



CITY COUNCIL REGULAR MEETING AGENDA

November 4, 2013

7:00 p.m.

Page No.

- | | | | |
|---|---|---------------------|------|
| 1. CALL TO ORDER | 2. PLEDGE OF ALLEGIANCE | 3. ROLL CALL | |
| 4. AGENDA CONFIRMATION | | | |
| 5. PUBLIC COMMENT | To receive comments on <i>topics other than public hearing topics</i> . Individuals will please limit their comments to three minutes, and groups to five minutes. | | |
| 6. CORRESPONDENCE FOR THE RECORD | a. Email Dated October 24, 2013, from Jennifer McCaslin. | | 3. |
| | b. Email Dated October 28, 2013, from Lori Crow. | | 5. |
| 7. CONSENT AGENDA | a. Approval of Check Register: Numbers 35845 - 36064 in the Amounts of \$1,684,329.58 for Payment on November 4, 2013; and Payroll Salaries and Benefits Numbers 5937 - 5956 for Direct Deposits and Wire Transfers in the Amount of \$356,615.39 for September 16 – September 30, 2013, Paid on October 4, 2013 and \$222,278.02 for October 1 – October 15, 2013, Paid on October 15, 2013. | | 7. |
| | b. Approval of Minutes: Regular Meeting, October 7, 2013; Special Meeting, October 21, 2013; Study Session, October 28, 2013. | | 37. |
| | c. Motion on Revised Arts Fund Recommendation Process. | | 45. |
| | d. Motion to Increase the VEBA Contribution by an Additional \$200 per Month per Councilmember Effective January 1, 2014. | | 47. |
| | e. Motion to Adopt Resolution No. 350, Stating Approval of the Association of Washington Cities Employee Benefit Trust Health Care Program Interlocal Agreement. | | 49. |
| 8. BUSINESS AGENDA | a. Public Hearing on Revenue Sources and Expenditures for 2013-2014 Mid-biennial Budget Review and Update. | | 67. |
| | b. Discussion on the 2014 Property Tax Levy. | | 77. |
| | c. Discussion of Ordinance No. 590 Increasing the City’s Surface Water Management Service Charges and Amending Chapter 13.10 of the Burien Municipal Code. | | 81. |
| | d. Motion to Name Voting Delegate to the National League of Cities (NLC) Annual Business Meeting, November 16, 2013 | | 89. |
| | e. Update on Interlocal Agreement with Port of Seattle for Northeast Redevelopment Area (NERA). | | 91. |
| | f. Introduction of Ordinance to Extend Seattle City Light Franchise. | | 137. |
| | g. Discussion on 2014 Federal and State Legislative Priorities. | | 141. |
| | h. City Manager’s Report. | | 145. |
| 9. COUNCIL BUSINESS | | | |
| 10. ADJOURNMENT | | | |

COUNCILMEMBERS

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

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

Carol Allread

From: Public Council Inbox
Sent: Wednesday, October 30, 2013 11:53 AM
To: 'Jennifer McCaslin'
Subject: RE:

Dear Ms. McCaslin,

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

Sincerely,

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

From: Jennifer McCaslin [<mailto:jennifanfare@gmail.com>]
Sent: Thursday, October 24, 2013 3:49 PM
To: Public Council Inbox
Subject:

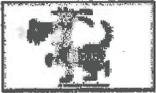
I hope they build a small/shy area. The little dogs really need the safer separate area.

B-Town D.o.g. Message Board › B-Town DOG Needs Bodies!

B-Town DOG Needs Bodies!

Rob Johnson | **Posted 6/27/13 3:21 PM**
| [Link to discussion](#)
| [Report](#)

CC: Michael Lafreniere, Parks Director
Steve Roemer, Parks Development + Operations
manager
CFTR: 11/4/13



user 80028732
Group Organizer
Seattle, WA



Hi Friends... Just a quick message on our efforts to create an off leash dog park in Burien...

The Parks Dept. is bringing the proposed Off Leash Dog Park to the City Council on 7-1; We need warm bodies to show support!!! If you can't make it PLEASE WRITE AN EMAIL TO THE CITY COUNCIL EXPRESSING YOUR SUPPORT
WRITE council@burienwa.gov

The city council meets at the Burien Public Library, 400 SW 152nd Street, Burien, Washington 98166

Powered by

Carol Allread

From: Public Council Inbox
Sent: Wednesday, October 30, 2013 11:54 AM
To: 'Lori Crow'
Subject: RE: Concern

Dear Ms. Crow,

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

Sincerely,

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

From: Lori Crow [<mailto:l.craw@q.com>]
Sent: Monday, October 28, 2013 8:53 AM
To: Public Council Inbox
Subject: Concern

Council Members:

I've been a resident and home owner in Burien for 20 years and am writing to voice my concern about the influx of vagrant/homeless people to Burien. It seems to me as though the numbers have increased markedly since the transit center was completed. I overheard a policeman say that crime has increased dramatically as well and he attributed it to Burien having only 4 policemen [per shift?]. My purse was recently stolen in broad daylight from my locked car in the Fred Meyer parking lot (window was cracked an inch!).

I'm weary of being asked for spare change and seeing the sad folks with their signs asking for help on 148th and 1st Ave. I realize more people are down and out and I regularly contribute to organizations e.g. Union Gospel Mission and the Salvation Army, that help folks in that unfortunate state. I think we need to make Burien a little less welcoming to these folks and perhaps they'll turn to these organizations?

Are there plans underway to address this problem? To increase the number of police? Please let me know if there's a better way to formally address my concerns.

Thank you in advance for your consideration of this matter.

Sincerely,
Lori Crow
14414 14th Ave SW
Burien, WA
206.248.3976

CC: Scott Kimerer, Burien Police Chief
CFTR: 11/4/13

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 4th day of November 2013 THE FOLLOWING:

CHECK NOS. 35845-36064

IN THE AMOUNTS OF \$1,684,329.58

WITH VOIDED CHECK NOS. 0

PAYROLL SALARIES AND BENEFITS APPROVAL

FOR September 16thth - September 30th PAID ON 4th October 2013

CHECK NOS. 5937-5956

DIRECT DEPOSITS AND WIRE TRANSFERS IN THE AMOUNT OF: \$356,615.39

FOR October 1st - October 15th PAID ON 15th October 2013

CHECK NOS. 5957-5964

DIRECT DEPOSITS AND WIRE TRANSFERS IN THE AMOUNT OF: \$222,278.02

Accounts Payable
Checks for Approval



User: cathy
Printed: 10/31/2013 - 8:54 AM

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35845	10/21/2013	Street Fund	Professional Services	Affordable Backflow Testing	182.83
35845	10/21/2013	General Fund	Repairs and Maintenance	Affordable Backflow Testing	1,513.25
Check Total:					1,696.08
35846	10/21/2013	Street Fund	Office And Operating Supplies	Ace Hardware	27.11
35846	10/21/2013	General Fund	Office and Operating Supplies	Ace Hardware	32.06
35846	10/21/2013	Surface Water Management Fund	Office And Operating Supplies	Ace Hardware	17.51
35846	10/21/2013	General Fund	Office and Operating Supplies	Ace Hardware	6.56
35846	10/21/2013	General Fund	Office and Operating Supplies	Ace Hardware	66.74
35846	10/21/2013	General Fund	Office and Operating Supplies	Ace Hardware	30.61
35846	10/21/2013	General Fund	Office and Operating Supplies	Ace Hardware	32.13
35846	10/21/2013	General Fund	Office and Operating Supplies	Ace Hardware	112.47
35846	10/21/2013	General Fund	Office and Operating Supplies	Ace Hardware	13.63
35846	10/21/2013	General Fund	Office and Operating Supplies	Ace Hardware	34.99
35846	10/21/2013	General Fund	Office and Operating Supplies	Ace Hardware	6.00
35846	10/21/2013	General Fund	Office and Operating Supplies	Ace Hardware	8.20
35846	10/21/2013	General Fund	Office and Operating Supplies	Ace Hardware	41.54
35846	10/21/2013	General Fund	Office and Operating Supplies	Ace Hardware	41.57
35846	10/21/2013	General Fund	Office and Operating Supplies	Ace Hardware	9.64
35846	10/21/2013	Street Fund	Office And Operating Supplies	Ace Hardware	21.86
35846	10/21/2013	Street Fund	Office And Operating Supplies	Ace Hardware	12.78
Check Total:					515.40
35847	10/21/2013	General Fund	Professional Services	Alliance 2020 Inc	37.00
Check Total:					37.00
35848	10/21/2013	Street Fund	Office And Operating Supplies	Alpine Fence Company	675.35

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	675.35
35849	10/21/2013	Street Fund	Office And Operating Supplies	Alpine Products Inc	96.09
35849	10/21/2013	Surface Water Management Fund	Office And Operating Supplies	Alpine Products Inc	96.08
				Check Total:	192.17
35850	10/21/2013	General Fund	Office and Operating Supplies	Amerigas - Kent	296.80
				Check Total:	296.80
35851	10/21/2013	General Fund	Telephone	A T & T	62.41
				Check Total:	62.41
35852	10/21/2013	General Fund	Telephone	AT&T Mobility	20.37
				Check Total:	20.37
35853	10/21/2013	General Fund	Teen Programs	Brian J Barnes	195.20
				Check Total:	195.20
35854	10/21/2013	General Fund	Instructors Prof Svcs	Lucas Bonnema	120.00
				Check Total:	120.00
35855	10/21/2013	General Fund	Printing/Binding/Copying	Brim Press LLC	220.93
35855	10/21/2013	General Fund	Printing/Binding/Copying	Brim Press LLC	32.85
35855	10/21/2013	General Fund	Printing/Binding/Copying	Brim Press LLC	32.85
35855	10/21/2013	General Fund	Printing/Binding/Copying	Brim Press LLC	32.85
				Check Total:	319.48
35856	10/21/2013	General Fund	Prof. Svcs-Instructors	Eileen Broomell	54.00
				Check Total:	54.00
35857	10/21/2013	General Fund	Prof. Svcs-Instructors	Viola Brumbaugh	1,463.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	1,463.00
35858	10/21/2013	Surface Water Management Fund	Office And Operating Supplies	Bryant's Tractor & Mower Inc	44.32	
35858	10/21/2013	Street Fund	Office And Operating Supplies	Bryant's Tractor & Mower Inc	44.33	
35858	10/21/2013	Surface Water Management Fund	Repairs And Maintenance	Bryant's Tractor & Mower Inc	45.69	
35858	10/21/2013	Street Fund	Repairs And Maintenance	Bryant's Tractor & Mower Inc	45.69	
					Check Total:	180.03
35859	10/21/2013	Surface Water Mgmt CIP	Construction	Burien Bark LLC	539.56	
					Check Total:	539.56
35860	10/21/2013	General Fund	Animal Control Services	CARES	12,916.67	
					Check Total:	12,916.67
35861	10/21/2013	General Fund	Professional Services	Cascade Alarm, LLC	430.34	
35861	10/21/2013	General Fund	Professional Services	Cascade Alarm, LLC	744.60	
35861	10/21/2013	General Fund	Professional Services	Cascade Alarm, LLC	755.55	
35861	10/21/2013	General Fund	Professional Services	Cascade Alarm, LLC	794.98	
					Check Total:	2,725.47
35862	10/21/2013	General Fund	Computer Related Supplies	CDW-G	59.15	
					Check Total:	59.15
35863	10/21/2013	Transportation CIP	Design - Engineering	CH2M Hill	68,456.42	
					Check Total:	68,456.42
35864	10/21/2013	General Fund	Office and Operating Supplies	Clay Art Center Inc	163.46	
					Check Total:	163.46
35865	10/21/2013	General Fund	Professional Services	CleanScapes Inc	1,244.60	
35865	10/21/2013	General Fund	Professional Services	CleanScapes Inc	150.54	
					Check Total:	1,395.14
35866	10/21/2013	General Fund	Online Video Streaming	COMCAST	45.17	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35866	10/21/2013	General Fund	Utilities	COMCAST	77.35
35866	10/21/2013	General Fund	Utilities	COMCAST	85.80
35866	10/21/2013	Street Fund	Telephone	COMCAST	42.90
35866	10/21/2013	Surface Water Management Fund	Telephone	COMCAST	42.90
Check Total:					294.12
35867	10/21/2013	General Fund	Office And Operating Supplies	Complete Office LLC	480.42
Check Total:					480.42
35868	10/21/2013	General Fund	Instructors Prof Svcs	Janet S. Crawley	612.00
35868	10/21/2013	General Fund	Prof. Svcs-Instructors	Janet S. Crawley	375.00
Check Total:					987.00
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	30.44
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	101.36
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	44.52
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	112.99
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	47.05
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	63.95
35869	10/21/2013	Surface Water Management Fund	Utilities	City of Seattle	79.33
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	16.32
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	310.11
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	98.38
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	81.93
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	227.44
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	117.36
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	73.52
35869	10/21/2013	General Fund	Utilities	City of Seattle	118.85
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	46.15
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	117.04
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	15.78
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	91.26
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	7.80
35869	10/21/2013	Street Fund	Utilities-Street Lighting	City of Seattle	10.36
35869	10/21/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	60.66
35869	10/21/2013	Street Fund	Utilities-Street Lighting	City of Seattle	12.09
35869	10/21/2013	Street Fund	Utilities-Street Lighting	City of Seattle	4,925.00
Check Total:					6,809.69
35870	10/21/2013	General Fund	Utilities	City Of Seattle	99.03

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35870	10/21/2013	General Fund	Utilities	City Of Seattle	335.98
35870	10/21/2013	General Fund	Utilities	City Of Seattle	1,290.21
Check Total:					1,725.22
35871	10/21/2013	Street Fund	Office And Operating Supplies	WaterCo of Pac.NW Inc	17.80
35871	10/21/2013	Surface Water Management Fund	Office And Operating Supplies	WaterCo of Pac.NW Inc	17.79
Check Total:					35.59
35872	10/21/2013	General Fund	State Lobbying Services	Michael D. Doubleday	3,000.00
35872	10/21/2013	General Fund	Federal Lobbying Services	Michael D. Doubleday	2,050.00
Check Total:					5,050.00
35873	10/21/2013	Surface Water Mgmt CIP	Predesign-Engineering	Duncanson Company, Inc.	5,500.00
35873	10/21/2013	Surface Water Mgmt CIP	Predesign-Engineering	Duncanson Company, Inc.	960.00
Check Total:					6,460.00
35874	10/21/2013	Surface Water Management Fund	Office And Operating Supplies	Dunn Lumber Co.	20.70
Check Total:					20.70
35875	10/21/2013	General Fund	Repairs & Maint. - Fleet	Elidrew, LLC	11.83
Check Total:					11.83
35876	10/21/2013	General Fund	City Hall Bldg Maintenance	Eastside Glass & Sealants	502.61
Check Total:					502.61
35877	10/21/2013	General Fund	Senior Trips	Falls Creek Retreat Center	996.25
Check Total:					996.25
35878	10/21/2013	General Fund	Office and Operating Supplies	FASTSIGNS	84.95
Check Total:					84.95
35879	10/21/2013	General Fund	Quarterly Newsletter	FedEx	6.04

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	6.04
35880	10/21/2013	Street Fund	Office And Operating Supplies	Flint Trading Inc	3,915.72
				Check Total:	3,915.72
35881	10/21/2013	General Fund	City Hall Custodial	Global Cleaning Inc	1,308.83
				Check Total:	1,308.83
35882	10/21/2013	Street Fund	Repairs & Maint. - Fleet	Genuine Parts Co. Seattle-DC	7.97
35882	10/21/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Genuine Parts Co. Seattle-DC	7.98
35882	10/21/2013	Street Fund	Office And Operating Supplies	Genuine Parts Co. Seattle-DC	13.67
				Check Total:	29.62
35883	10/21/2013	General Fund	Parks Building Security	Guardian Security	65.00
35883	10/21/2013	General Fund	Office And Operating Supplies	Guardian Security	222.59
				Check Total:	287.59
35884	10/21/2013	General Fund	Office and Operating Supplies	Halfon Candy Co., Inc.	328.61
				Check Total:	328.61
35885	10/21/2013	General Fund	Instructors Prof Svcs	Victoria E. Hamilton	69.00
				Check Total:	69.00
35886	10/21/2013	Surface Water Management Fund	Office And Operating Supplies	Home Depot Credit Services	184.86
				Check Total:	184.86
35887	10/21/2013	Surface Water Mgmt CIP	Construction	HD Fowler Company	4,944.25
				Check Total:	4,944.25
35888	10/21/2013	General Fund	Operating Rentals and Leases	Head-quarters	81.50
				Check Total:	81.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35889	10/21/2013	General Fund	Miscellaneous	Highline School District #401	171.00
				Check Total:	171.00
35890	10/21/2013	General Fund	Teen Programs	Highline School District	5,754.00
				Check Total:	5,754.00
35891	10/21/2013	General Fund	Prof. Svcs-Instructors	Joshua Hughes	180.00
				Check Total:	180.00
35892	10/21/2013	Street Fund	Office And Operating Supplies	ICON Materials	85.96
35892	10/21/2013	Street Fund	Office And Operating Supplies	ICON Materials	85.96
35892	10/21/2013	Surface Water Mgmt CIP	Construction	ICON Materials	95.91
35892	10/21/2013	Street Fund	Office And Operating Supplies	ICON Materials	85.96
35892	10/21/2013	Street Fund	Office And Operating Supplies	ICON Materials	42.16
35892	10/21/2013	Surface Water Mgmt CIP	Construction	ICON Materials	280.34
35892	10/21/2013	Surface Water Management Fund	Office And Operating Supplies	ICON Materials	106.90
35892	10/21/2013	Surface Water Management Fund	Office And Operating Supplies	ICON Materials	378.17
				Check Total:	1,161.36
35893	10/21/2013	General Fund	Operating Rents & Leases	RICOH USA Inc	321.93
35893	10/21/2013	Street Fund	Operating Rentals And Leases	RICOH USA Inc	2.40
35893	10/21/2013	Surface Water Management Fund	Operating Rentals And Leases	RICOH USA Inc	2.41
				Check Total:	326.74
35894	10/21/2013	General Fund	Miscellaneous	Iron Mountain	81.30
				Check Total:	81.30
35895	10/21/2013	General Fund	Telephone	Integra Telecom	151.53
35895	10/21/2013	General Fund	Telephone	Integra Telecom	23.31
35895	10/21/2013	General Fund	Telephone	Integra Telecom	116.55
35895	10/21/2013	General Fund	Telephone	Integra Telecom	34.97
35895	10/21/2013	General Fund	Telephone	Integra Telecom	23.31
35895	10/21/2013	General Fund	Telephone	Integra Telecom	58.28
35895	10/21/2013	General Fund	Telephone	Integra Telecom	174.83
35895	10/21/2013	General Fund	Telephone	Integra Telecom	139.86
35895	10/21/2013	General Fund	Telephone	Integra Telecom	116.55
35895	10/21/2013	General Fund	Telephone	Integra Telecom	108.74

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35895	10/21/2013	General Fund	Telephone	Integra Telecom	108.74
35895	10/21/2013	General Fund	Telephone	Integra Telecom	108.86
35895	10/21/2013	General Fund	Telephone	Integra Telecom	775.54
					Check Total: 1,941.07
35896	10/21/2013	General Fund	Prof. Svcs-Instructors	Moodette Ka'apana	68.75
					Check Total: 68.75
35897	10/21/2013	Street Fund	Office And Operating Supplies	KAHEKILI KALALAU	67.48
					Check Total: 67.48
35898	10/21/2013	General Fund	Office And Operating Supplies	Gina Kallman	41.00
					Check Total: 41.00
35899	10/21/2013	General Fund	Police Contract - King Co	King County Sheriff's Office	845,663.58
					Check Total: 845,663.58
35900	10/21/2013	General Fund	Seasonal Security	King County Security Guards LL	1,165.50
					Check Total: 1,165.50
35901	10/21/2013	General Fund	Drug Seizure Proceeds KCSO	KC Sheriff Det. Raphael Crensh	1,504.75
					Check Total: 1,504.75
35902	10/21/2013	General Fund	Instructors Prof Svcs	Keli Sim-DiRitis	120.00
					Check Total: 120.00
35903	10/21/2013	General Fund	Public Defender	Kirshenbaum & Goss, Inc., P.S	7,033.02
					Check Total: 7,033.02
35904	10/21/2013	General Fund	Mileage	KIM KRAUSE	59.11
					Check Total: 59.11

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35905	10/21/2013	General Fund	Instructors Prof Svcs	Lauren Laughlin	207.00
				Check Total:	207.00
35906	10/21/2013	General Fund	Prof. Svcs-Instructors	Lori Leberer	60.00
				Check Total:	60.00
35907	10/21/2013	General Fund	Prof. Svcs-Instructors	Alexander Lewis	1,320.00
				Check Total:	1,320.00
35908	10/21/2013	General Fund	Prof. Svcs-Instructors	Anne Marie Littleton	120.00
				Check Total:	120.00
35909	10/21/2013	Surface Water Management Fund	Office And Operating Supplies	Lloyd Enterprises Inc	588.76
				Check Total:	588.76
35910	10/21/2013	General Fund	Office and Operating Supplies	Leisuremore Corporation	392.45
				Check Total:	392.45
35911	10/21/2013	General Fund	Instructors Prof Svcs	Loren Lukens	330.00
				Check Total:	330.00
35912	10/21/2013	General Fund	Prof. Svcs-Instructors	Jacob Matthew	260.00
				Check Total:	260.00
35913	10/21/2013	General Fund	Instructors Prof Svcs	Hunter McGee	330.00
				Check Total:	330.00
35914	10/21/2013	General Fund	Prof. Svcs-Instructors	John William McLaughlin	100.00
				Check Total:	100.00
35915	10/21/2013	Street Fund	Office And Operating Supplies	McLendon Hardware Inc	33.08
35915	10/21/2013	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware Inc	29.26

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35915	10/21/2013	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware Inc	37.96
				Check Total:	100.30
35916	10/21/2013	General Fund	Repairs And Maintenance	Mark's Expert Auto Service, In	1,093.76
				Check Total:	1,093.76
35917	10/21/2013	General Fund	Human Svc-Family/Youth	Matt Griffin YMCA	3,000.00
				Check Total:	3,000.00
35918	10/21/2013	Street Fund	Dt Business License Svcs	Microflex Inc	3,657.68
35918	10/21/2013	General Fund	B&O Tax Collect & Audit	Microflex Inc	1,927.74
35918	10/21/2013	Street Fund	Dt Business License Svcs	Microflex Inc	218.11
35918	10/21/2013	General Fund	B&O Tax Collect & Audit	Microflex Inc	208.33
35918	10/21/2013	General Fund	Sales Tax Auditing Costs	Microflex Inc	75.69
				Check Total:	6,087.55
35919	10/21/2013	General Fund	Nuisance and Abatement Costs	Miller Paint Company Inc	36.51
35919	10/21/2013	General Fund	Nuisance and Abatement Costs	Miller Paint Company Inc	35.43
35919	10/21/2013	Street Fund	Office And Operating Supplies	Miller Paint Company Inc	35.80
35919	10/21/2013	General Fund	Nuisance and Abatement Costs	Miller Paint Company Inc	43.56
				Check Total:	151.30
35920	10/21/2013	General Fund	Repairs and Maintenance	Morgan Sound Inc	1,303.05
				Check Total:	1,303.05
35921	10/21/2013	General Fund	City Hall Bldg Maintenance	MrRooter	225.80
				Check Total:	225.80
35922	10/21/2013	General Fund	Instructors Prof Svcs	Shariana Mundi	814.00
				Check Total:	814.00
35923	10/21/2013	General Fund	Instructors Prof Srvs	New City Dance Company	52.50
				Check Total:	52.50

