.		
LK	8	Pg. 115, 284 EV 1.3	A comment to use the proposed alternate language. "~~Attempt to~~ Avoid impact to critical areas before considering minimizing impacts or providing mitigation."	Text was recommended by the Watershed Co. as a part of the BAS gap analysis. Alternate language may be proposed. In keeping the phrase "attempt to" it recognizes that in some instances it may not be possible to avoid all impacts and therefore some level of mitigation may be acceptable.		
LK	9	Pg. 121 EV 5.3	"Provide incentives for" should be added to the policy.	Staff supports the proposed language. The final policy could read as follows. "Provide incentives for and promote ground water recharge by allowing and encouraging the use of low impact development techniques that infiltrate runoff where site conditions permit."		

			Questions			
JR	10	Pg. 88 Pol. LU 1.11	Why is 5-corners not included within the Urban Center boundary? What was the reasoning for the boundaries? What would be the difference in our planning if it was included?	There is no proposed change to the Urban Center Boundary. The center was reviewed and approved in PSRC's Vision 2040 (page 50) and the Countywide Planning Policies, Policy DP-30. There are criteria in the CPP's that cities must adhere to through a countywide adoption process. References to center criteria and related policies can be found in the CPP's beginning with Policy LU-39 through LU-50 See also LU 1.11 for local policy language (page 88) relating to the creation of the urban center. The planning and related implementation work focus achieving the policy objectives in a localized portion of our city that align with the policy objectives of centers (pedestrian mobility, transit use, housing, urban design and facilities to meet human service needs). The 5-corners area is primarily an auto-oriented retail center which is not directly consistent with these policy objectives.		
BE	11	Pg. 98 BU 1.1	What are the requirements for signage and parking for home occupations?	Requirements regarding home occupations are found in BMC 19.17. 090. In summary, legally established businesses may continue, no signs are allowed and one additional parking space is required.		
BE	12	Pg. 112 SE 1.3	Does an EIS have to be approved by Ecology?	No. DOE can comment on an EIS.		
JR	13	Pg. 124 HT 1.4	Does the proposed language change the requirement that an owner has to agree to the landmark designation process?	No. The implementing regulations have been adopted into the zoning code and a requirement of filing an application is that the property owner provides written consent to initiate the designation process (BMC 19.85.020[3]).		
BE	14	Pg. 127, 299 PI 1.6 – 1.9	Land use conflicts, section deleted, why? There is an RCW that states one has precedent over the other.	The maps must be consistent and one cannot rule over the other. Answered at the Nov. 5th meeting. RCW section not provided.		
			Comments			
JB	15	Housing Capacity/Density	A comment supporting the designation from RM-24 to RM-48. Recognizing the change provides a financial incentive to rebuild those properties.	It should be noted that the proposed changes will assist the city in achieving its obligation to provide sufficient capacity for housing as required by the CPP's (see Burien Pol. LU 2.1, page 90).		
LK	16	Pg. 95 RE 1.9	Concerned about the up zoning that has occurred. RM-24 to RM-48.	Some portions of the City may be appropriate to increase potential development intensity especially near struggling commercial nodes and along corridors with good transit services. Please see attachment 5 of the Nov. 5th Council packet for a more thorough description of the comprehensive plan and zoning change objectives (begins on council packet page 303). It should be noted that the changes assist the city in achieving its obligation to provide sufficient capacity for housing as required by the CPP's (see Pol. LU 2.1, page		

				90).		
LK	17	Pg. 107 IN 2.1	NERA 1. Designation criteria for NERA. Check in with staff later.	Staff has not received comments from Councilmember Krakowiak regarding this comment.		

CITY OF BURIEN
AGENDA BILL

Agenda Subject: Discuss and adopt Ordinance No. 572, regulating chronic nuisance properties		**Meeting Dates:** November 19 and December 3, 2012
Department: Legal **Contact:** Craig Knutson, Scott Kimerer **Telephone:**	**Attachments:** Ordinance No. 572, regulating chronic nuisance properties	**Fund Source:** N/A **Activity Cost:** N/A **Amount Budgeted:** N/A **Unencumbered Budget Authority:** N/A
Adopted Work Plan Priority: Yes No	**Work Plan Item Description:**	

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 2 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 December 3, 2012 meeting:

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

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

Today's Date:	**File Code:** \\File01\records\CC\Agenda Bill 2012\111912ls-1 Ord No 547 relating to chronic nuisance properties - trck remvd.doc

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 572

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

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 3rd DAY OF DECEMBER, 2012, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 3rd DAY OF DECEMBER, 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: November 13, 2012
Passed by the City Council: December 3, 2012
Ordinance No. 572
Date of Publication:

CITY OF BURIEN
AGENDA BILL

Agenda Subject: Discuss and adopt Ordinance 576, amending B&O tax ordinance		**Meeting Dates:** November 19 and December 3, 2012
Department: Legal, Finance **Contact:** Craig Knutson, Kim Krause **Telephone:**	**Attachments:** Ordinance No. 576, amending B&O tax ordinance	**Fund Source:** N/A **Activity Cost:** N/A **Amount Budgeted:** N/A **Unencumbered Budget Authority:** N/A
Adopted Work Plan Priority: Yes No	**Work Plan Item Description:**	

PURPOSE/REQUIRED ACTION:
The City Manager, City Attorney, and Finance Director are recommending adoption of Ordinance 576, amending the City's B&O tax ordinance.

Background:
State law authorizes municipalities to impose a business and occupation (B&O) tax on business activities within their jurisdiction. However, any ordinance imposing B&O taxes must be consistent with Chapter 35.102 RCW and with the model ordinance that this statute requires the Association of Washington Cities (AWC) to develop.

Effective January 1, 2008, the City of Burien adopted its B&O tax ordinance consistent with the model ordinance developed by AWC. This ordinance is codified as Chapter 3.11 of the Burien Municipal Code.

The model ordinance has recently been revised by AWC to comply with the State Legislature's revisions to Chapter 35.102 RCW. These revisions must be adopted by all cities imposing a B&O tax and must have an effective date of January 1, 2013.

Proposed revisions to B&O tax ordinance:
There are two mandatory revisions that the City has to adopt at this time. One is the definition of "digital goods" (BMC 3.11.030). The other is the repeal of the blanket tax on businesses contracting with the City (BMC 3.11.060). The effect of these revisions is that the B&O taxes for digital goods and City contract services will be allocated and apportioned in the same manner as other goods and services (BMC 3.11.077).

AWC is also recommending that cities update the administrative provision related to the confidentiality of city tax records. This revision broadens the list of entities (such as state and federal agencies and courts) to which the City can disclose otherwise confidential tax related information.

OPTIONS ***(Including fiscal impacts)*****:**
1. Adopt the ordinance.
2. Do not adopt the ordinance, which would jeopardize the City's ability to continue collecting B&O tax.

Administrative Recommendation: Adopt the ordinance.

Suggested Motion for December 3, 2012 meeting:
Move to adopt Ordinance No. 576, amending the City's B&O tax ordinance.

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

Today's Date:	**File Code:** \\File01\records\CC\Agenda Bill 2012\111912LS-1 Ord No 576 Amend B & O Tax Ord.doc

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 576

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING CITY ORDINANCE PROVISIONS RELATED TO THE BUSINESS AND OCCUPATION TAX AND THE CONFIDENTIALITY OF CITY TAX RECORDS, AS SET FORTH IN CHAPTERS 3.06 AND 3.11 OF THE BURIEN MUNICIPAL CODE

WHEREAS, state law authorizes municipalities to impose a business and occupation (B&O) tax on business activities within their jurisdiction, provided that any ordinance imposing B&O taxes must be consistent with Chapter 35.102 RCW and with the model ordinance promulgated pursuant thereto by the Association of Washington Cities (AWC); and

WHEREAS, effective January 1, 2008, the City of Burien adopted its B&O tax ordinance consistent with the model B&O tax ordinance promulgated by AWC, which ordinance is codified as Chapter 3.11 of the Burien Municipal Code; and

WHEREAS, the model ordinance has been revised by AWC to comply with the State Legislature's revisions to Chapter 35.102 RCW, and the model ordinance revisions must be adopted by all cities imposing a B&O tax with an effective date of January 1, 2013; and

WHEREAS, AWC is also recommending that cities update the administrative provision related to the confidentiality of city tax records;

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

Section 1. Chapter 3.11 of the Burien Municipal Code is hereby amended by amending BMC 3.11.030, 3.11.060, and 3.11.077 to read as follows:

3.11.030 Definitions.

In construing the provisions of this chapter, the following definitions shall be applied. Words in the singular number shall include the plural, and the plural shall include the singular.

"Business" includes all activities engaged in with the object of gain, benefit or advantage to the taxpayer or to another person or class, directly or indirectly.

“Business and occupation tax” or “gross receipts tax” means a tax imposed on or measured by the value of products, the gross income of the business or the gross proceeds of sales, as the case may be, and that is the legal liability of the business.

“Commercial or industrial use” means the following uses of products, including byproducts, by the extractor or manufacturer thereof:

(a) Any use as a consumer; and

(b) The manufacturing of articles, substances or commodities.

“Consumer” means the following:

(a) Any person who purchases, acquires, owns, holds or uses any tangible or intangible personal property irrespective of the nature of the person’s business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct or decorate real or personal property of or for a consumer other than for the purpose of:

(i) Resale as tangible or intangible personal property in the regular course of business;

(ii) Incorporating such property as an ingredient or component of real or personal property when installing, repairing, cleaning, altering, imprinting, improving, constructing or decorating such real or personal property of or for consumers;

(iii) Incorporating such property as an ingredient or component of a new product or as a chemical used in processing a new product when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new product; or

(iv) Consuming the property in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon;

(b) Any person engaged in any business activity taxable under BMC 3.11.050(1)(g);

(c) Any person who purchases, acquires or uses any competitive telephone service as herein defined, other than for resale in the regular course of business;

(d) Any person who purchases, acquires or uses any personal, business or professional service defined as a retail sale or retail service in this section, other than for resale in the regular course of business;

(e) Any person who is an end user of software;

(f) Any person engaged in the business of public road construction in respect to tangible personal property, when that person incorporates the tangible personal property as an ingredient or component of a publicly owned street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel or trestle by installing, placing or spreading the property in or upon the right-of-way of a publicly owned street, place, road, highway, easement, bridge, tunnel or trestle or in or upon the site of a publicly owned mass public transportation terminal or parking facility;

(g) Any person who is an owner, lessee or has the right of possession to or an easement in real property which is being constructed, repaired, decorated, improved or otherwise altered by a person engaged in business;

(h) Any person who is an owner, lessee or has the right of possession to personal property which is being constructed, repaired, improved, cleaned, imprinted or otherwise altered by a person engaged in business;

(i) Any person engaged in government contracting. Any such person shall be a consumer within the meaning of this definition in respect to tangible personal property incorporated into, installed in, or attached to such building or other structure by such person.

Nothing contained in this or any other subsection of this section shall be construed to modify any other definition of "consumer."

"Delivery" means the transfer of possession of tangible personal property between the seller and the buyer or the buyer's representative. Delivery to an employee of a buyer is considered delivery to the buyer. Transfer of possession of tangible personal property occurs when the buyer or the buyer's representative first takes physical control of the property or exercises dominion and control over the property. "Dominion and control" means the buyer has the ability to put the property to the buyer's own purposes. It means the buyer or the buyer's representative has made the final decision to accept or reject the property, and the seller has no further right to possession of the property and the buyer has no right to return the property to the seller, other than under a warranty contract. A buyer does not exercise dominion and control over tangible personal property merely by arranging for shipment of the property from the seller to itself. A buyer's representative is a person, other than an employee of the buyer, who is authorized in writing by the buyer

to receive tangible personal property and take dominion and control by making the final decision to accept or reject the property. Neither a shipping company nor a seller can serve as a buyer's representative. It is immaterial where the contract of sale is negotiated or where the buyer obtains title to the property. Delivery terms and other provisions of the Uniform Commercial Code (RCW Title 62A) do not determine when or where delivery of tangible personal property occurs for purposes of taxation.

