



## CITY COUNCIL REGULAR MEETING AGENDA

**October 7, 2013**

**6:30 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>	<ul style="list-style-type: none"> <li>a. Email Dated September 30, 2013, from Lynn Versteeg Gunning. 3.</li> <li>b. Email Dated September 30, 2013, from Robbie Howell. 5.</li> </ul>
<b>7. CONSENT AGENDA</b>	<ul style="list-style-type: none"> <li>a. Approval of Check Register: Numbers 35697 - 35844 in the Amounts of \$3,431,596.31 for Payment on October 7, 2013; and Payroll Salaries and Benefits Numbers 5925 - 5936 for Direct Deposits and Wire Transfers in the Amount of \$217,795.91 for September 1 – September 15, 2013, Paid on September 20, 2013. 7.</li> <li>b. Approval of Minutes: Regular Meeting, September 16, 2013; Study Session, September 23, 2013; Special Meeting, September 30, 2013. 31.</li> <li>c. Motion on Revised Arts Fund Recommendation Process. 39.</li> <li>d. Motion to Adopt Resolution No. 348, Supporting the Continuation of the South County Area Transportation Board (SCATBd). 41.</li> </ul>
<b>8. BUSINESS AGENDA</b>	<ul style="list-style-type: none"> <li>a. Presentation from Public Health of Seattle and King County on Enrollment in Medicaid and Washington Health Benefit Exchange.</li> <li>b. Motion to Approve Appointment to the Burien Business &amp; Economic Development Partnership. 43.</li> <li>c. Discussion and Motion to Award Executive Search Firm Contract. 45.</li> <li>d. Discussion on Funding of an Off-Leash Dog Area in Lakeview Park. 47.</li> </ul>

**COUNCILMEMBERS**

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

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

# CITY COUNCIL REGULAR MEETING AGENDA

October 7, 2013

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|---------------------------------------|---|------|
| <b>8. BUSINESS AGENDA<br/>Cont'd.</b> | e. Introduction of Interlocal Agreement with Port of Seattle for<br>Northeast Redevelopment Area (NERA ). | 57.  |
|                                       | f. City Manager's Report.   | 143. |
| <b>9. COUNCIL BUSINESS</b>            |   |      |
| <b>10. ADJOURNMENT</b>                |   |      |

## Carol Allread

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**From:** Public Council Inbox  
**Sent:** Monday, September 30, 2013 2:46 PM  
**To:** 'Steven and Lynn Gunning'  
**Subject:** RE: interest in the City of Burien adopting a similar measure

Dear Ms. Gunning:

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:** Steven and Lynn Gunning [<mailto:gunninggang@gmail.com>]  
**Sent:** Wednesday, September 18, 2013 10:41 AM  
**To:** Public Council Inbox  
**Subject:** interest in the City of Burien adopting a similar measure

I came across this article (which I will re-type) in the Seattle Times. I can sympathize with the creators of this ordinance as this is my exceedingly unpleasant experience on a daily basis. I own no cats or other animals and therefore EVERY cat in the neighborhood that has free reign (of which there are countless cats in this category) consider my home/front porch/gardens their own personal territory. I have put up with this for 16 years and I really am growing beyond tiresome of this unwelcome intrusion. The article is as follows from the MyEdmondsNews.com which was recently reprinted in the Seattle Times. I would like to request that this be discussed during your next council meeting.

Edmonds gets tough on cats, adds the creatures to roaming ordinance

After listening to a litany of dangers and irritations posed by cats on the prowl-from the diseases they carry, to the birds and other wildlife they kill, to the fur they leave behind after sitting uninvited on outdoor furniture-the Edmonds City Council voted 6-1 to include cats in an ordinance already on the books aimed at preventing animals from roaming freely.

Councilmember Joan Bloom cast the sole dissenting vote.

The move reversed a decision by the council last year to exclude cats from the ordinance, a move that received much criticism from nearly everyone who came to speak during a public hearing on the matter Tuesday night.

CFTR: 10/7/13 CC: Nhan Nguyen, Management Analyst

One speaker testified he has to clean disease-carrying cat waste out of his vegetable garden daily, while a second cited the connection between toxoplasmosis found in cat droppings and mental-health problems.

According to the ordinance, it will now be a civil violation for cat owners to allow their animals “to run at large during any hours of the day or night”, with fourth and subsequent violations being misdemeanor offenses. Animal-control officers may seize and impound any animal found roaming free.

Please contact me to confirm your receipt of this request and to apprise me of the outcome of your discussions.

Most gratefully,

Lynn Versteeg Gunning

## Carol Allread

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**From:** Public Council Inbox  
**Sent:** Monday, September 30, 2013 2:48 PM  
**To:** 'Robbie Howell'  
**Subject:** RE: Questions

Dear Ms. Howell,

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:** Robbie Howell [<mailto:therobbies4u@gmail.com>]  
**Sent:** Tuesday, September 24, 2013 12:18 PM  
**To:** Public Council Inbox  
**Subject:** Questions

9-24-2013

To the Burien City Council,

Now that city council has approved Ordinance 587 apparently without publicly asking questions regarding the following inclusion, "All single detached subdivisions shall provide tot/children play areas within the recreation space on-site, except when facilities are available within one-fourth mile that are developed as public parks or playgrounds and are accessible without the crossing of arterial streets."

- 1) Does this mean that at all new developments in the New Urban Center, the Developer will not have to provide recreation on-site, and they will be able to substitute Town Square Park for the required recreation space for each Development?

CFTR: 10/7/13

*Dan Trimble, Economic Dev. manager*  
*cc: Chip Davis, Community Development Director*  
*David Johanson, Senior Planner*

- 2) Can any unsupervised tot/grade school child from the new developments use Town Square Park as a play ground as part of the apartment privileges?
- 3) How many potential developments will be using Town Square Park for their recreation requirement.
- 4) What effect will this have on the surrounding businesses, the library and city hall?
- 5) Is it fair to the citizens of Burien to be required to pay to maintain Town Square Park for all the Developers that are already getting a financial break and chose not to provide play space for the children in their facilities?
- 6) What developer is going to provide recreation space for his development when any recreation space retained in private ownership shall be the responsibility of the owner or other separate entity capable of long-term maintenance and operation in a manner acceptable to the city of Burien? What developer will provide it when the city will do it for him? After all the developer only wants to build minimal high density multifamily housing doesn't he?

Hopefully the city planners will be able to come up with an equitable solution.

Sincerely,

Robbie Howell

15240 20<sup>th</sup> Ave SW

Burien, WA 98166

## 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 7th day of October 2013 THE FOLLOWING:

CHECK NOS. 35697-35844

IN THE AMOUNTS OF \$3,431,596.31

WITH VOIDED CHECK NOS. 0

### PAYROLL SALARIES AND BENEFITS APPROVAL

FOR September 1<sup>st</sup> - September 15<sup>th</sup> PAID ON 20<sup>th</sup> September 2013

CHECK NOS. 5925-5936

DIRECT DEPOSITS AND WIRE TRANSFERS IN THE AMOUNT OF: \$217,795.91



Accounts Payable  
Checks for Approval



User: cathy  
Printed: 10/03/2013 - 8:08 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35697	09/13/2013	General Fund	Land and Land Improvements	Chicago Title	2,270,530.55
Check Total:					2,270,530.55
35698	09/27/2013	General Fund	Public Defender	Kirshenbaum & Goss, Inc., P.S	7,555.00
Check Total:					7,555.00
35699	10/07/2013	General Fund	Professional Services	ABC Legal	7.00
35699	10/07/2013	General Fund	Professional Services	ABC Legal	7.00
35699	10/07/2013	General Fund	Professional Services	ABC Legal	7.00
35699	10/07/2013	General Fund	Professional Services	ABC Legal	7.00
35699	10/07/2013	General Fund	Professional Services	ABC Legal	7.00
35699	10/07/2013	General Fund	Professional Services	ABC Legal	7.00
35699	10/07/2013	General Fund	Professional Services	ABC Legal	50.00
Check Total:					92.00
35700	10/07/2013	Street Fund	Professional Services	Affordable Backflow Testing	315.00
35700	10/07/2013	General Fund	Professional Services	Affordable Backflow Testing	875.00
Check Total:					1,190.00
35701	10/07/2013	General Fund	Office and Operating Supplies	Ace Hardware	7.11
35701	10/07/2013	General Fund	Office and Operating Supplies	Ace Hardware	30.08
35701	10/07/2013	General Fund	Office and Operating Supplies	Ace Hardware	22.98
35701	10/07/2013	General Fund	Office and Operating Supplies	Ace Hardware	25.91
35701	10/07/2013	General Fund	Office and Operating Supplies	Ace Hardware	16.37
35701	10/07/2013	General Fund	Office and Operating Supplies	Ace Hardware	54.42
35701	10/07/2013	General Fund	Office and Operating Supplies	Ace Hardware	8.75
35701	10/07/2013	General Fund	Office And Operating Supplies	Ace Hardware	9.30
35701	10/07/2013	General Fund	Office and Operating Supplies	Ace Hardware	95.59

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35701	10/07/2013	General Fund	Office and Operating Supplies	Ace Hardware	67.82
35701	10/07/2013	General Fund	Office and Operating Supplies	Ace Hardware	13.10
35701	10/07/2013	General Fund	Office and Operating Supplies	Ace Hardware	32.76
35701	10/07/2013	General Fund	Office and Operating Supplies	Ace Hardware	9.82
35701	10/07/2013	General Fund	Office and Operating Supplies	Ace Hardware	18.60
35701	10/07/2013	General Fund	Office and Operating Supplies	Ace Hardware	41.08
35701	10/07/2013	General Fund	Office and Operating Supplies	Ace Hardware	7.97
35701	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	Ace Hardware	24.30
35701	10/07/2013	Street Fund	Office And Operating Supplies	Ace Hardware	24.30
35701	10/07/2013	General Fund	Office and Operating Supplies	Ace Hardware	6.56
35701	10/07/2013	Street Fund	Office And Operating Supplies	Ace Hardware	10.93
35701	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	Ace Hardware	17.51
Check Total:					545.26
35702	10/07/2013	General Fund	Repairs And Maintenance	Tyco Integrated Security LLC	93.77
Check Total:					93.77
35703	10/07/2013	General Fund	Subscriptions/Publications	Attorney's Eagle Eye Service	59.13
Check Total:					59.13
35704	10/07/2013	General Fund	Operating Rents & Leases	AGRII Party & Events	839.87
Check Total:					839.87
35705	10/07/2013	General Fund	Burien/Highline Jt Venture	Alliance For A Just Society	10,121.00
Check Total:					10,121.00
35706	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	AI Books Custom Welding	32.85
Check Total:					32.85
35707	10/07/2013	General Fund	Professional Services	Allbright Productions	500.00
Check Total:					500.00
35708	10/07/2013	Surface Water Management Fund	Publications	AlphaGraphics	450.05
Check Total:					450.05

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35709	10/07/2013	Street Fund	Office And Operating Supplies	Alpine Products Inc	1,927.04
				Check Total:	1,927.04
35710	10/07/2013	Street Fund	Repairs And Maintenance	American Concrete Cutting	350.00
				Check Total:	350.00
35711	10/07/2013	General Fund	Office and Operating Supplies	Amerigas - Kent	253.51
				Check Total:	253.51
35712	10/07/2013	General Fund	Office And Operating Supplies	Aramark Uniform Services	26.88
				Check Total:	26.88
35713	10/07/2013	General Fund	Office and Operating Supplies	Atlantis Designs	250.00
				Check Total:	250.00
35714	10/07/2013	General Fund	Quarterly Newsletter	Kenneth Barger	225.92
				Check Total:	225.92
35715	10/07/2013	Parks & Gen Gov't CIP	Project Development	Builders Exchange of WA, Inc.	134.45
				Check Total:	134.45
35716	10/07/2013	General Fund	Professional Services	Berger/Abam Engineers, Inc.	3,335.68
35716	10/07/2013	Street Fund	Professional Services	Berger/Abam Engineers, Inc.	4,094.46
				Check Total:	7,430.14
35717	10/07/2013	General Fund	Lodging	JIM BIBBY	317.22
35717	10/07/2013	General Fund	Meals	JIM BIBBY	52.97
35717	10/07/2013	General Fund	Mileage	JIM BIBBY	149.17
				Check Total:	519.36
35718	10/07/2013	General Fund	Telephone	JACK BLOCK JR	55.48

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	55.48
35719	10/07/2013	Street Fund	Office And Operating Supplies	Bryant's Tractor & Mower Inc	3.24	
35719	10/07/2013	Street Fund	Office And Operating Supplies	Bryant's Tractor & Mower Inc	17.36	
35719	10/07/2013	Surface Water Management Fund	Repairs And Maintenance	Bryant's Tractor & Mower Inc	17.36	
35719	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	Bryant's Tractor & Mower Inc	39.02	
35719	10/07/2013	Street Fund	Office And Operating Supplies	Bryant's Tractor & Mower Inc	39.03	
					Check Total:	116.01
35720	10/07/2013	General Fund	Repair and Maintenance	Buckley Nursery Co Inc	11,240.18	
					Check Total:	11,240.18
35721	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	Carpinito Brothers Inc	491.38	
35721	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	Carpinito Brothers Inc	491.38	
					Check Total:	982.76
35722	10/07/2013	General Fund	Sftwre Subscript & Licensing	CDW-G	277.02	
					Check Total:	277.02
35723	10/07/2013	General Fund	Telephone	ROSE CLARK	53.62	
					Check Total:	53.62
35724	10/07/2013	General Fund	Office and Operating Supplies	Clay Art Center Inc	669.74	
					Check Total:	669.74
35725	10/07/2013	General Fund	Nuisance and Abatement Costs	CleanScapes Inc	76.51	
35725	10/07/2013	General Fund	Professional Services	CleanScapes Inc	1,244.60	
35725	10/07/2013	General Fund	Professional Services	CleanScapes Inc	328.76	
					Check Total:	1,649.87
35726	10/07/2013	General Fund	Telephone	CenturyLink	60.82	
35726	10/07/2013	General Fund	Telephone	CenturyLink	47.08	
35726	10/07/2013	General Fund	Telephone	CenturyLink	63.60	
35726	10/07/2013	General Fund	Telephone	CenturyLink	51.75	
35726	10/07/2013	General Fund	Telephone	CenturyLink	45.78	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35726	10/07/2013	General Fund	Telephone	CenturyLink	45.78
35726	10/07/2013	Street Fund	Telephone	CenturyLink	50.66
35726	10/07/2013	Surface Water Management Fund	Telephone	CenturyLink	50.66
35726	10/07/2013	General Fund	Telephone	CenturyLink	46.58
35726	10/07/2013	General Fund	Telephone	CenturyLink	44.59
Check Total:					507.30
35727	10/07/2013	General Fund	Computer Related Supplies	Cardmember Service	28.24
35727	10/07/2013	General Fund	Drug Seizure Proceeds KCSO	Cardmember Service	663.45
35727	10/07/2013	General Fund	Drug Seizure Proceeds KCSO	Cardmember Service	17.99
35727	10/07/2013	General Fund	Drug Seizure Proceeds KCSO	Cardmember Service	120.96
35727	10/07/2013	General Fund	Drug Seizure Proceeds KCSO	Cardmember Service	92.26
35727	10/07/2013	General Fund	Drug Seizure Proceeds KCSO	Cardmember Service	20.81
35727	10/07/2013	General Fund	Drug Seizure Proceeds KCSO	Cardmember Service	4.38
35727	10/07/2013	General Fund	Drug Seizure Proceeds KCSO	Cardmember Service	646.04
35727	10/07/2013	General Fund	Drug Seizure Proceeds KCSO	Cardmember Service	59.80
35727	10/07/2013	General Fund	Drug Seizure Proceeds KCSO	Cardmember Service	20.81
35727	10/07/2013	General Fund	Drug Seizure Proceeds KCSO	Cardmember Service	119.97
35727	10/07/2013	General Fund	Drug Seizure Proceeds KCSO	Cardmember Service	182.52
35727	10/07/2013	General Fund	Drug Seizure Proceeds KCSO	Cardmember Service	108.13
35727	10/07/2013	General Fund	Drug Seizure Proceeds KCSO	Cardmember Service	76.64
35727	10/07/2013	General Fund	Human Svc-Family/Youth	Cardmember Service	160.00
35727	10/07/2013	General Fund	Human Svc-Family/Youth	Cardmember Service	160.00
35727	10/07/2013	General Fund	Computer Related Supplies	Cardmember Service	216.81
35727	10/07/2013	General Fund	Office and Operating Supplies	Cardmember Service	126.07
35727	10/07/2013	General Fund	Office and Operating Supplies	Cardmember Service	887.63
35727	10/07/2013	General Fund	Admission and Entrance Fees	Cardmember Service	824.68
35727	10/07/2013	General Fund	Admission and Entrance Fees	Cardmember Service	406.00
35727	10/07/2013	General Fund	Office and Operating Supplies	Cardmember Service	452.10
35727	10/07/2013	General Fund	Office and Operating Supplies	Cardmember Service	58.70
35727	10/07/2013	General Fund	Office and Operating Supplies	Cardmember Service	17.50
35727	10/07/2013	General Fund	Office and Operating Supplies	Cardmember Service	467.18
35727	10/07/2013	General Fund	Office And Operating Supplies	Cardmember Service	140.02
35727	10/07/2013	General Fund	Office and Operating Supplies	Cardmember Service	64.61
35727	10/07/2013	General Fund	Admission and Entrance Fees	Cardmember Service	20.00
35727	10/07/2013	General Fund	Office And Operating Supplies	Cardmember Service	7.65
35727	10/07/2013	General Fund	Fuel/Gas/Gasoline Consumption	Cardmember Service	82.75
35727	10/07/2013	General Fund	Advertising	Cardmember Service	300.00
35727	10/07/2013	Surface Water Management Fund	Registration - Trainng/Workshp	Cardmember Service	300.00
35727	10/07/2013	General Fund	City Hall Bldg Maintenance	Cardmember Service	44.32
35727	10/07/2013	General Fund	Other Travel	Cardmember Service	5.50
35727	10/07/2013	General Fund	Software Subscription Fees	Cardmember Service	59.95
35727	10/07/2013	General Fund	Repair and Maintenance	Cardmember Service	136.84
35727	10/07/2013	General Fund	Office and Operating Supplies	Cardmember Service	133.05

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35727	10/07/2013	General Fund	Office and Operating Supplies	Cardmember Service	361.35
35727	10/07/2013	General Fund	Office And Operating Supplies	Cardmember Service	511.54
Check Total:					8,106.25
35728	10/07/2013	General Fund	Drug Seizure Proceeds KCSO	COMCAST	69.95
Check Total:					69.95
35729	10/07/2013	General Fund	Office/Operating Supplies	Complete Office LLC	271.58
35729	10/07/2013	General Fund	Office/Operating Supplies	Complete Office LLC	37.72
35729	10/07/2013	General Fund	Office/Operating Supplies	Complete Office LLC	211.23
35729	10/07/2013	General Fund	IT Office/Operating Supplies	Complete Office LLC	75.44
35729	10/07/2013	General Fund	Office and Operating Supplies	Complete Office LLC	37.72
35729	10/07/2013	General Fund	Office and Operating Supplies	Complete Office LLC	113.16
35729	10/07/2013	General Fund	Office And Operating Supplies	Complete Office LLC	301.76
35729	10/07/2013	General Fund	Office And Operating Supplies	Complete Office LLC	256.50
35729	10/07/2013	General Fund	Office And Operating Supplies	Complete Office LLC	203.69
35729	10/07/2013	General Fund	Office And Operating Supplies	Complete Office LLC	796.49
35729	10/07/2013	General Fund	Office And Operating Supplies	Complete Office LLC	481.53
35729	10/07/2013	General Fund	Office And Operating Supplies	Complete Office LLC	409.30
35729	10/07/2013	General Fund	Office And Operating Supplies	Complete Office LLC	325.03
35729	10/07/2013	General Fund	Office/Operating Supplies	Complete Office LLC	433.39
35729	10/07/2013	General Fund	Office/Operating Supplies	Complete Office LLC	60.19
35729	10/07/2013	General Fund	Office/Operating Supplies	Complete Office LLC	337.07
35729	10/07/2013	General Fund	IT Office/Operating Supplies	Complete Office LLC	120.38
35729	10/07/2013	General Fund	Office and Operating Supplies	Complete Office LLC	60.19
35729	10/07/2013	General Fund	Office and Operating Supplies	Complete Office LLC	180.57
Check Total:					4,712.94
35730	10/07/2013	General Fund	Recreation Guide	Consolidated Press	5,845.14
Check Total:					5,845.14
35731	10/07/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	15.58
35731	10/07/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	143.28
35731	10/07/2013	General Fund	Utilities	City of Seattle	32.97
35731	10/07/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	262.73
35731	10/07/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	28.08
35731	10/07/2013	General Fund	Utilities	City of Seattle	15.64
35731	10/07/2013	General Fund	Utilities	City of Seattle	9.18
35731	10/07/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	109.93
35731	10/07/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	79.41

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35731	10/07/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	204.16
35731	10/07/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	91.50
35731	10/07/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	15.45
35731	10/07/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	16.27
35731	10/07/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	79.86
35731	10/07/2013	General Fund	Utilities	City of Seattle	14.51
35731	10/07/2013	General Fund	Utilities	City of Seattle	30.54
35731	10/07/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	52.00
35731	10/07/2013	General Fund	Utilities	City of Seattle	358.02
35731	10/07/2013	General Fund	Utilities	City of Seattle	829.41
35731	10/07/2013	General Fund	Utilities	City of Seattle	1,461.17
35731	10/07/2013	General Fund	Utilities	City of Seattle	660.96
35731	10/07/2013	General Fund	Utilities	City of Seattle	119.34
35731	10/07/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	353.58
35731	10/07/2013	General Fund	Utilities	City of Seattle	113.07
35731	10/07/2013	Street Fund	Utilities-Street Lighting	City of Seattle	45.92
35731	10/07/2013	Street Fund	Utilities-Street Lighting	City of Seattle	19.92
35731	10/07/2013	Street Fund	Utilities-Street Lighting	City of Seattle	9.96
35731	10/07/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	286.18
35731	10/07/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	159.12
35731	10/07/2013	Street Fund	Utilities-Street Lighting	City of Seattle	11.62
35731	10/07/2013	Street Fund	Utilities-Street Lighting	City of Seattle	4,919.70
35731	10/07/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	284.66
35731	10/07/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	98.50
Check Total:					10,932.22
35732	10/07/2013	Street Fund	Operating Rentals And Leases	City of SeaTac	287.50
35732	10/07/2013	Surface Water Management Fund	Operating Rentals And Leases	City of SeaTac	287.50
Check Total:					575.00
35733	10/07/2013	Street Fund	Office And Operating Supplies	WaterCo of Pac.NW Inc	17.80
35733	10/07/2013	Street Fund	Office And Operating Supplies	WaterCo of Pac.NW Inc	17.79
Check Total:					35.59
35734	10/07/2013	Street Fund	Machinery/Eqpt - Uncapitalized	Dell Computer Corporation	707.67
Check Total:					707.67
35735	10/07/2013	General Fund	Burien Marketing Strategy	Discover Burien	4,667.00
35735	10/07/2013	Street Fund	Discover Burien	Discover Burien	3,332.00
35735	10/07/2013	General Fund	Burien Marketing Strategy	Discover Burien	4,667.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
35735	10/07/2013	Street Fund	Discover Burien	Discover Burien	3,332.00	
35735	10/07/2013	General Fund	Burien Marketing Strategy	Discover Burien	4,667.00	
35735	10/07/2013	Street Fund	Discover Burien	Discover Burien	3,332.00	
35735	10/07/2013	Street Fund	Discover Burien	Discover Burien	4,667.00	
35735	10/07/2013	Street Fund	Professional Services	Discover Burien	3,332.00	
					Check Total:	31,996.00
35736	10/07/2013	General Fund	Professional Services	Eric Ode	350.00	
					Check Total:	350.00
35737	10/07/2013	General Fund	Other Travel	KRISTY DUNN	37.29	
					Check Total:	37.29
35738	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	Dunn Lumber Co.	29.39	
35738	10/07/2013	Street Fund	Office And Operating Supplies	Dunn Lumber Co.	29.40	
35738	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	Dunn Lumber Co.	19.81	
35738	10/07/2013	Street Fund	Office And Operating Supplies	Dunn Lumber Co.	19.80	
35738	10/07/2013	General Fund	Office and Operating Supplies	Dunn Lumber Co.	98.60	
					Check Total:	197.00
35739	10/07/2013	General Fund	Repair/Maint-Vehicle	Elidrew, LLC	11.83	
35739	10/07/2013	General Fund	Repair/Maint-Vehicle	Elidrew, LLC	11.83	
					Check Total:	23.66
35740	10/07/2013	General Fund	Telephone	ROBERT EDGAR	71.95	
					Check Total:	71.95
35741	10/07/2013	General Fund	Office and Operating Supplies	John Feeney	219.07	
					Check Total:	219.07
35742	10/07/2013	General Fund	Dues/Memberships	Government Finance Officers As	225.00	
					Check Total:	225.00
35743	10/07/2013	General Fund	Rental & Lease	Harlow's Bus Services Inc	3,390.00	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	3,390.00
35744	10/07/2013	General Fund	Rental & Lease	Highline School District	3,965.35	
					Check Total:	3,965.35
35745	10/07/2013	Street Fund	Office And Operating Supplies	ICON Materials	171.92	
35745	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	ICON Materials	139.75	
35745	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	ICON Materials	110.66	
35745	10/07/2013	Street Fund	Office And Operating Supplies	ICON Materials	19.12	
35745	10/07/2013	Street Fund	Office And Operating Supplies	ICON Materials	75.56	
35745	10/07/2013	Street Fund	Office And Operating Supplies	ICON Materials	41.19	
35745	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	ICON Materials	171.92	
35745	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	ICON Materials	508.02	
35745	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	ICON Materials	402.96	
35745	10/07/2013	Street Fund	Office And Operating Supplies	ICON Materials	171.92	
35745	10/07/2013	Street Fund	Office And Operating Supplies	ICON Materials	171.92	
					Check Total:	1,984.94
35746	10/07/2013	General Fund	Operating Rentals And Leases	RICOH USA Inc	750.32	
					Check Total:	750.32
35747	10/07/2013	General Fund	Miscellaneous	Iron Mountain	465.42	
					Check Total:	465.42
35748	10/07/2013	General Fund	Miscellaneous	Iron Mountain	81.30	
35748	10/07/2013	General Fund	Miscellaneous	Iron Mountain	276.18	
					Check Total:	357.48
35749	10/07/2013	Street Fund	Repairs & Maint. - Fleet	Interstate Tire & Automotive	292.77	
35749	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Interstate Tire & Automotive	292.77	
					Check Total:	585.54
35750	10/07/2013	General Fund	Quarterly Newsletter	UNITED STATES TREASURY	1,018.35	
35750	10/07/2013	General Fund	Quarterly Newsletter	UNITED STATES TREASURY	1,844.86	
35750	10/07/2013	General Fund	Quarterly Newsletter	UNITED STATES TREASURY	492.75	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	3,355.96
35751	10/07/2013	General Fund	Office and Operating Supplies	KATHY JUSTIN	193.28
				Check Total:	193.28
35752	10/07/2013	General Fund	Telephone	LUCY KRAKOWIAK	54.99
				Check Total:	54.99
35753	10/07/2013	General Fund	Office and Operating Supplies	Gina Kallman	152.89
				Check Total:	152.89
35754	10/07/2013	Street Fund	Office And Operating Supplies	King County Fleet Adm	171.34
35754	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	King County Fleet Adm	40.10
				Check Total:	211.44
35755	10/07/2013	General Fund	Miscellaneous	King County Recorder	89.00
35755	10/07/2013	General Fund	Miscellaneous	King County Recorder	75.00
				Check Total:	164.00
35756	10/07/2013	General Fund	Police Contract - King Co	King County Sheriff's Office	845,663.58
35756	10/07/2013	General Fund	Drug Seizure Proceeds KCSO	King County Sheriff's Office	2,319.24
35756	10/07/2013	General Fund	Drug Seizure Proceeds KCSO	King County Sheriff's Office	947.64
				Check Total:	848,930.46
35757	10/07/2013	General Fund	Jail Contracts	KING COUNTY FINANCE	416.49
				Check Total:	416.49
35758	10/07/2013	General Fund	Seasonal Security	King County Security Guards LL	1,295.00
35758	10/07/2013	General Fund	Seasonal Security	King County Security Guards LL	1,160.88
				Check Total:	2,455.88
35759	10/07/2013	Surface Water Management Fund	TV Inspection and Vactoring	King County Solid Waste Div.	770.29
35759	10/07/2013	Surface Water Management Fund	TV Inspection and Vactoring	King County Solid Waste Div.	1,083.16

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	1,853.45
35760	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Kenworth Northwest Inc.	45.51
				Check Total:	45.51
35761	10/07/2013	General Fund	Attorney Srvc - Gen'l Matters	Kenyon Disend, PLLC	10,220.65
				Check Total:	10,220.65
35762	10/07/2013	General Fund	Instructors Prof Srvs	North American Youth Activitie	2,625.00
				Check Total:	2,625.00
35763	10/07/2013	General Fund	Professional Services	Jami Krause	200.00
				Check Total:	200.00
35764	10/07/2013	Street Fund	Office And Operating Supplies	Lakeside Industries Inc.	1,114.95
				Check Total:	1,114.95
35765	10/07/2013	General Fund	Professional Services	Joshua Lind	700.00
				Check Total:	700.00
35766	10/07/2013	General Fund	Professional Services	Sarah Lovett	100.00
				Check Total:	100.00
35767	10/07/2013	Street Fund	Repairs & Maint. - Fleet	Les Schwab	283.58
35767	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Les Schwab	283.59
				Check Total:	567.17
35768	10/07/2013	Street Fund	Office And Operating Supplies	Masons Supply Company	378.39
35768	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	Masons Supply Company	378.40
				Check Total:	756.79
35769	10/07/2013	Street Fund	Office And Operating Supplies	McLendon Hardware Inc	129.33

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35769	10/07/2013	Street Fund	Office And Operating Supplies	McLendon Hardware Inc	90.09
35769	10/07/2013	Street Fund	Office And Operating Supplies	McLendon Hardware Inc	59.66
35769	10/07/2013	Street Fund	Office And Operating Supplies	McLendon Hardware Inc	2.16
35769	10/07/2013	Street Fund	Office And Operating Supplies	McLendon Hardware Inc	97.01
35769	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware Inc	97.00
35769	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware Inc	99.21
35769	10/07/2013	Street Fund	Office And Operating Supplies	McLendon Hardware Inc	99.21
35769	10/07/2013	General Fund	Small Tools & Minor Equipments	McLendon Hardware Inc	36.66
35769	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware Inc	54.23
35769	10/07/2013	Street Fund	Office And Operating Supplies	McLendon Hardware Inc	75.49
Check Total:					840.05
35770	10/07/2013	General Fund	Sales Tax Auditing Costs	Microflex Inc	75.39
Check Total:					75.39
35771	10/07/2013	Parks & Gen Gov't CIP	Construction	Mid Pac Construction	21,079.00
Check Total:					21,079.00
35772	10/07/2013	General Fund	Professional Services	Reggie Miles	300.00
Check Total:					300.00
35773	10/07/2013	General Fund	Instructors Prof Svcs	Paul Miller	400.00
35773	10/07/2013	General Fund	Instructors Prof Svcs	Paul Miller	500.00
Check Total:					900.00
35774	10/07/2013	Street Fund	Office And Operating Supplies	Miller Paint Company Inc	30.05
35774	10/07/2013	Street Fund	Office And Operating Supplies	Miller Paint Company Inc	74.98
35774	10/07/2013	General Fund	Nuisance and Abatement Costs	Miller Paint Company Inc	34.34
35774	10/07/2013	General Fund	Office and Operating Supplies	Miller Paint Company Inc	150.56
35774	10/07/2013	General Fund	Nuisance and Abatement Costs	Miller Paint Company Inc	34.34
Check Total:					324.27
35775	10/07/2013	General Fund	Operating Rents & Leases	National Construction Rentals,	317.00
Check Total:					317.00
35776	10/07/2013	Street Fund	Office And Operating Supplies	National Safety Inc	97.60

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35776	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	National Safety Inc	97.59
Check Total:					195.19
35777	10/07/2013	General Fund	Building Maintenance	OpenWorks-Billing Agent	1,003.00
35777	10/07/2013	General Fund	Building Maintenance	OpenWorks-Billing Agent	605.00
Check Total:					1,608.00
35778	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	4.20
35778	10/07/2013	Street Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	4.20
35778	10/07/2013	Street Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	1.91
35778	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	1.91
35778	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	34.90
35778	10/07/2013	Street Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	34.90
35778	10/07/2013	Street Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	130.53
35778	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	130.53
35778	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	1.63
35778	10/07/2013	Street Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	1.64
35778	10/07/2013	Street Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	78.97
35778	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	78.98
35778	10/07/2013	Street Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	7.66
35778	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	7.66
35778	10/07/2013	Street Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	96.29
35778	10/07/2013	Street Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	37.53
35778	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	7.53
35778	10/07/2013	Street Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	7.52
35778	10/07/2013	Street Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	33.77
35778	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	33.76
Check Total:					736.02
35779	10/07/2013	General Fund	Operating Rents & Leases	Pacific Office Auotmation Inc	473.51
35779	10/07/2013	General Fund	Operating Rents & Leases	Pacific Office Auotmation Inc	339.31
Check Total:					812.82
35780	10/07/2013	General Fund	Operating Rentals and Leases	Pacific Rim Equipment Rental	433.62
Check Total:					433.62
35781	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Pacific Torque LLC	38.83
35781	10/07/2013	Street Fund	Repairs & Maint. - Fleet	Pacific Torque LLC	293.57
35781	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Pacific Torque LLC	293.57

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	625.97
35782	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Pape' Machinery Exchange	140.60
				Check Total:	140.60
35783	10/07/2013	General Fund	Operating Rentals And Leases	Park Place Professional Bldg	490.00
				Check Total:	490.00
35784	10/07/2013	Transportation CIP	Construction Inspection	Perteet Inc.	12,207.32
				Check Total:	12,207.32
35785	10/07/2013	Street Fund	Repairs & Maint. - Fleet	PIRTEK	49.01
35785	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	PIRTEK	49.01
				Check Total:	98.02
35786	10/07/2013	Street Fund	Office And Operating Supplies	Pacific Industrial Supply	58.58
35786	10/07/2013	Street Fund	Office And Operating Supplies	Pacific Industrial Supply	99.70
35786	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	Pacific Industrial Supply	99.70
				Check Total:	257.98
35787	10/07/2013	General Fund	Land and Land Improvements	Pacifica Law Group	9,000.00
				Check Total:	9,000.00
35788	10/07/2013	General Fund	Summer Youth	PARA LOS NINOS	4,250.00
				Check Total:	4,250.00
35789	10/07/2013	General Fund	Operating Rentals And Leases	PRG Investment Company, LLC	2,000.00
				Check Total:	2,000.00
35790	10/07/2013	General Fund	Bldg Security	Protection One Alarm Monitorin	47.38
				Check Total:	47.38

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35791	10/07/2013	General Fund	Online Video Streaming	Puget Sound Access	5,200.00
35791	10/07/2013	General Fund	Channel 21 Video Production	Puget Sound Access	5,975.00
35791	10/07/2013	General Fund	Channel 21 Video Production	Puget Sound Access	2,228.16
35791	10/07/2013	General Fund	Channel 21 Video Production	Puget Sound Access	815.00
Check Total:					14,218.16
35792	10/07/2013	General Fund	Utilities	PSE Pmt. Processing	119.03
35792	10/07/2013	General Fund	Utilities	PSE Pmt. Processing	313.75
35792	10/07/2013	General Fund	Utilities	PSE Pmt. Processing	17.64
Check Total:					450.42
35793	10/07/2013	General Fund	Registration - Trainng/Workshp	PSFOA	100.00
Check Total:					100.00
35794	10/07/2013	General Fund	Printing	Ramlyn Engraving & Sign Co.	8.21
Check Total:					8.21
35795	10/07/2013	Street Fund	Business Licenses	Kidder, Mathews & Segner Inc.	45.00
Check Total:					45.00
35796	10/07/2013	General Fund	Repairs And Maintenance	Rescue Rooter LLC	831.11
Check Total:					831.11
35797	10/07/2013	General Fund	Engrg Review - Reimbrsbl	Colleen Webster	2,082.00
35797	10/07/2013	General Fund	Planning & Devel Fees/Charges	Colleen Webster	2,033.00
Check Total:					4,115.00
35798	10/07/2013	General Fund	Wellness Cluster Contributions	Alesha Shearer	50.00
Check Total:					50.00
35799	10/07/2013	General Fund	Wellness Cluster Contributions	Jennifer Tamman	50.00
Check Total:					50.00
35800	10/07/2013	General Fund	Planning & Devel Fees/Charges	Ian Kelley	300.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	300.00
35801	10/07/2013	General Fund	Refund Clearing Account -Parks	Valerie Thompson	90.00
				Check Total:	90.00
35802	10/07/2013	General Fund	Refund Clearing Account -Parks	William Kaleopa	15.00
				Check Total:	15.00
35803	10/07/2013	General Fund	Refund Clearing Account -Parks	Alyson Mattsen	500.00
				Check Total:	500.00
35804	10/07/2013	General Fund	Refund Clearing Account -Parks	Marianne Staeheli	358.00
				Check Total:	358.00
35805	10/07/2013	Street Fund	Office And Operating Supplies	Renton Concrete Recyclers LLC	98.44
35805	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	Renton Concrete Recyclers LLC	98.44
35805	10/07/2013	Street Fund	Office And Operating Supplies	Renton Concrete Recyclers LLC	19.69
35805	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	Renton Concrete Recyclers LLC	19.69
				Check Total:	236.26
35806	10/07/2013	Street Fund	Printing/Binding/Copying	Claude McAlpin, III	8.18
35806	10/07/2013	General Fund	Printing/Binding/Copying	Claude McAlpin, III	9.82
				Check Total:	18.00
35807	10/07/2013	General Fund	Office and Operating Supplies	Safeway Inc	14.31
35807	10/07/2013	General Fund	Office and Operating Supplies	Safeway Inc	43.26
35807	10/07/2013	General Fund	Office and Operating Supplies	Safeway Inc	13.14
35807	10/07/2013	General Fund	Office and Operating Supplies	Safeway Inc	314.08
				Check Total:	384.79
35808	10/07/2013	General Fund	Office and Operating Supplies	School Specialty Inc.	165.53
				Check Total:	165.53
35809	10/07/2013	Parks & Gen Gov't CIP	Project Development	Seattle Medium Newspaper	576.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
Check Total:					576.00
35810	10/07/2013	General Fund	Office and Operating Supplies	Seatown Locksmith	107.06
35810	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	Seatown Locksmith	44.40
35810	10/07/2013	Street Fund	Office And Operating Supplies	Seatown Locksmith	44.40
35810	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	Seatown Locksmith	2.74
35810	10/07/2013	Street Fund	Office And Operating Supplies	Seatown Locksmith	2.74
35810	10/07/2013	General Fund	Office and Operating Supplies	Seatown Locksmith	6.83
Check Total:					208.17
35811	10/07/2013	General Fund	Professional Services	Nancy Shattuck	1,941.00
Check Total:					1,941.00
35812	10/07/2013	General Fund	Fuel/Gas Consumption	Shell Fleet Plus	52.75
35812	10/07/2013	General Fund	Citizens Patrol/ Crime Prevent	Shell Fleet Plus	113.27
35812	10/07/2013	General Fund	Fuel/Gas/Gasoline Consumption	Shell Fleet Plus	303.51
35812	10/07/2013	General Fund	Fuel/Gas/Gasoline Consumption	Shell Fleet Plus	591.99
35812	10/07/2013	General Fund	Fuel/Gas/Gasoline Consumption	Shell Fleet Plus	321.03
35812	10/07/2013	Street Fund	Fuel/Gas/Gasoline Consumption	Shell Fleet Plus	2,117.63
35812	10/07/2013	Surface Water Management Fund	Fuel/Gas/Gasoline Consumption	Shell Fleet Plus	3,171.09
Check Total:					6,671.27
35813	10/07/2013	General Fund	Nuisance and Abatement Costs	Sherwin-Williams Co.	32.15
35813	10/07/2013	General Fund	Nuisance and Abatement Costs	Sherwin-Williams Co.	28.81
35813	10/07/2013	General Fund	Nuisance and Abatement Costs	Sherwin-Williams Co.	28.81
35813	10/07/2013	General Fund	Nuisance and Abatement Costs	Sherwin-Williams Co.	62.00
35813	10/07/2013	General Fund	Nuisance and Abatement Costs	Sherwin-Williams Co.	28.81
35813	10/07/2013	General Fund	Nuisance and Abatement Costs	Sherwin-Williams Co.	28.81
35813	10/07/2013	General Fund	Nuisance and Abatement Costs	Sherwin-Williams Co.	40.67
35813	10/07/2013	General Fund	Nuisance and Abatement Costs	Sherwin-Williams Co.	41.39
Check Total:					291.45
35814	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Six Robblees' Inc.	9.47
35814	10/07/2013	Street Fund	Repairs & Maint. - Fleet	Six Robblees' Inc.	35.51
35814	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Six Robblees' Inc.	35.51
35814	10/07/2013	Street Fund	Repairs & Maint. - Fleet	Six Robblees' Inc.	2.98
35814	10/07/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Six Robblees' Inc.	2.99

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	86.46
35815	10/07/2013	General Fund	Utilities - Fire Hydrants	Seattle Public Utilities	15,006.45
				Check Total:	15,006.45
35816	10/07/2013	Surface Water Management Fund	Office And Operating Supplies	Sunset Materials Inc	44.75
				Check Total:	44.75
35817	10/07/2013	General Fund	Registration & Training	SWKC Chamber of Commerce	22.00
				Check Total:	22.00
35818	10/07/2013	General Fund	Utilities	Southwest Suburban Sewer Dist.	441.00
35818	10/07/2013	General Fund	Utilities	Southwest Suburban Sewer Dist.	237.00
35818	10/07/2013	General Fund	Utilities	Southwest Suburban Sewer Dist.	55.00
35818	10/07/2013	General Fund	Utilities	Southwest Suburban Sewer Dist.	55.00
35818	10/07/2013	General Fund	Utilities	Southwest Suburban Sewer Dist.	55.00
35818	10/07/2013	General Fund	Utilities	Southwest Suburban Sewer Dist.	155.00
35818	10/07/2013	General Fund	Utilities	Southwest Suburban Sewer Dist.	108.40
				Check Total:	1,106.40
35819	10/07/2013	General Fund	Dues/Memberships	SWWICC Membership	30.00
				Check Total:	30.00
35820	10/07/2013	General Fund	Registration - Trainng/Workshp	SWWICC-Conference	150.00
				Check Total:	150.00
35821	10/07/2013	Street Fund	Professional Services	The Work Clinic	55.00
				Check Total:	55.00
35822	10/07/2013	General Fund	Prof. Svcs-Instructors	Sallie Tierney	111.53
				Check Total:	111.53
35823	10/07/2013	General Fund	Parks Maintenance	Trugreen-landcare/NW Region	40,156.99

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	40,156.99
35824	10/07/2013	General Fund	Office and Operating Supplies	Urban Restoration Group	328.50	
					Check Total:	328.50
35825	10/07/2013	General Fund	Operating Rentals & Leases	Valley View Sewer District	1,030.00	
35825	10/07/2013	General Fund	Utilities	Valley View Sewer District	51.30	
					Check Total:	1,081.30
35826	10/07/2013	General Fund	Telephone	Verizon Wireless	173.88	
35826	10/07/2013	General Fund	Telephone	Verizon Wireless	80.02	
35826	10/07/2013	General Fund	Telephone	Verizon Wireless	72.56	
35826	10/07/2013	General Fund	Telephone	Verizon Wireless	188.16	
35826	10/07/2013	General Fund	Drug Seizure Proceeds KCSO	Verizon Wireless	200.05	
35826	10/07/2013	General Fund	Telephone	Verizon Wireless	181.02	
35826	10/07/2013	Street Fund	Telephone	Verizon Wireless	282.57	
35826	10/07/2013	Surface Water Management Fund	Telephone	Verizon Wireless	465.15	
					Check Total:	1,643.41
35827	10/07/2013	Transportation CIP	Construction	BRIAN VICTOR	15.63	
35827	10/07/2013	Transportation CIP	Construction	BRIAN VICTOR	23.97	
35827	10/07/2013	Transportation CIP	Construction	BRIAN VICTOR	49.13	
					Check Total:	88.73
35828	10/07/2013	General Fund	Professional Services	Waldron Resources	563.47	
35828	10/07/2013	General Fund	Professional Services	Waldron Resources	1,010.36	
					Check Total:	1,573.83
35829	10/07/2013	General Fund	Utilities	Water District No 20	58.67	
					Check Total:	58.67
35830	10/07/2013	General Fund	Utilities	King Co Water Dist 49	2,539.57	
35830	10/07/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	86.00	
35830	10/07/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	1,245.00	
35830	10/07/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	65.00	
35830	10/07/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	65.00	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35830	10/07/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	65.00
				Check Total:	4,065.57
35831	10/07/2013	General Fund	Probatn/Public Defndr Screenng	Tammy Weigel	840.00
				Check Total:	840.00
35832	10/07/2013	General Fund	Subscriptions/Publications	West Payment Center	425.20
				Check Total:	425.20
35833	10/07/2013	Street Fund	Operating Rentals And Leases	Wilken Properties, LLC	2,783.16
35833	10/07/2013	Surface Water Management Fund	Operating Rentals And Leases	Wilken Properties, LLC	2,783.17
				Check Total:	5,566.33
35834	10/07/2013	General Fund	Jury & Witness Fees	Angelo Torres	20.17
				Check Total:	20.17
35835	10/07/2013	General Fund	Jury & Witness Fees	Nguyen Johnson	22.43
				Check Total:	22.43
35836	10/07/2013	General Fund	Jury & Witness Fees	Tyler A Snook	19.04
				Check Total:	19.04
35837	10/07/2013	General Fund	Jury & Witness Fees	Brian L Nagy	28.08
				Check Total:	28.08
35838	10/07/2013	General Fund	Jury & Witness Fees	Christopher Smith	23.56
				Check Total:	23.56
35839	10/07/2013	General Fund	Jury & Witness Fees	Jim S Smith	55.20
				Check Total:	55.20
35840	10/07/2013	General Fund	Jury & Witness Fees	Eryn Caessens	38.25

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	38.25
35841	10/07/2013	General Fund	Jury & Witness Fees	Matthew Kissler	12.26
				Check Total:	12.26
35842	10/07/2013	General Fund	Jury & Witness Fees	Leanna Vu	11.13
				Check Total:	11.13
35843	10/07/2013	Transportation CIP	Design - Engineering	Washington State D.O.T.	2,061.62
				Check Total:	2,061.62
35844	10/07/2013	General Fund	Professional Services	Washington State Patrol	100.00
				Check Total:	100.00
				Report Total:	3,431,596.31



**DRAFT**



*Burien*  
WASHINGTON

## **CITY COUNCIL REGULAR MEETING MINUTES**

**September 16, 2013**

**6:30 p.m. - Special Meeting: executive session to discuss potential litigation**  
**6:45 p.m. – Special Meeting: conduct Parks & Recreation Board interview**  
**7:00 p.m. – Regular Meeting**

**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 MEETINGS**

Mayor Bennett called the Special Meetings of the Burien City Council to order at 6:30 p.m. for the purpose of holding an Executive Session to discuss potential litigation per RCW 42.30.110(1)(i) and at 6:45 p.m. for the purpose of conducting a Parks and Recreation Board interview.

