



**CITY COUNCIL MEETING AGENDA**

**April 15, 2013**

**5:30 p.m. – Special Meeting: Executive Session to discuss litigation**

**6:00 p.m. - Special Meeting: Conduct Business & Economic Development Partnership interviews**

**7:00 p.m. – Regular Meeting**

	Page #
<b>1. CALL TO ORDER</b>	
<b>2. PLEDGE OF ALLEGIANCE</b>	
<b>3. ROLL CALL</b>	
<b>4. AGENDA CONFIRMATION</b>	
<b>5. PUBLIC COMMENT</b>	Individuals will please limit their comments to three minutes, and groups to five minutes.
<b>6. CORRESPONDENCE FOR THE RECORD</b>	
a. Letter Dated March 27, 2013, from Charles Rangel.	3.
b. Email Dated April 7, 2013, from Jim Branson.	5.
c. Email Dated April 7, 2013, from Linda Plein.	23.
d. Email Dated April 9, 2013, from R. DeLorm.	25.
e. Email Dated April 10, 2013, from Debi Wagner.	29.
<b>7. CONSENT AGENDA</b>	
a. Approval of Vouchers: Numbers 34350 - 34475 in the Amounts of \$341,197.33.	33.
b. Approval of Minutes: Regular Meeting, April 1, 2013.	51.
c. Motion to Adopt Burien City Council Meeting Guidelines.	55.
<b>8. BUSINESS AGENDA</b>	
a. Presentation of Annual Report by Business & Economic Development Partnership (BEDP).	
b. Discussion of Modification to Burien CARES Contract.	97.
c. Review of Council Proposed Agenda Schedule.	121.
d. City Manager’s Report.	125.
<b>9. COUNCIL REPORTS</b>	
<b>10. ADJOURNMENT</b>	

**COUNCILMEMBERS**

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

**City Hall, 400 SW 152<sup>nd</sup> Street, 1<sup>st</sup> Floor**



March 27, 2013

RECEIVED

Washington State Department of Commerce  
Washington State Auditor, Troy Kelley  
Burien City Council

MAR 29 2013

City of Burien

Re: City of Burien Quarterly Financials

It is my understanding that the City of Burien will be or is currently, undergoing an audit. There are several concerns pertaining to Burien's finances which I and other residents of Burien have expressed over the past few years. Pursuant to RCW 35A.33.140, all cities are required to prepare and present quarterly financials that compare budget appropriations to actual expenditures. However, for whatever reason, this has not been the practice in Burien. From what I have been able to discern, the last Quarterly Financial performed by Burien City staff was in 2006.

When inquiries are addressed to the Council about the Quarterly Financials, they respond that the staff doesn't have the answer or that the "true" cost of a project etc., is too difficult to explain. Having worked for the Municipal Research and Services Center of Washington, albeit some years ago, I am confident in my ability to understand most, if not all, of the budget issues faced by the City. Burien is fortunate to have many well educated citizens who are capable as well.

In the current budget cycle the City Council has had to dip into its reserves to balance the budget. This was reported at several of the Council meetings. The lack of state mandated quarterly financials and the "dipping into" current reserves has raised these concerns which I trust will be addressed in the city's Audit:

- What are the actual costs of the City's recent annexation attempt
- How much are citizens paying to utility providers (taxes and fees)
- How many and what total dollar amounts are unmonitored contracts (<\$25,000) signed by the City Manager without city council oversight
- Based upon the financials how long will the vehicle tax have to remain for the citizens

When the Council dipped into the reserves it was my understanding that there would be a plan developed to balance the revenues and expenditure so as not to dip into the reserves again. Unfortunately I have not heard of any such plan being put forth by City staff.

Since this is, in part, an issue of violating state law, your assistance in acquiring answers to these issues or addressing them in your audit is greatly appreciated.

Respectfully,



Charles Rangel

15226 9<sup>th</sup> Ave SW

Burien, Wa. 98166

CFTR: 4/15/13

CC: Kim Krause, Finance Director

PC: 3/29/13



## Carol Allread

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**From:** Public Council Inbox  
**Sent:** Monday, April 08, 2013 10:21 AM  
**To:** 'Jim Branson'  
**Subject:** RE: Revoke "Tree City USA" designation for Burien

Dear Mr. Branson,

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:** Jim Branson [mailto:james.branson.206@gmail.com]  
**Sent:** Sunday, April 07, 2013 1:39 PM  
**To:** Public Council Inbox  
**Subject:** Revoke "Tree City USA" designation for Burien

Dear Arbor Day Foundation,

I am writing to request that you remove the city of Burien, Washington, from your list of recognized cities in your Tree City USA program. Since they were awarded that designation over a decade ago, they have cut down mature trees on Des Moines Memorial Drive, 4<sup>th</sup> Avenue SW, Ambaum Boulevard, 16<sup>th</sup> Avenue Southwest, in Seahurst Park, and in Eagle Landing Park, where they recently cut down a 150 year old Douglas-fir used as a perch tree by the namesake eagles, without proper approval from State and Federal authorities. They dissolved the tree board years ago, they do not enforce any tree care ordinances, and they spend much more money every year cutting down trees than they spend on preservation and care of trees. They routinely ignore citizens who ask for protection of trees. The only way in which they pretend to follow the Tree City USA ethos is that they hold a ceremony most years to proclaim themselves champions of trees. This makes a mockery of the Arbor Day Foundation and of the hundreds of cities around the country who actually deserve the designation of Tree City USA.

Des Moines Memorial Drive: The City cut down trees for a pedestrian path that no one asked for and no one uses. The path ends at a freeway and runs by vacant lots where a new runway for the airport pushed out the homes and businesses. They planted no new trees. [Figure 1] They did leave one grand old tree standing, as a reminder of what was lost. [Figure 2] On a utility pole, some organization posted a banner that says, "Living Road of Remembrance" with a ghostly outline of a mature tree. [Figure 3] The Highline Historical Society has records of how this road was planted with trees after World War I to memorialize the soldiers lost. Most of the trees on Des Moines Memorial Drive, as it runs through Burien for 1.6 miles, have been cut down and not

CFTR: 4/15/13

cc: Chip Davis, Interim <sup>1</sup>Community Development Director

replaced. This can be independently verified by looking at the King County aerial photos through the years. You can see the tree-lined street, and then the trees are gone.

On 4<sup>th</sup> Ave SW, where they built the new City Hall, they cut down dozens of mature trees on both sides of the road. [Figures 4 and 5] These trees were an oasis of cool green in what was otherwise a sea of asphalt. They never even did any work on the east side of the road. They just cut down the trees because they were there. I used to drive down this street in the shade in summer time, but now there are just a few small trees that won't offer any shade for a decade at least. The removal of the trees left an ugly building plainly exposed, so they commissioned a mural. Part of the mural shows a cross section of a cut tree, apparently commemorating the City's proclivity for tree cutting. [Figure 10]

On 16<sup>th</sup> Ave SW, at a park where Lake Burien Elementary School used to be, the City cut down giant poplars that used to buffer the park from the wind. The Parks Department received an arborist's report saying the trees were fine, so they shopped around until they found an arborist willing to say a tree was unhealthy. When they got an expert to say one tree was unhealthy, they cut down all of them. Again, this can be independently verified by looking at King County aerial photos before and after. [Figures 7 and 8] They planted a few small trees, a fraction of the number they cut down. The same with Ambaum Boulevard, nearly a hundred mature trees removed. [Figure 6]

In Seahurst Park, as part of a project that was specifically marketed as environmental restoration, the Parks Department built a road to nowhere through a wetland, cutting down many mature trees. The road serves no purpose. The original plans called for a trail, but they substituted a road, 12 feet wide with compacted gravel. The public did not demand that road, and no cars ever go down that road.

In Eagle Landing Park, the City recently cut down a Douglas-fir tree that was older than the city itself. [Figure 9] This tree was over 150 years old, and it began growing here years before Gottlieb Burian built his home on the lake that later bore his name. It survived the logging of this area, perhaps because it was too small or inconvenient on the day the lumberjacks came, over a century ago. It lived for 150 years, but the City of Burien would not let it live one more day when I asked for more time. I asked the Parks Department, the Planning Department, and the City Council why it needed to be cut down without further review, and I got no answer. Other citizens, who favored the removal of the tree because of their irrational fears, freely received copies of the arborist's report and the geologist's report. All I got was silence. The City told other citizens, who were in favor of removing the tree, that an arborist said the tree was likely to fall. The question I asked, which they would never answer, was how likely would it be that someone might be injured or killed if the tree fell? Many trees have fallen in this park in the past, several of them landing on the trail. No one was hurt. The perch tree was not close to the trail, and no one ever said it was 100% guaranteed to fall. Statistically speaking, the average citizen of Burien would be more likely to have a fatal accident in the bathtub or be murdered by a family member than to be killed or hurt by this tree. On the day they cut down this historic, environmentally significant tree, they also cut down a large but ordinary tree hanging directly over the trail. I had told them about that tree eight years ago, and it took them eight years to decide it was an emergency and needed to be cut down. Why did they need to cut down the eagles' perch tree so suddenly, without any public discussion?

If you question City staff, or disagree with them, you are put on a blacklist. Many years ago, I heard a former Parks Department Director say, openly and publicly, "Whenever I get an email from [citizen X], I just delete it without opening it." They now have taken a similar approach with me. They will not address any of my concerns about the environment. The City Manager and his staff have even taken to blacklisting three of the seven City Council Members. When the Council gave the City Manager his performance review, three council members said they were regularly denied access to information they needed to do their jobs. [<http://www.highlinetimes.com/2013/03/28/news/he-5-or-he-1-burien-lawmakers-differ-strongly-cit>] I have been personally targeted for retribution by City staff when I have publicly disagreed with the City.

The City had a Tree Board for a while. I can find no record of one, and it has not existed for at least seven years. The City also has ordinances about cutting trees, but these are frequently ignored, even by the City itself. Their ordinance

says, before you cut down significant trees for a project, you have to show your plan for retaining significant trees where at all possible and replacing them according to this rule: "New trees measuring three inch caliper or more, at a replacement rate of one and one half (1.5) inches diameter for every one inch diameter of the removed significant tree." The City has not obeyed this ordinance in its own tree cutting, and it certainly has not enforced this with citizens on private property.

Why do I want my home town to be stripped of the recognition of Tree City USA? I have planted hundreds of trees in Burien. I would very much like our city to really qualify for the Tree City USA designation, but I have no hope that the current administration is open to change. I have lived here much longer than any of them. Most of the staff doesn't even live in Burien. The City Manager and his staff have never, ever admitted to making a mistake about anything. Even when the City Manager was caught driving drunk, he received a proclamation from the Mayor stating "Whereas, the Manager denies that he committed any wrongful or criminal act...." They regularly, publicly say that anyone who disagrees with them is just a complainer. Recently, they spent thousands of dollars pursuing annexation of an unincorporated area, and they said the opposition was just a few negative people who were outspoken. That annexation proposal was voted down two to one. I would ask that my government comply with its own laws and do all of the things they said they would when they were granted the designation of Tree City USA, but they will not listen to me, or any citizen that dares to question them. I hope that someday in the future, when this current administration is gone, Burien can take steps toward becoming a tree-friendly town.

Because I have raised this issue, I will be labeled a complainer and a troublemaker. The City does not follow its own laws, nor does it follow the guidelines of the Tree City USA program, but I will be designated a complainer and a whiner for pointing out what should be obvious to anyone who looks. Some will say I should offer solutions instead of just pointing out problems. The solution is obvious: the City should do what it said it would do. Another solution is that The Arbor Day Foundation should hold them accountable for not sticking to the program that is clearly defined in their Tree City USA guidelines. Burien citizens should also hold the City accountable. Another solution would be an inventory of Burien trees, so we will know what was lost or what was saved. Toward that end, citizens of Burien can join me in creating an inventory of Burien's trees at Project Noah: <http://www.projectnoah.org/missions/20903017> We need to take pictures of our trees now because they could be gone tomorrow. Burien's government will continue its War on Trees until Burien's citizens demand change.

Jim Branson

Steward of Eagle Landing Park

Burien



Dear Arbor Day Foundation,

I am writing to request that you remove the city of Burien, Washington, from your list of recognized cities in your Tree City USA program. Since they were awarded that designation over a decade ago, they have cut down mature trees on Des Moines Memorial Drive, 4<sup>th</sup> Avenue SW, Ambaum Boulevard, 16<sup>th</sup> Avenue Southwest, in Seahurst Park, and in Eagle Landing Park, where they recently cut down a 150 year old Douglas-fir used as a perch tree by the namesake eagles, without proper approval from State and Federal authorities. They dissolved the tree board years ago, they do not enforce any tree care ordinances, and they spend much more money every year cutting down trees than they spend on preservation and care of trees. They routinely ignore citizens who ask for protection of trees. The only way in which they pretend to follow the Tree City USA ethos is that they hold a ceremony most years to proclaim themselves champions of trees. This makes a mockery of the Arbor Day Foundation and of the hundreds of cities around the country who actually deserve the designation of Tree City USA.

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Jim Branson

Steward of Eagle Landing Park

Burien



**Carol Allread**

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**From:** Arbor Day Member Services [info@arborday.org]  
**Sent:** Tuesday, April 09, 2013 1:14 PM  
**To:** Public Council Inbox  
**Subject:** [SPAM] [Ticket #47469] Revoke "Tree City USA" designation for Burien

Hello Jim,

Thanks for writing, and sorry to hear of the situation. I've reached out to our Tree City coordinators and our contacts in WA. Either myself or they will be touching base with you shortly. Thank you for considering and caring for trees.

Sincerely,  
Zach Eden

For Membership, Shipping Times, Tree Planting, and other great information and answers, please click on the link below:

=====  
[Arbor Day Foundation: Great information and answers](#)  
=====



Lake Burien School Memorial Park

Burien

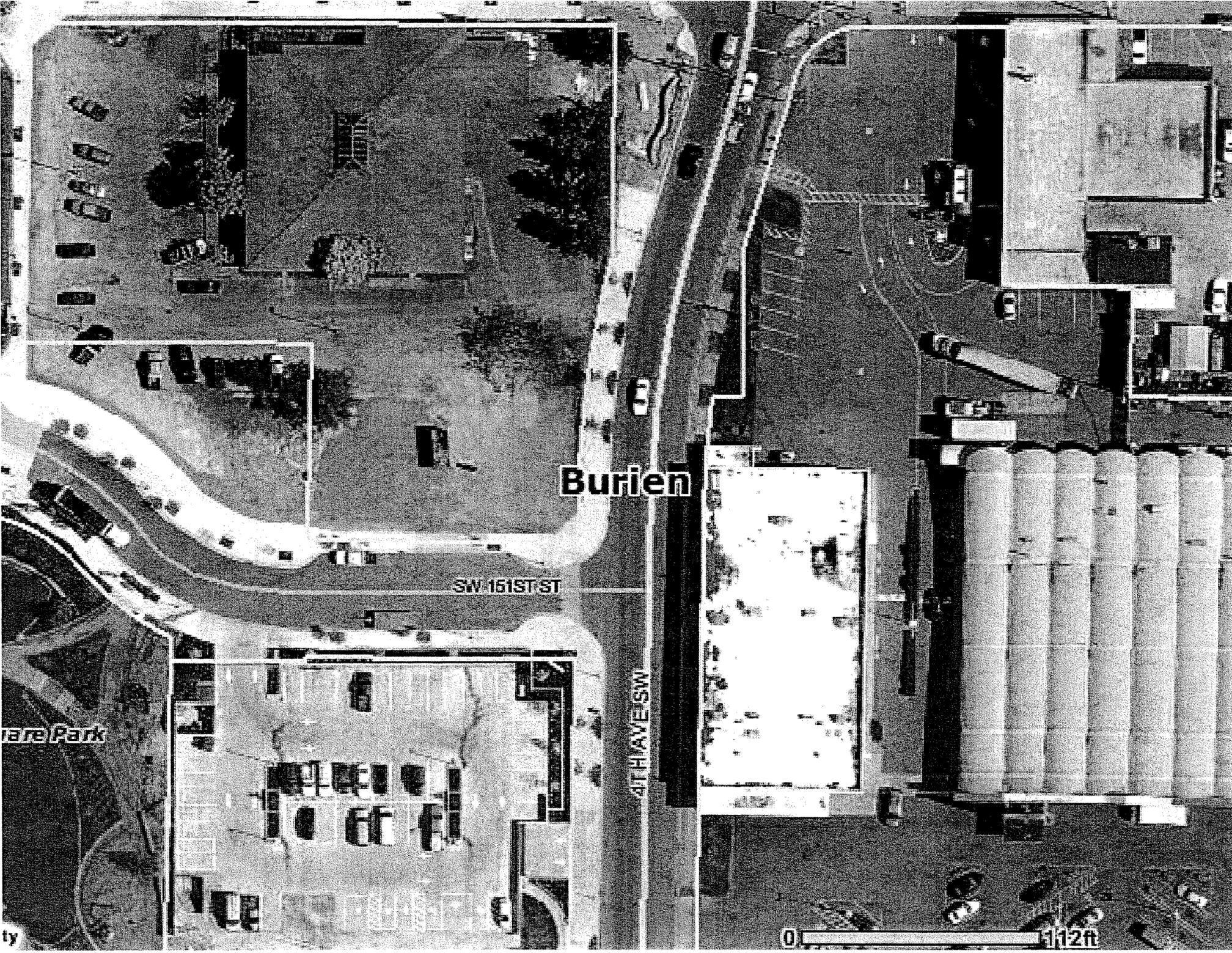
16TH AVE SW

SW 148TH ST



0 59ft

ty



**Burien**

SW 161ST ST

4TH AVE SW

are Park

0 112ft



ake Burien School Memorial Park

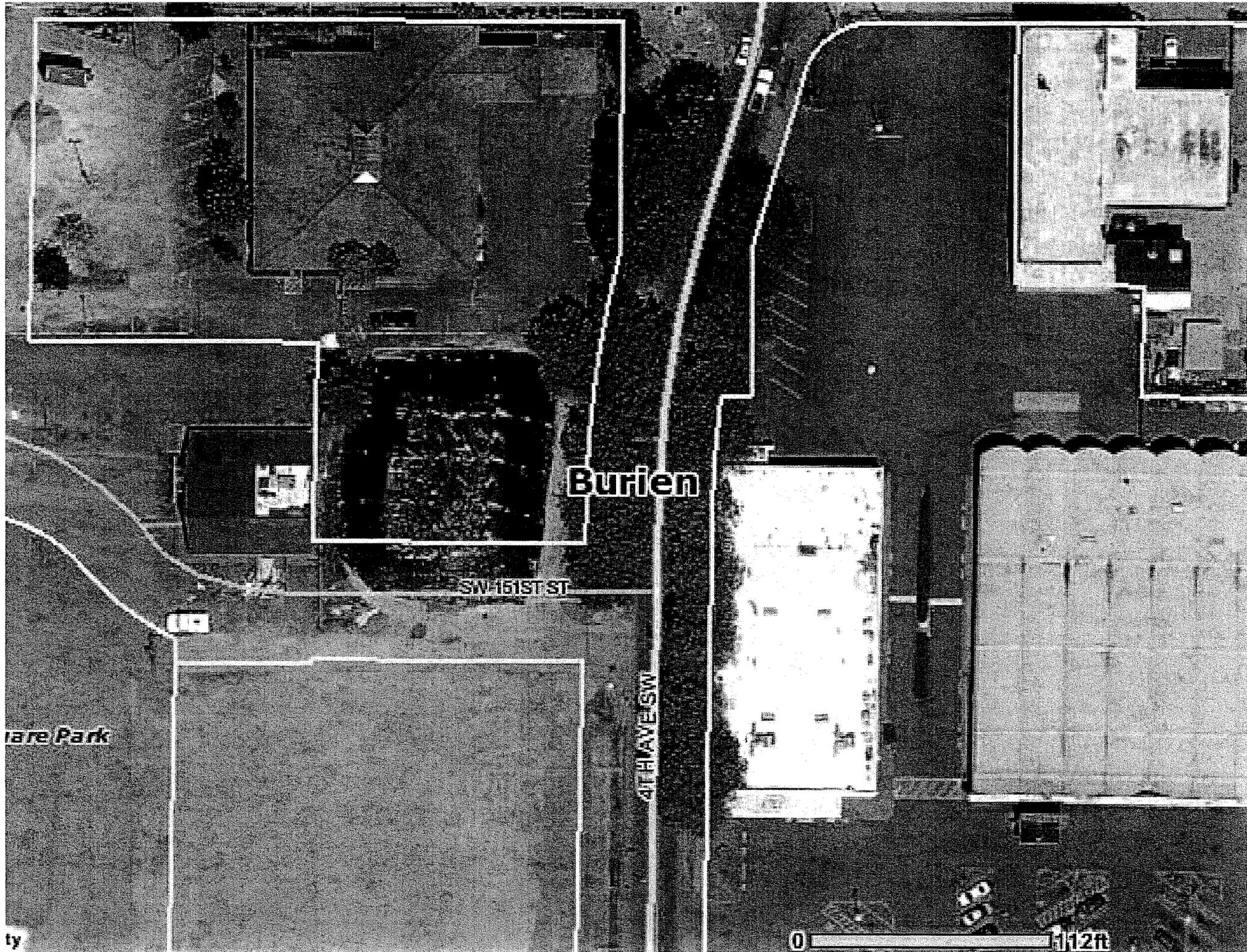
16TH AVE SW

Burien

SW 148TH ST

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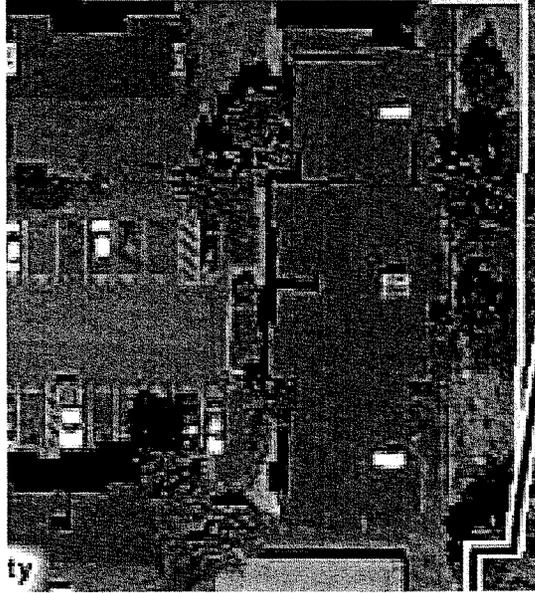
Burien

SW 161ST ST

4TH AVE SW

are Park

0 12ft



**Burien**

*ter Memorial Park*

BTHAVES

DESMONES MEMORIAL DR

**SeaTac**

0 112ft

ty

SW 143RD ST

AMBACUM BLVD SW

Burien

0 112ft

ty





**Carol Allread**

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**From:** Public Council Inbox  
**Sent:** Monday, April 08, 2013 10:24 AM  
**To:** 'Linda Plein'  
**Subject:** RE: For City Council members March ,2013

Dear Ms. Plein,

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

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**From:** Linda Plein [<mailto:lindaplein@comcast.net>]  
**Sent:** Sunday, April 07, 2013 10:13 PM  
**To:** Public Council Inbox  
**Subject:** For City Council members March ,2013

I feel that you are neglecting the important issues of the city so that you can pursue your own selfish interests. I have not read anything about the advantage of a ward system especially for the size of Burien.

Please focus on the items that need attention for a healthy vital city- not on developing a ward system.

LINDA PLEIN  
1600 SW 156th St  
Burien, WA 98166

CFTR: 4/15/13

cc: Nhan Nguyen, management Analyst



## Carol Allread

---

**From:** Public Council Inbox  
**Sent:** Tuesday, April 09, 2013 4:53 PM  
**To:** 'RM Delorm'  
**Subject:** RE: for the City Council packet

Dear Mr. DeLorm,

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](mailto:carola@burienwa.gov)

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**From:** RM Delorm [<mailto:rmdchd@q.com>]  
**Sent:** Tuesday, April 09, 2013 12:27 PM  
**To:** Public Council Inbox  
**Subject:** for the City Council packet

To Monica Lusk and the City Council;

Please include this letter in the next City Council Packet.

Thank you.  
R.DeLorm

Letter to the Editor,

### Why does Burien CARES seems to have significantly more service calls then the rest of King County?

At the Burien Council City study session on March 25, 2013, the city staff gave a report on the animal care and animal control non profit (CARES) that the city pays for, \$120,000 per year-see the city packet of the meeting. The city staff presentation packet seemed to skip a number of the points that should have been of concern to the

CFTR: 4/15/13

cc: Nhan Nguyen, management Analyst

city such as; **currently animals that have bitten or acted aggressively to humans and domestic animals are being adopted to the public. This creates a huge liability on the placement agency and the contracting city for lawsuits. Also, if something happens to the animal control officer or the owner/director of CARES there is no one else available to take over the job and/or provide sufficient funding to keep CARES providing services to Burien.** Debi Wagner pretty well summarized many of the issues on CARES needing correction in her article to this Blog-see

<http://b-townblog.com/2013/03/25/letter-to-the-editor-cares-not-better-than-king-county-animal-control/>

What was even more interesting were the peculiar statistics that the city staff showed on the screen that were not included in the packet. It seems that the cost to belong to the King County Animal Control Program (RASKC) is based on the number of service calls that happen in one year. Burien has such a peculiarly high number of service calls that it raises the question as to whether this number is correct or inflated to keep the Burien City Council from considering returning to King County for its services?

In Burien, CARES seems to have significantly more service calls then the rest of King County(the 48,073 people in Burien made 2,860 service calls to Cares in 2012, while the 1,041,395 people in King County made 5,392 calls to the King County animal control in 2012). Something seems very strange about these numbers and the effectiveness of CARES. So let's look at the stats-

Service Calls x1000 = Service Calls / 1000 People

Population Served

CARES  $\frac{2860 \times 1000}{48,073} = 59.5$  Calls / 1000

48,073

RASKC  $\frac{5392 \times 1000}{1,041,395} = 5.2$  Calls / 1000

1,041,395

59.5 = 11.5

5.2

Burien has 11.5 times more service calls than the rest of King County per 1000 population. This brings up obvious questions like:

- 1) How does this compare to before when RASKC was Burien's animal control?
- 2) Why is Burien's service call rate so high and King County's so low?
- 3) Is CARES correctly counting its service calls?
- 4) Is CARES using the same definition for service calls as the rest of the county?
- 5) Is the lack of training of the CARES staff (as noted by the evaluation author/Denise McVicker) causing an increased rate in service calls?
- 6) Does it take CARES so long to respond to the initial call for service that it causes citizens to make extra calls about the same animal?
- 7) Is the uncoordinated dead animal pick up policy (noted by the evaluator) resulting in added service calls?
- 8) Is the lack of a clear cat policy by CARES (noted by the evaluator) causing confusion for citizens and resulting in extra service calls? CARES does not serve cats and King County does. CARES is really only a dog animal care and dog animal control.

Assuming that a service call is defined as a citizen who is reporting an animal that needs to be picked up for whatever reason, what is the success rate?

Animal Intake = Success Rate

Service Calls

CARES 304 = 10.6%

2860

RASKC 4754 = 88.2%

5392

88.2% = 8.3

10.6%

RASKC is 8.3 times more likely to get/put up the animal per call.

The Burien City staff and the City Council have an obligation to present clear data and an honest analysis of this data to the citizens for a service the citizens are paying for. The cost savings that the City Manager/Mike Martin was boasting about at the City Council Meeting may not be as great as he claimed when the data is thoroughly analyzed. Burien citizens and the Council should have the right to get a true comparison of what they are getting from CARES as well as what their tax payer dollars might be able to purchase from King County Animal Control (RASKC). Why does the City Manager constantly resist having someone from RASKC come and make a presentation to the City Council and the public about what services RASKC could provide and the cost? Call or email the Council with your concerns. City Council Burien <[council@burienwa.gov](mailto:council@burienwa.gov)>

R. DeLorm

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## Carol Allread

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**From:** Public Council Inbox  
**Sent:** Wednesday, April 10, 2013 10:12 AM  
**To:** 'D Wagner'  
**Subject:** RE: evaluation

Dear Ms. Wagner,

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

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**From:** Carol Allread  
**Sent:** Wednesday, April 10, 2013 10:10 AM  
**To:** Public Council Inbox  
**Subject:** FW: evaluation

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**From:** D Wagner [<mailto:dwagner007@msn.com>]  
**Sent:** Wednesday, April 10, 2013 9:25 AM  
**To:** Monica Lusk  
**Subject:** evaluation

Hello Monica: Could you please include this letter in the next council packet.  
Thank you.

When I first filed my request with the City of Burien for the city manager's evaluation I was told it would take 30 days for it to be ready. On April 1, 2013 when I got the information I was told it was a complete release of the evaluation documents. After reading through the materials I was given, it was clear the evaluation summary was incomplete. I contacted the city and asked for the missing information. When I was given a second release of evaluation information, I again noticed it appeared to be incomplete. After a third request I have been told what I have is final and complete now. However, I still remain skeptical that I have received a complete release of information as the section titled Overall is not formatted the same as the other sections. If supposedly all of the other Council members made no comments in the Overall section, their names should be shown with n/a after their names. This is not the way the released Overall section appears. I suspect the media providers in the city may also have not received a complete release of information from the city either.

What I find to be even more interesting is that while I had to formally file for information on this evaluation and the city seemed surprised that they would have to provide it to me, Mayor Brian Bennett was emailing details about the City Manager's evaluation to his friend Joey Martinez (announced candidate for the City Council) to Joey's personal e-mail address way back in February, 2013. This means the Mayor was sending out information to one citizen even before the Council had finalized the results of the summary evaluation. So the question that troubles me is, "Why was Joey Martinez

CFTR: 4/15/13

receiving information about the City Manager's evaluation before it was completed by the Council and shared with the full Council and without Joey Martinez having filed for a Public Information release?"