"Digital automated service," "digital code," and "digital goods" have the same meaning as in RCW 82.04.192.

"Digital products" means digital goods, digital codes, digital automated services, and the services described in RCW 82.04.050(2)(g) and (6)(b).

"Director" means the finance and administrative services director of the city or any officer, agent or employee of the city designated to act on the director's behalf.
"Eligible gross receipts tax" means a tax which:

(a) Is imposed on the act or privilege of engaging in business activities within BMC 3.11.050; and

(b) Is measured by the gross volume of business, in terms of gross receipts, and is not an income tax or value added tax; and

(c) Is not, pursuant to law or custom, separately stated from the sales price; and

(d) Is not a sales or use tax, business license fee, franchise fee, royalty or severance tax measured by volume or weight, or concession charge, or payment for the use and enjoyment of property, property right or a privilege; and

(e) Is a tax imposed by a local jurisdiction, whether within or without the state of Washington, and not by a country, state, province or any other nonlocal jurisdiction above the county level.

Engaging in Business.

(a) The term "engaging in business" means commencing, conducting or continuing in business, and also the exercise of corporate or franchise powers, as well as liquidating a business when the liquidators thereof hold themselves out to the public as conducting such business.

(b) This definition sets forth examples of activities that constitute engaging in business in the city, and establishes safe harbors for certain of those activities so that a person who meets the criteria may engage in de minimus business activities in the city without having to register and obtain a business license or pay city

business and occupation taxes. The activities listed in this definition are illustrative only and are not intended to narrow the definition of “engaging in business” in subsection (a) of this definition. If an activity is not listed, whether it constitutes engaging in business in the city shall be determined by considering all the facts and circumstances and applicable law.

(c) Without being all-inclusive, any one of the following activities conducted within the city by a person, or its employee, agent, representative, independent contractor, broker or another acting on its behalf, constitutes engaging in business and requires a person to register and obtain a business license:

(i) Owning, renting, leasing, maintaining or having the right to use, or using, tangible personal property, intangible personal property or real property permanently or temporarily located in the city.

(ii) Owning, renting, leasing, using or maintaining an office, place of business or other establishment in the city.

(iii) Soliciting sales.

(iv) Making repairs or providing maintenance or service to real or tangible personal property, including warranty work and property maintenance.

(v) Providing technical assistance or service, including quality control, product inspections, warranty work or similar services on or in connection with tangible personal property sold by the person or on its behalf.

(vi) Installing, constructing or supervising installation or construction of real or tangible personal property.

(vii) Soliciting, negotiating or approving franchise, license or other similar agreements.

(viii) Collecting current or delinquent accounts.

(ix) Picking up and transporting tangible personal property, solid waste, construction debris or excavated materials.

(x) Providing disinfecting and pest control services, employment and labor pool services, home nursing care, janitorial services, appraising, landscape architectural services, security system services, surveying, and real estate services including the listing of homes and managing real property.

(xi) Rendering professional services such as those provided by accountants, architects, attorneys, auctioneers, consultants, engineers, professional athletes, barbers, baseball clubs and other sports organizations, chemists, consultants, psychologists, court reporters, dentists, doctors, detectives, laboratory operators, teachers, and veterinarians.

(xii) Meeting with customers or potential customers, even when no sales or orders are solicited at the meetings.

(xiii) Training or recruiting agents, representatives, independent contractors, brokers or others, domiciled or operating on a job in the city, acting on its behalf or for customers or potential customers.

(xiv) Investigating, resolving or otherwise assisting in resolving customer complaints.

(xv) In-store stocking or manipulating products or goods sold to and owned by a customer, regardless of where sale and delivery of the goods took place.

(xvi) Delivering goods in vehicles owned, rented, leased, used or maintained by the person or another acting on its behalf.

(xvii) Accepting or executing a contract with the city, irrespective of whether goods or services are delivered within or without the city, or whether the person's office or place of business is within or without the city.

(d) If a person, or its employee, agent, representative, independent contractor, broker or another acting on the person's behalf, engages in no other activities in or with the city but the following, it need not register and obtain a business license and pay tax:

(i) Meeting with suppliers of goods and services as a customer.

(ii) Meeting with government representatives in their official capacity, other than those performing contracting or purchasing functions.

(iii) Attending meetings, such as board meetings, retreats, seminars, and conferences or other meetings wherein the person does not provide training in connection with tangible personal property sold by the person or on its behalf. <u>This provision does not apply to any board of director member or attendee engaging in business such as a member of a board of directors who attends a board meeting</u>.

(iv) Renting tangible or intangible property as a customer when the property is not used in the city.

(v) Attending, but not participating in, a trade show or multiple vendor events. Persons participating at a trade show shall review the city's trade show or multiple vendor event ordinances.

(vi) Conducting advertising through the mail.

(vii) Soliciting sales by phone from a location outside the city.

(e) A seller located outside the city merely delivering goods into the city by means of common carrier is not required to register and obtain a business license; provided, that it engages in no other business activities in the city. Such activities do not include those in subsection (d) of this definition.

The city expressly intends that engaging in business include any activity sufficient to establish nexus for purposes of applying the tax under the law and the constitutions of the United States and the state of Washington. Nexus is presumed to continue as long as the taxpayer benefits from the activity that constituted the original nexus-generating contact or subsequent contacts.

"Extracting" is the activity engaged in by an extractor and is reportable under the extracting classification.

"Extractor" means every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use, mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product; or fells, cuts or takes timber, Christmas trees, other than plantation Christmas trees, or other natural products; or takes fish, shellfish, or other sea or inland water foods or products. "Extractor" does not include persons performing under contract the necessary labor or mechanical services for others; or persons meeting the definition of farmer.

"Extractor for hire" means a person who performs under contract necessary labor or mechanical services for an extractor.

"Gross income of the business" means the value proceeding or accruing by reason of the transaction of the business engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments however designated, all without any deduction on

account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes or any other expense whatsoever paid or accrued and without any deduction on account of losses.

"Gross proceeds of sales" means the value proceeding or accruing from the sale of tangible personal property, digital goods, digital codes, digital automated services, or for other services rendered, without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes or any other expense whatsoever paid or accrued and without any deduction on account of losses.

"In this city" or "within this city" includes all federal areas lying within the corporate city limits of the city.

Manufacturer, To Manufacture.

(a) "Manufacturer" means every person who, either directly or by contracting with others for the necessary labor or mechanical services, manufactures for sale or for commercial or industrial use from the person's own materials or ingredients any products. When the owner of equipment or facilities furnishes, or sells to the customer prior to manufacture, materials or ingredients equal to less than 20 percent of the total value of all materials or ingredients that become a part of the finished product, the owner of the equipment or facilities will be deemed to be a processor for hire, and not a manufacturer. (A business not located in this city that is the owner of materials or ingredients processed for it in this city by a processor for hire shall be deemed to be engaged in business as a manufacturer in this city.)

(b) "To manufacture" means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials or ingredients so that as a result thereof a new, different or useful product is produced for sale or commercial or industrial use, and shall include:

(i) The production of special-made or custom-made articles;

(ii) The production of dental appliances, devices, restorations, substitutes or other dental laboratory products by a dental laboratory or dental technician;

(iii) Crushing and/or blending of rock, sand, stone, gravel or ore; and

(iv) The production of articles for sale or for commercial or industrial use from raw materials or prepared materials by giving such materials, articles, and substances of trade or commerce new forms, qualities, properties or combinations including, but not limited to, such activities as making,

fabricating, processing, refining, mixing, slaughtering, packing, aging, curing, mild curing, preserving, canning, and the preparing and freezing of fresh fruits and vegetables.

"To manufacture" shall not include the production of digital goods or the production of computer software if the computer software is delivered from the seller to the purchaser by means other than tangible storage media, including the delivery by use of a tangible storage media where the tangible storage media is not physically transferred to the purchaser.

"Manufacturing" means the activity conducted by a manufacturer and is reported under the manufacturing classification.

Newspaper, Magazine, Periodical.

(a) "Newspaper" means a publication offered for sale regularly at stated intervals at least once a week and printed on newsprint in tabloid or broadsheet format folded loosely together without stapling, glue or any other binding of any kind.

(b) "Magazine" or "periodical" means any printed publication, other than a newspaper, issued and offered for sale regularly at stated intervals at least once every three months, including any supplement or special edition of the publication. Any publication meeting this definition qualifies regardless of its content.

"Nonprofit corporation or nonprofit organization" means a corporation or organization in which no part of the income can be distributed to its members, directors or officers and that holds a current tax exempt status as provided under Section 501(c)(3) of the Internal Revenue Code, as hereafter amended, or is specifically exempted from the requirement to apply for its tax exempt status under Section 501(c)(3) of the Internal Revenue Code, as hereafter amended. Where the term "nonprofit organization" is used, it is meant to include a nonprofit corporation.

"Office" or "place of business" means a fixed location or permanent facility where the regular business of the person is conducted and which is either owned by the person or over which the person exercises legal dominion and control. The regular business of the person is presumed conducted at a location:

(a) Whose address the person uses as its business mailing address;

(b) Where the place of primary use is shown on a telephone billing or a location containing a telephone line listed in a public telephone directory or other similar publication under the business name;

(c) Where the person holds itself out to the general public as conducting its regular business through signage or other means; and

(d) Where the person is required to obtain any appropriate state and local business license or registration unless they are exempted by law from such requirement.

A vehicle such as a pickup, van, truck, boat or other motor vehicle is not an office or place of business. A post office box is not an office or place of business. If a person has an office or place of business, the person's home is not an office or place of business unless it meets the criteria for office or place of business above. If a person has no office or place of business, the person's home or apartment within the city will be deemed the place of business.

"Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, co-partnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, limited liability company, association, society or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise and the United States or any instrumentality thereof.

"Precious metal bullion" means any precious metal which has been put through a process of smelting or refining, including, but not limited to, gold, silver, platinum, rhodium, and palladium, and which is in such state or condition that its value depends upon its contents and not upon its form. For purposes of this definition, "monetized bullion" means coins or other forms of money manufactured from gold, silver or other metals and heretofore, now or hereafter used as a medium of exchange under the laws of this state, the United States or any foreign nation, but does not include coins or money sold to be manufactured into jewelry or works of art.

"Processing for hire" means the performance of labor and mechanical services upon materials or ingredients belonging to others so that as a result a new, different or useful product is produced for sale or commercial or industrial use. A processor for hire is any person who would be a manufacturer if that person were performing the labor and mechanical services upon that person's own materials or ingredients. If a person furnishes, or sells to the customer prior to manufacture, materials or ingredients equal to 20 percent or more of the total value of all materials or ingredients that become a part of the finished product, the person will be deemed to be a manufacturer and not a processor for hire.

Product, Byproduct.

(a) “Product” means tangible personal property, including articles, substances or commodities created, brought forth, extracted or manufactured by human or mechanical effort.

(b) “Byproduct” means any additional product other than the principal or intended product, which results from extracting or manufacturing activities and which has a market value, without regard to whether or not such additional product was an expected or intended result of the extracting or manufacturing activities.