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35924	10/21/2013	General Fund	Instructors Prof Svcs	Drew Nicklas	63.00
Check Total:					63.00
35925	10/21/2013	Street Fund	Office And Operating Supplies	National Safety Inc	248.95
35925	10/21/2013	Surface Water Management Fund	Office And Operating Supplies	National Safety Inc	248.95
Check Total:					497.90
35926	10/21/2013	General Fund	Prof. Svcs-Instructors	Pamela Odegard	120.00
Check Total:					120.00
35927	10/21/2013	General Fund	Building Maintenance	OpenWorks-Billing Agent	1,003.00
35927	10/21/2013	General Fund	Building Maintenance	OpenWorks-Billing Agent	605.00
Check Total:					1,608.00
35928	10/21/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	11.75
35928	10/21/2013	Street Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	11.75
35928	10/21/2013	Street Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	40.38
35928	10/21/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	40.39
35928	10/21/2013	Street Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	3.93
35928	10/21/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	3.94
Check Total:					112.14
35929	10/21/2013	Surface Water Mgmt CIP	NERA DRAINAGE IMPR PROG	OTAK, Inc	107,761.06
Check Total:					107,761.06
35930	10/21/2013	General Fund	Prof. Svcs-Instructors	Fritzi Oxley	48.00
Check Total:					48.00
35931	10/21/2013	General Fund	Miscellaneous	Petty Cash Custodian	17.99
35931	10/21/2013	General Fund	Mileage	Petty Cash Custodian	38.02
35931	10/21/2013	General Fund	Mileage	Petty Cash Custodian	32.32
35931	10/21/2013	Street Fund	Repairs & Maint. - Fleet	Petty Cash Custodian	10.00
35931	10/21/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Petty Cash Custodian	10.00
35931	10/21/2013	General Fund	Mileage	Petty Cash Custodian	9.04
35931	10/21/2013	General Fund	Travel	Petty Cash Custodian	13.00
35931	10/21/2013	General Fund	Travel	Petty Cash Custodian	26.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35931	10/21/2013	General Fund	Advertising/Legal Publications	Petty Cash Custodian	25.00
35931	10/21/2013	General Fund	Mileage	Petty Cash Custodian	19.78
35931	10/21/2013	Street Fund	Office And Operating Supplies	Petty Cash Custodian	21.90
35931	10/21/2013	General Fund	Mileage	Petty Cash Custodian	23.27
35931	10/21/2013	General Fund	Mileage	Petty Cash Custodian	10.17
35931	10/21/2013	General Fund	Miscellaneous	Petty Cash Custodian	5.10
35931	10/21/2013	General Fund	Mileage	Petty Cash Custodian	4.52
Check Total:					266.11
35932	10/21/2013	Street Fund	Repairs & Maint. - Fleet	PIRTEK	107.98
35932	10/21/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	PIRTEK	107.99
35932	10/21/2013	Street Fund	Repairs & Maint. - Fleet	PIRTEK	256.05
35932	10/21/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	PIRTEK	256.06
Check Total:					728.08
35933	10/21/2013	General Fund	Human Svc-Family/Youth	PARA LOS NINOS	3,750.00
Check Total:					3,750.00
35934	10/21/2013	Street Fund	Utilities-Street Lighting	PSE Pmt. Processing	1,709.99
Check Total:					1,709.99
35935	10/21/2013	General Fund	Refund Clearing Account -Parks	Charles Schuh	189.00
Check Total:					189.00
35936	10/21/2013	General Fund	Repairs and Maintenance	Rescue Rooter LLC	2,144.69
Check Total:					2,144.69
35937	10/21/2013	General Fund	Refund Clearing Account -Parks	Douglas McCullom	9.00
Check Total:					9.00
35938	10/21/2013	Street Fund	Business Licenses	The Hertz Corporation	45.00
Check Total:					45.00
35939	10/21/2013	Street Fund	Business Licenses	Datec Inc	45.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	45.00
35940	10/21/2013	General Fund	Building Permits	Greg D Baumgardner	83.20
35940	10/21/2013	General Fund	State Surcharge	Greg D Baumgardner	4.50
				Check Total:	87.70
35941	10/21/2013	General Fund	Refund Clearing Account -Parks	Diana Cacho	90.00
				Check Total:	90.00
35942	10/21/2013	General Fund	Jail Contracts	SCORE	38,365.92
				Check Total:	38,365.92
35943	10/21/2013	General Fund	Advertising	Seattle Times	142.72
35943	10/21/2013	General Fund	Advertising	Seattle Times	356.80
				Check Total:	499.52
35944	10/21/2013	General Fund	Office Supplies	Seatown Locksmith	432.53
35944	10/21/2013	General Fund	Office Supplies	Seatown Locksmith	45.99
				Check Total:	478.52
35945	10/21/2013	General Fund	Professional Services	Nancy Shattuck	1,791.00
				Check Total:	1,791.00
35946	10/21/2013	General Fund	Professional Services	Sound Law Center	735.00
35946	10/21/2013	General Fund	Professional Services	Sound Law Center	584.50
35946	10/21/2013	General Fund	Hearing Exam Nonreimbursed	Sound Law Center	826.00
35946	10/21/2013	General Fund	Hearing Exam Nonreimbursed	Sound Law Center	840.00
				Check Total:	2,985.50
35947	10/21/2013	General Fund	Drug Seizure Proceeds KCSO	SPRINT	79.98
				Check Total:	79.98
35948	10/21/2013	Surface Water Management Fund	Professional Services	Summit Security & Sound System	60.00
35948	10/21/2013	Street Fund	Professional Services	Summit Security & Sound System	60.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	120.00
35949	10/21/2013	Surface Water Management Fund	Office And Operating Supplies	Sunset Materials Inc	507.67	
35949	10/21/2013	Surface Water Management Fund	Office And Operating Supplies	Sunset Materials Inc	134.25	
35949	10/21/2013	Surface Water Management Fund	Office And Operating Supplies	Sunset Materials Inc	2,018.44	
35949	10/21/2013	Surface Water Management Fund	Office And Operating Supplies	Sunset Materials Inc	309.07	
35949	10/21/2013	Surface Water Management Fund	Office And Operating Supplies	Sunset Materials Inc	86.50	
					Check Total:	3,055.93
35950	10/21/2013	General Fund	Utilities	Southwest Suburban Sewer Dist.	55.00	
					Check Total:	55.00
35951	10/21/2013	General Fund	Prof. Svcs-Instructors	Bonnie Taschler	100.00	
					Check Total:	100.00
35952	10/21/2013	General Fund	Teen Programs	Reginald Thomas	195.20	
					Check Total:	195.20
35953	10/21/2013	General Fund	Parks Maintenance	Trugreen-landcare/NW Region	47,190.69	
					Check Total:	47,190.69
35954	10/21/2013	General Fund	Prof. Svcs-Instructors	Pamela Ann Videen	390.00	
					Check Total:	390.00
35955	10/21/2013	General Fund	Repairs And Maintenance	Vortex Industries INc	747.23	
					Check Total:	747.23
35956	10/21/2013	Street Fund	Professional Services	Robert Wagner	3,299.86	
35956	10/21/2013	Surface Water Management Fund	Professional Services	Robert Wagner	6,599.72	
					Check Total:	9,899.58
35957	10/21/2013	General Fund	Prosecution - City Atty	Walls Law Firm	13,157.04	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	13,157.04
35958	10/21/2013	General Fund	Jail Contracts	WASPC-Regional Cities EHM	1,322.00	
					Check Total:	1,322.00
35959	10/21/2013	General Fund	Prof. Svcs-Instructors	Carly Waterman	50.00	
					Check Total:	50.00
35960	10/21/2013	General Fund	Utilities	Water District No 20	39.50	
35960	10/21/2013	Street Fund	Landscape Maint - Utilities	Water District No 20	9.88	
35960	10/21/2013	Street Fund	Landscape Maint - Utilities	Water District No 20	6.58	
35960	10/21/2013	General Fund	Utilities	Water District No 20	5,428.24	
35960	10/21/2013	General Fund	Utilities	Water District No 20	300.10	
					Check Total:	5,784.30
35961	10/21/2013	General Fund	Utilities	King Co Water Dist 49	4,590.50	
					Check Total:	4,590.50
35962	10/21/2013	General Fund	Repairs And Maintenance	Wescom	87.60	
					Check Total:	87.60
35963	10/21/2013	General Fund	Registration - Trainng/Workshp	WRPA	29.00	
					Check Total:	29.00
35964	10/21/2013	General Fund	Professional Services	Washington State Patrol	90.00	
					Check Total:	90.00
35965	10/25/2013	General Fund	Animal Control Services	CARES	5,079.87	
					Check Total:	5,079.87
35966	10/25/2013	General Fund	Leasehold Excise Tax Payable	Washington State DOR	225.30	
35966	10/25/2013	General Fund	Other Leases	Washington State DOR	171.37	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount	
					Check Total:	396.67
35967	11/04/2013	General Fund	Professional Services	ABC Legal	165.00	
35967	11/04/2013	General Fund	Professional Services	ABC Legal	50.00	
					Check Total:	215.00
35968	11/04/2013	Surface Water Management Fund	Office And Operating Supplies	Ace Hardware	24.37	
35968	11/04/2013	Surface Water Management Fund	Office And Operating Supplies	Ace Hardware	15.83	
35968	11/04/2013	Surface Water Management Fund	Office And Operating Supplies	Ace Hardware	2.30	
35968	11/04/2013	Street Fund	Office And Operating Supplies	Ace Hardware	2.30	
35968	11/04/2013	Street Fund	Office And Operating Supplies	Ace Hardware	39.41	
					Check Total:	84.21
35969	11/04/2013	General Fund	Repairs And Maintenance	Tyco Integrated Security LLC	93.77	
					Check Total:	93.77
35970	11/04/2013	General Fund	Rental & Lease	AGRII Party & Events	944.99	
					Check Total:	944.99
35971	11/04/2013	General Fund	Office and Operating Supplies	Airgas USA LLC	91.11	
					Check Total:	91.11
35972	11/04/2013	General Fund	Office And Operating Supplies	Aramark Uniform Services	37.84	
					Check Total:	37.84
35973	11/04/2013	General Fund	Registration - Trainng/Workshp	Nicholas Minzghor	1,141.80	
					Check Total:	1,141.80
35974	11/04/2013	General Fund	Professional Services	Kenneth Barger	154.40	
					Check Total:	154.40
35975	11/04/2013	General Fund	Telephone	JACK BLOCK JR	55.48	

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	55.48
35976	11/04/2013	General Fund	Prof. Svcs-Instructors	Nancy Bogni	594.00
				Check Total:	594.00
35977	11/04/2013	General Fund	Prof. Svcs-Instructors	Vivian Bowles	44.00
				Check Total:	44.00
35978	11/04/2013	General Fund	Printing	Brim Press LLC	372.30
35978	11/04/2013	General Fund	Printing/Binding/Copying	Brim Press LLC	32.85
35978	11/04/2013	General Fund	Printing/Binding/Copying	Brim Press LLC	32.85
35978	11/04/2013	General Fund	Celebration	Brim Press LLC	744.60
				Check Total:	1,182.60
35979	11/04/2013	General Fund	Telephone	ROSE CLARK	53.62
				Check Total:	53.62
35980	11/04/2013	General Fund	Office and Operating Supplies	Clay Art Center Inc	28.20
				Check Total:	28.20
35981	11/04/2013	General Fund	Nuisance and Abatement Costs	CleanScapes Inc	757.54
				Check Total:	757.54
35982	11/04/2013	General Fund	Telephone	CenturyLink	63.60
35982	11/04/2013	General Fund	Telephone	CenturyLink	49.39
35982	11/04/2013	General Fund	Telephone	CenturyLink	45.80
35982	11/04/2013	General Fund	Telephone	CenturyLink	45.80
35982	11/04/2013	Street Fund	Telephone	CenturyLink	50.66
35982	11/04/2013	Surface Water Management Fund	Telephone	CenturyLink	50.66
35982	11/04/2013	General Fund	Telephone	CenturyLink	46.58
35982	11/04/2013	General Fund	Telephone	CenturyLink	44.61
35982	11/04/2013	General Fund	Telephone	CenturyLink	60.82
35982	11/04/2013	General Fund	Telephone	CenturyLink	47.10
				Check Total:	505.02

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35983	11/04/2013	General Fund	Office and Operating Supplies	Cardmember Service	168.38
35983	11/04/2013	General Fund	Office and Operating Supplies	Cardmember Service	810.06
35983	11/04/2013	General Fund	Office and Operating Supplies	Cardmember Service	191.21
35983	11/04/2013	General Fund	Office and Operating Supplies	Cardmember Service	309.67
35983	11/04/2013	General Fund	Repairs And Maintenance	Cardmember Service	520.13
35983	11/04/2013	General Fund	Instructors Prof Srvs	Cardmember Service	150.00
35983	11/04/2013	General Fund	Office And Operating Supplies	Cardmember Service	2.63
35983	11/04/2013	General Fund	Registration - Trainng/Workshp	Cardmember Service	220.00
35983	11/04/2013	General Fund	Registration - Trainng/Workshp	Cardmember Service	135.00
35983	11/04/2013	Street Fund	Registration - Trainng/Workshp	Cardmember Service	718.00
35983	11/04/2013	Transportation CIP	Construction	Cardmember Service	62.96
35983	11/04/2013	General Fund	Other Travel	Cardmember Service	11.00
35983	11/04/2013	General Fund	Repair and Maintenance	Cardmember Service	43.53
35983	11/04/2013	General Fund	Office And Operating Supplies	Cardmember Service	54.99
35983	11/04/2013	General Fund	Office and Operating Supplies	Cardmember Service	151.35
Check Total:					3,548.91
35984	11/04/2013	General Fund	Printing	Code Publishing Co.	2,163.72
Check Total:					2,163.72
35985	11/04/2013	General Fund	Drug Seizure Proceeds KCSO	COMCAST	66.60
Check Total:					66.60
35986	11/04/2013	General Fund	Operating Rentals and Leases	Construction Site Services	49.32
Check Total:					49.32
35987	11/04/2013	Street Fund	Repairs & Maint. - Fleet	Continental Research Corporati	416.10
Check Total:					416.10
35988	11/04/2013	General Fund	Human Svc-Family/Youth	City of Kent	500.00
Check Total:					500.00
35989	11/04/2013	Surface Water Management Fund	Utilities	City of Seattle	16.02
35989	11/04/2013	Street Fund	Utilities-Street Lighting	City of Seattle	15.34
35989	11/04/2013	General Fund	Utilities	City of Seattle	9.31
35989	11/04/2013	Surface Water Management Fund	Utilities	City of Seattle	16.54
35989	11/04/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	122.88

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35989	11/04/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	31.76
35989	11/04/2013	General Fund	Utilities	City of Seattle	179.52
35989	11/04/2013	General Fund	Utilities	City of Seattle	73.88
35989	11/04/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	370.13
35989	11/04/2013	General Fund	Utilities	City of Seattle	384.75
35989	11/04/2013	General Fund	Utilities	City of Seattle	1,032.57
35989	11/04/2013	General Fund	Utilities	City of Seattle	1,412.49
35989	11/04/2013	General Fund	Utilities	City of Seattle	765.99
35989	11/04/2013	General Fund	Utilities	City of Seattle	75.37
35989	11/04/2013	Street Fund	Utilities - Traffic Signals	City of Seattle	116.37
35989	11/04/2013	General Fund	Utilities	City of Seattle	89.73
Check Total:					4,712.65
35990	11/04/2013	General Fund	Utilities	City Of Seattle	38.11
35990	11/04/2013	General Fund	Utilities	City Of Seattle	48.89
Check Total:					87.00
35991	11/04/2013	Street Fund	Operating Rentals And Leases	City of SeaTac	287.50
35991	11/04/2013	Surface Water Management Fund	Operating Rentals And Leases	City of SeaTac	287.50
Check Total:					575.00
35992	11/04/2013	General Fund	Human Svc-Family/Youth	Domestic Abuse Womens Network	12,000.00
Check Total:					12,000.00
35993	11/04/2013	General Fund	Office and Operating Supplies	Douglas Industries, Inc.	215.00
Check Total:					215.00
35994	11/04/2013	General Fund	Professional Services	Duncanson Company, Inc.	1,530.00
Check Total:					1,530.00
35995	11/04/2013	General Fund	Registration - Trainng/Workshp	John H Dunn III	595.00
Check Total:					595.00
35996	11/04/2013	Street Fund	Repairs & Maint. - Fleet	Dunn Lumber Co.	-9.95
35996	11/04/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Dunn Lumber Co.	-9.95
35996	11/04/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Dunn Lumber Co.	-1.81

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
35996	11/04/2013	Street Fund	Repairs & Maint. - Fleet	Dunn Lumber Co.	-1.81
35996	11/04/2013	General Fund	Office and Operating Supplies	Dunn Lumber Co.	23.11
35996	11/04/2013	Street Fund	Repairs & Maint. - Fleet	Dunn Lumber Co.	13.80
35996	11/04/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Dunn Lumber Co.	13.80
35996	11/04/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Dunn Lumber Co.	14.83
35996	11/04/2013	Street Fund	Repairs & Maint. - Fleet	Dunn Lumber Co.	14.83
Check Total:					56.85
35997	11/04/2013	General Fund	Professional Services	Davis Wright Tremaine	1,440.45
35997	11/04/2013	General Fund	Professional Services	Davis Wright Tremaine	4,452.75
35997	11/04/2013	General Fund	Professional Services	Davis Wright Tremaine	9,603.45
Check Total:					15,496.65
35998	11/04/2013	General Fund	Telephone	ROBERT EDGAR	71.95
Check Total:					71.95
35999	11/04/2013	Surface Water Management Fund	NPDES Phase II	Environmental Science Center	219.00
Check Total:					219.00
36000	11/04/2013	General Fund	Public Defender	Ganem Law PLLC	292.50
Check Total:					292.50
36001	11/04/2013	Street Fund	Repairs & Maint. - Fleet	Genuine Parts Co. Seattle-DC	18.88
36001	11/04/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Genuine Parts Co. Seattle-DC	18.88
Check Total:					37.76
36002	11/04/2013	General Fund	Utilities	Glendale Heating	2,623.52
Check Total:					2,623.52
36003	11/04/2013	General Fund	Human Svc-Family/Youth	Highline Area Food Bank	2,500.00
Check Total:					2,500.00
36004	11/04/2013	Surface Water Management Fund	Office And Operating Supplies	Hayes Feed & Country Store	13.09

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	13.09
36005	11/04/2013	General Fund	Human Svc-Family/Youth	Hospitality House	2,500.00
				Check Total:	2,500.00
36006	11/04/2013	Street Fund	Office And Operating Supplies	ICON Materials	145.64
36006	11/04/2013	Street Fund	Office And Operating Supplies	ICON Materials	268.35
36006	11/04/2013	Street Fund	Office And Operating Supplies	ICON Materials	85.96
36006	11/04/2013	Street Fund	Office And Operating Supplies	ICON Materials	674.82
36006	11/04/2013	Surface Water Management Fund	Office And Operating Supplies	ICON Materials	352.58
				Check Total:	1,527.35
36007	11/04/2013	Street Fund	Repairs & Maint. - Fleet	Independent Dealer Accessories	164.25
36007	11/04/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	Independent Dealer Accessories	164.25
				Check Total:	328.50
36008	11/04/2013	General Fund	Operating Rentals And Leases	RICOH USA Inc	596.13
				Check Total:	596.13
36009	11/04/2013	General Fund	Miscellaneous	Iron Mountain	594.21
				Check Total:	594.21
36010	11/04/2013	General Fund	Miscellaneous	Iron Mountain	261.98
				Check Total:	261.98
36011	11/04/2013	General Fund	Telephone	LUCY KRAKOWIAK	54.99
				Check Total:	54.99
36012	11/04/2013	Street Fund	Office And Operating Supplies	King County Fleet Adm	321.79
36012	11/04/2013	Surface Water Management Fund	Office And Operating Supplies	King County Fleet Adm	678.94
				Check Total:	1,000.73
36013	11/04/2013	General Fund	Drug Seizure Proceeds KCSO	King County Sheriff's Office	291.75

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
Check Total:					291.75
36014	11/04/2013	Street Fund	Traffic Signal/Control.Mainten	KING COUNTY FINANCE	7,194.93
36014	11/04/2013	Surface Water Management Fund	SWM Maint Fees Billed by KCRD	KING COUNTY FINANCE	1,565.86
36014	11/04/2013	Street Fund	Traffic Signal/Control.Mainten	KING COUNTY FINANCE	1,734.95
36014	11/04/2013	General Fund	Substance Abuses	KING COUNTY FINANCE	2,145.42
36014	11/04/2013	Surface Water Management Fund	Professional Services	KING COUNTY FINANCE	4,214.00
36014	11/04/2013	Street Fund	Traffic Signal/Control.Mainten	KING COUNTY FINANCE	6,597.07
36014	11/04/2013	Transportation CIP	Construction	KING COUNTY FINANCE	5,043.32
36014	11/04/2013	Street Fund	Traffic Signal/Control.Mainten	KING COUNTY FINANCE	98.76
36014	11/04/2013	Street Fund	Professional Services	KING COUNTY FINANCE	235.01
36014	11/04/2013	Surface Water Management Fund	SWM Maint Fees Billed by KCRD	KING COUNTY FINANCE	10,979.64
36014	11/04/2013	Street Fund	Traffic Signal/Control.Mainten	KING COUNTY FINANCE	14,965.30
36014	11/04/2013	Transportation CIP	Construction	KING COUNTY FINANCE	941.92
36014	11/04/2013	Surface Water Management Fund	SWM Maint Fees Billed by KCRD	KING COUNTY FINANCE	1,625.44
36014	11/04/2013	Street Fund	Traffic Signal/Control.Mainten	KING COUNTY FINANCE	5,778.51
36014	11/04/2013	Transportation CIP	Construction	KING COUNTY FINANCE	1,823.36
36014	11/04/2013	Street Fund	Traffic Signal/Control.Mainten	KING COUNTY FINANCE	820.37
36014	11/04/2013	Street Fund	Traffic Signal/Control.Mainten	KING COUNTY FINANCE	2,187.37
36014	11/04/2013	Surface Water Management Fund	SWM Maint Fees Billed by KCRD	KING COUNTY FINANCE	5,726.88
Check Total:					73,678.11
36015	11/04/2013	General Fund	Plan Review Fee Fire Dist 2	King County Fire District #2	2,294.14
Check Total:					2,294.14
36016	11/04/2013	General Fund	Seasonal Security	King County Security Guards LL	1,165.50
Check Total:					1,165.50
36017	11/04/2013	General Fund	King Co Pet License Trust Acct	King County Pet License	295.00
Check Total:					295.00
36018	11/04/2013	Surface Water Management Fund	TV Inspection and Vactoring	King County Solid Waste Div.	1,467.42
Check Total:					1,467.42
36019	11/04/2013	Street Fund	Professional Services	Kemp West Inc	1,067.63

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	1,067.63
36020	11/04/2013	General Fund	Attorney Srvc - Gen'l Matters	Kenyon Disend, PLLC	9,094.48
36020	11/04/2013	General Fund	Attorney Srvc - Gen'l Matters	Kenyon Disend, PLLC	3,278.00
				Check Total:	12,372.48
36021	11/04/2013	General Fund	Registration - Training/Workshp	K. SCOTT KIMERER	1,514.48
				Check Total:	1,514.48
36022	11/04/2013	Street Fund	Office And Operating Supplies	Lakeside Industries Inc.	582.92
				Check Total:	582.92
36023	11/04/2013	Street Fund	Office And Operating Supplies	McLendon Hardware Inc	74.93
36023	11/04/2013	Street Fund	Office And Operating Supplies	McLendon Hardware Inc	74.11
36023	11/04/2013	Surface Water Management Fund	Office And Operating Supplies	McLendon Hardware Inc	74.11
36023	11/04/2013	Street Fund	Office And Operating Supplies	McLendon Hardware Inc	59.09
36023	11/04/2013	General Fund	Office And Operating Supplies	McLendon Hardware Inc	16.26
				Check Total:	298.50
36024	11/04/2013	General Fund	Registration - Training/Workshp	BLYTHE MINIKEN	229.90
				Check Total:	229.90
36025	11/04/2013	General Fund	Human Svc-Family/Youth	Multi-Service Center	15,907.75
				Check Total:	15,907.75
36026	11/04/2013	Street Fund	Operating Rentals And Leases	NC Machinery Co.	439.37
36026	11/04/2013	Surface Water Management Fund	Operating Rentals And Leases	NC Machinery Co.	439.37
				Check Total:	878.74
36027	11/04/2013	Street Fund	Repairs & Maint. - Fleet	Nelson Truck Equipment Co. Inc	12.81
				Check Total:	12.81
36028	11/04/2013	General Fund	Human Svc-Family/Youth	New Futures	8,000.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
Check Total:					8,000.00
36029	11/04/2013	Street Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	12.04
36029	11/04/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	12.04
36029	11/04/2013	Street Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	3.88
36029	11/04/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	3.88
36029	11/04/2013	Street Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	3.28
36029	11/04/2013	Surface Water Management Fund	Repairs & Maint. - Fleet	OReilly Auto Parts	3.28
Check Total:					38.40
36030	11/04/2013	General Fund	Operating Rents & Leases	Pacific Office Automation Inc	473.51
36030	11/04/2013	General Fund	Operating Rents & Leases	Pacific Office Automation Inc	339.31
36030	11/04/2013	General Fund	Operating Rents & Leases	Pacific Office Automation Inc	60.63
36030	11/04/2013	General Fund	Operating Rents & Leases	Pacific Office Automation Inc	803.45
Check Total:					1,676.90
36031	11/04/2013	General Fund	Operating Rentals And Leases	Park Place Professional Bldg	490.00
Check Total:					490.00
36032	11/04/2013	Transportation CIP	Construction Inspection	Perteet Inc.	4,999.88
Check Total:					4,999.88
36033	11/04/2013	General Fund	Professional Services	Pacifica Law Group	1,767.00
Check Total:					1,767.00
36034	11/04/2013	General Fund	Operating Rentals And Leases	PRG Investment Company, LLC	2,000.00
Check Total:					2,000.00
36035	11/04/2013	General Fund	Bldg Security	Protection One Alarm Monitorin	47.38
36035	11/04/2013	General Fund	Parks Building Security	Protection One Alarm Monitorin	110.70
Check Total:					158.08
36036	11/04/2013	General Fund	Subscriptions & Publications	Puget Sound Business Journal	75.95

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	75.95
36037	11/04/2013	Street Fund	Business Licenses	El Pique Restaurant	135.00
				Check Total:	135.00
36038	11/04/2013	General Fund	Planning & Devel Fees/Charges	Allen & Cheryl Kaplan	300.00
				Check Total:	300.00
36039	11/04/2013	General Fund	Refund Clearing Account -Parks	Heather May	105.00
				Check Total:	105.00
36040	11/04/2013	General Fund	Refund Clearing Account -Parks	Paula Saunier	20.00
				Check Total:	20.00
36041	11/04/2013	General Fund	Professional Services	Safety Team, Inc.	157.46
				Check Total:	157.46
36042	11/04/2013	General Fund	Office and Operating Supplies	Safeway Inc	45.00
36042	11/04/2013	General Fund	Office and Operating Supplies	Safeway Inc	52.77
36042	11/04/2013	General Fund	Office and Operating Supplies	Safeway Inc	2.99
36042	11/04/2013	General Fund	Office and Operating Supplies	Safeway Inc	48.85
36042	11/04/2013	General Fund	Office and Operating Supplies	Safeway Inc	173.09
36042	11/04/2013	General Fund	Office and Operating Supplies	Safeway Inc	38.12
				Check Total:	360.82
36043	11/04/2013	General Fund	Jail Contracts	SCORE	38,365.92
36043	11/04/2013	Debt Service Fund	Score Bond Principal Pymt	SCORE	78,000.00
36043	11/04/2013	Debt Service Fund	Score Bond Interest	SCORE	69,068.24
				Check Total:	185,434.16
36044	11/04/2013	General Fund	Office Supplies	Seatown Locksmith	31.21
				Check Total:	31.21
36045	11/04/2013	General Fund	Fuel/Gas Consumption	Shell Fleet Plus	51.78

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
36045	11/04/2013	General Fund	Citizens Patrol/ Crime Prevent	Shell Fleet Plus	124.04
36045	11/04/2013	General Fund	Fuel/Gas/Gasoline Consumption	Shell Fleet Plus	250.75
36045	11/04/2013	General Fund	Fuel/Gas/Gasoline Consumption	Shell Fleet Plus	700.20
36045	11/04/2013	General Fund	Fuel/Gas/Gasoline Consumption	Shell Fleet Plus	358.36
36045	11/04/2013	Street Fund	Fuel/Gas/Gasoline Consumption	Shell Fleet Plus	2,232.30
36045	11/04/2013	Surface Water Management Fund	Fuel/Gas/Gasoline Consumption	Shell Fleet Plus	3,311.70
Check Total:					7,029.13
36046	11/04/2013	General Fund	Quarterly Newsletter	Sound Publishing Inc	420.00
Check Total:					420.00
36047	11/04/2013	General Fund	Human Svc-Family/Youth	Society of St. Vincent de Paul	2,750.00
Check Total:					2,750.00
36048	11/04/2013	General Fund	Registration - Trainng/Workshp	SWKC Chamber of Commerce	22.00
Check Total:					22.00
36049	11/04/2013	General Fund	Subscriptions/Publications	Thomson Reuters	594.87
Check Total:					594.87
36050	11/04/2013	General Fund	Office And Operating Supplies	Twin Plastics, Inc.	241.23
Check Total:					241.23
36051	11/04/2013	General Fund	Office And Operating Supplies	The Part Works Inc	5.30
36051	11/04/2013	General Fund	Office And Operating Supplies	The Part Works Inc	160.20
Check Total:					165.50
36052	11/04/2013	General Fund	Human Svc-Family/Youth	Tukwila Pantry	1,250.00
Check Total:					1,250.00
36053	11/04/2013	General Fund	Operating Rentals & Leases	Valley View Sewer District	1,030.00
36053	11/04/2013	General Fund	Utilities	Valley View Sewer District	51.30
Check Total:					1,081.30

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
36054	11/04/2013	General Fund	Telephone	Verizon Wireless	173.94
36054	11/04/2013	General Fund	Telephone	Verizon Wireless	40.01
36054	11/04/2013	General Fund	Telephone	Verizon Wireless	72.58
36054	11/04/2013	General Fund	Telephone	Verizon Wireless	188.26
36054	11/04/2013	General Fund	Drug Seizure Proceeds KCSO	Verizon Wireless	200.05
36054	11/04/2013	General Fund	Telephone	Verizon Wireless	182.61
36054	11/04/2013	Street Fund	Telephone	Verizon Wireless	282.67
36054	11/04/2013	Surface Water Management Fund	Telephone	Verizon Wireless	475.00
Check Total:					1,615.12
36055	11/04/2013	Street Fund	Professional Services	Robert Wagner	2,467.60
36055	11/04/2013	Surface Water Management Fund	Professional Services	Robert Wagner	4,935.20
Check Total:					7,402.80
36056	11/04/2013	General Fund	Mileage	MIKE WATILO	174.47
Check Total:					174.47
36057	11/04/2013	General Fund	Office And Operating Supplies	Washington Workwear Stores, In	104.03
Check Total:					104.03
36058	11/04/2013	General Fund	Human Svc-Family/Youth	White Center Food Bank	2,500.00
Check Total:					2,500.00
36059	11/04/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	159.50
36059	11/04/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	227.75
36059	11/04/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	65.00
36059	11/04/2013	General Fund	Utilities	King Co Water Dist 49	907.62
36059	11/04/2013	General Fund	Utilities	King Co Water Dist 49	58.37
36059	11/04/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	26.00
36059	11/04/2013	General Fund	Utilities	King Co Water Dist 49	1,124.17
36059	11/04/2013	General Fund	Utilities	King Co Water Dist 49	1,351.25
36059	11/04/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	65.00
36059	11/04/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	478.50
36059	11/04/2013	General Fund	Utilities	King Co Water Dist 49	79.32
36059	11/04/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	65.00
36059	11/04/2013	Street Fund	Landscape Maint - Utilities	King Co Water Dist 49	132.00

Check Number	Check Date	Fund Name	Account Name	Vendor Name	Amount
				Check Total:	<u>4,739.48</u>
36060	11/04/2013	General Fund	Subscriptions/Publications	West Payment Center	425.20
				Check Total:	<u>425.20</u>
36061	11/04/2013	Street Fund	Operating Rentals And Leases	Wilken Properties, LLC	2,783.16
36061	11/04/2013	Surface Water Management Fund	Operating Rentals And Leases	Wilken Properties, LLC	2,783.17
				Check Total:	<u>5,566.33</u>
36062	11/04/2013	General Fund	Jury & Witness Fees	Jeff J Jules	11.13
				Check Total:	<u>11.13</u>
36063	11/04/2013	General Fund	State Surcharge	STATE TREASURER	528.50
				Check Total:	<u>528.50</u>
36064	11/04/2013	General Fund	Human Svc-Family/Youth	YWCA Seattle King Snohomish Co	4,895.00
				Check Total:	<u>4,895.00</u>
				Report Total:	<u><u>1,684,329.58</u></u>

DRAFT

Burien
WASHINGTON

CITY COUNCIL REGULAR MEETING MINUTES

October 7, 2013

7:00 p.m.