From the limited information that has been released to me, I found these trends in this evaluation of the City Manager for 2012;

1. Three of the Council members (Block, Edgar, Krakowiak) commented that information was given out on a limited basis to some Council members while full information was given to others. Based on my experience with my Public Information request, I believe that the three Council members are correct about city information being withheld or given out on an unfair basis to some citizens and Council members. The city lacks transparency in how it gives out information.

2. Three Council members (McGilton, Bennett, Clark) spent a great deal of time criticizing three other Council members, a perceived small group of citizens and the media rather than the actual performance of the City Manager Mike Martin in this evaluation process. There appeared to be an avoidance by these Council members (McGilton, Bennett, Clark) to discuss the quality of the City Manager's work issues for the year (annexation, Kids and Cops, road work, budget issues, progress on Town Square, the City Business Plan, staff management and retention, communication with the community, etc) and whether Mr. Martin had been successful or not with these issues. Instead the thrust of their discussion was to attack citizens, other Council members and the media for why Mr. Martin was not successful. They enabled Mr. Martin to take no responsibility for the quality or lack of quality of his work. The purpose of this evaluation process was to evaluate Mike Martin (their employee) and not the community or the other Council members.

3. Did someone at City Hall give Joan, Rose and Brian a sneak preview of the other Council members' evaluations before the summary was completed? Here is an example of one such comment that suggests this happened, *Joan: I strongly question the validity of Mr. Edgar's comments. I find it impossible to understand the negativity and mean-spirit written here.....* How did Joan know what Mr. Edgar's comments were when she was writing her evaluation? Who got that information to her before the summary evaluation was compiled? How did Joan know what Mr. Edgar had written before the information was shared with all of the Council members? And what does her comment have to do with Mike's performance?

4. Comments from Joan, Rose and Brian show a great disrespect for Lucy, Jack and Bob's comments. This comment is an example; *Joan: Lucy's comment is totally inappropriate. The council has been extremely compromised in giving Mike appropriate direction. This has been a year of great frustration for me as I see much posturing and political speak from these three councilmembers and no dedication to making policy to improve the City of Burien. Everything said is to advance a self-interested political position....* Note again how did Joan know beforehand what Lucy's comment was going to be when Joan was writing her independent evaluation of Mike Martin and it appears she completely disrespects the three Council members? They have no dedication?

5. It appears that Mike Martin submitted his own self evaluation to the Council before the Council members created their own independent evaluations. In his self evaluation, Mike Martin appears to blame the Council, citizens and media for a lack of quality in his job performance. Isn't it great to blame your boss for why you didn't perform your job very well? He takes little to no responsibility for his lack of quality performance in the areas of Community Relations, Communication, Vision and Management of Organization. He failed to even discuss some very obvious problematic areas such as; the budget shortfall problems, plans and policies toward businesses in Burien; the vision for the Town Square, the exceedingly high city staff turn over rate, CARES and he completely neglected to mention that the Highline Times was a major media provider for Burien. Mr. Martin attributes his Intergovernmental Relations success to the lobbyist. This is the lobbyist that was somewhat controversial in his hire.

Even after the summary evaluation was completed by the Council, Mike Martin still gave no merit to the comments that his 3 out of 7 (43%) bosses had to say about the quality of his work in 2012. In his follow up emails to the Council members about his evaluation, Martin explains that he got negative comments or low scores from Block, Edgar and Krakowiak simply because they do not like him personally. He clearly ignored and discounted the details and content of their comments about the quality of his work.

In conclusion, I am disappointed that the City doesn't provide a transparent and complete release of Public Information to the public upon first request. The way the information on this evaluation was released was disjointed and intended to confuse the readers. The process of evaluation by the Council was disorganized and some council members appears to be evaluating each other rather than their employee, Mike Martin. Mike Martin seems unwilling to accept comments from all of his bosses about the quality of his work and wants to blame others for the lack of his professional successes in 2012. Clearly, there is a need for a change in City Hall.

Debi Wagner



## COMPUTER CHECK REGISTER

CHECK REGISTER APPROVAL

WE, THE MEMBERS OF THE CITY COUNCIL OF BURIEN, WASHINGTON, HAVING RECEIVED DEPARTMENT  
CERTIFICATION THAT MERCHANDISE AND/OR SERVICES HAVE BEEN RECEIVED OR RENDERED, DO HEREBY  
APPROVE FOR PAYMENT ON **This 15th day of April 2013** the FOLLOWING:

CHECK NOS. **34350– 34475**

IN THE AMOUNTS OF **\$341,197.33**

WITH VOIDED CHECK NOS. **0**



Accounts Payable  
Checks for Approval



User: cathy  
Printed: 04/11/2013 - 7:14 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34350	04/15/2013	Street Fund	Office And Operating Supplies	ACE Hardware	2.72
34350	04/15/2013	Surface Water Management Fund	Office And Operating Supplies	ACE Hardware	2.73
Check Total:					5.45
34351	04/15/2013	Street Fund	Office And Operating Supplies	Alpine Products Inc	1,295.39
34351	04/15/2013	Street Fund	Office And Operating Supplies	Alpine Products Inc	1,191.36
Check Total:					2,486.75
34352	04/15/2013	General Fund	Office and Operating Supplies	Amerigas - Kent	442.91
Check Total:					442.91
34353	04/15/2013	General Fund	Advertising/Legal Publications	APA Washington	50.00
Check Total:					50.00
34354	04/15/2013	General Fund	Office and Operating Supplies	Aramark Uniform Services	31.59
34354	04/15/2013	General Fund	Office And Operating Supplies	Aramark Uniform Services	23.21
Check Total:					54.80
34355	04/15/2013	General Fund	Telephone	A T & T	51.17
Check Total:					51.17
34356	04/15/2013	General Fund	Teen Programs	Brian J Barnes	780.80
Check Total:					780.80

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34357	04/15/2013	General Fund	Repairs and Maintenance	Beacon Plumbing & Mechanical	16,019.85
34357	04/15/2013	General Fund	Repairs and Maintenance	Beacon Plumbing & Mechanical	1,423.50
				Check Total:	17,443.35
34358	04/15/2013	General Fund	Professional Services	Kristin Everson	500.00
				Check Total:	500.00
34359	04/15/2013	General Fund	Instructors Prof Svcs	Lucas Bonnema	60.00
				Check Total:	60.00
34360	04/15/2013	General Fund	Quarterly Newsletter	Brim Press, LLC	4,949.40
34360	04/15/2013	General Fund	Printing/Binding/Copying	Brim Press, LLC	32.85
				Check Total:	4,982.25
34361	04/15/2013	General Fund	Prof. Svcs-Instructors	Eileen Broomell	316.00
				Check Total:	316.00
34362	04/15/2013	General Fund	Prof. Svcs-Instructors	Viola Brumbaugh	2,015.00
				Check Total:	2,015.00
34363	04/15/2013	General Fund	Office and Operating Supplies	Burien Bark LLC	174.93
34363	04/15/2013	Street Fund	Office And Operating Supplies	Burien Bark LLC	82.78
34363	04/15/2013	Street Fund	Office And Operating Supplies	Burien Bark LLC	55.19
				Check Total:	312.90
34364	04/15/2013	General Fund	Animal Control Services	CARES	10,000.00
				Check Total:	10,000.00
34365	04/15/2013	Street Fund	Professional Services	CH2M Hill	2,499.00
				Check Total:	2,499.00
34366	04/15/2013	General Fund	Wellness Activities	ANGELA CHAUFTY	50.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
Check Total:					50.00
34367	04/15/2013	General Fund	Online Video Streaming	COMCAST	45.21
34367	04/15/2013	General Fund	Utilities	COMCAST	67.62
34367	04/15/2013	General Fund	Utilities	COMCAST	72.57
34367	04/15/2013	General Fund	Utilities	COMCAST	72.57
34367	04/15/2013	Street Fund	Telephone	COMCAST	36.29
34367	04/15/2013	Surface Water Management Fund	Telephone	COMCAST	36.28
Check Total:					330.54
34368	04/15/2013	General Fund	Office/Operating Supplies	Complete Office LLC	437.20
34368	04/15/2013	General Fund	Office/Operating Supplies	Complete Office LLC	60.72
34368	04/15/2013	General Fund	Office/Operating Supplies	Complete Office LLC	340.04
34368	04/15/2013	General Fund	IT Office/Operating Supplies	Complete Office LLC	121.44
34368	04/15/2013	General Fund	Office and Operating Supplies	Complete Office LLC	60.72
34368	04/15/2013	General Fund	Office and Operating Supplies	Complete Office LLC	182.17
34368	04/15/2013	General Fund	Office And Operating Supplies	Complete Office LLC	485.77
34368	04/15/2013	General Fund	Office And Operating Supplies	Complete Office LLC	412.91
34368	04/15/2013	General Fund	Office And Operating Supplies	Complete Office LLC	327.90
34368	04/15/2013	General Fund	Small Tools & Equipment	Complete Office LLC	481.79
34368	04/15/2013	General Fund	Citizens Patrol/ Crime Prevent	Complete Office LLC	296.80
34368	04/15/2013	General Fund	Office And Operating Supplies	Complete Office LLC	539.51
Check Total:					3,746.97
34369	04/15/2013	General Fund	Instructors Prof Svcs	Janet S. Crawley	408.00
34369	04/15/2013	General Fund	Prof. Svcs-Instructors	Janet S. Crawley	525.00
Check Total:					933.00
34370	04/15/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	16.38
34370	04/15/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	397.72
34370	04/15/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	32.36
34370	04/15/2013	General Fund	Utilities	City of Seattle	12.39
34370	04/15/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	122.02
34370	04/15/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	252.16
34370	04/15/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	15.97
34370	04/15/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	15.73
34370	04/15/2013	General Fund	Utilities	City of Seattle	33.28
34370	04/15/2013	General Fund	Utilities	City of Seattle	465.12
34370	04/15/2013	General Fund	Utilities	City of Seattle	1,170.67
34370	04/15/2013	General Fund	Utilities	City of Seattle	1,633.12

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34370	04/15/2013	General Fund	Utilities	City of Seattle	743.58
34370	04/15/2013	General Fund	Utilities	City of Seattle	25.24
34370	04/15/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	211.14
34370	04/15/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	399.18
34370	04/15/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	106.94
Check Total:					5,653.00
34371	04/15/2013	General Fund	Utilities	City Of Seattle	67.17
34371	04/15/2013	General Fund	Utilities	City Of Seattle	138.99
Check Total:					206.16
34372	04/15/2013	General Fund	State Lobbying Services	Michael D. Doubleday	4,500.00
34372	04/15/2013	General Fund	Federal Lobbying Services	Michael D. Doubleday	2,050.00
Check Total:					6,550.00
34373	04/15/2013	General Fund	Professional Services	DAD Consulting	2,200.00
Check Total:					2,200.00
34374	04/15/2013	General Fund	Professional Services	Darrel Emel's Tree Service	2,053.12
34374	04/15/2013	General Fund	Professional Services	Darrel Emel's Tree Service	1,888.88
Check Total:					3,942.00
34375	04/15/2013	General Fund	Professional Services	Offc.State Procurement Dept of Enterpris	500.00
Check Total:					500.00
34376	04/15/2013	Street Fund	Discover Burien	Discover Burien	4,667.00
34376	04/15/2013	Street Fund	Professional Services	Discover Burien	3,332.00
34376	04/15/2013	Street Fund	Discover Burien	Discover Burien	4,667.00
34376	04/15/2013	Street Fund	Professional Services	Discover Burien	3,332.00
34376	04/15/2013	Street Fund	Professional Services	Discover Burien	3,332.00
34376	04/15/2013	Street Fund	Discover Burien	Discover Burien	4,667.00
Check Total:					23,997.00
34377	04/15/2013	Surface Water Management Fund	Miscellaneous	Washington State DOR	1,113.00
34377	04/15/2013	General Fund	Human Svc-Family/Youth	Washington State DOR	9,257.00
34377	04/15/2013	General Fund	Leasehold Excise Tax Payable	Washington State DOR	394.73

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34377	04/15/2013	General Fund	Leases - BCC Annex	Washington State DOR	93.76
				Check Total:	10,858.49
34378	04/15/2013	General Fund	Professional Services	Duncanson Company, Inc.	1,317.00
				Check Total:	1,317.00
34379	04/15/2013	General Fund	Professional Services	Davis Wright Tremaine	34,650.00
				Check Total:	34,650.00
34380	04/15/2013	General Fund	Office And Operating Supplies	FASTSIGNS	165.65
				Check Total:	165.65
34381	04/15/2013	General Fund	Miscellaneous	FedEx	5.01
				Check Total:	5.01
34382	04/15/2013	General Fund	Fuel/Gas/Gasoline Consumption	Wex Bank	16.34
34382	04/15/2013	General Fund	Fuel/Gas/Gasoline Consumption	Wex Bank	91.45
34382	04/15/2013	General Fund	Fuel/Gas/Gasoline Consumption	Wex Bank	118.98
34382	04/15/2013	Street Fund	Fuel/Gas/Gasoline Consumption	Wex Bank	212.86
34382	04/15/2013	Surface Water Management Fund	Fuel/Gas/Gasoline Consumption	Wex Bank	212.85
				Check Total:	652.48
34383	04/15/2013	General Fund	Instructors Prof Svcs	Pam Fredback	220.00
				Check Total:	220.00
34384	04/15/2013	Street Fund	Office And Operating Supplies	Furney's Nursery Inc	284.70
34384	04/15/2013	Street Fund	Office And Operating Supplies	Furney's Nursery Inc	102.49
				Check Total:	387.19
34385	04/15/2013	General Fund	Professional Services	Goodbye Graffiti	1,761.86
				Check Total:	1,761.86
34386	04/15/2013	General Fund	Utilities	Glendale Heating	1,912.69

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	1,912.69
34387	04/15/2013	General Fund	Instructors Prof Svcs	Victoria E. Hamilton	483.00
34387	04/15/2013	General Fund	Instructors Prof Svcs	Victoria E. Hamilton	177.75
				Check Total:	660.75
34388	04/15/2013	Surface Water Management Fund	Office And Operating Supplies	HD Fowler Company	2,900.12
34388	04/15/2013	Surface Water Management Fund	Office And Operating Supplies	HD Fowler Company	4,445.24
34388	04/15/2013	Surface Water Management Fund	Office And Operating Supplies	HD Fowler Company	621.48
				Check Total:	7,966.84
34389	04/15/2013	General Fund	Arts & Culture Grants	Highline Historical Society	3,000.00
				Check Total:	3,000.00
34390	04/15/2013	General Fund	Prof. Svcs-Instructors	Joshua Hughes	240.00
				Check Total:	240.00
34391	04/15/2013	General Fund	Dues/Memberships	Intl Assoc. Electrical Inspect	102.00
				Check Total:	102.00
34392	04/15/2013	Street Fund	Office And Operating Supplies	ICON Materials	66.55
34392	04/15/2013	Street Fund	Office And Operating Supplies	ICON Materials	140.71
				Check Total:	207.26
34393	04/15/2013	General Fund	Operating Rents & Leases	RICOH USA Inc	967.14
				Check Total:	967.14
34394	04/15/2013	General Fund	Telephone	Integra Telecom	1,353.60
34394	04/15/2013	General Fund	Telephone	Integra Telecom	184.50
34394	04/15/2013	General Fund	Telephone	Integra Telecom	28.38
34394	04/15/2013	General Fund	Telephone	Integra Telecom	141.91
34394	04/15/2013	General Fund	Telephone	Integra Telecom	42.57
34394	04/15/2013	General Fund	Telephone	Integra Telecom	28.38
34394	04/15/2013	General Fund	Telephone	Integra Telecom	70.95
34394	04/15/2013	General Fund	Telephone	Integra Telecom	212.86

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
34394	04/15/2013	General Fund	Telephone	Integra Telecom	170.29	
34394	04/15/2013	General Fund	Telephone	Integra Telecom	141.91	
34394	04/15/2013	General Fund	Telephone	Integra Telecom	132.40	
34394	04/15/2013	General Fund	Telephone	Integra Telecom	132.40	
34394	04/15/2013	General Fund	Telephone	Integra Telecom	132.54	
					Check Total:	2,772.69
34395	04/15/2013	General Fund	Repairs & Maint. - Fleet	Interstate Tire & Automotive	43.76	
					Check Total:	43.76
34396	04/15/2013	General Fund	Instructors Prof Srvs	Marv Johnson	336.00	
					Check Total:	336.00
34397	04/15/2013	General Fund	Prof. Svcs-Instructors	Moodette Ka'apana	100.00	
34397	04/15/2013	General Fund	Instructors Prof Srvs	Moodette Ka'apana	125.00	
					Check Total:	225.00
34398	04/15/2013	General Fund	Office And Operating Supplies	Katana Forensics Inc	845.00	
					Check Total:	845.00
34399	04/15/2013	General Fund	Miscellaneous	King County Recorder	74.00	
					Check Total:	74.00
34400	04/15/2013	Street Fund	Traffic Signal/Control.Mainten	KING COUNTY FINANCE	2,687.62	
34400	04/15/2013	Surface Water Management Fund	SWM Maint Fees Billed by KCRD	KING COUNTY FINANCE	15,792.95	
34400	04/15/2013	General Fund	Jail Contracts	KING COUNTY FINANCE	2,221.60	
					Check Total:	20,702.17
34401	04/15/2013	General Fund	Plan Review Fee Fire Dist 2	King County Fire District #2	2,292.58	
					Check Total:	2,292.58
34402	04/15/2013	General Fund	King Co Pet License Trust Acct	King County Pet License	580.00	
					Check Total:	580.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34403	04/15/2013	General Fund	Drug Seizure Proceeds KCSO	KC Sheriff Sgt R Crenshaw	1,995.00
				Check Total:	1,995.00
34404	04/15/2013	Surface Water Management Fund	Swm Assessment/Tax	King County Treasury	24,156.46
				Check Total:	24,156.46
34405	04/15/2013	Surface Water Management Fund	Publications	King County Office of Finance	67.75
				Check Total:	67.75
34406	04/15/2013	General Fund	Instructors Prof Svcs	Keli Sim-DiRitis	240.00
				Check Total:	240.00
34407	04/15/2013	General Fund	Public Defender	Kirshenbaum & Goss, Inc., P.S	6,950.00
				Check Total:	6,950.00
34408	04/15/2013	General Fund	Mileage	KIM KRAUSE	244.99
				Check Total:	244.99
34409	04/15/2013	Surface Water Management Fund	Office And Operating Supplies	Lakeside Industries Inc.	542.83
34409	04/15/2013	Surface Water Management Fund	Office And Operating Supplies	Lakeside Industries Inc.	668.51
				Check Total:	1,211.34
34410	04/15/2013	General Fund	Instructors Prof Svcs	Lauren Laughlin	276.00
				Check Total:	276.00
34411	04/15/2013	General Fund	Prof. Svcs-Instructors	Lori Leberer	150.00
				Check Total:	150.00
34412	04/15/2013	General Fund	Prof. Svcs-Instructors	Alexander Lewis	1,372.50
				Check Total:	1,372.50
34413	04/15/2013	General Fund	Prof. Svcs-Instructors	Andrea Lindsay	35.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	35.00
34414	04/15/2013	General Fund	Prof. Svcs-Instructors	Anne Marie Littleton	160.00
				Check Total:	160.00
34415	04/15/2013	Street Fund	Repairs & Maint. - Fleet	Les Schwab	45.80
34415	04/15/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Les Schwab	45.81
				Check Total:	91.61
34416	04/15/2013	General Fund	Prof. Svcs-Instructors	Jacob Matthew	435.00
				Check Total:	435.00
34417	04/15/2013	General Fund	Instructors Prof Svcs	Hunter McGee	220.00
				Check Total:	220.00
34418	04/15/2013	General Fund	Small Tools & Minor Equipments	McLendon Hardware Inc	13.53
				Check Total:	13.53
34419	04/15/2013	Street Fund	Dt Business License Svcs	Microflex Inc	3,805.12
34419	04/15/2013	General Fund	B&O Tax Collect & Audit	Microflex Inc	1,927.74
34419	04/15/2013	Street Fund	Dt Business License Svcs	Microflex Inc	127.72
34419	04/15/2013	General Fund	B&O Tax Collect & Audit	Microflex Inc	127.72
				Check Total:	5,988.30
34420	04/15/2013	General Fund	Office and Operating Supplies	Mid-America Sports Advantage	101.05
				Check Total:	101.05
34421	04/15/2013	General Fund	Instructors Prof Svcs	Paul Miller	350.00
34421	04/15/2013	General Fund	Instructors Prof Svcs	Paul Miller	400.00
				Check Total:	750.00
34422	04/15/2013	General Fund	Office Supplies	Miller Paint Company Inc	44.49
34422	04/15/2013	General Fund	Nuisance and Abatement Costs	Miller Paint Company Inc	36.24
34422	04/15/2013	General Fund	Nuisance and Abatement Costs	Miller Paint Company Inc	35.16

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34422	04/15/2013	General Fund	Nuisance and Abatement Costs	Miller Paint Company Inc	36.24
34422	04/15/2013	General Fund	Nuisance and Abatement Costs	Miller Paint Company Inc	34.07
				Check Total:	186.20
34423	04/15/2013	General Fund	Instructors Prof Svcs	Shariana Mundi	1,100.00
34423	04/15/2013	General Fund	Instructors Prof Svcs	Shariana Mundi	88.00
				Check Total:	1,188.00
34424	04/15/2013	General Fund	Instructors Prof Svcs	Aaron Murray	160.00
				Check Total:	160.00
34425	04/15/2013	General Fund	Instructors Prof Svcs	New City Dance Company	946.40
				Check Total:	946.40
34426	04/15/2013	General Fund	Dues/Memberships	National Fire Protection Assoc	165.00
				Check Total:	165.00
34427	04/15/2013	General Fund	Instructors Prof Svcs	Drew Nicklas	252.00
				Check Total:	252.00
34428	04/15/2013	General Fund	Office And Operating Supplies	National Maintenance Cont.	406.05
				Check Total:	406.05
34429	04/15/2013	General Fund	Prof. Svcs-Instructors	Pamela Odegard	195.00
				Check Total:	195.00
34430	04/15/2013	General Fund	Building Maintenance	OpenWorks-Billing Agent	1,003.00
34430	04/15/2013	General Fund	Building Maintenance	OpenWorks-Billing Agent	605.00
				Check Total:	1,608.00
34431	04/15/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	O'Reilly Auto Parts	30.64
34431	04/15/2013	Street Fund	Repairs & Maint. - Fleet	O'Reilly Auto Parts	30.64
34431	04/15/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	O'Reilly Auto Parts	-10.17
34431	04/15/2013	Street Fund	Repairs & Maint. - Fleet	O'Reilly Auto Parts	-10.18

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34431	04/15/2013	Street Fund	Repairs & Maint. - Fleet	O'Reilly Auto Parts	0.90
34431	04/15/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	O'Reilly Auto Parts	0.90
Check Total:					42.73
34432	04/15/2013	Surface Water Mgmt CIP	Predesign-Engineering	OTAK, Inc	757.50
Check Total:					757.50
34433	04/15/2013	Street Fund	Repairs & Maint. - Fleet	Pacific Torque LLC	2,553.98
34433	04/15/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Pacific Torque LLC	2,553.98
Check Total:					5,107.96
34434	04/15/2013	General Fund	Professional Services	Pacific Institute	662.67
34434	04/15/2013	General Fund	Professional Services	Pacific Institute	2,200.00
Check Total:					2,862.67
34435	04/15/2013	General Fund	Citizens Patrol/ Crime Prevent	Pacific Knight Emblem & Insign	164.25
Check Total:					164.25
34436	04/15/2013	General Fund	Instructors Prof Svcs	Johawna Olena Perry	138.00
Check Total:					138.00
34437	04/15/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Petty Cash Custodian	10.00
34437	04/15/2013	Street Fund	Repairs & Maint. - Fleet	Petty Cash Custodian	7.00
34437	04/15/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Petty Cash Custodian	7.00
34437	04/15/2013	General Fund	Miscellaneous	Petty Cash Custodian	8.99
34437	04/15/2013	General Fund	Mileage	Petty Cash Custodian	10.17
34437	04/15/2013	General Fund	Registration - Trainng/Workshp	Petty Cash Custodian	25.00
34437	04/15/2013	General Fund	Mileage	Petty Cash Custodian	7.35
34437	04/15/2013	General Fund	Registration - Trainng/Workshp	Petty Cash Custodian	25.00
34437	04/15/2013	General Fund	Miscellaneous	Petty Cash Custodian	4.56
34437	04/15/2013	General Fund	Office/Operating Supplies	Petty Cash Custodian	31.98
34437	04/15/2013	General Fund	Miscellaneous	Petty Cash Custodian	10.61
34437	04/15/2013	General Fund	Miscellaneous	Petty Cash Custodian	13.14
34437	04/15/2013	General Fund	Other Travel	Petty Cash Custodian	6.00
34437	04/15/2013	Street Fund	Office And Operating Supplies	Petty Cash Custodian	8.10
34437	04/15/2013	General Fund	Mileage	Petty Cash Custodian	5.65
34437	04/15/2013	General Fund	Other Travel	Petty Cash Custodian	12.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34437	04/15/2013	General Fund	Wellness Activities	Petty Cash Custodian	15.99
34437	04/15/2013	General Fund	Miscellaneous	Petty Cash Custodian	15.17
34437	04/15/2013	Street Fund	Repairs & Maint. - Fleet	Petty Cash Custodian	10.00
Check Total:					233.71
34438	04/15/2013	Surface Water Management Fund	Office And Operating Supplies	Pacific Industrial Supply	58.97
34438	04/15/2013	Street Fund	Office And Operating Supplies	Pacific Industrial Supply	21.08
Check Total:					80.05
34439	04/15/2013	General Fund	Office and Operating Supplies	PLATT	104.03
Check Total:					104.03
34440	04/15/2013	General Fund	Drug Seizure Proceeds KCSO	Proforce Law Enforcement Train	250.00
Check Total:					250.00
34441	04/15/2013	General Fund	Utilities	PSE Pmt. Processing	282.97
34441	04/15/2013	General Fund	Utilities	PSE Pmt. Processing	1,672.11
34441	04/15/2013	General Fund	Utilities	PSE Pmt. Processing	61.26
34441	04/15/2013	Street Fund	Utilities-Street Lighting	PSE Pmt. Processing	25.33
Check Total:					2,041.67
34442	04/15/2013	General Fund	Electrical Permit	ADT Security Services Inc	60.00
Check Total:					60.00
34443	04/15/2013	General Fund	Refund Clearing Account -Parks	Puget Sound Square Dance	500.00
Check Total:					500.00
34444	04/15/2013	General Fund	Business & Occupation Tax	Hobnobber Tavern	270.88
Check Total:					270.88
34445	04/15/2013	General Fund	Planning & Devel Fees/Charges	Terry Perkins	209.00
Check Total:					209.00
34446	04/15/2013	General Fund	Refund Clearing Account -Parks	Tania Maldonado	99.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	99.00
34447	04/15/2013	General Fund	Refund Clearing Account -Parks	Odaiba Salmeron	500.00
				Check Total:	500.00
34448	04/15/2013	General Fund	Refund Clearing Account -Parks	Seattle Young People's Project	50.00
				Check Total:	50.00
34449	04/15/2013	General Fund	Instructors Prof Svcs	George Rodriguez	300.00
				Check Total:	300.00
34450	04/15/2013	General Fund	Professional Services	Safety Team, Inc.	157.46
				Check Total:	157.46
34451	04/15/2013	Debt Service Fund	Score Bond Interest	SCORE	68,865.76
				Check Total:	68,865.76
34452	04/15/2013	General Fund	Advertising	Seattle Times	93.66
34452	04/15/2013	General Fund	Advertising	Seattle Times	347.88
34452	04/15/2013	General Fund	Advertising/Legal Publications	Seattle Times	797.50
				Check Total:	1,239.04
34453	04/15/2013	General Fund	Office Supplies	Seatown Locksmith	434.72
34453	04/15/2013	General Fund	Office and Operating Supplies	Seatown Locksmith	38.33
				Check Total:	473.05
34454	04/15/2013	General Fund	Computer Consultant Prof Svcs	SEITEL Systems, LLC	1,160.00
				Check Total:	1,160.00
34455	04/15/2013	General Fund	Professional Services	Nancy Shattuck	1,716.00
				Check Total:	1,716.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34456	04/15/2013	General Fund	Nuisance and Abatement Costs	Sherwin-Williams Co.	38.48
34456	04/15/2013	General Fund	Nuisance and Abatement Costs	Sherwin-Williams Co.	38.48
34456	04/15/2013	General Fund	Nuisance and Abatement Costs	Sherwin-Williams Co.	28.81
34456	04/15/2013	General Fund	Nuisance and Abatement Costs	Sherwin-Williams Co.	49.71
34456	04/15/2013	General Fund	Nuisance and Abatement Costs	Sherwin-Williams Co.	39.57
Check Total:					195.05
34457	04/15/2013	General Fund	Telephone	SPRINT	2.80
34457	04/15/2013	General Fund	Telephone	SPRINT	162.46
34457	04/15/2013	General Fund	Drug Seizure Proceeds KCSO	SPRINT	313.26
Check Total:					478.52
34458	04/15/2013	General Fund	Drug Seizure Proceeds KCSO	STAPLES- Credit Plan	30.64
Check Total:					30.64
34459	04/15/2013	General Fund	Utilities	Southwest Suburban Sewer Dist.	55.00
Check Total:					55.00
34460	04/15/2013	General Fund	Prof. Svcs-Instructors	Bonnie Taschler	80.00
Check Total:					80.00
34461	04/15/2013	General Fund	Telephone	TelSpan Inc	8.53
Check Total:					8.53
34462	04/15/2013	General Fund	Teen Programs	Reginald Thomas	195.20
Check Total:					195.20
34463	04/15/2013	General Fund	Office Supplies	The Part Works Inc	35.96
34463	04/15/2013	General Fund	Office and Operating Supplies	The Part Works Inc	277.36
Check Total:					313.32
34464	04/15/2013	General Fund	Utilities	Valley View Sewer District	51.30
Check Total:					51.30

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
34465	04/15/2013	General Fund	Prof. Svcs-Instructors	Pamela Ann Videen	680.00
				Check Total:	680.00
34466	04/15/2013	General Fund	Prosecution - City Atty	Walls Law Firm	13,214.40
				Check Total:	13,214.40
34467	04/15/2013	General Fund	Prof. Svcs-Instructors	Carly Waterman	125.00
				Check Total:	125.00
34468	04/15/2013	Street Fund	Repairs & Maint. - Fleet	Washington Tractor	37.67
				Check Total:	37.67
34469	04/15/2013	General Fund	Utilities	Water District No 20	133.97
34469	04/15/2013	General Fund	Utilities	Water District No 20	39.50
34469	04/15/2013	General Fund	Utilities	Water District No 20	246.34
34469	04/15/2013	General Fund	Utilities	Water District No 20	801.45
				Check Total:	1,221.26
34470	04/15/2013	General Fund	Probatn/Public Defndr Screenng	Tammy Weigel	960.00
				Check Total:	960.00
34471	04/15/2013	General Fund	Jury & Witness Fees	Jean Paul DeGuzman	26.95
				Check Total:	26.95
34472	04/15/2013	General Fund	Jury & Witness Fees	Jason Turk	28.08
				Check Total:	28.08
34473	04/15/2013	General Fund	Jury & Witness Fees	Rosa Soto	11.68
				Check Total:	11.68
34474	04/15/2013	General Fund	Jury & Witness Fees	Steve Moreno	11.68

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
					Check Total: 11.68
34475	04/15/2013	Street Fund	Office And Operating Supplies	Zumar Industries Inc	3,470.50
					Check Total: 3,470.50
					Report Total: 341,197.33

DRAFT



## CITY COUNCIL REGULAR MEETING MINUTES

April 1, 2013

**6:30 p.m. - Special Meeting: Conduct King County Landmarks Commission interview**

**7:00 p.m. – Regular Meeting**

**7:15 p.m. – 7:45 pm - Reception Honoring Outgoing Advisory Board Members**

**400 SW 152<sup>nd</sup> Street, 1<sup>st</sup> Floor  
Burien, Washington 98166**

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

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

### **SPECIAL MEETING**

Mayor Bennett called the Special Meeting of the Burien City Council to order at 6:30 p.m. for the purpose of conducting a King County Landmarks Commission interview.