“Retail service” shall include the sale of or charge made for personal, business or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities:

(a) Amusement and recreation services including but not limited to golf, pool, billiards, skating, bowling, swimming, bungee jumping, ski lifts and tows, basketball, racquet ball, handball, squash, tennis, batting cages, day trips for sightseeing purposes, and others, when provided to consumers. Amusement and recreation services also include the provision of related facilities such as basketball courts, tennis courts, handball courts, swimming pools, and charges made for providing the opportunity to dance. The term “amusement and recreation services” does not include instructional lessons to learn a particular activity such as tennis lessons, swimming lessons or archery lessons;

(b) Abstract, title insurance, and escrow services;

(c) Credit bureau services;

(d) Automobile parking and storage garage services;

(e) Landscape maintenance and horticultural services but excluding (i) horticultural services provided to farmers, and (ii) pruning, trimming, repairing, removing, and clearing of trees and brush near electric transmission or distribution lines or equipment, if performed by or at the direction of an electric utility;

(f) Service charges associated with tickets to professional sporting events; and

(g) The following personal services: physical fitness services, tanning salon services, tattoo parlor services, steam bath services, Turkish bath services, escort services, and dating services;

(h) The term shall also include the renting or leasing of tangible personal property to consumers and the rental of equipment with an operator.

"Retailing" means the activity of engaging in making sales at retail and is reported under the retailing classification.

"Royalties" means compensation for the use of intangible property, such as copyrights, patents, licenses, franchises, trademarks, tradenames, and similar items.

Sale at Retail, Retail Sale.

(a) "Sale at retail" or "retail sale" means every sale of tangible personal property (including articles produced, fabricated or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct or decorate real or personal property of or for consumers, other than a sale to a person who presents a resale certificate under RCW 82.04.470 and who:

(i) Purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person; or

(ii) Installs, repairs, cleans, alters, imprints, improves, constructs or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person; or

(iii) Purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale; or

(iv) Purchases for the purpose of consuming the property purchased in producing ferrosilicon which is subsequently used in producing magnesium for sale, if the primary purpose of such property is to create a chemical reaction directly through contact with an ingredient of ferrosilicon; or

(v) Purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a "sale at retail" or "retail sale" even though such property is resold or utilized as

provided in subsection (a)(i), (ii), (iii), (iv) or (v) of this definition following such use; or

(vi) Purchases for the purpose of satisfying the person's obligations under an extended warranty as defined in subsection (g) of this definition, if such tangible personal property replaces or becomes an ingredient or component of property covered by the extended warranty without intervening use by such person.

(b) "Sale at retail" or "retail sale" also means every sale of tangible personal property to persons engaged in any business activity which is taxable under BMC 3.11.050(1)(g).

(c) "Sale at retail" or "retail sale" shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following:

(i) The installing, repairing, cleaning, altering, imprinting or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin-operated laundry facilities when such facilities are situated in an apartment house, rooming house or mobile home park for the exclusive use of the tenants thereof, and also excluding sales of laundry service to nonprofit health care facilities, and excluding services rendered in respect to live animals, birds and insects;

(ii) The constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture;

(iii) The charge for labor and services rendered in respect to constructing, repairing or improving any structure upon, above or under any real property owned by an owner who conveys the property by title, possession or any other means to the person performing such construction, repair or improvement for the purpose of performing such construction, repair or improvement and the property is then reconveyed by title, possession or any other means to the original owner;

(iv) The sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this definition the term "janitorial services" shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term "janitorial services" does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting;

(v) The sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under Chapter 82.16 RCW;

(vi) The sale of and charge made for the furnishing of lodging and all other services, except telephone business and cable service, by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same. For the purposes of this subsection, it shall be presumed that the sale of and charge made for the furnishing of lodging for a continuous period of one month or more to a person is a rental or lease of real property and not a mere license to enjoy the same;

(vii) The installing, repairing, altering, or improving of digital goods for consumers;

(viii) The sale of or charge made for tangible personal property, labor and services to persons taxable under subsections (c)(i), (ii), (iii), (iv), (v), ~~and~~ (vi), and (vii) of this definition when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a "sale at retail" or "retail sale" even though such property, labor and services may be resold after such use or consumption. Nothing contained in this subsection shall be construed to modify subsection (a) of this definition and nothing contained in subsection (a) of this definition shall be construed to modify this subsection.

(d) "Sale at retail" or "retail sale" shall also include the providing of competitive telephone service to consumers.

(e) "Sale at retail" or "retail sale" shall also include the sale of ~~canned~~prewritten software other than a sale to a person who presents a resale certificate under RCW

82.04.470, regardless of the method of delivery to the end user~~, but shall~~ .

(i) For purposes of this subsection (e), the sale of the sale of prewritten computer software includes the sale of or charge made for a key or an enabling or activation code, where the key or code is required to activate prewritten computer software and put the software into use. There is no separate sale of the key or code from the prewritten computer software, regardless of how the sale may characterized by the vendor or by the purchaser.

(ii) The term "sale at retail" or "retail sale" does not include the sale of or charge made for custom software or the customization of ~~canned~~prewritten software.

(iii) The term also includes the charge made to consumers for the right to access and use prewritten computer software, where possession of the software is maintained by the seller or a third party, regardless of whether the charge for the service is on a per use, per user, per license, subscription, or some other basis; provided that such service includes the right to access and use prewritten software to perform data processing; and provided further that "data processing" means the systematic performance of operations on data to extract the required information in an appropriate form or to convert the data to usable information, including check processing, image processing, form processing, survey processing, payroll processing, claim processing, and similar activities.

(f) "Sale at retail" or "retail sale" shall also include the sale of or charge made for labor and services rendered in respect to the building, repairing or improving of any street, place, road, highway, easement, right-of-way, mass public transportation terminal or parking facility, bridge, tunnel or trestle which is owned by a municipal corporation or political subdivision of the state, the state of Washington, or by the United States, and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind (public road construction).

(g) "Sale at retail" or "retail sale" shall also include the sale of or charge made for an extended warranty to a consumer. For purposes of this definition, "extended warranty" means an agreement for a specified duration to perform the replacement or repair of tangible personal property at no additional charge or a reduced charge for tangible personal property, labor or both, or to provide indemnification for the replacement or repair of tangible personal property, based on the occurrence of specified events. The term "extended warranty" does not include an agreement, otherwise meeting the definition of extended warranty in this subsection, if no separate charge is made for the agreement and the value of the agreement is

included in the sales price of the tangible personal property covered by the agreement.

(h) “Sale at retail” or “retail sale” shall also include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating or improving of new or existing buildings or other structures under, upon or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to Chapter 35.82 RCW, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation (government contracting).

(i) “Sale at retail” or “retail sale” shall not include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority. Nor shall the term include the sale of services or charges made for cleaning up for the United States or its instrumentalities radioactive waste and other byproducts of weapons production and nuclear research and development. (This should be reported under the service and other classification.)

(j) “Sale at retail” or “retail sale” shall not include the sale of or charge made for labor and services rendered for environmental remedial action. (This should be reported under the service and other classification.)

(k) “Sale at retail” or “retail sale” shall also include the following sales to consumers of digital goods, digital codes, and digital automated services:

(i) Sales in which the seller has granted the purchaser the right of permanent use;

(ii) Sales in which the seller has granted the purchaser a right of use that is less than permanent;

(iii) Sales in which the purchaser is not obligated to make continued payment as a condition of the sale; and

(iv) Sales in which the purchaser is obligated to make continued payment as a condition of the sale.

A retail sale of digital goods, digital codes, or digital automated services under this subsection (k) includes any services provided by the seller exclusively in connection with the digital goods, digital codes, or digital automated services, whether or not a separate charge is made for such services.

For purposes of this subsection, "permanent" means perpetual or for an indefinite

or unspecified length of time. A right of permanent use is presumed to have been granted unless the agreement between the seller and the purchaser specifies or the circumstances surrounding the transaction suggest or indicate that the right to use terminates on the occurrence of a condition subsequent.

(l) "Sale at retail" or "retail sale" shall also include the installing, repairing, altering, or improving of digital goods for consumers.

"Sale at wholesale" or "wholesale sale" means any sale of tangible personal property, digital goods, digital codes, digital automated services, prewritten computer software, or services described in subsection (e)(iii), which is not a retail sale, and any charge made for labor and services rendered for persons who are not consumers, in respect to real or personal property and retail services, if such charge is expressly defined as a retail sale or retail service when rendered to or for consumers. Sale at wholesale also includes the sale of telephone business to another telecommunications company as defined in RCW 80.04.010 for the purpose of resale, as contemplated by RCW 35.21.715.

Sale, Casual or Isolated Sale.

(a) "Sale" means any transfer of the ownership of, title to, or possession of property for a valuable consideration and includes any activity classified as a "sale at retail," "retail sale," or "retail service." It includes renting or leasing, conditional sale contracts, leases with option to purchase, and any contract under which possession of the property is given to the purchaser but title is retained by the vendor as security for the payment of the purchase price. It also includes the furnishing of food, drink or meals for compensation whether consumed upon the premises or not.

(b) "Casual or isolated sale" means a sale made by a person who is not engaged in the business of selling the type of property involved on a routine or continuous basis.

Services. No definition.

Software, Prewritten Software, Custom Software, Customization of Canned Software, Master Copies, Retained Rights.

(a) "Prewritten software" or "canned software" means computer software, including prewritten upgrades, that is not designed and developed by the author or other creator to the specifications of a specific purchaser. The combining of two or more prewritten computer software programs or prewritten portions thereof does not cause the combination to be other than prewritten computer software.

Prewritten computer software includes software designed and developed by the author or other creator to the specifications of a specific purchaser when it is sold to a person other than such purchaser. Where a person modifies or enhances computer software of which such person is not the author or creator, the person shall be deemed to be the author or creator only of the person's modifications or enhancements. Prewritten computer software or a prewritten portion thereof that is modified or enhanced to any degree, where such modification or enhancement is designed and developed to the specifications of a specific purchaser, remains prewritten computer software; however, where there is a reasonable, separately stated charge or an invoice or other statement of the price given to the purchaser for the modification or enhancement, the modification or enhancement shall not constitute prewritten computer software.

(b) "Custom software" means software created for a single person.

(c) "Customization of canned software" means any alteration, modification or development of applications using or incorporating canned software to specific individualized requirements of a single person. Customization of canned software includes individualized configuration of software to work with other software and computer hardware but does not include routine installation. Customization of canned software does not change the underlying character or taxability of the original canned software.

(d) "Master copies" of software means copies of software from which a software developer, author, inventor, publisher, licensor, sublicensor or distributor makes copies for sale or license. The software encoded on a master copy and the media upon which the software resides are both ingredients of the master copy.

(e) "Retained rights" means any and all rights, including intellectual property rights such as those rights arising from copyrights, patents, and trade secret laws, that are owned or are held under contract or license by a software developer, author, inventor, publisher, licensor, sublicensor or distributor.

(f) "Software" means any information, program or routine, or any set of one or more programs, routines or collections of information used, or intended for use, to convey information that causes one or more computers or pieces of computer-related peripheral equipment, or any combination thereof, to perform a task or set of tasks. "Software" includes the associated documentation, materials or ingredients, regardless of the media upon which that documentation is provided, that describe the code and its use, operation, and maintenance and that typically is delivered with the code to the consumer. All software is classified as either canned or custom.

“Taxpayer” means any “person,” as herein defined, required to have a business license under this chapter or liable for the collection of any tax or fee under this chapter, or who engages in any business or who performs any act for which a tax or fee is imposed by this chapter.

Value of Products.

(a) The value of products, including byproducts, extracted or manufactured, shall be determined by the gross proceeds derived from the sale thereof whether such sale is at wholesale or at retail, to which shall be added all subsidies and bonuses received from the purchaser or from any other person with respect to the extraction, manufacture or sale of such products or byproducts by the seller.