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

Administrative staff present: Craig Knutson, Interim City Manager and Kim Krause, Finance Director were present for the executive session. Michael Lafreniere, Parks and Recreation Director was present for the Parks and Recreation Board interview.

No action was taken.

The Special Meeting adjourned to the Regular Meeting at 6:58 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.

Administrative staff present: Craig Knutson, Interim City Manager; Angie Chafty, Human Resources Manager; Dan Trimble, Economic Development Manager; Kim Krause, Finance Director; Chip Davis, Community Development Director; David Johanson, Senior Planner; Michael Lafreniere, Parks, Recreation & Cultural Services Director; Debbie Zemke, Recreation Manager; and, Monica Lusk, City Clerk.

## AGENDA CONFIRMATION

### Direction/Action

**Motion** was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to affirm the September 16, 2013, Agenda as amended to add discussion on motion to adopt Resolution No. 348, supporting the continuation of the South County Area Transportation Board (SCATBd) as Business Agenda Item 8 "f."

## PUBLIC COMMENT

Andrea H. Reay, B-Town Beat, 18427 2<sup>nd</sup> Avenue South, Burien  
Patricia Woolery, P.O. Box 48137, Burien  
Ron Berry, 12022 14<sup>th</sup> Avenue South, Burien  
Al McMillan, 15100 6<sup>th</sup> Avenue SW, Burien  
Dick West, 11006 Roseberg Avenue South, Burien  
Goodspaceguy, 10219 Ninth Avenue South, Seattle  
John Poitras, 1248 SW 149<sup>th</sup> Street, Burien  
Sally Nelson, 15808 Maplewild Avenue SW, Burien  
Chestine Edgar, 1811 SW 152<sup>nd</sup> Street, Burien  
Robbie Howell, 15240 20<sup>th</sup> Avenue SW, Burien  
Dave Hutchison, 15100 6<sup>th</sup> Avenue SW, Burien  
Nancy Tosta, 16931 Maplewild Avenue SW, Burien  
Ed Dacy, 2016 SW 146<sup>th</sup> Street, Burien

## CORRESPONDENCE FOR THE RECORD

- a. Email Dated August 12, 2013, from R. DeLorm.
- b. Letter Dated August 13, 2013, from Linda Plein.
- c. Email Dated August 13, 2013, from W. Deyman.
- d. Letter Dated August 14, 2013, from C. Edgar.
- e. Response from Management Analyst Nhan Nguyen to Email Dated August 18, 2013, from Betti Scott.
- f. Letter Dated August 28, 2013, from Robbie Howell.
- g. Response from Management Analyst Nhan Nguyen to Letter Dated September 3, 2013, from Betty Lou Kapela.

## CONSENT AGENDA

- a. Approval of Check Register: Numbers 35488 - 35696 in the Amount of \$1,320,835.22 for Payment on September 16, 2013; and Payroll Salaries and Benefits Numbers 5888 - 5902 for Direct Deposits and Wire Transfers in the Amount of \$255,151.79 for August 1 – 15, 2013, Paid on August 20, 2013, and Payroll Salaries and Benefits Numbers 5903 - 5924 for Direct Deposits and Wire Transfers in the Amount of \$307,703.49 for August 16 – 31, 2013, Paid on September 5, 2013.
- b. Approval of Minutes: Regular Council Meeting, August 19, 2013.
- c. Motion to Approve the Comprehensive Garbage, Recyclables and Compostables Collection Contract with CleanScapes, Inc.

### Direction/Action

**Motion** was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton, and passed unanimously to approve the September 16, 2013, Consent Agenda.

## BUSINESS AGENDA

### **Motion to Approve Appointment to the Parks and Recreation Board**

#### Direction/Action

**Motion** was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton, and passed unanimously to appoint Eric L. Mathison to Parks and Recreation Board Position 3 for a term that will begin on September 16, 2013, and end on March 31, 2015.

### **Discussion and Possible Motion on Revised Arts Fund Recommendation Process**

#### **Direction/Action**

Councilmembers agreed to place on the October 7, 2013, Consent Agenda the revised Arts Fund recommendation process as follows: (1) staff will review grant applications and make recommendations to the Arts Commission; (2) the Arts Commission reviews and makes recommendations to Council; and, (3) the Council reviews and approves the final recommendations. In the event a majority of the 2014 Commissioners have a conflict of interest with the grant process, Step 2 will be skipped and staff recommendations will go directly to the Council (similar to the process used for the Human Services grant program).

Councilmember Block left the dais at 7:57 p.m. and returned at 8 p.m.

### **Discussion and Possible Motion to Adopt Ordinance No. 587, Amending the Zoning Code Regarding Multi-Family Recreation Space Standards in the Downtown Commercial Zone**

#### **Follow-up**

Staff will provide a comparison of the mix of apartment units in the cities of Renton and Shoreline and Youngstown Flats in West Seattle.

Councilmember Block left the dais at 8:59 p.m. and returned at 9:03 p.m.

Staff will place Ordinance No. 587 on the September 23, 2013 agenda with the following options to Ordinance 587 Exhibit A 19.17.010 (2)(b): change "at a rate of 10 percent of the total area devoted to residential use" to (1) "a minimum 170 square feet per three or more bedrooms unit; a minimum 130 square feet per two bedrooms unit; and a minimum 100 square feet per studio or one bedroom unit" or (2) 120 square feet for all units.

### **Discussion and Direction Regarding the Identification of Executive Search Firms to Interview and the Special Meeting Process**

#### **Follow-up**

Staff will modify Option 2 to include closing statements by the firms and a debriefing after each interview. The firms will respond to specific questions of which the Council will provide to staff by September 18, 2013 for discussion at the September 23, 2013, Council Study Session. Staff will provide the Visioning Fact sheet.

### **Discussion On and Possible Motion to Approve Ordinance No. 585, Reducing the City's Gambling Tax Rate for Card Rooms and Amending Chapter 3.25 of the Burien Municipal Code and Discussion and Possible Motion to Approve Wizards 2011-2013 Payment Plan Agreement**

Councilmember Robison left the dais at 9:54 p.m.

#### **Direction/Action**

**Motion** was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton, to approve Ordinance No. 585, reducing the City's gambling tax rate for card rooms to 8 percent, removing the sunset clause and amending Chapter 3.25 of the Burien Municipal Code, and approving Wizards 2011-2013 Payment Plan Agreement. MOTION passed 5-1. Opposed: Deputy Mayor Krakowiak.

Councilmember Robison returned to the dais at 9:58 p.m.

**Discussion on Motion to Adopt Resolution No. 348, Supporting the Continuation of the South County Area Transportation Board (SCATBd)**

**Direction/Action**

Councilmembers requested placing Resolution No. 348 on the October 7, 2013 Consent Agenda.

Councilmembers reached consensus to extend the meeting to 10:10 p.m.

**City Manager's Report**

**Follow-up**

Staff will provide responses to the public comments made by Al McMillan requesting a traffic light at SW 148<sup>th</sup> Street and 6<sup>th</sup> Avenue SW, Ron Berry requesting enforcement of the rules establishing the times that parks will be closed for use by the public, and Goodspaceguy regarding his inability to access the special meeting held prior to the Regular Council meeting. Staff will also provide a copy of the letter from Cynthia Schaff to Patricia Woolery, and an explanation on why the Citizen Action Report included rental housing licenses.

**COUNCIL BUSINESS**

Councilmember Block spoke to impediments to businesses.

**ADJOURNMENT**

**Direction/Action**

**MOTION** was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to adjourn the meeting at 10:09 p.m.

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Brian Bennett, Mayor

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Monica Lusk, City Clerk



## CITY COUNCIL STUDY SESSION MINUTES

September 23, 2013

6:45 pm - Special Meeting: Executive Session to discuss  
real estate

7:00 pm - Study Session

### SPECIAL MEETING

Mayor Bennett called the Special Meeting of the Burien City Council to order at 6:45 p.m. for the purpose holding an Executive Session to discuss real estate per RCW 42.30.110(1)(b).

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

Administrative staff present: Craig Knutson, Interim City Manager, and Dan Trimble, Economic Development Manager.

No action was taken.

The Special Meeting adjourned to the Study Session at 6:58 p.m.

### CALL TO ORDER

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

Administrative staff present: Craig Knutson, Interim City Manager; Dan Trimble, Economic Development Manager; Nhan Nguyen, Management Analyst; Chip Davis, Community Development Director; David Johanson, Senior Planner; and, Monica Lusk, City Clerk.

### CORRESPONDENCE FOR THE RECORD

None was received.

### DISCUSSION ITEMS

**Discussion and Possible Motion to Adopt Ordinance No. 587, Amending the Zoning Code Regarding Multi-Family Recreation Space Standards in the Downtown Commercial Zone**

#### Direction/Action

**MOTION** was made by Deputy Mayor Krakowiak, , seconded by Councilmember McGilton to adopt Ordinance No. 587, amending the requirements to provide common and private recreation space in multi-family development in the Downtown Commercial Zone including the language as set forth in Option 1.

**MOTION** by Councilmember Edgar, seconded by Councilmember Block to amend the motion by replacing Option 1 with Option 2. **MOTION** failed 2-5. Opposed: Mayor Bennett, Deputy Mayor Krakowiak, Councilmembers Clark, McGilton and Robison.

**MOTION** by Mayor Bennett, seconded by Councilmember McGilton to amend the main motion to adjust studio apartments to 85 square feet in Option 1. **MOTION** passed 5-2. Opposed: Councilmembers Block and Edgar.

A vote was taken on the main motion as amended to adopt Ordinance No. 587, amending the requirements to provide common and private recreation space in multi-family development in the Downtown Commercial Zone including the language as set forth in Option 1 as amended to adjust studio apartments to 85 square feet in Option 1. **MOTION** passed 6-1. Opposed: Councilmember Edgar.

#### **Discussion on Council Study Session Topics and Review of Council Proposed Agenda Schedule**

##### **Direction/Action**

Councilmembers reached consensus to start the September 30, 2013, Special Meeting at 6 p.m., and to cancel the October 21, 2013, Regular Meeting along with moving the items to the October 28 Study Session.

##### **Follow-up**

Staff will research the audio system in the Council Chambers to see if it can support the additional microphones that would be needed to change the Study Session structural layout, and schedule a discussion on code enforcement.

#### **Discussion on Increasing Pet License Revenue**

##### **Follow-up**

Staff will provide a prioritization of staff's most likely to succeed ideas to increase pet licensing sales and revenue in a future City Manager's Report.

Public Comment  
Ed Dacy, 2016 SW 146<sup>th</sup> Street, Burien

#### **Discussion on Outreach to Diverse Groups**

##### **Direction/Action**

Councilmembers requested moving this item to a future meeting.

#### **ADJOURNMENT**

##### **Direction/Action**

**MOTION** was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to adjourn the meeting at 9:15 p.m.

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Brian Bennett, Mayor

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Monica Lusk, City Clerk

# DRAFT



*Burien*  
WASHINGTON

## CITY COUNCIL SPECIAL MEETING MINUTES

September 30, 2013

6:00 p.m.

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

### CALL TO ORDER

Acting Mayor Lucy Krakowiak called the Special Meeting of the Burien City Council to order at 6:00 p.m.

### ROLL CALL

Present: Acting Mayor Lucy Krakowiak, Councilmembers Jack Block, Jr., Rose Clark, Bob Edgar, Joan McGilton and Gerald F. Robison (arrived at 6:19 p.m.). Mayor Brian Bennett and Councilmember Jack Block, Jr. were excused.

### INTERVIEWS OF EXECUTIVE SEARCH FIRMS

Councilmembers interviewed the following three executive search firms in order to select a consultant to conduct the selection and recruitment process for the City Manager position:

Prothman--Representative: Greg Prothman, President

The Waters Consulting Group, Inc.--Representative: Chuck Rohre, Senior Consultant

SGR--Representative: Tom Muehlenbreck, Senior Vice President

### Follow-up

Staff will provide more information regarding Prothman's work with San Juan County. Staff will determine whether Mayor Bennett wanted to be involved in the final selection of the executive search firm and his availability on October 7, 2013 or October 21, 2013 Council meetings.

In order to enable all of the Council to participate in the selection of the executive search firm, Councilmembers discussed the possibility of postponing their discussion and decision to October 21, 2013, immediately following their meeting with the Highline School District.

**ADJOURNMENT**

**Direction/Action**

**MOTION** was made by Councilmember McGilton, seconded by Councilmember Clark and passed unanimously to adjourn the meeting at 8:38 p.m.

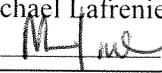
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Lucy Krakowiak, Acting Mayor

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Angela M. Chafty, Acting City Clerk

**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Motion on Revised Arts Fund Recommendation Process		<b>Meeting Date:</b> October 7, 2013
<b>Department:</b> Parks, Recreation & Cultural Services	<b>Attachments:</b>	<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> Michael Lafreniere, Director of Parks & Recreation		
<b>Telephone:</b> 206-988-3703		
<b>Adopted Initiative:</b> Yes:    No:    X	<b>Initiative Description:</b> N/A	
<b>PURPOSE/REQUIRED ACTION:</b> The Arts Commission recommended a change in the composition of the City's Arts and Culture Fund review panel because the current panel composition would create a conflict of interest between current Commissioners and organizations applying for the grants. The Council discussed this proposal on September 16, 2013 and provided direction to staff on a modification of the proposal.		
<b>BACKGROUND (Include prior Council action &amp; discussion):</b> The City allocates \$20,000 per year to its Arts and Culture Fund, which provides grants to support arts and heritage organizations and artists who provide cultural opportunities for the city. In the past, the Arts Commission has established three to five of its members to serve on a subcommittee to review grants, hear applicant presentations, and recommend fund allocations to the full Commission.  On September 16, the Commission recommended an alternative review panel process due to a potential conflict of interest this year, given that a majority of Commissioners were associated with prospective grant applications or groups that will be applying for grants. After discussing the proposed alternative at its meeting on September 16, the Council agreed on a modification to the proposal to bring the process more in line with that used for the awarding of Human Services Fund grants.  The revised process going forward shall be as follows: <ol style="list-style-type: none"> <li>1. Staff review grant applications and make recommendations to the Arts Commission.</li> <li>2. Arts Commission reviews and makes recommendations to Council.</li> <li>3. Council reviews and approves final recommendations.</li> </ol> In the event a majority of the Commissioners have a conflict of interest with the grant process, Step 2 will be skipped and staff recommendations will go directly to the Council.  As an annual process, staff will forward recommendations as part of the annual budget processes, either as part of the biennial budget process, or the mid-biennial budget update in the Fall.		
<b>OPTIONS (Including fiscal impacts):</b> N/A		
<b>Administrative Recommendation:</b> N/A		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motion:</b> Motion to Approve a Revised Arts Fund Application, Review and Recommendation Process.		
Submitted by: Michael Lafreniere <b>Administration:</b> 	Craig D. Knutson <b>City Manager</b> 	
<b>Today's Date:</b> October 2, 2013	<b>File Code:</b> R:\CC\Agenda Bill 2013\091613pks-1 Revised Arts Fund Recommendation Process.DOCX	



**CITY OF BURIEN, WASHINGTON**

**RESOLUTION NO. 348**

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**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON, SUPPORTING THE CONTINUATION OF THE SOUTH COUNTY AREA TRANSPORTATION BOARD (SCATBd) AS THE SOUTH KING COUNTY FORUM FOR INFORMATION-SHARING, CONSENSUS-BUILDING, AND COORDINATION TO PROVIDE ADVICE ON REGIONAL TRANSPORTATION ISSUES, AND APPROVING THE CONTINUED PARTICIPATION BY THE CITY OF BURIEN.**

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WHEREAS, the South King County sub-area has been involved in multi-jurisdictional transportation planning, to develop coordinated plans for transportation improvements and programs for this area; and

WHEREAS, these plans have been approved and efforts continue among South King County jurisdictions and other entities, to work cooperatively to implement the recommended projects; and

WHEREAS, the South County Area Transportation Board (SCATBd) has been an effective forum for information-sharing, consensus- building, and providing valuable input on transportation planning and implementation decisions; and

WHEREAS, the SCATBd recognizes the need to coordinate with its regional partners to address issues that cross sub-area and county boundaries; and

WHEREAS, the City of Burien has participated as a member of the SCATBd,

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

Section 1. The City of Burien hereby approves the South County Area Transportation Board Agreement, including identifying representatives and providing dues, and authorizing the City Manager or his designee to enter into this Agreement.

Section 2. Effective Date. This resolution shall take effect immediately upon passage by the Burien City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2013.

CITY OF BURIEN

\_\_\_\_\_  
Brian Bennett, Mayor

ATTEST/AUTHENTICATED:

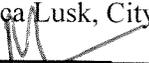
\_\_\_\_\_  
Monica Lusk, City Clerk

Approved as to form:

\_\_\_\_\_  
Ann Marie Soto, Acting City Attorney

Filed with the City Clerk:  
Passed by the City Council:  
Resolution No.

**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Motion to Approve Appointment to the Burien Business & Economic Development Partnership		<b>Meeting Date:</b> October 7, 2013
<b>Department:</b> City Manager	<b>Attachments:</b>	<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		
<b>Telephone:</b> (206) 248-5517		
<b>Adopted Work Plan Priority:</b> Yes    No    X	<b>Work Plan Item Description:</b> N/A	
<b>PURPOSE/REQUIRED ACTION:</b>		
<p>The purpose of this agenda item is for Council to make an appointment to the Business &amp; Economic Development Partnership. Council held interviews prior to the October 7 Council meeting.</p>		
<b>Background (Include prior Council Action and Discussions):</b>		
<p>A call for volunteers to serve on Burien's Business &amp; Economic Development Partnership advisory board was placed in the Highline Times, Burien City News, on TBC21, and on the City's website. Two applications were received to fill one position with a term that expires on March 31, 2015.</p>		
<b>OPTIONS (Including fiscal impacts):</b>		
<ol style="list-style-type: none"> <li>1. Appoint an applicant to fill one vacancy for an unexpired term that will end on March 31, 2015.</li> <li>2. Do not appoint any of the applicants and re-advertise.</li> </ol>		
<b>Administrative Recommendation:</b> Per Council direction.		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motions:</b>		
Move to Appoint _____ to Burien's Business & Economic Development Partnership to an unexpired term beginning on October 7, 2013, and ending on March 31, 2015.		
Submitted by: Monica Lusk, City Clerk		
<b>Administration</b> 	<b>Interim City Manager</b> 	
<b>Today's Date:</b> October 2, 2013	<b>File Code:</b> R:/CC/Agenda Bills 2013/100713cm-2 bedp appt	



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Discussion and Motion to Award Executive Search Firm Contract.		<b>Meeting Date:</b> October 7, 2013
<b>Departments:</b> Human Resources	<b>Attachments:</b> None.	<b>Fund Source:</b> General Fund <b>Activity Cost:</b> <b>Amount Budgeted:</b> <b>Unencumbered Budget Authority:</b>
<b>Contact:</b> Angie Chaufy		
<b>Telephone:</b> (206) 248-5504		
<b>Adopted Work Plan</b> <b>Priority:</b> Yes No X	<b>Work Plan Item Description:</b>	
<p><b>PURPOSE/REQUIRED ACTION:</b> The purpose of this agenda item is for Council to identify an executive search firm to conduct the recruitment and selection process for the City Manager position.</p> <p><b>BACKGROUND (Include prior Council action &amp; discussion):</b> On September 30, 2013, Council interviewed representatives from Prothman, SGR, and Waters Consulting Group, Inc. to determine which firm will assist Council in the recruitment and selection of the next City Manager:  Tonight, Council will discuss the firms and identify one of them to perform the recruitment and selection services.</p> <p><b>OPTIONS (Including fiscal impacts):</b> N/A</p>		
<b>Administrative Recommendation:</b> N/A		
<b>Advisory Board Recommendation:</b> N/A		
<b>Suggested Motions:</b> I move to direct staff to execute a contract with _____ to conduct the recruitment and selection process for the City Manager position.		
Submitted by: Angie Chaufy		
<b>Administration</b> 	<b>City Manager</b> 	
<b>Today's Date:</b> October 1, 2013	<b>File Code:</b> R:/CC/Agenda Bills 2013/100713cm-1 Exec Search Firm Selection	



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Discussion on Funding of an Off-Leash Dog Area in Lakeview Park.		<b>Meeting Date:</b> October 7, 2013
<b>Department:</b> Parks, Recreation & Cultural Svcs.	<b>Attachments:</b> 1. <u>Dog Park Presentation Materials</u>	<b>Fund Source:</b> Parks and General Government CIP <b>Activity Cost:</b> \$27,300 <b>Amount Budgeted:</b> \$0 <i>ulu</i> <b>Unencumbered Budget Authority:</b> \$0
<b>Contact:</b> Michael Lafreniere, Director of Parks & Recreation		
<b>Telephone:</b> (206) 988-3703		
<b>Adopted Initiative:</b> Yes            No <input checked="" type="checkbox"/>	<b>Initiative Description:</b> Dog Park Development	
<b>PURPOSE/REQUIRED ACTION:</b>		
The purpose of this Agenda Bill is for an update and discussion from staff regarding the potential development of an off-leash dog park to be located at Lakeview Park in Burien.		
<b>BACKGROUND (Include prior Council action &amp; discussion):</b>		
During the 2012 Parks PROS Plan update and continuing through the year, the concept of a dog park needed for Burien gained momentum after public surveys and Parks Board meeting discussions. Over the summer a local group of dog owners calling themselves the B-Town DOG, organized and spoke at both Parks Board and City Council meetings. They expressed the desire for a dog park in Burien and their willingness to support that effort through volunteering, fundraising and ongoing maintenance once the park was completed. PaRCS staff have been evaluating optional locations for a dog park with the assistance of the firm LA Studios LLC, who has been providing pro-bono feasibility and design services.		
Public opportunities for input have included public meetings on March 13, 2013 and May 8, 2013, as well as City Council presentations on March 25, 2013, May 20, 2013 and July 11, 2013.		
At the July 11, 2013 meeting City Council approved a dog park to be located at Lakeview Park, but asked staff to further evaluate funding, phasing options and the incorporation of a key pass gated entry system. Staff will present the results of this further evaluation for City Council discussion and possible approval during the upcoming mid-biennial budget review process.		
<b>OPTIONS (Including fiscal impacts):</b>		
1. Approve total project funding of \$27,300 to the Parks and General Government CIP for construction of dog park.		
2. Approve partial project funding and direct B-Town Dog to continue pursuit of additional project funds.		
3. Do not approve project funding.		
<b>Administrative Recommendation:</b> Consider funding of \$27,300 during the mid-biennial budget review process.		
<b>Committee Recommendation:</b> N/A		
<b>Advisory Board Recommendation:</b> Approve project funding, not including key pass system costs.		
<b>Suggested Motion:</b> N/A		
Submitted by: Michael Lafreniere	Craig Knutson	
Administration <i>M/L</i>	Interim City Manager <i>CK</i>	
<b>Today's Date:</b> October 2, 2013	<b>File Code:</b> \\File01\records\CC\Agenda Bill 2013\100713pks-1 Dog park.doc	



# BURIEN DOG PARK

October 7, 2013

City Council Presentation



Steve Roemer, City of Burien

theLAStudioLLC



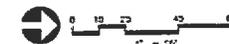
# BURIEN DOG PARK



## Lakeview Park - Conceptual Site Plan Burien Off-Leash Dog Park

Burien, Washington

July 1, 2013



# BURIEN DOG PARK

## Recent Background

- June 2013 Public Noticed of July 1, 2013 City Council Agenda Item
- June 21, 2013 Environmental Assessment Initiated
- June 26, 2013 Highline School District Board approves Resolution 2527 authorizing the Superintendent to amend the Lakeview Park site lease to allow the dog park development.
- July 2013 Continue discussions with Burien Toyota regarding park naming and sponsorship.
- July–August Investigate feasibility of adding key card gate entry system
- August 2013 Environmental Assessment Completed with no development issues
- August–September Discussions with B-Town Dog regarding funding and key card system
- September 11, 2013 Park Board Discussion and Recommendation regarding entry system

# BURIEN DOG PARK

Lakeview Park Site

Current Project Budget

Total Project Construction Cost	\$39,000
B-Town Dog Funds (Current)	\$2,200
Corporate Sponsor (Pending Final Funds)	\$9,500
Current Need	\$27,300
Donated Design Consultant	(\$6,553)
Ongoing Maintenance	\$1,200/year*

# BURIEN DOG PARK

Lakeview Park Site

## Phasing

**Phase 1:** Clear site, fencing, water, signage, minor parking improvements, trash cans

**Not Included:** Fine grading, soil amendment, hydro-seeding, stairs, coarse sand

**Cost:** \$31,000\*

# BURIEN DOG PARK

## Lakeview Park Site

### Key Card System

#### Pros

Regulates access, enhances compliance for licensing and vaccinations

#### Cons

Costs (\$25-\$30K start up)

Appearance of exclusiveness with additional owner cost

Additional staff time to register and monitor compliance

Would exclude visitors/tourists

B-Town Dog oppose and Park Board recommends against

Controlled and fee access jeopardizes protections under

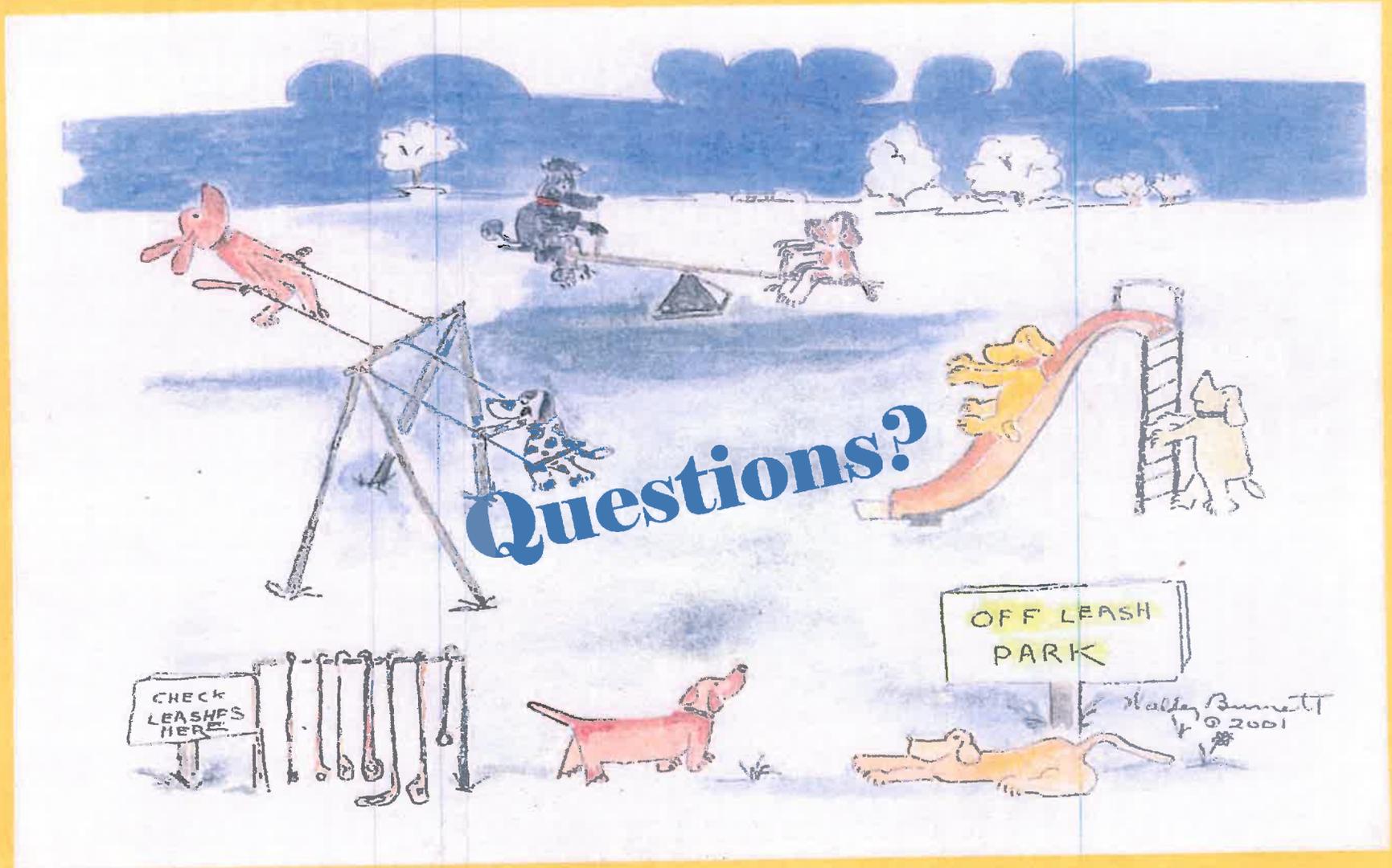
Recreational Immunity

# BURIEN DOG PARK

## Next Steps

- Continue fund raising for full or partial funding or schedule construction for 2014
- Complete permitting/review with PW and Community Development
- Finalize Lease Amendment with HSD
- Complete Final Construction Plans
- Finalize Naming Rights
- Construct

# BURIEN DOG PARK



**CITY OF BURIEN  
AGENDA BILL**

<b>Agenda Subject:</b> Introduction of Interlocal Agreement with Port of Seattle for Northeast Redevelopment Area (NERA )		<b>Meeting Date:</b> October 7, 2013
<b>Department:</b> Public Works	<b>Attachments:</b> 1. Presentation Slides 2. Past Presentation – Public Process 3. Interlocal Agreement 4. Memorandum on Naming of Trail	<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> Maiya Andrews, Director		
<b>Telephone:</b> (206) 248-5521		
<b>Adopted Initiative:</b> Yes      No      X	<b>Initiative Description:</b>	
<p><b>PURPOSE/REQUIRED ACTION:</b> The purposes of this agenda item are:</p> <ol style="list-style-type: none"> <li>1. To provide a brief overview of the history and investments in NERA; and</li> <li>2. To provide information on the two currently budgeted capital projects – especially the storm drainage improvements to be constructed early next year; and</li> <li>3. To introduce an Interlocal Agreement (ILA) with the Port of Seattle related to these projects and to future development; and</li> <li>4. To discuss the process and naming of the trail in NERA.</li> </ol> <p><b>BACKGROUND (Include prior Council action &amp; discussion):</b></p> <p>The Northeast Redevelopment Area (NERA) was created in 1997 in the City’s Comprehensive Plan. Since then, the City has conducted planning studies and environmental impact statements, updated codes and the Comprehensive Plan, purchased property, and begun two major capital projects (see Attachment 1 – Presentation Slides). A summary of some of the public process associated with these items was presented to Council in July of this year (see Attachment 2).</p> <p>Prior to last year, over \$750,000 has been spent on the planning phase. Some of these costs were shared with the Port and other jurisdictions (i.e. the NEST study). The City’s current capital budget includes two funded projects – the design of the Eastbound SR 518 off-ramp to Des Moines Memorial Drive, and the design and construction of storm drainage and trail improvements in NERA.</p> <p>The off-ramp design is underway and is expected to be complete by the end of next year. Staff continues to pursue construction funding with the State legislature and will also be pursuing other grant opportunities this coming year – with the hopes of getting construction funds by 2015.</p> <p>The storm drainage and trail improvements project is also underway. The design of this project is nearing completion. The perfect storm of challenges related to the project has resulted in a unique solution that will likely be a model project in the Puget Sound for developing regional facilities. These challenges include: needing to minimize bird attractants by minimizing standing water on the site (FAA requirements for airport operations), needing to place the regional facilities in areas that are least desirable for development and meet Port/FAA restrictions for use of their property, desiring to utilize current techniques for low impact development, and also constructing facilities that have low maintenance requirements. These problems combined with the luck of having extremely good soils have allowed the design team to develop a series of detention and treatment systems that are effective, efficient and responsive to these challenges.</p>		

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

**Cont'd.**

The storm drainage and trail improvements project was funded through grants from the Departments of Ecology and Commerce, the Port, and the City's transportation and stormwater funds. The project is on an extremely tight timeline. The largest grant was from the Department of Commerce – and all of those funds must be expended by November 2014. To meet this timeline, the construction phase needs to be advertised at the end of this year.

In order to meet that schedule, the City and the Port need to enter into agreements about the costs of the project, long term maintenance and operations and property rights. A draft ILA with the Port has been developed and is currently under review by the FAA (Attachment 3). Major elements of the agreement include:

- The Port will provide \$1,200,000 in funding for the current construction project.
- The Port agrees to provide permanent and temporary construction easements for the regional storm drainage facilities and the trail.
- The City agrees to initiate a vacation of 12<sup>th</sup> Place South.
- The City will operate and maintain the regional storm drainage facilities.
- The Port will be able to convey storm runoff from its properties in NERA to these facilities upon payment of a connection fee.
- This connection fee will be established by a future code amendment for all NERA properties. This fee is based on operation and maintenance costs in excess of the current SWM fee; it is based on costs for the first 20 years of operations and maintenance of the new regional facilities, initial monitoring of the facilities, and adaptive management.
- The Port and City agree to cooperate on submission of an application to the FAA's pilot program.
- While the agreement includes placeholders for payment from the City to the Port for the various easements, and payment from the Port to the City for the vacation, the net value of these payments is expected to be close to zero.
- The legal descriptions for the easements are being finalized and the easements will be provided to Council prior to the next presentation.
- The agreement also provides a mechanism for the Port to document the FAA's concurrence on several regulatory issues.

Staff is seeking Council input and questions on the ILA. Staff will gather additional information and responses in preparation for a request for approval of the ILA at the November 4<sup>th</sup> Council meeting.

Lastly, staff is seeking Council input on the PaRCS Department Advisory Board's recommendation to name the trail in NERA the "Miller Creek Trail" and to waive the 60-day process for soliciting alternatives (see Attachment 4). If Council concurs with the Board, staff will prepare a motion for the November 4<sup>th</sup> meeting.

**OPTIONS (Including fiscal impacts):**

1. Direct staff to finalize the ILA for approval at the November 4<sup>th</sup> meeting, and direct staff to prepare a motion to adopt the PaRCS Department Advisory Board's recommendation regarding naming of the trail.
2. Provide staff with questions, additional information, and/or corrections needed prior to the November 4<sup>th</sup> meeting.
3. Provide alternative direction to staff.

**Administrative Recommendation:** Staff recommends Option 1.

**Advisory Board Recommendation:** PaRCS Department Advisory Board's recommendation is to name the trail in NERA the "Miller Creek Trail" and to waive the 60-day process for soliciting alternatives (see Attachment 4).

**Suggested Motion:** N/A

Submitted by:

Administration 

Interim City Manager 

Today's Date: October 2, 2013

File Code: R:/CC/Agenda Bill 2013/100713pw-1 NERA  
ILA with Port



# Burien NERA Regional Stormwater Facilities

Presentation to City Council  
October 7, 2013

# Tonight's Presentation

- Context and History of NERA
- Project Investments and Schedule
- Storm Drainage and Trail Project Description
  - ✓ Stormwater Facilities
  - ✓ Trail/Open Space
- Interlocal Agreement
- Next Steps and Discussion

# Northeast Redevelopment Area (NERA) Context



# Project History and Investments

- **1997: NERA Identified as a Key Study Area**
- **2002 to 2004: NEST Study and Initial Land Uses Adopted (through SEIS Process)**
- **2008 to 2010: City of Burien and Port of Seattle Redevelopment Plan and Implementation Strategy (Updated Previous SEIS)**
- **2010 to 2011: Obtained Funding for Phase 1**
- **2012 to Present: Phase 1 Master Plan and Design**

# Strategic Planning

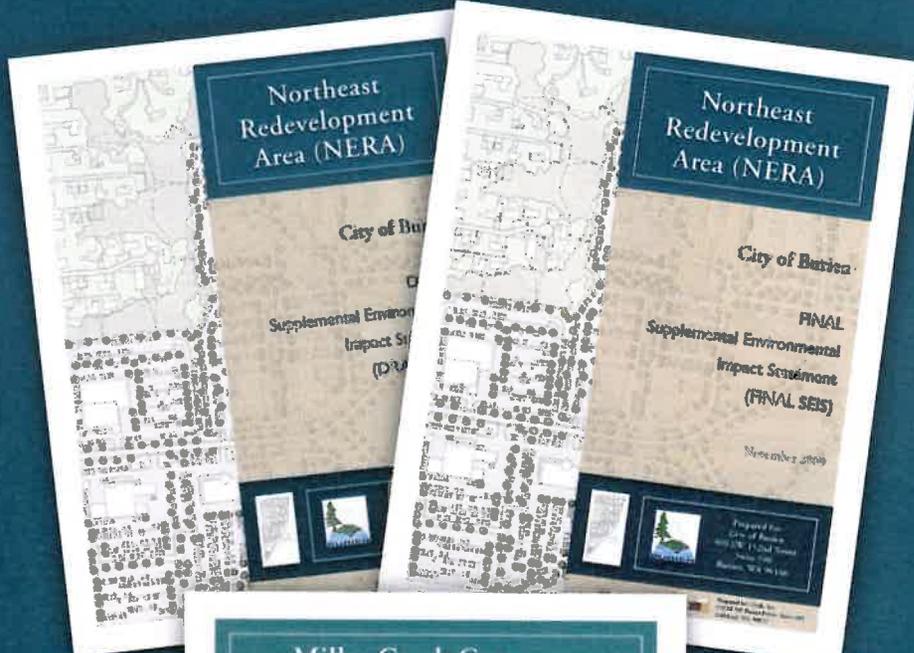


**Northeast Redevelopment Area (NERA)**  
City of Burien and Port of Seattle

**Redevelopment Plan and Implementation Strategy**  
Report  
Executive Summary  
Appendices

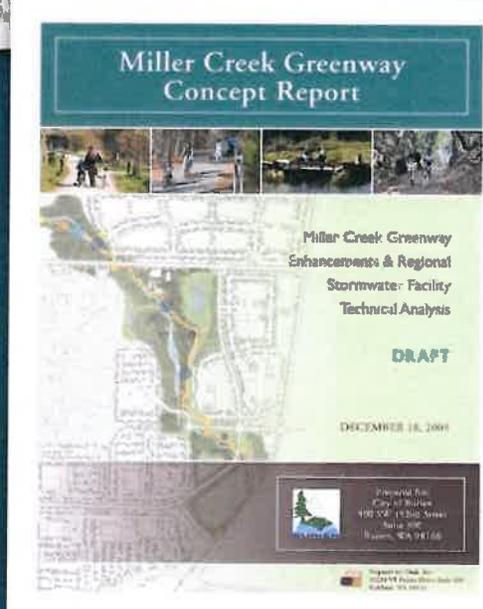
April 2010

Prepared by:  
Otak, Inc.  
10230 NE Points Drive, Suite 400  
Kirkland, WA 98033-6021



**Northeast Redevelopment Area (NERA)**  
City of Burien  
Supplemental Environmental Impact Statement (SEIS)

**Northeast Redevelopment Area (NERA)**  
City of Burien  
**FINAL**  
Supplemental Environmental Impact Statement (SEIS)  
November 2009



**Miller Creek Greenway Concept Report**

Miller Creek Greenway Enhancements & Regional Stormwater Facility Technical Analysis

**DRAFT**

DECEMBER 18, 2009

Prepared for:  
City of Burien  
10230 NE Points Drive, Suite 400  
Kirkland, WA 98033



# Current Investments and Timeline

- Current Capital Budget Funds Two Projects
- Design of Eastbound Off-ramp to SR 518:

Funding Source:	Amount:	Notes:
State Legislative Appropriation	\$250,000	May be used for design and must be used by June 2012 (Done)
Federal Earmark	\$1,630,195	Obtained several years ago and transferred to this project
Transportation CIP	\$50,000	
Surface Water CIP	\$250,000	
<b>TOTAL</b>	<b>\$2,180,195</b>	

*This project will be completed by the end of next year.*

# Current Investments and Timeline

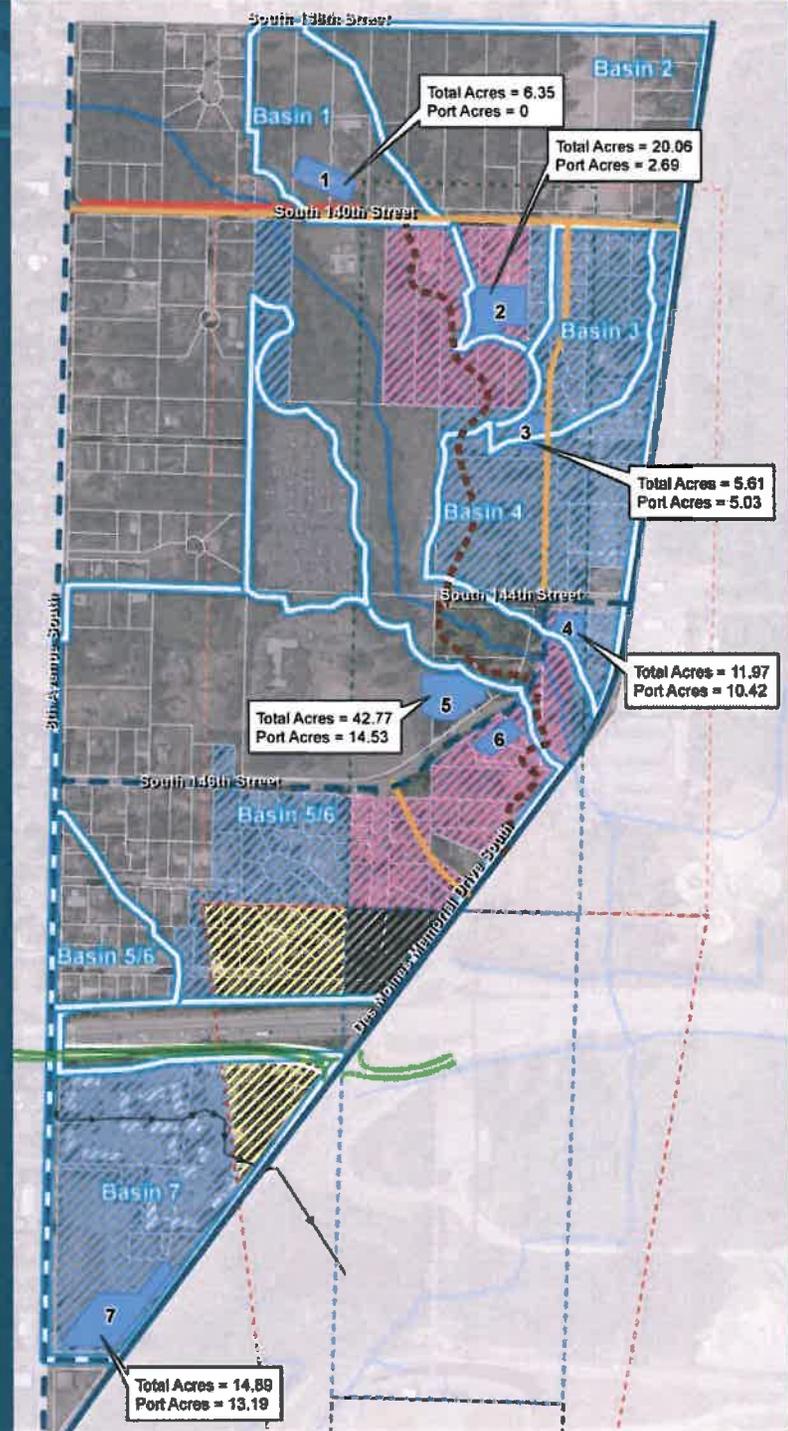
- Design and Construction of NERA Drainage Improvements, including Trail & Habitat Enhancements along Miller Creek:

Funding Source:	Amount:	Notes:
Department of Ecology	\$1,000,000	Specifically for treatment of stormwater from existing surfaces
Department of Commerce (Community Economic Revitalization Board)	\$3,450,000	Must be used by <u>November 2014</u>
Port of Seattle	\$1,330,000	\$130,000 from MoU for Master Drainage Plan; \$1.2 million in draft ILA presented tonight for construction of improvements not in current budget
Parks Levy Funding through King County	\$373,000	To be used for work associated with the trail/open space improvements.
<b>TOTAL</b>	<b>\$6,153,000</b>	

# **Overall Purpose of the Project:**

*The project will provide integrated stormwater facilities with habitat enhancement and public open space and trail improvements to support the Northeast Redevelopment Area (NERA) of the City of Burien.*

# Project Master Plan



# Key Elements:

- Master Drainage Plan
- Stormwater facilities – infiltration chambers and conveyance system
- Public shared-use trail
- Interpretive, recreational, and way-finding facilities along trail
- Culvert replacements
- Low Impact Development (LID) policies and best practices adopted into City Code for the NERA parking area (filtration systems, rain gardens, pervious surfaces, etc.)