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

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

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

SPECIAL MEETING

Acting Mayor Krakowiak called the Special Meeting of the Burien City Council to order at 6:30 p.m. for the purpose of conducting Business and Economic Development Partnership interviews.

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

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

No action was taken.

The Special Meeting adjourned to the Regular Meeting at 6:59 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 D. Knutson, Interim City Manager; Dan Trimble, Economic Development Manager; Nhan Nguyen, Management Analyst; Angie Chaufy, Human Resources Manager; Maiya Andrews, Public Works Director; Steve Roemer, Parks Development and Operations 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 October 7, 2013, Agenda as amended to move Consent Agenda Item 7 "c" Motion on Revised Arts Fund Recommendation Process to Business Agenda Item "c" and reorder subsequent items.

PUBLIC COMMENT

Roger DeLorm, 13254 2nd Avenue SW, Burien
Cyndi Upthegrove, Highline Historical Society, Burien
Rachel Levine, 430 South 124th Street, Burien
Chuck Rangel, 15226 9th Avenue SW, Burien
Shelli Park, 3106 SW 169th Street, Burien
Pat LeMoine, 10127 Myers Way South, Seattle
Goodspaceguy, 10219 Ninth Avenue South, Seattle
Dick West, 11006 Roseberg Avenue South, Burien
Quinton Thompson, 179 South 182nd Street, Burien
Debi Wagner, 1520 SW 158th Street, Burien

CORRESPONDENCE FOR THE RECORD

- a. Email Dated September 30, 2013, from Lynn Versteeg Gunning.
- b. Email Dated September 30, 2013, from Robbie Howell.

CONSENT AGENDA

- 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.
- b. Approval of Minutes: Regular Meeting, September 16, 2013; Study Session, September 23, 2013; Special Meeting, September 30, 2013.
- c. Motion on Revised Arts Fund Recommendation Process.
- d. Motion to Adopt Resolution No. 348, Supporting the Continuation of the South County Area Transportation Board (SCATBd).

Direction/Action

Motion was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton, and passed unanimously to approve the October 7, 2013, Consent Agenda as amended under Agenda Confirmation to move Consent Agenda Item 7 “c” Motion on Revised Arts Fund Recommendation Process to Business Agenda Item “c” and reorder subsequent item(s).

BUSINESS AGENDA

Presentation from Public Health of Seattle and King County on Enrollment in Medicaid and Washington Health Benefit Exchange

Caren Adams, Public Health of Seattle and King County, spoke to the uninsured individuals in King County, new affordable coverage options, King County’s outreach and enrollment plan, and the implementation timeline.

Motion to Approve Appointment to the Burien Business & Economic Development Partnership

Direction/Action

MOTION was made by Deputy Mayor Krakowiak , seconded by Councilmember McGilton to appoint Rodolfo Hernandez McIntyre to Burien’s Business and Economic Development Partnership to an unexpired term beginning on October 7, 2013, and ending on March 31, 2015.

Motion on Revised Arts Fund Recommendation Process

Direction/Action

MOTION was made by Councilmember Clark, seconded by Jack Block to return the revised Arts Fund recommendation process to the Arts Commission with a due date to return an amended process to the Council by November 28, 2013.

MOTION was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to amend the motion to change the date to as soon as possible.

The main motion passed unanimously as amended.

Discussion and Motion to Award Executive Search Firm Contract

Direction/Action

MOTION was made by Councilmember Block to appoint SGR as the City Manager search firm.

Councilmember Block withdrew the motion.

Direction/Action

MOTION was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to execute a contract with SGR to conduct the recruitment and selection process for the City Manager position.

Follow-up

Staff will execute the contract with SGR and email it the Council for their comments prior to signing the contract, and notify the Council if there are consequential changes to the SGR contract when received by the City.

Steve Roemer, Parks Development and Operations Manager, provided an update on the timeframe for the Seahurst Park North Shoreline Restoration project.

Discussion on Funding of an Off-Leash Dog Area in Lakeview Park

Direction/Action

Councilmembers requested that the \$29,000 funding for an off-leash dog area in Lakeview Park be considered during the mid-biennial budget review process.

Introduction of Interlocal Agreement with Port of Seattle for Northeast Redevelopment Area (NERA)

Direction/Action

Councilmembers requested staff to finalize the interlocal agreement with Port of Seattle for the Northeast Redevelopment Area (NERA) and place on the November 4, 2013, Council meeting agenda for consideration, and directed staff to prepare a motion to adopt the Parks, Arts, Recreation and Cultural Services (PaRCS) Department Advisory Board's recommendation regarding the naming of the trail.

City Manager's Report

Direction/Action

Councilmembers agreed to cancel the October 21, 2013 Regular Council Meeting. Instead the Council will hold a Special Meeting for the purpose of attending a meeting hosted by Highline Public Schools to discuss its facilities related to the School District's Strategic Plan.

Follow-up

Staff will confirm the proposed bus lines to be reduced and discontinued prior to sending a letter to the Metropolitan King County Council regarding the negative impacts of the proposal to the Burien Community.

Direction/Action

Councilmembers supported sending a letter from the Mayor to the Port of Seattle regarding the ground run-up enclosure, and agreed to sign a Statement of Support certificate to recognize and support staff who serve as members of the Guard and Reserve.

COUNCIL BUSINESS

No reports were given.

ADJOURNMENT

Direction/Action

MOTION was made by Deputy Mayor Krakowiak , seconded by Councilmember McGilton and passed unanimously to adjourn the meeting at 9:56 p.m.

Brian Bennett, Mayor

Monica Lusk, City Clerk

DRAFT



CITY COUNCIL SPECIAL MEETING MINUTES

October 21, 2013

6:00 p.m.

**Educational Resource & Administrative Center (ERAC)
15675 Ambaum Blvd. SW
Burien, Washington 98166**

The Burien City Council held the Special Meeting for the purpose of attending the Highline Public Schools Board of Director's Work/Study Session.

City Council Present: Deputy Mayor Lucy Krakowiak; Councilmembers Jack Block, Jr.; Rose Clark; Joan McGilton; and, Jerry Robison.

City Staff Present: Craig D. Knutson, Interim City Manager.

Highline Public Schools Board of Directors Present: President Bernie Dorsey; and, Director Angelica Alvarez.

Highline Public Schools Staff Present: Susan Enfield, Superintendent; and, Susan Smith Leland, Chief of Operations.

Superintendent Susan Enfield welcomed all to the Community Leader briefing on the Highline Public Schools Strategic Plan. She reported on the Plan's process, pillars (equitable access to rigorous, standards-based instruction, results focused professional learning and collaboration; strong partnerships with families and community; and a culturally-responsive organization), and goals (mastery by Grade 3; success in Algebra; high school graduation; zero suspensions; bilingual, biliterate; and tech-savvy, tech-literate).

Chief of Operations Susan Smith Leland spoke to the challenges and opportunities regarding capital facility needs: the immediate needs for school construction (full elementary schools, additional classroom space in the north end of the district, and the replacement of the Des Moines Elementary School and three high school campuses); the \$98 million in deferred projects and critical improvements at schools across the District; and, the future needs for school construction due to the growing enrollment in elementary schools which will cause capacity problems in the middle schools.

Kelly Evans, Sound View Strategies, spoke to the outcome of the community survey that was conducted noting 64 percent generally did not oppose a property tax increase for school construction and 55 percent specifically supported a \$225 million bond measure for two new schools.

Sue Tupper, Sound View Strategies, reviewed the community outreach plan and the community engagement plan.

Burien City Council Special Meeting
Highline School District Board of Directors Work/Study Session
Minutes
October 21, 2013
Page 2



The Burien City Council Special meeting was adjourned at 7:30 p.m.

Lucy Krakowiak, Deputy Mayor

Monica Lusk, City Clerk in conjunction with Interim City
Manager Craig D. Knutson



CITY COUNCIL STUDY SESSION MINUTES

October 28, 2013

7:00 p.m.

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

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, Councilmembers Jack Block, Jr., Rose Clark, Bob Edgar, Joan McGilton and Gerald F. Robison. Deputy Mayor Lucy Krakowiak arrived at 7:20 p.m.

Administrative staff present: Craig D. Knutson, Interim City Manager; Dan Trimble, Economic Development Manager; Angie Chaufy, Human Resources Manager; Chip Davis, Community Development Director; and, Monica Lusk, City Clerk.

CORRESPONDENCE FOR THE RECORD

- a. Email Dated October 15, 2013, from Rachel Levine.
- b. Letter Dated October 18, 2013, from Julia A. Mine.

BUSINESS AGENDA

Discussion and Direction Regarding Council Compensation Package (VEBA Replacement)

Direction/Action

Councilmembers requested placing the motion to increase the VEBA contribution by an additional \$200 per month per Councilmember effective January 1, 2014, on the November 4, 2013, Consent Agenda for approval.

Follow-up

Staff will provide a report on the legal requirements and costs to form a Salary Commission.

Discussion on Interlocal Agreement Regarding Self Insurance for AWC Health Care Program

Direction/Action

Councilmembers requested placing Resolution No. 350, stating approval of the Association Of Washington Cities Employee Benefit Trust Health Care Program Interlocal Agreement on the November 4, 2013, Consent Agenda for approval.

Motion to Adopt Proposed Resolution No. 349, Entering Findings of Fact and Conclusions of Law Regarding Preliminary Approval of the Boulevard Landing Subdivision

Direction/Action

MOTION was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to Adopt Resolution No. 349, Granting Preliminary Plat Approval of the Boulevard Landing Subdivision, and Adopting Findings of Fact, Conclusions and Conditions as Set Forth by the Hearing Examiner.

Motion to Adopt Proposed Ordinance No. 592, Approving the Final Plat of the Westwood Ridge Subdivision

Direction/Action

MOTION was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to Adopt Ordinance No. 592, Approving the Final Plat of the Westwood Ridge Subdivision, and Directing the Mayor to Sign the Final Plat Documents.

STUDY SESSION AGENDA

Discussion on Economic Development Strategic Plan

Economic Development Manager Dan Trimble explained the need for an update of the Plan. He introduced Terry Moore, ECONorthwest, and Brian Scott, BDS Planning & Urban Design.

Mr. Moore spoke to the definition of economic development, the purpose of the strategic plan, and the information on which the strategy is based.

Mr. Scott reviewed the schedule, the economic context for Burien, the outcome of the stakeholder and community meetings, the opportunities and challenges, and possible City actions.

Comments were received from:
Gabriel Bauchat Grant
Goodspaceguy
Bob Ewing

Mr. Moore spoke to next steps and noted that the final recommended Plan will be before the City Council in February 2014.

Discussion on Business Impediments

Follow-up

Staff will provide a copy of the Impediments to Development PowerPoint and a list of business impediments showing what can be addressed by staff and what can be done legislatively to aid the Council's prioritization of the items needing Council action.

Comments were received from:
Tom McKittrick
Robbie Howell
Goodspaceguy

ADJOURNMENT

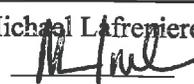
Direction/Action

MOTION was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to adjourn the meeting at 9:21 p.m.

Brian Bennett, Mayor

Monica Lusk, City Clerk

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion on Revised Arts Fund Recommendation Process		Meeting Date: November 4, 2013
Department: Parks, Recreation & Cultural Services	Attachments:	Fund Source: N/A
Contact: Debbie Zemke, Recreation Manager		Activity Cost: N/A
Telephone: 206-988-3704		Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Adopted Initiative: Yes: No: <input checked="" type="checkbox"/>	Initiative Description: N/A	
PURPOSE/REQUIRED ACTION: 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 again on October 7, 2013 and provided additional direction to the Commission and staff on a modification of the proposal.		
BACKGROUND (Include prior Council action & discussion): 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. On October 7, the Council had input from the Commission that it opposed the alternative process preferred by Council; it asked the Commission to revisit its recommendation and directed staff to return with a revised proposal. The Commission met on October 22, 2013 and recommended the following policy and process to Council:		
<ul style="list-style-type: none"> • Review of grants and allocation of funds will remain within the responsibilities of the Burien Arts Commission. • Current Arts Commissioners are asked to serve on the panel, along with the Cultural Arts Supervisor. • If an Arts Commissioner has a conflict of interest as a result of a close connection to a grant requestor, he/she will not be eligible to serve on the panel. • If there is an insufficient number of current Burien Arts Commissioners eligible to serve on the panel, alternative panelists from the arts, culture, and heritage community will be selected. • First choice for alternate panelists will be former Burien arts commissioners. • Second choice will be qualified Burien citizens. • Third choice will be arts and culture professionals or arts commissioners from nearby communities. • Panel findings will be approved by the full Arts Commission; commissioners with a conflict of interest are recused from voting. • If the number of current Arts Commissioners without a conflict of interest is below the number that constitutes a quorum, the Cultural Arts Supervisor will take the panel's recommendations directly to Council. 		
With the exception of the above alteration of the selection process for the review panel, all policies and procedures related to the Arts & Culture Fund remain intact. If approved, the review process would proceed as follows:		
<ul style="list-style-type: none"> • Week of November 11 – Grant panel meets to create recommendations for 2014 grant allocations • December 2 – recommendations to Council • Mid-December – grant letters to applicants 		
OPTIONS (Including fiscal impacts): N/A		
Administrative Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: A motion to adopt the Consent Agenda will approve this Revised Arts Fund Application, Review and Recommendation Process, as proposed by the Burien Arts Commission.		
Submitted by: Michael Lafreniere Administration: 		Craig D. Knutson City Manager 
Today's Date: October 31, 2013		File Code: R:\CC\Agenda Bill 2013\110413pks-1 Revised Arts Fund Recommendation Process.Docx

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Increase the VEBA Contribution by an Additional \$200 per Month per Councilmember Effective January 1, 2014.		Meeting Date: November 4, 2013
Departments: Human Resources	Attachments: None.	Fund Source: General Fund Activity Cost: \$50,400 Amount Budgeted: \$33,600 Unencumbered Budget Authority:
Contact: Angie Chaufy		
Telephone: (206) 248-5504		
Adopted Work Plan Priority: Yes No <input checked="" type="checkbox"/> X	Work Plan Item Description:	
<p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to consider a motion to increase the City's VEBA Contribution on behalf of each Councilmember from \$400 per month to \$600 per month effective January 1, 2014.</p> <p>BACKGROUND (Include prior Council action & discussion): In light of certain changes required by the Affordable Care Act (ACA) and the benefit/compensation packages received by Councilmembers in comparable cities, staff recommended a review of and possible revision to Council's current compensation package. Council discussed the subject on October 28, 2013 and provided direction to staff.</p> <p>Councilmembers currently receive the following compensation package:</p> <p><u>Mayor</u> Salary - \$750/month Health Reimbursement Account (VEBA) Contribution - \$400/month.</p> <p><u>Councilmembers</u> Salary - \$600/month Health Reimbursement Account (VEBA) Contribution - \$400/month.</p> <p>Through discussion, Council concurred to direct staff to increase the City's VEBA contribution by an additional \$200 per month per Councilmember. The salary amount will remain the same. As this change is a medical-related benefit, the change can be effective January 1, 2014. Approval of the recommended motion will accomplish Council's direction.</p> <p>Due to the changes required by the ACA, the City's VEBA contribution will be made to Councilmembers' Standard HRA Plan or to the new Post-separation HRA Plan, depending upon the individual Councilmember's source of medical coverage.</p> <p>OPTIONS (Including fiscal impacts):</p> <ol style="list-style-type: none"> 1. Approve the recommended motion. <i>Fiscal Impact: An additional \$16,800 per year.</i> 2. Amend the recommended motion. 3. Take no action. 		
Administrative Recommendation: Approve the consent agenda in order to approve the increase to the City's VEBA contribution by an additional \$200 per month per Councilmember effective January 1, 2014.		
Advisory Board Recommendation: N/A		
Suggested Motion: I move to approve the consent agenda.		
Submitted by: Angie Chaufy Administration <i>ac</i>		City Manager <i>CR</i>
Today's Date: October 29, 2013		File Code: R:/CC/Agenda Bills 2013/110413cm-1 Council Compensation

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 350

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, STATING APPROVAL OF THE ASSOCIATION OF WASHINGTON CITIES EMPLOYEE BENEFIT TRUST HEALTH CARE PROGRAM INTERLOCAL AGREEMENT.

WHEREAS, the Association of Washington Cities Employee Benefit Trust (the "Trust") is an entity to which contributions by cities and towns and non-city entities organized and existing under the Constitution or laws of the State of Washington and who are members of the Trust ("Participating Cities and Towns," and "Participating Non-City Entities") and their employees can be paid and through which the Board of Trustees of the Trust ("Trustees") provides one or more insured health and welfare benefit plans or programs to Participating Cities and Towns' and Non-City Entities' employees, their dependents and other beneficiaries ("Beneficiaries"), on whose behalf the contributions were paid; and

WHEREAS, the Trust qualifies as a voluntary employee beneficiary association within the meaning of Section 501(c)(9) of the Internal Revenue Code, providing for the payment of life, sick, accident or other benefits to Beneficiaries; and

WHEREAS, the Trust and Participating Cities and Towns and Non-City Entities have determined that it is in the best interest of Participating Cities and Towns and Non-City Entities to jointly self-insure certain health benefit plans and programs for Beneficiaries through a designated account within the Trust, while at the same time having the Trust continue as the entity to which other insured health and welfare benefit program contributions are paid and through which insured health and welfare benefit plans and programs are provided to Beneficiaries; and

WHEREAS, it appears economically feasible and practical for the parties to do so; and

WHEREAS, Chapter 48.62 RCW provides that two or more local government entities may, by Interlocal agreement under chapter 39.34 RCW, jointly self-insure health benefit plans and programs, and/or jointly hire risk management services for such plans or programs by any one or more of certain specified methods; and

WHEREAS, the Association of Washington Cities Employee Benefit Trust Interlocal Agreement (the "Interlocal Agreement") attached hereto creates a joint self-insured health and welfare benefit program (the "Health Care Program") to be administered by the Trustees for the purposes of providing self-insured health benefits to Beneficiaries; and

WHEREAS, WAC 200-110-030 requires every local government entity participating in a joint self-insurance health and welfare benefit program to adopt such program by resolution; and

WHEREAS, Chapter 48.62 requires Health Care Program assets to be managed consistent with existing authority over use of municipal funds in RCW 35.39.030. The Trust will manage Health Care Program reserves in compliance with Chapter 48.62 RCW; RCW 35.39.030, and the Health Care Program Investment Policy; and

WHEREAS, all premium contributions for use in the Health Care Program are deposited into a designated account within the Trust, the Health Care Program Account (the "HCP Account"), and the HCP Account represents a pool of funds that is independent of all other Trust or AWC funds; and

WHEREAS, the Trust intends to manage the HCP Account assets in compliance with federal and state laws and the Interlocal Agreement; and

WHEREAS, the City of Burien believes it is in the best interest of the Health Care Program to allow the Trust to manage the HCP Account;

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

Section 1. The City of Burien hereby approves the Association of Washington Cities Employee Benefit Trust Health Care Program Interlocal Agreement; acknowledges that the City shall be subject to assessments as required by the Health Care Program, and authorizes 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. 350

**ASSOCIATION OF WASHINGTON CITIES EMPLOYEE BENEFIT TRUST
HEALTH CARE PROGRAM
INTERLOCAL AGREEMENT**

This Agreement is made and entered into in the State of Washington by and among the Association of Washington Cities Employee Benefit Trust (the "Trust") and cities and towns, and non-city entities organized and existing under the Constitution or laws of the State of Washington and who are members of the Trust ("Participating Cities and Towns," or "Participating Non-City Entities"), all of whom are signatories to this Agreement.

RECITALS

WHEREAS, the Trust is an entity to which contributions by Participating Cities and Towns and Non-City Entities (defined below) and Participating Employees (defined below) are paid and through which the Board of Trustees provides one or more insured health and welfare benefit plans or programs to Participating Employees, their covered dependents and other beneficiaries ("Beneficiaries"), on whose behalf the contributions were paid; and

WHEREAS, the Trust qualifies as a voluntary employee beneficiary association within the meaning of Section 501(c)(9) of the Internal Revenue Code ("VEBA"), providing for the payment of life, sick, accident or other benefits to Beneficiaries; and

WHEREAS, the Trust and the Participating Cities and Towns have determined that it is in the best interest of Participating Cities and Towns to jointly self-insure certain health benefit plans and programs for Beneficiaries through a designated account within the Trust, while at the same time having the Trust continue as the entity to which health and welfare benefit plan or program contributions are paid and through which insured health and welfare benefit plans and programs are provided to Beneficiaries; and

WHEREAS, it appears economically feasible and practical for the parties to this Agreement (defined below) to do so; and

WHEREAS, Chapter 48.62 RCW provides that two or more local government entities may, by Interlocal agreement under Chapter 39.34 RCW, jointly self-insure health benefit plans and programs, and/or jointly hire risk management services for such plans or programs by any one or more of certain specified methods; and

WHEREAS, each local government entity that is a signatory hereto, as required by WAC 200-110-030, acts upon the authority of a resolution adopting this Agreement and the Health Care Program (defined below) created herein;

NOW, THEREFORE, for and in consideration of all of the mutual benefits, covenants and agreements contained herein, the parties hereto agree as follows:

ARTICLE 1

DEFINITIONS

The following are definitions of terms used in the Agreement. Unless indicated otherwise, other terms are defined where they are first used. Defined terms are capitalized when used in the defined context.

- 1.1 **Agreement** means this Interlocal Agreement entered into under the authority of Chapter 39.34 RCW and as required by RCW 48.62.031(2) between the Trust and Participating Employers.
- 1.2 **Association of Washington Cities** or **AWC** means the Association of Washington Cities, a not-for-profit membership association established pursuant to the laws of the state of Washington for the purpose of providing various services to and on behalf of its member cities.
- 1.3 **Association of Washington Cities Employee Benefit Trust** or the **Trust** means the trust and all property and money held by such entity, including all contract rights and records, established for the sole purpose of providing life, sick accident or other health and welfare benefits to Participating Employees, their covered dependents and other beneficiaries, and which is approved by the Internal Revenue Service as a VEBA.
- 1.4 **Employee Benefits Advisory Committee** or **EBAC** means the committee defined in Article V of the Trust Agreement that may be delegated responsibility by the Board of Trustees, including but not limited to: overseeing the operations of the Health Care Program, analyzing and developing annual premium levels and benefit coverage changes for recommendation to the Board of Trustees and performing other duties necessary to ensure that the needs of Participating Employers are met and the long-term financial health of the Health Care Program is maintained.
- 1.5 **Health Care Program** means the joint self-insurance program offering self-insured health benefit options through the HCP Account.
- 1.6 **HCP Account** means a designated account within the Trust and created by this Agreement, the Trust Agreement and Trust Health Care Program policies all under the authority of Chapter 48.62 RCW to provide self-insured health benefits to Participating Employees, their covered dependents and other beneficiaries and further described in Article 6.
- 1.7 **Non-City Entity** means any public agency, public corporation, intergovernmental agency or political subdivision, within the state of Washington that meets the requirements of Article IX, Section 1(c)(ii) and (iii) of the Trust Agreement for participation in the Health Care Program.
- 1.8 **Participating City** means any city or town within the state of Washington that meets the requirements of Article IX, Section 1(a) or Section 1(b) of the Trust Agreement.