(b) Where such products, including byproducts, are extracted or manufactured for commercial or industrial use; and where such products, including byproducts, are shipped, transported or transferred out of the city, or to another person, without prior sale or are sold under circumstances such that the gross proceeds from the sale are not indicative of the true value of the subject matter of the sale; the value shall correspond as nearly as possible to the gross proceeds from sales in this state of similar products of like quality and character, and in similar quantities by other taxpayers, plus the amount of subsidies or bonuses ordinarily payable by the purchaser or by any third person with respect to the extraction, manufacture or sale of such products. In the absence of sales of similar products as a guide to value, such value may be determined upon a cost basis. In such cases, there shall be included every item of cost attributable to the particular article or article extracted or manufactured, including direct and indirect overhead costs. The director may prescribe rules for the purpose of ascertaining such values.

(c) Notwithstanding subsection (b) of this definition, the value of a product manufactured or produced for purposes of serving as a prototype for the development of a new or improved product shall correspond to (i) the retail selling price of such new or improved product when first offered for sale; or (ii) the value of materials incorporated into the prototype in cases in which the new or improved product is not offered for sale.

“Value proceeding or accruing” means the consideration, whether money, credits, rights or other property expressed in terms of money, a person is entitled to receive or which is actually received or accrued. The term shall be applied, in each case, on a cash receipts or accrual basis according to which method of accounting is regularly employed in keeping the books of the taxpayer.

"Wholesaling" means engaging in the activity of making sales at wholesale, and is reported under the wholesaling classification. [Ord. 482 § 2, 2007]

~~3.11.060 Doing business with the City.~~

~~Except where such a tax is otherwise levied and collected by the City from such person, there is hereby levied a tax on the privilege of accepting or executing a contract with the City. Such tax shall be levied and collected whether goods or services are delivered within or without the City and whether or not such person has an office or place of business within or without the City.~~

~~Except as provided in BMC 3.11.077, as to such persons the amount of tax shall be equal to the gross contract price multiplied by the rate under BMC 3.11.050 that would otherwise apply if the sale or service were taxable pursuant to that section.~~

3.11.077 Allocation and apportionment of income when activities take place in more than one jurisdiction.

Effective January 1, 2008, gross income, other than persons subject to the provisions of Chapter 82.14A RCW, shall be allocated and apportioned as follows:

(1) Gross income derived from all activities other than those taxed as service or royalties under BMC 3.11.050(1)(g) shall be allocated to the location where the activity takes place.

(2) In the case of sales of tangible personal property, the activity takes place where delivery to the buyer occurs.

(3) In the case of sales of digital products, the activity takes place where delivery to the buyer occurs. The delivery of digital products will be deemed to occur at:

(a) The seller's place of business if the purchaser receives the digital product at the seller's place of business;

(b) If not received at the seller's place of business, the location where the purchaser or the purchaser's donee, designated as such by the purchaser, receives the digital product, including the location indicated by instructions for delivery to the purchaser or donee, known to the seller;

(c) If the location where the purchaser or the purchaser's donee receives the digital product is not known, the purchaser's address maintained in the ordinary course of the seller's business when use of this address does not constitute bad faith;

(d) If no address for the purchaser is maintained in the ordinary course of the seller's business, the purchaser's address obtained during the consummation of the sale, including the address of a purchaser's payment instrument, if no other address is available, when use of this address does not constitute bad faith; and

(e) If no address for the purchaser is obtained during the consummation of the sale, the address where the digital good or digital code is first made available for transmission by the seller or the address from which the digital automated service or service described in RCW 82.04.050 (2)(g) or (6)(b) was provided, disregarding for these purposes any location that merely provided the digital transfer of the product sold.

(4) If none of the methods in BMC 3.11.077 (3) for determining where the delivery of digital products occurs are available after a good faith effort by the taxpayer to apply the methods provided in BMC 3.11.077 (3)(a) through (e), then the city and the taxpayer may mutually agree to employ any other method to effectuate an equitable allocation of income from the sale of digital products. The taxpayer will be responsible for petitioning the city to use an alternative method under this subsection (4). The city may employ an alternative method for allocating the income from the sale of digital products if the methods provided in BMC 3.11.077 (3)(a) through (e) are not available and the taxpayer and the city are unable to mutually agree on an alternative method to effectuate an equitable allocation of income from the sale of digital products.

(5) For purposes of BMC 3.11.077 (3)(a) through (e), "receive" has the same meaning as in RCW 82.32.730.

(~~3~~6) Gross income derived from activities taxed as services and other activities taxed under BMC 3.11.050(1)(g) shall be apportioned to the City by multiplying apportionable income by a fraction, the numerator of which is the payroll factor plus the service-income factor and the denominator of which is two.

(a) The payroll factor is a fraction, the numerator of which is the total amount paid in the City during the tax period by the taxpayer for compensation and the denominator of which is the total compensation paid everywhere during the tax period. Compensation is paid in the City if:

(i) The individual is primarily assigned within the City;

(ii) The individual is not primarily assigned to any place of business for the tax period and the employee performs 50 percent or more of his or her service for the tax period in the City; or

(iii) The individual is not primarily assigned to any place of business for the tax period, the individual does not perform 50 percent or more of his or her service in any city and the employee resides in the City.

(b) The service income factor is a fraction, the numerator of which is the total service income of the taxpayer in the City during the tax period, and the denominator of which is the total service income of the taxpayer everywhere during the tax period. Service income is in the City if:

(i) The customer location is in the City; or

(ii) The income-producing activity is performed in more than one

location and a greater proportion of the service-income-producing activity is performed in the City than in any other location, based on costs of performance, and the taxpayer is not taxable at the customer location; or

(iii) The service-income-producing activity is performed within the City, and the taxpayer is not taxable in the customer location.

(c) If the allocation and apportionment provisions of this subsection do not fairly represent the extent of the taxpayer's business activity in the City or cities in which the taxpayer does business, the taxpayer may petition for or the tax administrators may jointly require, in respect to all or any part of the taxpayer's business activity, that one of the following methods be used jointly by the cities to allocate or apportion gross income, if reasonable:

(i) Separate accounting;

(ii) The use of a single factor;

(iii) The inclusion of one or more additional factors that will fairly represent the taxpayer's business activity in the City; or

(iv) The employment of any other method to effectuate an equitable allocation and apportionment of the taxpayer's income.

(~~4~~7) The definitions in this subsection apply throughout this section.

(a) "Apportionable income" means the gross income of the business taxable under the service classifications of a city's gross receipts tax, including income received from activities outside the City if the income would be taxable under the service classification if received from activities within the City, less any exemptions or deductions available.

(b) "Compensation" means wages, salaries, commissions, and any other form of remuneration paid to individuals for personal services that are or would be included in the individual's gross income under the federal internal revenue code.

(c) "Individual" means any individual who, under the usual common law rules applicable in determining the employer-employee relationship, has the status of an employee of that taxpayer.

(d) "Customer location" means the city or unincorporated area of a county where the majority of the contacts between the taxpayer and the customer take place.

(e) "Primarily assigned" means the business location of the taxpayer where the individual performs his or her duties.

(f) "Service-taxable income" or "service income" means gross income of the business subject to tax under either the service or royalty classification.

(g) "Tax period" means the calendar year during which tax liability is accrued. If taxes are reported by a taxpayer on a basis more frequent than once per year, taxpayers shall calculate the factors for the previous calendar year for reporting in the current calendar year and correct the reporting for the previous

year when the factors are calculated for that year, but not later than the end of the first quarter of the following year.

(h) "Taxable in the customer location" means either that a taxpayer is subject to a gross receipts tax in the customer location for the privilege of doing business, or that the government where the customer is located has the authority to subject the taxpayer to gross receipts tax regardless of whether, in fact, the government does so.

(~~5~~8) Assignment or apportionment of revenue under this Section shall be made in accordance with and in full compliance with the provisions of the interstate commerce clause of the United States Constitution where applicable.

Section 2. Chapter 3.06 of the Burien Municipal Code is hereby amended by amending BMC 3.06.200 to read as follows:

3.06.200 Public disclosure - Confidentiality - Information sharing.

(1) For purposes of this section:

(a) "Disclose" means to make known to any person in any manner whatever a return or tax information.

(b) "Tax information" means:

(i) A taxpayer's identity;

(ii) The nature, source, or amount of the taxpayer's income, payments, receipts, deductions, exemption, credits, assets, liability, net worth, tax liability deficiencies, over assessments, or tax payments, whether taken from the taxpayer's books and records or any other source;

(iii) Whether the taxpayer's return was, is being, or will be examined or subject to other investigation or processing; or

(iv) Other data received by, recorded by, prepared by, or provided to the ((~~director~~))city with respect to the determination or the existence, or possible existence, of liability, or the amount thereof, of a person under Title 3 BMC for a tax, penalty, interest, fine, forfeiture, or other imposition, or offense. However, ((~~a taxpayer.~~

~~PROVIDED, That tax information shall not include~~))data, material, or documents that do not disclose information related to a specific or identifiable taxpayer do not constitute tax information under this section. Nothing in this chapter requires any person possessing data, material, or documents made confidential and privileged by this section to delete information from such data, material or documents so as to permit its disclosure.

(c) "City agency" means every city office, department, division, bureau, board, commission, or other city agency.

(d) "Taxpayer identity" means the taxpayer's name, address, telephone number, registration number, or any combination thereof, or any other information disclosing the identity of the taxpayer.

(2) Returns and tax information are confidential and privileged, and except as authorized by this section, neither the director nor any other person may disclose any return or tax information.

(3) This section does not prohibit the director from:

(a) Disclosing such return or tax information in a civil or criminal judicial proceeding or an administrative proceeding:

(i) In respect of any tax imposed under Title 3 BMC, if the taxpayer or its officer or other person liable under this title is a party in the proceeding; or

(ii) In which the taxpayer about whom such return or tax information is sought and another state agency are adverse parties in the proceeding.

(b) Disclosing, subject to such requirements and conditions as the director prescribes by rules adopted pursuant to BMC 3.06.160, such return or tax information regarding a taxpayer to such taxpayer or to such person or persons as that taxpayer may designate in a request for, or consent to, such disclosure, or to any other person, at the taxpayer's request, to the extent necessary to comply with a request for information or assistance made by the taxpayer to such other person. However, tax information not received from the taxpayer must not be so disclosed if the director determines that such disclosure would compromise any investigation or litigation by any federal, state, or local government agency in connection with the civil or criminal liability of the taxpayer or another person, or that such disclosure would identify a confidential informant, or that such disclosure is contrary to any agreement entered into by the department that provides for the reciprocal exchange of information with other government agencies which agreement requires confidentiality with respect to such information unless such information is required to be disclosed to the taxpayer by the order of any court;

(c) Publishing statistics so classified as to prevent the identification of particular returns or reports or items thereof;

(d) Disclosing such return or tax information, for official purposes only, to the city manager or city attorney, or to any city agency, or to any member of the city council or their authorized designees dealing with matters of taxation, revenue, trade, commerce, the control of industry or the professions;

(e) Permitting the city's records to be audited and examined by the proper state officer, his or her agents and employees;

(f) Disclosing any such return or tax information to a peace officer as defined in RCW 9A.04.110 or county prosecuting attorney, for official purposes. The disclosure may be made only in response to a search warrant, subpoena, or other court order, unless the disclosure is for the purpose of criminal tax enforcement. A peace officer or county prosecuting attorney who receives the return or tax information may disclose that return or tax information only for use in the investigation and a related court proceeding, or in the court proceeding for which the return or tax information originally was sought or where otherwise allowed to be disclosed under this section;

(g) Disclosing any such return or tax information to the proper officer of the internal revenue service of the United States, the Canadian government or provincial governments of Canada, or to the proper officer of the tax department of any state or city or town or county, for official purposes, but only if the statutes of the United States, Canada or its provincial governments, or of such other state or city or town or county, as the case may be, grants substantially similar privileges to the proper officers of the city;