# The Project - Drainage Plan

1

2

3

4

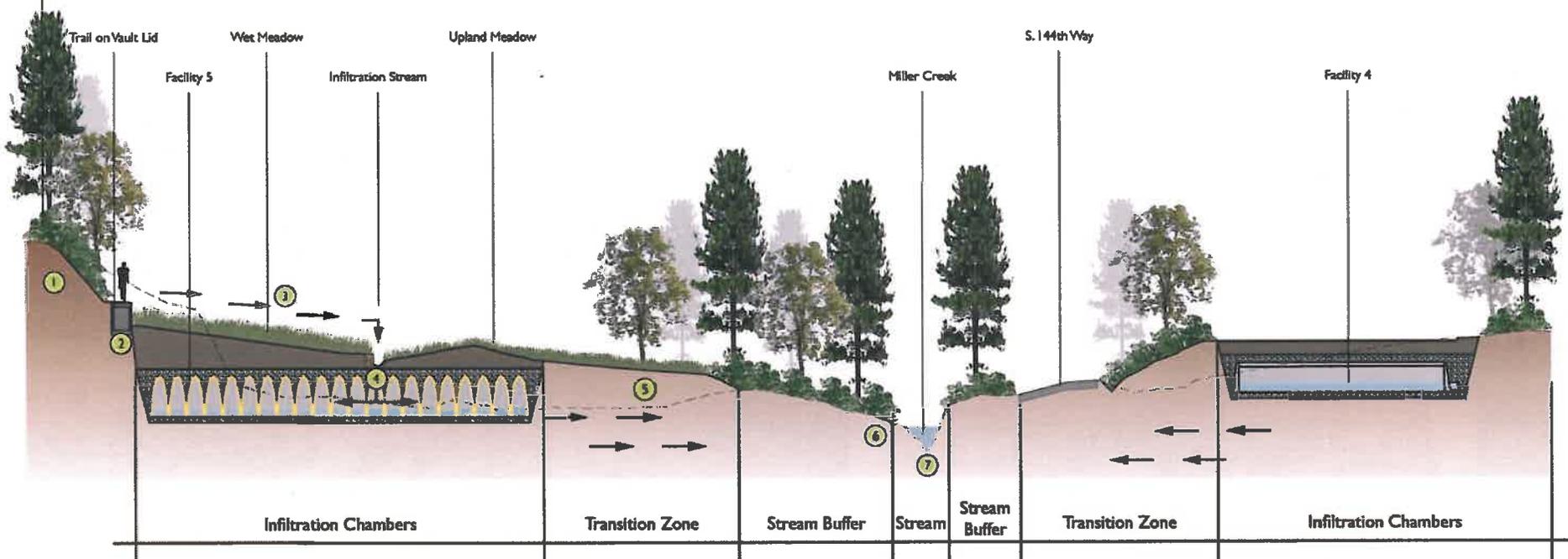
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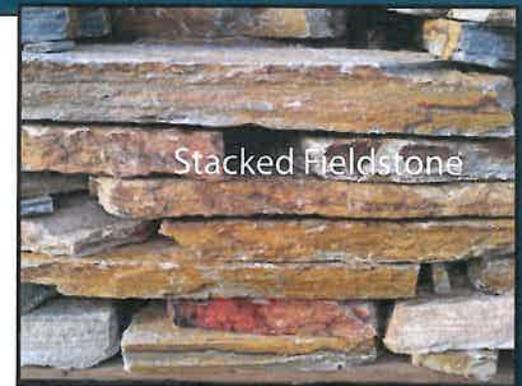
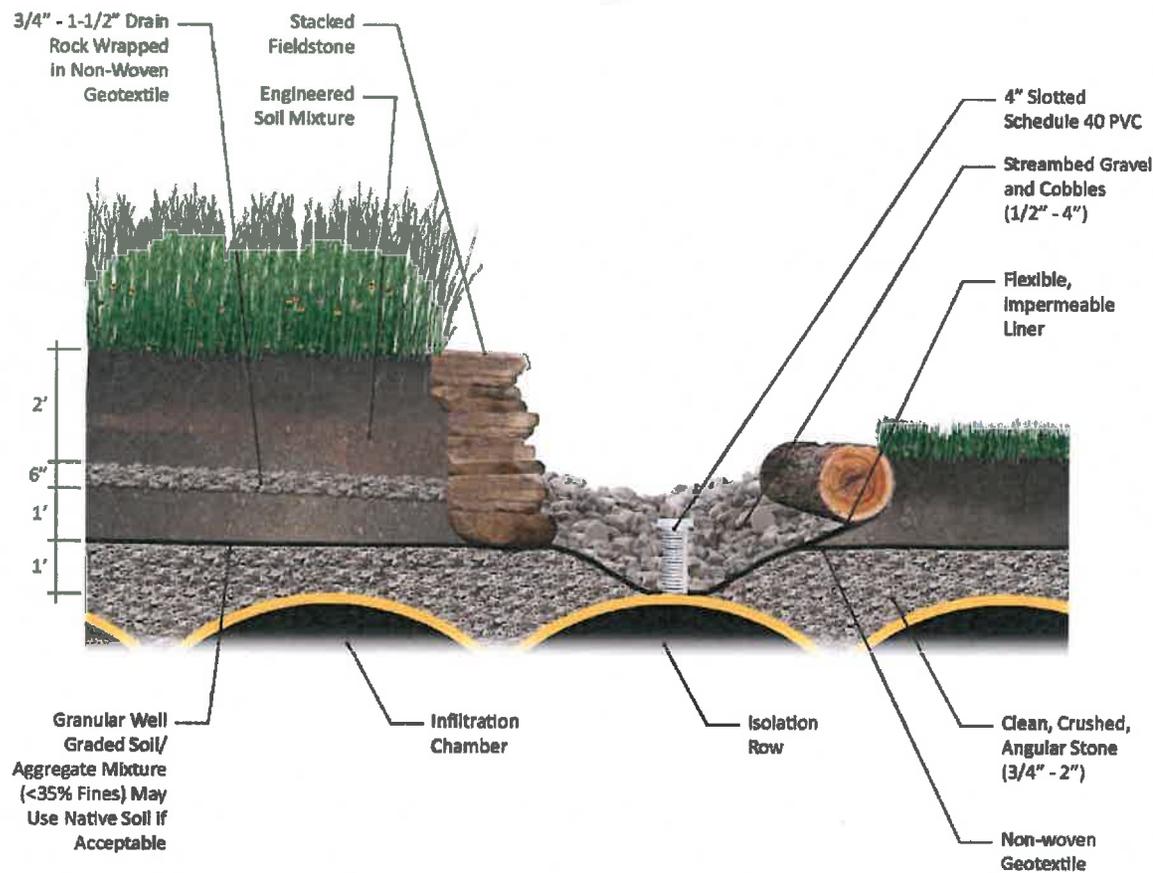
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Natural Hydrologic Processes	Forested Upland	Hillside Seeps	Wet Meadow in Terraced Floodplain	Losing (Infiltrating) Stream Tributary in Terraced Floodplain	Floodplain Hyporheic Zone	Floodplain Wetland	Miller Creek In-Channel Habitat
Design Approach to Emulate Natural Processes	Upland raingardens infiltrate all stormwater from 25% of redevelopment area	Stormwater vault is an energy dissipator, sediment catchment, and flow spreader to wet meadow	Raingarden/Bio-Swale provides water quality treatment	Intake and maintenance isolation chamber to infiltration gallery	Underground chambers infiltrate all runoff through the 100-year event to enhance base flow to Miller Creek	Regraded floodplain wetland removes channel incision and reconnects stream to floodplain wetland	Large wood, invasive species removal and live vegetation restored within and along Miller Creek

LID Integrated into Redevelopment



# Drainage Design Approach to Emulate Natural Hydrologic Process – Step 4



# Next Steps and Discussion

# CITY OF BURIEN

## NORTHEAST REDEVELOPMENT AREA (NERA) PLANNING PROCESS

July 1, 2013 – City Council

# NERA Planning Process

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- **Distribution of strategic planning study information and other communications:**
  - ▣ **Articles with project updates and information were published in the June 2008, September 2008, November 2008, March 2009, June 2009 and September 2009 issues of the City of Burien quarterly newsletter.**
  - ▣ **Project information sheets and updates were made available on the City of Burien website throughout the study process.**
  - ▣ **Project email address established in April 2008 and comments received were circulated to the project planning team.**

# NERA Planning Process

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- **Community Dialogue Workshop – October 23, 2008 Summary of related public input received:**
  - ▣ **Many participants were interested in infrastructure improvements in the NERA, including stormwater management, street improvements, sidewalks, lighting and other public facilities and services.**
  - ▣ **There is a strong interest in access and open space opportunities associated with the Miller Creek corridor.**
  - ▣ **Support was expressed for creative use of FAA-restricted land for community-compatible uses such as passive recreation, open space, parking and stormwater facilities.**

# NERA Planning Process

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- **NERA Public Meeting and Supplemental Environmental Impact Statement (SEIS) Scoping Meeting – April 29, 2009:**
  - ▣ **Public meeting and public environmental scoping meeting, facilitated by a hearing examiner to gather public comments on the latest redevelopment concepts for the NERA.**
  - ▣ **Many favorable comments received about the potential for new development and industry in the NERA.**

# NERA Planning Process

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- **NERA Stakeholder Meetings – Conducted throughout the study:**
  - **Included:** property owners in NERA, BEDP, representatives of auto dealerships, City Council members, planning commissioners, and staff, Port of Seattle leadership and staff, WSDOT staff and Miller Creek planning representatives.
  - Individual and group meetings held at key points in planning process at which results of the analysis and early drafts of redevelopment concepts were presented for review and comment.
- **NERA Planning Partner Meetings – Conducted monthly throughout the study:**
  - Representatives of the City of Burien and Port of Seattle met on a regular basis to help guide the planning effort and make decisions at key milestones.

# NERA Planning Process

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- **Burien Comprehensive Plan and Zoning/Supplemental Environmental Impact Statement (SEIS) Updates :**
  - **Creation of the Northeast Redevelopment Area (NERA) in 1997 was the first of several amendments to Burien's Comprehensive Plan (2003, 2009 and 2010) providing a framework for area redevelopment and infrastructure upgrades following an extensive public review process and public hearings.**
  - **Burien Zoning Ordinance amendments concerning NERA were considered in 2003, 2009 and 2010 following a public review process and public hearings.**
  - **Development of an Environmental Impact Statement for NERA beginning with the draft and final EIS in 2002 and concluding with the supplemental EIS in 2009 were also subject to an extensive public review process and public hearings.**

**INTERLOCAL AGREEMENT BY AND BETWEEN  
THE CITY OF BURIEN  
and  
THE PORT OF SEATTLE**

**THIS INTERLOCAL AGREEMENT**, hereinafter referred to as the "Agreement", is entered into pursuant to Chapters 39.33 and 39.34 RCW by and between the **CITY OF BURIEN**, a Washington municipal corporation (hereinafter referred to as the "City") and the **PORT OF SEATTLE**, a Washington municipal corporation (hereinafter referred to as the "Port").

**RECITALS**

- A. The City is a non-charter code city organized pursuant to Chapter 35A.13 RCW of the laws of the State of Washington having authority to enact laws and enter into agreements to promote the health, safety, and welfare of its citizens, and thereby control the use and development of property within its jurisdiction.
- B. The Port is a municipal corporation, with authority under the Revised Airports Act, Chapter 14.08 RCW; the Airport Zoning Act, Chapter 14.12 RCW, the State Environmental Policy Act (SEPA), Chapter 43.21C RCW; certain port district enabling statutes; and other state and local laws, to exercise discretionary land use jurisdiction over real property located within its boundaries.
- C. The City has designated an approximately 158-acre area located northwest of Sea-Tac Airport as its Northeast Redevelopment Area ("NERA").
- D. The NERA includes about 55 acres of Port-owned property, most of which is "noise property" acquired under the Federal Aviation Administration's ("FAA") Part 150 regulations. Consequently, the FAA must review and approve the use, lease, disposal and payment of any Port funds related to this property.
- E. The City and the Port share the goal of transitioning the NERA into a mix of airport-compatible commercial, retail and/or light industrial uses. More specifically, the City envisions development of an auto mall on the southern portion of the NERA and the Port envisions development of light industrial facilities that will support air cargo growth at SeaTac Airport on the northern portion of the NERA.
- F. The City and the Port jointly prepared a redevelopment strategy for the NERA in April, 2010. The City and the Port now desire, with the FAA's concurrence, to further implement that strategy through collaborative planning and other mutual actions to facilitate private sector investment in redevelopment of the NERA.

G. The City and the Port are entering into this Agreement pursuant to the authority granted in Chapter 39.33 Revised Code of Washington, (Intergovernmental Disposition of Property Act) which permits a political subdivision of the State of Washington to sell real property interests to the State or any municipality or any political subdivision thereof on such terms and conditions as may be mutually agreed upon by the proper authority of the state and/or the subdivisions concerned and pursuant to the authority granted in Chapter 39.34 Revised Code of Washington, (Interlocal Cooperation Act).

NOW, THEREFORE, in consideration of the foregoing, the mutual covenants of the parties contained herein, and pursuant to Chapters 39.33 and 39.34 RCW, the parties hereto agree as follows:

## AGREEMENT

### SECTION 1. DEFINED TERMS

**1.1 Agreement.** This Interlocal Agreement between the City and the Port.

**1.2 Appraisal.** The fair market value appraisal obtained by the Port prepared by CIC Valuation Group, Inc. dated August 15, 2013 to determine the value of the Stormwater Facilities Easements, the Shared Use Path Easement, and the 12<sup>th</sup> Place South street vacation.

**1.3 BMC.** The Burien Municipal Code.

**1.4 City.** The City of Burien, a municipality of the State of Washington, which exercises governmental functions and powers pursuant to the laws of the State of Washington and the BMC. The principal office of the City is located at 400 152<sup>nd</sup> Street, Suite 300, Burien, Washington 98166.

**1.5 Master Drainage Plan.** The comprehensive plan for managing stormwater throughout the NERA, including flow control and runoff treatment, prepared by Otak and dated December, 2013.

**1.6 MOA.** The Memorandum of Agreement entered into between the City and the Port dated January 31, 2013.

**1.7 NERA.** The Northeast Redevelopment Area, an approximately 158-acre area bounded by South 138<sup>th</sup> Street on the north, Des Moines Memorial Drive to the east and south, and 8<sup>th</sup> Avenue South to the west, as depicted on Exhibit 1.

**1.8 Port.** The Port of Seattle, a municipal corporation, which exercises governmental functions and powers pursuant to the laws of the State of Washington. The principal office of the Port is located at 2711 Alaskan Way, Seattle, Washington 98121.

**1.9 Regional Stormwater Project.** The City's project to design, construct, own, operate and maintain stormwater improvements for the NERA. The first phase covers 55 acres and includes 4 of the 7 required stormwater management facilities (Facilities #3, #4, and #5/6). The project will also include pre-treatment/water quality components, channel and floodplain improvements, enhancements along Miller Creek, and a 2,736 feet long shared use path for operations and maintenance of the stormwater facilities and for bicycle and pedestrian access.

## **SECTION 2. PURPOSE**

**2.1 General.** The City and the Port are entering into this Agreement, with the FAA's concurrence, as a means to further facilitate redevelopment of the NERA Plan through additional cooperation and completion of mutual actions.

**2.2 FAA Concurrence with Land Uses.** The City and the Port acknowledge and agree that any redevelopment of Port property within the Runway Protection and Approach Transition Zones (as defined in the applicable FAA regulations) must be consistent with the land uses identified on Exhibit 2 attached hereto and incorporated herein.

**2.3 Cooperative Actions.** The City and the Port agree to undertake and complete the following separate, but related, activities:

**2.3.1 Master Drainage Plan.** The City will finalize preparation of the Master Drainage Plan for the NERA. Per the MOA, the Port will contribute to the City a portion of the costs to prepare the plan.

**2.3.2 Regional Stormwater Project.** Per the Master Drainage Plan, the City will design the Regional Stormwater Project. The Port will convey to the City certain easements needed by the City to construct, own and permanently operate and maintain the stormwater facilities. The Port will also contribute to the City a portion of the costs to construct two of the facilities (Facilities #3 and #4) that almost exclusively benefit Port property.

**2.3.3 Shared Use Path.** Per the Master Drainage Plan, the City will design and construct an approximately 2,736 feet long path that will provide vehicular access for operations and maintenance for the Regional Stormwater Project as well as pedestrian and bicycle access through the NERA. The Port will convey to the City an easement needed by the City to construct, own and permanently operate and maintain the path.

**2.3.4 Street Vacation.** The City will initiate and complete a street vacation of 12<sup>th</sup> Place South, which will enable the Port to complete assemblage of its properties in the NERA.

**2.3.5 SR 518 Interchange Improvements.** The City will complete design of an eastbound off-ramp from State Route 518 at Des Moines Memorial Drive to enable better vehicular access to the NERA. In tandem with this work, the Port will fund design of a permanent on-ramp to replace a temporary on-ramp onto eastbound SR 518 to satisfy the Port's responsibilities under an agreement with WSDOT allowing the temporary use for runway construction. After final design, the Port expects to convey to the City or to the Washington State Department of Transportation ("WSDOT") the Port-owned property needed to construct the eastbound off-ramp.

**2.3.6 Pilot Program.** The Port will prepare and submit, with the City's assistance, an application to the FAA for additional planning and design funds for NERA infrastructure as part of the FAA's pilot program for redevelopment of "noise property."

### **SECTION 3. MASTER DRAINAGE PLAN**

**3.1 General.** The Master Drainage Plan details the comprehensive approach to addressing surface water runoff associated with redeveloping the NERA.

**3.2 Memorandum of Agreement.** The MOA provides for the Port contributing up to One Hundred Thirty-One Thousand Four Hundred Dollars (\$131,400) of the total project budget of Three Hundred Sixty-Five Thousand Dollars (\$365,000) toward completion of the Master Drainage Plan. The Port's share represents thirty-six percent (36%) of the total budget and is based on the Port's percentage ownership of the total acreage within the NERA. The Port owns approximately forty-seven percent (47%) of the area studied by the Master Drainage Plan and approximately fifty-three percent (53%) of the area covered by the first phase of the Regional Stormwater Project. The MOA is attached hereto as **Exhibit 3** and incorporated herein by this reference.

### **SECTION 4. REGIONAL STORMWATER PROJECT**

**4.1 General.** The Regional Stormwater Project will be designed, built, owned, operated and maintained by the City based on the Master Drainage Plan.

**4.2 Stormwater Facilities.** Four of the seven required stormwater management facilities are to be constructed as part of the first phase of the Regional Stormwater Project. The four facilities are Facility #3, Facility #4, and Facility #5/6 as shown on **Exhibit 1** attached hereto and incorporated herein.

**4.3 Easements.** To enable construction and long-term ownership, operation and maintenance of Facilities #3, #4 and #5/6, the City needs to acquire easements from the Port. The Port agrees to convey to the City, and the City agrees to acquire from the Port, a non-exclusive easement for Facility #3 in a form substantially the same as **Exhibit 4**, a non-exclusive easement for Facility #4 in a form substantially the same as **Exhibit 5**, an exclusive easement for Facility #6 in a form substantially

the same as Exhibit 6, and a Temporary Construction Easement in a form substantially the same as Exhibit 7 (collectively, the "Stormwater Facilities Easements").

**4.4 Value of Easements.** The Port agrees to convey to the City, and the City agrees to pay the Port, at Closing as set forth in Section 10, the following amounts for the Stormwater Facilities Easements:

**4.4.1 Facility #3.** The Port agrees to convey the Facility #3 Easement to the City at no cost. The City's Regional Stormwater Project frees the Port from having to construct separate stormwater management facilities that the Port would otherwise be required to build on its property as a condition of the City's granting permits for development of the property. Facility #3 drains Basin 3, as shown on Exhibit 1, in which the Port owns approximately 5.03 of the total 5.6 acres or about ninety percent (90%) of the basin's total acreage. Therefore, Facility #3 almost exclusively benefits redevelopment of Port property.

**4.4.2 Facility #4.** The Port agrees to convey the Facility #4 Easement to the City at no cost. The City's Regional Stormwater Project frees the Port from having to construct separate stormwater management facilities that the Port would otherwise be required to build on its property as a condition of the City's granting permits for development of the property. Facility #4 drains Basin 4, as shown on Exhibit 1, in which the Port owns approximately 10.42 of the total 12 acres or about eight seven percent (87%) of the basin's total acreage. Therefore, Facility #4 almost exclusively benefits redevelopment of Port property.

**4.4.3 Facility #5/6.** The Port agrees to convey the Facility #6 Easement to the City for \_\_\_\_\_ Dollars (\$\_\_\_\_\_). This amount represents approximately sixty percent (60%) of the property's fair market value of \$\_\_\_\_\_ based on the Appraisal. The Port agrees to convey the Facility #6 Easement at the discounted amount, because the City's Regional Stormwater Project frees the Port from having to construct separate stormwater management facilities that the Port would otherwise be required to build on its property as a condition of the City's granting permits for development of the property. Facility #6 drains Basin 5/6, as shown on Exhibit 1, in which the Port owns approximately 14.53 of the total 38.6 acres or about thirty-eight percent (38%) of the basin's total acreage.

**4.4.4 Temporary Construction Easement.** The Port agrees to grant the Temporary Construction Easement to the City for \_\_\_\_\_ Dollars (\$\_\_\_\_\_). This amount represents a nine percent (9%) annual return on the fee value of the needed property based on the Appraisal.

**4.5 Port Stormwater Contribution.** The City has requested, and the Port agrees to contribute, a portion of the design and construction costs for the first phase of the Regional Stormwater Project.

**4.5.1 State Grant Funds.** The City has secured grant funding from the Washington State Departments of Commerce and Ecology of approximately \$4,500,000 for the Regional Stormwater Project. However, this grant funding is not sufficient to cover the total design and construction costs for the optimal package of phase one improvements.

**4.5.2 Port Stormwater Contribution.** Because Facilities #3 and #4 primarily benefit Port property, the Port agrees to contribute to the City a total of One Million Two Hundred Thousand Dollars (\$1,200,000) toward the construction of these two facilities (the "Port Stormwater Contribution") to round out the funding the City needs for the Regional Stormwater Project. The Port agrees to deliver the Port Capital Contribution to the City at Closing.

**4.5.3 Rationale/Justification.** Stormwater management is required for any redevelopment of Port property. By funding a portion of the costs for Facilities #3 and #4, the Port will save substantially compared to the Port planning, permitting and building separate stormwater management facilities that solely service the Port's property. The Port will benefit from approximately \$1,700,000 in improvements to its property that will meet all of the City's stormwater requirements, which is forty-four percent (44%) greater than the Port's Stormwater Contribution. Using City-generated and Port-verified construction estimates, the fully loaded cost if the Port were to construct Facilities #3 and #4 is approximately \$3,100,000.

**4.5.4 Port Commission Intent.** In approving the Port Stormwater Contribution to support the redevelopment of Port property in the NERA, the Port Commission:

**4.5.4.1** Affirms the Century Agenda goal of tripling air cargo volume to 750,000 metric tons as part of positioning the Puget Sound region as a premier international logistics hub;

**4.5.4.2** Desires to facilitate development of light industrial uses on the Port's property in the NERA that can support the air cargo growth goal; and

**4.5.4.3** Intends that the Port recoup the Port Stormwater Contribution as part of any disposition of the Port's property in the NERA by sale or long-term lease to a third party.

**4.6 Surface Water Management Fees.** In return for the Port's Stormwater Contribution and Stormwater Facilities Easements, the City agrees that the Port and its assigns will have the right to connect the on-site stormwater collection system on the Port's property to the Regional Stormwater Project. A connection fee of approximately \$23,000 per acre will be assessed at the time of connection, pursuant to the City adopting an ordinance establishing that fee. The City's adopted Surface Water Management Service Charges will apply.

## SECTION 5. SHARED USE PATH

**5.1 Shared Use Path.** The City will design, construct, own, operate and maintain a Shared Use Path as part of the first phase of the Regional Stormwater Project. The Shared Use Path will provide access for both long-term operations and maintenance of the Regional Stormwater Project and for pedestrian and bicycle use through the NERA.

**5.2 Easement.** To enable construction and long-term ownership, operation and maintenance of the Shared Use Path the City needs an easement from the Port. The Port agrees to convey to the City, and the City agrees to acquire from the Port, an easement in a form substantially the same as Exhibit 8, (the "Shared Use Path Easement"). Consistent with pertinent FAA regulations, the Port will not otherwise contribute to the construction, operation or maintenance of the Shared Use Path.

**5.3 Easement Value.** Based on the Appraisal, the Port agrees to convey to the City, and the City agrees to pay the Port, at Closing a total fair market value \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) for the Shared Use Path Easement.

#### **SECTION 6. STREET VACATION**

**6.1 General.** The City will initiate and complete a street vacation of 12<sup>th</sup> Place South to enable the Port to complete assembly of its properties in the NERA.

**6.2 12th Place South.** 12<sup>th</sup> Place South is shown on Exhibit 1 attached hereto and incorporated herein. This street comprises approximately Twenty-Three Thousand Eight Hundred Thirty-Eight (23,838) square feet.

**6.3 Street Vacation.** To enable the Port's redevelopment of its properties, and upon the City's approval of the Port's site development plan, the City agrees to convey to the Port, and the Port agrees to acquire from the City, 12<sup>th</sup> Place South pursuant to the process described in Chapter 35.79 of the Revised Code of Washington.

**6.4 Purchase Price.** Based on the Appraisal, the City agrees to convey to the Port, and the Port agrees to purchase 12<sup>th</sup> Place South from the City, for \_\_\_\_\_ Dollars (\$ \_\_\_\_\_). The City and Port agree that this amount shall be credited toward the amount due from the City to the Port at Closing for the Stormwater Facilities Easements and the Shared Use Path Easement.

#### **SECTION 7. INTERCHANGE IMPROVEMENTS**

**7.1 General.** The Parties acknowledge that they are currently cooperating in the planning and design of an eastbound off-ramp to SR 518 at Des Moines Memorial Drive. The City has received grant funds through the Puget Sound Regional Council to complete the design of the eastbound off-ramp.

**7.2 Right-of-Way.** Once design of the eastbound off-ramp is finalized, the City or WSDOT will need to acquire, in fee simple, a portion of the Port's property within the Runway Protection Zone as right-of-way for the new off-ramp.

**7.3 Value.** The value of the required right-of-way will be determined by appraisal once the legal description for the right-of-way is prepared.

**7.4 Port On-Ramp Contribution.** The Port entered into Agreement GCA 1998 with WSDOT, which was most recently supplemented in April 2009, allowing the Port to utilize a temporary on-ramp onto eastbound SR 518 for runway reconstruction work. GCA 1998 requires the Port to restore the ramp upon completion of the temporary use. The final design of the eastbound SR 518 on-ramp needs to be aligned with the eastbound off-ramp and will operate via a new traffic signal being designed with the City's eastbound off-ramp project. Since the restoration of the eastbound SR 518 on-ramp is most appropriately designed as part of the off-ramp project to ensure proper alignment and coordination of the two ramps, the Port agrees to cooperate with the City in its current design effort. The Port has agreed to contribute to the City a total of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_) for the final design of the eastbound SR 518 on-ramp, which will be coordinated with WSDOT to satisfy the Port's responsibilities under GCA 1998. The Port agrees to deliver the Port On-Ramp Contribution to the City by November 1, 2014.

## **SECTION 8. PILOT PROGRAM**

**8.1 Application.** The City and the Port agree to cooperate in the preparation and submission of an application to the FAA's pilot program for redevelopment of "noise property" as provided for in the FAA Program Guidance Letter 13-04, Pilot Program for Redevelopment of Airport Properties (Acquired Noise Land) dated February 14, 2013 (the "PGL").

**8.2 Governance.** The PGL requires that an enforceable agreement be in place between the parties to undertake airport compatible redevelopment of airport land conforming to applicable FAA requirements. The Parties intend that this Agreement shall serve that purpose.

**8.3 Zoning Designation.** The zoning designation of the NERA is Airport Industrial. The City represents and warrants that this designation permits airport compatible development and shall be unchanged for the duration of this Agreement per the requirements of the PGL.

**8.4 Use of Funds.** The Parties anticipate that any funds awarded pursuant to the PGL will be used for additional planning, design and permitting of infrastructure improvements that will enable redevelopment of the NERA.

**8.5 Local Share.** The Parties acknowledge that the PGL limits the federal share of the allowable costs under the program to eighty percent (80%) and that the participating airport must provide the remaining twenty percent (20%) share of the allowable project costs. The City and the Port agree that the 20% local share will be split evenly between them.

**8.6 Repayment.** The Port and City acknowledge and agree that any funds awarded and expended pursuant to the PGL will have to be repaid and reinvested in the manner described in the PGL.

## **SECTION 9. FAA CONCURRENCE**

**9.1 Stormwater Facilities.** The FAA has considered and approved the location, design, function and payment received by the Port for the proposed stormwater facilities and related easements.

**9.2 Port Stormwater Contribution.** The FAA has considered the Port Stormwater Contribution and agrees that it is directly and substantially related to the planned air cargo support facilities expected to be developed on the Port's property in compliance with 49 U.S.C. Sections 47107(b) and 47133.

**9.3 Shared Use Path.** The FAA has approved siting the Shared Use Path within the Approach Transition Zone of the NERA pursuant to the "alternatives analysis" prepared by the Port based on the FAA Memorandum "Interim Guidance on Land Uses Within a Runway Protection Zone" dated September 27, 2012.

**9.4 SR 518 Off-Ramp.** The FAA has approved siting the proposed eastbound off-ramp within the Runway Protection Zone pursuant to the "alternatives analysis" prepared by the Port based on the FAA Memorandum "Interim Guidance on Land Uses Within a Runway Protection Zone" dated September 27, 2012.

## **SECTION 10. GENERAL PROVISIONS**

**10.1 Closing.** Closing on the Stormwater Facilities Easements and the Shared Use Path Easement shall occur within thirty (30) days of execution of this Agreement by both the City and the Port but not sooner than January 3, 2014, at the offices of First American Title Insurance Company, the escrow agent for the transaction.

**10.1.1 Port's Obligations.** At or before Closing, the Port shall deliver to the escrow agent: (i) executed originals of the Stormwater Facilities Easements and the Shared Use Path Easement, (ii) 1,200,000 Dollars, which represents the Port Stormwater Contribution, and (iii) \_\_\_\_\_ Dollars, which represents the total purchase price for 12<sup>th</sup> Place South.

**10.1.2 City's Obligations.** At or before Closing, the City shall deliver to the escrow agent: (i) executed originals of the Stormwater Facilities Easements and the Shared Use Path Easement and (ii) \_\_\_\_\_ Dollars, which

represents the total purchase price for the Stormwater Facility #5/6 Easement, the Shared Use Path Easement, and the Temporary Construction Easement.

**10.1.3 Closing Costs.** The City and the Port shall share equally the escrow fees. The City shall be solely responsible for the cost of any title insurance premiums, title endorsements, extended coverage or other title coverage it chooses to obtain.

**10.1.4 Possession.** The City shall be entitled to possession of the easement areas immediately following Closing.

**10.2 Notices, Demands and Communications.** Formal notices, demands and communications between the City and the Port shall be sufficient if given and shall not be deemed given unless dispatched by certified mail, postage prepaid, returned receipt requested, or delivered personally, to the principal offices of the City and the Port as follows:

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

**Port:**  
Chief Executive Officer  
Port of Seattle  
2711 Alaskan Way  
Seattle, WA 98121

**10.3 Amendments.** This Agreement may be amended or modified upon mutual consent of the Parties and in accordance with all applicable laws, rules or regulations. Such mutual consent of the Parties shall be evidenced by a written amendment signed by the Parties.

**10.4 Other Government Approvals.** Should the Port at any time require the approval of any governmental body or board, whether of local, regional, state or federal jurisdiction, the Port shall bear the sole cost and responsibility for obtaining needed approvals. The City, upon request by the Port, shall lend its full cooperation and affirmative support if it deems such would be in the interest of timely performance under this Agreement, and such cooperation and support would not compromise the responsibilities of the City, including its responsibilities to the Port as set forth in this Agreement. Nothing contained herein is designed to relieve the Port of the necessity of complying with the laws governing the permitting requirements, conditions, terms or restrictions.

**10.5 Conflict of Interests.** No member, official or employee of the City shall make any decision relating to the Agreement, which affects his or her personal interests or the interests of any corporation, partnership or association in which he or she is directly or indirectly interested. The Port warrants that it has not paid or given, and shall not pay or give, any third person any money or other consideration for securing the City's approval of this Agreement.

**10.6 Non-Liability of City, Officials, Employees, and Agents.** No member, official, employee or agent of the City shall be personally liable to the Port, or any successor in interest, in the event of any

default or breach by the City or for any amount that may become due to the Port or successor or on any obligation under the terms of this Agreement.

**10.7 Title of Parts and Sections.** Any titles of the parts, sections or subsections of this Agreement are inserted for convenience of reference only and shall be disregarded in construing or interpreting any part of its provisions.

**10.8 Hold Harmless.** The Port shall indemnify and hold harmless the City and its officers, agents and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of the negligent act or omission of the Port, its officers, agents, employees, or any of them relating to or arising out of the performance of this Agreement. If a final judgment is rendered against the City, its officers, agents, employees and/or any of them, or jointly against the City and the Port and their respective officers, agents and employees, or any of them, the Port shall satisfy the same to the extent that such judgment was due to the Port's negligent acts or omissions.

**10.9 Enforcement, Rights and Remedies Cumulative.** This Agreement shall be enforceable by the City, applicant, or successor-in-interest notwithstanding any change in any applicable general or specific plan, zoning, subdivision, or building regulation adopted by the City that alters or amends the rules, regulations, or policies specified in this Agreement. Enforcement may be through any remedy or enforcement method or process, or combination thereof, allowed under law and/or equity. Except as otherwise stated in this Agreement, the rights and remedies of the Parties are cumulative, and the exercise or failure to exercise one or more of these rights or remedies by either party shall not preclude the exercise by it, at the same time or different times, of any right or remedy for the same default or any other default by the other party.

**10.10 Applicable Law.** This Agreement shall be interpreted under and pursuant to the laws of the State of Washington. Venue for any legal action brought hereunder shall be in the King County Superior Court.

**10.11 Severability.** If any term, provision, covenant or condition of this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remainder of the provisions shall continue in full force and effect unless the rights and obligations of the Parties have been materially altered or abridged by such invalidation, voiding or unenforceability.

**10.12 Legal Actions; Attorneys' Fees.** In the event any legal action is commenced to interpret or to enforce the terms of this Agreement, or to collect damages as a result of any breach of the Agreement, the Parties shall be responsible for their own attorneys' fees and costs incurred in the action.

**10.13 Binding Upon Successors.** This Agreement shall be binding upon and inure to the benefit of the heirs, administrators, executors, successors in interest and assigns of each of the Parties. Any reference in this Agreement to a specifically named party shall be deemed to apply to any successor

heir, administrator, executor or assign of such party who has acquired an interest in compliance with the terms of this Agreement, or under law.

**10.14 Parties Not Co-ventures.** Nothing in this Agreement is intended to or does establish the Parties as partners, co-venturers, or principal and agent with one another, nor employees and/or employers of each other.

**10.15 Warranties.** The City expresses no warranty or other representation to the Port or any other Party as to the fitness or condition of the Property other than those expressed within this Agreement.

**10.16 Reasonable Approvals.** The approval of a party of any documentation or submissions herein called for shall not be unreasonably withheld unless the text clearly indicates a different standard. All such approvals shall be given or denied in a timely and expeditious fashion.

**10.17 Execution of Other Documentation.** The City and the Port agree to execute any further documentation that may be necessary to carry out the intent and obligations under this Agreement.

**10.18 Complete Understanding of the Parties.** This Agreement is executed in two (2) duplicate originals, each of which is deemed to be an original, and constitutes the entire understanding and agreement of the Parties.

**10.19 Exhibits.** This Agreement consists of following the following exhibits, each of which is incorporated herein:

- 10.19.1** Exhibit 1 – NERA Map
- 10.19.2** Exhibit 2 – Approved Land Uses
- 10.19.3** Exhibit 3 – Master Drainage Plan MOA
- 10.19.4** Exhibit 4 – Stormwater Facility #3 Easement
- 10.19.5** Exhibit 5 – Stormwater Facility #4 Easement
- 10.19.6** Exhibit 6 – Stormwater Facility #6 Easement
- 10.19.7** Exhibit 7 – Temporary Construction Easement
- 10.19.8** Exhibit 8 – Shared Use Path Easement

IN WITNESS WHEREOF, the parties have executed this Agreement as of the dates indicated below.

**CITY OF BURIEN**

**PORT OF SEATTLE**

\_\_\_\_\_

\_\_\_\_\_

City Manager  
By direction of the Burien City Council  
in Open Public Meeting  
on \_\_\_\_\_, 2013

Tay Yoshitani  
Chief Executive Officer  
By direction of the Port Commission  
in Open Public Meeting  
on \_\_\_\_\_, 2013

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Approved as to Form:

Approved as to Form:

\_\_\_\_\_  
City of Burien Attorney

\_\_\_\_\_  
Port of Seattle Attorney

DRAFT

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared \_\_\_\_\_ to me known as the City Manager, for the City of Burien, the corporation who executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said City of Burien, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument on behalf of said municipal corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the date hereinabove set forth.

\_\_\_\_\_  
NAME  
\_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing at \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Tay Yoshitani to me known as the Chief Executive Officer, for the Port of Seattle, the corporation who executed the within and foregoing instrument, and acknowledged the said instrument to be the free and voluntary act and deed of said Port of Seattle, for the uses and purposes therein mentioned, and on oath stated that he is authorized to execute said instrument on behalf of said municipal corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal on the date hereinabove set forth.