- 1.9 **Participating Employee** means any individual employed by a Participating Employer and for whom the Participating Employer makes contributions to the Trust, and any individual who may have been so employed but is subsequently laid off, terminated, or retired.
- 1.10 **Participating Employer** means a Participating City or Non-City Entity that is also a party to this Agreement.
- 1.11 **Resolution** means the resolution adopted by each Participating City or Non-City Entity that authorizes the Health Care Program.
- 1.12 **State Risk Manager** or **Risk Manager** means the risk manager of the Risk Management Division within the Department of Enterprise Services.
- 1.13 **Stop Loss Insurance** or **Reinsurance** means a promise by an insurance company that it will cover losses of the Health Care Program over and above an agreed-upon individual or aggregated amount, which definition shall be modified by any changes to the definition of stop loss insurance in WAC 200-110-020.
- 1.14 **Third-Party Administrator** means the independent association, agency, entity or enterprise which, through a contractual agreement, provides one or more of the following ongoing services to the Health Care Program: pool management or administration services, claims administration services, risk management services, or services for the design, implementation, or termination of an individual or joint self-insurance program.
- 1.15 **Trust Agreement** means the Trust Agreement Governing the Trust amended and restated July 1, 2013, and any subsequent amendments thereto.
- 1.16 **Trustees** or **Board of Trustees** means the following individuals and their successors, who together, govern the Trust and the Health Care Program:
- 1.16.1 the AWC President and the AWC Vice President;
- 1.16.2 the EBAC Chair and the EBAC Vice Chair; and
- 1.16.3 an individual elected pursuant to the procedures in Article III, Section 5 of the Trust Agreement to serve as the trustee from one of the following regions:
- (a) North East Region (known as the "North East Region Trustee");
 - (b) North West Region (known as the "North West Region Trustee");
 - (c) South East Region (known as the "South East Region Trustee"); and
 - (d) South West Region (known as the "South West Region Trustee").

Individuals from Non-City Entities are not eligible to serve as Trustees.

ARTICLE 2

PURPOSE

This Agreement is entered into for the purpose of authorizing the Health Care Program created by the Trust to provide self-insured health benefits to Participating Employees, their covered dependents and other beneficiaries. The Health Care Program shall comply with the statutory provisions found in Chapters 48.62 and 39.34 RCW and the regulatory requirements contained in WAC 200-110 applicable to joint self-insurance programs.

ARTICLE 3

PARTIES

Each party to this Agreement certifies that it intends to participate in the Health Care Program. Participating Employers are signatories of this Agreement to become effective on a date to be mutually determined (the "Effective Date") and with such other Participating Cities and Non-City Entities as may later be added to and become signatories to this Agreement.

ARTICLE 4

DURATION OF AGREEMENT

- 4.1 This Agreement shall become effective on the Effective Date.
- 4.2 This Agreement shall have perpetual duration unless terminated as hereinafter provided.

ARTICLE 5

MEMBERSHIP COMPOSITION

The Health Care Program shall be open to Participating Cities and Non-City Entities. Participation in the Health Care Program is voluntary and not a requirement of AWC membership. The Board of Trustees shall provide for the reasonable admission of new Participating Cities and Non-City Entities.

ARTICLE 6

HCP ACCOUNT

- 6.1 All premium contributions by Participating Employers, Non-City Entities and Participating Employees for use in the Health Care Program are deposited into the HCP Account.
- 6.2 The HCP Account represents a pool of funds that is independent of all other Trust or AWC funds and independent of all other Participating Employer and Non-City Entity funds. The funds deposited into the HCP Account are held, managed and expended only for the Health Care Program and reasonable expenses, consistent with applicable state

and federal statutes and rules governing joint self-insurance programs and self-insurance programs generally.

- 6.3 The HCP Account is subject to audit by the State Auditor's Office.

ARTICLE 7

TRUSTEE POWERS RELATED TO HEALTH CARE PROGRAM

The Board of Trustees is provided with the powers and functions established under RCW 48.62.031 to accomplish the following:

- 7.1 Promote the economical and efficient means by which health benefits coverage is made available to Participating Employers and Non-City Entities and provided to Participating Employees, their covered dependents and other beneficiaries;
- 7.2 Protect the financial integrity of the Health Care Program through purchase of Stop Loss Insurance or Reinsurance in such form and amount as needed;
- 7.3 Contract for or otherwise provide risk management and loss control services;
- 7.4 Contract for or otherwise provide legal counsel for the defense of claims and other legal services;
- 7.5 Consult with the state insurance commissioner and the State Risk Manager;
- 7.6 Obligate the Participating Employers and Non-City Entities to pledge revenues or contribute money to secure the obligations or pay the expenses of the Health Care Program, including the establishment of a reserve or fund for coverage; and
- 7.7 Exercise all other powers and perform all other functions reasonably necessary to carry out the purposes of the Health Care Program, Chapter 48.62 RCW and Chapter 200-110 WAC.

ARTICLE 8

ORGANIZATION OF HEALTH CARE PROGRAM

- 8.1 The operations of the Health Care Program are managed by the Board of Trustees or its delegates. The Trustees or any delegates review and analyze Health Care Program-related matters and make operational decisions regarding premium contributions, reserves, plan options and benefits in compliance with Chapter 48.62 RCW.
- 8.2 The Board of Trustees has decision authority consistent with the Trust Agreement, Health Care Program policies, Chapter 48.62 RCW and Chapter 200-110 WAC.

ARTICLE 9

RESPONSIBILITIES OF THE TRUSTEES

- 9.1 The Board of Trustees shall discharge its responsibilities under this Agreement as follows:
- 9.1.1 Provide for the efficient management and operation of the Health Care Program;
 - 9.1.2 Provide for health benefit coverage options for Participating Employees, their covered dependents and other beneficiaries;
 - 9.1.3 Determine the level of Stop Loss Insurance or Reinsurance coverage for claims expenses above the amounts deemed appropriate for self-insurance;
 - 9.1.4 Ensure that the Health Care Program meets required state and federal statutes and rules;
 - 9.1.5 Contract with vendors required to meet the responsibilities established by the Trust Agreement, Health Care Program policies, and applicable state and federal statutes and rules;
 - 9.1.6 Maintain the balance between meeting the Health Care Program needs of Participating Employers and the long-term financial integrity of the Health Care Program;
 - 9.1.7 Prepare an annual financial report on the operations of the Health Care Program; and
 - 9.1.8 Provide for other services deemed appropriate by the Board of Trustees to meet the purposes of this Agreement.
- 9.2 The Board of Trustees may delegate the responsibilities described in this Article 9 to the EBAC or other delegates at its complete discretion.

ARTICLE 10

RESPONSIBILITIES OF THE PARTICIPATING EMPLOYERS

In order to participate in the Health Care Program, Participating Employers shall:

- 10.1 Be a Participating City or Non-City Entity in good standing and comply with the requirements of admission or qualification as established by the Board of Trustees;
- 10.2 Adopt this Agreement by Resolution, agreeing to its terms and provisions;
- 10.3 Submit the Resolution and Agreement to the Trust;

- 10.4 Read the terms, conditions and representations set forth in the application agreement related to participation in the Health Care Program;
- 10.5 Designate an employee of the Participating Employer to be a contact person for all matters relating to the Participating Employer's participation in the Health Care Program;
- 10.6 Pay premiums for the Health Care Program to the Third-Party Administrator no later than the tenth day of the month in which the premium is due;
- 10.7 By formal action of the legislative body of the Participating Employer, approve policies and procedures necessary to secure protected health information ("PHI") in accordance with Chapter 70.02 RCW and the Health Insurance Portability and Accountability Act ("HIPAA") privacy and security rules, codified at 45 C.F.R. Parts 160-164;
- 10.8 Provide the Health Care Program with such information or assistance as is necessary for the Health Care Program to meet its responsibilities under this Agreement; and
- 10.9 Cooperate with and assist the Health Care Program and any insurer of Stop Loss Insurance or Reinsurance, in all matters relating to the administration and operation of the Health Care Program and all matters relating to this Agreement.
- 10.10 Comply with all bylaws, rules, regulations and policies adopted by the Board of Trustees relating to the Health Care Program.

ARTICLE 11

RESERVE FUND INVESTMENT

All reserve fund investments from the HCP Account shall be made in a manner that is consistent with RCW 48.62.111, Chapter 39.59 RCW, WAC 200-110-090 and the Health Care Program Investment Policy.

ARTICLE 12

FINANCIAL RECORDS

- 12.1 The Board of Trustees shall develop estimated revenue and expenditures to establish a budget for each fiscal year covering January 1 through December 31 annually. Actual Health Care Program revenues and expenditures shall be monitored monthly by the Board of Trustees and reported at its quarterly meetings.
- 12.2 The accounting records of the Health Care Program are maintained in accordance with methods prescribed by the State Auditor's office under the authority of Chapter 43.09 RCW. The Health Care Program also follows applicable accounting standards established by the Governmental Accounting Standards Board ("GASB"). Year-end financial reporting is done on an accrual basis and submitted to the Office of the State Auditor as required by Chapter 200-110 WAC. Once reviewed and approved by the

Office of the State Auditor the year-end financial report is transmitted to the Office of the State Risk Manager.

- 12.3 Financial records of the Health Care Program shall be subject to audit by the Office of the State Auditor. Year-end financial reports and audit results shall be made available to interested parties. The Health Care Program shall provide financial information as required by state statute and rule to the Office of the State Risk Manager.

ARTICLE 13

PARTICIPATING EMPLOYER TERMINATION AND WITHDRAWAL

- 13.1 A Participating Employer must remain in good standing with the Trust and adhere to the requirements of this Agreement. In the event that a Participating Employer fails to be a Participating City or Non-City Entity in good standing, participation in the Health Care Program shall automatically terminate without notice as shall all health and welfare benefits provided through the Health Care Program.
- 13.2 The Board of Trustees may take action to terminate membership or deny membership in the Health Care Program where it determines that such termination or denial is in the best interest of the Health Care Program
- 13.3 When a Participating Employer's eligibility in the Health Care Program is affected due to merger or annexation, the affected Participating Employer may petition the Board of Trustees to remain in the Health Care Program.
- 13.4 A Participating Employer may only withdraw its participation in the Health Care Program at the end of the calendar year and must provide written notice to the Trust at least thirty-one (31) days in advance of the end of the calendar year (December 31st).
- 13.5 In the event of withdrawal or non-renewal, the Health Care Program will cover any of the Participating Employer's remaining outstanding Health Care Program claims expenses incurred prior to the Participating Employer's withdrawal from or non-renewal in the Health Care Program.
- 13.6 No Participating Employer, because of withdrawal or any other reason, has any right or interest in the HCP Account because of its nature as a rate stabilization fund. In the event any Participating Employer withdraws from the Health Care Program, its Participating Employees, their covered dependents and other beneficiaries and any Consolidated Omnibus Budget Reconciliation Act of 1985 as amended (COBRA) participants and contract personnel and dependents approved by the Board of Trustees, shall forfeit all right and interest to the HCP Account.

ARTICLE 14

TERMINATION OF HEALTH CARE PROGRAM

- 14.1 In the event the Health Care Program is terminated, the Board of Trustees shall distribute the remaining funds in the HCP Account to the Trust or any successor association authorized by Chapter 39.34 RCW for like purposes for use in any program with similar purposes.
- 14.2 Upon termination, this Agreement and the HCP Account shall continue for the purpose of paying remaining outstanding claims and expenses and fulfilling all other functions necessary to complete the business of the Health Care Program.

ARTICLE 15

MEETINGS, NOTICES AND COMMUNICATIONS

- 15.1 The Board of Trustees and the EBAC, if any responsibilities for Trust management have been delegated thereto, shall provide notice of their regular and special meetings and hold their meetings in accordance with Chapter 42.30, RCW Open Public Meetings Act.
- 15.2 Communications with Participating Employers may occur using mail, email or posting on the Health Care Program website. The website shall be partitioned to provide information for the general public and information specific to Participating Employers and their employees.
- 15.3 Communications may come directly from the Health Care Program, through the Third-Party Administrator or through another vendor on behalf of the Health Care Program.

ARTICLE 16

AMENDMENTS TO INTERLOCAL AGREEMENT

- 16.1 The Board of Trustees shall review and analyze any proposed amendment to this Agreement. An amendment may be proposed for review by any party to this Agreement.
- 16.2 The Board of Trustees upon its discretion may take action by resolution on any amendment at any regular meeting of the Board of Trustees.

ARTICLE 17

PROHIBITION ON ASSIGNMENT

- 17.1 No Participating Employer may assign any right or claim of interest it may have under this Agreement.

- 17.2 No creditor, assignee or third-party beneficiary of any employer shall have the right, claim or title to any party, share, interest, premium or asset of the Trust, HCP Account or the Health Care Program.

ARTICLE 18

HEALTH CLAIM DISPUTES AND APPEALS

In the event that a dispute arises over a health claim, the procedures, adjudication requirements and administrative remedies shall be found in the Health Care Program's plan document applicable to the Health Care Program covering the claimant.

ARTICLE 19

PLAN ADMINISTRATION DISPUTES AND APPEALS

- 19.1 In the event that a dispute arises between a Participating Employer and the Health Care Program, the Participating Employer shall document the circumstances causing the dispute and submit a written request for review of the disputed circumstances to the Board of Trustees. Upon review of such information, the Board of Trustees shall attempt to resolve the dispute.
- 19.2 If the Board of Trustees' resolution to the dispute is deemed unsatisfactory, then alternative dispute resolution through mediation or binding arbitration may be necessary.

ARTICLE 20

ENFORCEMENT OF TERMS OF AGREEMENT

- 20.1 The Board of Trustees may enforce the terms of this Agreement.
- 20.2 In the event legal action is initiated to enforce any term or provision of this Agreement against any present or previous Participating Employer, the prevailing party shall receive such reimbursement of costs as the court deems reasonable for attorneys' fees and costs related to the relevant legal action.

ARTICLE 21

DEFAULT

- 21.1 If any Participating Employer fails to perform any term or condition of this Agreement and such failure continues for a period of sixty (60) days after the Board of Trustees has given the Participating Employer written notice describing such failure, the Participating Employer shall be considered in default.
- 21.2 Upon default, the Board of Trustees may immediately cancel the Participating Employer's participation in the Health Care Program without additional notice or exercise some other remedy otherwise provided by law.

- 21.3 The rights and remedies of the Board of Trustees are cumulative in nature and pursuit of any particular remedy shall not be deemed an election of remedies or a waiver of any other remedies available hereunder or otherwise available by law.

ARTICLE 22

NO WAIVERS

No waiver or forbearance of a breach of any covenant, term, or condition of this Agreement shall be construed to be a waiver or forbearance of any other or subsequent breach of the same or of any other covenant, term or condition, and the acceptance of any performance hereunder, or the payment of any sum of money after the same has become due or at a time when any other default exists hereunder, shall not constitute a waiver or right to demand payment of all sums owing or a waiver of any other default then or thereafter existing.

ARTICLE 23

CONTRACT MANAGEMENT

The Health Care Program shall designate a person to whom the State Risk Manager shall forward legal process served upon the Risk Manager; **The AWC Chief Executive Officer** (designee or successor). **The Health Care Program Director** shall be responsible for and shall be the contact person for all communications regarding the performance of this Agreement.

ARTICLE 24

SEVERABILITY

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, if such remainder conforms to the requirements of applicable law and the fundamental purpose of this Agreement, and to this end the provisions of this Agreement are declared to be severable.

ARTICLE 25

COUNTERPART COPIES

This Agreement may be signed in counterpart or duplicate copies and any signed counterpart or duplicate copy shall be equivalent to a signed original for all purposes.

ARTICLE 26

HEADINGS

The Article and Section headings in this Agreement are inserted for convenience only and are not intended to be used in the interpretation of the contents of the Articles and Sections they introduce.

ARTICLE 27

AGREEMENT COMPLETE

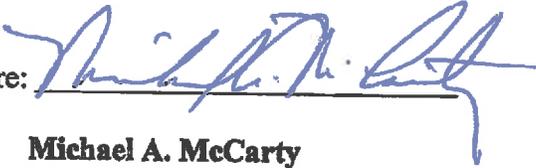
This Agreement and the documents referenced herein contains all the terms and conditions agreed to by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind the parties hereto.

[Signature page follows]

IN WITNESS WHEREOF, the undersigned parties have executed this Agreement.

**Association of Washington Cities
Employee Benefit Trust**

Participating Employer

Signature: 

Name: **Michael A. McCarty**

Title: **Chief Executive Officer**

Date: August 30, 2013

Signature: _____

Name (print): _____

Title: _____

Date: _____

Effective Date: January 1, 2014

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Public Hearing on Revenue Sources and Expenditures for 2013-2014 Mid-biennial Budget Review and Update		Meeting Date: November 4, 2013
Department: Finance Department	Attachments: 1. Public Hearing Notice 2. PowerPoint Presentation	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Kim Krause, Finance Director		
Telephone: (206) 439-3150		
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to hold a public hearing to receive comments on the 2013-2014 Mid-biennial Budget Review and Update. A discussion will follow the public hearing.		
BACKGROUND (Include prior Council action & discussion): This is the first of two scheduled public hearings. Citizens and community organizations are encouraged to participate by providing the Council with their priorities for future infrastructure projects, public safety enhancements, human services programs, cultural and recreational opportunities, and other public services. A second public hearing will be held on November 18, 2013. Staff has revised the budget calendar as follows: Monday, November 4, 2013 – Regular Council Meeting – First Public Hearing on Revenue Sources and Expenditures, Discussion on Ordinance No. 589 Setting the 2014 Property Tax Levy, Discussion on Ordinance No. 590 Increasing the Surface Water Management Service Charges and Amending Chapter 13.10 of the Burien Municipal Code and brief presentation of components included in the 2013-2014 Mid-biennial Budget Review and Update. Monday, November 18, 2013 – Regular Council Meeting – Second Public Hearing on Revenue Sources and Expenditures, Adoption of Ordinance No. 589 Setting the 2014 Property Tax Levy, Adoption of Ordinance No. 590 Increasing the Surface Water Management Service Charges and Amending Chapter 13.10 of the Burien Municipal Code, Discussion on Ordinance No. 588 Amending the 2013-2014 Biennial Budget and Discussion of 2014 Financial Policies. Monday, December 2, 2013 – Regular Council Meeting – Adoption of Ordinance No. 588 Amending the 2013-2014 Biennial Budget and Adoption of 2014 Financial Policies. Adoption of the budget may be extended (to any date prior to January 1, 2014) if Council decides to continue discussion of the 2013-2014 Mid-biennial Budget Review and Update. The Property Tax Levy and Surface Water Management Rates must be adopted prior to November 30, 2013.		
OPTIONS (Including fiscal impacts): N/A		
Administrative Recommendation: Conduct the public hearing on the 2013-2014 Mid-biennial Budget Review and Update.		
Committee Recommendation: N/A		
Advisory Board Recommendation: N/A		
Suggested Motion: None required.		
Submitted by: Kim Krause, Finance Director		
Administration <i>kk</i>	City Manager <i>CK</i>	
Today's Date: October 28, 2013	File Code: \\File\records\CC\Agenda Bill 2013\110413ad-1 Public Hearing.docx	



Burien

Washington, USA

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

DATE: October 22, 2013
FOR RELEASE: October 23 and October 30, 2013
CONTACT: Finance Department
 Telephone: (206) 439-3150

2013-2014 MID-BIENNIAL BUDGET REVIEW PUBLIC HEARING NOTICE

The City of Burien will hold a public hearing on Monday, November 4, 2013, and Monday, November 18, 2013 for the purpose of:

Receiving the publics' comments on revenue sources, including a possible increase of up to 1% in property tax revenue, and expenditures for the 2013-2014 Mid-Biennial Budget review and amendments.

The hearing will be in the Burien Council Chambers at 400 SW 152nd St., at approximately 7:00 p.m. The 2013-2014 Mid-Biennial Budget Review will be available on November 1, 2013 on the City's website, www.burienwa.gov, or copies can be obtained by calling the Finance Department at (206) 439-3150.

Sign language and communication in alternate format can be arranged given sufficient notice. Please contact the City Clerk's office at (206) 248-5517.

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Published in The Seattle Times: October 23, 2013 and October 30, 2013
 The Westside Weekly: November 1, 2013

2013-2014 Mid-Biennial Budget Review

Finance Department

November 4, 2013

Mid-Biennial Review

- Required by Law to review the Biennial Budget during the last 4 months of the 1st year in the Biennium
- Ord. #568 adopted the 2-year appropriations
- Ord. #'s 580 and 584 modified the budget
- Mid-Biennial review only includes items that need budgetary changes

Mid-biennial Review

- Tonight
 - 1st Public Hearing
 - Property Tax Levy Discussion
 - Surface Water Management Service Charges Discussion
- November 18
 - Second Public Hearing
 - Property Tax Levy Adoption
 - Surface Water Management Service Charges Adoption
 - Discussion of Ordinance No. 588 Amending the 2013-2014 Biennial Budget
 - Operating Budget
 - Capital Improvement Program Update
 - Discussion of Financial Policy Update
- December 2
 - Adoption of Ordinance No. 588 Amending the 2013-14 Biennial Budget
 - Adoption of 2014 Financial Policies

Mid-biennial Review

- Decision Points
 - Maintain \$1.60 Levy Rate for Property Taxes
 - Increase Surface Water Management Service Charges by Consumer Price Index per Council adopted policy
 - Increase General Fund Reserve to 15%
 - Consider Proposed Salary Schedules, including 1% Cost of Living Adjustment
 - Consider appropriating \$100,000 to update the Environmental Impact Statement in preparation of the Comprehensive Plan Update
 - Consider whether to expand the Code Enforcement Program
 - Consider appropriation of \$10,000 Human Services Contingency

Conclusion

- Next meeting November 18, 2013
 - 2nd Public Hearing
 - Adopt 2014 Property Tax Levy
 - Adopt 2014 Surface Water Management Service Charges and Amend Chapter 13.10 of the Burien Municipal Code
 - Discuss the 2013-14 Amended Biennial Budget
 - Discuss the proposed Financial Policy Revisions
- Questions?

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion on the 2014 Property Tax Levy		Meeting Date: November 4, 2013						
Department: Finance Department	Attachments: 1. Ordinance 589	Fund Source: Activity Cost: Amount Budgeted: Unencumbered Budget Authority:						
Contact: Kim Krause, Finance Director								
Telephone: (206) 439-3150								
PURPOSE/REQUIRED ACTION: The purpose of this agenda item is to discuss and potentially adopt the 2014 Property Tax Levy.								
BACKGROUND (Include prior Council action & discussion):								
<p>Based on the most current data provided by the King County Assessor's Office, the City's assessed valuation (AV) is expected to grow by 2.43% which allows the City to continue to levy at the statutory maximum rate of \$1.60 per \$1,000 of AV. This allows the City to collect an additional \$153,912 in property taxes. Staff's 2014 property tax levy recommendation is based on the following calculation:</p> <table border="0"> <tr> <td>2014 Preliminary Assessed Valuation:</td> <td>\$4,053,221,544</td> </tr> <tr> <td>2014 Property Tax Rate</td> <td>\$1.60 per \$1,000 AV</td> </tr> <tr> <td>2014 Property Tax Levy:</td> <td>\$6,485,154</td> </tr> </table> <p>The rounded up amount of the 2014 Property Tax Levy is \$6.6 million.</p> <p>Even with this additional property tax revenue, the City is well below the 2011 property tax revenue of \$7.1 million, which is the primary cause of the structural deficit. The Property Tax Levy must be adopted by November 30, 2013.</p>			2014 Preliminary Assessed Valuation:	\$4,053,221,544	2014 Property Tax Rate	\$1.60 per \$1,000 AV	2014 Property Tax Levy:	\$6,485,154
2014 Preliminary Assessed Valuation:	\$4,053,221,544							
2014 Property Tax Rate	\$1.60 per \$1,000 AV							
2014 Property Tax Levy:	\$6,485,154							
OPTIONS (Including fiscal impacts):								
<ul style="list-style-type: none"> • Approve Ordinance No. 589, setting the 2014 Property Tax Levy Rate. • Do not approve Ordinance No. 589, setting the 2014 Property Tax Levy Rate, in which case the levy will remain at the 2013 level of \$6,331,242. 								
Administrative Recommendation: Hold discussion and consider placing on the November 18 th agenda for adoption.								
Suggested Motion: None required.								
Submitted by: Kim Krause, Finance Director								
Administration <u> <i>CK</i> </u>	City Manager <u> <i>CK</i> </u>							
Today's Date: October 28, 2013	File Code: \\File\records\CC\Agenda Bill 2013\110413ad-2 Property Tax Levy.docx							

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 589

A ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, LEVYING THE GENERAL TAXES FOR THE CITY OF BURIEN IN KING COUNTY FOR THE FISCAL YEAR COMMENCING JANUARY 1, 2014, ON ALL PROPERTY BOTH REAL AND PERSONAL, IN SAID CITY WHICH IS SUBJECT TO TAXATION FOR THE PURPOSE OF PAYING SUFFICIENT REVENUE TO CARRY ON THE SEVERAL DEPARTMENTS OF SAID CITY FOR THE ENSUING YEAR AS REQUIRED BY LAW.

WHEREAS, the City Council of the City of Burien has met and considered its budget for the 2013 and 2014 calendar years; and,

WHEREAS, the City Council held a final public hearing on November 18, 2013, to consider revenue sources and expenditures for the second year of its 2013-2014 biennial budget; and,

WHEREAS, the City of Burien's actual levy amount from the previous year was \$6,331,242; and,

WHEREAS, the population of the City of Burien is more than 10,000; and,

WHEREAS, the City's intent to is to levy the maximum allowable statutory rate of \$1.60 per \$1,000 of assessed valuation; and

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

Section 1. 2014 Levy Rate. There shall be and hereby is levied on all real, personal, and utility property in the City of Burien, in King County, current taxes for the year commencing January 2014, in the amount specified below:

Regular Tax Levy of \$6,600,000

The dollar amount of the increase over the actual levy amount from the previous year shall be \$153,912 which is a percentage increase of 2.43% from the previous year. This increase is exclusive of additional revenue resulting from new construction, improvements to property, newly constructed wind turbines, any increase in the value of state assessed property, any annexations that have occurred and refunds made.

The said taxes herein provided for are levied for the purpose of payment upon the general bonded indebtedness of the City of Burien, for the construction of capital facilities and for the maintenance of the departments of the municipal government of the City of Burien for the fiscal year beginning January 1, 2014.