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

Administrative staff present: Mike Martin, City Manager.

No action was taken.

The Special Meeting adjourned to the Regular Meeting at 6:50 p.m.

### **CALL TO ORDER**

Mayor Bennett called the Regular 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 Lucy Krakowiak, Councilmembers Jack Block, Jr., Rose Clark, Bob Edgar, Joan McGilton and Gerald F. Robison.

### **OUTGOING ADVISORY BOARD MEMBERS**

Mayor Bennett read and presented Certifications of Appreciation to the following Outgoing Advisory Board Members:

- Arts Commission –Shelley Brittingham, Donna DiFiore and Debbie Thoma
- Business & Economic Development Partnership – David Elliott, Bob Ewing, Kevin Fitz and Jim Hughes
- Parks & Recreation Board – Hiede Holmes and Jean Spohn
- Planning Commission – John Upthegrove

**RECESS FOR RECEPTION**

Mayor Bennett called a recess at 7:03 p.m. for the purpose of holding a reception for honoring the Outgoing Advisory Board Members.

Mayor Bennett reconvened the Regular Meeting at 7:27 p.m.

**AGENDA CONFIRMATION**

**Direction/Action**

**Motion** was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton, and passed unanimously to affirm the April 1, 2013 Agenda.

**PUBLIC COMMENT**

Dick West, 11006 Roseberg Avenue South, Burien  
Goodspaceguy, 10219 Ninth Avenue South, Boulevard Park  
Roger DeLorm, 13254 2<sup>nd</sup> Avenue SW, Burien  
Robert Howell, 15240 20<sup>th</sup> Avenue SW, Burien  
Robbie Howell, 15240 20<sup>th</sup> Avenue SW, Burien  
Linda Plein, 1600 SW 156<sup>th</sup> Street, Burien  
Chestine Edgar, 1811 SW 152<sup>nd</sup> Street, Burien  
Debbie Wagner, 1520 SW 158<sup>th</sup> Street, Burien  
Quinton Thompson, 179 South 182<sup>nd</sup> Street, Burien

**CORRESPONDENCE FOR THE RECORD**

- a. Email Dated March 14, 2013, from R. DeLorm.
- b. Email Dated March 15, 2013, from Marie White.
- c. Email Dated March 16, 2013, from Bonnie Moormeier.
- d. Email Dated March 16, 2013, from Jay Black.
- e. Email Dated March 18, 2013 from Douglas W. Sykes.
- f. Response from Chip Davis, Interim Community Development Director, to Emails Dated March 20, 2013, from Jim Branson.
- g. Email Dated March 20, 2013, from John Upthegrove.
- h. Email Dated March 21, 2013, from Jim Branson.  
Email Dated March 25, 2013, from Mr. and Mrs. William E. Edwards, Sr.

**CONSENT AGENDA**

- a. Approval of Vouchers: Numbers 34261 - 34349 in the Amounts of \$255,582.07.
- b. Approval of Minutes: Regular Meeting, March 18, 2013; Study Session, March 25, 2013.
- c. Motion to Approve the Submittal of the 2014 Community Development Block Grant (CDBG) Applications for the South 132<sup>nd</sup> Street Pedestrian/Bicycle Trail, and the ADA Ramps Along SW 116<sup>th</sup> Street Projects, with the South 132<sup>nd</sup> Street Pedestrian/Bicycle Trail Being the Higher Priority Project.
- d. Motion to Adopt Ordinance No. 579, Relating to Pet Licensing.

**Direction/Action**

**Motion** was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton, and passed unanimously to approve the April 1, 2013, Consent Agenda.

**BUSINESS AGENDA**

**Motion to Approve Appointment to the King County Landmarks Commission**

Direction/Action

**Motion** was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton, and passed unanimously to appoint Cyndi Upthegrove to serve as Burien's Special Member on the King County Landmarks Commission to a full term beginning on April 1, 2013, and ending on March 31, 2016.

**Motion to Approve Burien City Council Appointments for 2013**

Direction/Action

**Motion** was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton, and passed unanimously to approve the 2013 Council appointments as listed in Attachment 2.

**Review of Revisions to the City Council Policies and Procedures**

Direction/Action

Councilmembers reached consensus to place the City Council Policies and Procedures as amended by incorporating Matrix Item Nos. 1 and 2, and adding a new Section 22 "Integration of New Council" on the April 15, 2013, Consent Agenda for approval.

**Motion to Adopt Ordinance No. 573, Amending North Burien Zoning and Adopting 2012 Comprehensive Plan Text and Map Amendments**

**Motion** was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton, to adopt Ordinance 573, amending North Burien Zoning and adopting 2012 Comprehensive Plan Text and Map Amendments. **Motion** passed 5-2. Opposed, Deputy Mayor Krakowiak and Councilmember Edgar.

**Discussion and Motion to Adopt Resolution No. 342, Establishing the 2013 Comprehensive Plan Amendment Docket**

Direction/Action

**MOTION** was made by Deputy Mayor Krakowiak, seconded by Councilmember Edgar, to add to the Docket the Burien Comprehensive Plan Land Use Map to be amended to show the Lake Burien Neighborhood as Low Density Residential as it meets the criteria for this change. **Motion** failed 2-5. Opposed, Mayor Bennett, Councilmembers Block, Clark, McGilton, and Robison.

**Motion** was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton, to adopt Resolution No. 342, Establishing the 2013 Comprehensive Plan Docket.

**Motion** by Councilmember Edgar, seconded by Deputy Mayor Krakowiak, to amend Docket Item 5 by appending wording "in the text and maps of the Comprehensive Plan and documents related to the Comprehensive Plan." **Motion** failed 2-5. Opposed, Mayor Bennett, Councilmembers Block, Clark, McGilton, and Robison.

A vote was taken on the main motion. **Motion** passed 5-2. Opposed, Deputy Mayor Krakowiak and Councilmember Edgar.

**City Business**

Direction/Action

Councilmember Block requested that the City inform Seattle City Light that the City is interested in refinancing the undergrounding debt by taking advantage of the current interest rates of municipal bonds.

**Follow-up**

Staff will place the draft interlocal agreement between the Highline School District and the Cities of Burien, Des Moines, Normandy Park and SeaTac for shared facility use in the April 15, 2013 Council meeting packet, confirm that the Public Works Department is aware and are addressing the lack of oil separators in the stormwater facilities at Lake Burien, and schedule an April 22 presentation by NAVOS.

**COUNCIL REPORTS**

Mayor Bennett announced the annual Arbor Day celebration on April 10 at 10 a.m. at Shorewood Park.

Councilmember McGilton attended the King County Regional Transit Committee (RTC) meeting at which Metro's 17% service cuts to occur in June 2014 was announced.

Councilmember Robison spoke to his tour of the Greenbridge and Seola Gardens developments.

Deputy Mayor Krakowiak announced the annual Clean Sweep event on April 20 at 8 a.m. and will convene at the Burien Fire Station.

**ADJOURNMENT**

**Direction/Action**

**MOTION** was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to adjourn the meeting at 9:25 p.m.

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Brian Bennett, Mayor

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Monica Lusk, City Clerk

**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Motion to adopt the City of Burien City Council Meeting Guidelines.		<b>Meeting Date:</b> April 15, 2013
<b>Department:</b> City Manager	<b>Attachments:</b> 1. 2013 Council Meeting Guidelines 2. Matrix of Revisions	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Nhan Nguyen, Management Analyst		
<b>Telephone:</b> (206) 439-3165		
<b>Adopted Work Plan Priority:</b> Yes No <u>X</u>	<b>Initiative Description:</b>	
<p><b>PURPOSE/REQUIRED ACTION:</b> The purpose of this agenda item is for Council to consider adoption of the City of Burien City Council Meeting Guidelines.</p> <p><b>BACKGROUND</b> <i>(Include prior Council action &amp; discussion):</i></p> <p>At the November 26, 2012 Council meeting, staff presented draft of revisions to City Council Policies and Procedures. Council asked staff to create and document each Councilmember’s revisions. At the January 7, February 4 and April 15 Council meetings, Council commented on staff’s responses to Council’s requests. At the April 15 meeting, Council requested staff to add Section 22 Integration of New Councilmembers.</p> <p>Staff recommends:</p> <ol style="list-style-type: none"> <li>1. Section 22.1: Specify the date of the workshop to be the third Saturday of January so that Councilmembers and staff can plan ahead.</li> <li>2. Section 22.2: Specify the date of the workshop to be the third Saturday of June so that Councilmembers and staff can plan ahead.</li> <li>3. Section 22.3 -“The whole Council will conduct a formal review and discussion of Council Meeting Guidelines”: Delete this section since Council can take up this action anytime.</li> </ol> <p>The 2013 City of Burien City Council Meeting Guidelines contains all revisions as requested by Council and is attached.</p> <p><b>OPTIONS</b> <i>(Including fiscal impacts):</i></p> <ol style="list-style-type: none"> <li>1. Adopt the City of Burien City Council Meeting Guidelines.</li> <li>2. Add additional revision requests to the matrix and direct staff to place it on the Consent Agenda at the next Council meeting.</li> </ol>		
<b>Administrative Recommendation:</b> Approving the Consent Agenda adopting the City of Burien City Council Meeting Guidelines.		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> N/A		
Submitted by: Nhan Nguyen <b>Administration</b> _____		<b>City Manager</b> _____
<b>Today’s Date:</b> April 8, 2013	<b>File Code:</b> R/CC/AgendaBill2013/041513cm-1 Revisions to City Council Policies and Procedures	





**CITY OF BURIEN, WASHINGTON**

**CITY COUNCIL  
MEETING GUIDELINES**

**2013**

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## **SECTION 1. AUTHORITY**

- 1.1** The Burien City Council hereby establishes the following Council Meeting Guidelines. These Guidelines shall be in effect upon adoption by the Council and until such time as they are amended or new procedures adopted in the manner provided by these Guidelines. Council-Manager Plan of Government, RCW 35A.13, is attached as Exhibit A.

## **SECTION 2. COUNCIL MEETINGS**

### **2.1** REGULAR MEETINGS AND STUDY SESSIONS.

- A. Regular meetings of the City Council of the City of Burien shall be held at 7:00 p.m. on the first and third Monday of each month at the building designated as Burien City Hall, currently located at 400 SW 152<sup>nd</sup> Street, Burien, Washington, or at another location the City Council may deem appropriate. (Resolution No. 3 and amended by Resolution Nos. 19, 35, 71, 97, 101, and 290)
- B. Regular Meeting is defined as a meeting used to conduct all ordinary and routine business of the city.
- C. Study Sessions of the City Council of the City of Burien shall be held at 7:00 p.m. on the fourth Monday of each month (except as noted in G” below).
- D. Study Session is defined as a meeting used to review and discuss pertinent business of the city and to prepare matters for action at a Regular Meeting.
- E. The City Council may take official action at either a Regular Meeting or at a Study Session. Only business items requiring action that are time sensitive shall be scheduled at a Study Session. Both Regular Meetings and Study Sessions will be broadcast live on the City’s government cable T.V. channel, TBC21.
- F. City Council workshops will be held quarterly, at a location designated by the City Council.
- G. During the months of June, July, and August, Council meetings will be held on the first and third Mondays of the month. The Study session on the fourth Monday will be canceled during these months.

- 2.2** Should any Council meeting fall upon a date designated as a legal holiday, then that meeting shall be canceled.

2.3 Public comment and public hearing sign-up sheets will be available at each Regular Council meeting for the use of the public wishing to address the Council.

2.4 The City Clerk shall prepare minutes for all Council meetings, which shall contain an account of all official actions of the Council. The minutes will constitute the official record of the Council. Council meetings shall be electronically recorded and retained for the period of time as provided by State law.

2.5 TYPES OF MEETINGS

- A. Regular: used to conduct all ordinary and routine business of the city.
- B. Study Session: used to review and discuss pertinent business and policy issues of the City and to prepare matters for action at a Regular Meeting.
- C. Special: any Council meeting other than a Regular Meeting or Study Session which has been called for the purpose of conducting official action or studying an issue. Notice shall be given at least 24 hours in advance. A Special Council meeting may be scheduled by the Mayor and three additional Councilmembers, or at the request of a majority of the Councilmembers.
- D. Emergency: a Special Council meeting called without 24-hour notice. An Emergency meeting deals with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of a 24 hour notice would make notice impractical and increase the likelihood of such injury or damage. Emergency meetings may be called by the Mayor or a majority of Councilmembers. The minutes will indicate the reason for the emergency.
- E. Executive Session: a Council meeting that is closed except to the Council, City Manager, and authorized staff members and/or consultants authorized by the Mayor or a majority of Councilmembers. The public is restricted from attendance. Executive Sessions may be held during Regular, Study Session, or Special Council meetings, or as separate meetings, and will be announced by the Mayor. Executive Session subjects are limited to considering matters authorized by state law, per RCW42.30.110.

Before convening an Executive Session, the Mayor shall announce the specific purpose of the meeting and the potential for action by the Council when it reconvenes. The Mayor shall also announce that the Executive Session will be conducted per RCW42.30.110(2).

Executive Sessions will begin and end in accordance with State law. At the conclusion of the Executive Session, if the potential for taking action was previously announced, the public meeting will reconvene.

## **2.6 ORDER OF REGULAR COUNCIL MEETING AGENDA**

### **Call to Order**

The Mayor calls the meeting to order.

### **Pledge of Allegiance**

The Mayor, and at times, invited guests lead the flag salute.

### **Roll Call**

The City Clerk shall call the roll, and the Mayor shall indicate any Councilmember who is not in attendance and whether or not the Councilmember has an excused absence.

### **Agenda Confirmation**

Councilmembers may offer motions to alter the current agenda through deletion, revision or additions to the agenda.

### **Public Comments**

Members of the audience may comment in writing or verbally on items relating to any matter. Verbal comments are limited to three (3) minutes per person and five (5) minutes for groups. Attendees who are unable to do so by themselves may ask City Clerk for assistance to read their comments.

### **Correspondence for the Record**

Correspondence that discloses personal information will be edited out before included in the Record. Correspondence that contains profanity or abusive in nature would be submitted to the Mayor who would decide whether it should be included in the Record. Correspondence that is sent anonymously will not be included in the Record.

### **Consent Agenda**

Consent Agenda items are considered to be routine and are approved by one motion. Items on the Consent Agenda include but are not limited to minutes, vouchers or other matters discussed at a previous City Council meeting. Three Councilmembers may remove any item(s) from the Consent Agenda for separate discussion and action. When an item is removed, the Consent Agenda is considered for action without that item. After the Consent agenda has been considered, each item which was removed is considered. When discussion on that item is completed, a motion may be made to vote on the item or to refer it to another meeting.

### **Business Agenda**

### **Public Hearings and Discussion**

Public hearings are held to receive public comment on important issues and/or issues requiring a public hearing by State statute or Burien ordinances. Public wishing to comment will follow the same procedure as for "Public Comments" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council may then proceed with deliberation. For legislative public hearings, Council's decision will occur at the next regular meeting.

### **Proclamations and Presentations**

The Mayor presents proclamations. A proclamation is defined as an official declaration made by either the City Council or the Mayor. The Mayor and Councilmembers may each request the preparation of two proclamations a year to honor individuals or groups. Requests for proclamations from outside organizations and groups will be placed in the City Manager's Report and reviewed by the City Council. Proclamations must be signed or otherwise be pre-approved by a majority of Councilmembers prior to execution by the Mayor. Proclamations may be placed on the Council agenda for official presentation or mailed to the honored individual or organization as appropriate.

Presentations are also scheduled at this time.

The City Manager may provide written report to the City Council under "City Manager's Report."

### **Ordinances and Resolutions**

Ordinances are legislative acts or local laws. They are the most permanent and binding form of Council action and may be changed or repealed only by a subsequent ordinance. Ordinances normally become effective five days after publication in the City's official newspaper.

Resolutions are adopted to express Council policy or to direct certain types of administrative action. A resolution may be changed by adoption of a subsequent resolution.

Ordinances and resolutions may be passed under any of the agenda sections.

### **City Manager Report**

#### **Council Business**

Councilmembers may report on meetings and activities in which they have participated and represented the City. Councilmembers may also provide written reports to the "City Manager's Report."

### **Executive Session**

An Executive Session may be held before, during or after a Council meeting, as described in Council Policy 2.5 (5).

### **Adjournment**

With no further business to come before the Council, the Mayor shall entertain a motion to adjourn. Councilmembers will vote on the motion to adjourn in the same manner as other motions.

### **Breaks**

Generally, formal breaks during the meeting will not be called.

## **2.7 ORDER OF STUDY SESSION AGENDA**

### **Call to Order**

### **Pledge of Allegiance**

### **Roll Call**

### **Correspondence for the Record**

### **Discussion Items**

These are business items the full Council wishes to discuss and study in preparation for action at a future Council meeting. As noted in Section 2.1 E, action may be taken at a study session.

Members of the audience may comment on the item being discussed when recognized by the Mayor.

Requests for new agenda items should be brought to the 4<sup>th</sup> Monday Study Session for scheduling at a future Council meeting.

### **Adjournment**

## **SECTION 3. AGENDA PREPARATION**

- 3.1** The City Clerk, in consultation with the Mayor and City Manager, will prepare an agenda for each Council meeting specifying the time and place of the meeting, and set forth a brief general description of each item to be considered by the Council.
- 3.2** The proposed agenda schedule will be reviewed during the last regular Council meeting of each month. The City Manager and City Clerk will maintain a list of all known or requested items for future Council agendas. Changes in the proposed schedule from the previous week will be highlighted in bold with the reason for the change noted in italics below the item. This will be provided with each agenda and be the basis of the Council's monthly review discussion.

- 3.3** The Mayor and/or City Manager may place items on a Council meeting agenda, according to the Proposed Council Agenda Schedule and requests of Councilmembers.
- 3.4** An item may be delayed if the Mayor and/or the City Manager know it is of particular importance to an absent Councilmember.
- 3.5** Legally required and advertised public hearings will have a higher priority over other time-scheduled agenda items, which have been scheduled by convenience rather than for statutory or other legal reasons.
- 3.6** Agenda items that are continued from one meeting to another will have preference on the agenda to the extent possible.
- 3.7** Agendas with supporting materials will be provided to the City Council at 5 pm the Thursday prior to the meeting. Agenda and materials will be available at City Hall, on the City's website and at the Burien Library for City staff, media and the public at 4:00 pm on the Friday prior to the meeting.
- 3.8** The Council may use the "Recommended Motion" language on the agenda bill for making a motion.

## **SECTION 4. COUNCIL DISCUSSION AND DECISION MAKING PROCESS**

- 4.1** New or non-routine topics and issues will be discussed first at a Study Session unless the topic requires more immediate discussion.
- 4.2** The Council will take action at a following Regular meeting unless Council agrees that action can be taken immediately (except Consent Agenda and emergency items).
- 4.3** If a majority of the Council arrives at consensus to put an issue up for a vote and a Councilmember is not there when the vote takes place, then that Councilmember should not bring the item back.
- 4.4** The Mayor will facilitate the discussion in a timely manner and Councilmembers will try to be cognizant of the amount of time the discussion is taking.
- 4.5** The Mayor will state the public hearing procedures before each public hearing.
- 4.6** Staff/consultants will provide brief information and respond to questions by Councilmembers or as requested by the City Manager.
- 4.7** Councilmembers are individually responsible for gathering additional information on issues and for calling staff with questions not covered during the formal Study Session or Regular meeting process.
- 4.8** To the extent not otherwise governed by these Guidelines, Council discussion will be governed by ROBERT'S RULES OF ORDER, NEWLY REVISED.

## **SECTION 5. COMMENTS, CONCERNS & TESTIMONY TO COUNCIL**

- 5.1** Persons addressing the Council, who are not specifically scheduled on the agenda, shall be requested to step up to the podium, give their name and address for the record, and limit their remarks to three (3) minutes. Groups shall limit their remarks to five (5) minutes.

All remarks will be addressed to the Council as a Whole. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting.

- 5.2** The Mayor has the authority to preserve order at all meetings of the Council, to cause removal of any person from any meeting for disorderly conduct and to enforce the Rules of the Council. The Mayor may command assistance of any peace officer to enforce all lawful orders of the Mayor to restore order at any meeting.
- 5.3** Public with complaints, concerns or questions, will be encouraged to refer the matter to the City Manager, or ask that the matter be placed on a future City Council meeting agenda with the appropriate background information.

## SECTION 6. MOTIONS

- 6.1** Prior to discussion, the Deputy Mayor will make the motion, and the senior member of the Council will make the second. If the Deputy Mayor is absent, the senior Councilmember will make the motion and the second most senior member will make the second.

After the motion is made and seconded, the applicable staff member will give a short presentation on the subject to be discussed.

- 6.2** If a motion does not receive a second, it dies. Motions that do not need a second include: nominations, withdrawal of motion, agenda order, request for a roll call vote, and point of order.
- 6.3** A motion that receives a tie vote is deemed to have failed.
- 6.4** Motions shall be clear and concise and not include arguments for the motion within the motion.
- 6.5** After a motion has been made and seconded, the Council may discuss their opinions on the issue prior to the vote and may state why they will vote for or against a motion, if they wish to do so.
- 6.6** When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the agreement at the conclusion of the discussion.
- 6.7** A motion may be withdrawn by the maker of the motion, at any time, without the consent of the Council.
- 6.8** A motion to table is undebatable and shall preclude all amendments or debate of the issue under consideration. If the motion to table prevails, the matter may be "taken from the table" only by adding it to the agenda of a future Regular or Special meeting at which time discussion will continue; and if an item is tabled, it cannot be reconsidered at the same meeting.
- 6.9** A motion to postpone to a certain time is debatable, is amendable, and may be reconsidered at the same meeting. The question being postponed must be considered at a later time at the same meeting, or at a time certain at a future Regular or Special City Council meeting.
- 6.10** A motion to postpone indefinitely is debatable, is not amendable, and may be reconsidered at the same meeting only if the motion to reconsider received an affirmative vote.
- 6.11** A motion to call for the question shall close debate on the main motion and is undebatable. This motion must receive a second and fails without a two-thirds

(2/3) vote. If seven (7) Councilmembers are present, then five (5) must vote in the affirmative to fill the 2/3 requirement. Debate is reopened if the motion fails.

- 6.12** A motion to amend is defined as amending a motion that is on the floor and has been seconded, by inserting or adding, striking out, striking out and inserting, or substituting.
- 6.13** Whenever possible, proposed substantive amendments should be written out with all Councilmembers receiving copies in advance of the meeting.
- 6.14** Discussion of the motion only occurs after the motion has been moved and seconded.
- 6.15** When the discussion is concluded, the motion maker, Mayor, City Clerk, or City Attorney shall repeat the motion prior to voting.
- 6.16** The City Council votes on the motion as restated. If the vote is unanimous, the Mayor shall state that the motion has been passed unanimously according to the number of Councilmembers present, such as “7-0” or “6-0”.
- 6.17.** If the vote is not unanimous, and a Councilmember requests it, each Councilmember shall state his/her vote by roll call vote taken by the City Clerk. The City Clerk or City Attorney then restates the outcome of the vote. For example, the outcome may be restated as, “Councilmembers A, B, C, and D vote ‘yes’. Councilmembers E, F, and G vote ‘no’. The vote is 4-3 to adopt Ordinance X. The motion carries.”
- 6.18** Once the vote has been taken, the topic of discussion is closed. It is not necessary for Councilmembers to justify or explain their vote. If Councilmembers wish to make their positions known, this should be stated during the discussion *preceding* the vote.
- 6.19** When a question has been decided, any Councilmember who voted in the majority may move for a reconsideration, but no motion for reconsideration of a vote shall be made after the meeting has adjourned.
- 6.20** When the Council concurs or agrees with an item that does not require a formal motion, the Mayor will summarize the Council’s consensus at the conclusion of the discussion.

- 6.21** The City Attorney shall decide all questions of interpretations of these meeting guidelines and other questions of a parliamentary nature which may arise at a Council meeting. All questions not provided for in these meeting guidelines shall be governed by Robert's Rules of Order, Newly Revised.

In the event of a conflict, these Council meeting guidelines shall prevail.

## **SECTION 7. ORDINANCES**

- 7.1** All ordinances shall be prepared or reviewed by the City Attorney. No ordinance shall be prepared for presentation to the Council unless requested by a majority of the City Council, the City Manager, or the City Attorney.
- 7.2** Ordinances shall be introduced by an Agenda Bill. The City Clerk shall assign a permanent ordinance number prior to placing the ordinance on the agenda. The City Attorney shall review the ordinance and sign it prior to placing it before the City Council for its consideration.
- 7.3** Upon enactment of the ordinance, the City Clerk shall obtain the signature of the Mayor. After the Mayor's signature, the City Clerk shall sign the ordinance.
- 7.4** Ordinances or ordinance summaries shall be published in the official newspaper as a legal publication in the first possible publication following enactment.
- 7.5** An ordinance becomes effective five (5) days after the publication of the ordinance or ordinance summary unless otherwise specified in the ordinance.

## **SECTION 8. PRESIDING OFFICER OF THE COUNCIL**

The Mayor shall:

- A. Be the official spokesperson for the City
- B. Act as the official head of the City for all ceremonial purposes.
- C. Sign documents as appropriate on behalf of the Council.
- D. Observe and enforce the Council Meeting Guidelines.
- E. Act as presiding officer at all meetings of the Council.
- F. Preserve order and decorum in the Council Chambers.
- G. Decide all questions on order, in accordance with the Guidelines, subject to appeal by any Councilmember.

- H. Recognize Councilmembers in the order in which they request the floor. The Presiding Officer, as a Councilmember, shall have only those rights, and shall be governed in all matters and issues by the same rules and restrictions as other Councilmembers.
- I. Endeavor to facilitate the discussion in a timely manner.
- J. Share information with Councilmembers on meetings, issues, etc. that the Mayor has received, conducted or participated in as part of his/her official status as Mayor.
- K. Appoint Councilmembers to serve on ad-hoc committees if necessary.
- L. Serve as the Council's delegate to the National League of Cities, Association of Washington Cities, and other events and conferences.
- M. In the absence of the Mayor, the Deputy Mayor shall carry out the above responsibilities.
- N. In the absence of the Mayor and Deputy Mayor, the member with the most continuous tenure on the Council shall be the presiding officer.
- O. In the event the Mayor and Deputy Mayor are unavailable to serve, the senior member of the Council shall serve as the Mayor to convene and preside over a special meeting of the Council for the purpose of naming an acting mayor and deputy mayor.
- P. The acting mayor and deputy mayor shall serve until such time as new members are appointed to fill any vacancies on the Council.
- Q. When the Council again has seven members, it shall elect a Mayor and Deputy Mayor to fill the previously unexpired terms.