\_\_\_\_\_  
NAME  
\_\_\_\_\_  
NOTARY PUBLIC in and for the State of  
Washington, residing at \_\_\_\_\_  
MY COMMISSION EXPIRES: \_\_\_\_\_

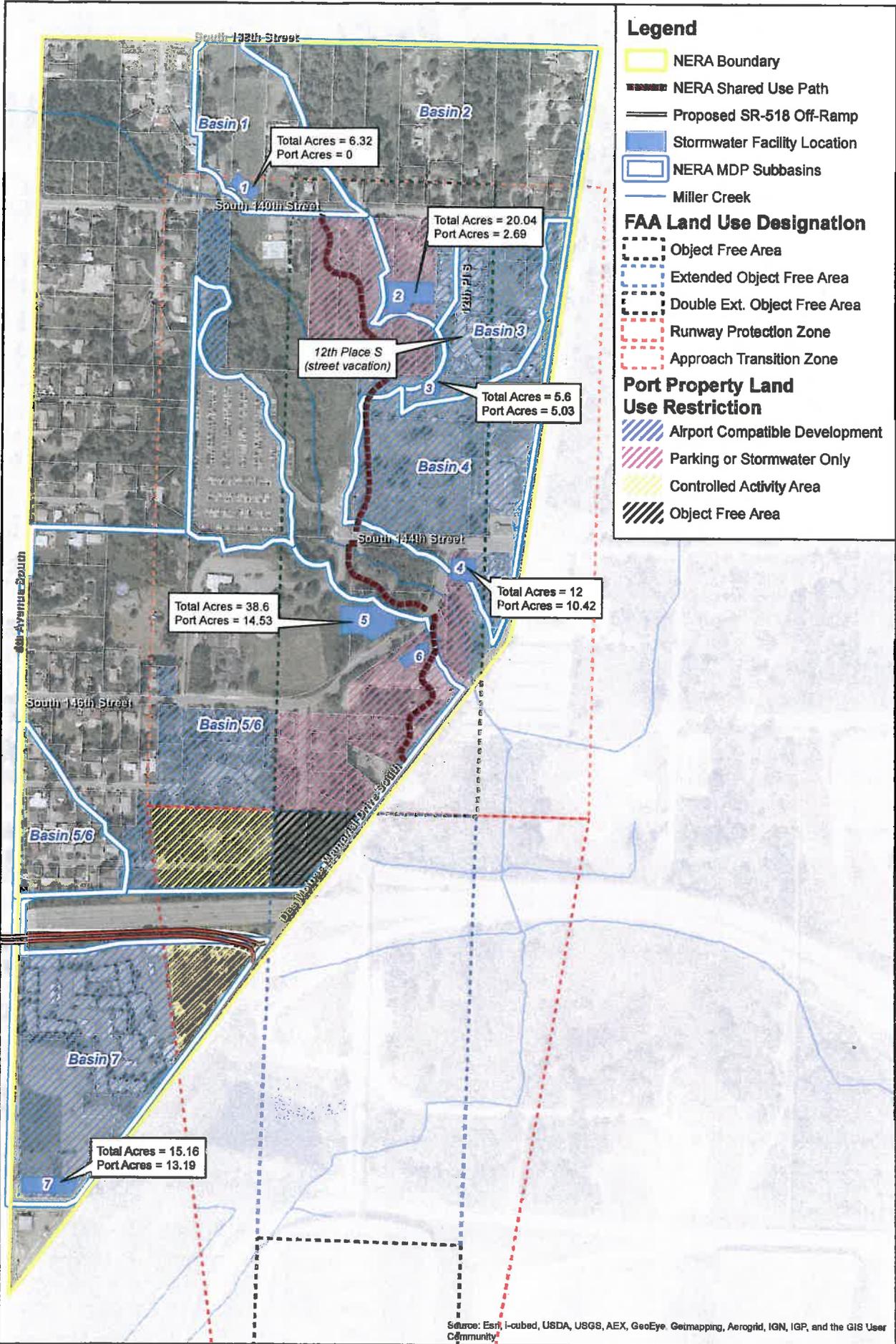
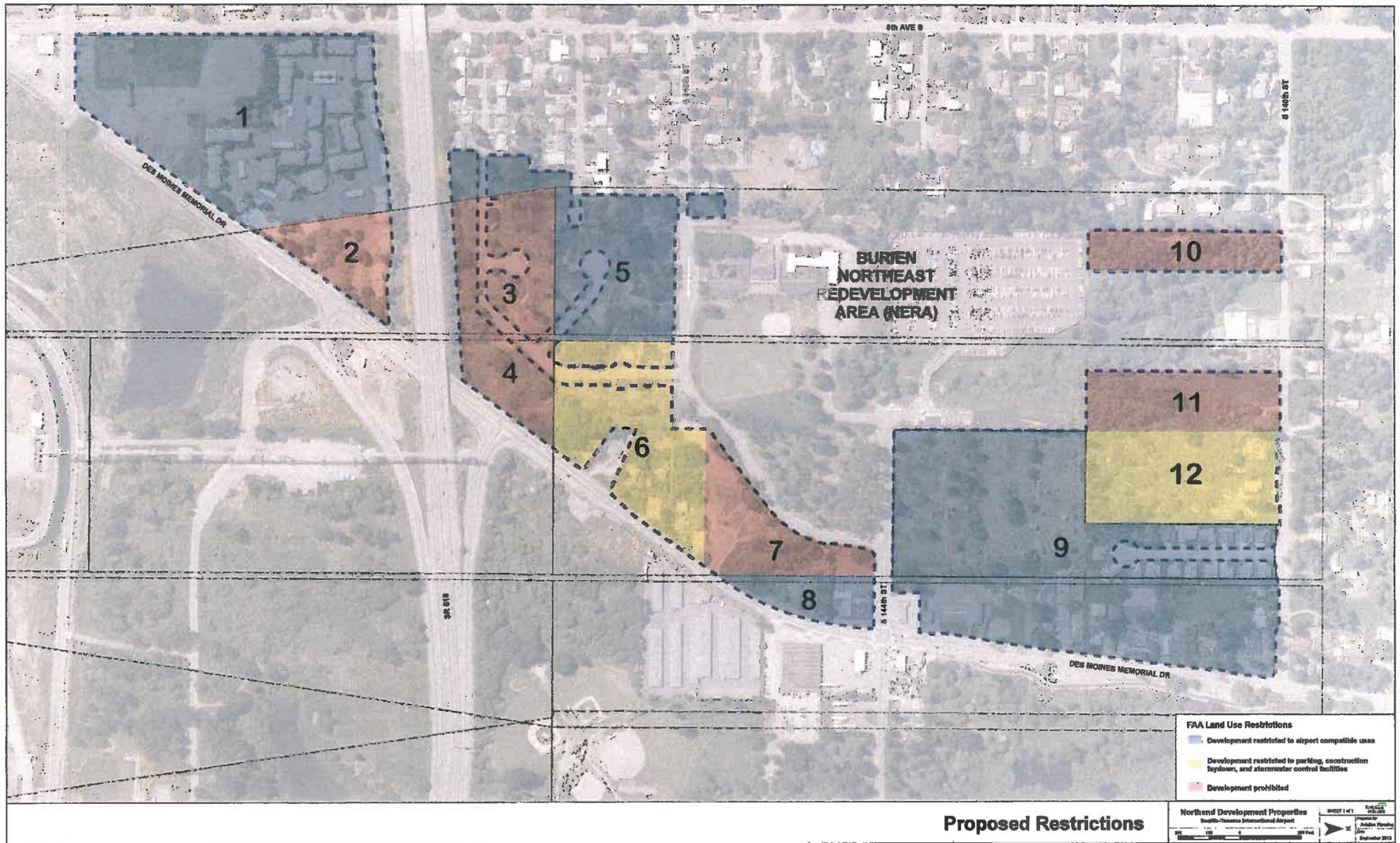


Exhibit 1: NERA Map



0 150 300 Feet





JAN 31 2013

**MEMORANDUM OF AGREEMENT  
CITY OF BURIEN AND PORT OF SEATTLE  
NORTHEAST REDEVELOPMENT AREA  
MASTER DRAINAGE PLAN PHASE 1 IMPLEMENTATION**

**CITY OF BURIEN  
PUBLIC WORKS**

THIS MEMORANDUM OF AGREEMENT ("MOA") is entered into between the PORT OF SEATTLE, a Washington municipal corporation (the "Port") and the CITY OF BURIEN, a Washington municipal corporation (the "City").

**RECITALS**

1. The Port owns property located in the City's Northeast Redevelopment Area ("NERA"). A map of the NERA is attached as Exhibit 1.
2. The majority of the Port's holdings in the NERA are noise-impacted former residences acquired under the Federal Aviation Administration's ("FAA") Part 150 regulations. As a result, the FAA must review and approve the use, lease, disposal and payment of any Port funds related to these sites.
3. The Port and City share the goal of transitioning the NERA into a mix of airport-compatible retail, auto center, commercial and/or light industrial uses. The City views the NERA as potentially being a significant contributor to its goal of growing and diversifying the City's tax and employment base.
4. The Port and City were partners along with the cities of Des Moines and SeaTac and the Puget Sound Regional Council in the New Economic Strategy Triangle ("NEST") study completed in 2004. The NEST study evaluated the development potential of the NERA and other Port-owned sites surrounding Seattle-Tacoma International Airport ("Sea-Tac Airport").
5. The NEST study followed the City's approval of new Comprehensive Plan policies, development regulations and design guidelines for the NERA in 2003. In 2005, the City adopted a planned action ordinance under the State Environmental Policy Act ("SEPA") to guide redevelopment of the NERA.
6. The Port and the City completed joint preparation of a redevelopment strategy in April, 2010 which provides optimum conceptual design, programming and infrastructure assumptions needed to support long-term redevelopment of the NERA.
7. One of the recommendations of the NERA redevelopment strategy is to direct public investment in infrastructure, such as a regional stormwater facility, that will facilitate private sector investment in the NERA.

## Exhibit 3 - MOA

8. Building upon the NERA redevelopment strategy, the Port and the City will now jointly prepare a Master Drainage Plan, one element of a regional stormwater management facility for the NERA.

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

### AGREEMENT

#### I. Purpose.

This MOA is intended to accomplish the following objectives:

- (1) Establish agreement on a process for completing a Master Drainage Plan for NERA;
- (2) Delineate the expected schedule for completing the Master Drainage Plan for NERA and for a Phase 1 Implementation of this plan;
- (3) Define the roles and responsibilities of the parties; and
- (4) Describe the standards and processes governing the relationship between the parties.

#### II. Strategy.

- (1) **Interests & Objectives.** This project implements a portion of the NERA redevelopment strategy. The 158-acre NERA site is bounded by South 138th Street to the north, 8th Avenue South to the west, and Des Moines Memorial Drive South to the east and south. The Miller Creek corridor bisects the NERA from the northwest (upstream) to the southeast (downstream), (see Exhibit 1). Both parties share the objective of completing a Master Drainage Plan for the entire NERA site and for constructing a first phase of infrastructure improvements to support future redevelopment.
- (2) **Consultant Selection.** The City has selected Otak, Inc. as the "Consultant" that will prepare the Master Drainage Plan, design the Phase 1 Improvements and provide construction support services. The City will be the administrative lead for this project, and will be responsible for the contract with the Consultant. All deliverables and products produced during or as a result of the Consultant's work shall be the property of both the Port and City.
- (3) **Approach; Scope of Work.** This project involves preparation of a Master Drainage Plan for the entire NERA site, including the evaluation of specific stormwater strategies at several locations and identification of Phase 1 improvements. The Phase 1 improvements will provide

## Exhibit 3 - MOA

flow control and runoff treatment for up to 55 acres in the basin and are anticipated to include the following project elements:

1. Two regional infiltration facilities with a total storage area of 3 acre per feet.
2. Two pre-treatment facilities that will precede the infiltration facilities.
3. Two constructed floodplain wetlands with a footprint of approximately 3.5 acres.
4. Approximately 2,300 feet of a shared use trail and linear park to be constructed in connection with floodplain/wetland enhancements along Miller Creek.

This MOA is intended to address only the Master Drainage Plan element of the attached scope of work, which is described in detail under Task B of Exhibit 2.

- (4) **Budget; Cost Sharing.** Monetary participation by the Port at this time is limited to the Master Drainage Plan element of the scope of work (Task B of Exhibit 2). Monetary participation in future elements of the scope of work will be based on costs established in the Master Drainage Plan and on the benefit provided to the Port. A future MOA or other form of agreement will establish the Port's participation in these additional elements of the larger stormwater management project.

A budget of Three Hundred Sixty-Five Thousand Dollars (\$365,000) has been established to complete the Master Drainage Plan. The Port agrees to contribute up to One Hundred Thirty-One Thousand Four Hundred Dollars (\$131,400) of this budget, which represents thirty-six percent (36%) of the total project budget and reflects the Port's percentage of land ownership within the NERA.

The Port agrees to remit monthly reimbursements to the City within thirty (30) days from the receipt of invoices from the City.

- (5) **Schedule.** The City and Port agree to undertake the steps necessary to complete the Master Drainage Plan within the schedule established in Exhibit 2 to the greatest extent possible. Per a meeting between the City and the Port on November 14, 2012, this schedule has been revised to complete the Master Drainage Plan by May, 2013.

### III. Relationship Between The Parties.

- (1) **Good Faith; Representation.** The parties agree to act in good faith when carrying out the terms of this MOA. The parties shall each appoint a representative to facilitate completion of the activities that are subject to this MOA. The representative shall communicate with their principals, develop documents, review consultant work and attend meetings with agencies and interested persons. Those representatives are: Burien Public Works Director and Managing Director, Sea-Tac Airport, or their designees.

## Exhibit 3 - MOA

- (2) **Dispute Resolution (Mediation then Arbitration).** If any dispute cannot be resolved through discussions between the Managing Director and the Public Works Director, then the parties agree first to attempt to settle the dispute in an amicable manner by mediation. The mediator shall be selected by agreement of the parties. All fees and expenses for mediation shall be borne by the parties equally. Each party shall, however, bear the expense of its own counsel, experts, witnesses, and preparation and presentation of evidence.

Should mediation not result in an agreement between the two parties and the Managing Director and the Public Works Director cannot resolve the issue, the parties shall settle the dispute by arbitration administered by the American Arbitration Association Rules and in accordance with the applicable provisions of RCW Title 7. The arbitrator be selected by agreement of the parties. All fees and expenses for arbitration shall be borne by the parties equally; however, each party shall bear the expense of its own counsel, experts, witnesses, and preparation and presentation of evidence.

By agreeing to these conflict resolution procedures, the parties do not waive any legal remedies allowed by any court of competent jurisdiction.

#### IV. Miscellaneous Agreements.

- (1) **Entire Understanding.** This MOA and the exhibits attached to it and incorporated by reference comprise the entire agreement of the parties and supersede any and all prior written or oral agreements.
- (2) **Modification.** This MOA may be amended or modified only by written agreement of the parties.
- (3) **Duration and Termination.** This MOA will remain in effect until the actions required herein are complete, unless otherwise terminated by mutual agreement of the parties. Termination of this MOA shall not result in termination of any other legally binding agreement or action based upon this MOA unless such additional termination is required under the terms of such other agreement or action.
- (4) **Notices provided under this MOA shall be sent to the following addresses:**

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

Port of Seattle  
Post Office Box 68727  
Seattle Washington 98168.  
Attention: Managing Director, Sea-Tac Airport

Exhibit 3 - MOA

(5) Effective date. This MOA shall become effective upon the approval of and signature by the authorized signatories.

**PORT OF SEATTLE**, a Washington municipal corporation

By: *T. Galvitan*  
Its: *CEO*  
Date: *1/29/13*

Approved as to form:

*Traci M. Goodwin*  
Port of Seattle Attorney

**CITY OF BURIEN**, a Washington municipal corporation

By: *Maryjo J. Andrews*  
Its: *Public Works Director*  
Date: *Jan 31, 2013*

Approved as to form:

*Craig D. Krutman*  
Burien City Attorney

**EXHIBIT 1--MAP**

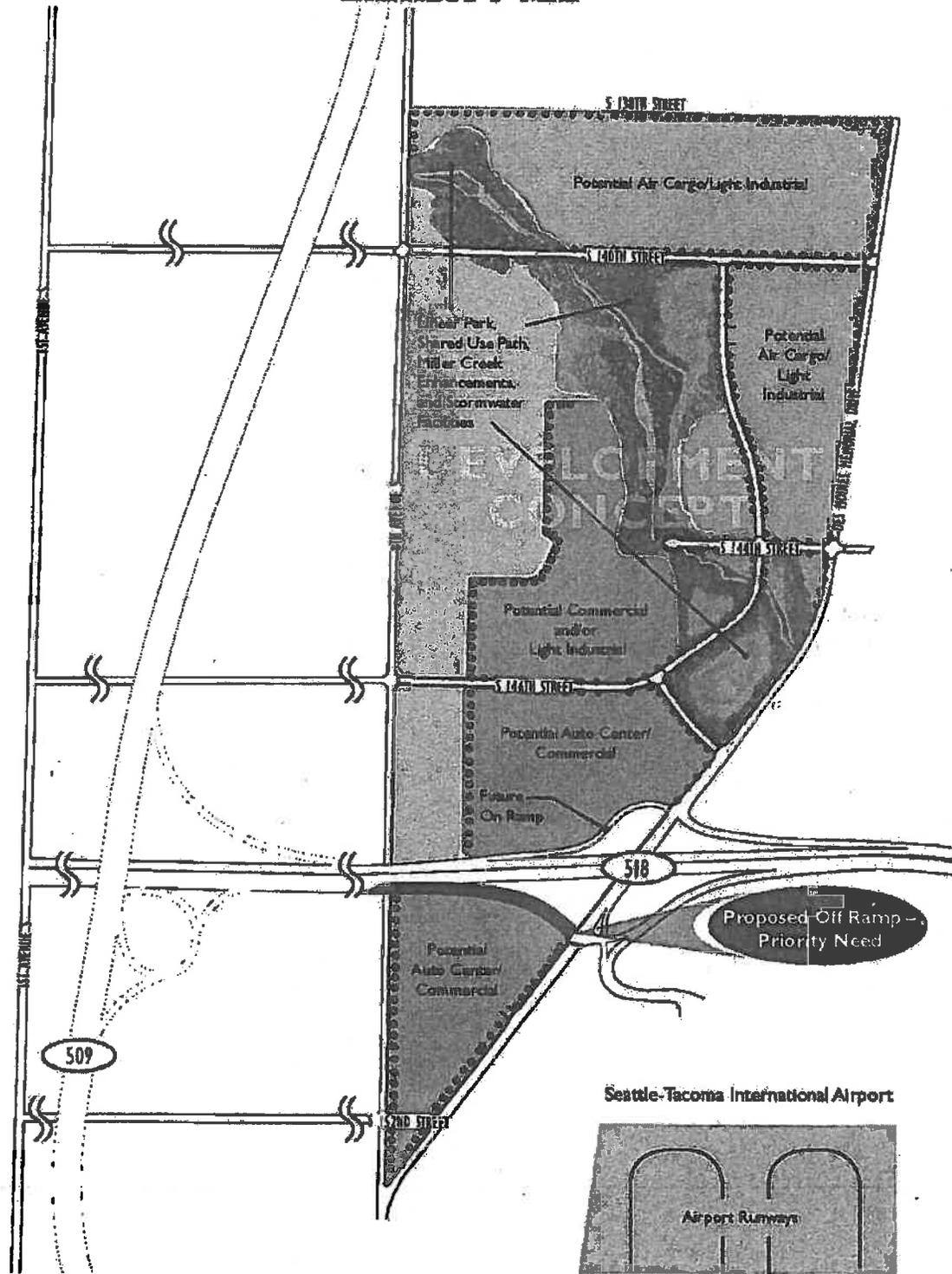


Exhibit 3 - MOA

**EXHIBIT 2**  
**Scope for Otak, Inc on**  
**NERA Master Drainage Plan**  
**and Phase 1 Implementation**

## Exhibit 3 - MOA

## NERA Master Drainage Plan and Phase 1 Implementation

August 13, 2012

### Project Summary

This project builds upon the Northeast Redevelopment Area (NERA) Redevelopment Plan and Implementation Strategy (Redevelopment Plan), prepared by Otak for the City of Burien and Port of Seattle and finalized in April 2010.

The 158 acre NERA site is located in Burien and is bounded by South 138<sup>th</sup> Street to the north, 8<sup>th</sup> Avenue South to the west, and Des Moines Memorial Drive South to east and south. The Miller Creek corridor bisects the NERA from the northwest (upstream) to the southeast (downstream), see attachment A.

This project (Project) will complete a Master Drainage Plan for the entire NERA site and Phase 1 Implementation for the project elements listed below and is intended to provide flow control and runoff treatment for up to 55 acres in the basin.

Phase 1 Project elements include:

1. Two regional infiltration facilities with a total storage area of 3 acre-feet.
2. Two pre-treatment facilities that would precede the infiltration facilities.
3. Two constructed floodplain wetlands with a footprint of approximately 3.5 acres.
4. 2,300 feet of shared use trail and linear park, and Miller Creek channel and floodplain wetland enhancements along Miller Creek.

#### Summary of Project Implementation Activities and Costs:

##### Construction Costs:

Stormwater Facilities	\$2,625,000
Stream and Wetland Restoration (0.5 acres)	\$150,000
Greenway Trail (2,300 feet)	<u>\$350,000</u>
Total Construction Costs	<u>\$3,125,000</u>

##### Consultant Costs:

Project, Stakeholder, and Public Coordination	\$155,000
Master Drainage Plan	\$365,000
Phase 1 Design and Permitting	\$550,000
Phase 1 Construction Support Services	<u>\$295,000</u>
Expenses and Subconsultant Fees	\$160,000
Contingency	<u>\$100,000</u>
Total Consulting Fees	<u>\$1,625,000</u>

<b>Total Implementation Cost</b>	<b><u>\$4,750,000</u></b>
----------------------------------	---------------------------

**Summary of Consultant Tasks and Schedule**

**Task A: Project, Stakeholder, and Public Coordination**

**(June 2012 through November 2013)**

Task A1—Project Status Reporting

Task A2—Stakeholder Coordination

Task A3—Public Involvement and Outreach

Task A4—Quality Assurance and Control (QA/QC)

**Task B: Master Drainage Plan**

**(August 2012 through January 2013)**

Task B1—Review Available Data, Maps, and Reports

Task B2—Geotechnical Preliminary/Baseline Site Characterization

Task B3—Environmental Site Characterization

Task B4—Pre-construction Baseline Monitoring

Task B5—Preliminary Hydrologic/Hydraulic Analyses & Design

Task B6—Schematic Design of a Preferred Concept

Task B7—Master Drainage Plan (MDP) Report (Draft/Final)

**Task C: Phase 1 Design and Permitting**

**(November 2012 through May 2013)**

Task C1—Surveying

Task C2—Geotechnical Investigation for Final Design

Task C3—Final Hydrologic/Hydraulic Analyses & Design

Task C4—Preliminary (60 percent) Construction Documents

Task C5—Permit Preparation and Regulatory Coordination

Task C6—Final Construction Documents

Task C7—Advertisement and Bid Support Services

**Task D: Phase 1 Construction Support Services**

**Schedule A – In- channel Stream Corridor Work (April 2013 through September 2013)**

**Schedule B – Stormwater Management Facilities Work (July 2013 through May 2014)**

Task D1—Construction Support Services

## Detailed Scope of Work

### Task A: Project, Stakeholder, and Public Coordination

#### *Task A1—Project Status Reporting*

##### *Task A1.1 Project Work Plan*

Otak will develop a project work plan. This plan will include project instructions, overall project schedule, meeting schedules, and staffing plan. The project instructions will provide team members with project information including the goals of the improvements, required degree of detail, deliverables, and milestone dates.

A project schedule will be prepared and updated as required to reflect completed tasks, milestones, and other changes in task efforts. A milestone calendar will also be prepared and maintained to document important project activities such as consultant deliverable due dates, scheduled meetings and presentations, and City submittal review schedules.

##### *Task A1.2 Project Coordination with the City of Burien*

Otak, in concert with the subconsultant team, will manage and coordinate the execution of this project in partnership with the City of Burien. Otak will work closely with the City project manager and staff in establishing and maintaining communications throughout the duration of the project. Otak will document, and keep the City project manager well-informed of project progress, unanticipated design issues, and issues requiring decisions and direction from the City.

Project coordination will be through formal and informal communications between the City project manager and Otak's project manager. The Otak team (including subconsultants) is responsible for documenting and coordinating project decision making through this process.

Project progress coordination meetings are expected to occur on a monthly (every four weeks) basis. Otak will prepare agendas and meeting notes as appropriate for coordination, and generally assist the City to schedule meetings, reviews, and other project support activities over the anticipated 18-month duration of work. This task includes up to 18 meetings with the City including a project kick-off meeting, and coordination meetings, and coordination phone calls and email with the City's project manager.

##### *Task A1.3 Design Team Progress Review*

Otak will coordinate, direct and supervise internal team members to ensure successful collaboration and completion of design documents and other services provided. A series of two-hour meetings will be held involving the core team on the project that allow the interdisciplinary team to work together to analyze conditions within the project area and keep the project moving forward. These meetings will be held on a monthly basis, and also when conditions require that all team members collaborate to arrive at solutions to meet the project goals. Up to 18 meetings are anticipated that will typically involve the project manager and principal-in-charge from Otak. The meetings may

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involve others from the team, who would charge their time to the technical work task they are involved in at the time (and not to this task). Otak will prepare meeting agendas and will retain notes to the file from these meetings.

A kickoff meeting will be held at the start of the project to underscore each team member's objectives and goals. Otak will lead the discussion in project approach, design criteria, environmental permitting as well as the design schedule implications to all team members.

Otak will coordinate and manage subconsultants and direct them as necessary to ensure the timely, seamless integration of their data and work products. Otak will review and monitor subconsultants' scope activities, budget expenditures, and design schedule commitments.

Otak will perform quality control review of deliverables prepared by the team prior to submittal to the City.

### *Task A1.4 Project Monitoring and Reporting*

Otak will assist the City in preparing quarterly reports for the Department of Ecology. These reports will be prepared to meet the requirements of the Department of Ecology grant and shall include cash flow estimates and projections, as well as construction schedule information.

Otak will document all design criteria, significant findings, and determinations made throughout the project. Otak will prepare a monthly project status report in conjunction with invoicing with sufficient detail to reflect progress over the last billing period and anticipated activities over the next billing period. The status report will also list issues that have arisen and plans to resolve them. Otak will coordinate with subconsultants to ensure timely receipt of invoices and make sure they contain sufficient detail to document progress.

Otak will prepare a draft project completion report for Department of Ecology's review and comment, and a final project completion report which addresses any changes requested by Department of Ecology. Up to five copies of the final project completion report will be supplied by Otak.

### *Task A1 Deliverables*

- Department of Ecology quarterly reports including cash flow estimates and projections, and updates on construction schedule.
- Project work plan and schedule.
- Staffing plan and updates; pdf via e-mail.
- Project schedule and updates; Gantt and milestone formats.
- Monthly progress reports and billing statements; one hard copy via US mail, and one soft copy via email.
- Weekly phone calls and/or emails and monthly reports to the City's project manager
- Phone call records/notes to the file.
- Agendas and meeting notes for meetings with City representatives.
- Agendas and meeting notes to the file for core team meetings.

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- Project Completion Report (Draft and Final)

### *Task A1 Assumptions*

- The budget is anticipated to be for the duration of 18 months.
- Up to 18 meetings with City representatives and up to 18 core team meetings are assumed and would involve up to three team members at each.
- Weekly communications between the City project manager and Otak's project manager is estimated as a combined duration of two hours per week.
- Monthly project progress coordination meetings at City hall will not exceed two hours.
- Project schedules will be updated monthly.

### *Task A2—Stakeholder Coordination*

#### *Task A2.1 Two City Council Workshop Sessions and Support with Briefings to Planning Commission and City Council*

Prior to the kick-off of the project, Otak will prepare a PowerPoint presentation of the proposed project to support City staff in an informal briefing to City Council to present the project and Otak's Scope of Work.

The Otak team will assist City staff in coordinating, providing materials for, and will attend a City Council workshop session once design concepts and options have been prepared and evaluated to present to City Council and obtain comments and input. The timing of this workshop is recommended to occur after stakeholder and public meetings, so that City Council has the opportunity to hear comments and input received from stakeholders and the public as part of the workshop. The project information sheet can be a hand-out/tool for these briefings.

Otak will support City staff in informal briefings to the City Council (and to the Planning Commission, if necessary) to report on project status moving forward, including the preferred design option moving into the next phase of design and permitting. The updated project information sheet can be a hand-out/tool for these briefings.

#### *Task A2.2 Coordination with Key NERA Stakeholders and Property Owners*

Core members of the project team and City staff will meet with representatives from the Port of Seattle and other NERA stakeholders and property owners to discuss the regional stormwater facilities project and present various options and concepts being considered and document comments and input received. Six meetings are planned:

1. One at the beginning of the project to kick-off the project with stakeholders and property owners;
2. One near the mid-stage after design concepts and options have been developed and evaluated (to present them and gain input);
3. One near the completion of the Draft Master Drainage Plan (Task B7) to present the preferred option moving forward into more detailed design.

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4. One after the completion of Phase 1 Design Development (Task C) to present a more detailed design moving forward and report the number of acres of development that can be serviced by the plan and the preliminary opinion of implementation cost of the facilities.
5. One after completion of Phase 1 construction documents (Task D) to present the final design and engineer's construction cost estimate going to bid.

### *Task A2 Deliverables*

- Preparation of PowerPoint presentation and coordination for the two City Council workshops.
- Presentation (digital media and set of boards) building on presentation materials developed under Task A2.1.
- Otak team will prepare a special hand-out summarizing the potential need for new City Code/ordinance provisions related to Low Impact Development (LID) in the NERA; this will be an important element and focus of discussion at the City Council workshop presentation.
- City Council workshop agenda and summary memorandum documenting comments and input received.
- Six stakeholder presentations (digital media and/or sets of boards).

### *Task A2 Assumptions*

- Two people from Otak will attend the two City Council workshops session (assumes four hour meeting with travel time).
- One person from the Otak team will coordinate with City staff to prepare for and will attend the briefings to Planning Commission and City Council (six briefings anticipated, assuming three hours each including travel time).
- Meeting agendas and meeting notes (as documentation to the file).

### *Task A3—Public Involvement and Outreach*

#### *Task A3.1 Development of a Project Information Sheet and Project Communications, Including Webpage Information*

Otak will develop a project information sheet and update the sheet one time toward the end of Task A. The project information sheet will be a color double sided 8-1/2 x 11 inch newsletter style sheet. It will provide information about the project such as schedule, website link, who to contact for more information, and status information as the project progresses.

A designated Otak team member will support City staff with project related communications, such as articles for the City newsletter and media relations during this phase of the project. This task assumes a certain number of hours per month for this assistance.

Otak will provide project information and work with City staff and the webmaster to create a project-specific webpage where project information can be posted for public viewing. Website information will be updated periodically throughout the project, with electronic files and images being provided by Otak to the City's webmaster for posting.

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### *Task A3.2 Public Meetings*

Otak will coordinate a public meeting, working jointly with City staff where design concepts and options from Task B6 will be presented to the public for comment and input. The timing of this meeting is anticipated to occur after initial concepts and design options have been developed and evaluated, but before a decision is made related to the preferred design option and before the 60 percent design (Task C) is completed for the preferred design options.

### *Task A3 Deliverables and Assumptions*

- Preparation and coordination of meeting logistics, working with City staff to schedule meeting and prepare meeting notices and post card mailing – assumes Otak will provide 500 copies of postcard that City staff will bulk mail.
- Meeting sign in sheet, hand-out materials, and comment form.
- Two people from Otak will attend the meeting (assumes three hours including travel time).
- Presentation material (digital media and set of boards).
- Meeting agenda and summary memorandum documenting comments and input received at the public meeting.
- Project information sheet (8-1/2 x 11 inch color, double sided) and one update toward end of Task A; 300 printed copies of each and electronic pdf copy for website posting.
- Newsletter articles and press releases and general communications support, assuming a level of two hours of senior staff time and four hours of junior staff/graphics time per month during this phase.
- General support to City staff with project-specific webpage; assumes initial three-hour meeting (with travel time) and two hours of senior staff time and two hours of junior staff time/graphics time per month during this phase.
- Website will be updated up to four times.

### *Task A4—Quality Assurance and Control (QA/QC)*

The project work will receive quality checks at appropriate junctures in the progress of the work. Specifically, the design plans, cost opinions, permitting documents, technical memoranda, and reports will be reviewed by at least one senior design team member with knowledge of the subject matter and by Otak's Project Manager or Principal in Charge.

QA/QC will be required for approximately 75 plan sheets, specifications, and cost opinions for three submittals, 24 right of way and easement exhibits, five permit documents, two technical memoranda, and the Preliminary Design Report.

## **Task B: Master Drainage Plan**

### *Task B1—Review Available Data, Maps, and Reports*

Otak staff will review available field data, maps, and reports for work done at or near the NERA site, or for the Miller Creek Basin. Otak staff has previously reviewed these reports and prepared some of them, thereby streamlining review efforts for the project. Following is a partial list of documents to be reviewed:

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- Hydrologic Analysis of Miller and Walker Creek Watersheds to Identify Watershed –Specific Stormwater Treatment Standards, MGS Engineering Consultants, February 12, 2009
- Miller and Walker Creek Basin Plans, King County, February 2006
- NERA Final SEIS, EDAW, November 2002
- NERA Draft and Final SEIS, Otak, November 2009
- Draft Miller Creek Greenway Enhancements and Sub-regional Stormwater Facilities Technical Analysis, Otak, December 18, 2009
- Draft NERA Redevelopment Plan and Implementation Strategy, Otak, February 2010
- Burien NERA Critical Area Study, Otak, March 11, 2009
- Recommendations, Miller and Walker Creeks Basin Monitoring Coordination, King County website, June 29, 2009
- Overview of Stream Health and Recent Monitoring Results, Miller and Walker Creeks Basin, King County Website, September 24, 2008
- Miller Creek, Fish/Habitat Relationships, Measures, Analysis and Report using the U.S. Forest Service Scientific Method of Stream Survey, Andy Batcho, Trout Unlimited Volunteer, January 2009

### *Task B1 Deliverables*

- List of background reports and data available for team review

### *Task B1 Assumptions*

- During the kick-off meeting, the City will provide any additional reports or background information (beyond those listed above) that the team should review.

### ***Task B2—Geotechnical Preliminary/Baseline Site Characterization***

The purpose of GeoEngineers. Inc. (GEI) services in this task is to review and compile available subsurface information and complete explorations (test pits) to provide a basis for establishing baseline subsurface soil and groundwater information and help develop preliminary geotechnical recommendations for the project.

#### *Task B2.1 Data Review and Research*

GEI will review geologic maps and available geotechnical reports in the City's and their database and make these reports available to the Otak project team. GEI will conduct a geotechnical reconnaissance to evaluate the surficial ground conditions and slope stability and to select locations for explorations.

#### *Task B2.2 Subsurface Soils and Groundwater Exploration*

##### 1. Field Locate Test Pits

GEI will complete a site visit to locate the test pits and meet with utility representatives. GEI will contact the One Call Utility Locate Service before beginning explorations and hire a private utility locate company to check the exploration locations for utilities. Otak will survey and map the location of up to 40 test pits using survey grade equipment.

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### 2. *Geotechnical Exploration Plan*

GEI will prepare an exploration plan for proposed explorations. This information will be submitted to Otak and the City in order to obtain necessary rights-of-entry and permits, if required. The exploration plan will identify proposed exploration locations, anticipated exploration depths, types of equipment, surface restoration methods and traffic control measures developed in accordance with Manual of Uniform Traffic Control Devices standards (in place at time of project), as applicable.

### 3. *Subsurface Soils and Groundwater Exploration*

GEI will explore subsurface soil and groundwater conditions by completing test pits across the site. Test pits will be completed using either a trackhoe or backhoe. Explorations will consist of:

- 40 test pits throughout the site.

### 4. *Coordination and Communication with Agencies*

This subtask includes coordination and communication with the agencies as follows:

- GEI will prepare permit applications on behalf of the City of Burien if required. The City of Burien will coordinate property entry permissions for the geotechnical tests.
- GEI will contact the Washington Utilities Coordinating Council, One Call service to locate utilities at the proposed exploration locations. GEI will also request the assistance of the project team and the City of Burien to help identify any underground utilities to be avoided.
- GEI will hire an experienced earthwork contractor to supply and operate the track-hoe (or backhoe) to complete the test pits. Traffic control services, including flaggers and signs, will be required to complete all the explorations in the road areas.
- The test pits will be observed by a geotechnical engineer or geologist from GEI who will classify the soils encountered, obtain representative samples of the various soils, and develop detailed logs of each exploration. The samples will be sealed and transported to GEI laboratory for reexamination and testing. The explorations will be located in the field by pacing or tape measurement from existing site features. Using these techniques, the locations of the test pits will be established for presentation on a site plan which will be provided by the project team.
- The test pits will be backfilled with the soil derived from the excavations, and the backfill tamped in place with the backhoe bucket and smoothed. The backfill cannot be compacted to a density consistent with structural fill using the backhoe; therefore, the backfill may need to be removed and recompacted during site development, depending on location. The work areas will not be revegetated and evidence of the ground disturbance may remain following the work.

*Task B2.3 GEI Office Engineering and Management—GEI will complete the following office engineering and management tasks:*

#### 1. *Laboratory Test on Collected Samples*

GEI will perform laboratory tests on samples obtained from the explorations. The laboratory tests may include moisture content, Atterberg Limits, full sieve analyses and grain size analyses (minus 200 sieve), as appropriate.

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### 2. *Analyze Soil Characteristics*

GEI will evaluate pertinent physical and engineering characteristics of the soils based on the results of the field exploration, laboratory testing and their experience.

### 3. *Evaluate Preliminary Infiltration Rates*

GEI will evaluate preliminary estimates of soil infiltration rates based on the sample sieve analyses and published correlations.

### 4. *Review Stormwater Management Practices with Project Team*

GEI will prepare a brief memorandum that describes their recommendations related to alternative stormwater management practices, including detention and infiltration facilities, flood plan wetlands for water quality treatment, and application of low impact development (LID) practices and available techniques and will meet with the project team to review these recommendations.

### 5. *Preliminary Recommendations for Infiltration Vaults, Floodplain Berm, and the Greenway Trail*

GEI will provide preliminary geotechnical recommendations for two infiltration facilities and berm with greenway trail. Geotechnical characteristics to be provided include preliminary bearing capacity for structural design of foundations, shoring and dewatering considerations, preliminary slope design, and infiltration rates. Otak will then incorporate these preliminary recommendations into the conceptual design.

### *Task B2.4 Draft Geotechnical Baseline Report*

GEI will prepare a baseline report presenting a summary of baseline subsurface soil and groundwater information, discussion of preliminary geotechnical considerations and recommendations together with detailed exploration logs, site plans and other supporting information. A preliminary draft report will be issued for review by Otak and revised based on comments. A draft report will then be provided to the City for review and the report will be finalized following receipt of review comments.

### *Task B2.5 Final Geotechnical Baseline Report*

GEI will finalize the Draft Report following receipt of review comments from Otak and the City.

### *Task B2.6 GEI Meetings and Coordination with the Project Team*

GEI will provide consultation and attend meetings. This subtask assumes one representative from GEI will meet with Otak twice during this phase of work (each meeting to last approximately four hours including travel time) and up to four phone conversations of approximately one hour each. Other coordination time (such as involving email or other phone calls) will be covered under other tasks as part of the technical work on the project.

### *Task B2 Deliverables*

- Preliminary draft (for Otak review), final draft (for City review) and final Geotechnical Engineering Report including:

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1. Site cross-sections with stratigraphy
2. Test pit logs with location maps showing exploration location
3. Surficial geology map and information
4. Preliminary information on groundwater levels observed in the test pits.
5. Preliminary information on infiltration feasibility at locations of proposed infiltration facilities.
6. Preliminary information on infiltration feasibility at locations of proposed LID measures.
7. Proposed mitigation measures, if necessary.

### *Task B2 Assumptions*

- The City of Burien will coordinate property entry permissions as required for the geotechnical tests.

### *Task B3—Environmental Site Characterization*

#### *Task B3.1 Update Critical Areas Study*

Otak prepared a Critical Areas Study (CAS) for the Burien NERA site, dated March 11, 2009. The 2009 CAS included upland plant assessment, wetland delineation, wetland characterization, wetland functions assessment, and a wetland ratings and buffer assessment for the wetlands adjacent to the stream corridor. The 2009 CAS included an assessment of stream channel conditions including ordinary high water delineations and a reach by reach channel characterization, and a stream rating and buffer assessment. Otak will update the CAS to characterize existing conditions in project areas not included in the 2009 CAS and incorporate any additional field data collected on Miller Creek and associated riparian and wetland areas.

The project geomorphologist (Shane Cherry) will review the updated CAS, supported by the additional geotechnical data collected (Task B2) and the Biological Assessment (Task C5), if needed. GEI will provide comments to Otak, along with recommendations for additional investigations (ground water seeps, hillside slope stability, etc.) that may be necessary. This task will include one site visit.

#### *Task B3 Deliverables*

- Updated Critical Areas Study (Otak)

#### *Task B3 Assumptions*

- The City of Burien will obtain property entry as required for the additional site assessments

### *Task B4—Pre-construction Baseline Monitoring*

Otak will provide baseline monitoring to characterize existing/pre-development surface water flow rates in Miller Creek, and seasonal ground water level fluctuations and water quality levels along Miller Creek. The baseline water quality monitoring is an important part of the Master Drainage Plan, as it will establish a baseline of conditions against which subsequent monitoring results will be compared. These comparisons will then be used to determine if the project is functioning as

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anticipated and if any adaptive management actions are required to refine or enhance functions. Otak will provide up to one year of pre-development baseline monitoring, including at least one full winter of recorded conditions, using the procedures listed below.

### *Task B4.1 Stream Flow/Channel Monitoring*

Stream hydrology monitoring will be used to verify the accuracy of the project's hydrologic model, an important element in demonstrating that the project will not increase flows leaving the NERA site, or result in worsening downstream conditions in terms of flooding, stream channel stability, and/or stream and wetland habitat conditions. Monitoring data collected will be added to the stream data used to calibrate the hydrologic model used for the Miller/Walker Creek Geomorphic and Hydraulic Analysis, as part of Task B5.2.4.

#### *Task B4.1.1 Gage Installation*

Otak will install two continuous-reading gages with automatic data loggers, one at the upstream end of the project and the other at the downstream end of the project. These gages will record water temperature and stream stage in 15 minute increments and will be accurate to within 0.01 feet (USGS standard). In addition to the water level recorders, flood crest recorders will be installed near the two water level recorder to calibrate and verify the data reported from the recorder.

#### *Task B4.1.2 Channel Surveys*

Monumented stream cross-sections will be installed and surveyed at each gage location in order to determine pre-development, as well as subsequent stream discharge. The cross-sections will be located in reaches that are relatively free of flow obstructions and that have a low degree of sinuosity. Rod points will be surveyed in two-foot increments. The channel center line will also be surveyed 100 feet upstream and downstream of the gage sites at changes in alignment and reach elevations at increments not to exceed 25 feet along the deepest part of the channel. Scientific staff will accompany the survey crew during these visits to make observations regarding the geomorphic and habitat conditions of the channel at each of the surveyed locations.

Otak will also measure stream velocity at the monumented stream cross-section locations. Stage measurements will be collected from the monumented cross-sections and converted to measurements of discharge by multiplying the channel area by the velocity of the flow, allowing for development of channel rating curves. The flow velocity will be measured in the monumented cross-sections using an electromagnetic flow meter. Measurements will be made during summer base flow conditions and during spring/fall flow conditions.

#### *Task B4.1.3 Baseline Stream Water Quality Monitoring*

Otak will install water quality instream sampling sites in Miller Creek, at the two stream gage stations site established in Task B4.1.1, upstream and downstream of NERA development. The upstream station will provide background water quality and the downstream site will represent influences from the NERA site.

Otak will monitor stream baseflow and storm flow for water chemistry parameters; Nutrients (TP), Dissolved Oxygen, Physical (Temp, pH, conductivity), and metals; and perform biotic community

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assessment. Otak will prepare a QAPP (Quality Assurance Project Plan) for the baseline monitoring.

### *Task B4.2 Baseline Ground Water Monitoring*

Monitoring wells will be installed in 11 of the borings to be completed during the geotechnical investigation for final design Task C2. These will include the borings at the stormwater wetland sites and at the infiltration vault sites.

#### *Task B4.2.1 Ground Water Level Monitoring*

Monitoring ground water level fluctuations will establish the suitability of a location to install and support the hydroperiod for a constructed wetland, and establish some design parameters in the wetland design based on water supply.

GEI will install eleven continuous-reading gages with automatic data loggers, at each of the monitoring wells installed by GEI as part of Task C2. These gages will record ground water level fluctuations in 15 minute increments and will be accurate to within 0.01 feet (USGS standard).

#### *Task B4.2 Deliverables*

- GEI will download the monitoring well dataloggers quarterly for a year and summarize the data at each reading interval.
- Otak will obtain hydrologic data from Miller Creek and ground water levels adjacent to Miller Creek documented on a monthly basis in a field log kept as part of the project record.
- Otak will field survey cross-sections (topographic data and mapping) documenting channel dimensions at two gage sites.
- Otak will prepare a QAPP (Quality Assurance Project Plan) for the baseline monitoring.

#### *Task B4.2 Assumptions*

- GEI will obtain all continuous-reading gages/transducers and data loggers for the project. These dataloggers will become the property of Burien.