Section 2. Notice to King County. This ordinance shall be certified to the proper County officials, as provided by law, and taxes herein levied shall be collected to pay to the Finance Director of the City of Burien at the time and in the manner provided by the laws of the State of Washington for the collection of taxes for noncharter code cities.

Section 3. Effective Date. This ordinance shall be in full force five days after publication of this ordinance or a summary thereof in the official newspaper of the City, as provided by law.

Section 4. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ___ DAY OF _____, 2013, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE 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:
Ordinance No.:
Date of Publication:

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion of Ordinance No. 590 Increasing the City's Surface Water Management Service Charges and Amending Chapter 13.10 of the Burien Municipal Code		Meeting Date: November 4, 2013
Department: Finance Department	Attachments: Ordinance No. 590	Fund Source: Surface Water Management Fund Activity Cost: \$0 Amount Budgeted: \$28,000 Revenue Unencumbered Budget Authority: N/A
Contact: Kim Krause, Finance Director		
Telephone: (206) 439-3150		

PURPOSE/REQUIRED ACTION:

The purpose of this agenda item is to discuss and potentially adopt Ordinance No. 590 increasing the surface water management fees and amending Chapter 13.10 of the Burien Municipal Code.

BACKGROUND (Include prior Council action & discussion):

In November 2007, Council adopted policy that increases the Surface Water Management Service Charges annually commensurate with the increase in the first six months average of the current year's Seattle-Tacoma-Bremerton Consumer Price Index (CPI) for All Urban Consumers. This year's CPI is 1.37% and is reflected in the rates listed below.

Rate Class	Description	% Impervious Surface	2013 Fee	2014 Fee
1	Residential	N/A	\$135.16 per residential lot	\$137.01 per residential lot
2	Very light	≤ 10%	\$135.16 per parcel	\$137.01 per parcel
3	Light	10.1 – 20%	\$337.76 per acre	\$342.39 per acre
4	Moderate	21.1- 45%	\$727.96 per acre	\$737.93 per acre
5	Moderately Heavy	45.1 – 65%	\$1,224.51 per acre	\$1,241.29 per acre
6	Heavy	65.1 – 85%	\$1,660.52 per acre	\$1,683.27 per acre
7	Very Heavy	85.1 – 100%	\$2,115.88 per acre	\$2,144.87 per acre

The discount rates will also be increased by 1.37%.

The City must take formal action and notify King County of any SWM fee change to take effect for 2014 no later than December 1, 2013.

OPTIONS (Including fiscal impacts):

- Approve Ordinance No. 590, increasing the surface water management fees by 1.37 percent and amending Chapter 13.10 of the Burien Municipal Code.
- Do not approve Ordinance No. 590, in which case the surface water management fees will remain at the 2013 level. The 2013-14 Biennial Budget will be adjusted to reflect the reduction in this revenue source.

Administrative Recommendation: Hold discussion and consider placing on the November 18th agenda for adoption.

Suggested Motion: None required.

Submitted by: Kim Krause, Finance Director

Administration ck

City Manager CK

Today's Date: October 28, 2013

File Code: [\\File\records\CC\Agenda Bill 2013\110413ad-3 SWM Rates Adoption.docx](#)

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 590

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, INCREASING SURFACE WATER MANAGEMENT SERVICE CHARGES AND AMENDING CHAPTER 13.10 OF THE BURIEN MUNICIPAL CODE

WHEREAS, effective January 1, 2013, the City Council approved Ordinance 574, implementing the Storm Drainage Master Plan and amending Ch. 13.10 BMC by increasing surface water management service charges 12% in 2013 as necessary to fund the requirements of the City's 2013 National Pollution Discharge Elimination System (NPDES) permit; and

WHEREAS, on June 3, 2013, the City Council approved Ordinance 582 retroactively applying the discount rates that are available to property owners in specified circumstances commensurate to the 12% increase in the service charge; and

WHEREAS, in November, 2007, City Council adopted policy that increases the Surface Water Management Service Charges annually commensurate with the increase in the Seattle-Tacoma-Bremerton Consumer Price Index (CPI) for Urban Consumers; and

WHEREAS, the current rates need to be amended to account for the 2013 CPI of 1.37%;

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

Section 1. Section 13.10.350 of the Burien Municipal Code, Rate structure, is hereby amended to read as follows:

13.10.350 Rate structure.

(1) The service charges shall be based on the relative contribution of increased surface and surface water runoff from a given parcel to the surface and surface water management system. The percentage of impervious surfaces on the parcel, the total parcel acreage and any mitigating factors as provided in this chapter will be used to indicate the relative contribution of increased surface and surface water runoff from the parcel to the surface and surface water management system. The relative contribution of increased surface and surface water runoff from each parcel will determine that parcel's share of the service charge revenue needs. The service charge revenue needs of the program are based upon all or any part, as determined by the council, of the cost of surface and surface water management services or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for that purpose.

(2) The department shall determine the service charge for each parcel within the service area by the following methodology:

(a) Residential and very lightly developed nonresidential parcels shall receive a flat rate service charge for the reasons set forth in this chapter.

(b) Light to very heavily developed parcels shall be classified into the appropriate rate category by their percentage of impervious surface coverage. Land use codes or data collected from parcel investigations, or both, will be used to determine each parcel's percentage of impervious surface coverage.

After a parcel has been assigned to the appropriate rate category, the service charge for the parcel will be calculated by multiplying the total acreage of the parcel times the rate for that category.

(3) There are hereby imposed upon all developed properties in the service area annual service charges as follows:

Surface Water Management Service Charges

Class	Impervious Surface %	Rate
Residential	N/A	\$135.16 <u>\$137.01</u> /parcel/year
Very Light	0 to 10%	\$135.16 <u>\$137.01</u> /parcel/year
Light	greater than 10% to 20%	\$337.76 <u>\$342.39</u> /acre/year
Moderate	greater than 20% to 45%	\$727.96 <u>\$737.93</u> /acre/year
Moderately Heavy	greater than 45% to 65%	\$1,224.51 <u>\$1,241.29</u> /acre/year
Heavy	greater than 65% to 85%	\$1,660.52 <u>\$1,683.27</u> /acre/year
Very Heavy	greater than 85% to 100%	\$2,115.88 <u>\$2,144.87</u> /acre/year
City Roads	N/A	Exempt
State Highways	N/A	Exempt

The minimum service charge in any class shall be ~~\$135.16~~\$137.01 per parcel per year. Mobile home parks' maximum annual service charges in any class shall be ~~\$135.16~~\$137.01 times the number of mobile home spaces.

(4) The city council will review the surface water management service charges annually to ensure the long-term fiscal viability of the program and to guarantee that debt covenants are met. The program will use equitable and efficient methods to determine service charges. [Ord. 489 § 2, 2008]

Section 2. Section 13.10.360 of the Burien Municipal Code, Rate adjustments and appeals, is hereby amended to read as follows:

13.10.360 Rate adjustments and appeals.

(1) Any person billed for service charges may file a request for rate adjustment with the department within three years of the date from which the bill was sent. However, filing of such a request does not extend the period for payment of the charge.

(2) Requests for rate adjustment may be granted or approved by the director only when one of the following conditions exists:

(a) The parcel is owned and is the personal residence of a person or persons determined by the county assessor as qualified for a low income senior citizen property tax exemption authorized under RCW 84.36.381. Parcels qualifying under this subsection (2)(a) shall be exempt from all charges imposed in this chapter;

(b) The acreage of the parcel charged is in error;

(c) The parcel is nonresidential and the actual impervious surface coverage of the parcel charged places it in a different rate category than the rate category assigned by the department;

(d) The parcel is nonresidential and the parcel meets the definition of open space in this chapter. Parcels qualifying under this subsection (2)(d) will be charged only for the area of impervious surface and at the rate which the parcel is classified under using the total parcel acreage;

(e) The parcel is served by one or more flow control or water quality treatment facilities required under this chapter, or can be demonstrated by the property owner to provide flow control or water quality treatment of surface and storm water to the standards in this chapter, and any such facility is maintained at the expense of the parcel owner to the standards required by the department. Nonresidential parcels except in the light category qualifying under this subsection shall be charged at the rate of one lower rate category than as classified by its percentage of impervious surface coverage. Nonresidential parcels in the light rate category qualifying under this subsection shall be charged at the rate of ~~\$135.16~~\$137.01 per parcel per year. Residential parcels and parcels in the very light category qualifying under this subsection shall be charged ~~\$67.58~~68.51 per parcel per year; or

- (f) The service charge bill was otherwise not calculated in accordance with this chapter.
- (3) The property owner shall have the burden of proving that the rate adjustment sought should be granted.
- (4) At the director's discretion, before a rate adjustment will be granted, the property owner may be required to grant permission for city staff to inspect the property to determine if the applicable requirements in subsection (2) of this section have been met. If the property owner refuses to grant access for an inspection, the director may not grant the rate adjustment.
- (5) Decisions on requests for rate adjustments shall be made by the director based on information submitted by the applicant and the results of the inspection, if applicable. The applicant shall be notified in writing of the director's decision. If an adjustment is granted which reduces the charge for the current year or two prior years, the applicant shall be refunded the amount overpaid in the current and two prior years.
- (6) If the director finds that a service charge bill has been undercharged, then either an amended bill shall be issued which reflects the increase in the service charge or the undercharged amount will be added to the next year's bill. This amended bill shall be due and payable under this chapter. The director may include in the bill the amount undercharged for two previous billing years in addition to the current bill.
- (7) Decisions of the director on requests for rate adjustments shall be final unless, within 20 days of the date the decision was mailed, the applicant submits in writing to the director a notice of appeal setting forth a brief statement of the grounds for appeal and requesting a hearing before the hearing examiner. The examiner's decision shall be a final decision pursuant to Chapter 2.15 BMC. [Ord. 489 § 2, 2008]

Section 3. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. Effective Date. This Ordinance shall take effect January 1, 2014.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT
A REGULAR MEETING THEREOF THIS __ DAY OF _____, 2013, AND SIGNED IN
AUTHENTICATION OF ITS PASSAGE THIS __ DAY OF _____, 2013.

CITY OF BURIEN

Brian Bennett, Mayor

ATTEST/AUTHENTICATED:

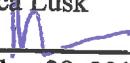
Monica Lusk, City Clerk

Approved as to form:

Ann Marie Soto, Acting City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No. 590
Date of Publication:

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Motion to Name Voting Delegate to the National League of Cities (NLC) Annual Business Meeting, November 16, 2013		Meeting Date: November 4, 2013
Department: City Manager	Attachments:	Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Contact: Monica Lusk, City Clerk		
Telephone: (206) 248-5517		
Adopted Work Plan Priority: Yes No <input checked="" type="checkbox"/>	Work Plan Item Description:	
PURPOSE/REQUIRED ACTION:		
<p>The purpose of this agenda item is for Council to name the City's voting delegate for the NLC annual business meeting on November 16, 2013.</p> <p>BACKGROUND (Include prior Council action & discussion):</p> <p>The National League of Cities (NLC) will hold its annual "Congress of Cities" conference November 13-16, in Seattle. The annual business meeting for the conference will be held on Saturday, November 16. Each direct member city is entitled to cast from one to 20 votes, depending on the city's population. Burien has one vote.</p> <p>Each year at this time, NLC asks that we name the voting delegate for our city and report that information to them.</p> <p>To date, Councilmember Bob Edgar has registered for the conference.</p>		
OPTIONS (Including fiscal impacts):		
<ol style="list-style-type: none"> 1. Name a voting delegate. 2. Do not name a voting delegate. 		
Administrative Recommendation: Name a voting delegate from the City's elected and appointed officials attending the conference.		
Advisory Board Recommendation: N/A		
Suggested Motion: Motion to Name Councilmember Bob Edgar as the Voting Delegate for the NLC Annual Business Meeting, November 16, 2013.		
Submitted by: Monica Lusk		
Administration 	City Manager 	
Today's Date: October 28, 2013	File Code: R:/CC/Agenda Bills 2013/110413cm-1 NLC Voting Delegate	

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Update on Interlocal Agreement with Port of Seattle for Northeast Redevelopment Area (NERA)		Meeting Date: November 4, 2013
Department: Public Works	Attachments: 1. Letter from the Port regarding NERA property ownership	Fund Source: N/A
Contact: Maiya Andrews, Director		Activity Cost: N/A
Telephone: (206) 248-5521		Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Adopted Initiative: Yes No X	Initiative Description:	

PURPOSE/REQUIRED ACTION:

The purpose of this agenda item is to provide an update on the status of the Interlocal Agreement (ILA) and associated easements with the Port.

BACKGROUND (Include prior Council action & discussion):

As explained to Council at its October 7, 2013 meeting, the design of the NERA storm drainage and trail improvement project is nearing completion. This 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 is from the Department of Commerce, and all of these funds must be expended by November 2014. To meet this timeline, the construction phase needs to be advertised by 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. The draft ILA presented to Council on October 7th included the following major elements:

- 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 12th 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 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 a credit to the City.

BACKGROUND Cont'd. (Include prior Council action & discussion):

Since the FAA restricts certain land uses on properties near the airport, and since FAA funds were used to purchase most of the Port's property, the Port is required to obtain the FAA's concurrence on both the property transfers and financial participation for the City's project. The City and the Port have been working with the FAA since the beginning of this year to agree on the terms of the property transfers and costs associated with this project. On October 29th, the Port notified the City of a significant change with respect to the FAA's approach on the land use restrictions in NERA. Up until this week, the FAA has indicated that use of the area in the FAA designated "Approach Transition Zone" was limited to stormwater facilities or parking for airport employees. The FAA has reevaluated the 2012 Reauthorization of the Airport Improvement Program, and Airport Design Advisory Circular 150/5300-13A and they have determined that the Port and City should be allowed to redevelop all lands within NERA (excluding those in the "Runway Protection Zone") into noise compatible uses. These allowable uses include the City's trail and the proposed auto mall parking.

Because the allowable land uses have now been expanded, the Port needs to redo their appraisals to reflect the higher values of the land. This analysis should be done within the next week. This affects the terms of the ILA in a two significant ways. Firstly, it changes the values of the easements being provided to the City, and secondly, it changes or eliminates the section on land use restrictions. These changes are currently under review by the Port, the City and the FAA and should be ready for approval at the next Council meeting.

Based on the FAA's broader approval of the Port's allowable land uses in the NERA, the following changes to the ILA have been made or are underway:

- Actual costs for the easements and street vacation will be included. Preliminary analysis indicates that the value of the street vacation will still be close to the total value of the easements. Therefore, the total payment for the project to the City is anticipated to be the original \$1.2 million identified for the Port's share of the construction costs.
- Payment for the street vacation will not occur until the City actually completes the vacation.
- The language and exhibit on land use restrictions will be eliminated or changed.
- Language clarifying the basis for the NERA stormwater connection fee will be added.
- The language in the easements regarding hazardous materials has been simplified.
- Non-discrimination language and insurance language have been added to each of the easements.
- The legal descriptions for the easements are now included.
- Language was added to the easements giving the Port the right to ensure that the City's facilities perform as designed (especially with regard to the FAA's concerns about standing water as a bird attractant).
- The section on FAA concurrence has been removed and will be handled separately between the Port and the FAA.
- The Port's contribution and participation on the restoration of the existing Eastbound On-ramp to its original configuration is contemplated, but details will be determined at a later date (the scope and details are still under negotiation and are not needed immediately).

At the October 7th meeting, Council asked Staff to get information from the Port regarding regulations and restrictions on the use of their property. The Port's response is included as Attachment 1.

Staff plans to bring the revised ILA to Council for approval on the November 18th or December 2nd meeting to ensure that we are able to meet our grant commitments for the storm drainage and trail improvements project. The Port is seeking Port Commission approval of this agreement at their next meeting on December 10th.

OPTIONS (Including fiscal impacts):

N/A

Administrative Recommendation: Receive update.

Advisory Board Recommendation: N/A

Suggested Motion: N/A

Submitted by:

Administration *MJA*

Interim City Manager *CA*

Today's Date: October 24, 2013

File Code: <R:\CC\Agenda Bill 2013\110413pw-1 Update on NERA ILA with Port.docx>

Attachment 1



October 25, 2013

Craig D. Knutson, Interim City Manager
City of Burien
400 SW 152nd Street
Suite 300
Burien, WA 98166

Dear Mr. Knutson:

Thank you for your October 14, 2013 letter expressing the Burien City Council's interest in understanding the rules and regulations associated with Port of Seattle-owned property within the Northeast Redevelopment Area (NERA), most specifically which property may be sold and which property must remain in Port ownership.

The Port's ability to sell or lease property depends on why the property was acquired and the source of funds used for the acquisition. The NERA parcels generally fall into one of three categories:

Parcels purchased with Federal Aviation Administration (FAA) funds and required for airport safety purposes. This category affords the Port the least flexibility in selling or leasing the property. FAA regulations require the Port to retain this land, in an undeveloped and "clear" condition, with some exceptions. The property that falls within this category includes the land within the Runway Protection Zone (RPZ) and the object free area of the Approach Transition Zone (ATZ). The Port is currently working to clarify with the FAA the approved land uses within the ATZ and implications on the Port's ability to sell or lease the property within the ATZ. Generally, however, the RPZ and ATZ, because of their safety function, include a number of restrictions that either limit what type of development can occur on the individual parcels or completely preclude any type of development.

Parcels purchased with FAA noise grants and not required for airport purposes long-term. This category provides the Port with more flexibility in the sale or lease of property. In 2008, the FAA began emphasizing that property purchased with noise grants should be returned to productive use by selling, leasing or swapping the property for other pieces of real estate. Most of the Port parcels within NERA were purchased using FAA noise grants. In returning this "noise property" to productive use, a number of FAA requirements must still be met. These requirements include demonstrating that the airport does not need the property for airport purposes, the sale or lease must be at fair market value, any future use must be compatible with airport operations, and any proceeds from the sale or lease must be reinvested in the airport or transferred back to the FAA.

A copy of the FAA Airport Compliance Manual's Chapter 22, the primary guidance for airports on real estate, has been attached, to provide a detailed explanation of the FAA requirements for sale and leasing of noise property.

Craig Knutson
City of Burien
October 25, 2013
Page Two

Parcels purchased with airport (i.e., non-FAA) funds and not required for airport purposes long-term. This category generally allows the Port the most flexibility in selling or leasing property. Property in this category may be sold or leased with limited to no FAA oversight and approval; however, the source of non-FAA funds the Port used may limit the ability to sell or lease the property, given the covenants associated with the bonds used for acquisition. This is case with the former Lora Lake Apartments parcel and the other Port-owned parcels south of State Route 518 that fall into this category. In addition, the Port must comply with Washington State statutes related to the disposition of property.

Also attached for your reference is a map of the NERA that depicts which parcels the Port owns within the area, which parcels were purchased with FAA noise grants and the location of the RPZ and ATZ, in relation to the parcels.

The factors described above, real estate market conditions, and the ongoing collaborative work between the Port and City will ultimately determine the Port's approach to retaining, selling, or leasing the NERA parcels. Throughout our work together, we continue to be mindful of the City's development goals and how those goals align with Port of Seattle economic development objectives.

Finally, any Port property that is developed within NERA will be subject to the City's Real Estate Property Tax, if sold, or the Leasehold Excise Tax (LET), if leased. The LET is collected by public agencies on lease income from real property in lieu of property tax and the City of Burien would be the recipient.

We hope this information helps answer the questions posed by Council members during the October 7th meeting and we most certainly look forward to our continued collaboration. Please let me know if we can be of further assistance.

Sincerely,



Linda Stewart, Director
Aviation Community Partnerships

Cc: Maiya Andrews, City of Burien Public Works Director
Mark Griffin, Director, Real Estate Development

Chapter 22. Releases from Federal Obligations

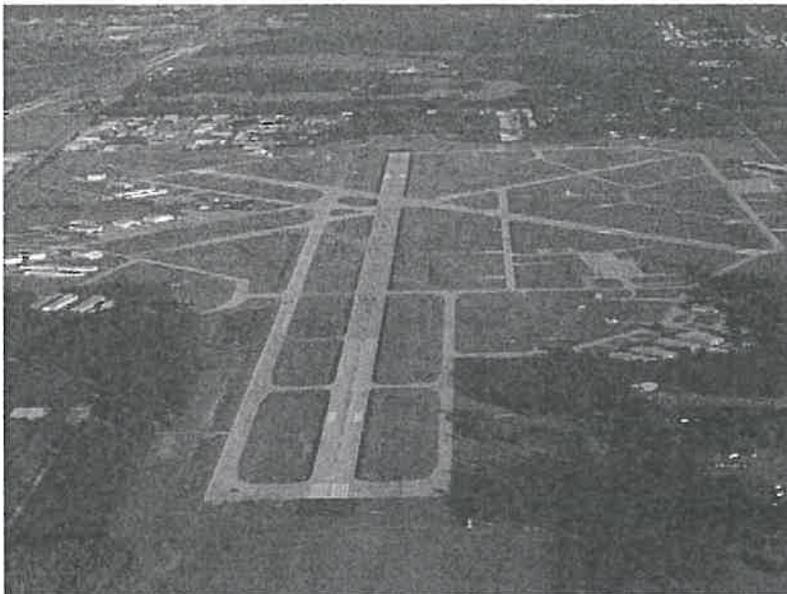
22.1. Introduction. This chapter discusses the laws, regulations, policies, and procedures pertaining to sponsor requests for a release from federal obligations and land use requirements. The FAA Administrator's authority to grant a release depends on the type of obligating document, such as a property conveyance or grant agreement.

Any property, when described as part of an airport in an agreement with the United States or defined by an airport layout plan (ALP) or listed in the Exhibit "A" property map, is considered to be "dedicated" or obligated

property for airport purposes by the terms of the agreement. If any of the property so dedicated is not needed for present or future airport purposes, an amendment to, or a release from, the agreement is required.

In all cases, the benefit to civil aviation is the FAA's prime concern and is represented by various considerations. These include the future growth in operations; capacity of the airport; the interests of aeronautical users and service providers; and the local, regional, and national interests of the airport. It is the responsibility of the FAA airports district offices (ADOs) and regional airports divisions to review the release request and to execute the release document, if appropriate.

22.2. Definition. A "release" is defined as the formal, written authorization discharging and relinquishing the FAA's right to enforce an airport's contractual obligations. In some cases, the release is limited to releasing the sponsor from a particular assurance or federal obligation. In other cases, a release may permit disposal of certain airport property.



The FAA Administrator's authority to grant a release depends on the type of obligating document, such as a property conveyance or grant agreement. It also depends on the type of grant agreement, such as airport planning, noise mitigation, or airport improvement. Furthermore, the timing and circumstance of the particular document affects the Administrator's ability to grant a release. In all cases, the benefit to civil aviation is the FAA's prime concern. (Photo: CAP)

22.3. Duration and Authority. When the duration of the physical useful life of a specific grant improvement ends, the sponsor is automatically released from its federal obligations for that grant without any formal action from the FAA. The physical useful life of such a facility extends to the time it is serviceable and useable with ordinary day-to-day maintenance. However, airport land acquired with federal assistance under the Airport Improvement Program (AIP) and/or conveyed as surplus or nonsurplus property is federally obligated in perpetuity (forever).

The Administrator has delegated to ADOs and regional offices the authority to release, modify, or amend assurances of individual sponsor agreements under specific circumstances as prescribed in this chapter. ADOs and regional airports divisions do not have the authority to modify the list of assurances in a grant agreement. In addition, ADOs do not have the authority to effect a release permitting the abandonment, sale, or disposal of a complete airport. (See Order 1100.5, *FAA Organization - Field*, issued February 6, 1989.)

22.4. FAA Consideration of Releases.

a. General. Within the specific authority conferred upon the FAA Administrator by law, the Administrator will, when requested, consider a release, modification, reform, or amendment of any airport agreement to the extent that such action has the potential to protect, advance, or benefit the public interest in civil aviation. Such action may involve only relief from specific limitations or covenants of an agreement or it may involve a complete and total release that authorizes subsequent disposal of federally obligated airport property. Major considerations in granting approval of a release request include:

- (1). The reasonableness and practicality of the sponsor's request.
- (2). The effect of the request on needed aeronautical facilities.
- (3). The net benefit to civil aviation.
- (4). The compatibility of the proposal with the needs of civil aviation.

Any release having the effect of permitting the abandonment, sale, or disposal of a complete airport must be referred to the Director of Airport Compliance and Field Operations (ACO-1) for approval by the Associate Administrator for the Office of Airports (ARP-1). (See Order 1100.5, *FAA Organization – Field*, issued February 6, 1989.)

b. Types of Federal Obligations. Generally, a sponsor can be federally obligated by the following actions:

- (1). Acceptance of a federal grant for an aeronautical improvement, including land for aeronautical use. Property listed on the Exhibit "A" of a grant agreement is obligated, regardless of how it was acquired or its purpose.
- (2). Acceptance of a conveyance of federal land.

(3). Federal grants for a military airport program (MAP), for noise, and for planning. Planning grants contain a limited list of assurances and do not impose all of the obligations of a development grant.

(4). Acquisition of property with airport revenue, regardless of whether the property is on the Exhibit "A" or ALP.

(5). Designation of property for aeronautical purposes on an ALP. Once designated for aeronautical use, the property may not be used for nonaeronautical purposes without FAA approval.

c. Types of Release Requests. Various conditions and circumstances can affect the manner and degree of sponsor federal obligations and the procedures for release from these obligations. A sponsor can request different kinds and degrees of release, including the following general categories:

(1). Change in the use, operation, or designation of on-airport property.

(2). Release and removal of airport dedicated real or personal property or facilities for disposal and/or removal from airport dedicated use.

22.5. Request for Concurrent Use of Aeronautical Property for Other Uses.

If aeronautical land is to remain in use for its primary aeronautical purpose but also be used for a compatible revenue-producing nonaeronautical purpose, no formal release request is required. This is considered a concurrent use of aeronautical property and requires FAA approval. Aeronautical property may be used for a compatible nonaviation purpose while at the same time serving the primary purpose for which it was acquired. For example,



The FAA will consider releases from federal obligations, changes in use, and changes in designation according to the types of release requests in connection with the various federal obligations. In some cases, FAA's approval of a change in use is not a release of a specific federal obligation. Rather, it may represent FAA's concurrence with a sponsor's proposed change in use to eliminate any potential impact on a general federal obligation to provide aeronautical access and to operate and maintain infrastructure. For example, the FAA should not release property on the approach end of a runway if this results in a structure or construction that would impact the airport. As shown here, the highway on the lower left corner of the photograph has resulted in an extensive displaced threshold, diminishing the utility of the airport. (Photo: CAP)

there may be concurrent use of runway clear zone land and low growing crops to generate revenue.