(h) Disclosing any such return or tax information to the United States department of justice, including the bureau of alcohol, tobacco, firearms and explosives, the department of defense, the immigration and customs enforcement and the customs and border protection agencies of the United States department of homeland security, the United States coast guard, the alcohol and tobacco tax and trade bureau of the United States department of treasury, and the United States department of transportation, or any authorized representative of these federal agencies or their successors, for official purposes;

(i) Publishing or otherwise disclosing the text of a written determination designated by the director as a precedent pursuant to RCW 82.32.410;

(j) Disclosing, in a manner that is not associated with other tax information, the taxpayer name, entity type, business address, mailing address, revenue tax registration numbers and the active/closed status of such registrations, state or local business license registration identification and the active/closed status and effective dates of such licenses, reseller permit numbers and the expiration date and status of such permits, North American industry classification system or standard industrial classification code of a taxpayer, and the dates of opening and closing of business. Except that this subsection may not be construed as giving authority to the city or any recipient to give, sell, or provide access to any list of taxpayers for any commercial purpose;

(k) Disclosing such return or tax information that is also maintained by another Washington state or local governmental agency as a public record available for

inspection and copying under the provisions of Chapter 42.56 RCW or is a document maintained by a court of record and is not otherwise prohibited from disclosure;

(l) Disclosing such return or tax information to the United States department of agriculture, or successor department or agency, for the limited purpose of investigating food stamp fraud by retailers;

(m) Disclosing to a financial institution, escrow company, or title company, in connection with specific real property that is the subject of a real estate transaction, current amounts due the city for a filed tax warrant, judgment, or lien against the real property;

(n) Disclosing to a person against whom the department has asserted liability as a successor under BMC 3.06.130 return or tax information pertaining to the specific business of the taxpayer to which the person has succeeded;

(o) Disclosing real estate excise tax affidavit forms filed under Chapter 3.20 BMC in the possession of the city, including real estate excise tax affidavit forms for transactions exempt or otherwise not subject to tax;

(p) Disclosing such return or tax information to the court or hearing examiner in respect to the city's application for a subpoena, if there is probable cause to believe that the records in possession of a third party will aid the director in connection with his/her official duties under this title or a civil or criminal investigation.

(4) (a) The director may disclose return or taxpayer information to a person under investigation or during any court or administrative proceeding against a person under investigation as provided in this subsection (4). The disclosure must be in connection with the director's official duties under this title, or a civil or criminal investigation. The disclosure may occur only when the person under investigation and the person in possession of data, materials, or documents are parties to the return or tax information to be disclosed. The director may disclose return or tax information such as invoices, contracts, bills, statements, resale or exemption certificates, or checks. However, the director may not disclose general ledgers, sales or cash receipt journals, check registers, accounts receivable/payable ledgers, general journals, financial statements, expert's workpapers, income tax returns, state tax returns, tax return workpapers, or other similar data, materials, or documents.

(b) Before disclosure of any tax return or tax information under this subsection (4), the director must, through written correspondence, inform the person in possession of the data, materials, or documents to be disclosed. The correspondence must clearly identify the data, materials, or documents to be disclosed. The director may not disclose any tax return or tax information under

this subsection (4) until the time period allowed in (c) of this subsection has expired or until the court has ruled on any challenge brought under (c) of this subsection.

(c) The person in possession of the data, materials, or documents to be disclosed by the director has twenty days from the receipt of the written request required under (b) of this subsection to petition the superior court of king county for injunctive relief. The court must limit or deny the request of the director, if the court determines that:

(i) The data, materials, or documents sought for disclosure are cumulative or duplicative, or are obtainable from some other source that is more convenient, less burdensome, or less expensive;

(ii) The production of the data, materials, or documents sought would be unduly burdensome or expensive, taking into account the needs of the director, the amount in controversy, limitations on the petitioner's resources, and the importance of the issues at stake; or

(iii) The data, materials, or documents sought for disclosure contain trade secret information that, if disclosed, could harm the petitioner.

(d) The director must reimburse reasonable expenses for the production of data, materials, or documents incurred by the person in possession of the data, materials, or documents to be disclosed.

(e) Requesting information under (b) of this subsection that may indicate that a taxpayer is under investigation does not constitute a disclosure of tax return or tax information under this section.

(5) Service of a subpoena issued by the court or under Chapter 2.15 BMC does not constitute a disclosure of return or tax information under this section. Notwithstanding anything else to the contrary in this section, a person served with a subpoena issued by the court or under Chapter 2.15 BMC may disclose the existence or content of the subpoena to that person's legal counsel.

(6) Any person acquiring knowledge of any return or tax information in the course of his or her employment with the city and any person acquiring knowledge of any return or tax information as provided under subsection (3) (d), (e), (f), (g), (h), (i), or (k) of this section, who discloses any such return or tax information to another person not entitled to knowledge of such return or tax information under the provisions of this section, is guilty of a misdemeanor. If the person guilty of such violation is an officer or employee of the city, such person must forfeit such office or employment and is incapable of holding any public office or employment in the city for a period of two years thereafter.

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. Effective Date. This ordinance shall be effective on January 1, 2013.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 3rd DAY OF DECEMBER, 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: November 14, 2012
Passed by the City Council: December 3, 2012
Ordinance No. 576
Date of Publication: December __, 2012

CITY OF BURIEN
AGENDA BILL

Agenda Subject: Review of Council Proposed Agenda Schedule		**Meeting Date:** November 22, 2012
Department: City Manager **Contact:** Kathy Wetherbee, Department Assistant **Telephone:** (206) 439-5517	**Attachments:** 1. Proposed Meeting Schedule 2. Study Session Topics 3. Council Retreat Notes	**Fund Source:** N/A **Activity Cost:** N/A **Amount Budgeted:** N/A **Unencumbered Budget Authority:** N/A
Adopted Initiative: **Yes No X**	**Initiative Description:** N/A	

PURPOSE/REQUIRED ACTION:

The purpose of this agenda item is for Council to review the proposed City Council meeting schedule. New items or items that have been rescheduled are in bold.

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

According to City Council policies, the proposed meeting schedule is reviewed during the last meeting of each month.

OPTIONS (*Including fiscal impacts*):

1. Review the schedule, and add, delete, or move items.
2. Review the schedule and make no modifications.

Administrative Recommendation: Review the schedule and provide direction to staff.

Advisory Board Recommendation: N/A

Suggested Motion: None required.

Submitted by: Kathy Wetherbee
Administration _____

Mike Martin
City Manager _____

Today's Date: November 14, 2012	**File Code:** \\File01\records\CC\Agenda Bill 2012\111912cm-1 Rev Agenda Schedule.doc

CITY OF BURIEN
COUNCIL PROPOSED AGENDA SCHEDULE
2012

November 26, 7:00 p.m. Council Study Session

Discussion on Council Policies and Procedures.
(City Manager)

December/January

1. Action on 2012 Comprehensive Plan Amendments.
   (Community Development)
2. **Capital Projects Cost Controls**
   (Public Works)
3. Motion to Adopt Ordinance No. 572, Relating to Regulation of Chronic Nuisance Properties.
   (Legal)
4. **Motion to Adopt Ordinance No. 576, Relating to B&O Tax Amendments.**
   (Legal)
5. **Election of Deputy Mayor.**
   (City Manager)
6. **Discussion on and Possible Motion to Adopt BEDP By-Laws.**
   (City Manager, Community Development, Parks)
7. **Discussion on Solid Waste Interlocal Agreement.**
   (City Manager)
8. **January 12, 8 am-4 pm Council Retreat (Burien Community Center, 14700 6th Ave. SW)**
9. **Motion to Authorize the City Manager to Sign an Interlocal Agreement with King County Solid Waste Division**.
   (City Manager)
10. Review of Proposed Council Agenda Schedule.
    (City Manager)
11. City Business

STUDY SESSION TOPICS
2012

Identified at Retreat

1. Outreach to Diverse Groups
2. Kids and Cops
3. Storm Water Management
4. Transportation Improvement Program
5. Wellness Cluster Initiative

Identified at Meetings

6. Review of Council Policies and Procedures
7. Community Recreation Center

(Facilitator Retreat Notes and this evolving list of topics will be included in the Study Session packet)

DISCUSSIONS HELD:

Liquor and B&O Taxes – April 23

Economic Development – July 23

Advisory Boards –August 27

Discussion on White Center and Boulevard Park Libraries – September 24
Discussion on Preliminary Operating Budget – September 24

King County Historic Preservation Program (Rose) – October 1 & 12

ATTACHMENT 3

Burien City Council Annual Retreat Summary

January 28

2012

Summary of notes from the day

2012 Annual retreat notes

Burien City Council
Retreat Notes
Revised January 28, 2012

Open Space Session Notes

1. Session Title: Advisory Boards

Convener: Rose
Those attending: Lucy, Michael, Bob

Key Themes and Notes:

- Are we in the right place for current needs?
- **BEDP, Planning, Arts, Parks**, Teen Council, Senior Advisory Board
- What do we want?
- Roles? What do ordinances say?
- Do we need different ones? Education?
- Permanent standing committees/Boards
- Consensus- Education Adv/Levy
- Liaison with all Boards
- Shift in scope volunteer vs. Advisory

Next Steps:

- Study session to review ordinances/roles- 1) BEDP/ 2) Others
- Take input from existing members
- Spell out factors/criteria for filling vacancies
- Integrate involvement in work plan items

2. Session Title: Diverse Community Outreach

Convener: ?
Those attending: Lucy, Angie, Craig, Brian, Bob, Janet, Scott G, Joan

Key Themes and Notes

- Trust in Law Enforcement
- Business opportunities
- Community involvement
    - Boards/Groups/Associations
    - Government
- Enhancing communication

Next Steps

- Existing programs to help communication
- Develop more internal/external communication networks
- Effective creation and/or participation in cultural events
- Participate in other culture media

Burien City Council
Retreat Notes
Revised January 28, 2012

3. **Session Title: Economic Development**

Convener: Dan Trimble
Those attending: Jack, Jerry, Janet, Scott, Bob

Key Themes and Notes	**Next Steps**
Attracting Business	More outreach Regional retail & small chains Council Members recruit Office Incubator
• Auto Mall (Auto Center)	
• Better use of assets o P.A.C., Ticket tax & promotion	
• Special events	
• Marketing Strategy o Recruitment	

• Vacant Store fronts
  o Tax
  o Art Galleries
  o Window painting	

• Business retention	
• Business Expansion	
• Merchant groups o BEDP	BEDP engaged matching funding
• BEDP Focus	
• Chamber of Commerce o Burien focused	
• Parking (more)	Propose to CC (here or under Impact fees)
• Impact fees	

4. **Session Title: Kids and Cops**

Convener:
Those attending:

Key Themes and Notes:

- Identify key players
- Identify possible stakeholders
- Obtain grassroots support/involvement
- Identify specific outcomes

Burien City Council
Retreat Notes
Revised January 28, 2012

Next Steps:

- Staff to staff conversation (principals)
- Council discussion re: identified issues
- Contact w/ School district
- Council/HSD Retreat
- Develop strategic Plan
    - Timeline
    - Performance measures

5. **<u>Session Title: Liquor and B & O Taxes</u>**

Convener: Jerry
Those attending: Nhan, Scott, Maiya, Kim

Key Themes and Notes

- <u>B & O tax</u>
    - State collection
- Reduce Costs
- <u>Liquor Tax</u>
    - Sales Tax
    - B & O Tax

Next Steps

- What is being done at State level?
- Bring it in-house
    - Cost?
    - Control
- Repeal RCW that prohibits Local B & O