#### *Task B4.2.2 Ground Water Quality Monitoring*

Otak will collect water quality samples at the four (4) ground water sampling wells established in Task B2.2, to determine potential pollutant transport to groundwater. We will test for the following water chemistry elements, three times during winter: Nutrients (TP, SRP, TSS, TN, NH<sub>3</sub>, NO<sub>2</sub>+NO<sub>3</sub>), pH, fecal coliform, pesticides, metals.

#### *Task B4.3 Monthly Inspections and Collection of Water Level Gage Data*

Otak will field check all water level gages (stream and ground water) on a monthly basis to check that they are recording properly, to download monthly data, to update the channel survey, and update the channel rating curve. Otak will document results in a field log specific to the project.

#### *Task B4 Deliverables*

- Hydrologic data from Miller Creek and ground water levels adjacent to Miller Creek documented on a monthly basis in a field log kept as part of the project record

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- Field surveyed cross-sections (topographic data and mapping) documenting channel dimensions at two gage sites

### *Task B4 Assumptions*

- The City will purchase all continuous-reading gages/transducers, data loggers and water quality samplers for the Project.

### *Task B5—Preliminary Hydrologic/Hydraulic Analyses & Design*

The basin hydrology, stream channel hydraulics, storm drain conveyance and detention system will be modeled using software that provides hydrology and hydraulic flow routing. Software and modeling approach used will be consistent with other basin modeling efforts. The goals of the hydrologic/hydraulic analyses are to use the modeling results to accomplish the following:

- To design infiltration vaults, and/or constructed wetlands and associated conveyance system to serve new development within the sub-basins.
- To demonstrate that flow durations will be maintained at the outlet of the NERA sub-basin and selected downstream points-of-compliance. The points-of-compliance will be selected in coordination with the City.
- To demonstrate that existing flooding along Miller Creek from the point of new development to the outlet of the basin is not aggravated and that new flooding is not created due to new impervious areas or construction activities of the anticipated new development.

### *Task B5.1 Hydrologic Models*

#### *Task B5.1.1 Existing and Future Land Use HSPF based Hydrologic Model*

This task is to develop a continuous hydrologic mathematical model, as opposed to a single event model, using the EPA's Hydrologic Simulation Program in Fortran (HSPF) to simulate site hydrology and size stormwater facilities. Output data will be used as hydrologic input into the hydraulics model proposed in Task B5.1.2.

HSPF is the computational engine in MGS Flood and WWHM; for scoping purposes Otak proposes to use MGS Flood for this project, but WWHM or HSPF could also be used at no additional cost to the City. MGS Flood has additional tools built into it that assist the user to manipulate an HSPF input file and to quickly analyze and size stormwater facilities, including Low Impact Development (LID) facilities. MGS Flood runs can easily be input directly into a calibrated watershed HSPF model and rerun, to verify the effects downstream of a project area.

Otak proposes to model the NERA site model with updated land coverage based on current (2009) and satellite images obtained from the USGS, updated stage/storage/discharge tables (F-tables), and refined sub-basin boundaries within the NERA site as described in the tasks below. Future land use will be based on the land uses identified in the Redevelopment Plan.

Otak proposes to use satellite imagery available (in place at time of project) and process that data using the ERDAS software to update land cover for the Miller Creek basin. The ERDAS can filter

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the satellite images into land coverages that include conifer and deciduous trees, water bodies, impervious areas, and grass/open spaces.

F-tables will be based on the hydraulic models used for the project, basin boundaries will be updated to reflect the proposed sub-basin boundaries.

### *Task B5.1.2 LID Flow Reduction Feasibility Analysis*

Otak will evaluate the LID effectiveness on a basin-wide scale to identify LID concepts that fit into the context of the project area, and to check that these concepts are consistent with the City's adopted plan and policies, including the NERA Redevelopment Plan and Implementation Strategy. Otak will begin the technical feasibility analysis of using LID techniques as a part of the stormwater management strategy, by incorporating the site geotechnical characteristics defined by GEI into the site hydrologic models (Task B5.1.1) and hydraulic analyses (Task B5.2.1).

Specifically, the analysis will determine the reductions in flow control detention volumes that can be achieved by implementing regulations and incentives that would use LID techniques in the project area, and therefore reduce the cost of regional stormwater facilities. The analysis will be site-specific relative to the vision and development concepts in place for redevelopment of the NERA site. Techniques such as porous pavement, bioretention, roof infiltration and green roofs, rain gardens, filter systems, infiltration galleries, and others will be evaluated by type of redevelopment including public rights-of-way, public open space including parks, and areas of private development (mixed use, office campus). The feasibility of LID for each of these types of development will be evaluated based on the water quality benefits along with their ability to reduce detention volumes and costs. The feasibility of LID for each strategy will also be evaluated based on community benefit, public visibility, and other opportunities to enhance the NERA site.

Otak will provide technical review of existing and proposed stormwater management practices and provide recommendations for specific LID measures that should be administered through City ordinances. This work will involve a review of Department of Ecology practices (adopted at time of project) and emerging LID practices for stormwater management.

### *Task B5.2 Hydraulic Analyses*

Otak will analyze the hydraulic performance of the proposed conveyance systems, stormwater detention facilities, wetlands, and Miller Creek.

#### *Task B5.2.1 Analyze Stormwater Wetlands and Infiltration Facilities*

Otak will use the updated hydrologic model to size stormwater detention facilities and their associated conveyance pipes to optimize the use of available land within the NERA site.

The design objective will be to meet the full treatment requirements for the proposed new development in up to five sub-regional treatment facilities. This approach effectively uses the available land on the site, optimizing its use for flow control or detention. It is anticipated that the stormwater management plan will consist of pretreatment and infiltration facilities providing treatment during lower flow events. Higher flow events will overflow and be treated in stormwater

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wetlands, which will be inundated for relatively short periods of time (24-48 hours) before discharging to Miller Creek. Facilities will be sized in coordination with channel improvements in Task B5.2.4.

The following specific assumptions were made for this task:

- A model of the basin under existing conditions and new ultimate build-out development conditions will be created. The new development scenario will include the proposed constructed wetland detention facilities, infiltration facilities, along with onsite LID facilities, including natural flow attenuation from restored floodplain storage, where feasible and practical.
- Flow durations at selected points of compliance and at the outlet of the NERA will be evaluated so that the proposed stormwater and surface water management improvements provide adequate mitigation for the proposed new development. The analysis will be within 10 percent of meeting the duration criteria and will be finalized during 60 percent design.
- Stormwater detention standards for the stormwater facilities design will be based on the 2009 King County Stormwater Design Manual (2009 SWDM) as adopted by the City of Burien.

### *Task B5.2.2 Analyze Stormwater Quality Treatment Facilities*

The hydrologic models will be used to size water quality treatment facilities for the NERA site improvements, along with equations and procedures in the 2009 SWDM. Enhanced treatment is required in the basin to meet the 2009 SWDM water quality standards to address stormwater runoff from commercial/industrial land within fish bearing drainages. To meet this requirement the use of constructed wetlands, LID measures such as rain gardens, sand filters and/or Filterra© filters are proposed.

### *Task B5.2.3 Size the New Stormwater Trunkline Conveyance Systems (Hydraulic analysis of the flow splitter and overflow conveyance system)*

Otak will analyze the hydraulic performance of the proposed trunkline conveyance storm drain systems, including backwater effects from stormwater facilities and Miller Creek, using XP-SWMM.

The model will be set up for the existing and proposed storm drain system. The model will be run for the existing facilities and with the new storm drainage system in place under existing and future land use conditions. Hydrological input will be imported from the HSPF analysis (Task B5.1.3). The 6-month, 2-year, 10-year, 25-year, and 100-year design peak flows will be modeled using XP-SWMM software under future land use conditions (i.e. ultimate build-out).

The results of the modeling effort will be used to identify the proper size and location of drainage system components and to identify potential problem areas within the drainage basin aggravated or created by the new development. The results will be exported or linked to the hydraulic models of the stormwater detention facilities to analyze appropriate backwater conditions (Task B5.2.1).

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### *Task B5.2.4 Analyze and Size Miller Creek Channel and Floodplain*

Preliminary stream channel assessment and background research was conducted and submitted in March 2009, by Otak. This task will re-evaluate documented conditions at referenced locations to note changes in erosion-prone reaches and to identify sediment sources that may be mobilized as a result of replacing undersized culverts with larger fish passage culverts or bridges.

A hydraulic analysis of the existing Miller Creek channel will be carried out using the U.S. Army Corps of Engineers HEC-RAS computer modeling software. This analysis will provide information on flooding characteristics under existing conditions, the flow capacity of the channel, and backwater caused by existing stream crossings. The modeling will be based on survey information at the stream crossings and representative cross-sections between stream crossings. This level of detail will allow a planning level understanding of existing hydraulic conditions and the evaluation of design alternatives. The HEC-RAS model will be refined with additional detail in Task C to support the detailed design efforts. Results of the hydraulic modeling will be used to update the HSPF F-tables to refine the evaluation of the existing storage characteristics of the channel and floodplain system through the study reach.

Based on input from the stream channel assessment and hydraulic evaluations, various design alternatives for restoring the channel through the project reach will be developed. Goals of the design will include improvement of aquatic habitat conditions, better connectivity of the channel with the adjacent floodplain areas, stable channel conditions, and maintenance of the flood storage characteristics of the reach under design conditions. Hydraulic modeling of the various design alternatives will be carried out to check that the design goals are being met. The storage characteristics of the reach will be modeled by using the hydraulic results to update the HSPF F-tables.

### *Task B5 Deliverables*

- Updated hydrologic and hydraulic models
- A technical memorandum for each hydrologic and hydraulic analysis, to be integrated into sections of the project Master Drainage Plan.
- A technical memorandum will be submitted (three hard copies and electronic file), describing the LID analysis and the conclusions reached. Recommendations for possible LID applications and related potential code revisions to implement LID techniques in the NERA sub-basin will be provided as appropriate. The technical memorandum will discuss costs associated with implementation by developers of various LID techniques and comparison of those costs to address the related flows in a sub-regional facilities.

### *Task B5 Assumptions*

- The City will obtain right-of-entry from property owners for the stream channel assessment.
- The stream channel assessment will be limited to the NERA site extending 200 feet upstream of the 8<sup>th</sup> Avenue south crossing and 200 feet downstream of the NERA site and will consider information from the Miller Walker Creek Geomorphic and Hydraulic Analysis prepared by King County.

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### ***Task B6—Schematic Design of a Preferred Concept***

The intent of this task is to evaluate various concepts and design options, provide planning level cost estimates, and culminate in a preferred direction/approach for the project. Generally, this task will produce plans that identify the location, size and type of improvement with detail sufficient to assess the primary project elements. A technical memorandum will summarize the design recommendations and costs for all project elements.

The preferred alternative in the NERA Redevelopment Plan and Implementation Strategy, which was analyzed in the Supplemental Environmental Impact Statement (SEIS) and adopted by City Council proposed development of sub-regional stormwater facilities to provide a systemic opportunity for managing stormwater from adjacent development and enhancing the natural environment of the creek corridor. The SEIS noted that development of the sub-regional facilities would follow appropriate mitigation sequencing by avoiding and minimizing potential impacts to Miller Creek and its associated wetlands, with compensatory mitigation plans to be developed if project-related unavoidable adverse impacts to these resources were identified.

### ***Task B6.1 Stormwater Management Facilities***

The Otak team will evaluate stormwater management options that combine the four project stormwater management elements (onsite LID, pre-treatment facility, infiltration vaults, constructed wetlands). This task includes consideration of alternate siting locations and integration into the other two primary project elements (shared use trail, and Miller Creek channel and floodplain enhancements).

For this task, Otak, GEI, and Confluence Environmental Company will further evaluate design options for sub-regional stormwater wetlands and infiltration facilities, and include the following sub-options:

1. Integration of the stormwater wetlands into floodplain wetlands along Miller Creek.
2. Integration of Large Woody Debris into the Miller Creek Channel enhancement to stabilize the channel bed and banks, and to roughen and constrict the channel to re-introduce flood water above the bankful/effective discharge into the floodplain for natural flow attenuation.
3. The potential for reducing stormwater volumes discharged to the sub-regional stormwater management facilities, with a moderate level of LID integrated into the NERA public rights-of-way and site development. If LID measures are determined to be feasible and cost effective, this information may become the basis for development of a new City ordinance (Optional Task) that would create incentives for private development to integrate LID into design of parking lots, and private roads.

### ***Task B6.1 Deliverables***

- Conceptual plans showing design options considered.
- Schematic design plans for the preferred design option for each sub-regional stormwater management facility and the overall integrated system.
- Schematic design plans will be drawn at 1" = 40' scale with plan view showing approximate footprint and shape, one cross-section, key elevations determined during feasibility analysis,

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and approximate volume. One 11" x 17" sheet is anticipated for each sub-regional stormwater management facility, up to five (5) total.

- Planning level cost estimate for preferred option.

### *Task B6.1 Assumptions*

The City will provide the following items and services to Otak to facilitate engineering design and preparation of the construction documents for work within the limits of the project.

- Available as-built drawings and information on other projects in the immediate vicinity.
- Rights-of-entry upon all lands necessary for the performance of the work, including official notices to property owners and agencies.

### *Task B6.2—Infiltration Vault Structural Design Options*

Otak will evaluate two types of concrete infiltration vaults – precast and cast-in-place vault systems – that meet the sizing requirements for drainage facilities per Task B5 and the geotechnical requirements per Task B2. The purpose of this evaluation is to determine the preferred system based on the concept footprint, preliminary costs, maintenance techniques and access considerations, constructability, and anticipated impacts to the surrounding area. Otak will review available existing data, including geotechnical information developed as part of this project, prior completing the vault analysis.

Otak will produce a Preliminary Infiltration Vault Analysis Technical Memorandum for inclusion with the MDP Technical Report. The technical memorandum will include:

- Descriptions of one cast-in-place and one precast vault system
- Preliminary design parameters and cost estimate for each option
- Concept drawings of one feasible cast-in-place and precast vault system
- Discussion of pros and cons of each alternative
- Otak recommendation of the preferred alternative

### *Task B6.2 Deliverables*

- Preliminary Infiltration Vault Analysis Technical Memorandum for inclusion with the MDP Technical Report

### *Task B6.2 Assumptions*

- The storage will likely be split between two vaults at different locations.
- Geotechnical investigation will be complete and will reveal suitable site conditions for infiltration vault.
- Topographic mapping from LiDAR and other existing data will be utilized for this phase of design analysis.
- Otak structural engineer will make one field visit to each vault site.
- Infiltration vault analysis will be completed based upon the schematic design level (15 percent).

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### *Task B6.2 Miller Creek Channel and Floodplain*

Otak will prepare schematic design for channel and floodplain enhancements based on concepts analyzed in Task B6.1 enhancements within the NERA site. The objective of the improvements is to reconnect the incised stream channel back with its floodplain, and enhance habitat features.

#### *Task B6.2 Deliverables*

- Conceptual plans showing each concept/design sub-option considered. (7 sheets)
- Schematic design plans for channel and floodplain. Schematic design plans will be drawn at 1" = 40' scale with plan view showing approximate footprint and shape, approximate locations and type of stabilization measures, one cross-section, and key elevations determined during feasibility analysis. Seven (7) 11" x 17" sheets are anticipated.
- Planning level cost opinion for preferred option.

### *Task B6.3 Shared Use Trail and Linear Park along Miller Creek*

Otak will prepare schematic design plans for shared use trail along one side of the Miller Creek corridor. Schematic alignment will be selected to promote access from multiple locations within the NERA boundaries. The trail will be designed to facilitate access by pedestrians and bicyclists. Schematic design will include further evaluation of potential alignment options in consultation with City planning staff and considering stakeholder involvement results. The potential locations of linear park elements such as trailheads/entrances, picnicking facilities, viewpoints, interpretive hubs, exercise stations, and other facilities will be considered and shown in the plans based on additional coordination with City staff and public/stakeholder involvement results. The potential for a footbridge crossing of the creek also will be evaluated in schematic design.

#### *Task B6.3 Deliverables*

- Schematic design plans for shared use trail and adjacent linear park. Schematic design plans will be drawn at 1" = 40' scale with plan view showing approximate alignment, key elevations determined during feasibility analysis and planned connection points, and up to three typical cross-sections. Seven (7) 11" x 17" sheets are anticipated.
- Planning level cost opinion for the preferred option.

### *Task B7—Draft and Final Master Drainage Plan Technical Report*

The NERA Redevelopment Plan presents a master plan that is similar to what King County refers to as an Urban Planned Development (UPD). A UPD presents a general site plan for which future development approvals must be sought for specific development activities on the site.

Surface water management requirements for proposed developments within the City of Burien are specified by the 2009 King County Surface Water Design Manual. The 2009 SWDM specifies that a MDP is required for UPDs, as well as other commercial development that will eventually construct more than 50 acres of impervious surface area.

The MDP will include monitored data, stormwater calculations, graphics, summary analysis determination, results, and design recommendations. The MDP report will be used primarily to facilitate the City's review of the engineering design. One draft (60 percent) and one final (100

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percent) design report will be prepared. The draft MDP will be packaged and presented with the following elements completed in the various MDP (Task B) and Design Development (Task C), and Final Design (Task D) tasks and will include the following information:

### *Geotechnical*

- Site cross-sections with stratigraphy.
- Soils map with US Natural Resource Conservation Service soils delineation.
- Test pit and/or boring logs with location maps showing exploration location.
- Surficial geology map and information.
- Preliminary information on piezometer readings or monitoring well information, if available.
- Preliminary information on infiltration feasibility location of proposed infiltration facilities.
- Preliminary information on infiltration feasibility location of proposed LID measures.
- Proposed mitigation measures, if necessary.

### *Engineering*

- Drainage plan for trunkline conveyance and regional facilities.
- Sizing analysis of drainage facilities (detention, infiltration, expected LID), delineation of tract boundaries, and specific design and performance standards including LID methods.
- Proposed stream and wetland enhancement/mitigation plans.
- Conceptual grading plan for major cuts and fills with earthwork volumes.
- Temporary Erosion and Sediment Control Plan.
- List of applicable codes, compliance issues, and variances.
- Floodplain studies.
- Summary of drainage facility type, performance, and design standards.
- Level 1 and Level 2 off-site analysis based on studies provided by the City.
- Land use constraints.
- Proposed mitigation measures, if necessary.

### *Hydrology*

- Field monitoring data required as input into the hydrologic model for existing conditions.
- Existing conditions and post-development conditions models for flow duration and volume impact assessment.
- Drainage subbasins with identified critical resources.
- Off-site analysis regarding stream morphology (stream walk notes or description of stream systems).

### *Fisheries*

- Fisheries use and potential use assessment from stream study.
- Stream study reaches with transects.
- Proposed fisheries mitigation.
- Identify uncertainty in potential impacts and relate to post-development monitoring (vegetation establishment and fish habitat).

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### *Water Quality*

- Analysis of water quality conditions and potential impacts.
- Baseline monitoring necessary to support above analysis.
- Proposed mitigation measures.
- Identify uncertainty in potential impacts and relate to post-development monitoring.

### *Task B7.6 Final MDP Submittal*

After City review of the draft MDP presented at 60 percent design level, Otak will make one round of revisions to the MDP package and prepare the final MDP report (100 percent).

### *Task B7 Deliverables*

- Draft (60 percent) MDP report
- Final (100 percent) MDP report

## **Task C: Phase 1 Design and Permitting**

### *Task C1—Surveying*

#### *Task C1.1 Topographic Surveying and Mapping*

Otak will create a topographic basemap in AutoCAD format sufficient for final design. The mapped areas include the following:

- Approximately six acres of stream and adjacent floodplain and approximately 19 acres of adjacent areas for stormwater facilities.

Otak will field survey existing surface features including topography breaks, pavement and other hardscape, channelization and signing, significant trees and other landscaping, fences, invert elevations and pipe dimensions of existing storm drainage. Storm drainage and other utilities will be surveyed to the first structure or fitting outside of the area to be surveyed and mapped. A utility locate service will be retained to mark underground utilities. Utility as-built records will be researched and collected. Utilities evident on the surface and as located with paint marks by a utility locate service, will be surveyed. Additional stream cross-sections will be surveyed at intervals along Miller Creek extending into the floodplain between South 140<sup>th</sup> Street and Des Moines Memorial Drive. This additional survey data will be collected in order that the stream is represented by 25-foot interval cross-sections as necessary to prepare a digital surface sufficient for final design.

Base mapping in AutoCAD format showing the features outlined above; contours will be shown at one-foot contour intervals. Otak will reference survey and mapping for this project to the City of Burien horizontal and vertical datum. The City will be responsible for obtaining rights-of-entry on all affected parcels. Otak will support this by identifying parcels where permission rights are needed.

#### *Task C1.2 Right-of-Way and Parcel Boundary Resolution*

A search will be made for property corners and right-of-way monuments in the project area. Any found property corners and monuments will be surveyed and protected until all survey information has been gathered. Together with information obtained through field survey, research, and existing

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right-of-way information available through the City and King County, the right-of-way margins will be resolved and mapped with dimensions of record. Approximately 20 parcels will be resolved to a level of certainty sufficient for preparation of legal documents containing legal descriptions such as easements or right-of-way dedications. Adjoining property lines other than those listed above will be based on existing GIS data or information shown on tax assessor maps, and published Tax Assessor legal descriptions for exhibit purposes.

### *Task C1.3 Easement Exhibits/Legal Descriptions (Allowance—Optional Task)*

Legal descriptions and exhibits will be prepared as supporting documents for easements and/or right-of-way acquisitions. These properties will require a level of boundary resolution based on field survey, vesting deeds, and other record information. It is assumed that up to nine legal descriptions and exhibits will be required for this project. Title reports for these parcels will be supplied by the City. The estimated nine parcels are not owned by either the City or the Port of Seattle.

#### *Task C1 Deliverables*

- Base mapping in AutoCAD format showing topography, utilities, and existing site features as described above.
- Parcel and boundary/right-of-way mapping as describe above.
- Easement exhibits/legal descriptions as described above.

### *Task C2—Geotechnical Investigation for Final Design*

The purpose of GEI's geotechnical investigation is to address specific design issues that are identified during the course of the Geotechnical Site Characterization (Task B2) and provide design level geotechnical engineering recommendations for the project. This task will include explorations and evaluations to provide design level information for the project improvements. GEI's scope of services for this task includes the following subtasks:

#### *Task C2.1 Utility Coordination*

Complete a site visit(s) to locate the explorations and meet with utility representatives. GEI will contact the One Call Utility Locate Service before beginning the explorations and hire a private utility locate company to check the exploration locations for utilities.

#### *Task C2.2 Geotechnical Exploration Plan*

GEI will prepare an exploration plan(s) for proposed explorations. This information will be submitted to Otak and the City of Burien in order to obtain necessary rights-of-entry and permits, if required. The exploration plan will note proposed exploration locations, anticipated exploration depths, types of equipment, surface restoration methods and traffic control measures developed in accordance with Manual on Uniform Traffic Control Devices standards (in place at time of project), where necessary, as applicable.

#### *Task C2.3 Subsurface Soils and Groundwater Exploration*

Borings will be completed using trailer-, track- or truck-mounted drilling equipment. GEI will install monitoring wells in each boring to enable groundwater level measurements and future pumping

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tests. GEI will also install automatic dataloggers in the monitoring wells to record groundwater level information continuously.

GEI will explore subsurface soil and groundwater conditions by completing borings at locations specific to the proposed facilities. Otak will survey and map the location of up to 17 soil borings and up to 12 additional test pits using survey grade equipment. The locations of the additional borings will likely include:

- One boring at each of the five potential locations for stormwater wetland sites. Each boring will extend to a depth of about 50 feet.
- Three borings at each of the two potential locations for stormwater infiltration vault sites. Each boring will extend to a depth of about 50 feet.
- Borings at various locations along the new storm drain alignments where data gaps exist or data exists that should be rechecked or authenticated.
- Steep slope and slope instability areas identified during the geotechnical study.
- Locations identified by the project team requiring geotechnical recommendations
- The borings will be completed using trailer-, track- or truck-mounted drilling equipment.
- 12 additional test pits throughout the site.

### *Task C2.4 Infiltration Test*

To evaluate shallow infiltration performance, GEI will complete 4, 17-hour Pilot Infiltration Tests (PIT). The tests will be completed at key infiltration sites at depths that correspond to the future facility bottom levels.

- Locate on-site utilities in the vicinity of the proposed test pit excavations.
- Subcontract an appropriate track-hoe (or backhoe) and operator to excavate the test pits to complete the PITs. Note that the PITs will be left open overnight and backfilled the following day.
- Obtain a fire hydrant use permit from Water District #49.
- Provide a flow meter (or totalizer) and shut-off valve.
- Provide enough fire hose to reach the PIT locations or use a water truck if access to a hydrant is not feasible.
- Complete sieve analyses on soils from the PIT test pits.

### *Task C2.5 Laboratory Test on Collected Samples*

GEI will perform laboratory tests on samples obtained from the explorations. The laboratory tests may include moisture content, Atterberg Limits, full sieve analyses and grain size analyses (minus 200 sieve), as appropriate.

### *Task C2.6 Geotechnical Engineering Analysis*

GEI will perform engineering evaluations and analyses to develop final design recommendations for earthwork and site preparation; conventional trenching techniques including considerations for trench shoring and dewatering requirements. GEI will provide geotechnical recommendations for two infiltration facilities and berm with greenway trail. Geotechnical recommendations to be provided include bearing capacity for structural design of foundations, lateral earth pressures,

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shoring and dewatering considerations, slope design, and infiltration rates. Otak will then incorporate these recommendations into the design.

### *Task C2.7 Draft Final Geotechnical Engineering Report*

GEI will prepare a written draft report presenting final design phase conclusions and recommendations together with detailed exploration logs, site plans and other supporting information.

### *Task C2.8 Final Geotechnical Engineering Report*

GEI will prepare a final report that will update the draft report in accordance with final design details as well as incorporate appropriate review comments.

### *Task C2.9 GEI Coordination with Otak and Agencies*

GEI will provide consultation and attend meetings. This sub task assumes one representative from GEI will meet with Otak twice during this phase of work (each meeting to last approximately four hours including travel time) and up to four phone conversations of approximately one hour each. Other coordination time (such as email correspondence or other phone calls) will be covered under other tasks as part of the technical work on the project.

### *Task C2 Deliverables*

- Preliminary draft (for Otak review), final draft (for City review) and final Geotechnical Engineering Report for Final Design

### *Task C2 Assumptions*

- GEI will prepare permit applications on behalf of the City of Burien if required. The City of Burien will submit the permit applications and pay associated fees as well as applications for right-of-entry to private property that may be necessary to complete the explorations.
- GEI will contact the Washington Utilities Coordinating Council, One Call service to locate utilities at the proposed exploration locations. GEI will also request the assistance of the project team and the City of Burien to help identify any underground utilities to be avoided.
- GEI will hire an experienced drilling contractor to supply and operate the drilling equipment to complete the borings and an experienced earthwork contractor to supply and operate the track-hoe (or backhoe) to complete the test pit and PIT explorations. Traffic control services including flaggers and signs will be required to complete all the explorations in the road areas.
- The explorations will be observed by a geotechnical engineer or geologist from GEI who will classify the soils encountered, obtain representative samples of the various soils, and develop detailed logs of each exploration. The samples will be sealed and transported to GEI laboratory for reexamination and testing. The explorations will be located in the field by pacing or tape measurement from existing site features. Using these techniques, the locations of the explorations will be established for presentation on a site plan which will be provided by the project team.
- The borings will be backfilled pursuant to the procedures of Washington Department of Ecology (in place at time of project). Where the borings are drilled through existing

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- pavement, the pavement will be patched with asphalt patch or concrete to conform to the level of the surrounding pavement. GEI does not plan to seal the patches with liquid asphalt.
- The monitoring wells will be constructed pursuant to the procedures of Washington Department of Ecology. In open field areas, the wells will be completed in above-ground steel monuments with a locking covers. In paved or landscaped areas, the wells will be completed at the surface with flush-mounted well monument covers surrounded by Portland cement concrete at the level of the surrounding pavement or ground.
  - The test pit and PIT explorations will be backfilled with the soil derived from the excavations, and the backfill tamped in place with the backhoe bucket and smoothed. The backfill cannot be compacted to a density consistent with structural fill using the backhoe; therefore, the backfill may need to be removed and recompacted during site development, depending on location. The work areas will not be revegetated and evidence of the ground disturbance may remain following the work.

### ***Task C3—Final Hydrologic/Hydraulic Analyses & Design***

#### ***Task C3.1 Updated Hydrologic Analysis***

##### ***Task C3.1.1 Hydrologic Analysis of LID measures***

Otak will complete minor modifications to the hydrologic modeling of LID techniques needed to take them from schematic design to 60 percent design.

##### ***Task C3.1.2 Update Surface Water Runoff Point of Compliance Analysis***

Otak will evaluate flow durations at selected points of compliance and at the outlet of the NERA to check that the proposed stormwater and surface water management improvements provide adequate mitigation for the proposed new development. The analysis from the schematic design will be finalized so that the duration criteria are met. This will involve an iterative process of modifications to the 60 percent design of the detention ponds and Miller Creek channel and their representative F-tables within the hydrologic models.

##### ***Task C3.1.3 Update Calibrated Watershed Hydrologic Model***

A calibrated hydrologic model of the Miller Creek watershed was prepared as part of an independent project to develop an alternate flow control standard for Miller Creek.

Otak proposes to update this model with land coverage based on current (2011 - 2012) and historic satellite images that correspond with periods of significant watershed changes, such as development of the NERA site and channel conditions, import updated hydrologic data from the NERA site improvements, then re-run the calibrated HSPF watershed model to verify that no downstream impacts result from the proposed improvements at the NERA site.

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### *Task C3.2 Updated Hydraulic Analysis*

#### *Task C3.2.1 Stormwater Conveyance XP-SWMM Model*

Otak will update the XP-SWMM models of the trunkline conveyance system to reflect the 60 percent conveyance design. The tailwater conditions will be updated to reflect the 60 percent design of the detention ponds.

#### *Task C3.2.2 Updated Miller Creek HEC-RAS Model*

A HEC-RAS model of Miller Creek will be updated with a level of resolution of the model appropriate for detailed design. The model will include existing conditions as well as the 60 percent design of the creek channel and adjacent floodplain. This will include potential modifications to roughness based on woody debris placement and cross-sections based on grading and location of floodplain benches. Hydraulic results will be used to create the HSPF F-Tables so that the design provides sufficient flood storage in the project reach. Adjustments to the design will be made so that the design goals are met.

#### *Task C3.2.3 Stable Channel Analysis*

Using input from the hydraulic analysis, sediment transport calculations will be carried out to facilitate an understanding of both the vertical and lateral stability of the existing channel and how the stability might be affected by future design changes. Sediment transport will be evaluated using incipient motion calculations to identify the range of flows over which the bed material will be mobile, and then estimating the quantity of sediment that can be transported in response to those flows (sediment continuity or sediment budget analysis). By comparing the transport capacity of the creek to estimates of the sediment supply, the vertical stability of the creek can be assessed. An evaluation of the lateral channel stability (bank erosion) will be based on information from the geomorphic assessment and quantitative information from the hydraulic and sediment transport calculations. Maintaining banks stability in the project reach is an important consideration for the project design. Adjustments to the design will be made if problems are identified.

#### *Task C3 Deliverables*

- Electronic copies of modeling input and output, appended to the MDP Report

#### *Task C3 Assumptions*

- Covered in above scope of work description

### *Task C4—Preliminary Engineering Design (60 Percent) and Construction Documents*

#### *Task C4.1 Design Criteria*

Otak will prepare a design criteria memorandum for the primary elements and any ancillary elements identified as an outcome of the schematic design work in Task B6. The City will review the memorandum and provide comments prior to preliminary engineering work. Reports and plans, to the extent feasible, will be developed in accordance with the latest edition and amendments as of the date of the notice to proceed, of the publications listed below. Design will be based on design criteria in the following publications. Design assumptions will include all aspects of the project

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including options for Low Impact Design, Wetland Delineation and Improvements, Critical Area Identification and Protection, On-site Flood Storage Facilities, Habitat, Environmental, and Wildlife Enhancement/Improvement, Stream Buffers and Landscape Planting Schemes, Permitting and Project Authorization and Approval Schedule, and all other assumption utilized in the project.

### 1. City of Burien publications:

- 2008 Road Design and Construction Standards
- Comprehensive Plan, November 1997, as amended as recently as January 2010
- Municipal Code, as amended, including:
  - Title 10, Vehicles and Traffic
  - Title 12, Streets and Sidewalks
  - Title 13, Water and Sewers
  - Title 14, Environmental Protection
  - Title 15, Buildings and Construction
  - Title 17, Subdivisions
  - Title 18, Interim Zoning Code
  - Title 19, Zoning
- Pedestrian and Bicycle Facilities Plan, June 2004
- Storm Drainage Master Plan, 2005
- Des Moines Memorial Drive Corridor Management Plan, October 2006

### 2. Other Design Manual and Guidelines:

- King County 2009 Stormwater Design Manual
- Washington Department of Fish and Wildlife (WDFW) Integrated Streambank Protection Guidelines
- WDFW Stream Habitat Restoration Guidelines
- WDFW Design of Road Culverts for Fish Passage Guidelines
- Army Corps of Engineers and Ecology Mitigation Plan Guidance
- APWA General Special Provisions
- Accessible Public Rights-of-Way, Planning and Designing for Alterations
- American Disabilities Act Accessibilities Guidelines

### 3. AASHTO Publications:

- LRFD Bridge Design Specifications, Third Edition and Interims
- Guide for the Development of Bicycle Facilities
- Guide for the Planning, Design, and Operation of Pedestrian Facilities

### 4. WSDOT Publications:

- Washington State Department of Transportation Standard Specifications for Road, Bridge, and Municipal Construction (M41-10) 2012.
- Standard Plans for Road, Bridge, and Municipal Construction (M21-01)
- Design Manual (M22-01)

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- Bridge Design Manual (M23-50)

*Task C4.1 Deliverables*

- Design Criteria Memorandum

*Task C4.1 Assumptions*

- Changes in project goals or design standards after this memorandum has been reviewed and approved by the City may result in extra work.

*Task C4.2 Preliminary Engineering Design/Construction Plans (60 Percent)*

The intent of this task is to further develop the design to the level that permit applications can effectively be made so that the project meets the City's goals and design standards for the project. City review and approval during this phase is key so that work can be performed within the project schedule and budget established by the contract. Changes to the project scope after this phase will likely result in delays or extra cost.

Submittals will be made at approximately 60 percent design level. Generally, 60 percent design plans will show the location, size and type of improvements of primary and ancillary project elements, developed in plan view, profile or elevation view, and most significant details will be provided. At 60 percent design, permitting issues will be fully identifiable on the plans. Cost opinions will also be provided for each submittal.

Otak will prepare construction documents for the following design elements, included in each subtask below are site visits, review of previous work and geotechnical data, utility coordination, project team meetings and coordination with team members:

Sheet List:

Description	Number of Sheets	Notes
Cover sheet, Vicinity Map, General Notes	3	4
Survey Control, Existing Conditions, and Right of Way Map	9	2
Traffic Control Plans and/or Detour Plans	3	1, 3
TESC and Demolition	7	2, 3
Constructed Floodplain Wetland Facilities	3	2
Constructed Floodplain Wetland Facilities - Details	2	4
Pre-treatment Facilities Plan	1	2
Pre-treatment Facilities Details	2	1, 4
Miller Creek Channel and Floodplain—Plan and Profile	5	2
Miller Creek Channel and Floodplain - Details	5	4
Shared Use Trail—Plan and Profile	5	2
Shared Use Trail—Details	3	1, 4
Infiltration Vault Structural Design—Plan and Elevation	2	2
Infiltration Vault Structural Design - Details	8	1, 4

## Exhibit 3 - MOA

Landscape and Restoration—Plan	8	2
Landscape and Restoration - Details	4	1, 4
Total	73	

1. Not included in 60 percent submittal
2. 20' scale plans
3. 100' scale plans
4. Scale varies

### *General Plan Sheets*

Otak will prepare a cover sheet and plan sheets showing table of contents, vicinity map, legend, abbreviations, survey control, and existing conditions.

### *Traffic Control Plans*

Otak will prepare detour plans for allowable road closures, and traffic control plans that communicate traffic control restrictions and requirements. The Contractor will be required to prepare site-specific traffic control plans when WSDOT Standard Plans are not adequate.

### *Right of Way Map*

Otak will prepare right of way plans showing information determined under Task C1 Surveying.

### *TESC/Demolition Plans*

Otak will prepare plans showing proposed temporary erosion and sediment control measures and demolition required for the project work.

### *Stormwater Management Facilities*

Otak will prepare design drawings for regional infiltration facilities, pre-treatment facilities, and constructed floodplain wetlands. Drawings will include plan view, cross-sections, notes and details. Notes and details will include sequencing notes, grading, flow control details, include temporary erosion and sediment control (TESC) plans, and landscape restoration.

### *Miller Creek Channel and Floodplain*

Otak will prepare design drawings for channel and floodplain modifications. Drawings will include plan view, profile view, typical cross-sections, notes and details. Notes and details will include sequencing notes, temporary stream bypass details, stabilization details, grading, additional wetland mitigation, and landscape restoration.

### *Shared Use Trail and Linear Park along Miller Creek*

Otak will prepare design drawings for shared use trail improvements along the Miller Creek corridor. Schematic alignment will be selected to promote access from multiple locations within the NERA boundaries. The trail will be designed to facilitate access by pedestrians and bicyclists. Design for linear park elements such as trailheads/entrances, picnicking facilities, viewpoints, interpretive hubs, exercise stations, and other facilities will be shown in the plans based on additional coordination with City. The drawings will include plan view, profile view, typical cross-sections, notes and details as needed. Details will include grading and drainage, park amenities, and landscaping.

## Exhibit 3 - MOA

### *Infiltration Vault*

Otak will prepare design drawings for the recommended vault system based on the Vault Analysis Technical Memorandum. The plans will show the type, size, and location, the design components of the vaults, and how the vault systems will integrate with other features of the Project.

### *Landscape and Restoration*

Otak will prepare landscaping plans and details for constructed floodplain wetlands, Miller Creek channel and floodplain, trail, and other disturbed areas. The landscaping will be designed using low or suitable water-use plants without irrigation.

### *Operations and Maintenance Manual*

Otak will prepare an Operations and Maintenance plan for the facilities covered by the Department of Ecology grant agreement. This plan shall meet the requirements of the Department of Ecology grant agreement. This plan will be submitted to Department of Ecology for their review and comment. Otak will address all comments in a written response to Department of Ecology.

### *Pre-Design Report*

Otak will prepare a Pre-design Report satisfying the requirements of the Department of Ecology Grant Agreement, and submit two hard copies for Department of Ecology review and comment. Otak will address all comments on the Pre-design Report in a written response to The Department of Ecology.

#### *Task CA.2 Deliverables*

- 60 percent design plans.
- Operations and Maintenance Manual
- Pre-Design Report

#### *Task CA.2 Assumptions*

- Construction documents will be prepared for one bid package constructed in one construction season.
- Franchise utilities or permitted utilities will provide the design of their relocated facilities.
- Coordination will be required with up to three franchise utilities, and three permitted utilities.

#### *Task CA.3 Preliminary Cost Opinions*

Otak will compile the quantities and project cost opinions at the 60 percent level design for submittal to the City. The cost opinion will be prepared using historical unit prices from the WSDOT Unit Bid Price, recent projects as appropriate, and other pertinent data.

#### *Task CA.3 Deliverables*

- Construction cost estimates at 60 percent design

## Exhibit 3 - MOA

### *Task CA.4 Permit Plan Set*

Otak will modify the submittal and City approved 60 percent construction plans to meet plan submittal requirements specified in the Washington Department of Fish and Wildlife and other relevant state and local permit standards (in place at time of project), and submit the permit plan set with the appropriate permit applications.

#### *Deliverables Task CA.4*

- Plan sets for permit submittal

### *Task C5—Permit Preparation and Regulatory Coordination*

Permits will be secured for the development and construction of a regional stormwater management system, and the stream and wetland improvements the City and partners (Port of Seattle and others potentially) intend to implement prior to and concurrent with site-specific development. Permits for site-specific development will NOT be identified and obtained as part of this scope.

The preliminary permitting plan and schedule developed under Task C5 will be updated regularly throughout the Task B effort. The following is a list of agency reviews, permits and approvals that are anticipated for these actions, and the assistance Otak will provide to help secure these permits and approvals. Most, if not all, permits listed will involve support studies and analyses that in some cases have already been prepared or updated in previous phases to support the non-project NERA redevelopment plan SEIS documentation prepared by Otak. Additional environmental and permit support documentation is likely to be required for complete regulatory compliance.

#### *Task C5.1 SEPA Compliance Documentation*

The City is undertaking the Planned Action approach to SEPA compliance for the NERA and has completed supporting SEPA environmental analysis. The City has undertaken environmental studies and a SEPA review of proposed NERA development through a Supplemental DEIS and FEIS, which included analysis of three land use alternatives and adoption of a preferred alternative by City Council. The City Council also adopted comprehensive plan and zoning code amendments to implement the preferred land use alternative. A general plan for treating and managing stormwater through a system of regional facilities and associated improvements to the Miller Creek corridor was described in the DEIS and FEIS with the understanding that specific design options would be further explored.

Because a Planned Action EIS was completed previously, it is assumed that a SEPA environmental checklist will be prepared to document the project's alignment with the Planned Action provisions related to project-specific actions.

The environmental checklist will be prepared by Otak with review/input from the City of Burien, GEI, and Confluence Environmental. The previously completed Planned Action EIS documents (including supplemental analyses and appendices) related to the selected NERA redevelopment plan will be referenced in completion of the checklist, and additional analyses/studies completed as part of the MDP (Task B) and Design Development (Task C) will be attached/appended to the

## Exhibit 3 - MOA

environmental checklist as relevant to support the project's compliance with SEPA; this may include additional mitigating measures identified as part of the more detailed analysis.

The environmental checklist will address the following actions:

- Demolition of structures (if applicable).
- Construction of the regional stormwater system and supporting assumptions related to LID.
- Stream and wetland improvements within the NERA associated with the project.
- Shared use trail and linear park improvements associated with the project.

### *Task C5.1 Deliverables*

- SEPA Environmental checklist with supporting documentation based on analyses and studies completed in Task A and Task B (pdf electronic draft; 5 final hard copies and pdf electronic versions of final).

### *Assumptions Task C5.1*

- Project-specific actions will be aligned with the assumptions of the Planned Action and related environmental analysis, not resulting in additional unavoidable significant adverse impacts that would require a supplemental environmental analysis process. The environmental checklist and supporting information will document this to the City's responsible SEPA official and the project file.

### *Task C5.2 Department of Archaeological and Historical Preservation Documentation*

Cultural Resources Consultants (CRC) as a subconsultant to Otak will conduct the Department of Archaeological and Historical Preservation database research, and will conduct any cultural or historical field work that may be identified by this research.

### *Task C5.2 Deliverables*

- Cultural and historic resources report, draft and final versions (pdf electronic draft; 5 final hard copies and pdf electronic versions of final).

### *Task C5.3 Permit Applications*

Otak will prepare the necessary permit applications and support documentation for regulatory compliance and permits necessary for the project. Support documentation will include the cultural and historic resources report (Task C.5.2), a Critical Areas Study (CAS) per City of Burien standards, and conceptual mitigation approach if necessary. As part of this task, Otak will conduct agency consultations (meetings, teleconferences, field visits, etc.) as needed. Otak will prepare a JARPA for the project and submit it for each of the following permits:

1. *Washington Department of Fish and Wildlife Hydraulic Project Approvals (HPA)*  
Otak will prepare the HPA applications for actions that require in-stream work and/or changes to surface drainage patterns to Miller Creek.
2. *Department of Ecology General or Individual - National Pollutant Discharge Elimination System (NPDES) Stormwater Permits/ Short Term Water Quality Modification.*

## Exhibit 3 - MOA

### *Task C5.3 Deliverables*

- A single JARPA application package for the stormwater facilities, stream and wetland restoration work and associated improvements including the road and utility crossings of Miller Creek and shared use trail and linear park improvements.
- The package will include a completed JARPA form and drawings; DAHP database research summary (Task C5.2); CAS (or separate wetland and stream delineation report) (Task B3); and conceptual mitigation plan .
- Otak will prepare the NPDES permit application and Notice of Intent (NOI) form and submit for public notice and 30-day public comment period.
- Conceptual Mitigation Plan, if necessary, based on Otak 60 percent design.