Airport sponsors considering requests to use airport land for recreational purposes who are planning future airport development projects should assess potential applicability of section 4(f) of the Department of Transportation Act of 1966 (49 United States Code (U.S.C.) § 303).^{49 50}

Airport sponsors considering requests to use airport land for recreational purposes who are planning future airport development projects should assess potential applicability of section 4(f) of the Department of Transportation Act of 1966 (49 U.S.C., recodified at section § 303).

a. Surplus Property Land and Concurrent Use. In some cases, surplus property land is designated as aeronautical use by its transfer documents. If so, a sponsor must request a release of its federal obligation to use such land for aeronautical purposes if it wishes to use it for nonaeronautical purposes exclusively. However, if the sponsor will continue to use the land for its primary aeronautical function, then a compatible nonaeronautical use could be considered a concurrent use. Such a concurrent use would not require a release from the surplus property requirement.

The FAA should review such concurrent use to ensure it is compatible with the primary aeronautical use of the surplus property land. FAA should also confirm that nonaeronautical use does not prevent the use of the land for needed aeronautical support purposes. Surplus property designated for aeronautical use should not be approved for concurrent nonaeronautical use if such use degrades – or potentially degrades – the aeronautical utility of the parcels in question.

b. Grant Land and Concurrent Use. Land purchased pursuant to an FAA grant is presumed to be in pursuit of an aeronautical purpose. However, some grant land may be suitable for concurrent use. Requests to use grant land for concurrent use should be approved by FAA. This consent can be in the form of an amendment to an ALP. Grant land may be used for a compatible nonaviation purpose while at the same time serving the primary purpose for which it was acquired.

⁴⁹ Department of Transportation (DOT) Section 4(f) property refers to publicly owned land of a public park, recreation area, wildlife or waterfowl refuge, or historic site of national, state, or local significance. It also applies to those portions of federally designated Wild and Scenic Rivers that are otherwise eligible as historic sites or that are publicly owned and function as – or are designated in a management plan as – a significant park, recreation area, or wildlife and waterfowl refuge. (See 49 U.S.C. § 303.)

⁵⁰ See 23 CFR § 774.11(g) and FHWA and FTA Final Rule; Parks, Recreation Areas, Wildlife and Waterfowl Refuges, and Historic Sites, 73 F.R. 13368-01, March 12, 2008 (Interpreting DOT Section 4(f) not to apply to temporary use of airport property.)

As with surplus property, grant land designated for aeronautical use should not be approved for concurrent nonaeronautical use if such use degrades – or potentially degrades – the aeronautical utility of the parcels in question.

22.6. Request for Interim Use of Aeronautical Property for Other Uses. The ADOs and regional airports divisions may consent to the interim use (not more than five (5) years) for nonaviation purposes of dedicated aeronautical land. This is the case whether or not the land was acquired with grant funds, is surplus property, or is otherwise dedicated for aeronautical use. A request for a use that would exceed three (3) years should be subject to concurrent use guidelines. FAA approval shall not be granted if the FAA determines that an aeronautical demand is likely to exist within the period of the proposed interim use.

Aeronautical demand might be demonstrated by the existence of a qualified aeronautical service provider expressing interest in such property for aeronautical use, or by projected growth in airport operations. Interim use should not be incompatible with current or foreseen aeronautical use of the property in question or other airport property. If the land in question is grant land, FAA consent or approval must be based on a determination that the property as a whole has not ceased to be used or needed for airport purposes within the meaning of the applicable statute.

Interim use represents a temporary arrangement for the use of airport land for nonaeronautical purposes. Therefore, it must be anticipated that the interim use will end and the land will be returned to aeronautical use. If a proposed nonaeronautical use will involve granting a long-term lease or constructing capital improvements, it will be difficult – if not impossible – to recover the land on short notice if it is needed for aeronautical purposes. Such a use is not interim and should not be treated as such. Therefore, interim use should not be approved if the proposed use will prevent the land from being recovered on short notice for airport purposes. Interim use proposals should be carefully evaluated to ensure that what is being proposed as a temporary arrangement is not really a long-term or permanent change in land use.

The ADOs and regional airports divisions may consent to the interim use of dedicated aeronautical property for nonaviation purposes. Regardless of how the property was acquired, these FAA offices have the authority to decide whether the airport may use such property for nonaeronautical purposes or not.

22.7. Release of Federal Maintenance Obligation. A partial release may be granted to an airport sponsor to remove the obligation to maintain specific areas of the airport pursuant to Grant Assurance 19a, *Operation and Maintenance*. Such circumstance would occur when airport facilities are no longer needed for civil aviation requirements. It is unlikely that a total release would be granted under the circumstances. Note that a release from the maintenance obligation is not a release from all the terms of Grant Assurance 19 since many of the obligations in that assurance apply to the airport as a whole.

a. Other Terms. A release of the federal maintenance obligation does not constitute a release of the land from other applicable terms and conditions or covenants with the applicable compliance agreements. The most common example of such a release is when airport sponsors request the FAA to release a particular parcel of land or facility from the federal obligation dedicating it to aeronautical use. This, in turn, may permit revenue producing nonaeronautical use of the parcel. The same result can be obtained without a formal maintenance obligation release, simply by approving a change to the ALP showing the parcel in question as nonaeronautical.

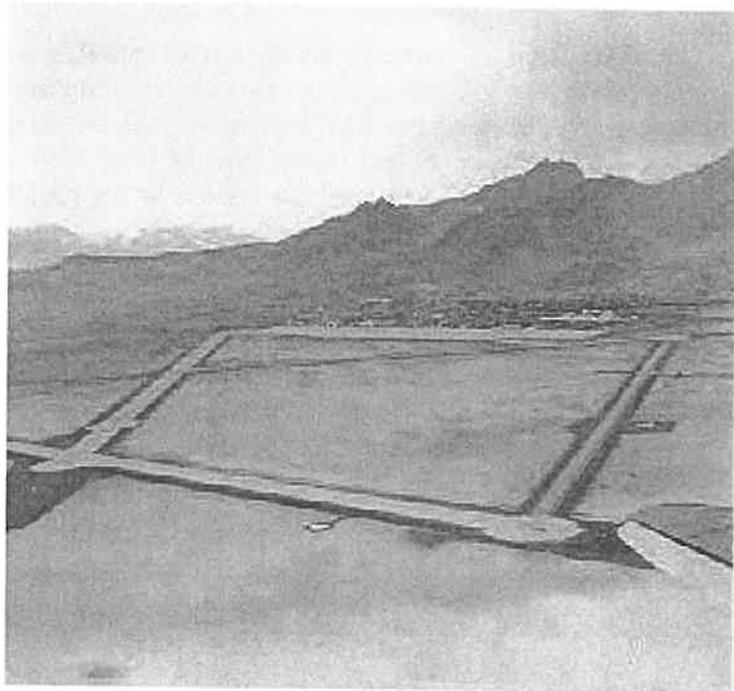
b. Unsafe. When it becomes unsafe for aeronautical purposes, the airport sponsor may have to discontinue an aviation use (i.e., a dilapidated taxiway). FAA's Flight Standards office should be involved in all matters related to decisions dealing with, or relying upon, a safety assessment. If the airport sponsor no longer requires the use of the runway, it must seek a release from Grant Assurance 19, *Operation and Maintenance*.

22.8. Industrial Use Changes.

Certain surplus property restrictions prohibiting the use of the property as an industrial plant, factory, or similar facility have been repealed by Public Law (P.L.) No. 81-311. The FAA will issue the releases or corrections to eliminate restrictions that may have been repealed or modified by laws, such as these industrial use restrictions.

22.9. Release of National Emergency Use Provision (NEUP).

a. General. Practically all War Assets Administration (WAA) Regulation 16 and P.L. No. 80-289 instruments of disposal of real and related personal property also contain the National Emergency Use Provision (NEUP). Under this provision, the United States has the right to make exclusive or nonexclusive use of the airport or any portion thereof during a war or national emergency. This provision is similar in all such instruments.



A request for release of the NEUP should be limited to parcels that are no longer needed for aviation purposes. The NEUP represents the U.S. Government's interest and ability to reactivate an airport as a military facility in case of war or national emergency. This provision has been used several times. One example is the former Naval Air Station (NAS) Miami, which in 1952 was reactivated as a Marine Corps Air Station during the Korean War. The Navy Department took over the facility from its civilian sponsor from 1952 through 1958, after which it was returned to civilian control. In other cases, old World War II installations decommissioned after the War were never reactivated. Since many had excessive parcels of land, such as the one depicted here, the FAA has granted several releases for disposal over the years and, if permitted by DoD, released the NEUP as well. (Photo: USAF)

(See a sample NEUP legal description and release request at the end of this chapter.)

b. Procedures. The FAA may grant a release from this provision, which is often referred to as the recapture clause. When requesting a release of the NEUP clause, the airport sponsor must provide the FAA with adequate information, including property drawings and property description, in duplicate. However, the concurrence of the Chairman of the Department of Defense (DoD) Airports Subgroup Office [HQ USAF/XOO-CA, 1480 Air Force Pentagon, Room 4D1010, Washington DC 20330-1480] is also required. FAA must make the request to DoD.

The FAA regional airports division will forward the documentation required to the FAA headquarters Airport Compliance Division (ACO-100). If approved, ACO-100 will then request DoD's concurrence. Upon receipt of DoD concurrence, ACO-100 will forward the determination to the FAA regional airports division for release of the NEUP.

The FAA regional airports division must provide a copy of the release instrument to the appropriate Army Corps of Engineers District Engineer's office. The FAA will not approve a request for release of the NEUP involving the whole airport. In addition, DoD generally does not concur with a request for release of the NEUP if the release involves actual runways, taxiways, or aprons. A request for release of the NEUP should be limited to parcels that are no longer needed for aviation purposes.

The NEUP represents the U.S. Government's interest in and ability to reactivate an airport as a military facility in case of war or national emergency. This provision has been used several times. One example is the former Naval Air Station (NAS) Miami, which in 1952 was reactivated as a Marine Corps Air Station during the Korean War. The Navy Department took over the facility from its civilian sponsor from 1952 and 1958, after which it was returned to civilian control.

In other cases, old World War II installations decommissioned after the war were never reactivated. Since many had excessive parcels of land, the FAA granted several releases for disposal over the years and, when permitted by DoD, released the NEUP as well.

22.10. Release from Federal Obligation to Furnish Space or Land without Charge. FAA may release a sponsor from Grant Assurance 28, *Land for Federal Facilities*. Before granting this release, the ADO or regional airports division should evaluate all pertinent facts and circumstances and obtain concurrence from other offices within the FAA such as Air Traffic and Airways Facilities, the National Oceanic and Atmospheric Administration (NOAA), or other interested and qualified federal entities. The office may accomplish the release either by discharging the sponsor from the assurance or through an amendment to the grant agreement.

22.11. Release of Reverter Clause. In order to promote appropriate private investment in airport facilities, the sponsors of surplus property may seek to remove a provision giving the United States the option to revert title to itself in the event of default of the sponsor to the conditions of its surplus property federal obligations. This reverter clause is an important remedy intended to be reserved to the United States Government; it will not normally be released

and the ADOs cannot grant such a release. Any such proposal to release the sponsor from the reverter clause shall be referred to ACO-1 for consideration.

22.12. Exclusive Rights Federal Obligations cannot be Released without Release and Disposal of the Parcel or Closure of Airport. Any airport that has received federal assistance is subject to the exclusive rights provision discussed in chapter 8 of this Order, *Exclusive Rights*. This federal obligation exists for as long as the airport is used as an airport. Therefore, there is no provision for a release from this federal obligation without disposal of the parcel involved or disposal of the entire airport.

22.13. Federal Obligations Imposed with the Airport Layout Plan and Exhibit "A." A sponsor has a federal obligation to maintain an up-to-date ALP and is required to present an accurate Exhibit "A" upon the execution of a federal grant. The sponsor is required to continue developing the airport according to the approved land uses associated with those documents and in accordance with proposed changes submitted to the ADO or regional airports division for consideration, documentation, and approval.

22.14. Procedures for Operational Releases or Requests for Change in Use. For releases other than land, the sponsor must begin with a formal request signed by an authorized official. Although a specific format is not required, the request should include the following:

- a. Affected agreement(s)/ federal agreements.
- b. Modification requested.
- c. Need for the modification.
- d. Facts and circumstances that justify the request.
- e. State and local law pertinent to the document.
- f. Description of facilities involved.
- g. Source of funds for the facility's original acquisition.
- h. Present condition of facilities.
- i. Present use of facilities.

22.15. Release of Federal Obligations in Regard to Personal Property, Structures, and Facilities. Personal property, structures, and facilities may have been acquired through a federal surplus property conveyance, a federal grant, or through purchase with airport revenue. Personal property, structures, or facilities acquired with federal assistance require a release or federal procedure. Personal property, structures, or facilities acquired through nonfederal sources and not using airport revenue do not require a release or federal procedure. Nonetheless, these items of personal property, structures, or facilities should be considered assets of the airport account.

a. Surplus Property Releases of Personal Property, Structures, and Facilities. Surplus airport property falling into the categories of personal property, structures, and facilities may be released from all inventory accountability (whether or not the airport at which they are located is included in chapter 13, *Civil Airports Required by Department of Defense for National*

Emergency Use, of FAA Order 5190.2R, List of Public Airports Affected by Agreements with the Federal Government) when it has been determined that such property acquired with federal funds:

- (1). Is beyond its useful life;
- (2). Has deteriorated beyond economical repair or rehabilitation;
- (3). Is no longer needed;
- (4). Has been replaced;
- (5). Is to be traded to obtain similar or other property needed for the airport;
- (6). Has been destroyed or lost by fire or other uncontrollable cause and the ensured value, if any, has been credited to the airport fund; or
- (7). Has been, or should be, removed or relocated to permit needed airport improvement or expansion, including salvage or other use, elsewhere on an airport.

b. Abandonment, Demolition, or Conversion of Grant Funded Improvements. The FAA may grant a release that permits the sponsor to abandon, demolish, or convert property (other than land) before the designated useful life expires. The ADO or regional airports division may grant the release when any of the following apply:

- The facility is no longer needed for the purpose for which it was developed.
- Normal maintenance will no longer sustain the facility's serviceability.
- The facility requires major reconstruction, rehabilitation, or repair.

c. Disposal of Grant Funded Personal Property. Grant funded personal property should be maintained on the sponsor's inventory for the useful life of the specific equipment. The federal obligation regarding personal property expires with the useful life of the specific piece of property. Should the sponsor desire to dispose of personal property prior to the expiration of its useful life, it should consult with the ADO or regional airports division prior to seeking release from its obligations.

d. Reinvestment of Federal Share. After the FAA has determined that a release of grant funded improvements is appropriate and that the release serves the interest of the public in civil aviation, the FAA may require the sponsor, as a condition of the release, to reimburse the federal government or reinvest in an approved AIP eligible project. The amount to be reimbursed or reinvested is an amount representing the unamortized portion of the useful life of the federal grant remaining at the time the facility will be removed from aeronautical use. Special circumstances involving the involuntary destruction of the improvement or equipment would be an exception. Depreciation of personal property may follow a different formula related to its

useful life or actual value. The FAA will require a specific project or projects and a timeline for completion for reinvestment in a new AIP eligible project.

All land described in a project application and shown on an Exhibit "A" constitutes the airport property federally obligated for compliance under the terms and covenants of a grant agreement. A sponsor is federally obligated to obtain FAA consent to delete any land described and shown on the Exhibit "A."

22.16. All Disposals of Airport Real Property. All land described in a project application and shown on an Exhibit "A" constitutes the airport's federally obligated property. A sponsor is federally obligated to obtain FAA consent to delete any land described and shown on the Exhibit "A."

FAA consent shall be granted only if it is determined that the property is not needed for present or foreseeable public airport purposes. When federally obligated land is deleted, the Exhibit "A" and the approved ALP should be revised as appropriate. Where the action involves the deletion of land not acquired with federal financial assistance, there is no required reimbursement of grant revenues. However all proceeds are treated as airport revenue. Also, the airport account must receive fair market value (FMV) compensation for all deletions of airport real property from the airport (i.e., from Exhibit "A") even if the sponsor does not sell the property or sells the property below fair market value.



After airport property is released, there are continuing restrictions on the released property. The ADO or regional airports office must include in any deed, lease, or other conveyance of a property interest to others a restriction that (a) prohibits the erection of structures or growth of natural objects that would constitute an obstruction to air navigation, and (b) prohibits any activity on the land that would interfere with, or be a hazard to, the flight of aircraft over the land or to and from the airport, or that interferes with air navigation and communication facilities serving the airport. The photo above, taken from one of Cincinnati Lunken Airport's runways, illustrates the clear runway safety areas (RSAs) resulting from not permitting the erection of obstacles near runways. (Photo: FAA)

a. Continuing Right of Flight over all Airport Land Disposals. A total release permitting sale or disposal of federally obligated land must specify that the sponsor is obligated to include in any deed, lease, or other conveyance of a property interest to another a reservation assuring the public rights to fly aircraft over the land released and to cause inherent aircraft noise over the land released. The following language must be used:

This is hereby reserved to the (full name of the grantor or lessor), its successors and assigns, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the premises herein (state whether conveyed or leased). This public right of flight shall include the right to cause in said airspace any noise inherent in the operation of any aircraft used for navigation or flight through the said airspace or landing at, taking off from, or operation on the (official airport name).

b. Continuing Restrictions on Released Property. The ADO or regional airports division must include in any deed, lease, or other conveyance of a property interest to others a restriction that:

(1). Prohibits the erection of structures or growth of natural objects that would constitute an obstruction to air navigation.

(2). Prohibits any activity on the land that would interfere with or be a hazard to the flight of aircraft over the land or to and from the airport, or that interferes with air navigation and communication facilities serving the airport. These restrictions are set forth in the instrument of release and identify the applicable height limits above which no structure or growth is permitted. The airport sponsor will compute these limits according to the currently effective FAA criteria as applied to the airport. The ADO, regional airports division, and airport sponsor will not incorporate advisory circulars, design manuals, Federal Aviation Regulations (found in Title 14 Code of Federal Regulations (CFR)), or other such documents by reference in the instruments or releases issued by the FAA in lieu of actual computed limits.

22.17. Release of Federal Obligations in Regard to Real Property Acquired as Federal Surplus Property.

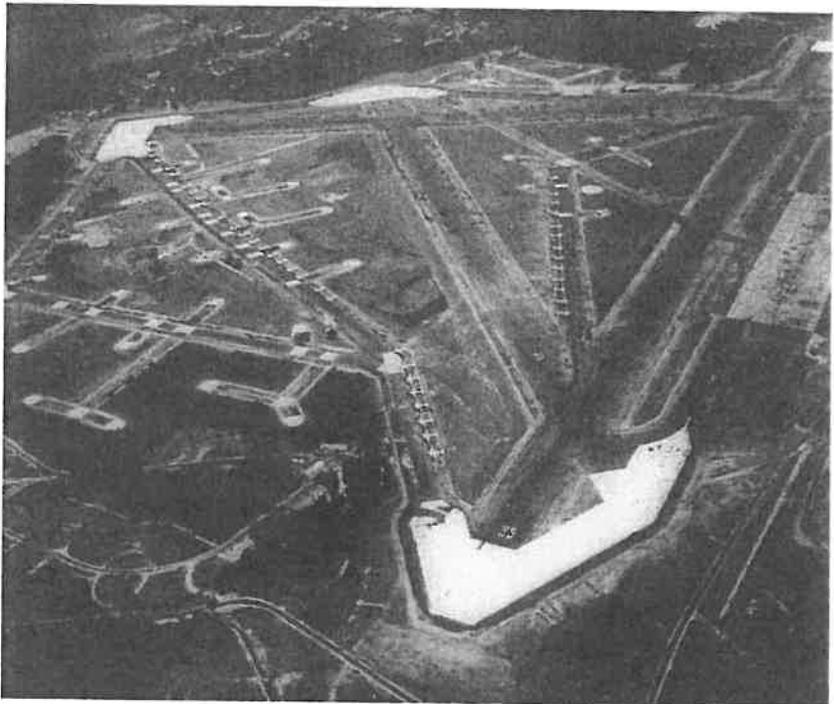
Airport sponsors receive surplus real property in many various sizes and shapes. Often the property is not ideally sized or arranged to serve the evolving needs of the airport. Adjustments can be made that benefit the airport. The airport sponsor must convince the FAA that its plans for the use, and possible disposal, of surplus property benefit the airport.

a. General Policy. A total release permitting the sale and disposal of real property acquired for airport purposes under the Surplus Property Act shall not be granted unless it can be clearly shown that the disposal of such property will benefit civil aviation. If any such property is no longer needed to support an airport purpose or activity directly (including the generation of revenue for the airport), the property may be released for sale or disposal upon a demonstration that such disposal will produce an equal or greater benefit (to the airport or another public airport) than the continued retention of the land.

In no case shall a release be granted unless the FAA determines that the land involved can be disposed of without adversely affecting the development, improvement, operation, or maintenance of the airport where the land is located. Any approved disposal must not be in excess of the present and foreseeable needs of the airport. Such a release has the effect of authorizing the conversion of a real property asset into another form of asset (cash or physical improvements) that better serves the purpose for which the real property was initially conveyed. This objective is not met unless an amount equal to the current fair market value (FMV) of the property is realized as a consequence of the release and such amount is committed to airport purposes.

b. Purpose of Release. The airport owner requesting a release of surplus airport land must identify and support the reason for which the release is requested. One justification of a release could be a showing that the expected net proceeds from the sale of the property at its current market value will be required to finance items of airport development and improvement where that need has been confirmed with FAA concurrence.

The FAA may consider requests for release from sponsors demonstrating that more value may be obtained from a disposal of specific parcels than the retention of those parcels for revenue production under leasing. Such a proposal would need to overcome the preference for holding surplus property land and leasing it for aeronautically compatible purposes that also generate airport revenue. Special care should be applied to ensure that no property that could be used for aeronautical purposes,



In no case shall a release be granted unless the FAA determines that the land involved can be disposed of without adversely affecting the development, improvement, operation, or maintenance of the airport where the land is located. Any approved disposal must be in excess of the present and foreseeable future needs of the airport. Such a release has the effect of authorizing the conversion of a real property asset into another form of asset (cash or physical improvements) that better serves the purpose for which the real property was initially conveyed. Special care should be applied to ensure that no property that could be used for aeronautical purposes, including aeronautical protection, is released. This 1944 photograph of Grenier Field in New Hampshire, which is Manchester Airport today, clearly shows how important it is to apply the release process with caution. Unused land belonging to the base might be released and, over time, incompatible land uses could take hold. Today, Manchester airport is significantly encroached upon. (Photo: USAF)

including aeronautical protection, is released.

c. Determining Fair Market Value. A sale and disposal of airport property for less than its fair market value is inconsistent with the intent of the statute and shall not be authorized. The value to be placed on land for which a release has been requested shall be based on the present appraised value (for its highest and best use) of the land itself and any federal improvements initially conveyed with the property.

In many cases, the original buildings and improvements may have outlived their useful life and a determination may have been made by FAA that no further federal obligation to preserve or maintain them exists. If they have been replaced under such circumstances, or if additional improvements have been added without federal financing, the value of such improvements does not need to be included in the appraisal for purposes of determining the fair market value of the surplus property. However, the value realized from the disposal of any improvement owned by the airport sponsor must be treated as airport revenue.

d. Appraisals. A release authorizing the sale and disposal of airport land shall not be granted unless the fair market value has been supported by at least one independent appraisal report acceptable to the FAA. Appraisals shall be made by an independent and qualified real estate appraiser. The requirement for an appraisal may be waived if the FAA determines that:

(1). The approximate fair market or salvage value of the property released is less than \$25,000;

or

(2). The property released is a utility system to be sold to a utility company and will accommodate the continued airport use and operational requirements;

or

(3). It would be in the public interest to require public advertising and sale to the highest responsible bidder in lieu of appraisals.

e. Application of Proceeds from the Sale of Surplus Real Property. Title 14 CFR Part 155.7(d) requires that any release of airport land for sale or disposal shall be subject to a written commitment of the airport sponsor to receive a fair market value for the property. FAA shall not issue a release without this commitment. Part 155 can be found in Appendix K of this Order.

(1). The net proceeds realized from the sale of surplus property – or the equivalent amount if the property is not sold – must be placed in an identifiable interest bearing account to be used for the purposes listed in (2) below.

(2). The proceeds of sale must be used for one or more of the following purposes as agreed to by FAA and reflected in the supporting documentation for the deed of release:

(a). Eligible items of airport development set forth in the current airport grant program and reflected in the airport's capital improvement program (CIP).

(b). Any aeronautical items of airport development not eligible under the grant program.

(c). Retirement of airport bonds that are secured by pledges of airport revenue, including repayment of loans from other federal agencies.

(d). Development of common use facilities, utilities, and other improvements on dedicated revenue production property that clearly enhances the revenue production capabilities of the property.

(3). All aeronautical improvements funded by the proceeds of sale will be accomplished in accordance with current applicable FAA design criteria or such state standards as have been approved by the FAA.

(4). Any interest earned by the account holding the proceeds of sale may be used for the operating and maintenance of the aeronautical portion of the airport or to enhance the revenue producing capability of the aeronautical activities at the airport.

22.18. Release of Federal Obligations in Regard to Real Property Acquired with Federal Grant Assistance.

The FAA grants funds for the purchase of real property for aeronautical use. Over time, however, such acquisitions may result in parcels that are no longer needed for aeronautical use. A sponsor may then (a) be released by FAA from the responsibility to maintain a grant-acquired parcel for its originally intended aeronautical use (making it available for nonaeronautical use to generate airport revenue), (b) be released by FAA to use the parcel for a concurrent or interim nonaeronautical use to generate airport revenue, or (c) be released by FAA to dispose of the parcel at fair market value.

Also, grant-acquired real property can be exchanged for other property not held by the sponsor but that serves an airport purpose more effectively than the originally acquired parcel. However, a grant land swap cannot result in a net loss in the value of the federal interest in the grant land.

Federal Aviation Regulations

PART 155

Release of Airport Property from Surplus Property Disposal Restrictions

Published December 1974

**DEPARTMENT OF TRANSPORTATION
FEDERAL AVIATION ADMINISTRATION**



Title 14 CFR Part 155.7(d) requires that any release of airport land for sale or disposal shall be subject to a written commitment of the airport owner to receive a fair market value for the property.

Federal obligations of the grant land should be formally released and transferred to the new parcel.

22.19. Effect of not Receiving or Receiving a Grant after December 30, 1987.

a. Not Receiving a Grant after December 30, 1987.

(1). **Applicability.** This paragraph is applicable to any request for release for sale or disposal of any airport land acquired with funds from the Federal Aid to Airports Program (FAAP), the Airport Development Aid Program (ADAP), or the Airport Improvement Program (AIP) and where the sponsor has not received additional grants after December 30, 1987. A sponsor's request must assure that the federal government shall be reimbursed or the federal share of the net proceeds will be reinvested (a) in the airport, (b) in a replacement airport, or (c) in another operating public airport.