## **SECTION 9. COUNCIL RELATIONS/ANTI HARASSMENT POLICY**

### **9.1 ANTI-HARASSMENT POLICY**

- A. It is City policy to foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the City will not tolerate harassment of any kind that is made by elected officials toward fellow councilmembers or members of the public. Elected officials are expected to show respect for one another and the public at all times, despite individual differences.
- B. Harassment is defined as verbal, written or physical conduct that demeans or shows hostility or aversion toward an employee, another elected official or members of the public. Examples of prohibited conduct include slurs or demeaning comments to councilmembers, employees or members of the public relating to race, ethnic background, gender, religion, sexual orientation, age, or disability.
- C. Sexual harassment is a form of unlawful discrimination.
- D. This policy is intended to assist the City in addressing not only illegal harassment, but also any conduct that is offensive and inappropriate. Councilmembers are strongly urged to report all incidents of harassment, discrimination or other inappropriate behavior.

### **9.2 REPORTING DISCRIMINATION OR HARASSMENT**

- A. If the incident involves a city employee, the incident should be reported as soon as possible to the City Manager.
- B. If the incident involves an elected official or official appointed by the City Council such as an advisory board member, the incident should be reported as soon as possible to the Mayor.
- C. If the incident involves an elected official or official appointed by the City Council such as an advisory board member, the Mayor may ask the City Manager to assist the Council by providing a list of qualified experts to investigate the incident and advise the council on a response to the complaint.
- D. All complaints will be investigated promptly. Upon receiving a complaint, the mayor shall initiate an investigation within 24 hours, or by the end of the next business day.
- E. All complaints will be kept confidential to the fullest extent possible, and will be disclosed only as necessary to allow an investigation and response to the

complaint. No one will be involved in the investigation or response except those with a need to know. Any special concerns about confidentiality will be addressed at the time they are raised.

- F. If the incident involves the Mayor, then the Mayor's responsibilities described in (B), (C) & (D) above will be performed by the City Attorney.
- G. Anyone who is found to have violated this policy is subject to corrective action. Corrective action will depend on the gravity of the offense. The City will take whatever action it deems necessary to prevent an offense from being repeated.
- H. The City will not permit retaliation against anyone who makes a complaint or who cooperates in an investigation.
- I. Both the person filing the complaint and the alleged offender shall receive a written response that contains the findings of the investigation and any action taken. Unless extra time is needed for a thorough investigation, the response will normally be given within thirty (30) days of when the complaint was received. All parties will be notified of an extended investigation if such an extension is necessary to complete the findings.

### **9.3 COUNCIL RELATIONS WITH STAFF**

- A. There will be mutual respect from both City staff and Councilmembers of their respective roles and responsibilities.
- B. City staff shall acknowledge the Council as policy makers, and the Councilmembers shall acknowledge City staff as administering the Council's policies.
- C. Councilmembers with a particular interest in an item or topic should be given a courtesy call if that item is rescheduled by staff.
- D. All written informational material requested by individual Councilmembers shall be submitted by City staff to the City Manager who after his/her review, will submit it to all Councilmembers with a notation indicating which Councilmember requested the information.
- E. Councilmembers shall not attempt to influence City staff in the selection of personnel, the awarding of contracts, the selection of consultants, the processing of development applications or the granting of City licenses or permits.
- F. The Council shall not attempt to change or interfere with the operating rules and practices of any City department.

- G. To ensure timely response and any required administrative actions, mail addressed to the Mayor shall be copied and circulated by the City Clerk to all appropriate persons as soon as practicable after it arrives. Unless specifically requested, other Councilmembers' mail shall not be opened before distribution to those Councilmembers.
- H. No Councilmember shall direct the City Manager or staff to initiate any action or prepare any report that is a priority or requires significant resources, or initiate any project or study without the consent of a majority of the Council.
- I. Individual requests for information may be made directly to the Department Director unless otherwise determined by the City Manager. If the request would create a change in work assignments or City staffing levels, the request must be made through the City Manager.

## **SECTION 10. COUNCIL MEETING STAFFING**

- 10.1** The City Manager shall attend all meetings of the Council unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in the discussions of the Council but shall have no vote. When the City Manager has an excused absence, the designated Acting City Manager shall attend the meeting.
- 10.2** The City Attorney shall attend all meetings of the Council unless excused, and shall, upon request, give an opinion, either written or oral, on legal questions. The City Attorney shall act as the Council's parliamentarian.
- 10.3** The City Clerk, or designee, shall attend Regular, Special and Study Session meetings of the Council, keep the official journal (minutes), and perform such other duties as may be needed for the orderly conduct of the meeting.

## **SECTION 11. COUNCILMEMBER ATTENDANCE AT MEETINGS**

- 11.1** Councilmembers will inform the Mayor, a Councilmember, the City Manager or City Clerk if they are unable to attend any Council meeting, or if they knowingly will be late to any meeting. The minutes will show the Councilmember as having an excused absence.
- 11.2** The Mayor will announce for the record a Councilmember's excused or unexcused absence at the Regular Meetings and Study Sessions after roll-call is taken
- 11.3** Councilmembers who attend meetings of another jurisdiction, regional meetings, or "in-house" meetings should provide a report for the City Manager's Report.
- 11.4** Councilmembers will not attend special district meetings as liaison.

- 11.5 Councilmembers will let the Executive Assistant to the City Manager know what meetings they are attending so that these can be noted on the meetings calendar.

## **SECTION 12. PUBLIC HEARINGS**

### **12.1 TYPES**

There are two types of public hearings: legislative and quasi-judicial. The mayor will state the public hearing procedures before each public hearing. The public may comment on public hearing items. The Public wishing to comment will follow the same procedure as for "Public Comment" and may speak after being recognized by the Mayor. After all persons have spoken, the hearing is closed to public comment. The Council then proceeds with deliberation and decision making.

### **12.2 LEGISLATIVE PUBLIC HEARINGS**

The purpose of a legislative public hearing is to obtain public input on legislative decisions on matters of policy, including without limitation, review by the City Council of its comprehensive land use plan or the biennial budget.

### **12.3 QUASI-JUDICIAL PUBLIC HEARINGS**

The purpose of a quasi-judicial public hearing is to decide issues including the right of specific parties and include, without limitation, certain land use matters such as site specific rezones, preliminary plats, and variances. The City Council's decision on a quasi-judicial matter must be based upon and supported by the "record" in the matter. The "record" consists of all testimony or comment presented at the hearing and all documents and exhibits that have been submitted. In quasi-judicial hearings, Councilmembers shall comply with all applicable laws including without limitation the appearance of fairness doctrine per RCW42.36.

### **12.4 APPEARANCE OF FAIRNESS.**

Councilmembers should recognize that the Appearance of Fairness Doctrine does not require establishment of a conflict of interest, but whether there is an appearance of conflict of interest to the average person. This may involve the Councilmember or a Councilmember's business associate, or immediate family. It could involve *ex parte* (outside the hearing) communications, ownership of property in the vicinity, business dealings with the proponents and/or opponents before or after the hearing, business dealings of the Councilmember's employer with the proponents and/or opponents, announced predispositions, and the like. Prior to any quasi-judicial hearing, each Councilmember should give consideration to whether a potential violation of the Appearance of Fairness Doctrine exists. If so, no matter how remote, the Councilmember should disclose

the facts to the City Manager who will seek the opinion of the City Attorney, which will be communicated to the Councilmember and the Mayor.

### **SECTION 13. MEDIA REPRESENTATION AT COUNCIL MEETINGS**

- 13.1** All public meetings of the City Council and its advisory committees shall be open to the media, freely subject to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meeting. Seating space shall be provided for the media at each public meeting.

### **SECTION 14. COUNCIL REPRESENTATION**

- 14.1** If a Councilmember appears on behalf of the City before another governmental agency, a community organization, or through the media, for the purpose of commenting on an issue, the Councilmember shall state the majority position of the Council, if known, on such issue. Personal opinions and comments, which differ from the Council majority, may be expressed if the Councilmember clearly states these statements do not represent the Council's position.
- 14.2** A Councilmember shall obtain the other Councilmember's concurrence before representing that Councilmember's view or position with the media, another governmental agency or community organization. If the subject is controversial, Councilmembers shall avoid speaking for each other.
- 14.3** Letters, written statements, newspaper guest opinions, and so on, which state a Council opinion or policy shall be submitted to the full Council for review, comment and final approval prior to their release. In some cases, it may be appropriate to provide for the signatures of the full Council.

As a matter of courtesy, letters to the editor, or other communication of a controversial nature, which do not express the majority opinion of the Council, should be presented to the full Council at the time of communication.

### **SECTION 15. CONFIDENTIALITY**

- 15.1** Councilmembers shall keep confidential all written materials and verbal information provided to them during Executive Sessions to ensure that the City's position is not compromised. Confidentiality also includes information provided to Councilmembers outside of Executive Sessions, when the information is considered to be exempt from disclosure under exemptions set forth in the Revised Code of Washington (RCW 42.56 Public Records Act).
- 15.2** If the Council, in Executive Session, has given direction or consensus to City staff on proposed terms and conditions for any type of issue, all contact with the other party shall be done by the designated City staff representative handling the issue.

Prior to discussing the information with anyone other than fellow Councilmembers, the City Attorney, or City staff designated by the City Manager, Councilmembers should review such potential discussion with the City Manager. Any Councilmember having any such contact or discussion shall make full disclosure to the City Manager and/or the City Council in a timely manner.

## **SECTION 16. COUNCIL BUSINESS POLICIES**

### **16.1 LITIGATION POLICIES AND REPORTING**

Periodically, the City Attorney will provide a report to the City Council on new litigation and ongoing litigation in the Council Executive Session.

## **SECTION 17. PUBLIC RECORDS**

- 17.1** Public records created or received by the Mayor or any Councilmember will be transferred to the City Clerk's office for retention by the City in accordance with the Public Records Law (RCW 42.56). Public records that are duplicates of those received by, or in the possession of the City, are not required to be retained per Washington State Archives Retention Schedule. Questions about whether or not a document is a public record or if it is required to be retained should be referred to the City Attorney.

## **SECTION 18. CITY MANAGER EVALUATION PROCESS**

### **PROCESS FOR EVALUATING THE CITY MANAGER**

- A. The Mayor, Councilmembers and City Manager will determine the evaluation criteria and format for the city manager evaluation process.
- B. City Manager sends Council Members blank evaluation forms with completed self evaluation. (by second Monday in November).
- C. Council Members complete individual evaluations then convey them by the first Monday in December to the Human Resources Manager for compilation.
- D. The HR manager will create a single evaluation then return it to all Council Members and City Manager no later than the second Monday in December. The document will consolidate all scores and verbatim comments, and identify them by author.
- E. Council and the City Manager will meet in executive session the third Monday in December to discuss the evaluation.

## **SECTION 19. MAYOR/DEPUTY MAYOR SELECTION PROCESS**

- 19.1** The Mayor and Deputy Mayor shall be elected from the ranks of the Councilmembers according to the Council/Manager form of government.
- 19.2** The Mayor shall be elected to a two-year term according to RCW35A.13.030.
- 19.3** The Deputy Mayor shall be elected to a one-year term at the first Regular Council meeting in January.
- 19.4** The City Clerk or designee shall conduct the election for Mayor. The Mayor shall then conduct the election for Deputy Mayor.

## **SECTION 20. APPOINTMENTS TO COMMITTEES AND REGIONAL ORGANIZATIONS**

Council may appoint Councilmember(s) to ad-hoc committees during a regular Council meeting. Appointments to regional bodies, ad-hoc community committees or other special committees outside the City auspices may be made in two ways: (1) the regional committee may request recommendations for ultimate appointment by the regional committee; or (2) the City Council may make direct appointment to a regional committee when asked to do so by that body.

- 20.1** Any Councilmember may express an interest in a particular subject and interest in serving on a particular regional body.
- 20.2** When a regional body requests membership recommendations where the regional body makes the final appointment, the Mayor shall ask Councilmembers to state their interest for appointment. All names of Councilmembers expressing an interest shall be submitted by the Mayor to the regional body, which will then make the appointment(s).
- 20.3** When the Council has the authority to make direct appointment to a regional committee, discussion shall take place with the full Council to determine interest. The Councilmember receiving a majority vote will represent the City on that regional body.
- 20.4** Changes in representation to regional committees where the Council has the authority to make a direct appointment shall also be determined through full Council discussion and majority vote of the Council.
- 20.5** Councilmembers who are appointed representatives to regional organizations shall provide a report to the Council either in written or oral form at the regular Council meeting in the City Manager's Report or under Reports on the Council agenda following a meeting of the regional organization.

## **SECTION 21. PROCEDURE FOR FILLING COUNCIL VACANCIES**

- 21.1** If a Council vacancy occurs, the Council will follow the procedure outlined in RCW 35A.13.020 (1), which requires the remaining Council members to appoint a qualified person to fill the vacant position within ninety (90) days of the effective date of the vacancy.
- 21.2** The City Councilmember who is resigning from office will submit a letter of resignation to be accepted by the City Council at the next Council meeting.
- 21.3** The City Council shall review and make any revisions they wish to the Council Vacancy Application form (Exhibit B).
- 21.4** The legal announcement shall appear at least two times in the legal section of the City's official newspaper and in any other publication or on any internet site deemed appropriate by the City Council.
- 21.5** The City Clerk shall receive all applications for the specified period of time.
- 21.6** The City Council shall submit questions for an interview process to the City Clerk.
- 21.7** The City Clerk shall compile the applications for an interview process, set an interview date according to the Council's availability, and schedule interviews with the applicants. The City Clerk shall prepare the final list of interview questions as agreed upon by the Council.
- 21.8** The City Clerk shall prepare a notice of the meeting to interview candidates.
- 21.9** The Council in a Regular or Special Council meeting open to the public will interview all candidates who have submitted an application. Councilmembers will ask the same questions of all candidates. Each candidate will be allowed two minutes for closing comments. Since this is not a campaign, comments and responses about other applicants will not be allowed.
- 21.10** The Council may recess into Executive Session to discuss the qualifications of all candidates. Nominations, voting and selection of a person to fill the vacancy will be conducted during a public meeting.
- 21.11** The City Attorney will prepare the Oath of Office and swear in the newly appointed Councilmember at the same or next scheduled Council meeting.
- 21.12** Upon appointment, the City Clerk shall send a letter to the Department of Elections notifying it of the new appointment.

- 21.13** The vacancy that was filled by appointment must be filled by election to that position in the next regularly scheduled municipal election.
- 21.14** The Councilmember elected in the next regular municipal election to the office that had been vacated prior to the expiration of the term, will take office immediately following the certification of the election.

## **SECTION 22. INTEGRATION OF NEW COUNCILMEMBERS**

- 22.1** Within the first month after new Councilmembers are sworn in, the whole council will meet in a professionally facilitated full-day workshop with the shared goal of intentionally moving the group to a common, core skill-set for working together.
- 22.2** Within the six months after new Council members are sworn in, the whole council will meet a second time in a professionally facilitated full-day workshop to continue honing skills of developing into a high performing team.
- 22.3** The whole council will conduct a formal review and discussion of Council Meeting Guidelines.
- 22.4** Examples of workshop topics that develop the skill proficiencies needed by a high performing team might include: learning styles inventory, communication skills, listening skills, goal setting strategies, mentorship skills, consensus building, budget training, team building exercises, crisis management, leadership styles, stewardship/leadership philosophies, time management strategies, key city documents to understand.

## **SECTION 23. MISCELLANEOUS**

- 23.1** When Councilmembers register to attend an official conference requiring voting delegates, such as the annual National League of Cities or Association of Washington Cities, the Council shall designate the voting delegate(s) and alternate voting delegate(s) during a public meeting, by a majority vote. When possible, said selection of voting delegate(s) shall be done on a rotating basis for the purpose of allowing all Councilmembers the opportunity to be an official voting delegate.

## **SECTION 24. SUSPENSION AND AMENDMENT OF GUIDELINES**

- 24.1** Any provision of these guidelines not governed by state law or ordinance, may be temporarily suspended by a majority vote of the Council.
- 24.2** These guidelines may be amended or new rules adopted, by a majority vote of the Council.

Adopted by the Burien City Council  
July 25, 1994  
Revised February 13, 1995  
Revised November 20, 1995 by Resolution 072  
Revised December 18, 1995 by Resolution 071  
Revised January 26, 1998 by Resolution 095, 097, & 100  
Revised June 1, 1998 by Motion  
Revised September 21, 1998 by Resolution No. 103  
Revised April 27, 1999 by Ordinance No. 228 and Ordinance 229  
Revised June 7, 1999 by Ordinance No. 258  
Revised October 4, 1999 by Motion  
Revised February 26, 2001 by Motion  
Revised February 4, 2002 by Motion  
Revised February 3, 2003 by Motion  
Revised November 1, 2004 by Motion  
Revised June 6, 2005 by Motion and Resolution No. 215  
Revised March 18, 2013 by Resolution...

RCW 35A.13.010

City officers — Size of council.

The councilmembers shall be the only elective officers of a code city electing to adopt the council-manager plan of government authorized by this chapter, except where statutes provide for an elective municipal judge. The council shall appoint an officer whose title shall be "city manager" who shall be the chief executive officer and head of the administrative branch of the city government. The city manager shall be responsible to the council for the proper administration of all affairs of the code city. The council of a noncharter code city having less than twenty-five hundred inhabitants shall consist of five members; when there are twenty-five hundred or more inhabitants the council shall consist of seven members: PROVIDED, That if the population of a city after having become a code city decreases from twenty-five hundred or more to less than twenty-five hundred, it shall continue to have a seven-member council. If, after a city has become a council-manager code city its population increases to twenty-five hundred or more inhabitants, the number of council offices in such city may increase from five to seven members upon the affirmative vote of a majority of the existing council to increase the number of council offices in the city. When the population of a council-manager code city having five council offices increases to five thousand or more inhabitants, the number of council offices in the city shall increase from five to seven members. In the event of an increase in the number of council offices, the city council shall, by majority vote, pursuant to RCW 35A.13.020, appoint two persons to serve in these offices until the next municipal general election, at which election one person shall be elected for a two-year term and one person shall be elected for a four-year term. The number of inhabitants shall be determined by the most recent official state or federal census or determination by the state office of financial management. A charter adopted under the provisions of this title, incorporating the council-manager plan of government set forth in this chapter may provide for an uneven number of councilmembers not exceeding eleven.

A noncharter code city of less than five thousand inhabitants which has elected the council-manager plan of government and which has seven council offices may establish a five-member council in accordance with the following procedure. At least six months prior to a municipal general election, the city council shall adopt an ordinance providing for reduction in the number of council offices to five. The ordinance shall specify which two council offices, the terms of which expire at the next general election, are to be terminated. The ordinance shall provide for the renumbering of council positions and shall also provide for a two-year extension of the term of office of a retained council office, if necessary, in order to comply with RCW 35A.12.040.

However, a noncharter code city that has retained its old council-manager plan of government, as provided in RCW 35A.02.130, is subject to the laws applicable to that old plan of government.

For the purposes of determining population under this section, cities may include or exclude the population of any state correctional facility located within the city.

[2011 c 14 § 2; 2009 c 549 § 3016; 1994 c 223 § 35; 1994 c 81 § 72; 1987 c 3 § 16; 1985 c 106 § 2; 1983 c 128 § 2; 1979 ex.s. c 18 § 24; 1979 c 151 § 34; 1967 ex.s. c 119 § 35A.13.010.]

Notes:

**Severability -- 1987 c 3:** See note following RCW 3.70.010.

**Severability -- 1979 ex.s. c 18:** See note following RCW 35A.01.070.

Population determinations, office of financial management: Chapter 43.62 RCW.

RCW 35A.13.020

Election of councilmembers — Eligibility — Terms — Vacancies — Forfeiture of office — Council chair.

In council-manager code cities, eligibility for election to the council, the manner of electing councilmembers, the numbering of council positions, the terms of councilmembers, the occurrence and the filling of vacancies, the grounds for forfeiture of office, and appointment of a mayor pro tempore or deputy mayor or councilmember pro tempore shall be governed by the corresponding provisions of RCW 35A.12.030, 35A.12.040, 35A.12.050, 35A.12.060, and 35A.12.065 relating to the council of a code city organized under the mayor-council plan, except that in council-manager cities where all council positions are at-large positions, the city council may, pursuant to RCW 35A.13.033, provide that the person elected to council position one shall be the council chair and shall carry out the duties prescribed by RCW 35A.13.030.

[2009 c 549 § 3017; 1994 c 223 § 36; 1975 1st ex.s. c 155 § 1; 1967 ex.s. c 119 §35A.13.020 .]

RCW 35A.13.030

Mayor — Election — Chair to be mayor — Duties.

Biennially at the first meeting of the new council the members thereof shall choose a chair from among their number unless the chair is elected pursuant to RCW 35A.13.033. The chair of the council shall have the title of mayor and shall preside at meetings of the council. In addition to the powers conferred upon him or her as mayor, he or she shall continue to have all the rights, privileges, and immunities of a member of the council. The mayor shall be recognized as the head of the city for ceremonial purposes and by the governor for purposes of military law. He or she shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law, and enforce order.

[2009 c 549 § 3018; 1975 1st ex.s. c 155 § 2; 1967 ex.s. c 119 § 35A.13.030

RCW 35A.13.033

Election on proposition to designate person elected to position one as chair — Subsequent holders of position one to be chair.

The city council of a council-manager city may by resolution place before the voters of the city, a proposition to designate the person elected to council position one as the chair of the council with the powers and duties set forth in RCW 35A.13.030. If a majority of those voting on the proposition cast a positive vote, then at all subsequent general elections at which position one is on the ballot, the person who is elected to position one shall become the chair upon taking office.

[2009 c 549 § 3019; 1975 1st ex.s. c 155 § 3.]

RCW 35A.13.035

Mayor pro tempore or deputy mayor.

Biennially at the first meeting of a new council, or periodically, the members thereof, by majority vote, may designate one of their number as mayor pro tempore or deputy mayor for such period as the council may specify, to serve in the absence or temporary disability of the mayor; or, in lieu thereof, the council may, as the need may arise, appoint any qualified person to serve as mayor pro tempore in the absence or temporary disability of the mayor. In the event of the extended excused absence or disability of a councilmember, the remaining members by majority vote may appoint a councilmember pro tempore to serve during the absence or disability.

[2009 c 549 § 3020; 1969 ex.s. c 81 § 1.]

Notes:

**Effective date -- 1969 ex.s. c 81:** "This 1969 amendatory act shall take effect July 1, 1969." [1969 ex.s. c 81 § 7.]

RCW 35A.13.040

Compensation of councilmembers — Expenses.

The salaries of the councilmembers, including the mayor, shall be fixed by ordinance and may be revised from time to time by ordinance, but any increase or reduction in the compensation attaching to an office shall not become effective until the expiration of the term then being served by the incumbent: PROVIDED, That compensation of councilmembers may not be increased or diminished after their election nor may the compensation of the mayor be increased or diminished after the mayor has been chosen by the council.

Until councilmembers of a newly organized council-manager code city may lawfully be paid as provided by salary ordinance, such councilmembers shall be entitled to compensation in the same manner and in the same amount as councilmembers of such city prior to the adoption of this council-manager plan.

Until a salary ordinance can be passed and become effective as to elective officers of a newly incorporated code city, the first councilmembers shall be entitled to compensation as follows: In cities having less than five thousand inhabitants -- twenty dollars per meeting for not more than two meetings per month; in cities having more than five

thousand but less than fifteen thousand inhabitants -- a salary of one hundred and fifty dollars per calendar month; in cities having more than fifteen thousand inhabitants -- a salary of four hundred dollars per calendar month. A councilmember who is occupying the position of mayor, in addition to his or her salary as a councilmember, shall be entitled, while serving as mayor, to an additional amount per calendar month, or portion thereof, equal to twenty-five percent of the councilmember salary: PROVIDED, That such interim compensation shall remain in effect only until a salary ordinance is passed and becomes effective as to such officers, and the compensation provided herein shall not be construed as fixing the usual compensation of such officers. Councilmembers shall receive reimbursement for their actual and necessary expenses incurred in the performance of the duties of their office, or the council by ordinance may provide for a per diem allowance. Procedure for approval of claims for expenses shall be as provided by ordinance.

[2009 c 549 § 3021; 1979 ex.s. c 18 § 25; 1967 ex.s. c 119 § 35A.13.040.]

Notes:

**Severability -- 1979 ex.s. c 18:** See note following RCW 35A.01.070.

RCW 35A.13.050

City manager — Qualifications.

The city manager need not be a resident at the time of his or her appointment, but shall reside in the code city after his or her appointment unless such residence is waived by the council. He or she shall be chosen by the council solely on the basis of his or her executive and administrative qualifications with special reference to his or her actual experience in, or his or her knowledge of, accepted practice in respect to the duties of his or her office. No person elected to membership on the council shall be eligible for appointment as city manager until one year has elapsed following the expiration of the term for which he or she was elected.

[2009 c 549 § 3022; 1967 ex.s. c 119 § 35A.13.050 .]

RCW 35A.13.060

City manager may serve two or more cities.

Whether the city manager shall devote his or her full time to the affairs of one code city shall be determined by the council. A city manager may serve two or more cities in that capacity at the same time.

[2009 c 549 § 3023; 1967 ex.s. c 119 § 35A.13.060.]

RCW 35A.13.070

City manager — Bond and oath.

Before entering upon the duties of his or her office the city manager shall take an oath or affirmation for the faithful performance of his or her duties and shall execute and file with the clerk of the council a bond in favor of the code city in such sum as may be fixed by the council. The premium on such bond shall be paid by the city.

[2009 c 549 § 3024; 1967 ex.s. c 119 § 35A.13.070.]

RCW 35A.13.080

City manager — Powers and duties.

The powers and duties of the city manager shall be:

- (1) To have general supervision over the administrative affairs of the code city;
- (2) To appoint and remove at any time all department heads, officers, and employees of the code city, except members of the council, and subject to the provisions of any applicable law, rule, or regulation relating to civil service: PROVIDED, That the council may provide for the appointment by the mayor, subject to confirmation by the council, of a city planning commission, and other advisory citizens' committees, commissions, and boards advisory to the city council: PROVIDED FURTHER, That if the municipal judge of the code city is appointed, such appointment shall be made by the city manager subject to confirmation by the council, for a four year term. The council may cause an audit to be made of any department or office of the code city government and may select the persons to make it, without the advice or consent of the city manager;
- (3) To attend all meetings of the council at which his or her attendance may be required by that body;
- (4) To see that all laws and ordinances are faithfully executed, subject to the authority which the council may grant the mayor to maintain law and order in times of emergency;
- (5) To recommend for adoption by the council such measures as he or she may deem necessary or expedient;
- (6) To prepare and submit to the council such reports as may be required by that body or as he or she may deem it advisable to submit;
- (7) To keep the council fully advised of the financial condition of the code city and its future needs;
- (8) To prepare and submit to the council a proposed budget for the fiscal year, as required by chapter 35A.33 RCW, and to be responsible for its administration upon adoption;
- (9) To perform such other duties as the council may determine by ordinance or resolution.

[2009 c 549 § 3025; 1987 c 3 § 17; 1967 ex.s. c 119 § 35A.13.080.]

Notes:

**Severability -- 1987 c 3:** See note following RCW 3.70.010.

RCW 35A.13.090

## Creation of departments, offices, and employment — Compensation.

On recommendation of the city manager or upon its own action, the council may create such departments, offices, and employments as it may find necessary or advisable and may determine the powers and duties of each department or office. Compensation of appointive officers and employees may be fixed by ordinance after recommendations are made by the city manager. The appointive officers shall include a city clerk and a chief of police or other law enforcement officer. Pursuant to recommendation of the city manager, the council shall make provision for obtaining legal counsel for the city, either by appointment of a city attorney on a full time or part time basis, or by any reasonable contractual arrangement for such professional services.

[1967 ex.s. c 119 § [35A.13.090](#).]

RCW 35A.13.100

City manager — Department heads — Authority.

The city manager may authorize the head of a department or office responsible to him or her to appoint and remove subordinates in such department or office. Any officer or employee who may be appointed by the city manager, or by the head of a department or office, except one who holds his or her position subject to civil service, may be removed by the manager or other such appointing officer at any time subject to any applicable law, rule, or regulation relating to civil service. Subject to the provisions of [RCW 35A.13.080](#) and any applicable civil service provisions, the decision of the manager or other appointing officer, shall be final and there shall be no appeal therefrom to any other office, body, or court whatsoever.

[2009 c 549 § 3026; 1967 ex.s. c 119 § [35A.13.100](#).]

RCW 35A.13.110

City manager — Appointment of subordinates — Qualifications — Terms.

Appointments made by or under the authority of the city manager shall be on the basis of ability and training or experience of the appointees in the duties which they are to perform, and shall be in compliance with provisions of any merit system applicable to such city. Residence within the code city shall not be a requirement. All such appointments shall be without definite term.

[1967 ex.s. c 119 § [35A.13.110](#).]

RCW 35A.13.120

City manager — Interference by councilmembers.

Neither the council, nor any of its committees or members, shall direct the appointment of any person to, or his or her removal from, office by the city manager or any of his or her subordinates. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the manager and neither the council nor any committee or member thereof shall give orders to any subordinate of the city manager, either publicly or privately. The provisions of this section do not prohibit the

council, while in open session, from fully and freely discussing with the city manager anything pertaining to appointments and removals of city officers and employees and city affairs.

[2009 c 549 § 3027; 1967 ex.s. c 119 § 35A.13.120.]

RCW 35A.13.130

City manager — Removal — Resolution and notice.

The city manager shall be appointed for an indefinite term and may be removed by a majority vote of the council. At least thirty days before the effective date of his or her removal, the city manager must be furnished with a formal statement in the form of a resolution passed by a majority vote of the city council stating the council's intention to remove him or her and the reasons therefor. Upon passage of the resolution stating the council's intention to remove the manager, the council by a similar vote may suspend him or her from duty, but his or her pay shall continue until his or her removal becomes effective.

[2009 c 549 § 3028; 1967 ex.s. c 119 § 35A.13.130.]

RCW 35A.13.140

City manager — Removal — Reply and hearing.