### *Task C5.3 Assumptions*

- HPA application can be made with the 60 percent design drawing.
- A Section 404 permit and Section 401 Water Quality Certification will not be required for the project.
- A Biological Assessment for ESA compliance will not be required for the project. If a BA is required, it will be an extra service.
- Coastal Zone Management (CZM) consistency determination will not be required for the project.
- A Shoreline Substantial Development permit will not be required for the project
- Floodplain development permits will not be required for the project.

### *Task C5.4 Federal Aviation Administration (FAA) - Compliance/Consistency with FAA Seattle-Tacoma International Airport Operations Area Plan (AOA)*

Proposed redevelopment in the NERA has been planned in close collaboration with the Port of Seattle and is consistent with the various FAA requirements applicable to the project area. Otak will continue to design the project in accordance with FAA requirements (in place at time of project), and restrictions on the types of development in certain areas of the NERA.

With the further development of design and specific locations of proposed project features, Otak will review proposed project improvements and regional stormwater management system for compliance with FAA regulations (in place at time of project). These efforts will continue to require coordination and consultation with the Port of Seattle and the FAA.

### *Task C5.4 Deliverables*

- Participate in informal discussions (telephone calls, e-mails).
- Attend two meetings in addition to those covered under other tasks.
- Prepare brief memorandum summarizing the project's compliance/consistency with FAA requirements and restrictions (in place at time of project).

## Exhibit 3 - MOA

### *Task C6—Final Construction Documents*

#### *Task C6.1 100 Percent Construction Plans*

Submittal will be made at the 100 percent design and ad-ready levels. Submittals will include plans, specifications and construction cost estimate.

##### *Task C6.1 Deliverables*

- 100 percent plans, (6 hard copies).
- Ad-ready plans (6 hard copies and electronic copy to Builder's Exchange).

##### *Task C6.1 Assumptions*

- Construction documents will be prepared for one bid package constructed over one construction season.

#### *Task C6.2 100 Percent Specifications*

Otak will provide specified General Special Provisions and project-specific Special Provisions including Division 1 to supplement the WSDOT/APWA Standard Specifications, current Amendments to the Standard Specifications (in place at time of project), and Appendices including wage rates, standard plans, boring logs, and other pertinent information (in place at time of project). The City will provide the boilerplate (proposal and contract section) of the contract documents, and Otak will revise with project specific information as appropriate. All schedules will be included in the specifications to make sure that the responsible party has been identified in the contract documents.

##### *Task C6.2 Deliverables*

- 100 percent specifications (6 hard copies).
- Ad-ready contract provisions (6 hard copies and electronic copy to Builder's Exchange).

##### *Task C6.2 Assumptions*

- The City will provide the boilerplate for the contract documents.
- Specifications will be based on the current edition of WSDOT/APWA Standard Specifications, current amendments, and City of Burien requirements.

#### *Task C6.3 100 Percent Construction Cost Estimate*

Otak will compile the quantities and prepare the 100 percent engineer's estimate. The estimate will be prepared using historical unit prices from the WSDOT Unit Bid Price, recent projects as appropriate, and other pertinent data. Otak will provide an estimated construction schedule to determine a number of working days for the construction contract.

The project will be broken down into schedules as needed to track the work by funding source during construction.

##### *Task C6.3 Deliverables*

- 100 percent engineer's estimate (6 hard copies).

## Exhibit 3 - MOA

- Ad-ready engineer's estimate (6 hard copies).
- Earthwork calculations, cross-sections or other information if needed by the Bidder or Contractor.
- Estimated construction schedule for working day estimate.

### ***Task C7—Advertisement and Bid Support Services***

Otak will provide assistance to the City and responses to bidders' questions, including:

- Otak will be responsible for compilation, and distribution of bid documents to potential bidders and interested parties, using Builder's Exchange.
- Assisting City in responding to engineering questions from bidders.
- Assisting the City in interpreting and clarifying the bid documents and documenting all responses to the bidders so that all bidders have the same information.
- Assisting the City preparing contract addenda.
- Assisting the City project manager in evaluating the bids.
- Providing a recommendation on award of the contract.

### ***Task C7 Assumptions***

- The City will take the lead in fielding and responding to bidder inquiries during the bid period.
- Addenda will be issued by the City the bidders.
- Otak will respond directly only to the City, unless requested otherwise by the City.
- 

### ***Task C7 Deliverables***

- Prior to advertising for construction bids, Otak will submit two hard copies and one digital copy of the final Plans, Specifications, Cost Estimate, and draft Construction Schedule for Department of Ecology review and comment. Department of Ecology will provide comments within 45 days of receipt. Otak will address all comments in a written response to Department of Ecology.

## **Task D : Phase 1 Construction Support Services**

(Anticipated Schedule—July 2013 to November 2013)

During construction of the Phase 1 project, Otak anticipates providing the following services. The scope outline is incomplete, and is presented along with a budget estimate for informational purposes only.

Prior to the completion of the final construction documents, Otak will prepare a construction quality assurance plan describing how adequate and competent construction oversight will be performed. This plan will be submitted to Department of Ecology for their review and comment prior to construction. Otak will prepare a detailed scope and budget for Construction Support Services per the approved construction quality assurance plan.

## Exhibit 3 - MOA

Upon construction completion, Otak shall prepare and submit the Department of Ecology Stormwater Construction Completion Form signed by a licensed professional engineer.

### ***Task D1—Construction Support Services***

During construction of the project, Otak and subconsultants will provide construction assistance in the following areas:

- Construction Quality Assurance Plan
- Construction management.
- Provide construction staking.
- Review shop drawings, construction materials and other submittals.
- Prepare Surface Water Pollution Prevention Plans (SWPPP).
- Respond to Requests for Information (RFIs).
- Review structural calculations or design revisions prepared/proposed by the contractor.
- Attend construction meetings.
- Provide field observation and documentation.
- Conduct specialty inspections and testing.
- Prepare or review progress payment requests.
- Assist the City in conflict resolution.
- Assist the City in preparation of change order.
- Conduct final inspections.
- Prepare closeout documentation.
- Prepare as-constructed record drawings.
- Department of Ecology Stormwater Construction Form

Exhibits 4 through 8 (the actual easements) to the ILA will be provided at a future date. The legal descriptions for each of the easements are currently being finalized.  
All Exhibits will be included in the next Council package.

**CITY OF BURIEN, WASHINGTON  
MEMORANDUM**

**TO:** Burien PaRCS Department Advisory Board

**FROM:** Michael Lafreniere, Director, Parks, Recreation & Cultural Services (PaRCS)

**DATE:** September 5, 2013

**SUBJECT:** Recommendation for Naming of Miller Creek Trail

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**Background:** The Port of Seattle and the City of Burien jointly prepared a redevelopment plan in 2010 for the Northeast Redevelopment Area (NERA), a 158-acre area located northwest of Sea-Tac Airport's third runway. The NERA includes about 55 acres of Port-owned property acquired with FAA funds as part of the noise mitigation program.

The NERA plan calls for redeveloping the area with a mix of commercial and industrial land uses that are compatible with the Airport's operations and regulations and consistent with the City's vision for the NERA. Port and City staff are currently implementing the NERA plan by:

- Preparing a master drainage plan for the NERA;
- Designing and constructing regional stormwater facilities that must be built to support any redevelopment of the NERA regardless of the specific use;
- Planning and designing a proposed eastbound off-ramp and westbound on-ramp to SR 518 at Des Moines Memorial Drive to enable better vehicular access to the NERA; and
- Pursuing potential planning and design funds for other infrastructure as part of the FAA's pilot program for redevelopment of noise land.

The Burien Municipal Code requires a shared use path be developed along the Miller Creek corridor as part of the larger redevelopment of the NERA. To accomplish this requirement, the City has begun design and proposes to construct the path in tandem with the required regional stormwater facilities. The proposed path will serve two necessary functions by (i) providing ongoing maintenance and operations access to the new stormwater facilities and (ii) providing pedestrian and bicycle access through the NERA consistent with adopted City and regional plans.

The path's working name throughout project feasibility and design has been the Miller Creek Trail. The name comes from the clear geographic relationship and alignment along Miller Creek in Burien.

**Recommendation**

I recommend that:

- 1) the Miller Creek Trail be the permanent name of this shared use path;
- 2) the Parks and Recreation Advisory Board concur with this recommendation;
- 3) the Board recommend to the Council that it waive the 60-day process for soliciting name alternatives and approve the name.





# Burien

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## MEMORANDUM

**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Craig Knutson, Interim City Manager  
**DATE:** October 7, 2013  
**SUBJECT:** City Manager's Report

### I. INTERNAL CITY INFORMATION

#### A. Burien's Public Art in National Public Art Website

The Burien Parks, Recreation & Cultural Services (PaRCS) Department recently launched a new identification and interpretive program for public art located throughout Burien. The program was designed to increase public awareness of the public art as well as the 'story' behind the pieces and the artists' original concepts. Twenty-three pieces have been catalogued in this collection and the project includes a walking tour with signage, a brochure, and a website ([www.BurienPublicArt.net](http://www.BurienPublicArt.net)). In addition, the collection has been added to a national online database of public art, which can be found at [www.PublicArtArchive.org](http://www.PublicArtArchive.org) (search Burien). Both sites are Smartphone-friendly.

#### B. Fall Recreation Guide Cover Photo

The latest edition of the PaRCS Recreation Guide featured local participants of the free monthly 'Walk-n-Talk' program sponsored by WABI, Burien's Walk/Bike organization. WABI events are regularly promoted in the Recreation Guide and PaRCS' monthly eNews to encourage residents to stay active and healthy for free in an easy and convenient way.

#### C. Pinocchio Performance Comes to Lake Burien Park

In August, Seattle's Balagan Theater brought a special performance of "Pinocchio" to Lake Burien School Memorial Park. Approximately 300 people enjoyed this theater company's first performance in Burien. Balagan Theater was awarded one of the City's "Arts and Culture Fund" 2013 grants to help fund this event.

#### D. New Start High School Students Complete Summer Trail Project

This past summer was the second year students from New Start High School worked on trail maintenance in Seahurst Park, targeting repairs and resurfacing along 1,700 lineal feet of the North Nature Trail (bottom one-third mile). The project involved five partnership organizations: King County Work Training Program, Highline Public School's New Start High School, Volunteers for Outdoor Washington, Environmental

Science Center and the Burien PaRCS Department. Eighteen students participated in the program generating 1,118 project hours over five weeks of service. The outcomes of their efforts included improved drainage, area grading, securing boarder timber, areas of trail widening and the addition of 52 yards of gravel along the trail. These trail improvements will be a nice complement to the work starting this month when much of the park will be closed for major shoreline renovation. The students were invited to the groundbreaking ceremony on September 16.

#### **E. B-Patch Community Gardeners Report to Parks Board**

A representative of the B-Patch community gardeners recently presented an annual report to the PaRCS Department Advisory Board. Through the efforts of the garden volunteers, this past year the B-Patch Community Garden became a “backyard wildlife refuge” through the American Wildlife Foundation. The garden will provide shelter and water for birds, butterflies, and the other fauna that already live there, including a family of birds living in one of the bird houses that were installed this year. The project was completed through a donation from one of the gardeners and at no cost to the City or the PaRCS Department. The gardeners also installed a rain barrel which is now harvesting rainwater to use on their gardens and to use in the winter when the water is shut off. They plan to add one or two more rain barrels. Several work parties were held, they hosted classes by Seattle Tilth, and they welcomed new groups as garden plot holders, including the Burien Teen Program and the Girl Scouts.

#### **F. Third Quarter Volunteer Hours in PaRCS**

Many hours were accrued by PaRCS volunteers in the third quarter of this year, a very busy summer. Some project details below:

- 79 Volunteers, 171 hours at Mathison Park, clearing out 15 cubic yards of invasive Himalayan blackberry;
- 38 students, 76 hours at Seahurst Park by the South Shelter removing morning glory, knotweed and Himalayan blackberry;
- 18 New Start Students, 1118 hours at Seahurst along the North Nature Trail, including repairs/resurfacing along 1,700 lineal feet of trail and adding 52 yards of gravel;
- 7 volunteers, 21 hours at Town Square Park, adding ¼-minus gravel to pathways.

#### **G. City Newsletter Update**

Since the City stopped sending the Burien City News to all households and businesses in Burien, nearly 700 residents and businesses have signed up to continue receiving the printed paper version of the newsletter by mail. About 100 have signed up to receive the newsletter by e-mail (pdf attachment). Residents can also view the newsletter anytime on the City website. The change to electronic distribution is saving the City about \$6,000 per edition in postage and printing costs. A one-page Spanish language newsletter was also published in September. It was inserted into the La Raza newspaper for distribution at local shops and restaurants serving the City's

Latino residents. Staff is in the process of acquiring plastic outdoor news racks for the newsletters. They will be placed at various locations downtown and in other business districts. Staff is also planning to insert one-page news flyers (English and Spanish) into the bills that will be sent out by CleanScapes starting June, 2014.

#### **H. Proposed Alley Closure**

The City received a request to close the alley between SW 150th and SW 151st Street, between 10th and 12th Avenues SW. Public Works staff consulted with Police and Fire; neither had any objection. The Interim City Attorney confirmed that the City may lawfully close the alley. Staff has drafted a petition to be circulated among all property owners abutting the alley. If more than 50% approve, the alley will be closed to through traffic mid-way with a barricade, and "No Outlet - Local Traffic Only" signs will be posted at either end. The alley immediately to the north has been closed in a similar manner for a number of years without incident.

#### **I. Busy Day for Annual Fall Recycling Event**

On Saturday, September 14, City of Burien and City of Normandy Park held the annual Fall Recycling Collection Event. Five hundred thirteen carloads of recyclable material arrived, with a total collection of 58,740 pounds, or over 29.4 tons; an average of 115 pounds per vehicle. Collection included 32,420 pounds of scrap metals, appliances and electronic equipment; 10 used refrigerators and freezers; 16 mattresses and futons which will be recycled through the Washington State Department of Corrections; 28 propane tanks; 7,180 pounds of reusable household goods, which went to Seattle Goodwill for resale through retail outlets with proceeds going to charity programs; 185 gallons of used motor oil and petroleum-based products, 40 gallons of used antifreeze; 10 used oil filters; 199 used tires; 13 lead acid batteries; 5,500 household batteries; 24 toilets and sinks and 6,250 pounds of cardboard. All items were sent to various recyclers for sorting and processing, including Smurfit in Renton, Lloyd Enterprises, All Battery, Independent Metals, and Total Reclaim. The tires will be reused if in good condition; if not, they are chipped and made into products such as garden hoses, playground mats and road bedding.

#### **J. Special Recognition Award (Page 151)**

Burien Building Official Jan Vogee has received the attached certificate in recognition of her exceptional teamwork and long term commitment to the ePlan project of MyBuildingPermit.com by the ECityGov Alliance. Jan's involvement as a member of the MyBuildingPermit.com management team began in the City of Sammamish in 2003 and continued when she joined the City of Burien in 2007. Burien has been a subscriber to MyBuildingPermit.com since 2006 and with the launch on July 15 of the second phase of ePlan (following a three year planning effort) the City now offers online application and permit issuance for nearly all development service applications. Burien's first customer for expanded electronic services submitted 13 new single-family residence permits through the online website and expressed appreciation for the speed and convenience of electronic submittals as opposed to making over-the-counter submittals. Congratulations and well done, Jan!

## **II. COUNCIL UPDATES/REPORTS**

### **A. Request from Des Moines City Council for Mayor Bennett to sign letter to Port of Seattle (Page 153)**

The Des Moines City Council has requested that Mayor Bennett, along with the Des Moines, SeaTac, and Normandy Park mayors, sign a letter to the Port of Seattle voicing concerns over the proposal for a "Hush House" as part of the Port's Draft Part 150 study. The concern is that airlines may want to use the Hush House during hours in which ground run-ups are currently prohibited, creating additional aircraft noise for residents during late night and early morning hours.

### **B. King County Metro 2014 Transit Service Reductions (Page 155)**

Metro's recent analysis of the transit system found that about 10 percent more bus service is needed to meet demand but instead of increasing service, Metro might have to reduce service by as much as 17 percent due to the expiration of temporary funding sources and inability to secure sufficient, ongoing funding for transit. The attached letter has been prepared expressing concern over the potential impact on Burien residents, students, and businesses resulting from the transit service reductions proposed in response to a projected \$75 million revenue shortfall in 2014. Councilmember's review and comments are requested prior to the Mayor's signature and submittal of the letter to the Metropolitan King County Council.

### **C. Building Permit Applications Received - September**

The City received 15 building permit applications for new single family residences during the month of September. All but two applications were submitted online through the MyBuildingPermit.com web portal. The 13 online permit applications are for the Westwood Ridge development located near 426 S 187th LN. The following building permit applications were also received:

- Navos Demo/Clear and grade - Demolition of eight existing buildings and site grading in preparation for four new structures at the Ruth Dykeman campus located at 1033 SW 152nd Street.
- Walker Creek Ridge Subdivision - Clearing and grading approximately 3 acres in preparation for a 17 lot subdivision that was approved in 2009. The property is located north of S 176th ST on the west side of Des Moines Memorial Drive.

### **D. Building Permits Issued – September**

The following building permits were issued in September:

- Navos Cedar Building - Interior remodel and partial change of use of the Cedar Building at the Ruth Dykeman campus located at 1043 SW 152nd Street. The change will allow this building to be used entirely for client services while construction of new facilities takes place.

- Heights of Burien - Building and plumbing permits were issued for grading in conjunction with the repair and replacement of sanitary sewer pipelines on the Heights of Burien property. Some of the work will take place in an area to the west of the apartments in an undeveloped area.

#### **E. New Businesses**

- Start Fresh Bakery, Deli, and Natural Market has been given approval to open the market portion of their business located at 816 SW 152nd Street. Owner Catherine Barashkoff will be offering gluten free, other allergen free, limited and special diets, supplements and nutritional products, organic, non-GMO, as well as sustainable and eco-friendly local products.
- The Greek House located at 113 SW 153rd is nearing completion and should be opening soon. Owner/Chef Philip Feredinos has personally performed much of the work in changing this space from retail to restaurant with bar and will be serving authentic Greek food.
- Burien Arts has opened in a new location at 826 SW 152nd Street.
- Black Zia Cantina is open for business after a major remodel at 15212 6th Ave SW, the location formerly known as Sal's Deli. Black Zia Cantina is a full bar restaurant serving New Mexican and American food.
- Staples is wrapping up the construction of their new building at 158 SW 148th Street, the location formerly known as Fashion Bug and The Keg. The grand opening is scheduled for October 7.
- Kre-8-tive Kidz, located in the north part of the building at 15525 1st Ave S, is a new bilingual childcare center providing curriculum that emphasizes English and Spanish. As enrollment increases, teachers fluent in Italian and Mandarin will be added.
- Cecilia's Temple of Groom is opening a dog grooming business at 249 SW 153rd ST. Cecilia's was voted Best of Western Washington in 2011.

#### **F. City Park Hours / Southern Heights Park**

With respect to a citizen concern expressed at the September 16 council meeting concerning illegal activity in Southern Heights Park and police response, Burien Police contacted the individual to discuss his concerns. In researching the citizen's report about the police response to the park and in talking further with him, it became clear that the police appropriately cleared the park after hours but that the offenders stayed in the area, legally parked in the right of way on the street in front of the park. This was of concern to the reporting citizen, but it was made clear to him that without further observations of illegal activity, allowing the offenders to remain legally parked in their vehicles was appropriate. Two officers were tasked with keeping a closer eye on the park for the next few weeks to see if after-hours use can be discouraged, and the citizen was asked to continue to call to report when folks remain in the park past dusk. The citizen also asked about parks being closed at night. Currently the City Code (BMC 7.30.230) already prohibits public access to city parks from one hour after sunset to sunrise except for activities authorized by the parks

director and unless another closing and/or opening time is established for a particular park by the parks director. Per BMC 7.40.020, being in a park after closing is a misdemeanor and violators may also be subject to the loss of park use privileges for such reasonable period of time as shall be determined by the parks director. The addition of new signage concerning closure times and other park usage rules was already in the process of being added to several parks, including Southern Heights, and police can issue citations for violation of park closing hours.

**G. Request from The Washington Committee for Employer Support of the Guard and Reserve (ESGR) (Page 157)**

Mayor Bennett received a letter (attached) from Robert DeWald, State Chair of ESGR, requesting that City of Burien sign a Statement of Support certificate (also attached) to recognize and support staff who serve as members of the Guard and Reserve.

**H. Federal Emergency Management Agency (FEMA) Notification of Criteria for Appeals of Flood Insurance Rate Maps (Page 163)**

Mayor Bennett received a letter (attached) dated August 28, 2013, from FEMA advising of the appeals process for the proposed flood hazard determinations. This letter is also on file with the Building Official.

**I. Comments on "King County Transfer Station Alternatives" Draft Report (Page 193)**

King County is about to issue its draft report on Transfer Station Alternatives. Councilmember Joan McGilton and Interim City Manager Craig Knutson have attended presentations regarding the alternatives being considered, which are attached. The alternatives that would adversely affect Burien garbage collection and disposal would include the elimination of a new South King County transfer facility that is proposed for the Auburn/Algona area (Alternatives C through D\*\*\*). If this new facility were not to be constructed, all south end garbage, both commercial and residential, would go to the Bow Lake Transfer Station. Although not building a new South King County transfer station would reduce capital costs for the region, the Bow Lake station would then be at 50% over capacity, slowing down South end commercial disposal, increasing collection costs, and eliminating public self-haul during the week. To avoid this situation, the recommendation of Councilmember McGilton, Interim City Manager Knutson, and CleanScapes is to support the Base Option, followed by Alternatives A-B, and to oppose Alternatives C-D\*\*\*. Accordingly, comments to this effect will be submitted to King County prior to the October 23 comment deadline. It is our understanding that this is consistent with the approach other cities in our area will be taking.

**J. Citizen Action Report (CAR) (Page 203)**

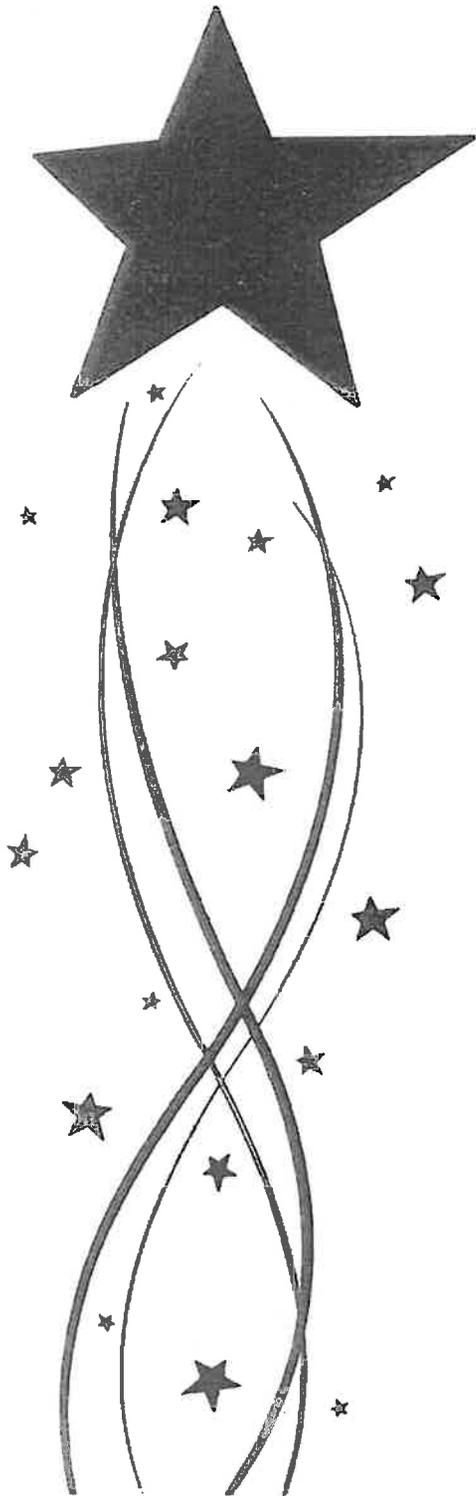
Staff has provided Council with the attached September Citizen Action Report.

**K. Notices: (Page 211)**

The following (attached) Notices were published:

- Notice of Decision: Approval of Type 1 Land Use Review, Critical Area Review, and SEPA Environmental Review for a proposed retail pharmacy with drive-thru, subject to conditions. Written Notice of Appeal with the City Clerk is prior to 5:00 pm on Monday, September 30.
- Notice of Decision: Preliminary Approval with Conditions for Short Plat One Residential Lot into Two Residential Lots. Written Notice of Appeal with the City Clerk must be received prior to 5:00 pm on Monday, September 30, 2013.
- Special Meeting Notice: The Burien City Council will hold a Special Meeting for the purpose of interviewing Executive Search Firms to conduct the City Manager recruitment and selection process on September 30, 2013, at 6:00 pm, at Burien City Hall, 400 SW 152<sup>nd</sup> St., Suite 300.
- Cancellation: The City of Burien Planning Commission meetings scheduled for November 27 and December 25, 2013, have been canceled. The next regularly scheduled meeting of the Planning Commission is on Wednesday, October 9, at 7:00 pm at Burien City Hall, 1<sup>st</sup> Floor, 400 SW 152<sup>nd</sup> St.
- City of Burien Arts Commission Special Meeting Notice: The City of Burien Arts Commission will conduct a special meeting for the purpose of discussing recent changes in the Arts and Culture granting procedure on Wednesday, October 2, 2013, at 6:30 p.m. in the Chelsea Room at the Burien Community Center, 14700 6<sup>th</sup> Avenue SW.





# Special Recognition

JAN VOGEE

*In appreciation of your exceptional team work and commitment to the ePlan project.  
You made a difference.*

September 12, 2013

Rick Berman  
Interim Executive Director  
eCityGov Alliance





September 30, 2013

Port of Seattle Commission  
PO Box 1209  
Seattle, WA 98111

RE: Part 150 Study/Ground Run-up Enclosure

Dear Commissioners:

The Cities of Burien, Des Moines, Normandy Park, and SeaTac thank you for the positive and collaborative approach you have taken throughout the Part 150 Noise Compatibility Study Update that the Port has been conducting for Seattle-Tacoma International Airport. We appreciate the openness and community-driven input process you, your staff, and your consultants have pursued over the past three years as you worked on the update of this very important study.

We would like to take this opportunity to also thank you for including a Ground Run-up Enclosure, also known as a "Hush House" as one of the Study's recommended Noise Compatibility Program Measures (Measure A-18). We believe implementation of a "Hush House", while not completely eliminating the impact of ground run-ups, will contribute to an overall lower amount of noise and disruption to our residents.

Over the last few weeks, however, we have heard news with regards to use of the proposed "Hush House" that we find quite disturbing. Our understanding is airlines have indicated that they would like to use the "Hush House" during the hours that ground run-ups are currently prohibited (Noise Compatibility Program Measure A-10, Maintenance Run-up Regulations). It is unacceptable to us to allow any ground run-ups outside of the current allowable times, even with use of a "Hush House". A "Hush House" can help mitigate the impacts of ground run-ups, but noise will still be created and heard by our residents. Creating additional and unnecessary aircraft noise during late night and early morning hours is contradictory to the purpose and goals of a Part 150 Study and a Noise Mitigation Program.

We respectfully request that you include Measure A-18 Ground Run-up Enclosure in the final Part 150 Noise Compatibility Study but not change the hours when run-ups are not allow as contained in Measure A-10 Maintenance Run-up Regulations.

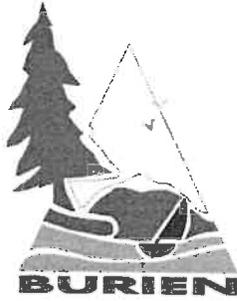
Sincerely,

**Brian Bennett, Mayor**  
**City of Burien**

**Dave Kaplan, Mayor**  
**City of Des Moines**

**Clarke Brant, Mayor**  
**City of Normandy Park**

**Tony Anderson, Mayor**  
**City of SeaTac**



# Burien

*Washington, USA*

**City of Burien**

400 SW 152<sup>nd</sup> St., Suite 300, Burien, WA 98166-1911

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

[www.burienwa.gov](http://www.burienwa.gov)

---

October 1, 2013

Metropolitan King County Council  
516 Third Ave, Rm. 1200  
Seattle, WA 98104

RE: King County Metro Service Reductions and Cuts

Dear Councilmembers:

Transit service is a very important attribute for the Burien Community. Burien residents depend on King County Metro and Sound Transit busses to get to work, school, and to access goods and amenities such as groceries and healthcare. As an Urban Center, Burien is committed to providing transit oriented development where people can leave their cars at home. In 2010, a new transit center was built to serve as a hub for routes serving Seattle, SeaTac Airport, South King County, and other areas in the region. Reductions and cuts in transit routes will not only affect those who do not own cars and rely on transit to meet their daily needs, but it will also increase traffic congestion, negatively impact air quality, and will jeopardize the City of Burien's efforts to increase residential density to create a healthy and walkable urban center.

The Burien routes proposed to be reduced are the 121 and 122. The 121 and 122 serve as main routes from Burien to Downtown Seattle as well as Highline Community College. Reductions in these routes will negatively impact commuters getting to and from work, putting more people on the already crowded and slow 120 going through White Center, as well as significantly impacting travel times for students getting to and from classes at Highline Community College.

Other Burien routes proposed to be discontinued are the 123 and 139. Routes 123 and 139 are the only busses that serve Highline Medical Center, the major Medical Center/Hospital in South King County. This route is an important local route for many elderly residents of the area who rely on transit to get to and from doctor's appointments and may not be eligible to use Metro Access. Discontinuing the only routes that serve the hospital will reduce access to an extremely important medical service center for residents of North Highline.

As a participant in the Commute Trip Reduction Act, Burien strives to implement the goals of the law by encouraging its employees to commute via alternative modes of transportation. Transit plays a key role in the goals of Burien's Commute Trip Reduction Program. With reduced access to transit services and increased travel times, Burien's ability to help reduce air pollution, traffic congestion, and fuel consumption by its employees will be significantly harder to achieve.

Reductions and cuts in transit will not only negatively impact the Burien Community, but also Burien's ability to accommodate increased density to meet growth management targets, address traffic congestion, and protect the environment. Thank you for your time and support.

Sincerely,

Brian Bennett  
Mayor

Cc: Kevin Desmond, King County Metro



WASHINGTON COMMITTEE FOR  
EMPLOYER SUPPORT OF THE GUARD AND RESERVE  
Building 3  
Camp Murray, Washington 98430-5000

September 23, 2013

City of Burien  
Mayor Brian Bennett  
15811 Ambaum Blvd SW Ste C  
Burien, WA 98166

RECEIVED

SEP 16 2013

City of Burien

Dear Honorable Bennett,

The Washington Committee for Employer Support of the Guard and Reserve (ESGR) is a Department of Defense organization that seeks to promote a culture in which all American employers support and value the military service of their employees. We recognize outstanding support, increase awareness of the law, and resolve conflicts through mediation.

One way we provide public recognition for those employers who support their Guard and Reserve employees is by having them sign a Statement of Support certificate. This Statement of Support is an assurance by the employer that they fully recognize, honor, and enforce the law and they recognize and support their employees who serve as members of the Guard and Reserve.

We are encouraging all city Mayors to sign and display the enclosed Statement of Support certificate. Signing a Statement of Support certificate sends a positive message to your employees who serve in the Guard and Reserve and sets the example for other employers of Guard and Reserve members.

If you would like to arrange a small signing ceremony or have any questions about ESGR or the Statement of Support certificate, please feel free to contact our office at (253) 512-8468 or 1-877-306-1971.

Again, thank you for all you do for the men and women of the Guard and Reserve.

Sincerely,

Robert DeWald  
State Chair  
Washington Committee  
Employer Support of Guard and Reserve



# STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE



## *City of Burien*

We recognize the Guard and Reserve are essential to the strength of our nation and the well-being of our communities.

In the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession. They train to respond to their community and their country in time of need. They deserve the support of every segment of our society.

If these volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security.

**Therefore, we join other employers in pledging that:**

- We fully recognize, honor and enforce the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- Our managers and supervisors will have the tools they need to effectively manage those employees who serve in the Guard and Reserve.
- We appreciate the values, leadership and unique skills Service members bring to the workforce and will encourage opportunities to hire Guardsmen, Reservists, and Veterans.
- We will continually recognize and support our country's Service members and their families in peace, in crisis, and in war.

\_\_\_\_\_  
Employer

James G. Rebholz  
National Chair, ESGR

Leon E. Panetta  
Secretary of Defense

\_\_\_\_\_  
Date



# EMPLOYER SUPPORT OF THE GUARD AND RESERVE

**Why is employer support important?** Almost half of our military force resides in the Reserve Component which is comprised of the Guard and Reserve. The men and women who serve in the Reserve Component are unique in that they also have civilian employers. Support of America's employers and the employees they share with the Nation ensures the viability of the all-volunteer force, and thus our national security.

**EMPLOYER SUPPORT OF THE GUARD AND RESERVE (ESGR)**, a Department of Defense agency, seeks to develop and promote a culture in which all American employers support and value the military service of their employees with ESGR as the principal advocate within DoD. ESGR does this by advocating relevant initiatives, recognizing outstanding support, increasing awareness of applicable laws and resolving conflict between employers and service members. *Paramount to ESGR's mission is encouraging employment of Guardsmen and Reservists who bring integrity, global perspective and proven leadership to the civilian workforce.*

## WHO WE HELP

ESGR works with all employers and all Guard and Reserve service members.

## WHAT WE DO

More than 4,700 volunteers and support staff are located in all 50 U.S. states, Guam-CNMI, Puerto Rico, U.S. Virgin Islands and the District of Columbia to provide the following services:

### ADVOCATE

ESGR advocates relevant initiatives on behalf of employers, service members and their families. We promote the importance of employer support through regular communications to military leadership, and serve as a communication link between employers and the DoD.

### RECOGNIZE

ESGR recognizes employers who practice human resource personnel policies that support employee participation in the Guard and Reserve with a series of DoD employer awards.

### INFORM

ESGR informs and educates service members and their civilian employers regarding their rights and responsibilities under the Uniformed Services Employment and Reemployment Rights Act (USERRA). Statutory authority for USERRA resides with the Department of Labor, and ESGR serves as a neutral, free resource to employers and service members. Information on the many resources is available at [www.ESGR.mil](http://www.ESGR.mil).

### MEDIATE

Trained ombudsmen provide information and mediation concerning the USERRA law. ESGR has hundreds of trained volunteer ombudsmen throughout the country ready to provide free mediation. Many conflicts arise due to a misunderstanding rather than a purposeful violation of the law, and ESGR can assist in resolving these issues and more.



# EMPLOYER SUPPORT OF THE GUARD AND RESERVE

## **ESGR PROVIDES EMPLOYERS:**

### **REGULATIONS**

ESGR provides copies of the USERRA Statute, law reviews, the Federal Code of Regulations for USERRA Implementation, and a non-technical guide to understanding the law.

### **POSTERS**

Employers are required to provide a notice of rights to employees who are entitled to the rights and benefits under USERRA. To meet this requirement, you can download free USERRA notices for both federal and non-federal workplaces to display.

### **TRAINING**

Links to free online USERRA training at [www.ESGR.mil](http://www.ESGR.mil) help employers to better understand the law.

### **BRIEFINGS**

ESGR volunteers can visit your workplace and provide USERRA training.

Join thousands of American employers who visibly affirm their support for their Guard and Reserve employees by signing a Statement of Support. Visit [www.ESGR.mil](http://www.ESGR.mil) to request your Statement of Support.

## **ESGR PROVIDES SERVICE MEMBERS:**

### **RESOURCES**

ESGR provides samples of military leave of absence forms, sample letters, service policies, and tips to help you avoid employment challenges.

### **UNDERSTANDING OF THE LAW**

Confused? *We can help!* ESGR provides wallet cards and other resources to help you understand your rights and responsibilities under USERRA.

ESGR volunteers attend mobilization/demobilization briefings to answer questions. Call ESGR toll-free at 1-800-336-4590 or contact your local Guard or Reserve unit for more information.

Show appreciation for supportive employers by nominating your supervisor for a **PATRIOT AWARD**. It's free, and an easy way to say thanks. Visit [www.ESGR.mil](http://www.ESGR.mil) to nominate your employer.

**Our customer service center is operational from 8am to 6pm Eastern Time, Monday through Friday, to provide answers to USERRA questions, or to refer cases to a trained ombudsman.**

**Call our customer service center toll-free at 1-800-336-4590. Questions may also be asked at [www.ESGR.mil](http://www.ESGR.mil) by completing a USERRA Assistance Request Form.**

ESGR DEVELOPS AND PROMOTES A CULTURE IN  
WHICH ALL AMERICAN EMPLOYERS

**SUPPORT AND VALUE**

THE MILITARY SERVICE OF THEIR EMPLOYEES.



# EMPLOYER SUPPORT OF THE GUARD AND RESERVE STATEMENT OF SUPPORT PROGRAM

The Statement of Support Program is the cornerstone of ESGR's effort to gain and maintain employer support for the Guard and Reserve. The intent of the program is to increase employer support by encouraging employers to act as advocates for employee participation in the military. Employers signing a Statement of Support make the following commitments to their employees:

- We fully recognize, honor and enforce the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- Our managers and supervisors will have the tools they need to effectively manage those employees who serve in the Guard and Reserve.
- We appreciate the values, leadership and unique skills service members bring to the workforce and will encourage opportunities to hire Guardsmen, Reservists and Veterans.
- We will continually recognize and support our country's service members and their families in peace, in crisis and in war.

The first Statement of Support was signed on December 13, 1972 in the Office of the Secretary of Defense by the Chairman of the Board of General Motors. President Nixon was the first President to sign a Statement of Support, and in 2005 every federal Cabinet Secretary and all federal agencies signed a Statement of Support to signify their continuing efforts to be model employers.

Since its inception, hundreds of thousands of employers have signed Statements of Support, pledging their support to Guard and Reserve employees.

To request your Statement of Support please visit [www.ESGR.mil/SoS](http://www.ESGR.mil/SoS).

  
**STATEMENT OF SUPPORT  
FOR THE GUARD AND RESERVE**  
  
**America, Inc.**

We recognize the Guard and Reserve are essential to the strength of our nation and the well-being of our communities.

In the highest American tradition, the patriotic men and women of the Guard and Reserve serve voluntarily in an honorable and vital profession. They train to respond to their community and their country in time of need. They deserve the support of every segment of our society.

If these volunteer forces are to continue to serve our nation, increased public understanding is required of the essential role of the Guard and Reserve in preserving our national security.

Therefore, we join other employers in pledging that:

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- We will continually recognize and support our country's service members and their families in peace, in crisis, and in war.

\_\_\_\_\_  
Employer

\_\_\_\_\_  
Date

  
James G. McHale  
National Chair, ESGR

  
Lynn E. Pinerle  
Secretary of Defense

  
ESGR  
EMPLOYER SUPPORT OF  
THE GUARD AND RESERVE



# RECOGNIZING OUTSTANDING SUPPORT

Employer support enhances retention rates in the Armed Forces and in the end, strengthens our national security. To recognize employers who support their Guard and Reserve employees, ESGR promotes several recognition programs including:

- Patriot Award
- Above and Beyond Award
- Pro Patria Award
- Secretary of Defense Employer Support Freedom Award

**Patriot Award:** The Patriot Award honors individual supervisors for their support of Guard and Reserve employees. Nominations must be made by Guard and Reserve service members or their spouses. Nominated employers will receive a Patriot Award certificate and accompanying lapel pin. Please visit the ESGR website at [www.ESGR.mil/PA](http://www.ESGR.mil/PA) to request a Patriot Award for your supervisor.

**Above and Beyond Award:** The Above and Beyond Award is the second in a series of ESGR employer recognition awards. The awards are presented by ESGR State Committees and recognize employers at the state level who have gone above and beyond the legal requirements of the Uniformed Services Employment and Reemployment Rights Act (USERRA).

**Pro Patria Award:** The Pro Patria Award is presented annually by each ESGR State Committee to one small, one large and one public sector employer in their state or territory who has provided the greatest support to Guard and Reserve employees through their leadership practices and personnel policies.

**Secretary of Defense Employer Support Freedom Award:** The Secretary of Defense Employer Support Freedom Award is the highest recognition given by the U.S. Government to employers for their outstanding support of employees serving in the Guard and Reserve. Each year, Guard and Reserve employees, or a family member acting on their behalf, have the opportunity to nominate their employer for the Freedom Award. The ESGR State Committees review nominations and submit recommendations to advance to the next round in each of the three categories: small, large (500+ employees) and public sector. A national selection board comprised of senior Department of Defense officials and business leaders selects 15 employers to receive the Secretary's prestigious award. More information on the Secretary of Defense Employer Support Freedom Award is available at [www.FreedomAward.mil](http://www.FreedomAward.mil).

ESGR DEVELOPS AND PROMOTES A CULTURE IN  
WHICH ALL AMERICAN EMPLOYERS

**SUPPORT AND VALUE**  
THE MILITARY SERVICE OF THEIR EMPLOYEES.





**Federal Emergency Management Agency**  
Washington, D.C. 20472

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:  
APPEAL START

RECEIVED

SEP 03 2013

August 28, 2013

The Honorable Brian Bennett  
Mayor, City of Burien  
City Hall  
400 Southwest 152nd Street, Suite 300  
Burien, Washington 98166

Case No: 11-10-0102S  
Community: City of Burien,  
King County, Washington  
Community No.: 530321

City of Burien

Dear Mayor Bennett:

On February 1, 2013, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) provided your community with Preliminary copies of the revised Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for King County, Washington and Incorporated Areas. FEMA has posted digital copies of these revised FIRM and FIS report materials to the following Website: <http://www.starr-team.com/starr/RegionalWorkspaces/RegionX/KingCountyCoastal/SitePages/Home.aspx>. The Preliminary FIRM and FIS report include proposed flood hazard information for certain locations in the City of Burien, King County, Washington. The proposed flood hazard information may include addition or modification of Special Flood Hazard Areas, the areas that would be inundated by the base (1-percent-annual-chance) flood; base flood elevations or depths; zone designations; or regulatory floodways.

We have published a notice of the proposed flood hazard determinations in the *Federal Register* and will publish a public notification concerning the appeal process (explained below) in the *Seattle Times* on or about September 4, 2013, and September 11, 2013. We will also publish a separate notice of the flood hazard determinations on the "Flood Hazard Determinations on the Web" portion of the FEMA Website ([www.fema.gov/plan/prevent/fhm/bfe](http://www.fema.gov/plan/prevent/fhm/bfe)). We have enclosed copies of the notice published in the *Federal Register* and the newspaper notice for your information.

These proposed flood hazard determinations, if finalized, will become the basis for the floodplain management measures that your community must adopt or show evidence of having in effect to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). However, before any new or modified flood hazard information is effective for floodplain management purposes, FEMA will provide community officials and citizens an opportunity to appeal the proposed flood hazard information presented on the preliminary revised FIRM and FIS report posted to the above-referenced Website.

Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) is intended to ensure an equitable balancing of all interests involved in the setting of flood hazard determinations. The legislation provides for an explicit process of notification and appeals for your community and for private persons prior to this office making the flood hazard determinations final. The appeal procedure is outlined below for your information and in the enclosed document titled *Criteria for Appeals of Flood Insurance Rate Maps*.