(2). **Reimbursement.** The requirement for reimbursement shall apply only where there is no alternative to invest in a replacement or operating public airport owned or to be owned by the sponsor. However, the sponsor may elect to reinvest the federal share of the net proceeds in any other grant-obligated public airport by contract between the respective airport owners with FAA concurrence. FAA concurrence in such a contract is contingent upon such funds being used for grant-eligible airport development. Except where the grant agreement specifically provides otherwise (by special condition), the amount to be reimbursed shall be the amount of the federal share of the grant times the net proceeds from sale of the property at its current fair market value.

(3). **Reinvestment.** Reinvestment of the total net proceeds (both federal and sponsor share) is required if the sponsor continues to own or control – or will own or control – a public airport or a replacement public airport. Reinvestment shall be accomplished within five (5) years (or a timeframe satisfactory to the FAA Administrator) for specified items of airport improvement in the order of priority established for releases of surplus airport property in paragraph 22.17.e above.

Unlike surplus property, the purposes for which land was acquired under FAAP/ADAP/AIP did not include nonaeronautical income production. If reinvestment cannot be accomplished within five (5) years or if the net proceeds derived exceed the cost of grant-eligible airport development, reimbursement of the remaining share will be required.

b. Receiving a Grant after December 30, 1987.

(1). **Land for Airport Purposes (Other than Noise Compatibility Purposes).** A sponsor entering into a grant after December 30, 1987, under the Airport and Airway Improvement Act of 1982 (AAIA), as amended by the Airport and Airway Safety and Capacity Expansion Act of 1987 (1987 Airport Act), is to dispose of land at fair market value when the land is no longer needed for airport purposes. This also applies to land purchased under FAAP/ADAP/AIP after December 30, 1987. The federal share of the sale proceeds of the land is to be deposited into the Trust Fund. The sponsor will retain or reserve an interest in the land to ensure it will be used only for purposes compatible with the airport.

(2). Land for Noise Compatibility Purposes. A sponsor entering into a grant after December 30, 1987, under the AAIA, as amended by the 1987 Airport Act, will dispose of noise land at fair market value when the land is no longer needed for noise compatibility purposes. This also applies to land purchased under FAAP/ADAP/AIP. An interest or right shall be reserved in the land to ensure it will be used only for purposes that are compatible with the noise levels generated by aircraft. The portion of the disposal proceeds that represent the federal government's share is to be reinvested in another approved noise compatibility project, reinvested in an approved airport development project or deposited into the Trust Fund. Disposal of noise land



For a request to release an entire airport that is to be replaced by another new or existing airport, the general policy is to treat the proposal as a trade-in of the land and facilities developed with federal aid at the old airport toward the acquisition and development of better facilities at the new airport. (Photo: FAA)

may be by sale, long-term lease, or exchange. (See Program Guidance Letter (PGL) 08-2, Management of Acquired Noise Land: Inventory – Reuse – Disposal, dated February 8, 2008, updated March 26, 2009 (available on the FAA web site).

22.20. Release of Entire Airport.

a. Approval Authority. The FAA Associate Administrator for Airports (ARP-1) is the FAA approving official for a sponsor's request to be released from its federal obligations for the purpose of abandoning or disposing of an entire airport before disposal can occur. That authority is not delegated. A copy of the sponsor's request, including related exhibits and documents, and a copy of the FAA Airports regional statement supporting and justifying the proposed action shall be provided to ARP-1.

b. Replacement Airport. In the instance of a disposal of an entire airport that is to be replaced by a new or replacement airport, the general policy is to treat the proposal as a trade-in of the land and facilities developed with federal aid at the old airport for the acquisition and development of better facilities at a new or replacement airport.

Release under these circumstances is contingent upon transferring federal grant obligations to the new or replacement airport. The release would become effective upon the transfer of the federal grant obligations to the new airport, when the new airport becomes operational. Development costs for the new airport in excess of the value from the disposal of the old airport would be eligible for AIP assistance. In these circumstances, the availability of a new and better airport is the basis for determining that the old one is no longer needed and that its useful life has expired. The original grant agreement is then terminated with the transfer of the grant obligations. (See Appendix T of this Order, *Sample FAA Letter on Replacement Airport*, regarding replacement airport.)

22.21. Procedures for the Application, Consideration, and Resolution of Release Requests. The ADO or regional airports division will base its decision to release, modify, reform, or amend an airport agreement on the procedures and guidelines outlined in this chapter and on the specific factors pertinent to the type of agreement and the release requested.

22.22 General Documentation Procedures. The sponsor's proposed release, modification, reformation, or amendment is a material alteration of its contractual relationship with the FAA. If approved, the results may have a substantial impact on the service that the sponsor provides to the aeronautical public. Accordingly, the ADOs and regional airports divisions must fully document all such actions to include the following:

- a. A complete description of the airport sponsor's federal obligations, including grant history, surplus property received, reference to appropriate planning documents (Exhibit "A" or ALP) with notations on additional land holdings and land use.
- b. A complete description of all terms, conditions, and federal obligations that may need to be modified in order to achieve the result requested by the sponsor.
- c. The sponsor's justification for release, modification, reformation, or amendment.
- d. The ADO or regional office's determination for public notice and comment or documentation of the notice and a summary of comments received.
- e. The ADO or regional office's preliminary determination on the request.
- f. The endorsement of the FAA official authorized to grant the request.

22.23. Airport Sponsor Request for Release. The sponsor must submit its request for release, modification, reformation, or amendment in writing signed by a duly authorized official of the sponsor. Normally, the sponsor submits an original request and supporting material to the ADO or regional airports division. If the FAA or other federal agencies require it, the sponsor may need to submit additional copies of the request and supporting material to headquarters offices or to the offices of other federal agencies.

22.24. Content of Written Requests for Release. Although no special format is required, the sponsor must make its request specific and indicate, as applicable, the following:

- a. All obligating agreement(s) with the United States.
- b. The type of release or modification requested.
- c. Reasons for requesting the release, modification, reformation or amendment.
- d. The expected use or disposition of the property or facilities.
- e. The facts and circumstances that justify the request.
- f. The requirements of state or local law, which the ADO or regional office will include in the language of the approval document if it consents to, or grants, the request.
- g. The involved property or facilities.
- h. A description of how the sponsor acquired or obtained the property.
- i. The present condition and present use of any property or facilities involved.

22.25. Content of Request for Written Release for Disposal. In addition to the above, the sponsor must include the following in its request for release involving disposal of capital items:

- a. The fair market value of the property.
- b. Proceeds expected from the disposal of the property and the expected use of the revenues derived.
- c. A comparison of the relative advantage or benefit to the airport from the sale of the property as opposed to retention for rental income.
- d. Provision for reimbursing the airport account for the fair market value of the property if the property is not going to be sold upon release, for example, if the municipality intends to use it for a new city office building or sports complex.
- e. A description of any intangible benefits the airport will realize from the release. The sponsor may submit a plan substantiating a claim of intangible benefits to the airport accruing from the release, the amount attributed to the intangible benefits, and the merit of applying the intangible benefits as an offset against the fair market value of the property to be released.

NOTE: Only benefits to the airport may be cited as justification for the release, whether tangible or intangible. The nonaviation interest of the sponsor or the local community – such as making land available for economic development – does not constitute an airport benefit that can be considered in justifying a release and disposal.

The nonaviation interest of the sponsor or the local community does not constitute an airport benefit that can be considered in justifying a release and disposal.

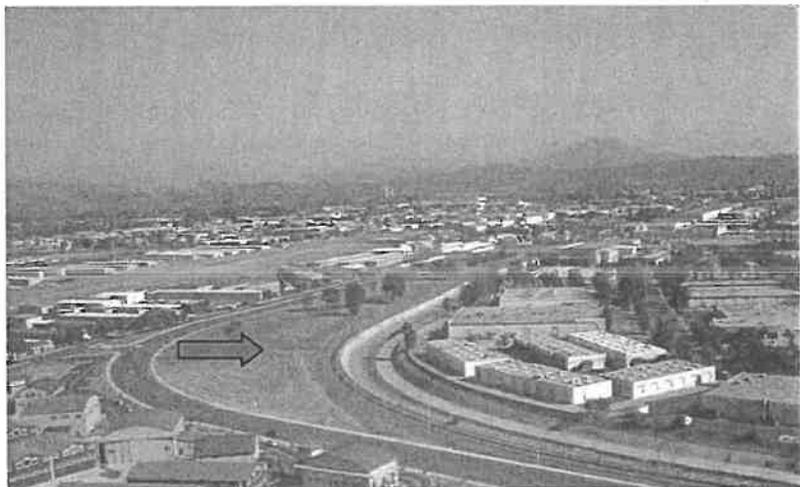
22.26. Exhibits to the Written Request for Release.

a. Drawings. The sponsor must attach to each copy of the request scaled drawings showing all airport property and airport facilities that are currently federally obligated by agreements with the United States. The sponsor should attach other exhibits supporting or justifying the request, such as maps, photographs, plans, and appraisal reports, as appropriate.

Although desirable, the FAA does not require scaled ALP drawings to support a request for release. If the FAA grants the release, the drawing serves to explain or depict the effect on the airport graphically. The drawings do not serve as the document by which the release is granted, and unless a release has been executed in accordance with the



The reasonableness and practicality of the sponsor's request for release of airport property is related to the necessary aeronautical facilities and the priority of the need. In addition, the evaluation should consider the net benefit to be derived by civil aviation and the compatibility of the proposal with the needs of civil aviation, including the balance of benefits to all users as well as to the public at large. For example, as shown in the photograph above, a request for release of the property where aircraft are parked or where a hangar is located would be denied because the property is serving an aeronautical function. On the other hand, in a case such as the one depicted below, where airport property is separated by a road, the FAA may concur in releasing the property in question for revenue-producing nonaeronautical use provided it generates fair market value for the airport, is not needed for any aeronautical function, and its use is compatible with airport operations. (Photos: FAA)



guidance contained in this chapter, the FAA will not approve any drawing inconsistent with the sponsor's current federal obligations.

b. Height and Data Computations. If the release contemplates change of use or disposal, the sponsor must provide height limit computations to limit the height of fixed objects to ensure navigation and compatible land use. It is essential to prevent an incompatible obstruction to air navigation from being located near the airport on property the airport once owned.

c. Application of Sale Proceeds. If the release action requested would permit a sale or disposal of airport property, the sponsor should provide documentation about the intended use of proceeds and evidence that the proceeds from disposal represent fair market value.

22.27. FAA Evaluation of Sponsor Requests. When the ADOs or regional airports divisions receive a request supported by the appropriate documentation and exhibits, they need to evaluate the total impact of the sponsor's proposal on the airport and the sponsor's federal obligations. This evaluation includes consideration of pertinent factors such as:

a. All of the ways in which the sponsor is federally obligated, both in its operations and its property. This includes specific federal agreements and use obligations.

b. The sponsor's past and present compliance record under all its airport agreements and its actions to make available a safe and usable airport for aeronautical use by the public. If there has been noncompliance, evidence that the sponsor has taken or agreed to take appropriate corrective action.

c. The reasonableness and practicality of the sponsor's request in light of maintaining necessary aeronautical facilities and the priority of the airport in the National Plan of Integrated Airport Systems (NPIAS).

d. The net benefit to be derived by civil aviation and the compatibility of the proposal with the needs of civil aviation, including the balance of benefits to aeronautical users relative to the public at large.

e. Consistency with the guidelines for specific types of releases, as discussed in this chapter.

22.28. FAA Determination on Sponsor Requests. The FAA will not release more property than the sponsor has requested. The statutes, regulations, and policy applicable to the specific types of agreements involved must guide the decision to grant or deny the request based on the evaluation factors. In addition, the FAA must determine if FAA Order 5050.4B *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Projects*, requires an environmental review procedure. Further, it must be determined if one of the following conditions exists:

a. The public purpose for which an agreement or a term, condition, or covenant of an agreement was intended to serve is no longer applicable. The FAA should not construe the omission of an

airport from the NPIAS as a determination that such an airport has ceased to be needed for present or future airport purposes.

b. The release, modification, reformation, or amendment of an applicable agreement will not prevent accomplishment of the public purposes for which the airport or its facilities were federally obligated, and such action is necessary to protect or advance the interest of the United States in civil aviation.

c. The release, modification, reformation, or amendment will federally obligate the sponsor under new terms, conditions, covenants, reservations, or restrictions determined necessary in the public interest and to advance the interests of the United States in civil aviation (such as compatible land use for land that is disposed of).

d. The release, modification, reformation, or amendment will conform the rights and federal obligations of the sponsor to the statutes of the United States and the intent of the Congress, consistent with applicable law.

22.29. FAA Completion of Action on Sponsor Requests. The ADO or regional airports division will advise the sponsor that its request is granted or denied. It will also indicate if special conditions, qualifications, or restrictions apply to the approval. The approving FAA office may issue a letter of intent to approve the request in advance of the actual release, at the request of the sponsor.⁵¹ (See also section 22.32 of this chapter, *FAA Consent by Letter of Intent to Release – Basis for Use.*)

a. FAA Approval Action. If FAA approves the request or an acceptable modification of the request, the ADO or regional airports division will prepare the necessary instruments or documents. The ADO or regional airports division will initiate parallel action to amend all related FAA documents (i.e., NPIAS, ALP, Exhibit "A," and FAA Form 5010, *Airport Master Record*) as required to achieve consistency with the release. The sponsor must thereafter provide the ADO or regional airports division with any acknowledgment or copies of executed instruments or documents as required for FAA record purposes.

b. Content of Release Document. The formal release will cite the agreements affected and identify specific areas or facilities involved. The ADO or regional airports division will notify the sponsor of the binding effect of the revised federal obligations.

22.30. FAA Denial of Release or Modification. When the ADO or regional airports division determines that the request is contrary to the public interest and therefore cannot grant the request, it will advise the airport sponsor in writing of the denial.

⁵¹ All such letters of intent should cite any specific understandings reached by the ADO and airport sponsor.

22.31. Procedures for Public Notice for a Change in Use of Aeronautical Property.

a. Summary. This section sets forth FAA guidance for public notice of the agency's intent to release aeronautical property or facilities from federal obligations under the grant assurances and surplus property agreements.

Section 125 of *The Wendell H. Ford Aviation Investment and Reform Act for the 21st Century* (AIR-21) requires the FAA to provide an opportunity for public notice and comment prior to the "waiver" or "modification" of a sponsor's federal obligation to use certain airport land for nonaeronautical purposes.

b. Responsibilities. The ADOs or regional airports divisions are responsible for complying with the requirements of the statute and policy guidance governing the notice and release of aeronautical property.

c. Authority. Section 125 of AIR-21 has been codified as amendments to 49 U.S.C. §§ 47107(h), 47125, 47151, and 47153.

See a sample *Notification Memo for Federal Register Notice Governing the Notification and Release of Aeronautical Property* and a *Sample Federal Register Notice Governing the Notification and Release of Aeronautical Property* at the end of this chapter.

d. Scope and Applicability. As a matter of policy, the FAA will provide public notice of a proposed release of a sponsor from its federal obligations regarding any land, facilities, and improvements used or depicted on an ALP for aeronautical use where the release would affect the aeronautical use of the property, including certain releases for which notice is not expressly required by section 125 of AIR-21. Public notice requirements apply to release of the following types of property:

(1). Land acquired for an aeronautical purpose (except noise compatibility) with federal assistance in accordance with 49 U.S.C. § 47107(c)(2)(B).

(2). Land (surplus property) provided for aeronautical purpose in accordance with 49 U.S.C. § 47151.

(3). Land conveyances of the United States Government for aeronautical purposes in accordance with 49 U.S.C. § 47125.

(4). Land used as an aircraft movement area with federally financed airport improvements.

e. Purpose. Airport property becomes federally obligated for airport purposes when an airport sponsor receives federal financial assistance. The FAA land release procedures evaluate the sponsor's request for release of land to the extent that such action will protect, advance, or benefit the public interest in civil aviation or, specifically, the public's investment in the national airport system. Section 125 of AIR-21 requires the FAA to solicit and consider public comment as a part of the agency's decision making on a sponsor's request for release.

f. Procedures. At least 30 days prior to the agency's determination of an airport sponsor's request to release aeronautical property or facilities, notice must be published in the *Federal Register* to afford the public an opportunity to comment. Public notice is also an opportunity for the FAA to obtain additional information as a part of its evaluation of the airport sponsor's request. It allows the FAA to take public comment into account in the agency's decision making. Public notice is not required for:

- (1). Approval of the interim use of airport property on a short-term period, generally not exceeding five (5) years;
- (2). Grant of utility or other types of easements that will have no adverse effect on the aeronautical use of the airport;
- (3). Release of aeronautical property as a part of a major environmental action in which public notice and comment is an integral part of the environment review; or
- (4). Release of noise compatibility land.

22.32. FAA Consent by Letter of Intent to Release – Basis for Use.

a. Use of Letter of Intent. Release and disposal of facilities developed through federal assistance is often necessary to finance replacement facilities. The sponsor may, therefore, request a letter of intent to release even if it is merely to permit the sponsor to determine the market demand for portions of the available airport property proposed for release and disposal.

b. Letter of Intent Contingencies. The ADO or regional airports division may issue such a letter of intent to release if the letter contains appropriate conditions and makes clear that actual release is specifically contingent upon adequate replacement facilities being developed and becoming operable and available for use.

c. Binding Commitment. The letter represents a binding commitment (subject to future appropriations) and an advance decision to release the property once specific conditions have been met. It should be used only when all of the required conditions pertinent to the type of release sought have been met or are specifically made a condition of the pledge contained in the letter of intent. In addition, such a letter should cite any specific understandings reached regarding anticipated problems in achieving the substitution of airport properties (i.e., who pays for relocation of various facilities and equipment and the cost of extinguishing existing leases). The letter should specify a reasonable time limit on the commitment to release. The sample *Letter of Intent to Release Airport Property* at the end of this chapter will assist in drafting such a letter.

22.33. The Environmental Implications of Releases.

a. When a sponsor accepts a federal airport development grant or a conveyance of federal surplus property for airport purposes, the sponsor incurs specific federal obligations with respect to the uses of the property. FAA action is required to release a sponsor from federal obligations in the

event the sponsor desires to sell the airport land. This action is normally categorically excluded, but may require an environmental assessment in accordance with the provisions of chapter 3, "Environmental Action Choices," of FAA Order 5050.4B *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Projects*.

In this case, the assessment shall address the known and immediately foreseeable environmental consequences of the release action. As with other federal actions regarding land, appropriate coordination with federal, state, or local agencies shall be completed for applicable areas of environmental consideration (i.e., historic and archeological site considerations, section 4(f) lands, wetlands, coastal zones, and endangered species).⁵² In such cases, coordination with the State Historic Preservation Officer is required.

b. In making the final determination, the responsible federal official shall consider the effects of covenants that will encumber the title and the extent of federal ability to enforce these covenants subsequent to the release action. The standard conditions of release relative to the right of flight, including the right to make noise from such activity and the prohibition against erection of obstructions or other actions that would interfere with the flight of aircraft over the land released, may be considered as mitigating factors and may be included in environmental assessments when required. When the intended use of released land is consistent with uses described and covered in a prior environmental assessment, the prior data and analysis may be used as input to the present assessment. When the conditions set forth in the applicable sections of FAA Order 5050.4B *National Environmental Policy Act (NEPA) Implementing Instructions for Airport Projects*, apply, a written reevaluation may be used to support the property release.

c. In some cases, another federal agency may be the lead agency responsible for preparing an environmental assessment and environmental impact statement, if required. In these circumstances, the FAA may be a cooperating agency. To support the release action, the FAA may then adopt the environmental document prepared by the other agency in accordance with the provisions of Council of Environmental Quality (CEQ) 1506.3.

d. Long term leases that are not related to aeronautical activities or airport support services have the effect of a release for all practical purposes, and shall be treated the same as a release. Such leases include convenience concessions serving the public such as hotel, ground transportation, food and personal services, and leases that require the FAA's consent for the conversion of aeronautical airport property to revenue-producing nonaeronautical property. Long-term leases are normally those exceeding 25 years.

22.34. through 22.37. reserved.

⁵² See FAA Order 5050.4A, *Airport Environmental Handbook*, for additional information.

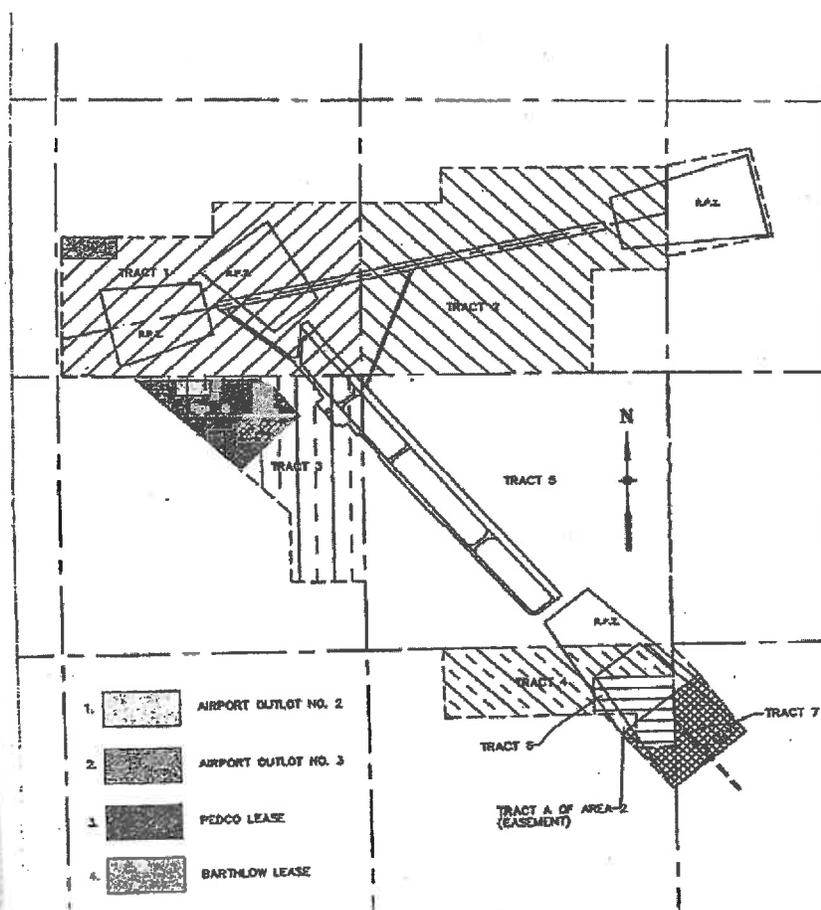
Sample NEUP Legal Description

Legal Description

1. That portion of Tract 3 of the Pierre Municipal Airport, consisting of the parcels designated as Airport Outlot 2 and Airport Outlot 3, located in the North half (1/2), Section thirty five (35), Township one hundred eleven (111) North, Range seventy nine (79) West, Hughes County, South Dakota.

2. That portion of Tract 3 of the Pierre Municipal Airport, consisting of the parcels designated as the Pedco Lease, described as starting at the southwest corner of "B" Street right of way, the point of beginning; thence south easterly along the south westerly property line of lot 6, Airport outlot 3, extended, a distance of 1441.45 feet; thence north easterly a distance of 1416.11 to the south east corner of "B" street right of way, thence west a distance of 2015.64 feet to the point of beginning.

3. That portion of Tract 1 of the Pierre Municipal Airport, consisting of the parcel designated as the Barthlow lease, located in the north 400 feet of the east 1050 feet of the west 1083 feet of the southwest quarter (1/4) of section twenty six (26), Township one hundred eleven (111) North, Range seventy nine (79) West.



The FAA will not approve a request for release of the National Emergency Use Provision (NEUP) involving the whole airport. In addition, the Department of Defense (DoD) generally does not concur with a request for release of the NEUP that involves actual runways, taxiways, or aprons. A request for release of the NEUP should be limited to parcels that are no longer needed for aviation purposes. Above is a sample visual and legal description of the specific parcels of land to which the release from the NEUP would apply. (Diagram: FAA).

Sample NEUP Release Request

U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Associate
Administrator for Airports

800 Independence Ave., SW.
Washington, DC 20591

JUN 23 2006

Mr. Timothy W. Bennett
Chairman, DOD Airports Subgroup
HQ USAF/XOO-CA
1480 Air Force Pentagon, Room 4D1010
Washington, DC 20330-1480

Dear Mr. Bennett:

The Federal Aviation Administration (FAA) has received a request from the Fort Wayne-Allen County Airport Authority (FWACAA) for the release of the National Emergency Use Provision (NEUP) on land at the Fort Wayne International Airport in Fort Wayne, Indiana.

The property containing the Fort Wayne International Airport, formerly known as Bacr Army Airfield, was transferred to the city of Fort Wayne (the airport sponsor that later became the FWACAA) under the provisions of Section 13, Public Law 80-289 of the Surplus Property Act of 1944. The transfer document includes the NEUP provision.

As a matter of Policy, the FAA does not request a release from the NEUP for all airport property conveyed. However, we do concur with the release of the NEUP on certain designated parcels of airport property that are not currently required for aeronautical purposes. The subject land for this NEUP release request, approximately 2.44 acres, is not currently required for aeronautical purposes and is needed for the relocation of Indianapolis Road. The FAA concurs with the use of the parcel for non-aeronautical use. The attached property map and legal description depicts the subject parcel.

Consequently, in accordance with Section 7-7(d), Chapter 7, FAA Order 5190.6A *Airport Compliance Requirements*, we request the concurrence of the Department of Defense in the release of the NEUP provision on the tract of property described above and as shown in the attached documents.

Thank you in advance for your consideration. If you have any questions or need further assistance, please contact Mr. Miguel Vasconcelos at (202) 267-8730.

Sincerely,

Charles Erhard, Manager
Airport Compliance Division, AAS-400

Enclosures

Sample DoD Response to FAA NEUP Release Request

DOD
POLICY BOARD
ON FEDERAL AVIATION

THE SECRETARY OF DEFENSE
WASHINGTON DC 20030-1480

HQ USAF/A3O-AA
1480 Air Force Pentagon, Rm 4D1010
Washington DC 20330-1480

14 Jul 06

Mr. Charles C. Erhard
Manager, Airport Compliance Division, AAS-400
Federal Aviation Administration
800 Independence Avenue SW
Washington DC 20591

Mr. Erhard

This is in response to your letter of June 23, 2006, requesting the release of approximately 2.44 acres of property at the Fort Wayne International Airport, Indiana from the National Emergency Use Provision (NEUP).