6. **<u>Session Title: Stormwater and TIP</u>**

Convener: Joan
Those attending: Craig, Kim, Maiya

Key Themes and Notes

- NPDES flexibility
    - LID program
    - 2 year development period
- Marine/Lake Burien homeowner support
    - Stormwater improves quality of life, ED
- TIP- long term planning for street repair

Next Steps

- Seek Fed/State demonstration grants for Miller Creek
- Look for effective model ordinances
- Surface water rate increase
- Council agreement/conversation
- Education/outreach for LID (ESC)
- TIP management plan

7. **<u>Session Title: Wellness Cluster</u>**

Convener: Rose
Those attending: Jack, Dan, Michael, Mike

Key Themes and Notes

- Is it working?
    - Business people/Educators not on the same page re: vision/goals
- Success in some areas, but lack of stakeholder buy-in, organization and focused leadership
- Lack of clear steps to accomplish vision/mission

Next Steps

- Formalize structure and approach: Membership, structure and leadership
    - If not, sunset it
- Shift leadership to stakeholders
- Liz Heath/Capacity building

Burien City Council
Retreat Notes
Revised January 28, 2012

Headlines and Next Steps

Advisory Boards

- Are existing boards the right ones? There are some required by statute/ordinance. We need to understand what is really required
- Do we need different boards? Do we need an Education Board for example?
- Schedule study sessions re: BEDP and then others
- Make criteria for membership explicit
- Integrate their involvement with Work Plan as appropriate so they have input
- Reinstituting Council liaison to all Boards
- Make process explicit for selecting board members
- Boards could be clearly linked to Vision and how they contribute

Next Steps:

- Study session to review ordinances/roles- 1) BEDP/ 2) Others
- Take input from existing members
- Spell out factors/criteria for filling vacancies
- Integrate involvement in work plan items

Economic Development

- Business attraction and retention
- Focus of existing groups- do they meet the community needs? Do they need to be shifted to city-wide, region, vs. micro-focus?
- Business outreach
- Image and impediments
- Marketing
- Impact fees
- Improving/enhancing store fronts
- Special events in city to bring people in
- Town Square
- Auto Center

Next Steps

- More outreach
    - Regional retail & small chains
    - Council Members recruit
    - Office Incubator
- BEDP engaged

- Matching funds
- Parking or Impact Fees?

Diverse Community outreach

- Develop level of trust in law enforcement
- Understand boundaries re: cultural behavior that can take place
- Communication- improve it, reach out
- We need to reach out to them, their existing events, meet them in their cultural environments
- Increase participation in local govt
- Develop soccer leagues
- ESL
- Create an extended day option as part of Kids and Cops for Homework assistance and sports; can include officers playing sports with kids (Basketball)
- Reexamine renters rights to ensure they feel comfortable asking questions

Next Steps

- Existing programs to help communication
- Develop more internal/external communication networks
- Effective creation and/or participation in cultural events
- Participate in other culture media

Kids and Cops

- ID key stakeholders
- Get grass root support
- Staff to staff conversation about how to move forward
- Council discussion simultaneously
- Contact school district for work session/retreat

Next Steps:

- Staff to staff conversation (principals)
- Council discussion re: identified issues
- Contact w/ School district
- Council/HSD Retreat
- Develop strategic Plan
    - Timeline
    - Performance measures

Burien City Council
Retreat Notes
Revised January 28, 2012

Liquor & B & O taxes

- Understand what the change in law means for city- will know w/in 2-3 months
- B&O- will the state take it over or will city take it in-house

Next Steps

- What is being done at State level?
- Bring it in-house
    - Cost?
    - Control
- Repeal RCW that prohibits Local B & O

Storm Water and TIP

- Long term planning for street repair- multi-decade plan not addressed in workplan
- Statewide funding not adequate to fund state initiatives, so cities will need to address this

Next Steps

- Seek Fed/State demonstration grants for Miller Creek
- Look for effective model ordinances
- Surface water rate increase
- Council agreement/conversation
- Education/outreach for LID (ESC)
- TIP management plan

Wellness Cluster

- Questions re: it's effectively working, some successes
- Unclear buy-in or lack thereof
- No clear steps for moving it forward- formalizing it
    - Clear ID membership
    - Clear structure
    - Clear leadership
- Shift leadership to community-based stakeholders; there are resources available
- Pursue capacity building funding to move this group forward (Liz Heath)

Next Steps

- Formalize structure and approach: Membership, structure and leadership
    - If not, sunset it
- Shift leadership to stakeholders
- Liz Heath/Capacity building

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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: November 19, 2012
SUBJECT: City Manager's Report

I. INTERNAL CITY INFORMATION

A. Burien Seniors Rally against Falls

In celebration of Fall Prevention Week, Burien Parks, Recreation & Cultural Services (PaRCS) Senior Program offered a "Rally to Prevent Falls" event on September 17 at the Community Center. Thirty seniors attended this inaugural event and learned about the importance of preventing falls by strengthening bodies to gain greater balance. Seniors also learned about two nationally-recognized, evidence-based programs offered at the Community Center: *Enhance Fitness* and *A Matter of Balance*. Following the presentations, eight seniors registered for these classes.

B. Highline School District Commends Downtown Mural

The recent edition of Highline School District's *Pathways* e-newsletter included a story on Cedarhurst School's students' participation in Burien's new downtown mural design. Twenty-two students in Kevin Plough's 3rd & 4th grade classes responded to an invitation to create a design pattern, which resulted in the selection and submission of four students' work for the final mural.

C. Burien Community Center (BCC) Renters Returning for More

After two years of new facility operation, PaRCS staff is booking a number of repeat users for BCC rentals. Staff has established a high standard of customer service delivery and facility maintenance. Recreation Specialist Rachel Gilbert currently serves as Washington Recreation and Parks Association's (WRPA) Facility Services Section Chair and is continually incorporating best practices at our own facilities.

D. North Burien Recreation Serves English as a Second Language (ESL) Children

Participation data is complete for last summer's Art and Recreation program held in Boulevard Park at Hilltop School. The six-week program served 100 children, including 62 ESL youth. Forty-three of these children were Spanish-speakers. All but three of the children's families were at or below the poverty income level.

PaRCS contracts with Latinos for Community Transformation for program administration. PaRCS provided in-house instructors for hip-hop dance, soccer, and visual art programs. Twenty volunteers, including 12 youth from PaRCS' teen program, provided program support. Children were fed breakfast and lunch by Highline School District's Summer Food Service program.

E. PaRCS Staff Member Recipient of 2012 WRPA Customer Service Award

Rochelle Flynn, Burien Community Center front desk receptionist, is the recipient of the 2012 Customer Service Award from the WRPA. Rochelle received this award while attending the 2012 WRPA Mid-Year Conference held in Everett on November 9. This award is an annual recognition by WRPA of an individual staff person who leads by example within their agency, community and/or profession with exemplary customer service, dedication and teamwork. Rochelle provides excellent customer service every day to customers both in-person and over the phone. She lives in the City of Burien and regularly promotes community events and shares her enthusiasm for living in a great community.

F. Shoreline Master Program (SMP) Public Hearing Schedule Update

The public hearing regarding the Shoreline Working Group's proposed amendments to the Shoreline Master Program will be delayed until early 2013. This will allow staff to focus their efforts to complete the 2012 Comprehensive Plan and Zoning amendments. It also allows the working group more time to continue to work with Department of Ecology (DOE) to refine the SMP language so that a more refined version will be ready for public review and comment. Staff has contacted DOE and the Shoreline Working Group and both stated that more work is needed on the proposed language and this is the best path forward.

G. Utility Tax Audit Update

The City completed the utility tax audit for Sprint Communications, Sprint Nextel and Sprint PCS. The audit period was from 2007 through 2011. The Sprint Communications audit did not result in any additional revenue to the City as they do very little business in Burien. The City received payment in the amount of $43,904.55 from Sprint PCS; $32,707.35 was back taxes, $3,270.78 was penalties and $7,926.42 was interest. The City billed Sprint Nextel $5,848.19; $4,293.95 was back taxes, $429.39 was penalties and $1,124.85 was interest. This payment is expected within 30 days. Per contract, the auditor receives 25% of the amounts collected (approximately $12,440). Other companies being audited include AT&T Mobility, Century Link, MCI Verizon, Puget Sound Energy, Seattle City Light, Seattle SMSA - Verizon, T-Mobile, and Waste Management. Staff will prepare a report summarizing the results after all of the audits have been finalized.

COUNCIL UPDATES/REPORTS

A. Impediments to Development – Temporary Sign Regulations Work Program

Based on comments received at the Impediments to Development Focus Groups conducted on October 25th and 30th, staff is proposing to clarify the special event, community event and temporary ("A-Frame" and "Blade" type signs) portions of the sign code. To allow completion of the Comprehensive Plan and Zoning Map Amendments for North Burien, final revisions to the Shoreline Master Plan and to coincide with the annual Zoning Code Amendment cycle, the effort will commence in the second quarter and conclude in early fall of 2013. The exact scope of the limited revisions to the sign code is being developed and the effort will likely include a staff-led task force, comprised of BEDP and Planning Commission members, who will develop an initial recommendation for public review.

Staff is continuing to explore avenues for addressing issues associated with the Transportation Impact Fee and the permitting process raised by focus group participants.

B. Citizen Action Report (CAR) (Page 111)

Staff has provided Council with the attached October Citizen Action Report.

C. Permitting Reports (Page 113)

Attached are reports for Permit Applications Received and Permits Issued in October. The Plumbing permit for El Dorado West Retirement Home was issued in October which is reflected in the increase in valuation for issued plumbing permits. Total number of applications received increased in October as did valuation. This is due in large part to permit applications for a major remodel of the Fred Meyer Store. The applications have been reviewed and approved and are awaiting payment of permit fees for permit issuance. The City also received permit applications for nine new single family residences.

D. Environmental Science Center Community Report 2011-2012 (Page 117)

The Environmental Science Center released its first Community Report to highlight the achievements of the 2011-2012 fiscal year.

CITY OF BURIEN MEMORANDUM

DATE: November 2, 2012

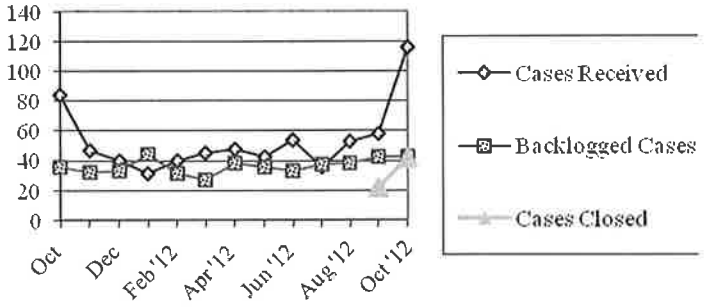
TO: Mike Martin, City Manager

FROM: Cynthia Schaff, Paralegal

RE: 2012 Citizen Action Report

This report reflects the caseload for October and includes all backlog cases open as of October 31, 2012. As of that date, there were 125 open cases. 43 of the open cases are more than five weeks old and are considered backlog. There were 116* cases opened during the month of October, 95* cases initiated by staff/police/fire, and 21 cases initiated by residents. 42 of the cases opened during the month of October were closed within the month.

Citizen Action Case Status



	Oct	Nov	Dec	Jan '12	Feb '12	Mar '12	Apr '12	May '12	Jun '12	Jul '12	Aug '12	Sep '12	Oct '12
ıses Closed												22	42
ıses Received	84	47	40	31	40	45	48	43	54	36	53	58	116*
Cases Closed/Received												38%	36%
ıcklogged Cases	36	32	33	44	31	27	38	36	33	37	38	43	43
ıtal Open Cases	72	71	60	67	54	62	63	59	69	60	62	72	125
% of Backlog	50%	45%	55%	66%	57%	44%	60%	61%	48%	62%	61%	60%	34%

*Increase in cases opened during the month of October resulted in a significant amount of businesses located within the city limits who did not renew their business license. Code enforcement received these cases from the city's auditing agent, Microflex, after their numerous attempts to make contact with business owners were unsuccessful.