During the 90-day appeal period following the second publication of the public notification in the above-named newspaper, any owner or lessee of real property in your community who believes his or her property rights will be adversely affected by the proposed flood hazard determinations may appeal to you, or to an agency that you publicly designate. It is important to note, however, that the sole basis for such appeals is the possession of knowledge or information indicating that the proposed flood hazard determinations are scientifically or technically incorrect. The appeal data must be submitted to FEMA during the 90-day appeal period. Only appeals of the proposed flood hazard determinations supported by scientific or technical data can be considered before FEMA makes its final flood hazard determination at the end of the 90-day appeal period. Note that the 90-day appeal period is statutory and cannot be extended. However, FEMA also will consider comments and inquiries regarding data other than the proposed flood hazard determinations (e.g., incorrect street names, typographical errors, omissions) that are submitted during the appeal period, and will incorporate any appropriate changes to the revised FIRM and FIS report before they become effective.

If your community cannot submit scientific or technical data before the end of the 90-day appeal period, you may nevertheless submit data at any time. If warranted, FEMA will revise the FIRM and FIS report after the effective date. This means that the revised FIRM would be issued with the flood hazard information presently indicated, and flood insurance purchase requirements would be enforced accordingly, until such time as a revision could be made.

Any interested party who wishes to appeal should present the data that tend to negate or contradict our findings to you, or to an agency that you publicly delegate, in such form as you may specify. We ask that you review and consolidate any appeal data you may receive and issue a written opinion stating whether the evidence provided is sufficient to justify an official appeal by your community in its own name or on behalf of the interested parties. Whether or not your community decides to appeal, you must send copies of individual appeals and supporting data, if any, to:

STARR Region X Service Center  
Attn: Katie Dopierala  
20700 44<sup>th</sup> Avenue West  
Suite 110  
Lynnwood, Washington 98036

If we do not receive an appeal or other formal comment from your community in its own name within 90 days of the second date of public notification, we will consolidate and review on their own merits such appeal data and comments from individuals that you may forward to us, and we will make such modifications to the proposed flood hazard information presented on the revised FIRM and in the revised FIS report as may be appropriate. If your community decides to appeal in its own name, all individuals' appeal data must be consolidated into one appeal by you, because, in this event, we are required to deal only with the local government as representative of all local interests. We will send our final decision in writing to you, and we will send copies to the community floodplain administrator, each individual appellant, and the State NFIP Coordinator.

All appeal submittals will be resolved by consultation with officials of the local government involved, by an administrative hearing, or by submission of the conflicting data to an independent scientific body or appropriate Federal agency for advice. Use of a Scientific Resolution Panel (SRP) is also available to your community in support of the appeal resolution process when conflicting scientific or technical data

are submitted during the appeal period. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. An SRP is an option after FEMA and community officials have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Please refer to the enclosed "Scientific Resolution Panels" fact sheet for additional information on this resource available to your community.

FEMA will make the reports and other information used in making the final determination available for public inspection. Until the conflict of data is resolved and the revised FIRM becomes effective, flood insurance available within your community will continue to be available under the effective NFIP map, and no person shall be denied the right to purchase the applicable level of insurance at chargeable rates.

The decision by your community to appeal, or a copy of its decision not to appeal, should be filed with this office no later than 90 days following the second publication of the flood hazard determination notice in the above-named newspaper. Your community may find it appropriate to call further attention to the proposed flood hazard determinations and to the appeal procedure by using a press release or other public notice.

If warranted by substantive changes, during the appeal period we will send you Revised Preliminary copies of the revised FIRM and FIS report. At the end of the 90-day appeal period and following the resolution of any appeals and comments, we will send you a Letter of Final Determination, which will finalize the flood hazard information presented on the revised FIRM and FIS report and will establish an effective date.

If you have any questions regarding participation in the NFIP, we encourage you to contact your Floodplain Management Specialist, John Graves at FEMA Region X, in Bothell, Washington. Mr. Graves can be reached by telephone at (425) 487-4737 or by email at [John.Graves@fema.dhs.gov](mailto:John.Graves@fema.dhs.gov).

If you have any questions regarding the proposed flood hazard determinations, revised FIRM panels, or revised FIS report for your community, please contact Dwight (Ted) Perkins, FEMA Region X Engineer. Mr. Perkins can be reached by telephone at (425) 487-4684 or by email at [Dwight.Perkins@fema.dhs.gov](mailto:Dwight.Perkins@fema.dhs.gov).

Sincerely,



Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration

List of Enclosures:

Newspaper Notice  
Proposed Flood Hazard Determinations FEDERAL REGISTER Notice  
*Criteria for Appeals of Flood Insurance Rate Maps*  
"Scientific Resolution Panels" Fact Sheet

cc: Community Map Repository  
Jan Vogee, Building Official, City of Burien  
Mike Martin, City Manager, City of Burien



**Federal Emergency Management Agency**  
Washington, D.C. 20472

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:  
APPEAL START

RECEIVED

August 28, 2013

SEP 03 2013

The Honorable Brian Bennett  
Mayor, City of Burien  
City Hall  
400 Southwest 152nd Street, Suite 300  
Burien, Washington 98166

Case No: 11-10-0102S  
Community: City of Burien,  
King County, Washington  
Community No.: 530321

City of Burien

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These proposed flood hazard determinations, if finalized, will become the basis for the floodplain management measures that your community must adopt or show evidence of having in effect to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). However, before any new or modified flood hazard information is effective for floodplain management purposes, FEMA will provide community officials and citizens an opportunity to appeal the proposed flood hazard information presented on the preliminary revised FIRM and FIS report posted to the above-referenced Website.

Section 110 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) is intended to ensure an equitable balancing of all interests involved in the setting of flood hazard determinations. The legislation provides for an explicit process of notification and appeals for your community and for private persons prior to this office making the flood hazard determinations final. The appeal procedure is outlined below for your information and in the enclosed document titled *Criteria for Appeals of Flood Insurance Rate Maps*.

During the 90-day appeal period following the second publication of the public notification in the above-named newspaper, any owner or lessee of real property in your community who believes his or her property rights will be adversely affected by the proposed flood hazard determinations may appeal to you, or to an agency that you publicly designate. It is important to note, however, that the sole basis for such appeals is the possession of knowledge or information indicating that the proposed flood hazard determinations are scientifically or technically incorrect. The appeal data must be submitted to FEMA during the 90-day appeal period. Only appeals of the proposed flood hazard determinations supported by scientific or technical data can be considered before FEMA makes its final flood hazard determination at the end of the 90-day appeal period. Note that the 90-day appeal period is statutory and cannot be extended. However, FEMA also will consider comments and inquiries regarding data other than the proposed flood hazard determinations (e.g., incorrect street names, typographical errors, omissions) that are submitted during the appeal period, and will incorporate any appropriate changes to the revised FIRM and FIS report before they become effective.

If your community cannot submit scientific or technical data before the end of the 90-day appeal period, you may nevertheless submit data at any time. If warranted, FEMA will revise the FIRM and FIS report after the effective date. This means that the revised FIRM would be issued with the flood hazard information presently indicated, and flood insurance purchase requirements would be enforced accordingly, until such time as a revision could be made.

Any interested party who wishes to appeal should present the data that tend to negate or contradict our findings to you, or to an agency that you publicly delegate, in such form as you may specify. We ask that you review and consolidate any appeal data you may receive and issue a written opinion stating whether the evidence provided is sufficient to justify an official appeal by your community in its own name or on behalf of the interested parties. Whether or not your community decides to appeal, you must send copies of individual appeals and supporting data, if any, to:

STARR Region X Service Center  
Attn: Katie Dopierala  
20700 44<sup>th</sup> Avenue West  
Suite 110  
Lynnwood, Washington 98036

If we do not receive an appeal or other formal comment from your community in its own name within 90 days of the second date of public notification, we will consolidate and review on their own merits such appeal data and comments from individuals that you may forward to us, and we will make such modifications to the proposed flood hazard information presented on the revised FIRM and in the revised FIS report as may be appropriate. If your community decides to appeal in its own name, all individuals' appeal data must be consolidated into one appeal by you, because, in this event, we are required to deal only with the local government as representative of all local interests. We will send our final decision in writing to you, and we will send copies to the community floodplain administrator, each individual appellant, and the State NFIP Coordinator.

All appeal submittals will be resolved by consultation with officials of the local government involved, by an administrative hearing, or by submission of the conflicting data to an independent scientific body or appropriate Federal agency for advice. Use of a Scientific Resolution Panel (SRP) is also available to your community in support of the appeal resolution process when conflicting scientific or technical data

are submitted during the appeal period. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. An SRP is an option after FEMA and community officials have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Please refer to the enclosed "Scientific Resolution Panels" fact sheet for additional information on this resource available to your community.

FEMA will make the reports and other information used in making the final determination available for public inspection. Until the conflict of data is resolved and the revised FIRM becomes effective, flood insurance available within your community will continue to be available under the effective NFIP map, and no person shall be denied the right to purchase the applicable level of insurance at chargeable rates.

The decision by your community to appeal, or a copy of its decision not to appeal, should be filed with this office no later than 90 days following the second publication of the flood hazard determination notice in the above-named newspaper. Your community may find it appropriate to call further attention to the proposed flood hazard determinations and to the appeal procedure by using a press release or other public notice.

If warranted by substantive changes, during the appeal period we will send you Revised Preliminary copies of the revised FIRM and FIS report. At the end of the 90-day appeal period and following the resolution of any appeals and comments, we will send you a Letter of Final Determination, which will finalize the flood hazard information presented on the revised FIRM and FIS report and will establish an effective date.

If you have any questions regarding participation in the NFIP, we encourage you to contact your Floodplain Management Specialist, John Graves at FEMA Region X, in Botheil, Washington. Mr. Graves can be reached by telephone at (425) 487-4737 or by email at [John.Graves@fema.dhs.gov](mailto:John.Graves@fema.dhs.gov).

If you have any questions regarding the proposed flood hazard determinations, revised FIRM panels, or revised FIS report for your community, please contact Dwight (Ted) Perkins, FEMA Region X Engineer. Mr. Perkins can be reached by telephone at (425) 487-4684 or by email at [Dwight.Perkins@fema.dhs.gov](mailto:Dwight.Perkins@fema.dhs.gov).

Sincerely,



Luis Rodriguez, P.E., Chief  
Engineering Management Branch  
Federal Insurance and Mitigation Administration

List of Enclosures:

- Newspaper Notice
  - Proposed Flood Hazard Determinations FEDERAL REGISTER Notice
  - Criteria for Appeals of Flood Insurance Rate Maps*
  - "Scientific Resolution Panels" Fact Sheet
- cc: Community Map Repository  
Jan Vogee, Building Official, City of Burien  
Mike Martin, City Manager, City of Burien

# Criteria for Appeals of Flood Insurance Rate Maps

November 30, 2011



**FEMA**

This document outlines the criteria for appealing proposed changes in flood hazard information on Flood Insurance Rate Maps (FIRMs) during the appeal period. The Department of Homeland Security's Federal Emergency Management Agency (FEMA) applies rigorous standards in developing and updating flood hazard information and provides communities with an opportunity to review the updated flood hazard information presented on new or revised FIRMs before they become final.

## 1. Background

The regulatory requirements related to appeals are found in Part 67 of the National Flood Insurance Program (NFIP) regulations. Additional FEMA procedural details are provided in Procedure Memorandum No. 57, *Expanded Appeals Process*, dated November 30, 2011. Detailed information on appeals can also be found in *Appeals, Revisions, and Amendments to National Flood Insurance Program Maps—A Guide for Community Officials* and FEMA's *Document Control Procedures Manual*. All referenced documents are accessible through the "Guidance Documents and Other Published Resources" webpage, located at: [http://www.fema.gov/plan/prevent/fhm/firm\\_docs.shtm](http://www.fema.gov/plan/prevent/fhm/firm_docs.shtm).

As outlined in these documents, an appeal period is provided for all new or modified flood hazard information shown on a FIRM, including additions or modifications of any Base (1-percent-annual-chance) Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway. SFHAs are areas subject to inundation by the base (1-percent-annual-chance) flood and include the following SFHA zone designations: A, AO, AH, A1-A30, AE, A99, AR, AR/A1-A30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-V30, VE, and V. Therefore, a statutory 90-day appeal period is required when a flood study, Physical Map Revision (PMR), or Letter of Map Revision (LOMR) is proposed in which:

- New BFEs or base flood depths are proposed or currently effective BFEs or base flood depths are modified;
- New SFHAs are proposed or the boundaries of currently effective SFHAs are modified;
- New SFHA zone designations are proposed or currently effective SFHA zone designations are modified; and
- New regulatory floodways are proposed or the boundaries of currently effective floodways are modified.

Clarification on the necessity for an appeal period is provided for certain specific circumstances outlined below:

- Edge matching of effective floodplain boundaries or information. This usually occurs in first-time countywide flood mapping projects when effective BFEs, base flood depths,

SFHAs, or floodways are extended to an adjacent community that previously had differing or no BFEs, base flood depths, SFHAs, or floodways shown on their effective FIRM in order to fix a map panel to map panel mismatch. In these instances, **an appeal period is required** because BFEs, base flood depths, SFHAs, or floodways are changing or being shown for the first time in the area.

- Redelineation of effective floodplain boundaries. This occurs when an effective SFHA boundary is redrawn on the FIRM using new or updated topography to more accurately represent the risk of flooding. In these instances **an appeal period is required** because the SFHA boundary is changing. However, the appeal period will only apply to the updated SFHA boundary delineations, not the methodology used to originally establish BFEs/flood depths (since this will not have changed).
- Revisions to SFHA zone designations. A revision to an SFHA zone designation may occur with or without a BFE and/or boundary change. For example, when a Zone VE floodplain is changed to a Zone AE designation to reflect the updated location of a Primary Frontal Dune (PFD), the BFE and SFHA boundary may not necessarily change. For any change in SFHA zone designation, including the *removal* of an SFHA designation from a FIRM, **an appeal period is required.**
- Regulatory floodway boundaries. When the effective floodway boundary is redrawn on the FIRM to more accurately represent the extent of the encroachment, **an appeal period is required.**
- MT-1 cases. When the SFHA or floodway boundary is amended due to the issuance of a Letter of Map Amendment (LOMA), Letter of Map Revision based on Fill (LOMR-F), Letter of Map Revision – Floodway, or other MT-1 case, **an appeal period is not required.**
- Annexation of effective floodplain boundaries. When a new or revised FIRM shows new community boundaries which include effective BFEs, base flood depths, SFHAs, or floodways, **an appeal period is not required**, provided no BFE, base flood depth, SFHA, or floodway changes apply.

However, in cases where the flood hazard information in the annexed area has never received due process (for example, if the area is shown for information only on all FIRMs depicting the area), **an appeal period is required.**

- Reissuance of effective LOMRs: When a LOMR is reissued after not being incorporated into a revised FIRM, **an appeal period is not required.**

- Updates that do not impact flood hazard data: When flood studies, PMRs, or LOMRs result in changes to FIRMs that do not impact BFEs, base flood depths, SFHAs, or floodways, **an appeal period is not required**.
- Datum Conversions: **An appeal period is not required** specifically for a datum conversion (e.g., a conversion from NGVD 29 to NAVD 88).

## 1.1. Additional Procedures for LOMRs

Beginning with LOMRs issued on or after December 1, 2011, the following procedures will apply:

In order to provide sufficient due process rights for changes due to LOMRs, any LOMR in a compliant community that requires an appeal period will become effective 120 days from the second newspaper publication date, following FEMA's current policy. This allows time to collect appeals, as well as provides for newspaper publication schedule conflicts. LOMRs in non-compliant communities or in communities that require adoption of the LOMR will become effective following the six month compliance period.

Evidence of public notice or property owner notification of the changes due to a LOMR will continue to be requested during the review of the LOMR request. This will help to ensure that the affected population is aware of the flood hazard changes in the area and the resultant LOMR. However, evidence of property owner acceptance of the changes due to a LOMR will no longer be requested. Because all LOMRs that require an appeal period will become effective 120 days from the second newspaper publication date, the receipt of such acceptance will have no effect on the effective date of the LOMR; therefore, there is no need for the requester to pursue acceptance.

## 2. Appeal Eligibility Requirements

Areas that are eligible for appeal include:

- Areas showing new or revised BFEs or base flood depths
- Areas showing new or revised SFHA boundaries (including both increases and decreases in the extent of the SFHA)
- Areas where there is a change in SFHA zone designation
- Areas showing new or revised regulatory floodway boundaries (including both increases and decreases in the extent of the regulatory floodway).

The area of concern must be within the scope of the new or modified BFEs, base flood depths, SFHA boundaries, SFHA zone designations, and/or regulatory floodway boundary changes and

be supported by scientific and/or technical data. The criteria for data submittals are outlined in Title 44, Chapter 1, Code of Federal Regulations, Section 67.6(b) and in this document.

The statutory 90-day appeal period cannot be extended. FEMA may provide an additional 30 days for a community after the 90-day appeal period has ended to submit supporting and clarifying data for an appeal received during the appeal period. No appeals will be accepted after the 90-day appeal period.

Challenges that do not relate to new or modified BFEs, base flood depths, SFHA boundaries, SFHA zone designations, or floodways are not considered appeals. Challenges received by FEMA during the appeal period that do not address these items will be considered comments. Comments include, but are not limited to the following:

- The impacts of changes that have occurred in the floodplain that should have previously been submitted to FEMA in accordance with 44 Code of Federal Regulations, Section 65.3;
- Corporate limit revisions;
- Road name errors and revisions;
- Requests that changes effected by a LOMA, LOMR-F, or LOMR be incorporated;
- Base map errors; and
- Other possible omissions or potential improvements to the mapping.

Any significant problems identified by community officials or residents (at formal meetings or otherwise) will be addressed appropriately.

### **3. Supporting Data and Documentation Required for Appeals**

The BFEs and base flood depths presented in Flood Insurance Study (FIS) reports and shown on FIRMs are typically the result of coastal, hydrologic and hydraulic engineering methodologies. Floodway configurations, generally developed as part of the hydraulic analyses, are adopted by communities as a regulatory tool for floodplain management and are delineated on FIRMs along with SFHAs.

Because numerous methodologies have been developed for estimating flood discharges and flood elevations/depths, and other flood hazard information under a variety of conditions, FEMA contractors, mapping partners, and others whose data and documentation FEMA approves and uses, such as communities, regional entities and State agencies participating in the Cooperating Technical Partners (CTP) Program, use their professional judgment in selecting methodologies that are appropriate for the conditions along a particular segment of a particular flooding source.

For FEMA contracted flood studies and PMRs the approach to be used will usually be discussed with community officials at the beginning of the flood study or PMR mapping process.

Because the methodologies are the result of attempts to reduce complex physical processes to mathematical models, the methodologies include simplifying assumptions. Usually, the methodologies are used with data developed specifically for the flood study, PMR, or LOMR. Therefore, the results of the methodologies are affected by the amount of data collected and the precision of any measurements made.

Because of the judgments and assumptions that must be made and the limits imposed by cost considerations, the correctness of the BFEs, base flood depths and other flood hazard information is often a matter of degree, rather than absolute. For that reason, appellants who contend that the BFEs, base flood depths, or other flood hazard information is incorrect because better methodologies could have been used, better assumptions could have been made, or better data could have been used, must provide alternative analyses that incorporate such methodologies, assumptions, or data and that quantify their effect on the BFEs, base flood depths or other flood hazard information. FEMA will review the alternative analyses and determine whether they are superior to those used for the flood study, PMR, or LOMR and whether changes to the FIS report and/or FIRM, or LOMR are warranted as a result.

Unless appeals are based on indisputable mathematical or measurement errors or the effects of natural physical changes that have occurred in the floodplain, they must be accompanied by all data that FEMA needs to revise the preliminary version of the FIS report and FIRMs. Therefore, appellants should be prepared to perform coastal, hydrologic and hydraulic analyses, to plot new and/or revised Flood Profiles, and to delineate revised SFHA zone and regulatory floodway boundaries as necessary.

An appeal must be based on data that show the new or modified BFEs, base flood depths, SFHA boundaries, SFHA zone designations, or floodways to be scientifically or technically incorrect. All analyses and data submitted by appellants must be certified by a Registered Professional Engineer or Licensed Land Surveyor, as appropriate. The data and documentation that must be submitted in support of the various types of appeals are discussed in the subsections that follow.

### **3.1. Appealing BFEs, Base Flood Depths, SFHA Zone Designations, or Regulatory Floodways**

**Scientifically incorrect BFEs, base flood depths, SFHA zone designations, or regulatory floodways:**

Proposed BFEs, base flood depths, SFHA zone designations, or regulatory floodways are said to be scientifically incorrect if the methodology used in the determination of the BFEs,

base flood depths, SFHA zone designations, or regulatory floodways is inappropriate or incorrect, or if the assumptions made as part of the methodology are inappropriate or incorrect. An appeal that is based on the proposed BFEs, base flood depths, SFHA zone designations, or regulatory floodways being scientifically incorrect would, therefore, contend that the use of a different methodology or different assumptions would produce more accurate results. A list of National Flood Insurance Program-accepted hydrologic, hydraulic and coastal models is available on FEMA's website at [http://www.fema.gov/plan/prevent/fhm/en\\_modl.shtm](http://www.fema.gov/plan/prevent/fhm/en_modl.shtm). To show that an inappropriate or incorrect coastal, hydraulic or hydrologic methodology has been used, an appellant must submit the following data, as applicable:

- New hydrologic analysis based on alternative methodology and if applicable, updated hydraulic/floodway or coastal analyses based on the updated discharge values;
- New hydraulic/floodway analysis based on alternative methodology and original flood discharge values (if the appeal does not involve the hydrologic analysis);
- New coastal analyses based on alternative methodology and original stillwater elevations (if the appeal does not involve the hydrologic analysis);
- Explanation for superiority of alternative methodology;
- As applicable, revised Summary of Discharges Table, Flood Profiles, Transect Data Table, Summary of Stillwater Elevations Table, and Floodway Data Table (FDT); and
- Revised SFHA zone boundaries and, if applicable, regulatory floodway boundary delineations.

**Technically Incorrect BFEs, Base Flood Depths, SFHA Zone Designations, or Regulatory Floodways:**

The proposed BFEs, base flood depths, SFHA zone designation or regulatory floodways are said to be technically incorrect if at least one of the following is true.

- **The methodology was not applied correctly.**
  - To show that a hydrologic methodology was not applied correctly, an appellant must submit the following:
    - New hydrologic analysis in which the original methodology has been applied differently;
    - Explanation for superiority of new application;
    - New hydraulic/floodway or coastal analysis based on flood discharge values from new hydrologic analysis;

- Revised Summary of Discharges Table and/or Flood Profiles and, if applicable, FDT; and
  - Revised SFHA zone boundary and, if applicable, regulatory floodway boundary delineations.
- To show that a hydraulic methodology was not applied correctly, an appellant must submit the following information. *(Please note that an appeal to a floodway configuration cannot be solely based on surcharge values.)*
  - New hydraulic/floodway analysis, based on original flood discharge values, in which the original methodology has been applied differently;
  - As applicable, revised Flood Profiles, FDT and other FIS report tables as needed; and
  - Revised SFHA zone boundary and, if applicable, regulatory floodway boundary delineations.
- To show that a coastal methodology was not applied correctly, an appellant must submit the following:
  - New coastal analysis, based on the original stillwater elevations, in which the original methodology has been applied differently;
  - Revised SFHA zone boundary and, all applicable FIS report tables, including the Transect Data Table.
- **The methodology was based on insufficient or poor-quality data.**
  - To show that insufficient or poor-quality hydrologic data were used, an appellant must submit the following:
    - Data believed to be better than those used in original hydrologic analysis;
    - Documentation for source of data;
    - Explanation for improvement resulting from use of new data;
    - New hydrologic analysis based on better data;
    - New hydraulic/floodway or coastal analysis based on flood discharge values resulting from new hydrologic analysis;
    - Revised Summary of Discharges Table, Flood Profiles and, if applicable, FDT; and
    - Revised SFHA zone boundary and, if applicable, regulatory floodway boundary delineations.
  - To show that insufficient or poor-quality hydraulic data were used, an appellant must submit the following:

- Data believed to be better than those used in original hydraulic analysis;
  - Documentation for source of new data;
  - Explanation for improvement resulting from use of new data;
  - New hydraulic analysis based on better data and original flood discharge values;
  - Revised Flood Profiles and, if applicable, FDT; and
  - Revised SFHA zone boundary and, if applicable, regulatory floodway boundary delineations.
- To show that insufficient or poor-quality coastal analysis data were used, an appellant must submit the following:
  - Data believed to be better than those used in original coastal analysis;
  - Documentation for source of new data;
  - Explanation for improvement resulting from use of new data;
  - New coastal analysis based on better data and original stillwater elevation values; and
  - Revised SFHA zone boundary and, all applicable FIS report tables, including the Transect Data Table.
- **The application of the methodology included indisputable mathematical or measurement errors.**
  - To show that a mathematical error was made, an appellant must identify the error. FEMA will perform any required calculations and make the necessary changes to the FIS report and FIRM.
  - To show that a measurement error (e.g., an incorrect surveyed elevation used in the flood study, PMR, or LOMR) was made, appellants must identify the error and provide the correct measurement. Any new survey data provided must be certified by a Registered Professional Engineer or Licensed Land Surveyor. FEMA will perform any required calculations and make the necessary changes to the FIS report and FIRM.
- **The methodology did not account for the effects of natural physical changes that have occurred in the floodplain.**
  - For appeals based on the effects of natural physical changes that have occurred in the base floodplain, appellants must identify the changes that have occurred and provide the data FEMA needs to perform a revised analysis. The data may include new stream channel and floodplain cross sections or coastal transects.

### **3.2. Appeals to SFHA Boundaries**

The supporting data required for changes to SFHA zone boundaries will vary, depending on whether the boundaries are for flooding sources studied by detailed methods or flooding sources studied by approximate methods, as discussed below.

#### **Flooding sources studied by detailed methods**

Usually, detailed SFHA zone boundaries are delineated using topographic data and the BFEs and base flood depths resulting from the hydraulic analysis performed for the flood study, PMR, or LOMR. If topographic data are more detailed than those used by FEMA or show more recent topographic conditions, appellants should submit that data and the revised SFHA zone boundaries for FEMA to incorporate into the affected map panels. All maps and other supporting data submitted must be certified by a Registered Professional Engineer or a Licensed Land Surveyor and must reflect existing conditions. Maps or data prepared by an authoritative source, such as the U.S. Army Corps of Engineers, U.S. Geological Survey, U.S. Bureau of Reclamation, or a State department of highways and transportation, are acceptable without certification as long as the sources and dates of the maps are identified. For further information on submittals involving topographic data, please refer to the section below *Additional Guidance on Appeal Submittals Involving Topographic Data*.

#### **Flooding Sources Studied by Approximate Methods**

Usually, where BFEs or base flood depths are not available, flood zone boundaries are delineated with the best available data, including flood maps published by other Federal agencies, information on past floods, and simplified hydrologic and hydraulic analyses. If more detailed data or analyses are submitted, FEMA will use them to update the flood hazard information shown on the affected map panels. Such data and analyses may include the following:

- Published flood maps that are more recent or more detailed than those used by FEMA;
- Analyses that are more detailed than those performed by FEMA or that are based on more detailed data than those used by FEMA;
- Topographic data and resulting updated SFHA boundaries.

For further information on submittals involving topographic data, please refer to the section below *Additional Guidance on Appeal Submittals Involving Topographic Data*.

Please note that, when applicable, appeals related to the *methodology* used to develop an approximate flood zone boundary must follow the guidelines established for appeals to BFEs, base flood depths, SFHA zone designations, or regulatory floodways under Section 3.1 above. However, since flood profiles, FDTs, Summary of Discharges Tables, Transect

Data Tables, and Summary of Stillwater Elevations Tables are not developed in support of approximate floodplain boundaries, these data will not need to be submitted for appeals to flooding sources studied by approximate methods.

All submitted data and analyses must be certified by a Registered Professional Engineer or a Licensed Land Surveyor. Maps prepared by an authoritative source, such as the U.S. Army Corps of Engineers, U.S. Geological Survey, U.S. Bureau of Reclamation, or a State department of highways and transportation, are acceptable without certification as long as the sources and dates of the maps are identified.

#### **Additional Guidance on Appeal Submittals Involving Topographic Data**

For appeal submittals that involve topographic data, the following additional guidelines must be followed:

- The data must be more detailed/accurate, and/or reflect more recent topographic conditions, and be in a digital Geographic Information System (GIS) format preferably;
- The appeal submittal must clearly state which flooding sources are being appealed based on the updated topographic data;
- Updated SFHA boundary delineations that reflect the submitted topographic data for each appealed flooding source must also be provided, preferably in digital GIS format;
- All topographic data submitted must adhere to FEMA's current data capture standards for such data;
- If necessary, a data sharing agreement must be provided.

## **4. Appeal Period Procedures**

Appeals and comments must be resolved by following the procedures below:

- Acknowledgement by FEMA of the receipt of an appeal in writing, ensuring that acknowledged appeals include ALL of the criteria discussed above.
- Acknowledge the receipt of comments. This can be done either in writing, by FEMA, or through a documented phone conversation between the mapping partner and the community that submitted the comments. At a minimum FEMA must notify the community in writing that it did not receive any appeals. This can be done by separate correspondence or by the inclusion of language in the Letter of Final Determination (LFD).

- FEMA or the mapping partner will evaluate any scientific or technical data submitted for compliance with existing mapping statutes, regulations, or Guidelines and Standards.
- FEMA or the mapping partner will request any additional scientific or technical data required to properly review the appeal or comment.
- FEMA or the mapping partner will make a recommendation to FEMA on the resolution of the appeal or comment.
- FEMA or the mapping partner will prepare a draft appeal resolution letter (if all the criteria for an appeal are met).
- The assigned mapping partner shall dispatch the signed FEMA appeal resolution letter and if warranted, Revised Preliminary copies of the FIRM and FIS report to the community CEO and floodplain administrator and all appellants. All correspondence must be prepared and issued on FEMA Headquarters or FEMA Regional letterhead.
- FEMA provides a comment period of 30 days following the date the appeal or comment resolution letter is issued. Any comments received during the 30 day comment period must be addressed and resolved before proceeding with the LFD. Extensions to this 30 day period can only be granted with FEMA Headquarters approval.

## **5. General Technical Guidance**

Detailed guidance on the supporting documentation that must be submitted in support of an appeal can be found in *Appeals, Revisions, and Amendments to National Flood Insurance Program Maps—A Guide for Community Officials*.

Unless appeals are based on the use of alternative models or methodologies, the hydrologic and hydraulic analyses that appellants submit must be performed with the models used for the flood study, PMR, or LOMR. Generally, when appellants are required to submit hydrologic or hydraulic analyses, those analyses must be performed for the same recurrence interval floods as those performed for the flood study, PMR, or LOMR. The vertical datum used in any data submitted must match the datum used in the preliminary FIS report and FIRM. Further, SFHA boundaries are to be shown on a topographic map (preferably, in digital form) whose scale and contour interval are sufficient to provide reasonable accuracy.

New flooding information cannot be added to a FIRM in such a way as to create mismatches with the flooding information shown for unrevised areas. Therefore, in performing new analyses and developing revised flooding information, appellants must tie the new BFEs, base flood

depths, SFHA boundaries, SFHA zone designations, and/or regulatory floodway boundaries into those shown on the maps for areas not affected by the appeal.

All analyses and data submitted by appellants, including those that show mathematical or measurement errors must be certified by a Registered Professional Engineer or Licensed Land Surveyor, as appropriate.

## **6. Scientific Resolution Panel (SRP)**

FEMA's Scientific Resolution Panel (SRP) process reinforces FEMA's commitment to work with communities to ensure the flood hazard data depicted on FIRMs is built collaboratively using the best science available.

When changes to the FIRMs are met with conflicting technical and scientific data, an independent third party review of the information may be needed to ensure the FIRMs are updated correctly. The SRP serves as the independent third party. To be eligible for an SRP, an appeal must include supporting information or data to substantiate that the BFEs, base flood depths, SFHA boundaries, SFHA zone designations, or floodways proposed by FEMA are scientifically or technically incorrect. An SRP request is an option only after FEMA and a local community have been engaged in a collaborative consultation process for at least 60 days without a mutually-acceptable resolution of an appeal.





FEMA



## Scientific Resolution Panels

FEMA's Scientific Resolution Panel (SRP) process reinforces FEMA's commitment to work with communities to ensure the flood hazard data depicted on Flood Insurance Rate Maps (FIRMs) is built collaboratively using the best science available. Flood hazards are constantly changing, and as such, FEMA regularly updates FIRMs through several methods to reflect those changes. When changes to the FIRMs are met with conflicting technical and scientific data, an independent third party review of the information may be needed to ensure the FIRMs are updated correctly. The Scientific Resolution Panel serves as the independent third party.

### Who can request an SRP?

A community, Tribe or political entity that has the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction can request FEMA use the SRP when conflicting data are presented. Chief Executive Officers or authorized community representatives must make or endorse the SRP request if they did not develop or propose the conflicting technical data.

### When can communities request an SRP?

A community can request an SRP if it has:

- Not received a Letter of Final Determination (LFD);
- Submitted an appeal during the 90-day appeal period with scientific or technical data resulting in different flood hazards than those proposed by FEMA;
- Allowed at least 60 days of community consultation with FEMA (but no more than 120 days).

Additionally, a community that has received a FEMA-issued appeal resolution letter and has not exercised the SRP process will have 30 days from the issuance of the letter to request an SRP.

### Independent Panel Sponsor

The SRP process is managed by the National Institute of Building Sciences (NIBS), a non-profit organization independent from FEMA. NIBS will act as the Panel Sponsor, coordinating the SRPs, ensuring that proper regulations and procedures are employed and maintaining a cadre of experts from which Panel members are selected.

### Panel Member Selection

For each appeal, an SRP (or Panel) of three or five members will be convened. Panel members are technical experts in surface water hydrology, hydraulics, coastal engineering, and other engineering and scientific fields that relate to the creation of Flood Hazard Maps and Flood Insurance Studies throughout the United States.

Based on the technical specifications of the appeal, NIBS will develop a list of potential panel members with relevant expertise from its cadre of experts. NIBS will ensure that there is no conflict of interest amongst the panel members. NIBS will confirm that members do not reside in the state from which the appeal is taken and have no personal or professional interest in its findings of the appeal.

**RiskMAP**  
Increasing Resilience Together





(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: July 26, 2013.

Roy E. Wright,

Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.

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DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA-2013-0002; Internal Agency Docket No. FEMA-B-1340]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP). In addition, the FIRM and FIS report, once effective, will be used by insurance agents and

others to calculate appropriate flood insurance premium rates for new buildings and the contents of those buildings.

DATES: Comments are to be submitted on or before November 7, 2013.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

You may submit comments, identified by Docket No. FEMA-B-1340, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov; or visit the FEMA Map Information eXchange (FMIX) online at www.floodmaps.fema.gov/fhm/fmx\_main.html.

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact

stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and also are used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at http://floodsrp.org/pdfs/srp\_fact\_sheet.pdf.

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location and the respective Community Map Repository address listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at www.msc.fema.gov for comparison.

Community	Community map repository address
<b>Story County, Iowa, and Incorporated Areas</b>	
Maps Available for Inspection Online at: <a href="http://www.fema.gov/preliminaryfloodhazarddata">www.fema.gov/preliminaryfloodhazarddata</a>	
City of Ames .....	Department of Planning and Housing, City Hall, 515 Clarke Avenue, Ames, IA 50010.
Unincorporated Areas of Story County .....	Story County Planning and Zoning Department, 900 Sixth Street, Nevada, IA 50201.
<b>Warren County, Iowa, and Incorporated Areas</b>	
Maps Available for Inspection Online at: <a href="http://www.fema.gov/preliminaryfloodhazarddata">http://www.fema.gov/preliminaryfloodhazarddata</a>	

Community	Community map repository address
City of Carlisle .....	City Hall, 195 North First Street, Carlisle, IA 50047.
City of Cumming .....	City Hall, 649 North 44th Street, Cumming, IA 50061.
City of Des Moines .....	City Hall, 400 Robert D Ray Drive, Des Moines, IA 50309.
City of Norwalk .....	City Hall, 705 North Avenue, Norwalk, IA 50211.
Unincorporated Areas of Warren County .....	County Courthouse, 301 North Buxton Street, Suite 212, Indianola, IA 50125.

**Pottawatomie County, Kansas, and Incorporated Areas**

Maps Available for Inspection Online at: [www.fema.gov/preliminaryfloodhazarddata](http://www.fema.gov/preliminaryfloodhazarddata)

City of St. George .....	City Hall, 220 First Street, St. George, KS 66535.
Unincorporated Areas of Pottawatomie County .....	County Office Building, 207 North First Street, Westmoreland, KS 66549.

**Kandiyohi County, Minnesota, and Incorporated Areas**

Maps Available for Inspection Online at: [www.fema.gov/preliminaryfloodhazarddata](http://www.fema.gov/preliminaryfloodhazarddata)

City of Lake Lillian .....	City Hall, 531 Lakeview Street, Lake Lillian, MN 56253.
City of New London .....	City Hall, 20 1st Avenue Southwest, New London, MN 56273.
City of Raymond .....	City Office, 208 Cofield Street, Raymond, MN 56282.
City of Regal .....	Mayor's Residence, 14465 293rd Avenue Northeast, Belgrade, MN 56312.
City of Spicer .....	City Hall, 217 Hillcrest Avenue, Spicer, MN 56288.
City of Willmar .....	City Office Building, 333 6th Street Southwest, Willmar, MN 56201.
Unincorporated Areas of Kandiyohi County .....	Kandiyohi County Office Building, 400 Benson Avenue Southwest, Willmar, MN 56201.

**Upper Ohio-Shade Watershed**

**Athens County, Ohio, and Incorporated Areas**

Maps Available for Inspection Online at: <http://www.starr-team.com/starr/RegionalWorkspaces/RegionV/AthensOH/Preliminary%20Maps/Forms/AllItems.aspx>

City of Athens .....	8 East Washington Street, Athens, OH 45701.
City of Nelsonville .....	211 Lake Hope Drive, Nelsonville, OH 45764.
Unincorporated Areas of Athens County .....	28 Curan Drive, Athens, OH 45701.
Village of Chauncey .....	42 Converse Street, Chauncey, OH 45719.

**Multnomah County, Oregon, and Incorporated Areas**

Maps Available for Inspection Online at: <http://www.starr-team.com/starr/RegionalWorkspaces/RegionX/GreshamPMR/Preliminary%20Maps/Forms/AllItems.aspx>

City of Fairview .....	City Hall, 1300 Northeast Village Street, Fairview, OR 97024.
City of Gresham .....	City Hall, Community Development Office, 1333 Northwest Eastman Parkway, Gresham, OR 97030.
Unincorporated Areas of Multnomah County .....	Multnomah County Office of Land Use and Planning, 1600 Southeast 190th Avenue, Portland, OR 97214.

**King County, Washington, and Incorporated Areas**

Maps Available for Inspection Online at: <http://www.starr-team.com/starr/RegionalWorkspaces/RegionX/KingCountyCoastal/SitePages/Home.aspx>

City of Bothell .....	City Hall, 18305 101st Avenue Northeast, Bothell, WA 98011.
City of Burien .....	City Hall, 400 Southwest 152nd Street, Suite 300, Burien, WA 98166.
City of Des Moines .....	City Engineering Department, 21650 11th Avenue South, Suite D, Des Moines, WA 98198.
City of Federal Way .....	City Hall, 33325 8th Avenue South, Federal Way, WA 98003.
City of Kenmore .....	City Hall, 18120 68th Avenue Northeast, Kenmore, WA 98028.
City of Kirkland .....	City Hall, 123 5th Avenue, Kirkland, WA 98033.
City of Normandy Park .....	City Hall, 801 Southwest 174th Street, Normandy Park, WA 98166.
City of Redmond .....	City Hall, 15670 Northeast 85th Street, Redmond, WA 98703.
City of Seattle .....	City Hall, 600 4th Avenue, Seattle, WA 98124.
City of Shoreline .....	City Hall, 17500 Midvale Avenue North, Shoreline, WA 98133.
City of Tukwila .....	City Hall, 6200 Southcenter Boulevard, Tukwila, WA 98188.
City of Woodinville .....	City Hall, 17301 133rd Avenue Northeast, Woodinville, WA 98072.
Unincorporated Areas of King County .....	Department of Water and Land Resources, 201 South Jackson Street, Suite 600, Seattle, WA 98104.

Community	Community map repository address
<b>Dane County, Wisconsin, and Incorporated Areas</b>	
Maps Available for Inspection Online at: <a href="http://www.fema.gov/preliminaryfloodhazarddata">www.fema.gov/preliminaryfloodhazarddata</a>	
City of Edgerton .....	City Hall, 12 Albion Street, Edgerton, WI 53534.
City of Madison .....	City Hall, 210 Martin Luther King Jr. Boulevard, Room 403, Madison, WI 53703.
City of Middleton .....	City Hall, 7426 Hubbard Avenue, Middleton, WI 53562.
City of Stoughton .....	City Hall, 381 East Main Street, Stoughton, WI 53589.
City of Sun Prairie .....	City Hall, 300 East Main Street, Sun Prairie, WI 53590.
Unincorporated Areas of Dane County .....	City County Building, 210 Martin Luther King Jr. Boulevard, Room 116, Madison, WI 53703.
Village of Cambridge .....	Village Hall, 200 South Spring Street, Cambridge, WI 53523.
Village of Cottage Grove .....	Village Hall, 221 East Cottage Grove Road, Cottage Grove, WI 53527.
Village of De Forest .....	Village Hall, 306 DeForest Street, DeForest, WI 53532.
Village of Deerfield .....	Village Hall, 4 North Main Street, Deerfield, WI 53531.
Village of Marshall .....	Village Hall, 130 South Pardee Street, Marshall, WI 53559.
Village of McFarland .....	Village Hall, 5915 Milwaukee Street, McFarland, WI 53558.
Village of Oregon .....	Village Hall, 117 Spring Street, Oregon, WI 53575.
Village of Rockdale .....	Village Hall, 148 Water Street, Rockdale, WI 53523.
Village of Waunakee .....	Village Hall, 500 West Main Street, Waunakee, WI 53597.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Date: July 26, 2013.

Roy E. Wright,  
Deputy Associate Administrator for  
Mitigation, Department of Homeland  
Security, Federal Emergency Management  
Agency.

[FR Doc. 2013-19328 Filed 8-8-13; 8:45 am]

BILLING CODE 9110-12-P

**DEPARTMENT OF HOMELAND SECURITY**

**Federal Emergency Management Agency**

[Docket No. FEMA-2013-0002; Internal Agency Docket No. FEMA-B-1299]

**Proposed Flood Hazard Determinations**

**AGENCY:** Federal Emergency Management Agency; DHS.

**ACTION:** Notice; correction.

**SUMMARY:** On March 6, 2013, FEMA published in the Federal Register a proposed flood hazard determination notice that contained an erroneous table. This notice provides corrections to that table, to be used in lieu of the information published at 78 FR 14581-14583. The table provided here represents the proposed flood hazard determinations and communities affected for Allegheny County, Pennsylvania (All Jurisdictions).

**DATES:** Comments are to be submitted on or before November 7, 2013.

**ADDRESSES:** The Preliminary Flood Insurance Rate Map (FIRM), and where applicable, the Flood Insurance Study (FIS) report for each community are available for inspection at both the

online location and the respective Community Map Repository address listed in the table below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at [www.msc.fema.gov](http://www.msc.fema.gov) for comparison.

You may submit comments, identified by Docket No. FEMA-B-1299, to Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov).

**FOR FURTHER INFORMATION CONTACT:** Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, FEMA, 500 C Street SW., Washington, DC 20472, (202) 646-4064 or (email) [Luis.Rodriguez3@fema.dhs.gov](mailto:Luis.Rodriguez3@fema.dhs.gov); or visit the FEMA Map Information eXchange (FMIX) online at [www.floodmaps.fema.gov/fhm/fmx\\_main.html](http://www.floodmaps.fema.gov/fhm/fmx_main.html).