The city manager may, within thirty days from the date of service upon him or her of a copy thereof, reply in writing to the resolution stating the council's intention to remove him or her. In the event no reply is timely filed, the resolution shall upon the thirty-first day from the date of such service, constitute the final resolution removing the manager and his or her services shall terminate upon that day. If a reply shall be timely filed with the city clerk, the council shall fix a time for a public hearing upon the question of the manager's removal and a final resolution removing the manager shall not be adopted until a public hearing has been had. The action of the council in removing the manager shall be final.

[2009 c 549 § 3029; 1967 ex.s. c 119 § 35A.13.140.]

RCW 35A.13.150

City manager — Substitute.

The council may designate a qualified administrative officer of the city or town to perform the duties of manager:

- (1) Upon the adoption of the council-manager plan, pending the selection and appointment of a manager; or
- (2) Upon the termination of the services of a manager, pending the selection and appointment of a new manager; or
- (3) During the absence, disability, or suspension of the manager.

[1967 ex.s. c 119 § 35A.13.150.]

RCW 35A.13.160

Oath and bond of officers.

All provisions of RCW 35A.12.080 relating to oaths and bonds of officers, shall be applicable to code cities organized under this council-manager plan.

[1967 ex.s. c 119 § 35A.13.160.]

RCW 35A.13.170

Council meetings — Quorum — Rules — Voting.

All provisions of RCW 35A.12.110, as now or hereafter amended, and 35A.12.120, relating to council meetings, a quorum for transaction of business, rules and voting at council meetings, shall be applicable to code cities organized under this council-manager plan.

[1979 ex.s. c 18 § 26; 1967 ex.s. c 119 § 35A.13.170.]

Notes:

**Severability -- 1979 ex.s. c 18:** See note following RCW 35A.01.070.

RCW 35A.13.180

Adoption of codes by reference.

Ordinances of cities organized under this chapter may adopt codes by reference as provided in RCW 35A.12.140.

[1967 ex.s. c 119 § 35A.13.180.]

RCW 35A.13.190

Ordinances — Style — Requisites — Veto.

The enacting clause of all ordinances shall be as follows: "The city council of the city of . . . . do ordain as follows:" No ordinance shall contain more than one subject and that must be clearly expressed in its title.

No ordinance or any section or subsection thereof shall be revised or amended unless the new ordinance sets forth the revised ordinance or the amended section or subsection at full length.

No ordinance shall take effect until five days after the date of its publication unless otherwise provided by statute or charter, except that an ordinance passed by a majority plus one of the whole membership of the council, designated therein as a public emergency ordinance necessary for the protection of public health, public safety, public property or the public peace, may be made effective upon adoption, but such ordinance

may not levy taxes, grant, renew, or extend a franchise, or authorize the borrowing of money.

[1967 ex.s. c 119 § 35A.13.190.]

RCW 35A.13.200

Authentication, recording and publication of ordinances.

Ordinances of code cities organized under this chapter shall be authenticated, recorded and published as provided in RCW 35A.12.150 and 35A.12.160.

[1967 ex.s. c 119 § 35A.13.200.]

RCW 35A.13.210

Audit and allowance of demands against city.

RCW 35A.12.170 shall apply to the audit and allowance of demands against the city.

[1967 ex.s. c 119 § 35A.13.210]

RCW 35A.13.220

Optional division of city into wards.

A code city organized under this chapter may be divided into wards as provided in RCW 35A.12.180.

[1967 ex.s. c 119 § 35A.13.220.]

RCW 35A.13.230

Powers of council.

The council of any code city organized under the council-manager plan provided in this chapter shall have the powers and authority granted to legislative bodies of cities governed by this title as more particularly described in chapter 35A.11 RCW, except insofar as such power and authority is vested in the city manager.

[1967 ex.s. c 119 § 35A.13.230.]



**APPLICATION FOR APPOINTMENT TO BURIEN CITY COUNCIL**

Thank you for your interest in serving on the Burien City Council. Please fill out this form and attach a cover letter and resume if you wish. Submit the form to the City Clerk's Office, 400 SW 152<sup>nd</sup> Street, Suite 300, Burien Washington 98166, by 5 p.m. Should you have any questions, feel free to contact Monica Lusk, City Clerk, at (206) 248-5517.

The vacancy is for Council Position No. \_\_\_, which is an At Large position representing all Burien residents. The term for this position expires December 31 \_\_\_. Applicants must have lived in the city of Burien for 12 consecutive months prior to being appointed to office and be a registered voter to qualify for a position on the Burien City Council.

(Note: Residents living in the area annexed to Burien in April 2010 are eligible to apply)

PLEASE PRINT:

NAME: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

PHONE NUMBER - HOME: \_\_\_\_\_ WORK \_\_\_\_\_

EMAIL: \_\_\_\_\_

YEARS OF RESIDENCE IN BURIEN: \_\_\_\_\_

(Note: Residents living in the area annexed to Burien in April 2010 are eligible to apply)

CURRENT OCCUPATION: \_\_\_\_\_

PRIOR WORK EXPERIENCE: \_\_\_\_\_

COMMUNITY INVOLVEMENT (Past and present) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

AVAILABILITY FOR LATE AFTERNOON AND EVENING MEETINGS

\_\_\_\_\_



**Exhibit B**

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**CITY COUNCIL POLICIES AND PROCEDURES  
CITY COUNCIL COMMENT SUMMARY  
WORKING DRAFT 11/28/2012**

	<b>CITY COUNCIL POLICIES AND PROCEDURES CITY COUNCIL COMMENT SUMMARY WORKING DRAFT 11/28/2012</b>				
<b>COUNCIL MEMBER</b>	<b>#</b>	<b>REFERENCE Section</b>	<b>CURRENT</b>	<b>REQUESTS</b>	<b>COUNCIL CONSENT (Y/N)</b>
Bob Edgar	1	22. Integration of New Councilmembers		<p>Councilmember Edgar requested adding Section 22. Integration of New Councilmembers.</p> <p>Staff recommends:</p> <ol style="list-style-type: none"> <li>1. Section 22.1: Specify the date of the workshop to be the third Saturday of January so that Councilmembers and staff can plan ahead.</li> <li>2. Section 22.2: Specify the date of the workshop to be the third Saturday of June so that Councilmembers and staff can plan ahead.</li> <li>3. Section 22.3 -“The whole Council will conduct a formal review and discussion of Council Meeting Guidelines”: Delete this section since Council can take up this action anytime.</li> </ol>	



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Discussion of modification to Burien CARES contract.		<b>Meeting Date:</b> April 15, 2013
<b>Department:</b> City Manager	<b>Attachments:</b> 1. <a href="#">2011-2014 CARES contract.</a> 2. <a href="#">Staff Presentation on Operation Review Report Highlights 04/15/13.</a>	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Nhan Nguyen, Management Analyst		
<b>Telephone:</b> (206) 439-3165		
<b>Adopted Work Plan</b> <b>Priority:</b> Yes No <u>X</u>	<b>Initiative Description:</b> N/A	
<p><b>PURPOSE/REQUIRED ACTION:</b> The purpose of this agenda item is to discuss modification to the Burien CARES contract.</p> <p><b>BACKGROUND (Include prior Council action &amp; discussion):</b> In June 2011, the City of Burien and CARES signed the contract for Animal Control Services for the period of June 15, 2011, through May 30, 2014.</p> <p>At the Council's November 5, 2012, meeting, Council directed staff to hire Denise McVicker, Deputy Director of the Humane Society for Tacoma and Pierce County, to conduct operation review of CARES. McVicker conducted a two-day operation review in February. At the March 25 Council Study Session meeting, staff presented the following highlights from McVicker's report (attached PowerPoint):</p> <ol style="list-style-type: none"> <li>1. CARES is fulfilling its contractual duties.</li> <li>2. CARES is treating animals humanely.</li> <li>3. There are various improvements that CARES should be making to its operation.</li> </ol> <p>Staff has two observations:</p> <ol style="list-style-type: none"> <li>1. CARES is providing an extremely high level of service at an unrealistically low cost. (See attached staff PowerPoint presentation). Staff believes this level of service is not sustainable with this level of funding.</li> <li>2. The improvements in the McVicker report should be implemented. However, in many cases they provide a higher level of service - outside the scope of the existing contract.</li> </ol> <p>In view of these observations, staff recommends the following.</p> <ol style="list-style-type: none"> <li>1. Extend the contract from May 30, 2014 to May 30, 2016. Extending the contract provides some level of certainty and stability for the operation.</li> <li>2. Increase total contract cost from \$120,000 annually to \$170,000 annually.</li> <li>3. Allow some part of this payment to be made in an upfront, lump sum, to address some of the immediate capital needs identified in the McVicker report.</li> <li>4. Increase this amount annually by Cost of Living Adjustment equaled to that given to city staff. The increase shall have a maximum of 3%.</li> <li>5. Modify the scope of work to remedy ongoing operational issues identified in the McVicker report.</li> </ol> <p>Following up on Council's requests at the March 25, staff talked with Mr. Sean Bouffiou, Finance Administrator for King County's Records and Licensing Services Division. Mr. Bouffiou confirmed that the cost of a new contract would be similar if not exactly the same as the one provided in June of 2012.</p> <p><b>OPTIONS (Including fiscal impacts):</b></p> <ol style="list-style-type: none"> <li>1. Direct staff to modify the scope of the contract with CARES, and return to council for approval.</li> <li>2. Do not direct staff, per above.</li> </ol>		
<b>Administrative Recommendation:</b> Direct staff to modify the scope of the contract with CARES, and return to Council for approval.		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> I move to direct staff to draft a new contract with CARES for Council's discussion at the April 22 Council Study Session.		
Submitted by: Nhan Nguyen		
<b>Administration</b> _____	<b>City Manager</b> _____	
<b>Today's Date:</b> April 8, 2013	<b>File Code:</b> R/CC/AgendaBill2013/041513cm-1 CARES	



## 2011 – 2014 CONTRACT FOR ANIMAL CONTROL SERVICES

City of Burien and Community Animal Resource Education Society,  
dba Burien Animal Care and Control

This Agreement is entered into by and between the City of Burien, Washington, a noncharter optional municipal code city hereinafter referred to as "the City", and Community Animal Resource Education Society, a non-profit corporation, dba Burien Animal Care and Control herein referred to as "the Contractor", whose principal office is located at 145 Southwest 153rd Street, Burien, WA 98166-2311.

WHEREAS, the City has determined the need to have certain services performed for its citizens but does not have the resources to perform such services, and

WHEREAS, the City desires to have the Contractor perform such services pursuant to certain terms and conditions, now, therefore,

IN CONSIDERATION OF the mutual benefits and conditions set forth below, the parties hereto agree as follows:

1. Scope and Schedule of Services to be Performed by Contractor. The Contractor shall perform those services described on Exhibit A attached hereto and incorporated herein by this reference as if fully set forth. In performing such services, the Contractor shall at all times comply with all federal, state, and local statutes, rules and ordinances applicable to the performance of such services and the handling of any funds used in connection therewith. The Contractor shall request and obtain prior written approval from the City prior to the initiation of any specific task not included in the scope of services. If the scope or schedule is to be modified in any way, prior written approval is also required.

2. Compensation and Method of Payment. Payments shall be made by the City to the Contractor in the amount of \$ 10,000 per month. The total amount to be paid to the Contractor from June 15, 2011 through May 30, 2014 shall not exceed \$ 360,000. The Contractor shall complete and return Exhibit D, Taxpayer Identification Number, to the City on or before the execution of this Agreement.

With the monthly invoice, per the attached Billing Voucher (Exhibit B), shall be a monthly report of the past month's activities for which the invoice serves.

All funds received by the City to the Contractor under this agreement shall be used solely for the purposes of the non-profit organization.

3. Duration of Agreement and Contract Review. This Agreement shall be in full force and effect for a period commencing June 15, 2011 and ending June 14, 2014 unless sooner terminated under the provisions hereinafter specified. Due to the new nature of this contract, the

contract terms and services shall be reviewed by both parties no later than six months from the start date (by December 15, 2011) and periodically thereafter to determine if modifications to the scope of services and compensation are needed. Any changes shall be made in a written amendment to the contract.

4. Ownership and Use of Documents. All documents, drawings, specifications, computer files, photographs, calculations, models, maps, and other materials produced by the Contractor in connection with the services rendered under this Agreement shall be the property of the City whether the project for which they are made is executed or not.

5. Independent Contractor. The Contractor is and shall be at all times during the term of this Agreement an independent contractor, and not an employee of the City. Any and all employees of the Contractor or other persons while engaged in the performance of any work or services required of the Contractor under this Agreement shall be considered to be employees of the Contractor only, and not employees of the City. The Contractor and City agree to the following rights consistent with an independent contractor relationship:

A. Contractor has the sole right to control and direct the means, manner and method by which the services required by this Agreement will be performed.

B. Contractor will furnish all equipment and materials used to provide the services required by this Agreement.

C. The Contractor or Contractor's employees or contract personnel shall perform the services required by this Agreement; the City shall not hire or supervise any assistants to help Contractor.

D. Neither Contractor nor Contractor's employees or contract personnel shall receive any training from City in the skills necessary to perform the services required by this Agreement.

E. City shall not require Contractor or Contractor's employees or contract personnel to devote full time to performing the services required by this Agreement.

The Contractor acknowledges that it is responsible for the payment of all charges and taxes applicable to the services performed under this Agreement, and the Contractor agrees to comply with all applicable laws regarding the reporting of income, maintenance of insurance and records, and all other requirements and obligations imposed as a result of the Contractor's status as an independent contractor. If the City is assessed, liable or responsible in any manner for those charges or taxes, the Contractor agrees to hold the City harmless from those costs, including attorney's fees.

The Contractor shall provide at its sole expense all materials, office space, and other necessities to perform its duties under this Agreement, unless otherwise specified in writing.

The Contractor, at its expense, shall obtain and keep in force any and all necessary licenses and permits to perform the work provided for herein.

This Agreement shall be for the sole benefit of the parties hereto, and nothing contained herein shall create a contractual relationship with, or create a cause of action in favor of, a third party against either party hereto.

Contractor understands that neither Contractor nor Contractor's employees or contract personnel are eligible to participate in any employee pension, health, vacation pay, sick pay or other fringe benefit plan of the City. The City shall not obtain workers' compensation insurance on behalf of Contractor or Contractor's employees. City shall make no state or federal unemployment compensation payments on behalf of Contractor or Contractor's employees or contract personnel. Contractor will not be entitled to these benefits in connection with work performed under this Agreement. City shall not provide any insurance coverage of any kind for Contractor or Contractor's employees or contract personnel. Contractor agrees to maintain adequate insurance to cover any negligent acts committed by Contractor or Contractor's employees or agents while performing services under this Agreement.

6. Indemnification.

A. The Contractor agrees to indemnify the City from any claims, damages, losses, and costs, including, but not limited to, attorney's fees and litigation costs, arising out of claims by third parties for property damage and bodily injury, including death, caused by the negligence or willful misconduct of the Contractor, the Contractor's employees, affiliated corporations, officers, and lower tier subcontractors in connection with this Contract, either solely or in combination with the negligence or willful misconduct of third parties.

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

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

D. The Contractor hereby waives its immunity under Title 51 of the Revised Code of Washington for claims of any type brought by any Contractor agent or employee against the City. This waiver is specifically negotiated by the parties and a portion of the City's payment hereunder is expressly made the consideration for this waiver.

7. Insurance.

A. The Contractor shall obtain insurance that complies with the following requirements:

1. Commercial General Liability. The Contractor shall procure and maintain in full force throughout the duration of the Agreement commercial general liability insurance to cover liability, bodily injury, and property damage. The Commercial General Liability insurance shall be written on an occurrence basis and shall provide coverage for any and all costs, including defense costs, and losses and damages resulting from personal injury, bodily injury and death, property damage, products liability and completed operations. Such insurance shall include blanket contractual coverage, including coverage for this agreement as now or hereafter amended and specific coverage for the indemnity provisions set forth herein. Coverage must be written with limits no less than \$1,000,000 each occurrence and \$2,000,000 aggregate.

2. Comprehensive Automobile Liability. The Contractor shall procure and maintain in full force comprehensive automobile liability insurance that shall include owned, hired, and non-owned vehicles on an occurrence basis with limits no less than \$1,000,000 per accident.

3. Professional Liability. The Contractor shall procure and maintain in full force professional liability insurance for those services delivered pursuant to this Agreement that, either directly through Contractor employees or indirectly through contractual or other arrangements with third parties, involve providing professional services. Such professional liability insurance shall be written with limits no less than \$1,000,000.00 per claim and \$1,000,000 policy aggregate limit. For the purposes of this Paragraph "professional services" shall include but not be limited to the provision of any services provided by any licensed professional.

B. Each insurance policy required pursuant to this Agreement shall be primary with respect to the City and shall so provide or include an endorsement so providing. Any other coverage maintained by City shall be excess of this coverage herein defined as primary and shall not contribute with it.

C. Each insurance policy obtained pursuant to this Agreement shall be issued by financially sound insurers, who may lawfully do business in the State of Washington with a financial rating at all times during coverage of no less than rating of "A" and a class of "X" or better in the latest edition of "Best's Key Rating Guide" published by A.M. Best Company, or such other financial rating or rating guide approved in writing by the City's Legal Department. In the event that at any time during coverage, the insurer does not meet the foregoing standards, the Contractor shall give prompt notice to the City and shall seek coverage from an insurer that meets the foregoing standards. The City reserves the right to change the rating or the rating guide depending upon the changed risks or availability of other suitable and reliable rating guides.

- D. Commercial general liability insurance policies obtained pursuant to this Agreement by the Contractor or required by the Contractor from its vendors and/or subcontractors shall contain an endorsement naming the City as an additional insured without limitation.
- E. The Contractor shall provide the City with written notice of any policy cancellation, within two business days of its receipt of such notice.
- F. Failure on the part of the Contractor to maintain the insurance as required shall constitute a material breach of contract, upon which the City may, after giving five business days notice to the Contractor to correct the breach, immediately terminate the contract or, at its discretion, procure or renew such insurance and pay any and all premiums in connection therewith, with any sums so expended to be repaid to the City on demand, or at the sole discretion of the City, offset against funds due to the Contractor from the City.
- G. A certificate of insurance coverage shall be delivered to the City on or before the execution of this Agreement and shall be acceptable to the City's Legal Department. The certificate of insurance coverage shall specify that the required coverage limits are met or exceeded and that the required primary insurance and additional insured endorsements are provided.

8. Record Keeping and Reporting.

A. The Contractor shall maintain accounts and records, including personnel, property, financial and programmatic records which sufficiently and properly reflect all direct and indirect costs of any nature expended and services performed in the performance of this Agreement and other such records as may be deemed necessary by the City to ensure the performance of this Agreement.

B. These records shall be maintained for a period of seven (7) years after termination hereof unless permission to destroy them is granted by the office of the archivist in accordance with RCW Chapter 40.14 and by the City.

9. Reports - Printed Copies & Electronic Version: When reports are required to be submitted to the City pursuant to this agreement, Contractor will provide one printed copy to the City, and an electronic version. Said electronic version shall be submitted to the City in a computer format compatible with PC software programs in current use by the City (Microsoft Word, Microsoft Excel, Microsoft Access, Microsoft PowerPoint, Microsoft Publisher, Visio, AutoCAD, Adobe Acrobat).

10. Audits and Inspections. The records and documents with respect to all matters covered by this Agreement shall be subject at all times to inspection, review or audit by law during the performance of this Agreement. The Contractor shall permit the City, State and Federal Agencies, from time to time as the City deems necessary or as required by state, local, or federal law or regulation, to inspect and audit, at any and all reasonable times, all pertinent books and records of the Contractor and any other person or entity which has performed work in connection with or related to the Contractor's services under this Agreement to verify the accuracy of

accounting records, and shall supply the City with, or shall permit the City to make, a copy of any books and records and any portion thereof pertaining to work under this Agreement, upon the City's request. The Contractor shall ensure that such inspection, audit and copying right of the City is a condition of any contract, agreement or other arrangement under which any other person or entity is permitted to perform work in connection with or related to the Contractor's services under this Agreement.

11. Termination.

This Agreement in whole or in part may be terminated under the following conditions:

By written mutual agreement of both parties. Termination under this provision may be immediate.

- A. Upon six (6) months written notice by either party to the other of intent to terminate.
- B. For public convenience. The City may terminate this contract in whole or in part whenever the City determines in its sole discretion that such termination is in the interests of the City.
- C. Failure to comply with the conditions of this contract may be grounds for termination. Contractor will be allowed reasonable time to correct conditions not in compliance with Agreement. However, the City may terminate this contract on 60 days notice for documented performance failures.
- D. Upon 30 days notice by the Contractor, in the event of property loss or natural disaster preventing performance under this Agreement.
- E. Upon 30 days notice by the City in the event of a conviction of a crime committed by the Contractor or one of its agents in the course of performing under this Agreement.

If this Agreement is terminated by either party, the City agrees to pay to the Contractor all costs and expenses associated with services provided to the effective day of termination. Monies due and payable will be pro-rated based on the number of service days performed through the date of termination. Termination of this contract by the City at any time during the term, whether for default or convenience, shall not constitute a breach of contract by the City.

Notwithstanding any termination hereunder, all requirements of this Agreement shall remain in full force and effect through the date of termination upon written notice from the City.

12. Discrimination Prohibited. The Contractor shall not discriminate against any employee, applicant for employment, or any person seeking the services of the Contractor to be provided under this Agreement on the basis of race, creed, color, national origin, families with children, sex, sexual orientation, gender identity, marital status, age, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a disabled person.

13. Assignment and Subcontract. The Contractor may not assign or subcontract any portion of the services contemplated by this Agreement without the prior written consent of the City.

The Contractor will assume full responsibility for administering and managing all of its subcontractor(s). All City communications concerning any subcontractor will be directed to the Contractor.

14. Conflict of Interest.

A. Governmental. No officer, employee or agent of the City who exercises any function or responsibilities in connection with the approval of, planning and carrying out of the program or services to which this Agreement pertains, nor any member of the immediate family of any such officer, employee or agent, shall have any personal financial interest, direct or indirect, in this Agreement, either in fact or in appearance, unless such interest is a remote interest as defined pursuant to RCW 42.23.040.

B. Contractor. The Contractor shall comply with all federal, state and City conflict of interest laws, statutes, regulations and policies as they shall apply to all parties and beneficiaries under this Agreement, as well as to officers, employees or agents of the City. The Contractor represents that the Contractor presently has no interest and shall not acquire any interest, direct or indirect, in fact or in appearance, which would conflict in any manner or degree with the performance of the Contractor's services and obligations hereunder. The Contractor also agrees that its violation of the conflict of interest provisions of this agreement shall constitute a material breach of this contract subjecting the contract to termination. The Contractor has a continuing obligation to search and report any actual or potential conflicts of interest during the course of performing work under this Agreement.

C. Contractor Employees. The Contractor further covenants that, with respect to its performance of this Agreement, no person having any interest, direct or indirect, in fact or in appearance, which would conflict in any manner or degree with the performance of the Contractor's services and obligations hereunder, shall be employed to perform or provide services under this Agreement. The Contractor further covenants that it will implement and enforce requirements that its employees, with respect to this Agreement or the activities assisted by or through this Agreement, (a) will not use their position for personal gain, (b) will not engage in activities that directly or indirectly, in fact or in appearance, conflict with in any manner or degree, the performance of the Contractor's services and obligations hereunder, (c) will not have or obtain, directly or indirectly, a pecuniary interest, either for himself or herself or for those with whom he or she may have business ties or immediate family ties, or (e) will not benefit directly or indirectly, in fact or in appearance, either for himself or those with whom he or she may have business ties, and (f) will not accept or engage in outside employment that would conflict directly or indirectly, in fact or in appearance, with his or her responsibilities under this Agreement.

15. Standard of Services. Contractor agrees to perform services with that standard of skill and diligence normally provided by a professional organization in the performance of similar services. It is understood that the Contractor must perform the services based in part on information furnished by the City and that Contractor shall be entitled to rely on such

information. However, Contractor is given notice that the City will be relying on the accuracy, competence and completeness of Contractor's services in utilizing the results of such services.

Additional standards of service requirements shall include, but not be limited to, the following:

- Maintain good customer service skills;
- Respond to city/resident requests related to animal control services;
- Maximize use of volunteers for animal control operations/adoption coordination;
- Maintain professional appearance; and
- Exercise professionalism with the public and public agencies.

Contractor warrants that the recommendations, guidance and performance of any person assigned under this Agreement are in accordance with generally accepted practices for handling and treatment of animals and professional standards and requirements of this Agreement.

16. Prohibited Use of Funds. None of the funds, material, property or services provided directly or indirectly in this Agreement shall be used in the performance of this Agreement for any partisan political activity or to further the election or defeat of any candidate for public office. None of the funds provided under this Agreement shall be used for publicity or propaganda purposes designed to support or defeat legislation pending before the Burien City council, the Washington State Legislature, the U.S. Congress, or any other legislative body.

17. Entire Agreement. This Agreement contains the entire Agreement between the parties hereto and no other Agreements, oral or otherwise, regarding the subject matter of this Agreement, shall be deemed to exist or bind any of the parties hereto. Either party may request changes in the agreement. Proposed changes which are mutually agreed upon shall be incorporated by written amendments to this Agreement.

18. Notices. Administrative notices to the City of Burien shall be sent to the following address:

Jenn Ramirez Robson  
City of Burien  
400 SW 152<sup>nd</sup> St., Suite 300  
Burien, Washington 98166  
Telephone: (206) 439-3165  
E-mail: JenniferR@burienwa.gov

Legal notices shall be sent to the Burien City Clerk at the above address.

Notices to the Contractor shall be sent to the following address:

Name: Debra George, Community Animal Resource Education Society  
Title:  
Address: 145 Southwest 153rd Street  
Burien, WA 98166-2311

Telephone number: (206) 812-2737  
After Hours Emergency Number: (206) 941-7199  
Fax Number:  
E-mail: DebraGeorgeMi@aol.com

19. City of Burien Business License. Contractor agrees to obtain a City of Burien business license prior to performing any work pursuant to this Agreement.

20. State of Washington Requirements. Contractor agrees to register and obtain any State of Washington business licenses, Department of Revenue account and/or unified business identifier number as required by RCW 50.04.140 and 51.08.195 prior to performing any work pursuant to this Agreement.

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

DATED this 13<sup>th</sup> day of June, 2011

CITY OF BURIEN, WASHINGTON

COMMUNITY ANIMAL RESOURCE  
EDUCATION SOCIETY

By: [Signature]

By: [Signature]

Title: City Manager

Title: Director

Date: 6/13/11

Date: 6/13/11

## EXHIBIT A

### DUTIES AND RESPONSIBILITIES OF THE CONTRACTOR

#### A. Enforcement of Animal Regulatory Laws

The Contractor shall be fully responsible for taking animals into custody, transporting animals, investigating animal control complaints, and administering and enforcing animal control regulations, as set forth in the City's Municipal Code and the animal control provisions of the King County Code that have been adopted by the City. The responsibilities will include, but may not be limited to, the following:

1. Complaints and Referrals: The Contractor shall, within one business day respond to all animal control complaints referred to it by the public, appropriate officers, health services or other entities where the complaints constitute violations of the Burien Municipal Code. Records shall be kept on each complaint, to include action(s) taken and disposition(s).
2. Apprehension: Apprehend and impound stray dogs. The Contractor shall follow the procedures in the City's animal control regulations and shall return the dog to the owner, if known, while the contractor is in the field and shall issue a written warning or notice of violation to the owner instead of impounding the animal for a first time offense. Subsequent offenses shall be impounded. Vicious animals at large must be impounded. Complete and accurate records of all apprehensions and impounds, including disposition of the animal, shall be maintained.
3. Secure evidence of suspected violators. Evidence shall be recorded, properly identified, and stored in a secure location until such time as the evidence is no longer required.
4. Distressed Animals: Animals in distress, including hardship cases, such as owner arrest or house fires, must be impounded. If a distressed animal cannot be safely impounded, it must be humanely euthanized immediately. The method of euthanization must be approved by the City.
7. Other Equipment: The Contractor shall have equipment available for hauling large animals and shall stock dog and cat traps, and cat carrying cases, for use by residents. A current and accurate inventory of all equipment shall be maintained.

Additionally, the Contractor shall have computer chip detection equipment to be able to detect and read computer chips in animals to assist in locating the owner.

8. Emergency Response: The Contractor for animal control services shall be available twenty-four (24) hours a day, seven (7) days a week, on an emergency response basis. Emergency response shall be for:
  - a. Vicious animals, or animals wild or domestic that may reasonably constitute a hazard to persons or other animals or threaten public safety.
  - b. Animals with life-threatening injuries.
  - c. Hardship cases or law enforcement assistance matters.

9. Court Appearances: The Contractor may, on occasion, be required to appear in court in support of enforcement action. The Contractor shall not receive additional compensation for these appearances.

10. Special Assistance: From time to time special assistance may be required to respond to unique circumstances and/or animal care needs. Such special assistance or care shall be the responsibility of the Contractor.

11. Enforcement Authority: In accordance with Section A. 14 below, the Contractor is authorized to impound animals, issue notices of violation and/or corrective action, determine animals to be vicious and prescribe compliance requirements therefore, and take other enforcement measures as set forth in the City's animal regulatory ordinances, provided that only City police officers are authorized to issue criminal citations.

12. Reporting: The Contractor shall provide complete and accurate reports to the City pertaining to the enforcement activities.

13. Telephone/Fax/Email: All inquiries via telephone, fax or email must be answered during regular business hours and there must be a number or rotating contact whereby the contractor may be contacted 24 hours a day, seven days a week on an emergency response basis. All calls for service shall be logged and a disposition recorded.