As usual, please let me know if you have any questions or suggestions for additional improvements to this report.

Cc: David Johansen, Interim Community Development Director
Jim Bibby, Code Compliance Officer
Maiya Andrews, Public Works Director
Michael Lafreniere, Parks Director
Jan Vogee, Building Official
Craig Knutson, City Attorney

Burien
Washington, USA

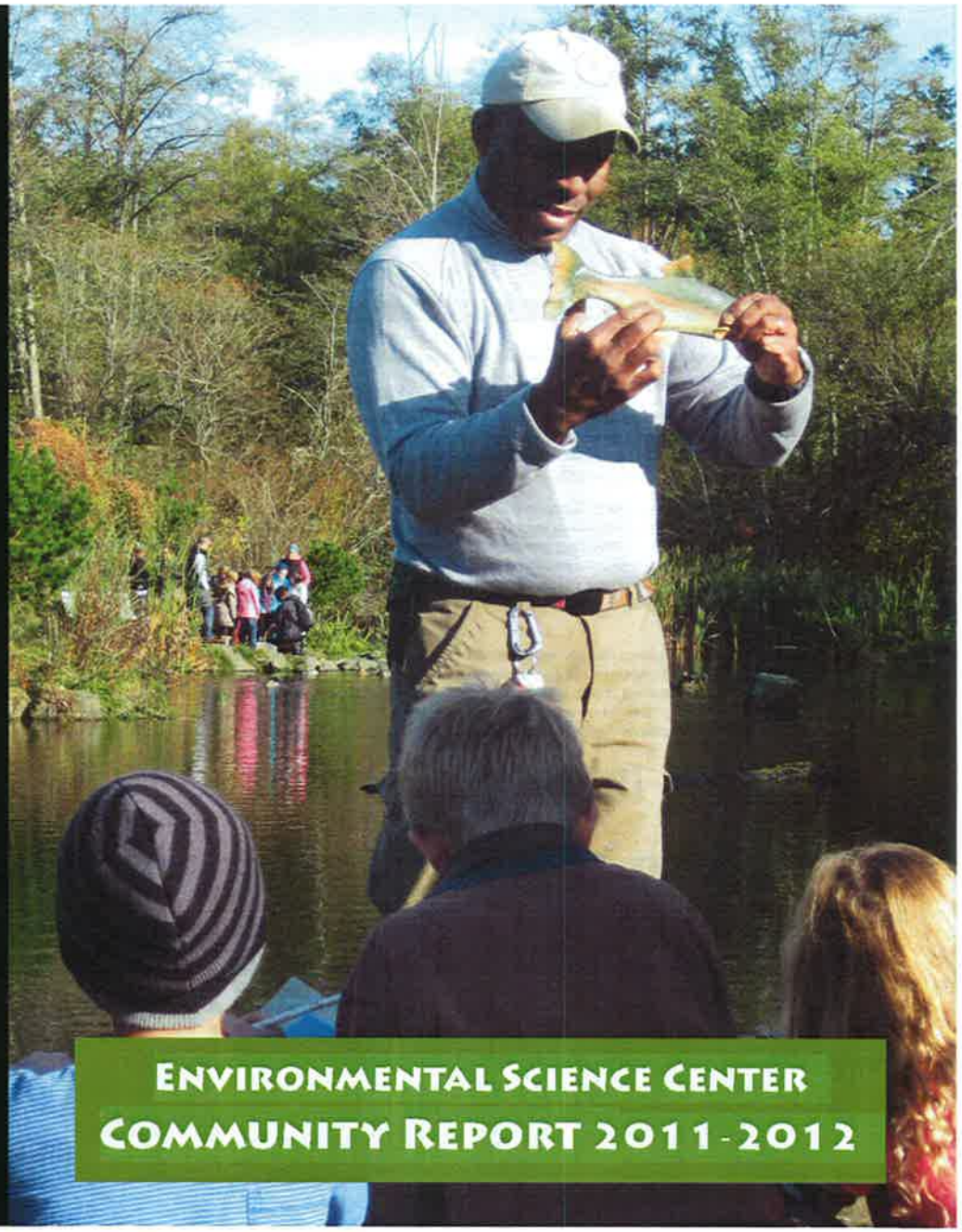
Summary of Permit Applications Received – October 2012

Type Permit	Count	Valuation
Building	29	$ 6,311,972
Damage	0	
Demolition	4	
Electrical	100	$ 572,996
Fire Protection	7	$ 69,296
Mechanical	25	$ 75,361
Plumbing	10	$ 109,334
Right of Way	63	
Sign	8	$ 4,425
Totals :	246	$ 7,143,384

Burien
Washington, USA

Summary of Permits Issued– October 2012

Type Permit	Count		Valuation
Building	28	$	1,267,741
Damage	0		
Demolition	1		
Electrical	99	$	177,184
Fire Protection	8	$	79,000
Mechanical	25	$	182,805
Plumbing	10	$	708,000
Right of Way	59		
Sign	3	$	3,800
Totals :	233	$	2,418,530



Environmental Science Center
Community Report 2011-2012

The Environmental Science Center's Big Year

We are very pleased to present the Environmental Science Center's first Community Report for our fiscal year July 2011-June 2012. With the opening of our new classroom facility at Seahurst Park, this has certainly been a *Big Year* for the organization! After 12 years of planning, fundraising, and finally construction, the community can now enjoy our wonderful new education space with programs throughout the year designed to inspire environmental stewardship. Check us out on Facebook and Twitter to find out how you can connect with us and learn about upcoming events and programs.

ESC was founded in 2000 by a group of dedicated volunteers to bring hands-on environmental science education to students in South King County. Inspired by this mission, our small staff and corps of naturalists delivered a record number of programs this past year also making this our *Big Year* for programming. We engaged thousands of students in science investigations at Seahurst Park and Normandy Park Cove and presented after-school clubs at 17 locations in South King County. We invite you to look over our accomplishments for this past year that are featured in this report. If you are excited by our work, please consider joining us as a volunteer or supporter. We welcome you to our community of passionate individuals who are working together to create a better, and more sustainable, future!

Caroline Bobanich
Executive Director

Our Impact

Contact Hours of Programming

41,660

Student Contacts Served

10,362

Number of Programs Delivered to the Community

382

Partner Schools

34

This is the most outstanding program that I have ever seen in my whole teaching career (many years). It made such an impact on my students.

Gregory Heights Elementary Teacher

Grand Opening!

On October 23, 2011, the Environmental Science Center opened a new facility at Seahurst Park where the community can come together to explore, appreciate, and learn how to protect their precious natural resources. Within a park of nearly 169 acres of wooded trails and almost a mile of shoreline, the Environmental Science Center at Seahurst Park allows the organization to capitalize on a one-of-a-kind opportunity to combine nearshore and upland environments in an indoor/outdoor classroom setting, creating an ideal venue for experiential learning for students of every age.

During the Grand Opening event, guests engaged in activities such as nature hikes with naturalists, scientific illustration, and games exploring native and invasive plants. Kids enjoyed learning about the elements of a healthy watershed through a *Fishing for Water Heroes* game and an *Enviroscape* model. Others made use of new microscopes funded by Boeing to study specimens and to learn about the importance of conifer trees in our local eco-system. The highlight of the event was a collection of marine invertebrates presented by Don Ehlen, of Insect Safari, who engaged visitors with his spectacular and unusual display of hundreds of aquatic species.

To commemorate the opening of the Environmental Science Center at Seahurst Park, ESC enlisted artist, Luciana Conceição, to create a suite of scientific illustrations featuring marine and plant life native to Seahurst Park. The illustrations will be used for interpretive signage at Seahurst Park as well as educational materials. The first publication, *Exploring Native Plants at Seahurst Park*, features 27 beautiful illustrations of native plants and is available on ESC's website for teachers and native plant enthusiasts to download.

Special thanks to the City of Burien for the long-term lease of this special property!

ESC at Seahurst Park

Official Water Hero
Environmental Science Center

Water Heroes

As part of a new initiative to actively engage students in watershed stewardship, ESC piloted a program called *Water Heroes* which focuses on the water cycle, storm-water run-off, and human impacts. More than 1,000 students became *Water Heroes* by making a pledge to adopt three behaviors to protect our watershed. To honor their commitment, ESC issued each student an *Official Water Hero* identification card and featured their class on the organization's website.

In-School Programs

In-School Programs

ESC's trained naturalists use multiple approaches to teaching so that students who don't excel in traditional classroom settings find themselves engaged in new and stimulating ways. And, even as the number of students ESC serves has grown, its programs maintain low student to naturalist ratios (typically less than 13:1). As students learn about the interdependence of life, they understand the impact they have on their environment and ultimately how they can be better stewards of the earth.

During the 2011-2012 school year, ESC delivered 177 field studies serving more than 4,000 students in Auburn, Federal Way, Highline, Kent, Renton, Seattle, and Tukwila school districts. Teachers enthusiastically supported ESC programs because they align with learning standards, reinforce student understanding of the scientific method, and engage students in exciting hands-on learning. Following is a roster of ESC's in-school programs arranged by popularity this past year:

- **Exploring Intertidal Puget Sound:** For the first time ever, all possible field days were booked within two weeks of opening registration! ESC welcomed thousands of kids to explore the designated marine reserve at Seahurst Park where dozens of species of marine invertebrates were revealed at low tide.
- **Salmon and You:** It was a particularly exciting year at the Normandy Park Cove, as there were over 200 salmon counted returning to Miller/Walker Creeks. Students observed spawning salmon, tested for water quality, and investigated salmon internal anatomy.
- **Neighborhood Wilderness:** Through this program, younger students became acquainted with their backyard as an ecosystem and built valuable observational and systems thinking skills while exploring insects, spiders, and other terrestrial invertebrates.
- **Watershed Restoration:** A new field study was developed to involve students in service learning by restoring sensitive habitat areas on the Duwamish River or at Seahurst Park. Students also made pledges to adopt behaviors that promote a healthy watershed and to engage their friends and family in environmental stewardship.
- **Digging Up Dirt:** To help students view their own playground as vital habitat, naturalists worked with students in an intensive three-part field study employing the scientific method to assess soil quality.

Culminating Projects for High School Seniors

Completion of a year-long culminating project is required of all seniors in the Highline School District to graduate. This past year, ESC paired professional mentors with nine high school seniors to guide them in service learning and in-depth research focused on issues in environmental science. Students practiced animal husbandry at the Seattle Aquarium while learning about the effects of polluted waters, joined the Community Salmon Investigation to survey spawning salmon in Miller and Walker Creeks, worked on restoration of native habitat in local watersheds, and developed sustainability projects including the construction of a school garden.

Special thanks to our mentors John Feeney, Joy Neubauer, Elissa Ostergaard, Jean Spohn, and Barb Williams!

A healthy beach habitat has an ecosystem with a variety of animals co-existing and supporting each other. It doesn't have litter or pollution.

6th grade student,
Cedarhurst Elementary

High School Programs

Increasingly, ESC is working with high school students and has developed programs specifically geared to their academic and developmental needs. To promote the next generation of environmental leaders, ESC also presents at a variety of career fairs aimed at engaging high school students in green collar jobs.