**SUPPLEMENTARY INFORMATION:** FEMA proposes to make flood hazard determinations for each community listed in the table below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact

stricter requirements of its own, or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after the FIRM and FIS report become effective.

The communities affected by the flood hazard determinations are provided in the table below. Any request for reconsideration of the revised flood hazard determinations shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations will also be considered before the FIRM and FIS report are made final.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP may only be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at [http://www.fema.gov/pdf/media/factsheets/2010/srp\\_fs.pdf](http://www.fema.gov/pdf/media/factsheets/2010/srp_fs.pdf).

In the proposed flood hazard determination notice published at 78 FR 14581-14583 in the March 6, 2013, issue of the Federal Register, FEMA



**DEPARTMENT OF HOMELAND SECURITY**  
**FEDERAL EMERGENCY MANAGEMENT AGENCY**

**Proposed Flood Hazard Determinations for  
King County, Washington and Incorporated Areas**

The Department of Homeland Security's Federal Emergency Management Agency has issued a preliminary Flood Insurance Rate Map (FIRM), and where applicable, Flood Insurance Study (FIS) report, reflecting proposed flood hazard determinations within King County, Washington and Incorporated Areas. These flood hazard determinations may include the addition or modification of Base Flood Elevations, base flood depths, Special Flood Hazard Area boundaries or zone designations, or the regulatory floodway. Technical information or comments are solicited on the proposed flood hazard determinations shown on the preliminary FIRM and/or FIS report for King County, Washington and Incorporated Areas. These flood hazard determinations are the basis for the floodplain management measures that your community is required to either adopt or show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program. However, before these determinations are effective for floodplain management purposes, you will be provided an opportunity to appeal the proposed information. For information on the statutory 90-day period provided for appeals, as well as a complete listing of the communities affected and the locations where copies of the FIRM are available for review, please visit FEMA's website at [www.fema.gov/plan/prevent/fhm/bfe](http://www.fema.gov/plan/prevent/fhm/bfe), or call the FEMA Map Information eXchange (FMIX) toll free at 1-877-FEMA MAP (1-877-336-2627).



# Transfer System Alternatives

	Base (Current Plan)	Alternative A	Alternative A*	Alternative B	Alternative C	Alternative C**	Alternative D	Alternative D**	Alternative D***
Open facilities	Shoreline Bow Lake Factoria Northeast South County	Shoreline Bow Lake Factoria South County	Shoreline Bow Lake Factoria South County  Houghton (self-haul only)	Shoreline Bow Lake Northeast South County	Shoreline Bow Lake Northeast	Shoreline Bow Lake Northeast  Algona (self-haul only)	Shoreline Bow Lake Factoria	Shoreline Bow Lake Factoria  Algona (self-haul only)	Shoreline Bow Lake Factoria  Algona (self-haul only) Houghton (self-haul only)
Closed facilities	Algona Renton Houghton	Algona Renton Houghton	Algona Renton	Algona Renton Houghton	Algona Renton Houghton	Renton Houghton	Algona Renton Houghton	Renton Houghton	Renton
Do not build		Northeast	Northeast	Factoria	Factoria South County	Factoria South County	Northeast South County	Northeast South County	Northeast South County



# Comparing Alternatives

- Cost
- Equitable distribution of facilities and services
- Flexibility to meet future needs
- Level-of-service criteria
  - Drive time
  - Time on site
  - Facility hours
  - Recycling services
  - Tonnage capacity
  - Vehicle capacity
  - Storage capacity
  - Compaction
  - Building and safety standards
  - Noise and odor standards
  - Traffic standards
  - Proximity to residences
  - Compatibility with surrounding land use

# Capital Cost

- Capital costs are financed by solid waste tipping fees charged at the transfer facilities and the landfill
- Capital costs are supported by all users of the system
  - Self-haulers – residents and businesses
  - Commercial haulers (curbside service)
- The current rate includes payments on the capital costs of the Shoreline and Bow Lake stations and sunk costs for Factoria and South County
- Capital costs will be paid off – assumed 20-year bonds at 5 percent
- Lower capital cost generally correlates with lower service

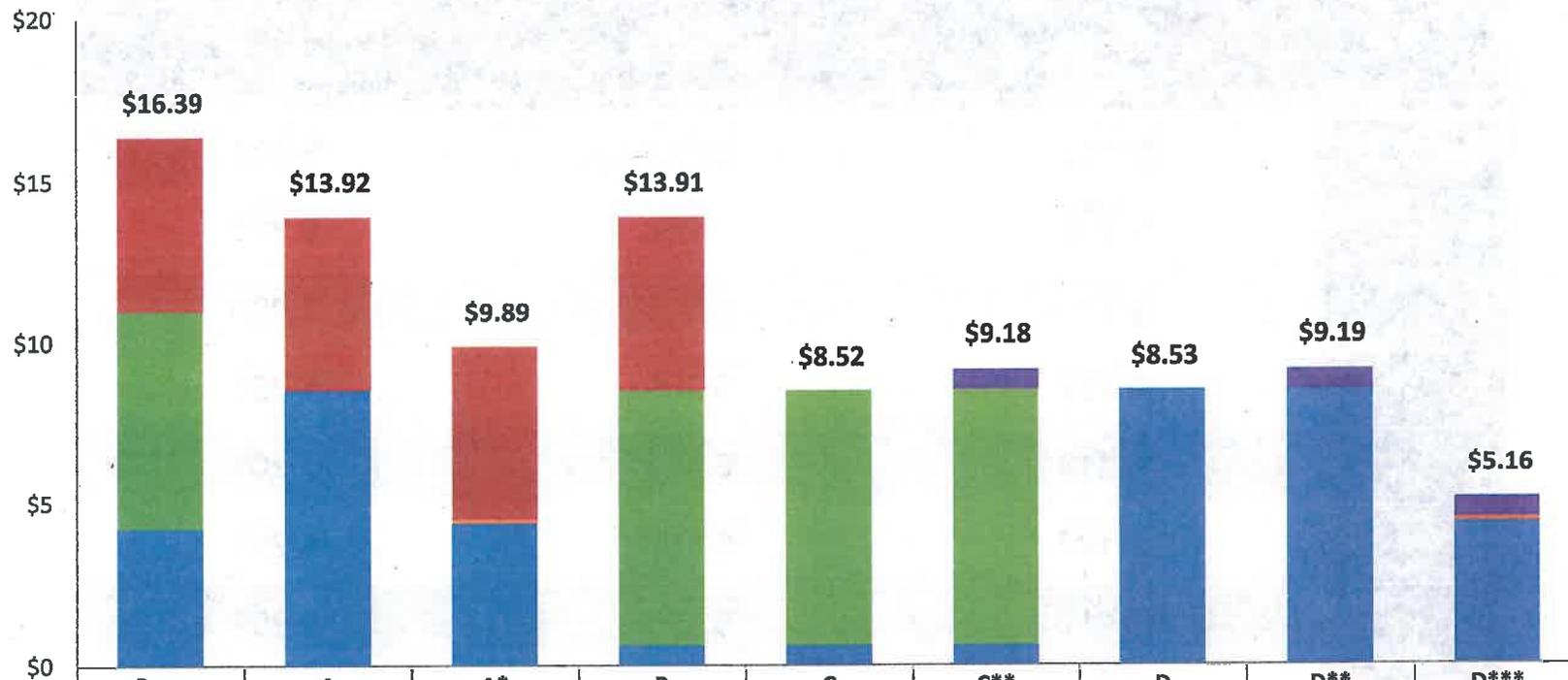
# Capital Cost – Total

*estimated in millions*

	2013\$	Inflated	With Interest (assumed 5%)
Base	\$ 222	\$ 244	\$ 386
A	\$ 186	\$ 208	\$ 328
A*	\$ 136	\$ 148	\$ 233
B	\$ 187	\$ 209	\$ 328
C	\$ 113	\$ 127	\$ 201
C**	\$ 122	\$ 137	\$ 217
D	\$ 112	\$ 126	\$ 201
D**	\$ 121	\$ 135	\$ 217
D***	\$ 71	\$ 75	\$ 121

# Capital Cost – Cost per Ton

## Estimated Average Cost Per Ton 2014-2040



	Base	A	A*	B	C	C**	D	D**	D***
■ Algona						\$0.66		\$0.66	\$0.66
■ South County	\$5.39	\$5.39	\$5.39	\$5.39					
■ Houghton			\$0.13						\$0.13
■ Northeast	\$6.79			\$7.91	\$7.91	\$7.91			
■ Facteria	\$4.21	\$8.53	\$4.37	\$0.61	\$0.61	\$0.61	\$8.53	\$8.53	\$4.37
<b>Total</b>	<b>\$16.39</b>	<b>\$13.92</b>	<b>\$9.89</b>	<b>\$13.91</b>	<b>\$8.52</b>	<b>\$9.18</b>	<b>\$8.53</b>	<b>\$9.19</b>	<b>\$5.16</b>

# Capital Cost – Average Household

Added cost per month for the average household  
(estimated median cost of capital debt 2014-2040)

Alternative	Monthly Cost
Base	\$ 1.08
A	\$ 0.92
A*	\$ 0.66
B	\$ 0.93
C	\$ 0.56
C**	\$ 0.61
D	\$ 0.55
D**	\$ 0.60
D***	\$ 0.34

# Collection Cost

- Collection costs are paid by residents and businesses that have garbage picked up
- Collection costs increase as there are fewer facilities to serve the commercial haulers
- Cost drivers:
  - Increase in miles driven = increased fuel use and truck maintenance
  - More driver hours spent on the road and waiting at the facility and less time on the route = more drivers and more trucks
- Collection costs will continue to grow with inflation

# Collection Cost Analysis

- Some changes to the transfer system that would reduce capital costs would shift costs to the commercial haulers – and ultimately back to the ratepayer
- Unlike capital costs, which are uniformly distributed throughout the system, increased collection costs are not distributed equally
- There is no one amount for collection cost impacts – cost will vary depending on location and distance from a transfer facility
- Residents and businesses in areas that are not served by nearby transfer facilities would bear the brunt of increased collection costs





# Burien

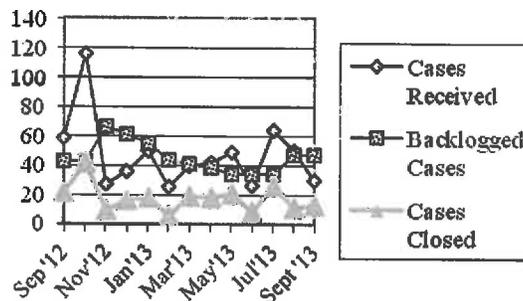
Washington, USA

## CITY OF BURIEN MEMORANDUM

**DATE:** October 2, 2013  
**TO:** Craig D. Knutson, Interim City Manager  
**FROM:** Cynthia Schaff, Paralegal  
**RE:** 2013 Citizen Action Report

This report reflects the caseload for September and includes all backlog cases open as of September 30, 2013. As of that date, there were 66 open cases. 47 of the open cases are more than five weeks old and are considered backlog. There were 30 cases opened during the month of September, 11 cases initiated by staff/police/fire, and 19 cases initiated by residents. 13 of the cases opened during the month of September were closed within the month.

Citizen Action Case Status



	Sep '12	Oct '12	Nov '12	Dec '12	Jan '13	Feb '13	Mar '13	Apr '13	May '13	Jun '13	Jul '13	Aug '13	Sept '13
<b>Cases Closed</b>	22	42	10	17	18	6	19	18	21	9	26	11	13
<b>Cases Received</b>	58	116	27	36	50	25	39	42	49	26	64	50	30
<b>% Cases Closed/Received</b>	38%	36%	37%	47%	36%	24%	49%	43%	43%	35%	41%	22%	43%
<b>Backlogged Cases</b>	43	43	66	61	55	44	41	38	34	34	34	47	47
<b>Total Open Cases</b>	72	125	88	84	84	77	63	60	63	52	75	91	66
<b>% of Backlog</b>	60%	34%	75%	73%	65%	57%	65%	63%	54%	65%	45%	52%	71%

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

Cc: Chip Davis, Community Development Director  
 Jim Bibby, Code Enforcement Officer  
 Maiya Andrews, Public Works Director

Michael Lafreniere, Parks Director  
 Jan Vogee, Building Official



Days Old	Department	CAR #	Date Received	Nature of Request	Complaint information	Last Action	Date	Status
8	Code Enforcement	CAR-13-0379	09/24/2013	Animals	468 S 190TH ST Animals, Chickens, Roosters-Antonyuk-Zone 4	Enforcement Letter 1	09/26/2013	Open
7	Code Enforcement	CAR-13-0380	09/25/2013	Sign Violation	209 SW 152ND ST Sign, ABS-O'Shea-Zone 3	Enforcement Letter 1	09/26/2013	Open
6	Code Enforcement	CAR-13-0382	09/27/2013	Nuisance	13409 AMBAUM BL SW Sofas-Former Donetellis-Zone 1	Case Received	09/27/2013	Open
5	Code Enforcement	CAR-13-0383	09/27/2013	Nuisance	12922 2ND AV SW Nuisance-Himeiman-Zone 1	Case Received	09/27/2013	Open
2	Code Enforcement	CAR-13-0385	09/30/2013	Nuisance	1432 S 129TH ST Nuisance, Trash, Illegal ADU-Jiminez-Zone 2	Case Received	09/30/2013	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
		CAR-13-0349	08/27/2013	Rental Housing License	Rental Housing License-Farnam, Farnam Apts.-Zone 3	Case Received	08/27/2013	Open
29	Code Enforcement	CAR-13-0356	09/03/2013	Housing Concerns	420 SW 184TH ST Sub-standard Housing-Laru Apts-Zone 3	Case Received	09/03/2013	Open
29	Code Enforcement	CAR-13-0357	09/03/2013	Fire Department Issue	205 SW 152ND ST Fire issue-Ruane Thai Restaurant-Zone 3	Case Received	09/03/2013	Open
27	Code Enforcement	CAR-13-0361	09/05/2013	Sign Violation	901 SW 148TH ST Abandoned Signs-Skippers, Millier-Zone 3	Enforcement Letter 1	09/11/2013	Open
23	Code Enforcement	CAR-13-0365	09/09/2013	Housing Concerns	229 SW 124TH ST Living Conditions-Mam-Zone 1	Case Received	09/09/2013	Open
21	Code Enforcement	CAR-13-0369	09/11/2013	Nuisance	11219 28TH AV SW Nuisance, Vegetation-Mosley-Zone 1	Enforcement Letter 1	09/26/2013	Open
21	Code Enforcement	CAR-13-0370	09/11/2013	Housing Concerns	13233 5TH AV SW Housing, Vacant-Hills-Zone 1	Enforcement Letter 1	09/13/2013	Open
20	Code Enforcement	CAR-13-0371	09/12/2013	Building	3750 SW 171ST ST Expired Bldg Permit-Peterson-Zone 3	Case Received	09/12/2013	Open
20	Code Enforcement	CAR-13-0372	09/12/2013	Nuisance	255 S 126TH ST Nuisance, Vehicles-Davis-Zone 2	Enforcement Letter 1	09/24/2013	Open
19	Planning	CAR-13-0374	09/13/2013	Planning / Zoning	1002 S 116TH ST Tran-Zoning/planning-Zone 2	Case Received	09/18/2013	Open
13	Code Enforcement	CAR-13-0376	09/19/2013	Nuisance	15827 7TH AV SW Sofa-Anderson-Zone 3	Case Received	09/19/2013	Open
8	Code Enforcement	CAR-13-0377	09/24/2013	Animals	15208 24TH AV SW Rooster-Waddill-Zone 3	Case Received	09/24/2013	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
58	Code Enforcement	CAR-13-0308	08/05/2013	Planning / Zoning	Planning/Zoning-Dunn-Zone 2	Case Received	08/08/2013	Open
55	Code Enforcement	CAR-13-0310	08/08/2013	Nuisance	1512 SW 160TH ST Nuisance, Vacant, Vegetation-Federal National-Zone 3	NOV Issued	09/18/2013	Open
61	Code Enforcement	CAR-13-0311	08/12/2013	Nuisance	655 SW 143RD ST Nuisance-Trash, Garbage-Rowden-Zone 1	Enforcement Letter 1	09/24/2013	Open
50	Code Enforcement	CAR-13-0321	08/13/2013	Business License	148 SW 163RD ST Business License, Grupo Camino Real-Nguyen-Zone 3	Enforcement Letter 1	08/18/2013	Open
49	Code Enforcement	CAR-13-0322	08/14/2013	Nuisance	12441 1ST AV SW Nuisance, Trash-Eidem-Zone 1	Case Received	08/14/2013	Open
49	Code Enforcement	CAR-13-0323	08/14/2013	Nuisance	153 S 120TH ST Nuisance-Azpitar-Zone 2	Enforcement Letter 1	09/12/2013	Open
49	Code Enforcement	CAR-13-0324	08/14/2013	Nuisance	147 S 120TH ST Nuisance-Hickey-Zone 2	Phone Call	09/10/2013	Open
48	Code Enforcement	CAR-13-0328	08/15/2013	Nuisance	12043 5TH AV S Nuisance, Vehicles, RV Living-Brown-Zone 2	Enforcement Letter 1	09/05/2013	Open
44	Code Enforcement	CAR-13-0327	08/19/2013	Nuisance	528 S 144TH ST Vacant-Locken-Zone 4	Case Received	08/19/2013	Open
41	Code Enforcement	CAR-13-0328	08/22/2013	Nuisance	208 S NORMANDY RD Garbage-Keeth-Zone 4	Case Received	08/22/2013	Open
37	Code Enforcement	CAR-13-0333	08/26/2013	Planning / Zoning	3501 SW 171ST ST Planning-Soderlind - Zone 3	NOV Issued	10/01/2013	Open
37	Code Enforcement	CAR-13-0346	08/26/2013	Rental Housing License	Rental Housing License-Baisch, Sound View Estates-Zone 1	NOV Issued	09/26/2013	Open
36	Code Enforcement				15812 8TH AV SW			

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
92	Code Enforcement	CAR-13-0249	07/02/2013	Nuisance	1004 S 136TH ST Nuisance-Covey-Zone 2	Case Received	07/02/2013	Open
89	Code Enforcement	CAR-13-0259	07/05/2013	Nuisance	16647 8TH AV SW Vehicles/Vegetation-Clutter-Zone 3	Case Received	07/05/2013	Open
85	Code Enforcement	CAR-13-0263	07/09/2013	Fire Department Issue	Fire Dept-Extinguisher-Zone 1	Case Received	07/09/2013	Open
83	Code Enforcement	CAR-13-0268	07/11/2013	Nuisance	2606 S 128TH ST Nuisance, Vacant-Eller-Zone 2	NOV Issued	08/06/2013	Open
79	Code Enforcement	CAR-13-0274	07/15/2013	Nuisance	11833 3RD AV S Nuisance - Tran - Zone 2	Enforcement Letter 1	08/30/2013	Open
77	Code Enforcement	CAR-13-0283	07/17/2013	Sign Violation	Signs, Graffiti-Home Run-Zone 1	Enforcement Letter 1	07/18/2013	Open
77	Code Enforcement	CAR-13-0281	07/17/2013	Building	12028 10TH AV S Permits, Building/Electrical- Beler-Zone 2	Case Received	07/17/2013	Open
77	Code Enforcement	CAR-13-0284	07/17/2013	Housing Concerns	11837 DES MOINES MEMORIAL DR S Housing Issues-Church-Zone 2	Enforcement Letter 1	08/04/2013	Open
76	Code Enforcement	CAR-13-0287	07/18/2013	Nuisance	625 SW 122ND ST Vegetation/Vacant-Croston-Zone 1	Case Received	07/18/2013	Open
71	Code Enforcement	CAR-13-0292	07/23/2013	Apartment Complex	12002 4TH AV SW Vacant/Graffiti-Robertson-Zone 1	Case Received	07/24/2013	Open
68	Code Enforcement	CAR-13-0296	07/26/2013	Nuisance	12615 14TH AV S Vacant-Haydon-Zone 2	NOV Issued	09/26/2013	Open
63	Code Enforcement	CAR-13-0301	07/31/2013	Housing Concerns	646 SW 152ND ST Housing, Illegal Dwelling-Phung-Zone 3	Enforcement Letter 1	08/16/2013	Open

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
191	Code Enforcement	CAR-13-0120	03/25/2013	Nuisance	949 SW 130TH ST Nuisance, Trash debris-Taylor-Zone 1	Phone Call	08/18/2013	Open
176	Code Enforcement	CAR-13-0133	04/09/2013	Nuisance	2607 S 125TH ST Vehicle-Barter-Zone 2	Enforcement Letter 1	05/16/2013	Open
160	Public Works	CAR-13-0159	04/25/2013	ROW Issue	3502 SW 172ND ST ROW Issue, Fence-Saxwold-Zone 3	Enforcement Letter 1	07/17/2013	Open
155	Code Enforcement	CAR-13-0161	04/30/2013	Nuisance	648 S 159TH ST Junk Vehicles/Vacant-Murray-Zone 4	Phone Call	05/23/2013	Open
154	Code Enforcement	CAR-13-0163	05/01/2013	Nuisance	13023 12TH AV S Nuisance, Vacant, Vehicles-Tran-Zone 2	NOV Issued	07/18/2013	Open
140	Code Enforcement	CAR-13-0180	05/15/2013	Nuisance	15028 12TH AV SW Nuisance, Trash & Debris-Do-Zone 3	NOV Issued	09/24/2013	Open
139	Code Enforcement	CAR-13-0181	05/16/2013	Business License	425 S 160TH ST Business License-Residential & Building Maintenance Repair-Zone 4	Phone Call	08/03/2013	Open
124	Code Enforcement	CAR-13-0212	05/31/2013	ROW Issue	2824 SW 171ST ST ROW Rockery collapse-Hwang-Zone 3	NOV Issued	08/09/2013	Open
107	Code Enforcement	CAR-13-0230	06/17/2013	Nuisance	12433 20TH AV S RV Living-Calderon-Zone 2	NOV Issued	09/28/2013	Open
99	Code Enforcement	CAR-13-0235	06/25/2013	Nuisance	14431 8TH AV S Vehicles-Larson-Zone 4	NOV Issued	09/24/2013	Open
97	Code Enforcement	CAR-13-0246	06/27/2013	Building	3540 SW 172ND ST Building Permit-Manola-Zone 3	Enforcement Letter 1	08/09/2013	Open
93	Code Enforcement	CAR-13-0242	07/01/2013	Nuisance	1015 S 138TH ST Trash/Vegetation-Eung-Zone 1	NOV Issued	08/29/2013	Open
93	Code Enforcement	CAR-13-0245	07/01/2013	Nuisance	12850 2ND AV S Vegetation-Albarran-Zone 2	Case Received	07/01/2013	Open
93	Code Enforcement	CAR-13-0248	07/01/2013	Nuisance	12602 OCCIDENTAL AV S Nuisance, Vehicles-Brown-Zone 2	NOV Issued	08/29/2013	Open



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

Report Date: 10/02/2013

Days Old	Department	CAR #	Date Received	Nature of Request	Complaint Information	Last Action	Date	Status
692	Code Enforcement	CAR-11-0486	11/10/2011	Nuisance	16331 MAPLEWILD AV SW Nuisance-Golka-Zone 3	Other - See Notes	08/07/2013	Open
560	Fire Department	CAR-12-0112	03/21/2012	Fire Department Issue	15800 4TH AV S Fire Issue-Woodcrest Apt-Zone 4	NOV Issued	07/11/2013	Open
496	Code Enforcement	CAR-12-0203	05/24/2012	Nuisance	12657 12TH AV S Nuisance, Vehicles, House-Towle-Zone 2	NOV Issued	01/23/2013	Open
457	Fire Department	CAR-12-0284	07/02/2012	Fire Department Issue	12448 AMBAUM BL SW Fire Issue-Clifton Apts-Zone 1	NOV Issued	04/16/2013	Open
414	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
366	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
265	Code Enforcement	CAR-13-0016	01/10/2013	Nuisance	13417 4TH AV S Nuisance, Trash-Alcantar-zone 2	NOV Issued	06/03/2013	Open
265	Building	CAR-13-0018	01/10/2013	Building	14901 28TH AV SW Building/ROW Issue-Winston-Zone 3	Enforcement Letter 1	09/30/2013	Open
246	Code Enforcement	CAR-13-0036	01/29/2013	Nuisance	13825 DES MOINES MEMORIAL DR S Vehicles/Trash-Haberzettl -Zone 4	Other - See Notes	09/24/2013	Open
246	Code Enforcement	CAR-13-0051	01/29/2013	Housing Concerns	12458 ROSEBERG AV S Housing, No Water-Prasad, Rental-Zone 2A	NOV Issued	07/17/2013	Open
245	Code Enforcement	CAR-13-0037	01/30/2013	Nuisance	12054 3RD AV S Vehicles-Meth-Zone 2	NOV Issued	09/26/2013	Open



# Notice of Decision

City of Burien 400 SW 152<sup>nd</sup> Street, Suite 300 Burien, Washington 98166-2209

Date	September 16, 2013
Applicant	Wayne Shores, The Velmeir Companies
Proposal	Type 1 Land Use Review, Critical Area Review, and SEPA Checklist Review for a proposed retail pharmacy with drive-thru.
File No.	PLA 13-1019 File is available for viewing at Burien City Hall during regular business hours.
Location	101 SW 160 <sup>th</sup> Street, Burien, WA
Tax Parcel No.	302304-9034
Decision	Approval of Type 1 Land Use Review, Critical Area Review, and SEPA Environmental Review, subject to conditions.
Appeals	The City of Burien has issued the decision described above. Parties of record may appeal this decision to the Hearing Examiner pursuant to Burien Municipal Code Section 19.65.065.5. The deadline for filing a written Notice of Appeal with the City Clerk is prior to 5:00 p.m. on <b>September 30, 2013</b> . Copies of the "Notice of Appeal" document may be obtained at the Department of Community Development. There is a non-refundable filing fee of \$300 for the submittal of an appeal. For more information please contact the project planner (see below).
Property Tax Revaluation	Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For more information, please contact the King County Assessor's Office at (206) 296-7300.
Project Planner	Liz Olmstead Department of Community Development City of Burien 400 SW 152 <sup>nd</sup> Street, Suite 300 Burien, WA 98166 Phone: (206) 812-7575 E-Mail: <a href="mailto:elizabetho@burienwa.gov">elizabetho@burienwa.gov</a>
Attachments	Conditions of approval



**Wayne Shores, The Velmeir Companies**  
**Type 1 Land Use Approval for a Retail Pharmacy with Drive-Thru**  
**File No. PLA 13-1019**

This application is subject to the applicable requirements contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2009 King County Surface Water Design Manual, 2009 King County Pollution Prevention Manual, and the 2008 Burien Road Standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents. Attachment 2, Development Requirements, is provided in this report to familiarize the applicant with some of the additional requirements that may apply to the project. This attachment does not include all of the additional requirements.

1. Prior to the issuance of any development permits, the Applicant shall:
  - a. Provide the following information on construction permit submittals:
    - i. Provide the following on the drawings (on cover sheet): table of contents, names and phone number of utility field contacts, name and phone of Owner/Agent.
    - ii. Provide Construction Sequence per KCSWDM.
    - iii. Provide General and Drainage notes per KCSWDM and T.E.S.C notes and drawings as per KCSWDM.
    - iv. Show the location of sewer, water, power and communication utilities.
    - v. Provide typical pavement section for new curb, gutter and sidewalks along 1st Ave S and SW 162<sup>nd</sup> St.
    - vi. Provide all curve data on-site.
    - vii. Show all ADA ramps details in accordance with 2008 BRS, fig # 3.111, 3.12, 3.13 and 3.15.
    - viii. Show vertical curb, sidewalk driveway detail per 2008 BRS.
    - ix. Use driveway type per BRS Fig # 3.4 along SW 160<sup>th</sup> St and 1<sup>st</sup> Ave S.
    - x. Show right in and out only sign at proposed driveway along 1<sup>st</sup> Ave S.
    - xi. Show proposed 28 ft width of east RIRO access along SW 160<sup>th</sup> St. City of Burien recommends that proposed driveway width may require wider than 28 feet.
    - xii. Applicant's Professional Engineer or Surveyor should verify legal description for existing wall easements (recording # 20050421001907).

- o. Include a stormwater site plan, conveyance plan, and erosion and sediment control plan in the updated TIR.
  - p. Obtain a Department of Ecology Construction Stormwater General Permit (also known as NPDES). The applicant must submit the Notice of Intent to Ecology at least 60 days before discharging stormwater from construction activities.
  - q. Submit to the City required fees for the signed and notarized Critical Areas Notice and Hold Harmless Agreement to be recorded with King County. The notice shall be recorded to run with the land per BMC 19.40.160.6 and 19.40.210.1.
  - r. Clearly stake, using permanent survey markers installed by a licensed surveyor, the outer edge of any required critical area buffer, tract or protective easement and install a temporary construction fence. The survey markers and a temporary construction fence shall be installed at the applicant's expense and accepted by the Director prior to of any site clearing or construction. Provide GPS points for the location of the altered buffer.
  - s. Submit a performance bond, or other approved financial surety. The purpose of the financial surety is to hold an applicant accountable for implementing the mitigation, monitoring, and contingency plans. The release of financial surety is contingent on satisfactory completion by the applicant of the proposed construction.
  - t. Submit an irrigation plan for the new landscaping.
  - u. Submit a lot line adjustment application to reconfigure lots as proposed in plans.
3. Prior to beginning any work in the public right-of-way, the applicant shall apply for and obtain a Right-of-Way Use Permit and submit a traffic control plan for all construction activity in the public right-of-way and on-site with both the City of Burien.
4. Prior to final occupancy, the applicant shall:
- a. Install and underground all utilities as required by the appropriate Districts.
  - b. Install all frontage improvements for two proposed driveways as specified in the 2008 Burien Road Standards (BRS). Abandoned driveway areas shown to be removed on application drawings shall be properly restored with curbing and sidewalk.
  - c. Submit as-built drawings prepared by a professional surveyor or Washington State Licensed Civil Engineer in accordance with the City of Burien requirements.
  - d. Demonstrate compliance with all of the requirements of the Fire Marshal relating to access and fire safety.
  - g. Provide an as-built mitigation report for the enhancement area. The plan shall identify and describe any changes in relation to the original approved plan.



# Notice of Decision

City of Burien

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

Burien, Washington 98166

Date	September 18, 2013
Applicant	Han Phan, PPG, LLC
Proposal	Short Plat One Residential Lot Into Two Residential Lots
File No.	PLA 13-1201
Location	422 SW 124 <sup>th</sup> Street, Burien WA
Tax Parcel No.	634100-0021
Decision	Preliminary Approval with Conditions
Appeals	The City of Burien has issued the decision described above. Parties of record may appeal this decision to the Hearing Examiner pursuant to Burien Municipal Code Section 2.20.020. The deadline for filing a written Notice of Appeal with the City Clerk is prior to <b>5:00 p.m. on Monday, September 30, 2013</b> . Copies of the "Notice of Appeal" document may be obtained at the Department of Community Development. There is a non-refundable filing fee of \$300 for the submittal of an appeal. For more information please contact the project planner (see below).
Property Tax Revaluation	Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation. For more information, please contact the King County Assessor's Office at (206) 296-7300.
Project Planner	Brandi Eyerly, AICP Department of Community Development City of Burien 400 SW 152 <sup>nd</sup> Street (Suite 300) Burien, WA 98166 Phone: (206) 248-5519 E-Mail: brandie@burienwa.gov
Attachments	Conditions of Approval



PLA 13-1201 Babarovich Short Plat  
Conditions for Preliminary Approval

1. This application is subject to the applicable requirements contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2009 King County Surface Water Design Manual, as amended, the 2009 Stormwater Pollution Prevention Manual, as adopted, Burien Municipal Code, Chapter 13.10 and the 2008 Burien Road Standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents. Attachment 2, Development Regulations, is provided in this report to familiarize the applicant with some of the additional requirements that may apply to the project. This attachment does not include all of the additional requirements. When a condition of approval below conflicts with a development requirement in Attachment 2, the condition of approval shall be followed.
2. Prior to recording the short plat, the applicant shall:
  - a. Modify the final plat map according to the Development Engineer's comments as outlined in the Memorandum dated August 19, 2013.
  - b. Submit for Development Review Engineer's review and approval Site Improvement Plans, prepared by a Washington Licensed Engineer, delineating all access, frontage and drainage improvements proposed for the subject parcel as outlined in the Development Review Engineer's Memorandum dated August 19, 2013 and the Surface Water Management Engineer's Memorandum dated August 16, 2013.
  - c. Construct frontage, access and storm water improvements according to plans approved by the Development Review Engineer and accepted by the City as required by the Development Review Engineer's Memorandum dated August 19, 2013 and the Surface Water Management Engineer's Memorandum dated August 16, 2013.
  - d. Provide an approved performance bond or other security method for street and storm drainage improvements in public rights-of-way as required by the Development Review Engineer Install utilities approved by the appropriate Utility Districts .
  - e. Provide a Declaration of Covenant for private maintenance and operation of on-site drainage facilities for City review and recording against the property. Include a statement on the final plat map that all future construction will be required to meet the City of Burien standards for significant tree preservation in conformance with BMC 19.25.
  - f. Pay a fee in lieu of providing 390 square feet of recreation space on the property for one new lot. The fee shall be 1 new lot multiplied by 390 square feet multiplied by the current assessed value per square foot for the property.
3. Prior to beginning any work in the public right-of-way, the applicant shall apply for and obtain Right-of-Way Use and/or Right-of-Way Construction Permits for all work to be completed in public rights-of-way .

4. Prior to the issuance of development permits for any construction activities on the plat the applicant shall:
  - a. Submit for review and approval a Small Project Drainage Review in accordance with Section 1.1.2 and Appendix C Small Project Drainage Requirements of the 2009 King County Surface Water Design Manual (KCSWDM) as outlined in the Surface Water Management Engineer's Memorandum dated August 16, 2013.
  - b. Submit erosion control plans for City review and approval prior to construction as outlined in the Surface Water Management Engineer's Memorandum dated August 16, 2013.
  - c. Ensure that all utilities serving new construction or new service to an existing use on the project site shall be installed underground.
  - d. Protect any significant trees on the site with protective measures in conformance with BMC 19.25 (see Attachment 2 "Development Regulations" and Conclusion II.D.6).
  
5. Prior to the issuance of a building permit for any dwelling on newly created Lot 2, the applicant shall pay a Transportation Impact Fee as set forth in BMC 19.35 .

## **DEVELOPMENT REGULATIONS**

### **For Short Plats and Consequent Building Permits**

In addition to the standards addressed in the staff report, the City of Burien and other agencies will review the Final Short Plat and the Building Permits to ensure compliance with all applicable city, county, and state codes and policies. At a minimum, the following sections of the Burien Municipal Code (BMC), King County Code (KCC), and state laws will be analyzed during those reviews.

#### **KCC 9.04 Surface Water Management**

#### **BMC 12.05 King County Road Standards**

##### **12.40.070 Undergrounding of Utilities.**

This section applies to new construction on an undeveloped site, to any substantial improvement on a developed site and any new or altered service. All utility lines on a site must be undergrounded. All existing overhead utility lines in the right of way adjacent to the site must be undergrounded unless the Public Works Director determines that this is infeasible. The Public Works Director may require the applicant to submit a statement from all utility companies with existing overhead lines indicating if undergrounding in the right-of-way is feasible. If the Public Works Director determines that undergrounding in the right of way is not feasible, the property owner must sign a concomitant agreement for future undergrounding.

#### **BMC 17 Subdivisions**

##### ***Site Improvements***

##### **17.25.010 Public Road and Drainage Improvements.**

Prior to recording the final plat, each and all of the proposed streets, avenues, boulevards and highways shown thereon shall be improved with grading, surface and drainage in full compliance with and pursuant to a construction permit issued by the City. Right-of-way improvements shall be as shown on the application drawings and/or as accepted by the City Engineer.

##### ***Short Subdivisions***

##### **17.35.080(2) Access.**

Short subdivisions involving construction within city right-of-way shall obtain a Right-of-Way Use Permit pursuant to the codes, rules, laws and regulations of the City of Burien. Right-of-way improvement plans must be prepared by a State of Washington licensed professional engineer.

##### **17.35.090(3) Water Supply.**

Prior to recording the final plat, the approved public water system shall be installed to serve each lot unless a bond or similar security has been deposited with the City of

Burien in a form and amount and with conditions satisfactory to the City of Burien to provide for the construction of required water facilities in Group A systems as defined by board of health regulations, within two years of the date of short plat recording. The City may assign rights to enforce the bond to the purveyor.

17.35.100(2) Sewage Disposal.

Prior to recording the final plat, either the approved public sewage system shall be installed to serve each lot, or a bond or similar security shall be deposited with the City of Burien and may be assigned to a purveyor to assure the construction of such facilities within two years of the date of short plat recording.

17.35.120(3) through (5) Preliminary decision.

All construction and site development activities related to the short subdivision are prohibited until the preliminary decision becomes effective or until authorized by a required plan approval required as a condition of preliminary short subdivision approval. Short subdivision preliminary approval shall be valid for 36 months. If any condition is not satisfied and the final short plat is not recorded within the approval period the short subdivision approval shall be null and void.

17.35.130 Final approval and recording.

All short subdivisions must meet the provisions of this section prior to recording the final plat, including certification from the City of Burien office of the City Clerk and King County Office of Finance that property taxes for the subject property are not delinquent and that all applicable final approval fees and any civil penalties assessed have been paid. A current title report or plat certificate, together with a copy of all easements and encumbrances, must accompany the final plat map. An updated title report may be required if the short plat is not recorded within 30 days of the date of the plat certificate.

**BMC 19 Zoning**

19.17.013 On-Site Recreation – Fee In Lieu of Recreation Space.

If on-site recreation space is not provided, the applicant shall pay a fee in lieu of actual recreational space as provided in BMC 19.17.013(8), 19.17.013(9), 19.17.013(10) and 19.17.013(11).

19.17.290(1) Fences.

Fences exceeding a height of six feet shall comply with the applicable street and interior setbacks of the zone in which the property is located.

19.70.050 Surface Water Management.

All new development shall be served by an adequate surface water management system approved by the department as being consistent with the design, operating and procedural requirements of the 2009 Surface Water Design Manual and KCC Title 9.

19.70.100 Adequate Vehicular access.

All new development shall be served by adequate vehicular access meeting the standards of this section.

#### 19.70.110 Adequate Fire Protection.

All new development shall be served by adequate fire protection. The water supply system must provide at least minimum fire flow and the road system must provide life safety/rescue access. Other fire protection requirements for buildings must be met as required by the fire code and IBC, and building and construction standards.

#### 19.10.265 Structure height.

Structure height is the vertical distance measured from average natural grade to the highest point of the structure. Natural grade is the topography of the lot immediately prior to any site preparation or grading, including excavation or filling. Prior to issuance of any development permits for the site, the city must have on file a topographic survey showing natural grade of the site prior to any development activity.

19.15.005: Permitted uses, setbacks, height limits, building coverage, and impervious surface coverage.

#### 19.17.240 Sight Distance Requirements.

A sight distance triangle area shall contain no fence, berm, vegetation, on-site vehicle parking area, signs or other physical obstruction between 42 inches and eight feet above the existing street grade. The sight distance triangle at a site access point (driveway) is determined by measuring 15 feet along the street line and 15 feet along the edges of the driveway starting at the point of intersection. The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle.

#### 19.20.100(10) Parking for single detached dwelling units.

All vehicle parking and storage must be in a garage, carport or on an approved impervious surface. Any impervious surface used for vehicle parking or storage must have direct and unobstructed driveway access. Parking spaces shall be adequately sized and located to accommodate a standard-sized vehicle without the vehicle extending into the vehicular access tract.

#### 19.25.120 Significant trees - Retention required.

*Significant trees* shall be retained as follows:

Landscape Category A: Thirty percent (30%) of the *significant trees* located on the *site*, excluding *critical areas* or their *buffers*.

#### 19.25.150 Significant trees - Protection.

To provide the best protection for *significant trees*:

1. No clearing shall be allowed on a *site* until approval of tree retention and landscape plans;
2. An area of prohibited disturbance, generally corresponding to the drip line of the *significant tree* shall be protected during construction with a temporary five-foot-high chain link or plastic net *fence*. The fencing shall be installed prior to issuance of development permits for the *site*;
3. No *impervious surfaces*, fill, excavation, or storage of construction materials shall be permitted within the area defined by such *fencing*;

4. A rock well shall be constructed if the grade level around the tree is to be raised by more than one foot. The inside diameter of the well shall be equal to the diameter of the drip line of the tree;
5. The grade level shall not be lowered within the larger of the two areas defined as follows:
  - A. The drip line of the tree(s); or
  - B. An area around the tree equal to one foot diameter for each inch of tree trunk diameter measured four feet above the ground; and
6. Alternative protection methods may be used if determined by the *Director* to provide equal or greater tree protection. [Ord. 293 § 1, 2000]

19.35 Transportation Impact Fees.

19.35.060 Imposition of Transportation Impact Fees.

Any person who receives a building permit or other construction permit for any development activity or who undertakes any development activity within the city's corporate limits for which a building permit, or other construction permit if a building permit is not required, shall pay the transportation impact fees as set forth in this chapter to the city. The impact fees shall be paid at the time of issuance of the permit.







# Burien

*Washington, USA*

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

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**DATE:** September 26, 2013  
**FOR RELEASE:** Immediately  
**CONTACT:** City Clerk's Office, (206) 248-5517

**CITY OF BURIEN  
CITY COUNCIL  
SPECIAL MEETING NOTICE**

The Burien City Council has scheduled a Special Meeting for the purpose of interviewing Executive Search Firms to conduct the City Manager recruitment and selection process on Monday, September 30, 2013 at 6:00 p.m. at Burien City Hall, 400 SW 152<sup>nd</sup> Street.

###

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

cc: Burien City Council  
Burien Staff  
Discover Burien  
B-Town Blog  
Burien Daily  
Highline Times  
King County/Burien Public Library  
Web site: [www.burienwa.gov](http://www.burienwa.gov)  
White Center Now

**\* PLEASE PUT ON COMMUNITY CALENDAR BULLETIN BOARD**



# Burien

*Washington, USA*

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

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

[www.burienwa.gov](http://www.burienwa.gov)

**DATE:** October 1, 2013  
**FOR RELEASE:** Immediately  
**CONTACT:** Office of Community Development (206) 248-5510

## CANCELLATION

### PLANNING COMMISSION MEETING NOTICE

The City of Burien Planning Commission meetings scheduled for November 27 and December 25, 2013, have been canceled.

The next regularly scheduled meeting of the Planning Commission is on Wednesday, October 9, at 7:00 p.m. at Burien City Hall, 1<sup>st</sup> Floor, 400 SW 152<sup>nd</sup> Street.

###

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

cc: Burien City Council                      Seahurst Post Office  
Burien Staff                                      White Center Now  
Burien Library                                   B-Town Blog  
Discover Burien                                Web site: [www.burienwa.gov](http://www.burienwa.gov)  
Highline Times                                 Burien Daily

**\* PLEASE PUT ON COMMUNITY CALENDAR BULLETIN BOARD**



# Burien

Washington, USA

Phone: (206) 241-4647 • FAX (206) 248-5539  
www.burienwa.gov

**DATE:** September 30, 2013  
**FOR RELEASE:** Immediately  
**CONTACT:** Parks, Recreation & Cultural Services Department, (206) 988-3700

**CITY OF BURIEN  
ARTS COMMISSION  
SPECIAL MEETING  
NOTICE**

The City of Burien Arts Commission will conduct a special meeting for the purpose of discussing recent changes in the Arts and Culture granting procedure on Wednesday, October 2, 2013, at 6:30 p.m. in the Chelsea Room at the Burien Community Center, 14700 6<sup>th</sup> Avenue SW.

###

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

cc: Burien City Council  
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Burien Daily

**\* PLEASE PUT ON COMMUNITY CALENDAR BULLETIN BOARD**