14. Enforcement Officers: All of the Contractor's enforcement officers shall have and maintain current knowledge of the City's animal control regulations and shall be authorized by the City Manager to enforce said regulations by such measures as impounding animals, issuing notices of violations and/or corrective action, determining animals to be vicious and prescribing compliance requirements therefore, and taking other enforcement measures as set forth in the City's animal regulatory ordinances.

The Contractor's enforcement officers shall not issue criminal citations. Whenever evidence of an animal control violation is discovered that the enforcement officer or the City police department believes warrants criminal investigation and/or prosecution, the enforcement officer shall coordinate with the police department as necessary and appropriate, including providing the department with a written report and assisting with further investigation.

All of the Contractor's enforcement officers shall provide due process to animal owners in accordance with the City's animal control regulations, including but not limited to providing notice to owners of enforcement actions and appeal rights.

All of the Contractor's enforcement officers shall be suitably uniformed to present a clean, respectable image to the public and shall utilize techniques for dealing with the public in a professional manner.

All of the Contractor's enforcement officers shall be trained and receive continuing education in investigation, reports preparation, and issuance of notices of violation and/or corrective action. All enforcement officers shall also be trained and receive continuing education in methods of

animal control and handling procedures, in order to ensure officer safety, safety to the community, and the best possible handling of animals.

15. Cruelty Complaints: The Contractor shall respond to and provide resolution of complaints regarding animal cruelty. Whenever evidence of criminal animal cruelty is discovered, such complaints will be coordinated with the appropriate police agency for further investigation, along with a written report.

16. Activities Not Covered: The Contractor shall not generally be responsible for the following items:

- a. Removing dead animals from City roadways and rights-of-way.
- b. Responding to complaints or incidents involving wild animals, except where it is in the interest of public safety that the Contractor respond or to the extent of notifying the State Department of Fish and Wildlife.
- c. Rehabilitating and restoring to health animals that have been injured, neglected or abused beyond basic care needed to stabilize an animal during the impound period.

17. Records: The Contractor shall be required to develop its own record-keeping procedures and to maintain records of all animals it handles in the performance of the contract, which records shall at a minimum contain the following information:

- a. Description of the animal, including its breed, color, size, sex, disposition, where and how the animal was obtained, and the animal's owner if possible.
- b. Disposition of all complaints regarding animals.
- c. All dangerous or potentially dangerous animals and dog-bite incidents.
- d. All animals impounded, notices of violation issued, and the final disposition of such matters.
- e. Any additional information that may be required by the City through its regulatory ordinances.

The above-required information shall be available to the City on a monthly basis on approved forms as requested and shall be accessible to the City during normal business hours. Statistical information shall be provided monthly as required by the City.

18. Animal Transport Equipment: The Contractor shall be responsible for providing and maintaining sufficient patrol vehicles to carry out the enforcement activities of the contract. The patrol vehicles shall be conspicuously marked and identified, equipped with communication equipment and equipped in such a manner as to provide humane treatment for the animals transported. City owned equipment that the Contractor may utilize shall be returned to the City upon termination of this contract.

19. Random Patrol: In addition to providing the services indicated, the Contractor may be asked to provide random patrol as directed by the City.

## B. Animal Shelter Facilities

The Contractor shall provide animal shelter services for all animals for which impounding or quarantine is authorized or ordered by the City or Public Health-Seattle & King County for animals subject to the City's jurisdiction. These facilities shall be operated and maintained on a 24-hour per-day basis, in a neat, clean and sanitary condition, in compliance with all applicable governmental statutes, ordinances, rules and regulations and in conformity with established standards for humane animal care.

1. Shelter Hours: The Shelter or shelter representative shall be accessible for contact 24 hours a day, seven days a week on an emergency response basis. The animal shelter facility shall be opened to the public, with qualified staff on the premises, at least 40 hours each week, one day being Saturday, on a schedule approved by the City. The shelter will be closed on the following Holidays.

a. Holiday Schedule

- i. New Year's Day
- ii. Memorial Day
- iii. Independence Day
- iv. Labor Day
- v. Veterans Day
- vi. Thanksgiving Day
- vii. Christmas Day

2. Delivery of Animals: The Contractor shall provide a procedure whereby animals may be delivered to the shelter on a 24-hour basis.

3. Building: Contractor shall equip and organize the shelter to have an adequate number of dog kennels and cat cages, isolation facilities for sick dogs and cats, quarantine facilities for biters or injured animals, which are not necessarily sick, and access to large animal housing. The animal shelter shall be maintained in a clean and sanitary condition, and the Contractor will not permit any condition to exist that might constitute a public nuisance. The kennel shall comply with the best practices and/or professional shelter standards promoted by national animal welfare organizations, such as, but not limited to, the Humane Society for the United States (HSUS), American Humane Association (AHA), ASPCA or Association of Shelter Veterinarians. The facility site shall be operated in conformance with the local zoning regulations and shall comply with all Federal, State and local regulations. Contractor shall be familiar and comply with all State and City ordinances and shall be responsible for obtaining all necessary approvals, permits and business licenses from the City.

4. Acceptance and Care of Animals: The Contractor shall provide care and treatment to all animals held in custody consistent with industry standards. Adequate housing, food and water shall be provided and the shelter shall not be overpopulated.

5. Reunification: The Contractor must make all reasonable efforts to reunite animals with owners before euthanasia or adoption, which efforts shall include accessing current licensing records,

using contact information on owner provided tags worn by the animal, and scanning all animals to detect implanted computer chips.

6. Adoption: The Contractor shall be responsible for making every reasonable effort to prepare and present animals suitable for adoption by the public and to facilitate the same. Unclaimed animals will be made available for claim by City approved adoption agencies. The adoption process shall take place as determined by the City in consultation with the Contractor, and the process may include completion of an application or questionnaire to help verify the potential new owner is acceptable and gather information to match the new owner with an appropriate pet.

7. Inspection of Premises: The City, through its authorized representatives, shall have the right to enter upon and inspect the premises during regular business hours for the purpose of inspecting the facilities for the above-mentioned conditions.

8. Disposal of Unclaimed Animals: The Contractor shall provide for the adoption, transfer or humane disposal of unclaimed animals after holding them for a minimum period as follows:

- Licensed dog or cat: at least 120 hours after telephone contact by the Contractor or for at least two weeks after posting of the notification of impoundment by regular mail.
- Unlicensed animal: 72 hours from the time of impoundment.

Under no circumstances shall animals not adopted be sold for purposes of medical research or other activities without the consent of the City. The Contractor shall be responsible for maintaining animals beyond the minimum time as may be required for the completion of any judicial process or to the extent required by law.

9. Euthanasia: Arrange and/or provide for the humane euthanasia and disposal of unwanted animals. This shall be accomplished in a manner approved by Federal or State regulations and shall not subject such animals to any unnecessary pain. Euthanasia will be performed in an area isolated from the kennel and out of sight of visitors to the kennel. Euthanasia will be performed by certified technicians only. The manner of euthanasia must be approved by the City.

10. Records: The Contractor shall be required to develop its own record-keeping procedure and to maintain records of all animals brought into the shelter, which shall include information on:

- a. description of animal;
- b. reason it was brought in;
- c. who brought in the animal;
- d. from what location the animal was brought in;
- e. time frame of when animal brought in, how long it stayed, and when it was released, redeemed, adopted, or euthanized;
- f. fees collected;
- g. record of all adoptions with names and addresses of new owner; and
- h. record of licenses sold with names and addresses.

The above-required information shall be available to the City on a monthly basis on approved forms as requested and shall be accessible to the City during normal business hours. Statistical

information shall be provided monthly as required by the City. The City shall also receive records of all dangerous or potentially dangerous dog-bite incidents.

11. Equipment: The Contractor shall furnish all equipment and supplies used in performing the Contractor's obligations arising under this agreement, except equipment and supplies that the City will provide for start-up purposes. All equipment and supplies purchased pursuant to this agreement by Contractor shall be owned by the Contractor. All City owned equipment and unused supplies in Contractor's possession shall be transferred to the City within 30 days after the termination of this agreement.

12. Collect Fees: The Contractor shall be responsible for collecting appropriate impounding and boarding fees and submitting such to the City.

13. Licenses: The Contractor shall ensure that all animals released or adopted are properly licensed and vaccinated in accordance with City ordinances and shall remit license fees to the City.

14. Failure to Remit: Failure to remit records and/or fees on a monthly basis to the City can result in the City withholding service payment until resolved.

15. Audit Records and Reporting: The Contractor shall keep comprehensive records and submit regular reports to the City. All income and expenditures shall be recorded in accordance with generally accepted accounting principles. The financial records shall be subject to audit by the City at the time and place mutually convenient to the parties during the term and for a period of three (3) years thereafter. The Contractor understands that certain records may be subject to state mandated retention policies and public disclosure laws.

16. Periodic Review of Agreement: The City and the Contractor shall review the service levels and terms of this contract within six months from the start date of the agreement (by December 15 2011) and periodically thereafter.

EXHIBIT B

Billing Voucher

To: City of Burien  
400 SW 152<sup>nd</sup> St., Suite 300  
Burien, Washington 98166  
Phone: (206) 241-4647  
FAX: (206) 248-5539

Contractor: \_\_\_\_\_ Telephone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Specific Program: \_\_\_\_\_

Contract period: \_\_\_\_\_ Reporting Period: \_\_\_\_\_

Amount requested this invoice: \$ \_\_\_\_\_

Invoice Number: \_\_\_\_\_ Date of Invoice \_\_\_\_\_

\_\_\_\_\_  
Authorized signature

-----  
BUDGET SUMMARY:

Total contract amount	\$ _____
Previous payments	\$ _____
Current request	\$ _____
Total requested this contract to date	\$ _____
Balance remaining	\$ _____

Note: If applicable, submit a separate voucher for each program which is funded by your City of Burien contract.

-----  
*For Department Use Only*

Approved for Payment: \_\_\_\_\_

Date: \_\_\_\_\_







# Burien Community Animal Resource and Education Society (CARES)

- Operation Review Highlights -

Staff Presentation  
April 15, 2013

The operation review of CARES found that CARES:

Meets its contractual obligations with the City of Burien.

Treats the animals under its care humanely.

Needs to make improvements.



Sasha



Monty

## Improvement Recommendations include:

1. Wear goggles when handling cleaning chemicals.
2. Enter animal information into the system right away to avoid the risk of forgetting to do it or double-entry later.
3. Only remove cats when necessary when cleaning cages to avoid the risk of stressing out the cats and making them ill.
4. Use fresh water as the primary method of cleaning instead of mopping to avoid cross-contamination.
5. Answer the phone as “Burien Animal Care and Control” as written in the Policies and Procedures Manual.



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Review of Council Proposed Agenda Schedule		<b>Meeting Date:</b> April 15, 2013
<b>Department:</b> City Manager	<b>Attachments:</b> <a href="#">Proposed Meeting Schedule</a>	<b>Fund Source:</b> N/A <b>Activity Cost:</b> N/A <b>Amount Budgeted:</b> N/A <b>Unencumbered Budget Authority:</b> N/A
<b>Contact:</b> Monica Lusk, City Clerk		
<b>Telephone:</b> (206) 439-5517		
<b>Adopted Initiative:</b> Yes    No <input checked="" type="checkbox"/>	<b>Initiative Description:</b> N/A	
<b>PURPOSE/REQUIRED ACTION:</b>		
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.		
<b>BACKGROUND (Include prior Council action &amp; discussion):</b>		
According to City Council policies, the proposed meeting schedule is reviewed during the last meeting of each month.		
<b>OPTIONS (Including fiscal impacts):</b>		
<ol style="list-style-type: none"> <li>1. Review the schedule, and add, delete, or move items.</li> <li>2. Review the schedule and make no modifications.</li> </ol>		
<b>Administrative Recommendation:</b> Review the schedule and provide direction to staff.		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> None required.		
Submitted by: Monica Lusk <b>Administration</b> _____	Mike Martin <b>City Manager</b> _____	
<b>Today's Date:</b> April 10, 2013	<b>File Code:</b> R\CC\Agenda Bill 2013\041513cm-3 Rev Agenda Schedule.doc	



**CITY OF BURIEN**  
**COUNCIL PROPOSED AGENDA SCHEDULE**  
**2013**

**April 22, 7 pm Council Study Session**

Shoreline Master Program (SMP) Update Introduction.  
(Community Development)

**May/June**

1. 6 pm BEDP Interviews
2. Presentation of Annual Report by Discover Burien.  
(City Manager)
3. Motion to Approve Appointments to the Business and Economic Development Partnership.  
(City Manager)
4. Public Hearing on the Shoreline Master Program (SMP) Update.  
(Community Development)
5. Discussion on the Shoreline Master Program (SMP) Update.  
(Community Development)
6. **Discussion on Motion to Adopt Ordinance No. 580, Amending the 2013-2014 Biennial Budget for Legal and Consulting Services Related to the Burien Town Square Project.**  
(City Manager)
7. Presentation of the Quarterly Financial Report.  
(Finance)
8. 6 pm Parks & Recreation Board Interviews
9. Presentation of Annual Report by Small Business Development Center (SBDC).  
(City Manager)
10. **Presentation of Service Awards to Albertsons' Employees.**  
(City Manager/Police – per Carl 4/2)
11. Motion to Approve Appointments to the Parks and Recreation Board.  
(City Manager)
12. Shoreline Master Program (SMP) Update.  
(Community Development)
13. **Motion to Adopt Ordinance No. 580, Amending the 2013-2014 Biennial Budget for Legal and Consulting Services Related to the Burien Town Square Project.**  
(City Manager)
14. May 27, Council Study Session – Cancelled (Memorial Day)
15. **June, July, and August Council Meeting Schedule = 1<sup>st</sup> and 3<sup>rd</sup> Mondays**
16. **Public Hearing and Discussion on Transportation Improvement Plan (TIP) Update.**  
(Public Works)
17. **Presentation and Discussion on Proposed Ordinance No. xxx, Amending BMC Title 15, Buildings and Construction.**  
(Community Development)
18. **Discussion and Update on Potential Off-Leash Dog Area.**  
(Parks - Council direction 3/25)
19. **Motion to Approve Resolution No. 343, Adopting the 2014 through 2019 Six-Year Transportation Improvement Program (TIP).**  
(Public Works)
20. **Motion to Adopt Proposed Ordinance No. xxx, Amending BMC Title 15, Buildings and Construction.**  
(Community Development)
21. **Continued Discussion on City Council Election by Wards. (TENTATIVE)**  
(City Manager - Council direction on 3/25)
22. Review of Proposed Council Agenda Schedule.  
(City Manager)
23. City Manager's Report.  
(City Manager)





# Burien

*Washington, USA*

400 SW 152<sup>nd</sup> St., Suite 300, Burien, WA 98166  
Phone: (206) 241-4647 • FAX (206) 248-5539  
[www.burienwa.gov](http://www.burienwa.gov)

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## MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Mike Martin, City Manager  
**DATE:** April 15, 2013  
**SUBJECT:** City Manager's Report

### I. INTERNAL CITY INFORMATION

#### A. Parks Board Member Stepping Down

Christopher Ndifon has given notice that he will be resigning from the Parks, Recreation & Cultural Services (PaRCS) Department Advisory Board at the end of April to spend more time with his family.

#### B. Spring SpEGGtacular

In celebration of spring, sunshine and bunnies, the PaRCS Department held this annual family event on Saturday, March 30, at the Burien Community Center. Activities included a lovely breakfast, petting room, games, and an outdoor egg hunt next door in Dottie Harper Park. Approximately 175 families attended the breakfast with another 65 children registered for activities only. The sit-down breakfast was sponsored by the Burien Lions Club, Boulevard Park Place and DayStar Retirement Center.

#### C. 2012 Fall Recreation Participation Data

The fall 2012 quarter resulted in 252 programs organized by the PaRCS Department, with 2,348 participants registered for fee-supported classes. These individuals took part in a total of 18,166 "participant hours". During this same time period, an additional 1,471 individuals attended "drop in" and "special event" programs for an additional 19,294 participant hours of recreation activity -- in sum, a total of 37,460 participant hours for fall 2012.

#### D. C.A.R.E.S. Informational Video

The second of two informational videos produced by Puget Sound Access (PSA), the City's Channel 21 TV provider, is now airing on Channel 21. This five-minute informational video features C.A.R.E.S., the City's animal control provider. The

video was filmed and produced by PSA in collaboration with the City Communications Office and C.A.R.E.S. The video will run at least once each day. The first informational video, also currently airing on Channel 21, spotlights Sergeant Henry McLauchlan of the Burien Police Department speaking on crime prevention.

**E. Northeast Redevelopment Area (NERA) Eastbound SR-518 Exit Ramp Project**  
CH2M Hill is under contract for Design of this much-awaited project. Rights-of-Entry have been secured from WSDOT and the Port of Seattle. The first coordination meeting with WSDOT is scheduled for Wednesday, April 10, to review the project schedule and identify the critical path, what approvals must be obtained by WSDOT, and who the reviewers will be at WSDOT. This information will be used to invite critical stakeholders to the formal project kick-off meeting.

**F. City Hall Janitorial Contract**

Seven bids were received for the new janitorial contract for City Hall; two were rejected as incomplete. Of the remaining five, Global Cleaning, Inc. was the low bidder. References were checked and the contract will be fully-executed by April 12. The contract term is May 1, 2013, through April 30, 2016.

**G. New Copiers at City Hall**

The Information Technology staff replaced the old copiers in City Hall this past week after careful review of current and future needs, available devices in the marketplace, cost and feedback from users. The new devices are up-to-date with the latest technology and have more functionality than the previous machines. They will make tedious and routine tasks more automated and efficient, thus saving staff time and effort.

**COUNCIL UPDATES/REPORTS**

**A. Citizen Action Report (CAR) (Page 131)**

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

**B. Invitation to Council for Sea-Tac Airport Part 150 Noise Study (Page 139)**

An invitation (attached) was received for Councilmembers to attend the Sea-Tac Airport Park 150 Noise Study on Wednesday, May 15, from 6:00-8:00 pm at Cedarhurst Elementary School

**C. Draft Interlocal Agreement (ILA) between Highline School District and the Cities of Burien, Des Moines, Normandy Park and SeaTac (Page 141)**

At the April 1 Council meeting, Councilmember Krakowiak requested that the attached Draft ILA be included in the April 15 Council meeting packet.

**D. Arbor Day Foundation Names Burien Tree City USA (Page 153)**

A letter dated March 19, 2013, was sent to Mayor Bennett from John Rosenow, Chief Executive of the Arbor Day Foundation. The letter (attached) congratulates Burien on earning recognition as a 2012 Tree City USA.

**E. Abatement of Code Violations at an Abandoned Property in November, 2010**

The following is submitted at the request of Councilmember(s) at the March 4 Council meeting in response to the public comment from Dick West about the City's abatement of code violations at an abandoned residential property in North Burien.

Mr. West stated at the Council meeting that he had hired a bankruptcy attorney to investigate the City's handling of abandoned foreclosed homes and believed he had discovered mismanagement and misuse of City funds in providing Chase Bank free cleanup of the home at 11416 26<sup>th</sup> Ave S.

Actual events are as follows: In June, 2010, shortly after annexing the above property in North Burien, the City began receiving complaints from law enforcement officers and residents (including Mr. West) about excessive dumping of trash, construction debris, mattresses, and stolen vehicles on the property and adjacent street and reports of unknown individuals entering the abandoned house during the day and night. The City was informed by King County that dumping in the street in front of the property had been a habitual problem prior to annexation and the County had frequently been called on to remove the debris.

After researching property records, the City found that Chase Bank had scheduled a foreclosure sale for the property but had not yet acquired ownership and that the property owner had filed for Chapter 13 bankruptcy protection. The City attempted to obtain code compliance from both Chase and the property owner but was unsuccessful in doing so.

Due to the urgency of the health and safety violations and complaints that had been received from the police, neighboring residents and Mr. West, the City negotiated a right of entry agreement with the property owner's bankruptcy attorney, in order for the City to enter the property to remove the garbage and secure the premises from unauthorized entry. On November 10, 2010, the property was cleaned and secured by the City's Public Works crew (less than \$2,500 in in-kind labor cost). Waste Management provided dumpsters and vouchers to cover disposal costs and the City crew used materials on hand for securing the premises, so the City did not incur any additional out of pocket costs.

The City was not legally able to file a lien against the property for the abatement costs due to the "automatic stay" provision in Section 362 of the United States Bankruptcy Code, which prohibits such liens for charges incurred from the time the debtor has filed the bankruptcy petition until the bankruptcy has been discharged. As stated in the document provided by Mr. West, the property would not be surrendered and the automatic stay would not be lifted until the debt reorganization plan was confirmed.

This document did not state, as indicated by Mr. West, that the property was surrendered to Chase Bank on March 25, 2010. To the contrary, according to King County property records, a Trustee's Deed upon Sale transferring ownership from the bankrupt property owner to Federal National Mortgage Association did not occur until December 9, 2011. This was over a year after the City cleaned and secured the property. If Mr. West or his bankruptcy attorney has accurate contrary information regarding bankruptcy law or how and when the transfer of this property occurred, City staff would be very interested in reviewing it.

It should also be noted that in April, 2012, the City Council adopted a new code enforcement ordinance, Chapter 1.15 BMC. In this new ordinance, the City expanded the definition of "persons responsible for violation" to include mortgagees (such as Chase Bank) of property that is subject to a foreclosure action or that has been abandoned for at least 90 days. This now gives the City an additional tool to deal with mortgage companies such as Chase Bank; however, it still does not avoid the problem of dealing with properties involved in a bankruptcy proceeding. Accordingly, in order for the City to clean and secure the above property in response to the urgent complaints of Mr. West and others, the City would still have had no choice but to absorb the cost of doing so.

It should further be noted that the City's code enforcement staff was successful in obtaining code compliance for several properties in North Burien shortly after annexation without the City incurring any abatement costs other than staff time. These properties were being used as hangouts for various illegal activities, had been of significant concern to law enforcement officers for a long time, and had not been brought into compliance by King County code enforcement.

#### **F. Cost of Abandoned Residential Properties**

At the March 18 Council meeting, Councilmembers asked staff for information in response to the public comment from Dick West about the cost to the City of eight abandoned residential properties and 50-100 other such properties throughout Burien.

Mr. West showed the Council photos of eight apparently vacant houses. He said, "According to the FDIC each one of these houses cost the City \$34,000 in lost revenue and surrounding home values go down by \$220,000." He further said that these losses occur every year. Apparently extrapolating these amounts, Mr. West then said, "These eight houses on the screen have cost the City \$589,000 in lost revenue in the last three years. The residents of Burien have lost \$208,125,000 in net worth last year above and beyond our surrounding municipalities, because the City refuses to take action against these types of houses."

Staff has reviewed the FDIC website and found the following statements, which were based on 2005 Chicago studies:

"Homes in foreclosure that become vacant provide sites for crime or other neighborhood problems. One foreclosure can impose up to \$34,000 in direct costs on local government agencies, including inspections, court actions, police and fire

department efforts, potential demolition, unpaid water and sewage, and trash removal. . . . One foreclosure can result in as much as an additional \$220,000 in reduced property value and home equity for nearby homes.”

Thus, as actually stated on the FDIC website, the \$34,000 figure does not represent annual lost revenue to City government nor does the \$220,000 figure represent annual property value reduction in Burien. Although City staff does not disagree that abandoned foreclosed homes are a significant problem, Mr. West's calculated total costs attributable to this problem are difficult to substantiate.

Staff has also reviewed the eight houses referenced by Mr. West. All eight are apparently up to date on King County property tax payments. One of the eight (#6) is an active code enforcement case. Three of the eight (#1, 3, 7) are closed code enforcement cases that have been brought into compliance. Four of the eight (#2, 4, 5, 8) have never been reported to City code enforcement.

Thus, the record contradicts Mr. West's statement that the City refuses to take action against these types of houses.

Although City staff does not have a precise or approximate count of the number of vacant homes in foreclosure in Burien, needless to say there are more than anyone would like to see. If Mr. West's estimate of 50-100 such homes and his estimate of 40 hours of staff time to abate each one are fair approximations, then the City Council would need to significantly increase the City's code enforcement budget in order to proactively address this situation. As part of the budget process, City staff is very willing to review this situation more carefully and propose possible courses of action and budget options for dealing with it.

#### **G. 2013 Legislative Session Update – Weeks Eleven and Twelve (Page 155)**

The attached update from Mike Doubleday, Government Relations Specialist, summarizes weeks eleven and twelve of the 2013 legislative session. Also attached is the balance sheet detail for the General Fund-State, Education Legacy Trust, Opportunity Pathways and Budget Stabilization Accounts.

#### **H. March Building Permit Reports (Page 169)**

Attached are the monthly reports for Building Permits issued and Building Permits received during the month of March. The number of Building Permits received was steady in March, but the valuation of the permits received was much higher while both the number and value of Building Permits issued increased over February's results.

#### **I. Notices: (Page 171)**

The following (attached) Notices were published:

- Notice of Application: Replacement of six existing panel antennas and addition of three remote radio heads and associated equipment to an existing personal wireless service facility located at Atonement Lutheran Church. Written comments must be received prior to 5:00 pm on April 26, 2013.

- Notice of Application: Replacement of six existing panel antennas and addition of three remote radio heads and associated equipment to an existing personal wireless service facility located at the Washington State Criminal Justice Training Center. Written comments must be received prior to 5:00 pm on April 26, 2013.
- Notice of Application to subdivide one existing 1.14 acre residential lot into five single-family residential lots. Written comments must be received prior to 5:00 pm on May 2, 2013.

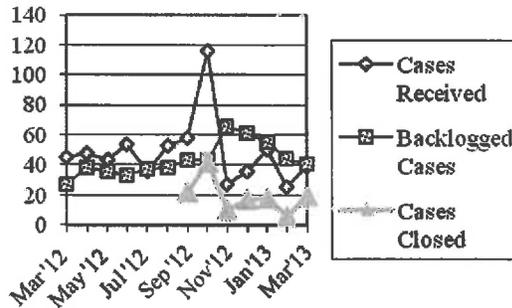


**CITY OF BURIEN MEMORANDUM**

**DATE:** April 2, 2013  
**TO:** Mike Martin, City Manager  
**FROM:** Cynthia Schaff, Paralegal  
**RE:** 2013 Citizen Action Report

This report reflects the caseload for March and includes all backlog cases open as of March 31, 2013. As of that date, there were 63 open cases. 41 of the open cases are more than five weeks old and are considered backlog. There were 39 cases opened during the month of March, 17 cases initiated by staff/police/fire, and 22 cases initiated by residents. 19 of the cases opened during the month of March were closed within the month.