New Start High School

During the summer and fall, students from New Start High School gained valuable skills working with ESC naturalists and volunteers to restore natural habitat along Salmon Creek. Students learned about the water cycle, human impacts, and watershed health. They also practiced the scientific process by conducting water quality testing on local water sources such as Salmon Creek and Hicks Lake.

Aviation High School

As part of their Environmental Challenge Project, ESC worked with Aviation High School students in the spring during a field study to examine the effects of de-icing planes on the environment. ESC naturalists led the students through a series of water quality tests and discussion of possible environmental impacts.

Puget Sound Skills Center

Exploring Intertidal Puget Sound field studies are in full swing each spring during low tides. This past year, high school students from the Puget Sound Skills Center's Marine Technology program trained as junior naturalists. These students were then paired with ESC naturalists to help deliver programs to younger students. The high school students not only reinforced their marine biology studies, but also learned to present themselves to an audience of young learners.

In-School Programs

Out-of-School Programs

After-School and Summer School Programs

ESC's out-of-school programs support kids in earning higher grades, increasing their interest in science, and promoting healthy behaviors including a commitment to protect their environment. This past year, programs focused on a variety of topics from marine invertebrate biodiversity to states of matter to food webs. Programs are interactive and include hands-on activities such as designing an adaptable organism and testing the pH of common household items. Students are genuinely excited to see the "Science Person" and rush over to learn about science!

ESC works with a number of partners to present after-school, school-break, and summer programs on-site at schools, low-income apartment complexes, and community centers in South King County. Through these programs, the organization strives to close the academic achievement gap that often exists for low-income students who do not have equal access to enrichment programs to enhance their learning. During 2011-2012, ESC delivered more than 6,400 contact hours of environmental science education through its out-of-school programs, mostly free-of-charge to its social service partners and their students.

Out-of-School Partners

City of Burien Gym Jams
Cedarhurst Elementary (Burien)
Hazel Valley Elementary (Burien)
Hilltop Elementary (Burien)

City of Burien Camp Craz
Burien Community Center (Burien)

Community Schools Collaboration
Beverly Park Elementary (White Center)
Bow Lake Elementary (SeaTac)
Madrona Elementary (SeaTac)
Mount View Elementary (White Center)
Thorndyke Elementary (Tukwila)

Neighborhood House
Highpoint (White Center)

New Futures
Arbor Heights Apartments (Burien)
The Heights Apartments (Burien)
Windsor Court Apartments (Burien)
Woodridge Park Apartments (White Center)

New Start High School
Salmon Creek Park and Seahurst Park (Burien)

Para los Niños
Hazel Valley Elementary (Burien)

Youth Experiential Training Institute (YETI)
Environmental Science Center (Burien)

The program that my class was a part of was quite appropriate for K-level kids who are still learning English.

Bow Lake Elementary Teacher

Community Outreach

Annual Earth Day Kids Art Contest

During the 2011-2012 school year, ESC hosted its second annual Earth Day Kids Art Contest. This contest inspires young artists to express what environmental stewardship means to them and is open to all K-6th grade students in South King County. This year's winner was Anne Wilhite, a 4th grade student from Marvista Elementary. She explained that her art (to the right) depicted what the earth could look like if we took care of it and kept it clean.

For a grand prize, Anne won a family membership to the Seattle Aquarium, plus a craft kit, sketchbook, pencil set, beading kit, and craft sticks. Her award was presented to her at her school by Burien City Councilmember and former mayor, Joan McGilton. Anne and her family were also ESC's guests of honor at the Annual Earth Day Dinner & Auction and her artwork was featured on the event invitation and promotional materials.

The two runners-up were Payton May, 4th grade student from Marvista, and Ngan Nguyen, 6th grade student from Cedarhurst. Their prizes included either a family fun pack to Woodland Park Zoo or four passes to Bug Safari plus two passes to Pacific Science Center & IMAX. Both runners-up also received art and craft supplies.

Anne Wilhite
2012 Art Contest Winner

Community Outreach

It takes an entire community to make a difference in watershed health. ESC reaches out to families, residents, and businesses to share the message of environmental stewardship and to create positive behavior change through outreach programs. This past year, more than 5,300 contacts were served through ESC outreach activities which included low impact development workshops, beach walks, special interest presentations, restoration parties, and community festivals including the Burien Wild Strawberry Festival, the City of Kent's Water Festival, and the Tukwila Backyard Wildlife Festival.

In May 2012, ESC launched its first *Bigfoot Adventure Series* of public programming at its new facility at Seahurst Park. The roster of programs kicked off with a map and compass skills exploration followed by a *Crab Quest* at which numerous kelp crabs were observed during their annual mating event on the beach. Programs continued throughout the summer welcoming all age groups in exploring the wonders of the natural world.

Special thanks to the Burien/White Center Rotary Club for sponsoring the Bigfoot Adventure Series!

Community Need

Community Need

Residents in Puget Sound depend on a healthy watershed for clean drinking water and safe waters for recreation as well as healthy shellfish beds and fish populations. But, according to The Puget Sound Partnership, the vital signs of Puget Sound do not meet the standards of a healthy watershed. For example, in 2010, 26% of the beaches monitored were contaminated to the point that they were declared unsafe for swimming. These waters, once home to abundant salmon populations, now support a fraction of these historic numbers. Chinook salmon, for example, are estimated to be at only 10% of their historic numbers.

ESC provides a critical service by fostering a community of "citizen scientists" in South King County who understand environmental stewardship and sustainability. Working with children and youth is the organization's primary focus because it believes in forming values at an early age that foster an appreciation for the environment. Also, experience shows that students have a strong influence on the behaviors of their families.

Because an average of 71% of the schools ESC serves have populations in which more than 50% of the students qualify for free or reduced price meals, the majority of its classes and field studies are offered free-of-charge to teachers and social service partners. Providing opportunities to students who wouldn't otherwise be able to participate in outdoor learning activities and enriching science projects is an important way that ESC is helping to close the academic achievement gap in the sciences for students in South King County.

ESC believes that families and students who experience hands-on environmental science better understand the impact they have on their environment and ultimately how they can be better stewards of their natural resources.

ESC is Closing the Achievement Gap Through Hands-On Science Education

Percentage of schools served in which more than 50% of the students qualify for free or reduced price meals

71%

Percentage of 5th Graders in the Highline School District passing the standardized Science Test (MSP) in 2011

36%

Percentage of 5th Graders in the Highline School District passing the standardized Science Test (MSP) in 2012

49%

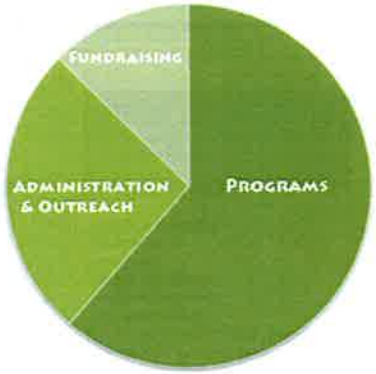
I enjoyed touching salmon body parts. You don't get to do that every day!

4th grade student, Marvista Elementary

Financials

Revenue 2011-2012

Expenses 2011-2012



Revenue

Individuals & Special Events	$65,896
Foundations & Corporations	$109,749
Government Contracts	$13,480
Earned Income	$11,872
Total Revenue	**$200,997**

Expenses

Programs	$121,383
Administration & Outreach	$51,540
Fundraising	$24,747
Total Expenses	**$197,670**
Change in Net Assets	**$3,327**

Fiscal Year 2011-2012

During 2011-2012, the Environmental Science Center completed its capital campaign with a modest surplus for maintenance activities. In addition, the organization balanced its operating and programs budget with a small, but positive balance.

ESC DONORS

Thank You 2011-2012 Donors!

Leadership Circle

$50,000+
The Russell Family Foundation

$20,000—$49,999
Barb and Darrell Williams

$10,000—$19,999
JiJi Foundation
Horizons Foundation
Google Inc. Charitable Trust
of Tides Foundation

$5,000—$9,999
Charlotte Martin Foundation
The Seattle Foundation

$2,500—$4,999
The Loyal Bigelow
and Jedediah Dewey Foundation
King Conservation District
Loren Tomlinson and Carolyn Darling

$1,000—$2,499
Burien/White Center Rotary Club
Land Water Stewards Association
Ron and Mavis Kreizenbeck
Jean and Tom Spohn
Georgette and Odd Valle

Benefactor Circle

$500—$999

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Larry and Bonnie Moormeier
Glendee and Doug Ruh
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The Boeing Company *(employee match)*
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Robert Johnson
Nicole Killebrew
Marc and Jennifer Kropak
John and Nanci Leonard
Microsoft *(employee match)*
Kathy and Tom Murray
Nan McKay
Ben Snyder
Jo Surbrugg and Mark Benson
Nancy Tosta and Bob Ewing
Barbara Trenary and Steve Lemons
Peter and Coco Valle

$100—$249

Dan and Kathy Ander
Margaret Beardslee
Eileen Cody and Tom Mitchell
Charles and Becky Cox
Nancy Davis
Patricia and Russell de Castongrene
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Diane Schairer and Tim Juvinall
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$1—$99

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Donors in Honor of Kathy Murray

Patricia de Castongrene, Richard and Katherine Greenberg, Kerry Lohr, and Larry and Bonnie Moormeier.

Donors in Honor of Odd Valle

Astrid Alexander, Joanne Cheever, Helen and Dale Christofferson, Ellen Fawcett, Richard and Patricia Ford, Georgie Bright Kunkel, Thomas and Else McClimans, Larry and Bonnie Moormeier, Lily Shitama, Sons of Norway, and Julie-Ann Traub.

Donors in Honor of Georgette and Odd Valle's 60th Wedding Anniversary

Nancy Corr, Doris Brower, Ellen Fawcett, Robert Fithian, Richard and Patricia Ford, Doris Johnson, Richard and Virginia Johnson, Karen and Rick McMichael. Paul and Mary Pruitt, Nancy Sorenson and Julie-Ann Traub.

Special Thanks to Our 2012 Earth Day Dinner & Auction Sponsors and Donors

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American Safari Cruises
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Burke Museum
Caryl Utigard
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Chateau St. Michelle Winery
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Ninkasi Brewing Company
Northwest Trek Wildlife Park
Outdoor Research
Pacific Science Center
Poggi Bonsi
Point Defiance Zoo & Aquarium
REI
Resource Games
Ron and Mavis Kreizenbeck
Roy Dietrich
R&R Party Rentals
Safeway (Burien, Kenmore)
Seattle Aquarium Society
Seattle Art Museum
Seattle Bug Safari
South Seattle Community College's Northwest Wine Academy
Starbucks (Normandy Park, Bothell)
Third Place Books
Trader Joe's (Burien)
Utrecht Art Supplies
Valle Family
Watershed
Wild Birds Unlimited

Very special thanks to Nancy Reidel for the beautiful native plant centerpieces and auction décor.

This is a very meaningful program. My students live so close to the beach, yet many of them had never been there! It was great to see them exploring, learning, and having fun! I think now that they know more about the beach and some of the organisms that live there, they will encourage their families to take them back to keep exploring!

Seahurst Elementary Teacher

ESC DONORS

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Jennifer Dumlao, Outreach Manager
Nicole Killebrew, Naturalist Trainer
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Jean Spohn, Committee Chair

Barb Bruell
Nicole Killebrew
Joy Neubauer
Barb Williams

Thank You to ESC Advisors and Special Volunteers

Bob Barry
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Peih Chiang
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Surbhi Ghadia
Highline High School's AVID Students
Mavis Kreizenbeck
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ENVIRONMENTAL SCIENCE CENTER

Thank you 2011-2012 Naturalists!

Hope Anderson
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Barb Bruell
Ashley Cedzo
Rick Davis
Jennifer Dumlao
Mike Gervais
Amy Green
Suzy Karl
Nicole Killebrew
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