**Citizen Action Case Status**



	Mar '12	Apr '12	May '12	Jun '12	Jul '12	Aug '12	Sep '12	Oct '12	Nov' 12	Dec' 12	Jan' 13	Feb '13	Mar '13
<b>Cases Closed</b>							22	42	10	17	18	6	19
<b>Cases Received</b>	45	48	43	54	36	53	58	116	27	36	50	25	39
<b>% Cases Closed/Received</b>							38%	36%	37%	47%	36%	24%	49%
<b>Backlogged Cases</b>	27	38	36	33	37	38	43	43	66	61	55	44	41
<b>Total Open Cases</b>	62	63	59	69	60	62	72	125	88	84	84	77	63
<b>% of Backlog</b>	44%	60%	61%	48%	62%	61%	60%	34%	75%	73%	65%	57%	65%

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

Cc: Chip Davis, 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





***Monthly Report to the City Manager***  
***Citizen Action Request Case Status***

Report Date: 04/02/2013

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
1078	Public Works	CAR-10-0208	04/20/2010	Planning / Zoning	804 SW 122ND ST Zoning-Pulcke-Zone 1	Other - See Notes	10/26/2012	Open
536	Building	CAR-11-0398	10/14/2011	Critical Area Concerns	16705 MAPLEWILD AV SW Critical Area House-Johnson/Justin-Zone 3	Other - See Notes	11/30/2012	Open
608	Code Enforcement	CAR-11-0488	11/10/2011	Nuisance	16331 MAPLEWILD AV SW Nuisance-Golka-Zone 3	NOV Issued	02/26/2013	Open
440	Fire Department	CAR-12-0024	01/18/2012	Fire Department issue	15733 AMBAUM BL SW Fire Dept Issue-Highline Lanes-Zone 3	Other - See Notes	04/12/2012	Open
377	Fire Department	CAR-12-0110	03/21/2012	Fire Department issue	420 SW 154TH ST Fire Issue-Laru Apts-Zone 3	Case Received	03/21/2012	Open
377	Fire Department	CAR-12-0111	03/21/2012	Fire Department issue	615 AMBAUM BL SW Fire Issue-Condos-Zone 3	Case Received	03/21/2012	Open
377	Fire Department	CAR-12-0112	03/21/2012	Fire Department issue	15800 4TH AV S Fire Issue-Woodcrest Apt-Zone 4	Case Received	03/21/2012	Open
377	Fire Department	CAR-12-0114	03/21/2012	Fire Department issue	15621 4TH AV S Fire Issue-Cedar Court Apts-Zone 4	Case Received	03/21/2012	Open
313	Code Enforcement	CAR-12-0203	05/24/2012	Nuisance	12667 12TH AV S Nuisance, Vehicles, House-Towie-Zone 2	NOV Issued	01/23/2013	Open
274	Code Enforcement				12448 AMBAUM BL SW			

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
		CAR-12-0284	07/02/2012	Fire Department Issue	Fire Issue-Clifton Apts-Zone 1	Case Received	07/02/2012	Open
250	Fire Department	CAR-12-0311	07/26/2012	Fire Department Issue	12400 26TH AV S Fire Alarm-Woodbridge Apts.-Zone 2	Phone Call	07/30/2012	Open
231	Code Enforcement	CAR-12-0338	08/14/2012	Business License	502 SW 138TH ST Business License/Home Occ.-Parkers Moving-Zone 1	Other Letter	02/28/2013	Open
230	Code Enforcement	CAR-12-0341	08/15/2012	Nuisance	1226 SW 146TH ST Nuisance vehicles, grass-Till-Zone 3	Other - See Notes	03/14/2013	Open
223	Code Enforcement	CAR-12-0353	08/22/2012	Nuisance	12723 SHOREWOOD PL SW Nuisance, Attractive,Swim Pool-Mielke-Zone 1	Other - See Notes	02/26/2013	Open
222	Code Enforcement	CAR-12-0356	08/23/2012	Nuisance	Vegetation-Miller-Zone 1	NOV Issued	02/15/2013	Open
196	Code Enforcement	CAR-12-0387	09/18/2012	Rental Housing License	13040 12TH AV SW Rental Hsg-Ambaum View Apts.-Zone 1	NOV Issued	02/26/2013	Open
195	Building	CAR-12-0406	09/19/2012	Building	15809 25TH AV SW Bldg Permit-Hunt-Zone 3	Enforcement Letter 1	09/20/2012	Open
183	Code Enforcement	CAR-12-0431	10/01/2012	Fire Department Issue	18050 DES MOINES MEMORIAL DR S Fire/Building-New Owner-Zone 4	Enforcement Letter 1	11/21/2012	Open
173	Code Enforcement	CAR-12-0439	10/11/2012	Building	14448 8TH AV S Building Permit-Hoang-Zone 4	NOV Issued	01/17/2013	Open
169	Code Enforcement	CAR-12-0442	10/16/2012	Nuisance	15827 8TH AV SW RV Living-McCann-Zone 3	NOV Issued	01/28/2013	Open
169	Code Enforcement	CAR-12-0444	10/15/2012	Business License	209 SW 152ND ST B/L-La Preciosa Boutique-Zone 3	Enforcement Letter 1	12/03/2012	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
159	Building	CAR-12-0547	10/26/2012	Building	16429 3RD AV S Bldg Permits-Fernandez-Zone 4	Enforcement Letter 2	11/30/2012	Open
123	Code Enforcement	CAR-12-0588	11/30/2012	Nuisance	13262 4TH AV S Vehicle Repair-Elkins- Zone 2	Enforcement Letter 1	12/19/2012	Open
123	Code Enforcement	CAR-12-0594	11/30/2012	Sign Violation	250 SW 163RD ST Sign Permit- El Unicornio-Zone 3	NOV Issued	03/28/2013	Open
120	Code Enforcement	CAR-12-0591	12/03/2012	Nuisance	13811 DES MOINES MEMORIAL DR S Fence -Haberzettl-Zone 2	Enforcement Letter 1	02/01/2013	Open
117	Code Enforcement	CAR-12-0600	12/06/2012	Business License	11804 8TH AV SW Business License, Swear Shop-Nguyen-Zone 1	Enforcement Letter 1	03/21/2013	Open
113	Code Enforcement	CAR-12-0606	12/10/2012	Sign Violation	13809 1ST AV S ABS Pole Violation-Classy Motors-Zone 1	NOV Issued	03/29/2013	Open
104	Code Enforcement	CAR-12-0626	12/19/2012	Nuisance	12242 23RD AV S Nuisance, Vehicles, Trash, RV Living-King-Zone 2	NOV Issued	03/29/2013	Open
83	Code Enforcement	CAR-13-0010	01/09/2013	Sign Violation	16035 1ST AV S ABS, Salvation Army-Zone 3	Enforcement Letter 1	01/11/2013	Open
82	Code Enforcement	CAR-13-0016	01/10/2013	Nuisance	13417 4TH AV S Nuisance, Trash-Alcantar-zone 2	NOV Issued	03/29/2013	Open
82	Building	CAR-13-0018	01/10/2013	Building	14901 28TH AV SW Building/ROW Issue-Winston-Zone 3	Case Received	01/10/2013	Open
69	Code Enforcement	CAR-13-0030	01/23/2013	Nuisance	856 SW 125TH ST Vacant House-Dang-Zone 1	Enforcement Letter 1	02/13/2013	Open
63	Code Enforcement	CAR-13-0036	01/28/2013	Nuisance	13826 DES MOINES MEMORIAL DR S Vehicles/Trash-Haberzettl -Zone 4	NOV Issued	03/29/2013	Open
63	Code Enforcement	CAR-13-0051	01/29/2013	Housing Concerns	12456 ROSEBERG AV S Housing, No Water-Prasad, Rental-Zone 2A	Case Received	01/29/2013	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
62	Code Enforcement	CAR-13-0037	01/30/2013	Nuisance	12054 3RD AV S Vehicles-Meth-Zone 2	Enforcement Letter 1	02/07/2013	Open
61	Code Enforcement	CAR-13-0047	01/31/2013	Nuisance	13602 3RD AV S Nuisance, Vacant-Gomez-Zone 2	Other - See Notas	03/14/2013	Open
61	Code Enforcement	CAR-13-0049	01/31/2013	Housing Concerns	821 SW 154TH ST Housing-Nguyen-Zone 3	Enforcement Letter 1	02/28/2013	Open
55	Code Enforcement	CAR-13-0089	02/06/2013	Nuisance	Nuisance, Trash-21st Century Builders LLC-Zone 2	Enforcement Letter 1	03/19/2013	Open
53	Code Enforcement	CAR-13-0057	02/08/2013	Nuisance	Nuisance, Trailer Storage-Used Tires-Zone1	NOV Issued	03/29/2013	Open
49	Code Enforcement	CAR-13-0062	02/12/2013	Housing Concerns	1039 S 128TH ST Housing-Van-Zone 2	NOV Issued	03/29/2013	Open
46	Code Enforcement	CAR-13-0064	02/15/2013	Housing Concerns	473 S 160TH ST Housing-Johnson-Zone 4	Case Received	02/15/2013	Open
34		CAR-13-0073	02/27/2013		801 SW 150TH ST B/L-3 Tree Ventures-Zone 3	Enforcement Letter 1	03/29/2013	Open
34	Code Enforcement	CAR-13-0075	02/27/2013	Animals	16545 DES MOINES MEMORIAL DR S Animals, Set Back-Nguyen-Zone 4	Enforcement Letter 1	03/08/2013	Open
32	Code Enforcement	CAR-13-0080	03/01/2013	Nuisance	13204 12TH AV SW Nuisance, Dangerous Building-Castlemont Apts-Zone 1	Case Received	03/01/2013	Open
32	Code Enforcement	CAR-13-0081	03/01/2013	Parking	Parking, Nuisance-Miles-Zone 1	Enforcement Letter 1	03/11/2013	Open
29	Code Enforcement	CAR-13-0086	03/04/2013	Nuisance	1040 S 136TH ST Nuisance-Trash-Rattu	Case Received	03/05/2013	Open
26	Code Enforcement	CAR-13-0087	03/07/2013	Nuisance	810 SW 117TH ST Nuisance, Garbage-Khampuvong-Zone 1	Enforcement Letter 1	03/15/2013	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
21	Code Enforcement	CAR-13-0084	03/12/2013	Nuisance	14631 AMBAUM BL SW Nuisance, Sign, Awning-Robbins-Zone 3	Enforcement Letter 1	03/18/2013	Open
21	Code Enforcement	CAR-13-0096	03/12/2013	Business License	Business License, Nuisance-Arvizu-Zone 4	Case Received	03/12/2013	Open
21	Code Enforcement	CAR-13-0111	03/12/2013	Graffiti	1002 S 116TH ST Graffiti, 2nd Notice-Tran-Zone 2	Enforcement Letter 1	03/28/2013	Open
21	Code Enforcement	CAR-13-0114	03/12/2013	Graffiti	11603 10TH AV S Graffiti, Bldg Permit-Tran-Zone 2	Site Investigation	03/28/2013	Open
18	Code Enforcement	CAR-13-0117	03/15/2013	Planning / Zoning	12462 ROSEBERG AV S Zoning, Trailer Living-Draper-Zone 2	Case Received	03/29/2013	Open
15	Code Enforcement	CAR-13-0099	03/18/2013	Planning / Zoning	14611 AMBAUM BL SW Zoning-Vehicles-B/L-Robbins-Zone 3	Case Received	03/19/2013	Open
14	Code Enforcement	CAR-13-0098	03/19/2013	Nuisance	213 SW 154TH ST Nuisance,Vacant-Powell-Zone 3	Case Received	03/19/2013	Open
14	Code Enforcement	CAR-13-0103	03/19/2013	Building	638 S 150TH ST Building Permit-Pham-Zone 4	Phone Call	03/28/2013	Open
14	Building	CAR-13-0101	03/19/2013	Building	610 S 150TH ST Building Permit-Johnson-Zone 4	Enforcement Letter 1	03/20/2013	Open
14	Code Enforcement	CAR-13-0103	03/19/2013	Business License	648 S 168TH ST B/L, Burning-Kelley-Zone 4	Case Received	03/19/2013	Open
13	Code Enforcement	CAR-13-0105	03/20/2013	Nuisance	12443 8TH AV S Nuisance, Vehicles, Animals, Home Occupation- Khushwant-Zone 2	Other Letter	03/28/2013	Open
11	Code Enforcement	CAR-13-0108	03/22/2013	Graffiti	12230 AMBAUM BL SW Graffiti-Nickels-Zone 1	Meeting	03/27/2013	Open
8	Code Enforcement	CAR-13-0109	03/25/2013	Nuisance	16028 11TH AV SW RV Living-Andersen-Zone 3	Case Received	03/25/2013	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint information	Last Action	Date	Status
8	Code Enforcement	CAR-13-0116	03/25/2013	Animals	11421 12TH AV SW Roosters, Chickens-Ortiz-Zone 1	Case Received	03/28/2013	Open
7	Code Enforcement	CAR-13-0112	03/28/2013	Nuisance	15217 DES MOINES MEMORIAL DR S Nuisance, Graffiti-Tucker-Zone 4	Case Received	03/28/2013	Open
5	Code Enforcement	CAR-13-0113	03/28/2013	Business License	14911 AMBAUM BL SW Business License-Styles Inter.-Zone 3	Case Received	03/28/2013	Open



Published by the Port of Seattle for the neighbors of Seattle-Tacoma International Airport

SPRING 2013

## Time to comment on aircraft noise recommendations

**A**t an upcoming public meeting, Sea-Tac Airport neighbors can ask final questions and offer comments about draft recommendations for dealing with aircraft noise impacts on airport communities. This open house and hearing is set for 6 to 8 p.m. at Cedarhurst Elementary School, 611 S. 132nd St., Burien. The comment period is scheduled for April 15 to May 30.

This Federal Aviation Administration (FAA) Part 150 Noise and Land-Use Compatibility Study process began in 2009 and included four other public meetings. The study update is designed to evaluate existing noise levels, predict noise for the next five years, evaluate potential noise mitigation ideas and recommend targeted programs to minimize impacts.

The following draft recommendations—based on study input from the community, Port of Seattle Commission and technical experts—will be described in detail at the meeting:

- Continue offering sound insulation for eligible single-family residences within the updated noise remedy boundary
- Offer new sound insulation programs to eligible condominiums and apartment buildings inside the updated boundary
- Offer a voluntary buyout program for residential mobile homes on private land within the updated boundary
- Offer to purchase eligible residential properties in the south approach transition zone of the third runway
- Evaluate the feasibility, possible locations, costs and operational impacts of building an enclosure to reduce noise during aircraft engine testing on the airfield.

Visit [www.airportsites.net/SEA-Part150/](http://www.airportsites.net/SEA-Part150/) for details and a list of libraries where you can review the printed study document. You can request a CD copy by calling (206) 787-4944.

Options for sending comments include: Email to [SEAp150comments@landrum-brown.com](mailto:SEAp150comments@landrum-brown.com), fax to (513) 530-2201 or mail to Rob Adams, Landrum & Brown, 11279 Cornell Park Drive, Cincinnati, OH 45242.

The expected next steps are to finalize the study, submit it to the port commission this summer for review and adoption, and then send it to the FAA for final review and approval.

## Internship program offers students job experience opportunities

**P**aid summer internships at Sea-Tac Airport introduce high school students to real-world career experiences by allowing them to work side-by-side with Port of Seattle Aviation Division employees.

During 2012, the port hired five students from area high schools.

Among them were Rhelna Agosa and Linda Nguyen from Health Sciences and Human Services High School, White Center. Agosa supported projects and customer service related to the port's Airport Office Building and Conference Center. Nguyen provided administrative support for air service development efforts such as setting up online document sharing and management, reorganizing records and supporting special events. Nina Dang, Kentridge High School, Kent, interned with the training office—scheduling, checking in and tracking employee security training; DaAundre Cola, Aviation High School, Des Moines, worked in the airport's maintenance department; and Joel Jacobs, Seattle's Garfield High School, assisted with activities related to airport infrastructure and utilities projects.

The port posts high school internship opportunities each spring under Jobs on the port's website at [www.portseattle.org](http://www.portseattle.org). There also are year-round opportunities for college students.

## YOU ARE INVITED!

### SEA-TAC AIRPORT PART 150 NOISE STUDY

Fifth and final public meeting

Wednesday, MAY 15, 6 to 8 p.m.

Cedarhurst Elementary School,  
611 S. 132nd St. Burien, WA 98168

For study details go to  
[www.airportsites.net/SEA-Part150/](http://www.airportsites.net/SEA-Part150/)



## In this issue

- ➔ Part 150 update
- ✂ Airport master plan
- ✂ Lora Lake site cleanup
- ➔ Century Agenda



*Air Mail* is a publication about Seattle-Tacoma International Airport for neighbors and others interested in airport activities. If you have questions or comments about the publication, call Public Affairs, (206) 787-4604, write to Editor, *Air Mail*, Public Affairs, Seattle-Tacoma International Airport, P.O. Box 68727, Seattle, WA 98168-0727, or send email to [st.laurent.m@portseattle.org](mailto:st.laurent.m@portseattle.org).

Following are ways to get details on programs or projects:

Acquisition and Relocation Office:  
(206) 787-5916

Noise Information Line:  
(206) 787-5393 or 1-800-826-1147

Sea-Tac Airport Website:  
[www.portseattle.org/seatac/](http://www.portseattle.org/seatac/)

WebTrek (flight and noise data):  
<http://webtrak.bksw.com/sea>

## Part 150 information

For non-English speaking neighbors:

Para obtener respuesta a las preguntas acerca del estudio de ruidos de la Parte 150 en español, llame al 206-787-3797, presión 2.

Để trả lời các câu hỏi của cuộc nghiên cứu tiếng ồn Phần 150 bằng tiếng Việt, xin gọi số điện thoại 206-787-3797, bấm số 3.

Jawaabta Qaybta 150 ee su'aalaha daraasadda Soomaaliga ah ee dhawaaqa, wac 206-787-3797, guji 4.

## Sustainability a core objective in planning for the future of Sea-Tac Airport

The Port of Seattle's three-year master planning effort for Seattle-Tacoma International Airport, which got under way earlier this year, will provide a long-term blueprint for airport development that will meet the needs of the traveling public and reduce environmental impacts.

Port funding for the project was approved in 2012 by port commissioners, with additional grant funding for the sustainability aspects to come from the Federal Aviation Administration.

The last formal airport master plan was done in the mid-1990s. At that time, Sea-Tac handled 22 million annual passengers. This total has increased by 50 percent to more than 33.2 million passengers in 2012. The annual passenger count is expected to reach more than 40 million over the next decade and could be as much as 55 to 60 million as technology expedites the movement of more people through the airport.

With the port's increasing emphasis on sustainability, this master plan update will look at providing for growth in a sustainable manner within Sea-Tac's limited footprint. Master plan analysis will look at 10 and 25-year planning horizons to address strategic visions for airfield and terminal development, roadway access improvements, and facility modernization and expansion.

This master plan will help the airport achieve its strategic goals for air quality, energy conservation, recycling and other environmental initiatives (for details visit [www.portseattle.org/Environmental/Environmental-Documents](http://www.portseattle.org/Environmental/Environmental-Documents)), and will align with the port's Century Agenda sustainability goals (see article below).

## New member takes seat on commission

Courtney Gregoire was sworn in recently as the newest member of the Port of Seattle Commission. She was selected by the commission, through a public process, to fill the position vacated by Gael Tarleton.

Gregoire served as the director of President Obama's National Export Initiative and other high-profile work to support economic development in Washington and across the country. She is an attorney at Microsoft supporting the firm's worldwide sales group. Previously she was deputy chief of staff for Commerce Secretary John Bryson and legislative director for Sen. Maria Cantwell.

Plans are to fill Rob Holland's recently vacated commission seat this spring. For details visit [www.portseattle.org/about/commission](http://www.portseattle.org/about/commission)

### Port of Seattle Commissioners

Tom Albro  
Bill Bryant  
John Creighton  
Courtney Gregoire

### Chief Executive Officer

Tay Yoshitani

### Airport Managing Director

Mark M. Reis

### Aviation Community Partnerships

Director, Linda Stewart

### Public Affairs

Director, Patricia Akiyama



The Port of Seattle operates under the State of Washington's Public Disclosure Act. To obtain public records, please e-mail specific requests to [public-disclosure@portseattle.org](mailto:public-disclosure@portseattle.org), call (206) 767-3084 or fax (206) 767-3205.

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Air Mail  
Port of Seattle  
Public Affairs  
Seattle-Tacoma International Airport  
P.O. Box 68727  
Seattle, WA 98168-0727

## An agenda to make big things happen

The Port of Seattle's Century Agenda is a plan for the future that calls for the creation of 100,000 new jobs over the next 25 years while reducing our environmental footprint.

To reach this goal, the plan proposes four initiatives for the Puget Sound region.

### THE FOUR REGIONAL INITIATIVES

- Strengthen access to global markets and supply chains for Northwest businesses
- Make Washington a preferred destination for international tourists from countries with which we have direct flights
- Establish an educational consortium to serve the needs of the maritime industry for workforce development, applied research and business growth
- Foster a coordinated effort among Puget Sound ports in support of Washington state's pursuit of a healthier Puget Sound

The port is reaching out to businesses, workforce organizations, labor unions, educational institutions, government, community leaders and port employees to help accomplish the Century Agenda initiatives.

Visit [www.portseattle.org/about/commission](http://www.portseattle.org/about/commission) for full details, including strategies and objectives. The port will support the job-creating strategies by specific five-year actions and milestones. The actions will be incorporated throughout port divisions' business plans and budgets for 2013 and beyond.

## Cleanup will clear the way for new use of Burien property

The planning and studies leading to the cleanup of the former Lora Lake Apartments site in Burien continue to move forward.

A draft report that identifies contaminated soils, sediment and groundwater and alternative approaches to cleanup is expected to be available for public review and comment this fall. For details visit the Washington Department of Ecology website at <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2008>

This Burien property, located at 15001 Des Moines Memorial Drive South, was contaminated by previous uses well before it was purchased by the Port of Seattle as part of the airport's third runway project.

City and port officials continue to discuss redevelopment possibilities for the property.

**INTERLOCAL JOINT USE AGREEMENT BETWEEN  
HIGHLINE SCHOOL DISTRICT NO. 401  
AND THE  
CITIES OF BURIEN, DES MOINES, NORMANDY PARK and SEATAC**

**THIS INTERLOCAL AGREEMENT ("Agreement") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2013 by and between the Highline School District No. 401 and the Cities of Burien, Des Moines, Normandy Park and SeaTac, which are municipal corporations under the laws of the State of Washington, and hereinafter referred to as "HSD" and "City" or "Cities" respectively.**

**RECITALS**

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

**WHEREAS, chapter 39.34 RCW (Interlocal Cooperation Act) permits local government units to make the most efficient use of their powers by enabling them to cooperate with other government entities on the basis of mutual advantage and thereby to provide services and facilities in a manner pursuant to forms of governmental organizations that will accord best geographic, economic population, and other factors influencing the needs and development of local communities; and**

**WHEREAS, HSD is the owner of real property in the Cities, including facilities and active use areas that are suitable for community recreational purposes when not being used by HSD, and each City is the owner of real property, including facilities and active use areas that are suitable for school purposes when not being used by the Cities; and**

**WHEREAS, the Cities and HSD are authorized to enter into agreements with one another to maximize available opportunities by cooperating to improve the overall health of their citizens and students, and to provide community recreation and student activities, and to cooperate in the betterment of the community; and**

**WHEREAS, the Cities and HSD desire to enter into an agreement to provide for the use of Cities' facilities by HSD, for the use of Cities' facilities by Cities, and for the use of HSD facilities by the Cities, in order to promote efficient facility use and increase recreational opportunities for the communities; and**

**WHEREAS, an Interlocal Agreement for shared facility use would allow and encourage the Cities and HSD to work together to utilize existing outdoor and indoor facilities and to plan, develop, upgrade and build similar facilities for joint use.**

NOW, THEREFORE, in consideration of the terms and provisions herein, it is agreed by and between the Cities and HSD as follows:

I. HSD Use of Cities' Facilities

- A. Upon request, HSD schools shall have access and shared use privileges to ~~the~~certain facilities located in the Cities, including the Cities' parks, recreation areas and meeting spaces, attached hereto as Exhibit A, for the purpose of public primary and secondary education and associated student programs sponsored and managed by HSD, on the terms and conditions as set forth in this Agreement.
- B. Facilities include, but are not limited to, playfields, athletic fields, conference rooms, classrooms and recreational portions of the buildings, such as gymnasiums, or classrooms that may be used for recreational or community education programs.
- C. The use by HSD of Cities' facilities (except for those facilities covered under separate agreements between HSD and each City), including scheduling and reservations, shall be controlled by and subject to each City's designated procedures and subject to the principles of priority use as set forth in this Agreement. Per the terms of this Agreement, fees shall only be charged for direct costs that may be incurred.

II. Cities' Use of HSD Facilities

- A. Upon request, each City shall have access to and shared use privileges to certain HSD facilities, attached hereto as Exhibit A, for the purpose of community recreation programs, and City-sponsored community meetings and educational programs managed by the Cities, on the terms and conditions as set forth in this Agreement.
- B. Facilities include, but are not limited to, playfields, athletic fields, conference rooms, classrooms and recreational portions of the buildings, such as gymnasiums, or classrooms that may be used for recreational or community education programs.
- C. The use by the Cities of HSD facilities (except for those facilities covered under separate agreements between HSD and each City), including scheduling and reservations, shall be controlled by and subject to ~~the~~-HSD designated procedures and subject to the principles of priority use as set forth in this Agreement. Per the terms of this Agreement, fees shall only be charged for direct costs that may be incurred.

III. Cities' Use of Cities' Facilities

- A. Upon request, each City shall have access to and shared use privileges to certain other Cities' facilities, attached hereto as Exhibit A, for the purpose of community recreation

programs, and City-sponsored community meetings and educational programs managed by the Cities, on the terms and conditions as set forth in this Agreement.

- B. Facilities include, but are not limited to, playfields, athletic fields, conference rooms, classrooms and recreational portions of the buildings, such as gymnasiums, or classrooms that may be used for recreational or community education programs.
- C. The use by ~~the~~ City of other Cities' facilities (except for those facilities covered under separate agreements between each City), including scheduling and reservations, shall be controlled by and subject to the Cities' designated procedures and subject to the principles of priority use as set forth in this Agreement. Per the terms of this Agreement, fees shall only be charged for direct costs that may be incurred.

#### IV. General Use of Facilities

- A. Use of all facilities shall be in accordance with the regular procedures of the agency owning the facility as provided for by the Laws of the State of Washington and the rules and regulations of the respective agencies, except as otherwise provided in this Agreement.
- B. Fees may be charged for direct costs incurred by a City or HSD as a result of a particular activity, such as when a given use results in non-scheduled labor costs, or other direct costs are attributable to a specific use of a facility, or when in the view of the facility owner, a facility was left unkempt or damaged. In this case, the Cities and HSD agree to reimburse one another for their share of expenses upon written invoice for direct costs that are a consequence of facility use. Incidental usage costs of City or HSD equipment, or furnishings or normal "wear and tear" of facilities shall be considered an indirect cost and shall not be reimbursable.
- C. Scheduling of dates for use of Cities' and HSD facilities shall be worked out in advance to avoid conflicts. Once a date is booked, the parties agree to honor the scheduled commitment. To ensure effective communication between Cities and HSD, each agency shall provide to one another a list of primary contact persons whose responsibilities are to schedule, maintain or program facilities.
- D. ~~The HSD and Cities~~ Interagency Team established in Section X shall meet regularly to develop a master schedule for joint use of HSD and Cities' Property ~~facilities~~ to discuss and allocate property ~~facility~~ use planned by the HSD, Cities, and third parties. The Interagency Team shall schedule quarterly meetings or at such other times as mutually agreed upon by the HSD and Cities. At these meetings, the HSD and Cities will review and evaluate the status and condition of jointly used properties and modify or confirm the upcoming seasonal schedule.

#### V. Indemnify and Hold Harmless

Each party agrees to indemnify, save and hold harmless the other parties and all ~~its~~their officers, agents and employees from any claims, costs, expenses or liability (including reimbursement for all legal costs and reasonable attorney's fees) for any and all claims for damages or injuries to persons, property or agents of the user which arise from its negligent or intentional acts or omissions. In the event of such claims or lawsuits, each party shall assume all costs of its defense thereof; and shall pay all resulting judgments that may be obtained against it or its agents or employees. Further, each party has insured against its own liability herein and will promptly notify the other of any material changes in such coverage.

Any claims for liability arising out of the failure to maintain facilities or keep them in good structural repair, unless such failure is caused by the acts of the user, its agents, employees or invitee, shall be the responsibility of the owner and the indemnification by the user herein shall not include such claims.

VI. Priority Use

A. HSD property/facility use is prioritized in the following order:

- 1) School use, school functions, and HSD-sponsored events, including groups directly sponsored or associated with HSD, such as student groups or PTSA organizations.
- 2) Cities' recreation and community programs provided for the general public.
- 3) All other uses as determined and prioritized by HSD.

B. Cities' property/facility use is prioritized in the following order:

- 1) Cities' use, Cities' functions, and Cities' sponsored events, including recreational and community programs provided by the Cities for or directly benefitting Cities' residents.
- 2) Programs for the purpose of public primary and secondary education and associated student programs sponsored and managed by HSD.
- 3) Other Cities' community recreation programs and City-sponsored community meetings and educational programs managed by such other Cities.
- 3)4) All other uses as determined and prioritized by each City.

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VII. Termination of Agreement

This Agreement provides for a program of community recreation and educational

activities using Cities and HSD ~~property~~ facilities. It is intended to establish the general understanding of the Parties and is in addition to any other agreement between HSD and the Cities pertaining to the use of specific facilities at a particular named site belonging to HSD and the Cities. This Agreement shall remain in full force and effect in accordance with Section IX so long as HSD and the Cities shall maintain and operate facilities capable of joint or shared recreation use; provided, however, that (i) this Agreement may be amended by mutual written consent, and (ii) this Agreement may be terminated by either HSD or any of the Cities, without cause, on at least ninety (90) days' written notice to the other ~~parties~~ Party giving written notice of its election to terminate.

VIII. Periodic Reviews and Revisions to Agreement

The Cities and the HSD agree to review this Agreement every three years. Revisions to the Agreement are valid only with the mutual written consent of both Parties.

IX. Term

Subject to Article XII of this Agreement (Termination of Agreement), the term of this Agreement shall be from \_\_\_\_\_ through and including \_\_\_\_\_. At the end of this three (3) year period, the Agreement shall automatically renew for periods of three (3) years, unless ~~either~~ any Party gives the others written notice of its intent not to renew the Agreement at least ninety (90) days before the expiration of this Agreement.

X. Agreement Administrators ~~Interagency Team~~

Pursuant to RCW 39.34.030(4)(a), HSD and the Cities each hereby appoint an Agreement Administrator to the Interagency Team, which shall be responsible for administering this Agreement. The Parties hereby designate HSD's [*Executive Director of Facilities*], and each City's [*Parks and Recreation Director*], to serve as their respective Agreement Administrators. This Agreement does not create a separate legal or administrative entity, and consequently is being administered in accordance with RCW 39.34.030(4).

XI. Dispute Resolution

In the event of a dispute between the parties arising under this Agreement, the Directors of Parks and Recreation of the Cities and the Director of Facilities Services of the HSD shall meet to attempt to resolve the dispute within thirty (30) days from notice. If they are unable to resolve the dispute within forty-five (45) days from notice, the City Managers of the Cities and the Superintendent of HSD shall meet to attempt to resolve the dispute within sixty (60) days from notice. If they are unable to resolve the dispute within ninety (90) days from notice, the parties shall submit the dispute to a mutually agreed upon private arbitrator for a binding resolution. In the event the parties cannot agree on an arbitrator, one will be appointed by the Presiding Judge of the King County Superior

Court, with costs of arbitration borne equally. Each party will be responsible for their own attorneys' fees and costs related to said arbitration.

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XII. Miscellaneous

- A. This Agreement represents the entire agreement between the Parties with respect to the subject matter hereof and shall not be added to or supplemented without written amendment mutually agreed upon by the Parties.
- B. The Parties provide no, and disclaim any and all, expressed or implied warranties of any kind, including, but not limited to, the warranty of fitness for a particular purpose, in connection with or arising out of the activities under this Agreement.
- C. HSD and the Cities shall maintain records necessary to carry out the purposes of this Agreement.
- D. This Agreement and all questions concerning the capacity of the Parties, execution, validity (or invalidity), and performance of this Agreement, shall be interpreted, construed, and enforced in all respects in accordance with the laws of the State of Washington. This Agreement has been negotiated and drafted by both Parties and is not to be construed in favor of either Party.
- E. Nothing herein shall be interpreted to create any right or liability with respect to any person or entity not a signatory to this Agreement.
- F. The Parties are independent entities and nothing in this Agreement creates any agency relationship.
- G. Any notice given by the Parties to the other under the provisions of, or with respect to, this Agreement shall be in writing, delivered in person or by certified mail to the following addresses:

Highline School District No. 401  
ATTN: Superintendent  
15675 Ambaum Blvd. SW  
Burien, WA 98166

With a Copy to:  
Executive Director of Facilities  
Highline School District No. 401  
Facilities Services Department  
17810 8th Avenue S, Bldg. A  
Burien, WA 98114-1788

City of Burien  
 ATTN: City Manager  
 400 SW 152<sup>nd</sup> Street, Suite 300  
 Burien, WA 98166

City of Des Moines  
 ATTN: City Manager  
 21630 11th Avenue South, Suite A  
 Des Moines, WA 98198

City of Normandy Park  
 ATTN: City Manager  
 801 SW 174th Street  
 Normandy Park, WA 98166

City of SeaTac  
 ATTN: City Manager  
 4800 South 188th Street  
 SeaTac, WA 98188-8605

or such other address(es) as each Party hereto may notify the other in writing.

IN WITNESS WHEREOF, the Parties have executed this agreement effective as of the date set forth above.

<b>HIGHLINE          SCHOOL          DISTRICT NO.          401</b>	By: _____ Dr. Susan Enfield, Superintendent  Date: _____	
<b>CITY OF          BURIEN</b>	By: _____ Mike Martin, City Manager By Direction of the Burien City Council in Open Public Meeting on _____, 2013.  Date: _____	Approved as to Form:  _____ City Attorney

<b>CITY OF DES MOINES</b>	By: _____ Anthony A. Piasecki, City Manager By Direction of the Des Moines City Council in Open Public Meeting on _____, 2013.  Date: _____	Approved as to Form: _____ City Attorney
<b>CITY OF NORMANDY PARK</b>	By: _____ Cherie Gibson, City Manager By Direction of the Normandy Park City Council in Open Public Meeting on _____, 2013.  Date: _____	Approved as to Form: _____ City Attorney
<b>CITY OF SEATAC</b>	By: _____ Todd Cutts, City Manager By Direction of the SeaTac City Council in Open Public Meeting on _____, 2013.  Date: _____	Approved as to Form: _____ City Attorney

## EXHIBIT A

### HSD facilities available to Cities:

- **Burien** (Facilities available to City of Burien programs at no cost)
  - ERAC Meeting Rooms
  - Gregory Heights Elementary School and campus
  - Hazel Valley Elementary School and campus
  - Highline High School
  - Hilltop Elementary School and campus
  - Seahurst Elementary School and campus
  - Shorewood Elementary School and campus
  - Southern Heights Elementary School and campus
  - Sylvester Middle School and campus
  
- **Des Moines** (Facilities available to City of Des Moines programs at no cost)
  - ERAC Meeting Rooms
  - Des Moines Elementary School and campus
  - Marvista Elementary School and campus
  - Midway Elementary School and campus
  - Mt. Rainier High School and campus
  - Pacific Middle School and campus
  - Parkside Elementary School and campus
  - North Hill Elementary School and campus
  
- **Normandy Park** (Facilities available to City of Normandy Park programs at no cost)
  - ERAC Meeting Rooms
  - Marvista Elementary School and campus
  
- **SeaTac** (Facilities available to City of SeaTac programs at no cost)
  - ERAC Meeting Rooms
  - Bow Lake Elementary School and campus
  - Chinook Middle School and campus
  - Madrona Elementary School and campus
  - Tyee Educational Complex and campus
  - McMicken Elementary School and campus

**Cities' facilities available to HSD and Cities:**

- **Burien (Facilities available to Burien schools and HSD Administration at no cost):**
  - All City Parks
  - Burien Community Center
  - Burien Community Center Annex
  - Dottie Harper Park House
  - Burien City Hall Meeting Rooms
  - Burien City Hall North
  - Moshier Community Arts Center
  
- **Des Moines (Facilities available to Des Moines schools and HSD Administration at no cost):**
  - All City Parks
  - Des Moines City Hall Meeting Rooms
  - Des Moines Field House
  - Des Moines Activity Center
  
- **Normandy Park (Facilities available to Normandy Park schools and HSD Administration at no cost):**
  - All City Parks
  - Normandy Park City Hall Meeting Rooms
  - Normandy Park Recreation Center
  
- **SeaTac (Facilities available to SeaTac schools and HSD Administration at no cost):**
  - All City Parks
  - SeaTac City Hall Meeting Rooms
  - SeaTac Community Center
  - Highline SeaTac Botanical Garden
  - Sunset Playfields
  - Valley View Sports Park





March 19, 2013

RECEIVED

APR 9 2013

City of Burien

Mayor Brian Bennett  
400 SW 152nd, Suite 300  
Burien, WA 98166

Dear Tree City USA Supporter,

On behalf of the Arbor Day Foundation, I write to congratulate Burien on earning recognition as a 2012 Tree City USA. Residents of Burien ought to be proud to live in a community that makes the planting and care of trees a priority.

Your community joins more than 3,400 Tree City USAs, with a combined population of 140 million. The Tree City USA program is sponsored by the Arbor Day Foundation in partnership with the U.S. Forest Service and the National Association of State Foresters.

As a result of your commitment to effective urban forest management, you already know that trees are vital to the public infrastructure of cities and towns throughout the country, providing numerous environmental, social and economic benefits. In fact, trees are the one piece of community infrastructure that actually increases in value over time.

We hope you are excited to share this accomplishment. Enclosed in this packet is a press release for your convenience as you prepare to contact local media and the public. If you wish to receive an electronic version of the release, please email Sean Barry, Director of Media Relations at [sbarry@arborday.org](mailto:sbarry@arborday.org) and we will reply with a copy within one business day.

State foresters are responsible for the presentation of the Tree City USA flag and other materials. We will forward information about your awards to Linden Lampman in your state forester's office to coordinate presentation. It would be especially appropriate to make the Tree City USA award a part of your community's Arbor Day ceremony.

Again, we celebrate your commitment to the people and trees of Burien and thank you for helping to create a healthier planet for all of us.

Best Regards,

A handwritten signature in black ink, appearing to read "John Rosenow".

John Rosenow  
Chief Executive

cc: Steve Roemer

enclosure

For more information, contact:  
Sean Barry, 402-473-9563  
[sbarry@arborday.org](mailto:sbarry@arborday.org)



FOR IMMEDIATE RELEASE:

### **Arbor Day Foundation Names Burien Tree City USA**

Burien, WA was named a 2012 Tree City USA by the Arbor Day Foundation in honor of its commitment to effective urban forest management. This is the 12th year Burien has earned the national designation.

Burien achieved Tree City USA recognition by meeting the program's four requirements: a tree board or department, a tree-care ordinance, an annual community forestry budget of at least \$2 per capita and an Arbor Day observance and proclamation.

The Tree City USA program is sponsored by the Arbor Day Foundation, in partnership with the U.S. Forest Service and the National Association of State Foresters.

"Everyone benefits when elected officials, volunteers and committed citizens in communities like Burien make smart investments in urban forests," said John Rosenow, founder and chief executive of the Arbor Day Foundation. "Trees bring shade to our homes and beauty to our neighborhoods, along with numerous economic, social and environmental benefits."

Cleaner air, improved storm water management, energy savings and increased property values and commercial activity are among the benefits enjoyed by Tree City USA communities.

More information on the program is available at [arborday.org/TreeCityUSA](http://arborday.org/TreeCityUSA).

**About the Arbor Day Foundation:** The Arbor Day Foundation is a nonprofit conservation and education organization of one million members, with the mission to inspire people to plant, nurture and celebrate trees. More information on the Foundation and its programs can be found at [arborday.org](http://arborday.org), or by visiting us on [Facebook](#), [Twitter](#) or our [blog](#).

March 31, 2013

**To: Mike Martin, Burien City Manager  
City Councilmembers**

**From: Mike Doubleday**

**Re: 2013 Legislative Session, Week 11 Update**

The Senate has moved their budget releases to this week – we’re hearing April 2 or 3. They have consistently said they will close the budget gap and fund *McCleary* without raising taxes, extending existing taxes set to expire, or closing tax “loopholes” (though the loophole issue is probably the most likely area of compromise).

Governor Inslee released his modified 2013-15 budget on Thursday. An overview is as follows and more information can be found at OFMs website; I’ve attached the balance sheet detail:

- \$598M is moved into the general fund from various accounts including \$162M from the PWTF, and \$62.5M from the local toxics account (MTCA),
- \$565M in “tax break repeals/modifications” are included; these have been detailed in the press and include extending the sales tax to custom computer software for example,
- Two tax surcharges that are set to expire this year are extended: the 0.3% state B&O tax on services (this keeps the rate at 1.8% as opposed to reverting to 1.5%), and the 50 cent beer tax; these raise about \$662M

The “tax break” repeal and the surcharge extension raise about \$1.2B for the biennium that the Governor said would be used to satisfy this biennium’s *McCleary* down payment.

As mentioned last week, bills are now being considered by the opposite chamber. The next cut-off dates are as follows:

- **April 3** is the last day to pass bills out of a policy committee in the opposite chamber,
- **April 9** is the last day to pass bills out of the revenue committees in the opposite chambers.

### **1. Liquor Funds (HB 1368)**

I spent much time this week working on informing our delegation about the need to preserve state-shared liquor revenues for cities in the 2013-15 operating budget: thanks much for your e-mails. Recall that last session, the state capped state-shared liquor profits to cities, eliminated state-shared liquor taxes to cities for one-year, and permanently redirected \$10M in liquor taxes to the state general fund. Governor Inslee's 2013-15 operating budget proposal did not move any state-shared liquor revenues.

### **2. Transportation**

I met with Senate caucus staff during the week and talked with Rep. Clibborn several times. The House Transportation budget will be released mid-week; this will be the current law, or no new revenue budget. The Senate will release a similar budget during the week.

The path to a new law, or new revenue transportation package, currently a 10 cent gas tax increase in the House proposal, will be difficult. A package is clearly "behind" the operating budget issues, including funding *McCleary*, and the various positions of the Senate and House members re: more transit funding, less transit funding, Columbia River Crossing project (\$450M) in or out (it will be out in the end I think), reform proposals, local options, all make for a very complex path to getting a package passed this year. There is a large business, labor, environmental, local government effort to push this, but it's an end of the session issue, probably in later May, if it happens.

### **3. Local B&O Tax (SB5688, SB 5656)**

SB 5656 passed out of the House Local Government committee with language that neutralizes the bill for us. As amended the bill mandates that all cities must join the state's business license system (BLS) or the city online business license and B&O portal by July 1, 2019. Language was added that allows cities, as well as DOR, to delay or phase-in the issuance or renewal of general business licenses beyond July 1, 2019 if funding or other resources are insufficient to enable DOR or the cities to comply with the date. The bill expires in 2018, allowing the legislature to review and revise these requirements if necessary.

As of Friday, Rep. Carlyle was considering Senator Braun's request to strike the study in SB 5688 and instead add the language reducing the state B&O classifications from 51 to 19.

The Senate Trade Committee has scheduled a work session on B&O nexus and apportionment on Tuesday, April 2 and cities will participate.

### **4. Seahurst Park Renovation Funding**

We will see the Senate capital budget this week. I did speak with Uriel Ybarra in Senator Murray's office during the week and told him federal Corps money for Seahurst may be more important if the state reduces the capital budget to close the operating funding gap. I told him I'd be back in touch this week once the Senate budget is released.

### **5. Stormwater Funding**

As mentioned last week, the House and Senate have asked for potential stormwater projects that could be funded in the capital budget. I did receive a project from Maiya that I passed along to AWC. I don't know whether this will come to fruition, but at least there is discussion of the need and funding issues for stormwater projects.

**6. Alternative Public Works Contracting Reauthorization/Job Order Contracting (SB 5349/HB 1466)**

Both bills are moving, although the House bill has language giving preference to green buildings and projects. The bills extend design build, GCCM, and job order contracting (JOC) through 2021. The JOC amount is increased from \$4 million to \$6 million in King County.

**7. Deferral of Impact Fee Payments (HB 1652)**

**HB 1652** makes mandatory a now optional program for cities, counties, and school districts that collect impact fees: cities must adopt one of two options as follows:

- An applicant must record a covenant against title to the development subject to the impact fee obligation. The covenant is a lien against the lot or unit at the rates in effect at the time the building permit is issued and is binding upon successors. The impact fee must be paid the time of closing or 18 or more months after the issuance of the building permit, whichever is earlier.
- A process whereby an applicant may apply for a deferral of the impact fee payment until final inspection or certificate of occupancy.
- An alternative method adopted by the city that is consistent with a deferral program.

The Senate committee heard the bill last week, and it seems very likely this bill will get to the Governor's desk. AWC probably will ask for a veto so we may be asked to sign a letter in the near future.

**8. Local Government Purchasing (SB 5110, HB 1268)**

These are City of Kirkland bills that authorize local governments to award contracts to the lowest bidder before taxes are applied provided it gives notice of its intent to do so prior to the submission of bids. This practice is permitted only for sales tax and B&O taxes imposed on suppliers. Both bills are moving.

**9. Fire Hydrant Bill (HB 1512 / 5606)**

This carefully crafted bill addresses state Supreme Court cases that held that cities could not pay for fire hydrants through the utility bill, but rather such charges were a general government responsibility. Pursuant to the bill, cities may contract with water purveyors for the provision of fire suppression water facilities, services, or both. **5606** has moved to House Rules.



# Balance Sheet Detail

## General Fund-State, Education Legacy Trust, Opportunity Pathways and Budget Stabilization Accounts

<b>Budget-driven revenues, fees, fund transfers</b>	<b>Dollars in millions</b>
Additional Dept. of Revenue tax auditors	9.6
Lottery budget driven revenue	(1.2)
Judicial Stabilization Account fee renewal	9.0
Prohibit delinquent taxpayers from renewing liquor licenses	2.1
Budget Stabilization Account	276.0
Public Works Fund	162.0
Local Toxics Control Account	62.5
Life Sciences Discovery Fund	22.0
State Toxics Control Account	21.6
Treasurer's Service Account	20.0
Waste Reduction, Recycling, Litter Account	11.7
Flood Control Assistance Account	2.0
Financial Services Regulation Account	1.0
<b>Subtotal</b>	<b>598.3</b>
<b>Jobs agenda tax credits</b>	<b>Dollars in millions</b>
Tradable research and development tax credits	(15.0)
Tax credits to businesses hiring veterans (SB 5812)	(10.0)
New businesses in high-growth areas (HB 1693)	(4.0)
Aviation services sector (HB 1707/SB 5622)	(2.1)
<b>Subtotal</b>	<b>(31.1)</b>
<b>Tax break repeals/modifications</b>	<b>Dollars in millions</b>
Limit trade-in exemption to first \$10,000 of value	94.8
Repeal sales tax exemption for local residential telephone service (HB 1971)	83.2
Extend sales tax to custom computer software	78.5
Trim preferential B&O rates for most industries by 25%	66.2
Repeal sales tax exemption for non-residents	63.7
Repeal sales tax exemption on bottled water	51.5
Repeal use tax exemption for extracted fuel, except hog fuel	40.8
Eliminate preferential tax rate for resellers of prescription drugs	29.0
Repeal B&O tax exemption for long-term rental of commercial real estate	27.8
Narrow tax exemption for import commerce	24.1
Repeal sales tax exemption for farm auction purchases	5.6
<b>Subtotal</b>	<b>565.2</b>
<b>Extended revenues</b>	<b>Dollars in millions</b>
0.3% B&O tax surcharge	534.0
50 cent beer tax, including small brewers	127.6
<b>Subtotal</b>	<b>661.6</b>



April 7, 2013

**To: Mike Martin, Burien City Manager  
City Councilmembers**

**From: Mike Doubleday**

**Re: 2013 Legislative Session, Week 12 Update**

The Senate 2013-15 operating budget (**SB 5034**) was released on Wednesday and was passed by the full chamber Friday evening. The most important issues for cities are as follows:

- **The Public Works Assistance Account** (commonly referred to as the Public Works Trust Fund) is a state loan program to local governments for water, sewer and other infrastructure projects. The fund consists of revenues from the state real estate excise tax (REET) a state public utilities tax, and a state solid waste collection tax. The Senate budget (in a companion bill, **SB 5895**), sweeps all funding from the public utilities and solid waste collection taxes (100%) and all but 2% of the REET (down from 6%, so a 67% sweep) and places the funding in the state education legacy account for K-12 funding beginning in FY2014. There is cash in the PWAA (around \$350M) so the 2013 loan list probably will not be affected, but this sweep of funds would virtually eliminate the PWAA through 2023. This budget also sweeps \$15M in cash in the PWAA.

Some are claiming that the PWTF could be made whole by shifting eligible projects from the PWTF to the federally financed Drinking Water and Clean Water Revolving Funds. The federal revolving funds are much more restrictive. They address specific drinking water problems (such as too much arsenic in drinking water) or pollution problems (such as too much nitrogen in the water coming

out of a sewage treatment plant). Federal funds cannot be used for expansion/capacity projects.

- Half of the remaining **liquor excise taxes** are swept into the general fund budget; the Burien number supplied by AWC is \$218,000: so that much is swept and that much would be shared with Burien for the 2013-15 biennium. Without last year's liquor excise tax sweep and this proposal, Burien would have received \$590,000 for 2013-15. Recall that last session, the state capped state-shared liquor profits to cities, eliminated state-shared liquor taxes to cities for one-year, and permanently redirected \$10M in liquor taxes to the state general fund. Because liquor profits were part of the 2011 liquor privatization initiative, they can't be touched for 2 years without a 2/3's vote of both chambers.
- There are some Model Toxic Control Act (MTCA) funds swept into the state general fund, but the extent won't be clear until the Senate capital budget is released this week.

These are the main issues for cities; we are still reviewing the Senate budget to determine other state accounts important to cities.

The Senate budget does not raise revenue from closing tax "loopholes" or extending the state B&O service tax or the state beer tax.

As mentioned last week, Governor Inslee took a different approach with a combination of closing tax "loopholes" and extending existing tax sources scheduled to expire in June:

- \$598M is moved into the general fund from various accounts including \$162M from the PWTF, and \$62.5M from the local toxics account (MTCA),

- \$565M in “tax break repeals/modifications” are included; these have been detailed in the press and include extending the sales tax to custom computer software for example,
- Two tax surcharges that are set to expire this year are extended: the 0.3% state B&O tax on services (this keeps the rate at 1.8% as opposed to reverting to 1.5%), and the 50 cent beer tax; these raise about \$662M

The “tax break” repeal and the surcharge extension raise about \$1.2B for the biennium that the Governor said would be used to satisfy this biennium’s *McCleary* down payment.

Bills are now being considered by the opposite chamber. The next cut-off dates are as follows:

- **April 9** is the last day to pass bills out of the revenue committees in the opposite chambers.
- **April 17** is the last day to pass bills out of the opposite chamber,
- **April 28** is the last day of the regular session.

## **2. Transportation**

Both the House and Senate released “bare bones” 2013-15 transportation budgets last week with no new projects. Existing projects continue to be funded through the “Nickel” and “Transportation Partnership Act” (TPA) revenue packages from previous years. Rep. Clibborn may release a second, slimmer version of a new revenue transportation package this week, but nothing is definite.

## **3. Local B&O Tax (SB5688, SB 5656)**

**SB 5656** has until Tuesday (April 9) to be voted out of House Appropriations but I don’t expect that to happen. Similarly, **SB 5688** must be voted out of House Finance by that date but that is very unlikely.

Instead, the Senate operating budget references both bills and provides about \$2M for implementation, thus insuring these two issues will remain in play until the end of budget negotiations.

The version of 5656 referenced mandates that B&O cities choose between the state BLS and the city business and license portal for their business license processing by 2016 and non-B&O cities must make the same choice by 2019. The version of 5688 referenced is a DOR-led study to review the state and local B&O tax structures and how they can be aligned. The study is unneeded since we've had two such local B&O studies/reports in the last decade.

A work session on the local B&O tax was held in the Senate Trade Committee during the week. The session was mostly a business perspective but cities were well represented by Glen Lee, the Seattle Finance Director.

#### **4. Seahurst Park Renovation Funding**

I'm expecting the Senate capital budget to be released this week. It will be a smaller capital budget than in years past.

#### **5. Telecommunications Parity Act (HB 1971)**

On Friday, the House Appropriations Committee heard **HB 1971**, which removes the sales tax exemption for all residential phone lines, requires retailers to collect E-911 taxes on prepaid wireless phones, and makes a number of other changes related to telecommunications. The bill addresses the issues raised in the 2011 *Sprint Spectrum v. Washington State Department of Revenue* case and has significant financial implications for the state and local governments.

For state fiscal years 2013–2015, new estimates indicate the measure would generate \$33.1 million for the state general fund and \$15 million for local

governments, including \$5 million for cities. These amounts are estimated to double in future biennia.

If the Legislature does not pass a bill and a court requires the state to issue sales tax refunds, the impact is estimated at \$674.1 million for the state and \$249.5 million for local governments.

**6. Alternative Public Works Contracting Reauthorization/Job Order Contracting (SB 5349/HB 1466)**

Both bills are alive although they remain in committee. The bills extend design build, GCCM, and job order contracting (JOC) through 2021. The JOC amount is increased from \$4 million to \$6 million in King County.

**7. Deferral of Impact Fee Payments (HB 1652)**

I have detailed this bill in previous weeklies. It is likely to be passed by the Senate this week and sent to the Governor for signature. Cities likely will request a veto of the bill.

**8. Local Government Purchasing (SB 5110, HB 1268)**

These are City of Kirkland bills that authorize local governments to award contracts to the lowest bidder before taxes are applied provided it gives notice of its intent to do so prior to the submission of bids. This practice is permitted only for sales tax and B&O taxes imposed on suppliers. One or both chambers are likely to pass this bill this week.

**9. Fire Hydrant Bill (HB 1512 / 5606)**

This carefully crafted bill addresses state Supreme Court cases that held that cities could not pay for fire hydrants through the utility bill, but rather such charges were a general government responsibility. Cities may contract with water purveyors for the provision of fire suppression water facilities, services, or both. The Senate is likely to pass this bill this week.





# Burien

*Washington, USA*

## Summary of Permits Applications Received – March 2013

Type Permit	Count	Valuation
Building	30	\$ 3,171,092
Damage	2	
Demolition	6	\$
Electrical	61	\$ 410,500
Fire Protection	4	\$ 11,022
Mechanical	19	\$ 20,000
Plumbing	12	\$ 7,000
Right of Way	45	
Sign	5	\$ 10,350
<b>Totals :</b>	<b>184</b>	<b>\$ 3,629,964</b>



# Burien

*Washington, USA*

## Summary of Permits Issued – March 2013

Type Permit	Count	Valuation
Building	23	\$ 1,548,396
Damage	3	
Demolition	3	\$
Electrical	58	\$ 410,500
Fire Protection	13	\$ 112,687
Mechanical	20	\$ 74,500
Plumbing	12	\$ 7,000
Right of Way	50	
Sign	7	\$ 12,747
<b>Totals :</b>	<b>189</b>	<b>\$ 2,165,830</b>



# Notice of Application

City of Burien

400 SW 152<sup>nd</sup> Street (Suite 300)

Burien, Washington 98166-3066

Date April 5, 2013

Applicant Aileen Zavales of Lynx Consulting, representing T-Mobile West, LLC

Proposal Replacement of six existing panel antennas and addition of three remote radio heads, hybrid coaxial cable and associated equipment to an existing personal wireless service facility located at the Atonement Lutheran Church.

File No. PLA 13-0487  
File is available for viewing at Burien City Hall during regular business hours.

Location 12637 8<sup>th</sup> Avenue South, Burien, WA

Tax Parcel No. 144720-0065

Current Zoning Residential Single-Family (RS 7,200)

Application Submitted/Complete  
Submitted: March 13, 2013  
Complete: March 29, 2013

Other Permits Needed Building Permit

Other Studies Needed None

Existing Environmental Info. State Environmental Policy Act (SEPA) checklist

Environmental Review For this proposal, the City of Burien is using the "optional Determination of Non Significance (DNS) process" under the State Environmental Policy Act (WAC 197-11-355). The City expects to issue a DNS for the proposal. Individuals who submit timely written comments to the City (as indicated below) will become parties of record and will be notified of any decision and environmental determination made on this project. A copy of any decision and environmental determination made on this project may also be obtained upon request. The decision on the proposal and environmental determination, once made, may be appealed. All documents submitted or requested as part of this application are available for review at City Hall during regular business hours.

Review Process and Public Comment The decision on this application will be made by the Community Development Director. Prior to the decision, there is an opportunity for the public to submit written comments. **Written comments must be received prior to 5:00 p.m. on April 26, 2013.** Send written comments to the project planner (see below). Please indicate your name and address and refer to the file indicated above. Only people who submitted comments as indicated above may appeal the decision on this application.

Project Planner (for written comments and more information) Charles W. "Chip" Davis, AICP  
Department of Community Development  
City of Burien  
400 SW 152<sup>nd</sup> Street (Suite 300)  
Burien, WA 98166-3066  
Phone: (206) 248-5501 E-Mail: [chipd@burienwa.gov](mailto:chipd@burienwa.gov)

Published in the Seattle Times Date of Notice: April 5, 2013

cc: Burien City Council  
Burien Staff  
Burien Library

Seahurst Post Office  
White Center Now  
B-Town Blog

Discover Burien  
Highline Times

Web site: [www.burienwa.gov](http://www.burienwa.gov)  
Burien Daily



# Notice of Application

City of Burien 400 SW 152<sup>nd</sup> Street (Suite 300) Burien, Washington 98166-3066

Date	April 5, 2013
Applicant	Aileen Zavales of Lynx Consulting, representing T-Mobile West, LLC
Proposal	Replacement of six existing panel antennas and addition of three remote radio heads, hybrid coaxial cable and associated equipment to an existing personal wireless service facility located at the Washington State Criminal Justice Training Center.
File No.	PLA 13-0485 File is available for viewing at Burien City Hall during regular business hours.
Location	19010 1 <sup>st</sup> Avenue South, Burien, WA
Tax Parcel No.	322304-9017
Current Zoning	Residential Single-Family (RS 7,200)
Application Submitted/Complete	Submitted: March 12, 2013 Complete: March 29, 2013
Other Permits Needed	Building Permit
Other Studies Needed	None
Existing Environmental Info.	State Environmental Policy Act (SEPA) checklist
Environmental Review	For this proposal, the City of Burien is using the "optional Determination of Non Significance (DNS) process" under the State Environmental Policy Act (WAC 197-11-355). The City expects to issue a DNS for the proposal. Individuals who submit timely written comments to the City (as indicated below) will become parties of record and will be notified of any decision and environmental determination made on this project. A copy of any decision and environmental determination made on this project may also be obtained upon request. The decision on the proposal and environmental determination, once made, may be appealed. All documents submitted or requested as part of this application are available for review at City Hall during regular business hours.
Review Process and Public Comment	The decision on this application will be made by the Community Development Director. Prior to the decision, there is an opportunity for the public to submit written comments. <b>Written comments must be received prior to 5:00 p.m. on April 26, 2013.</b> Send written comments to the project planner (see below). Please indicate your name and address and refer to the file indicated above. Only people who submitted comments as indicated above may appeal the decision on this application.
Project Planner (for written comments and more information)	Charles W. "Chip" Davis, AICP Department of Community Development City of Burien 400 SW 152 <sup>nd</sup> Street (Suite 300) Burien, WA 98166-3066 Phone: (206) 248-5501 E-Mail: <a href="mailto:chipd@burienwa.gov">chipd@burienwa.gov</a>
Published in the Seattle Times	Date of Notice: April 5, 2013

cc: Burien City Council  
Burien Staff  
Burien Library

Seahurst Post Office  
White Center Now  
B-Town Blog

Discover Burien  
Highline Times

Web site: [www.burienwa.gov](http://www.burienwa.gov)  
Burien Daily



# Notice of Application

City of Burien 400 SW 152<sup>nd</sup> Street, Suite 300 Burien, Washington 98166-3066

Date April 2, 2013

Applicant Mike Lierman, Smackdab Realty LLC

Proposal Subdivide one (1) existing 1.14 acre residential lot into five (5) single-family residential lots

File No. PLA 13-0135

File is available for viewing at Burien City Hall during regular business hours.

Location 18052 Occidental Avenue South, Burien, Washington

Tax Parcel No. 3223049127

Current Zoning RS 7200 (Residential Single-family)

Application Submitted/Complete Submitted: January 17, 2013  
Complete: March 21, 2013

Other Permits Needed Construction Permit, Right-of-Way Use Permit

Existing Environmental Info. Preliminary Technical Information Report

Review Process and Public Comment The decision on this application will be made by the City Council following a public hearing and recommendation by the Hearing Examiner. Prior to preparation of the Dept. of Community Development staff recommendation to the Hearing Examiner, there is an opportunity for the public to submit written comments. **To be considered as part of the staff report, written comments must be received prior to 5:00 p.m. on May 2, 2013.** Send written comments to the project planner (see below). Please indicate your name and address and refer to the file indicated above. In addition, anyone may submit written or oral comments to the Hearing Examiner at the public hearing. Only people who submitted comments as indicated above may appeal the decision on this application.

Project Planner (for written comments and more information) Stephanie Jewett, AICP  
Department of Community Development  
City of Burien  
400 SW 152<sup>nd</sup> Street, Suite 300  
Burien, WA 98166  
Phone: (206) 439-3152 E-Mail: [stephaniej@burienwa.gov](mailto:stephaniej@burienwa.gov)

Published in the Seattle Times Date of Notice: April 2, 2013

cc: Burien City Council  
Burien Staff  
Burien Library  
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Highline Times

Seahurst Post Office  
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Web site: [www.burienwa.gov](http://www.burienwa.gov)  
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