The Airports Subgroup, on behalf of the Department of Defense, concurs with the FAA to release of the NEUP on the designated parcels of airport property that are not currently required for aeronautical purposes (as shown in the attached property map and legal description). A copy of the release instrument must be provided to the appropriate District Corps of Engineers' office.

Sincerely


TIMOTHY W. BENNETT
Chairman
DOD Airports Subgroup

Attachments:

1. Property Map
2. Legal Description



U.S. Department
of Transportation
**Federal Aviation
Administration**

Memorandum

Airports District Office
11677 South Wayne Road
Suite 107
Romulus, MI 48174

Subject: ACTION: Federal Register Notice, Public Notice
For Waiver of Aeronautical Land-Use Assurance
Wood County Regional Airport, Bowling Green, Ohio

Date: July 7, 2004

From: Irene Porter, Manager
Detroit Airports District Office, DET ADO-600

**Reply to
Attn of:** Jagiello
734-229-2956

To: Regulations Division, Office of the Chief Counsel, AGC-200
FRU: Manager, Safety/Standards Branch, AGL-620
Regional Counsel, AGI-7

Attached are the original and two (2) copies of the Federal Register notice for Public Notice For Waiver of Aeronautical Land-Use Assurance at Wood County Regional Airport, Bowling Green, Ohio.

This notice is submitted to be docketed by the Regulations Division Staff for publication in the Federal Register.

Please insert the date, which is 30 days after the date of publication in the Federal Register, under "DATES: Comments must be received on or before _____."

Irene Porter

Attachment (3)

cc: AGL-620 w/attachments (for information)
AAS-600 w/attachments (for information) ✓

**Notification Memo for Federal Register Notice Governing the Notification and Release of
Aeronautical Property**

Federal Aviation Administration Public Notice For Waiver Of Aeronautical Land-Use Assurance

Hallock Municipal Airport, Hallock, MN

AGENCY: Federal Aviation Administration, DOT

ACTION: Notice of intent of waiver with respect to land.

SUMMARY: The Federal Aviation Administration (FAA) is considering a proposal to change a portion of the airport from aeronautical use to nonaeronautical use and to authorize the sale and/or conversion of the airport property. The proposal consists of two parcels of land containing a total of 4.18 acres located on the north side of the airport along County Road 13.

These parcels were originally acquired under Grant No. FAAP-01 in 1964. The parcels were acquired for a runway that has since been abandoned and replaced by a new primary runway in a different location. The land comprising these parcels is, therefore, no longer needed for aeronautical purposes and the airport owner wishes to sell a 4.0 acre parcel for an agricultural implement dealership and convert 0.18 acres of another parcel for use as a city wastewater lift station site. The income from the sale/conversion of these parcels will be reinvested in the airport for extending the useful life of the runway pavement.

Approval does not constitute a commitment by the FAA to financially assist in the disposal of the subject airport property nor a determination of eligibility for grant-in-aid funding from the FAA. The disposition of proceeds from the disposal of the airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the Federal Register on February 16, 1999. In accordance with section 47107(h) of title 49, United States Code, this notice is required to be published in the *Federal Register* 30 days before modifying the land-use assurance that requires the property to be used for an aeronautical purpose.

DATE: Comments must be received on or before [Insert date which is 30-days after date of publication in the *Federal Register*.]

ADDRESSES: Send comments on this document to Mr. Gordon L. Nelson, Program Manager, Federal Aviation Administration, Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450-2706.

FOR FURTHER INFORMATION CONTACT: Mr. Henry Noel, City Administrator, 163 South 3rd Street, Hallock, MN 56728, telephone (218)843-2737; or Mr. Gordon L. Nelson, Program Manager, Federal Aviation Administration, Minneapolis Airports District Office, 6020 28th Avenue South, Room 102, Minneapolis, MN 55450-2706, telephone (612)713-4358/FAX (612)713-4364. Documents reflecting this FAA action may be reviewed at the above locations.

SUPPLEMENTARY INFORMATION: Following are legal descriptions of the property located in Kittson County, MN: That part of Section 24, T161N, R49W described as follows: Commencing at an iron monument at the NW corner of said Section 24; thence South 89 degrees 40 minutes 33 seconds East, assumed bearing, along the north line of said Section 24 a distance of 2523.77 feet; thence South 27 degrees 29 minutes 58 seconds East, a distance of 33.72 feet to an iron pipe monument; being the point of beginning of the tract to be described; thence North 89 degrees 40 minutes 34 seconds East, parallel with north line of said Section 24 a distance of 400 feet to an iron pipe monument; thence South 22 degrees 18 minutes 25 seconds East, parallel with and 40 feet perpendicular to the westerly right-of-way line of Burlington Northern, Inc. railroad, a distance of 437.34 feet to an iron pipe monument; thence South 67 degrees 41 minutes 37 seconds West 317.57 feet to an iron pipe monument; thence North 27 degrees 29 minutes 58 seconds West 589.49 feet to the point of beginning, containing 4.00 acres, more or less.

That part of the NE1/4 of the NW1/4 of Section 24, T161N, R49W bounded as follows: Beginning on the north line of said Section 24 at a point which lies 557.00 feet west of the northeast corner of the NW1/4 being the point of beginning of the tract to be described; thence South 0 degrees 19 minutes 27 seconds West, assumed bearing, along a line perpendicular to said section line a distance of 172.82 feet; thence North 27 degrees 22 minutes 40 seconds West, a distance of 195.19 feet to the north line of said Section 24, thence South 89 degrees 40 minutes 33 seconds East, a distance of 90.74 feet along the north line of said section back to the point of beginning, containing 0.18 acres, more or less.

Issued in Minneapolis, MN on December 11, 2006

Robert A. Huber
Manager, Minneapolis Airports District Office
FAA, Great Lakes Region

Sample Federal Register Notice Governing the Notification and Release of Aeronautical Property

Sample Letter of Intent to Release Airport Property - Page 1

U.S. Department
of Transportation
Federal Aviation
Administration

Detroit Airports District Office
11677 South Wayne Road
Suite 107
Romulus, MI 48174

April 17, 2006

Mr. Kent L. Maurer, Manager
Jackson County- Reynolds Field
3606 Wildwood Avenue
Jackson, Michigan 49202

Dear Mr. Maurer:

Jackson County Airport-Reynolds Field, Jackson, Michigan
Letter of Intent to Release Airport Property (Approximately 68 Acres)
Parcels 15A and 62

This "Letter of Intent to Release Airport Property" is being issued in response to Mr. Chip Kraus' letter, dated May 11, 2005, and supporting documentation requesting the Federal Aviation Administration (FAA) to release the County of Jackson, Michigan (hereinafter referred to as "sponsor") of its obligations to maintain as airport property 2 parcels of land (Parcels 15A and 62). This property is located in the northeast quadrant of the airport as currently depicted in the Airport Layout Plan (ALP) and Exhibit A. This land is to be sold and/or leased for proposed use as commercial development.

The FAA is authorized to grant a release of airport property from disposal restrictions if it is determined that (1) the property to which the release relates no longer serves the purpose for which it was made subject to the terms, conditions, reservations, or restrictions concerned, and (2) the release will not prevent accomplishing the purpose for which the property was made subject to the terms, conditions, reservations, or restrictions, and is necessary to protect or advance the interests of the United States in civil aviation.

The FAA finds that Parcels 15A and 62 are no longer required for current or future public airport purposes, nor would the release thereof prevent the accomplishment of the public airport purpose for which the airport facilities were obligated.

Accordingly, this Letter of Intent represents a decision by the FAA to release Parcels 15A and 62 upon submission and/or consideration of the following conditions:

- a. The County should keep the FAA informed of its timetable for redevelopment of the two parcels. The County shall submit for review detailed information relating to the marketing and proposed use of the property.

- b. If a sale is contemplated, present to FAA a draft sales or lease agreement or agreements the County intends to execute with a prospective buyer/lessee for the property in question and disclose the sale price or rental value to be determined based upon fair-market valuation. You should submit documented evidence (such as a rezoning application and approval) indicating that Parcels 15A and 62 are rezoned in a manner that is compatible with airport operations (for example "non-residential" i.e. C-2) and consistent with Condition a. above.
- c. Federal Aviation Regulation (FAR) Part 77 (recodified as 14 Code of Federal Regulations (CFR) Part 77) surfaces must be adhered to relating to any building, structure, poles, trees, or other object on the property relating to Jackson County Airport-Reynolds Field. The County will retain a right of entry onto the property conveyed to cut, remove, or lower any object, natural or otherwise, of a height in excess of 14 CFR Part 77 surfaces relating to the airport. This public right shall include the right to mark or light as obstructions to air navigation, any and all objects that may at any time project or extend above said surfaces.
- d. A notice consistent with the requirements of 14 CFR Part 77 (FAA Form 7460-1) must be filed prior to constructing any facility, structure, or other item on the property.
- e. The property shall not be used to create electrical interference with communication between the installation upon the airport and aircraft, make it difficult for fliers to distinguish between airport lights and others, impair visibility in the vicinity of the airport, or endanger the landing, taking off, or maneuvering of aircraft.
- f. A right of flight for the passage of aircraft in the airspace above the surface of the property shall be maintained (easement) specifying that any noise inherent in the operation of any aircraft used for navigation shall be allowed.
- g. The property shall not be used to create a potential for attracting birds and other wildlife that may pose a hazard to aircraft in accordance with current FAA guidance.
- h. The Hurd-Marvin Drain has been identified on the southern portion of the subject site on both parcels. Additionally, approximately 5.48 acres of the subject property has been categorized as wetlands. These areas are specifically precluded from any development on, or disturbance of, or impacts to the Hurd-Marvin Drain, or the designated wetlands, unless they comply with the requirements of Executive Order 11990, the Fish and Wildlife Coordination Act, and the National Environmental Policy Act.
- i. The MALSR approach light plane complex and line-of-sight must not be penetrated. In order to protect these surfaces, no objects shall penetrate 14 CFR

Part 77 50:1 approach slope for Runway End 24 on Parcels 15A and 62, as depicted on the attached Figure 2-0. This drawing shall be part of the release documents between you and the prospective buyer(s).

- j. The Middle Marker for Runway End 24 is located approximately 3,275' from Runway End 24, on the extended runway centerline. FAA ingress/egress to this site shall be maintained.
- k. The lease between the County of Jackson, Michigan, and the United States of America dated May 14, 1986 shall be maintained. The lease allows FAA personnel access to Runway 24 MALSR and Middle Marker sites to maintain these NAVAIDs. The ground easements described in the lease relating to Parcels 15A and 62 are shown on the attached Figure 1-0 and shall be maintained. A narrative description of the leased areas for the MALSR and Middle Marker is described in Attachment "A". These documents shall be part of the release documents between you and the prospective buyer(s).
- l. The County will, by agreement with FAA, commit all proceeds from the sale or lease of the property to the development, maintenance and operations of the County airport system, in conformance with the FAA's revenue use policy. The revenue use policy may be accessed at the following web address:

http://www.faa.gov/airports_airtraffic/airports/resources/publications/federal_register_notices/media/obligation_final99.pdf.

Therefore, upon submission of and adherence to the above-mentioned conditions, FAA will approve the release of the property from the applicable terms, conditions, reservations, and restrictions recorded in the grant assurances.

If you need further assistance or have any questions, please contact me at (734) 229-2900.

Sincerely,



Irene R. Porter
Manager, Detroit Airports District Office

Attachments

cc: AGL-620, AAS-400, F. Kraus, MMTSB

Attachment "A" to
Lease No. DTFAL4-86-L-R955

Site Descriptions

MALSR, Runway 24:

An area 400 feet wide symmetrical about the runway centerline and beginning at the end of the runway extending 1,600 feet northeast followed by an area 60 feet wide, symmetrical about the runway centerline extending an additional 1,600 feet northeast. The Unit includes light stations at 200 feet intervals, access roads, underground cables, power and control stations, transformers, access off of Airport Road, conduit under I-94 and Airport Road. Area described includes R.O.W. along I-94. The underground cables are within the area described and extend beyond.

Middle Marker, Runway 24:

An area 60 feet wide and symmetrical about the runway centerline and extending 150 feet NE of the MALSR/RAIL area. The unit includes a pole mounted marker, transformer, access road, and underground cables.

Table 22.1: Guide to Releases

Land Acquisition Circumstance	Title 49 U.S.C. Requirement to Notify Public — Release of Aero Land Use Obligation	Fed Register Notice Required	Surplus Property Deed of Release Required	Grant Assurance Letter of Release Required	Required to use proceeds for AIP Elig Dev Only (Highest Priority) or Opr & Maint.	Required to use proceeds for Noise mitigation
Surplus property transferred for aeronautical purposes	47151(d), 47153(c)	Yes	Yes	Yes, if airport has current federal grant assurances	Opr & Maint of airport	No
Surplus property transferred for nonaeronautical revenue production <u>and</u> shown on the ALP & Exhibit "A"	N/A	No	Yes	Yes, if airport has current federal grant assurances	Opr & Maint of airport	No
Surplus property transferred for nonaeronautical revenue production <u>and not</u> Shown on the ALP & Exhibit "A"	N/A	No	Yes	No	Opr & Maint of airport	No
Land acquired with AIP assistance	47107(h)	Yes	No	Yes	AIP Elig Only	No
Land acquired with FAAP or ADAP assistance <u>and</u> land assurances have expired	N/A	No	No	Yes, if airport has current federal grant assurances	Opr & Maint of airport	No
Unobligated land acquired without federal assistance <u>and</u> on the ALP and Exhibit "A" as airport land <u>and</u> without federally financed airport improvements.	N/A	No	No	Yes, if airport has current federal grant assurances	Opr & Maint of airport	No
Land acquired without federal assistance <u>and not</u> on the ALP or Exhibit "A" as airport land	N/A	No	No	No	No	No
Land acquired without federal assistance and airport facilities exist on the land that was developed or improved less than 20 years ago with federal assistance	N/A	Yes	No	Yes, if airport has current federal grant assurances	(1) Replace federally financed development (2) AIP Elig Dev	No
Land acquired without federal assistance and airport facilities exist on the land that was developed or improved more than 20 years ago with federal assistance	N/A	Yes	No	Yes, if airport has current federal grant assurances	Opr & Maint of airport	No
Land acquired with noise funds	N/A	No	No	No	See ----->	Yes
Federal government land conveyed to sponsor under U.S.C. § 47125 by a federal agency and the sponsor asks the FAA to waive the requirement that the land be used for airport purposes.	47125(a)	Yes	No	Yes, if airport has current federal grant assurances	A purpose approved by the Secretary.	No
AIP acquired development land (U.S.C. § 47107(c)(2)(B)), surplus property (U.S.C. § 47151), conveyed government land (U.S.C. § 47125), or land with federally financed improvements. Land use changed (not released) to nonaeronautical.	N/A	Yes	No	No	N/A	N/A

Sample Actual Deed of Release – Page 1

DEED OF RELEASE

WHEREAS, the United States of America, acting by and through the General Services Administrator, under and pursuant to the powers and authority contained in the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), and the Surplus Property Act of 1944 (58 Stat. 765), as amended, by instrument entitled "Quitclaim Deed" dated January 29, 1959, did remise, release, and forever quitclaim to the City of Sebastian of the State of Florida, its successors and assigns, all rights, title and interest of the United States of America in and to certain property known as Sebastian Municipal Airport subject to certain conditions, reservations, exceptions and restrictions; and,

WHEREAS, the City of Sebastian has requested the United States of America to release the hereinafter described property from all of the conditions, reservations, exceptions and restrictions of said instrument; and,

WHEREAS, the Administrator of the Federal Aviation Agency, under and pursuant to the powers and authority contained in Public Law 311 (63 Stat. 700) is authorized to grant a release from any of the terms, conditions, reservations and restrictions contained in, and to convey, quitclaim or release any right or interest reserved to the United States of America by any instrument of disposal under which surplus airport property was conveyed to a non-Federal public agency pursuant to Section 13 of the Surplus Property Act of 1944 (58 Stat. 765); and,

WHEREAS, the said Administrator has determined that the land described hereinafter is no longer needed for the purpose for which it was made subject to the terms, conditions, reservations and restrictions of the said surplus airport property instrument of transfer and that said land can be released without adversely affecting the aeronautical use of the said airport; and,

NOW, THEREFORE, for the considerations above expressed, the United States of America, except as hereinafter provided, does hereby quitclaim, convey and release unto the City of Sebastian, Florida, its successors and assigns, all rights, title and interest reserved or granted to the United States of America by the said Quitclaim Deed dated January 29, 1959, insofar as same pertains to the following described land, to wit:

A strip of land 53 feet wide, over, through and across Lots 62, 52, 51, the Allen Tract, Lots 44, 43, 42, 41 and 40 in Section 28; Lots 17, 16, 15 and 14 in Section 29; Lots 82, 83, 76, 75, 74, 53, 54 and 55 in Section 22, of the Fleming Grant in Township 31 South, Range 38 East, Township 30 South, Range 38 East which lies within 53 feet Easterly of the Baseline of Survey and/or centerline of construction according to the Right of Way Map of Section 88602-2601, State Road S-505, Roseland Road, as filed in Map Book 1, Pages 63 and 64 in the office of the Clerk of the Circuit Court, Indian River County, Florida, a part of said Baseline and/or Centerline being more particularly described as follows:

BEGINNING at a point on the Southwesterly line of and 100.22 feet S 44°32'44" E of the Northwest corner of Lot 62, Section 28 of the Fleming Grant in Township 31 South, Range 38 East, run N 11°39'14" W a distance of 800.62 feet to the beginning of a curve to the right; thence Northerly on said curve having a central angle of 07°10'15" and a radius of 5729.65 feet a distance of 717.08 feet to the end of said curve; thence N 04°48'56" W a distance of 5528.83 feet to the beginning of a curve to the right; thence Northeasterly on said curve having a central angle of 50°08'30" and a radius of 1582.85 feet, a distance of 1367.50 feet to the end of said curve; thence N 45°19'31" E a distance of 1704.86 feet to a point on the Northeast line of and 2636.77 feet N 44°37'29" W of the Easterly corner of Section 22 of the Fleming Grant in Township 30 South, Range 38 East;

excepting therefrom the existing 33 foot Right of Way for Roseland Road and containing 3.22 acres, more or less, Indian River County, Florida;

The release of the above described land is subject to the following terms and conditions:

1. That, in any instrument conveying title to the land, or granting any easement therein, Indian River County, Florida, will reserve for itself,

its successors and assigns, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the land conveyed, together with the right to cause in said airspace such noise, as may be inherent in the operation of aircraft now known or hereafter used for navigation of or flight in the air, using said airspace for landing at, taking off from, or operating on the Sebastian Municipal Airport.

- 2. That any instrument conveying title or granting an easement in the land shall contain a provision restricting and establishing the height of structures or objects of natural growth on the said land in accordance with the currently effective Federal Aviation Agency Technical Standard Order N18 as applied to Sebastian Municipal Airport.
- 3. That any instrument conveying title or granting an easement in the land shall contain a provision which will prohibit any use of the land that would interfere with the operation of aircraft or adversely affect the operation or maintenance of the Sebastian Municipal Airport.

IN WITNESS WHEREOF, the United States of America has caused these presents to be executed in its name and on its behalf by the Chief, Airports Division, Southern Region, Federal Aviation Agency, all as of the 10 day of January, 1963.

UNITED STATES OF AMERICA
The Administrator of the Federal Aviation Agency

BY John B. Reynolds
Acting Chief, Airports Division, Southern Region

STATE OF GEORGIA
COUNTY OF FULTON

On this 10 day of January, 1963, before me, Mary A. Doughton, a Notary Public in and for the County of Fulton, State of Georgia, personally appeared John B. Reynolds, known to me to be the Chief, Airports Division, Southern Region, Federal Aviation Agency, and known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same on behalf of the Administrator of the Federal Aviation Agency and the United States of America.

WITNESS my hand and official seal.

Mary A. Doughton
Notary Public in and for said County & State

(SEAL)

My commission expires 9-4-66.

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**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Introduction of Ordinance to Extend Seattle City Light Franchise		Meeting Date: November 4, 2013
Department: Public Works	Attachments: 1. Ordinance No. 595 extending the City's franchise with Seattle City Light	Fund Source: N/A
Contact: Maiya Andrews		Activity Cost: N/A
Telephone: (206) 248-5521		Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Adopted Initiative: Yes No X	Initiative Description:	
<p>PURPOSE/REQUIRED ACTION: Staff is recommending adoption of Ordinance No. 595 extending the City's franchise with Seattle City Light to July 31, 2014.</p> <p>BACKGROUND (Include prior Council action & discussion): In order for Seattle City Light (SCL) to make use of City streets and rights-of-way for the purpose of construction, operation and maintenance of their electric system, they must have a franchise with the City. The City's current franchise with Seattle City Light, which was granted by Ordinance No. 247, expires on January 31, 2014. While the City and Seattle City Light have been in discussions and negotiation for a new right-of-way franchise for over a year, the new proposed franchise had not yet been finalized. Furthermore, given the City of Seattle's lengthy legislative process to review Council-approved documents, staff is concerned that there is not enough time to complete the negotiations for the proposed franchise and have the franchise routed through both the City of Burien's and City of Seattle's legislative process before January 31 of next year. Staff is therefore requesting a six month extension of the current Seattle City Light electric franchise to July 31, 2014 so that the proposed franchise can be completed and vetted through the legislative process. The extended franchise will remain in place until July 31, 2014 or until the effective date of a new franchise, whichever occurs first.</p> <p>This franchise extension will have no financial impact to the City. The contract fee payment that the City currently receives from Seattle City Light will continue under this extended franchise.</p> <p>OPTIONS (Including fiscal impacts):</p> <ol style="list-style-type: none"> 1. Adopt the ordinance extending the franchise to July 31, 2014. 2. Do not adopt the ordinance. 		
Administrative Recommendation: Discuss the proposed ordinance on November 4 th and adopt it on November 18 th .		
Advisory Board Recommendation: N/A		
Suggested Motion for November 18, 2013 meeting: Move to adopt Ordinance No. 595 extending the City's franchise with Seattle City Light until July 31, 2014.		
Submitted by: Administration Interim City Manager 		
Today's Date: October 24, 2013	File Code: R:\CC\Agenda Bill 2013\110413pw-2 SCL Franchise Extension.docx	

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 595

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, EXTENDING FOR SIX MONTHS THE NON-EXCLUSIVE FRANCHISE UNDER WHICH SEATTLE CITY LIGHT IS AUTHORIZED TO USE DESIGNATED RIGHTS-OF-WAY TO CONSTRUCT, MAINTAIN, OPERATE, REPLACE AND REPAIR AN ELECTRIC LIGHT AND POWER SYSTEM IN THE CITY OF BURIEN.

WHEREAS, the City of Burien, by Ordinance No. 247, granted Seattle City Light, an electric utility owned and operated by the City of Seattle, a non-exclusive franchise to make use of designated rights-of-way for purposes of constructing, maintaining operating, replacing and repairing an electric light and power system, effective January 1, 1999, for a term of 15 years; and

WHEREAS, the franchise granted to Seattle City Light is set to expire on January 31, 2014; and

WHEREAS, the City of Burien and Seattle City Light have been in negotiations for over one year on a new franchise; and

WHEREAS, extension of the current franchise for six additional months would provide the City and Seattle City Light with needed time to finalize negotiations of a new franchise and have the proposed franchise routed through the City's and the City of Seattle's legislative process;

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

Section 1. Franchise Extension. The Seattle City Light franchise granted pursuant to City Ordinance No. 247 is extended through July 31, 2014, or until the effective date of a replacement franchise, whichever occurs first.

Section 2. Severability. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 3. Effective Date. This Ordinance shall take effect five days after publication.

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:
Ordinance No.: 595
Date of Publication:

**CITY OF BURIEN
AGENDA BILL**

Agenda Subject: Discussion on 2014 Federal & State Legislative Priorities		Meeting Date: November 4, 2013
Department: Interim City Manager	Attachments: <u>2014 Federal and State Legislative Priorities</u>	Fund Source: N/A
Contact: Craig Knutson		Activity Cost: N/A
Telephone: 206/248-5503		Amount Budgeted: N/A Unencumbered Budget Authority: N/A
Adopted Initiative: Yes No X	Initiative Description:	
<p>PURPOSE/REQUIRED ACTION: Discuss the attached 2014 legislative agenda and give guidance to staff regarding any necessary modifications. Adopt it at the next Council meeting.</p> <p>BACKGROUND (Include prior Council action & discussion): The City of Burien annually adopts a legislative agenda that becomes the bench mark of our State and Federal lobbying efforts. Typically, City representatives discuss this agenda with members of our State delegation just prior to the upcoming session. The agenda is likewise used to guide the interaction between our lobbyist and our Federal legislators.</p> <p>As the attachment shows, our principal focus at the State level in 2014 will be transportation funding. This includes adequate funding for vital bus service, construction funding for the new eastbound off ramp from State Highway 518 to Des Moines Memorial Boulevard, and ongoing funding for street project needs. The remainder of the document is self-explanatory but generally is consistent with priorities set in previous years with a few new issues addressed as well.</p> <p>Once Council has adopted these priorities (or modified and adopted them), staff will begin arranging meetings with our State legislators and make arrangements to transmit the priorities to our Federal representatives. Any Councilmember is welcome to attend these meetings, which staff is currently arranging.</p>		
<p>OPTIONS (Including fiscal impacts):</p> <ol style="list-style-type: none"> 1) Adopt the attached legislative agenda without further modifications 2) Adopt a modified legislative agenda 		
Administrative Recommendation: Discuss the legislative agenda and consider placing it on the next Consent Agenda for approval.		
Advisory Board Recommendation: N/A		
Suggested Motion: None required.		
Submitted by: Craig Knutson		
Administration		Interim City Manager 
Today's Date: October 30, 2013	File Code: \\File\records\CC\Agenda Bill 2013\110413cm-2 2014 legis priorities.docx	



**City of Burien
2014 Federal & State
Legislative Priorities**

***Promote Services and Economic Development through
Transportation Funding***

- Advocate for a state transportation revenue package to provide adequate funding for vital bus service, construction funding for the SR 518/Des Moines Memorial Drive interchange improvement project to support commercial development in the Northeast Redevelopment Area (NERA), and ongoing funding for street project needs. Work with the federal delegation to ensure that FAA grant money is forthcoming for the NERA Pilot Project infrastructure. (State and Federal)
- Advocate for the reauthorization of MAP-21 (Moving Ahead for Progress in the 21st Century) and for more permanent funding for the federal Highway Trust Fund (Federal)

Maintain and Strengthen City Services and Facilities

- Work to achieve these State funding issues:
 1. eliminate the \$10 million ongoing diversion of liquor taxes and reinstate the local share of excess liquor profits.

2. eliminate the 6-year diversion of Public Works Trust Fund monies that occurred in the 2013-15 state operating budget.
 3. ensure continued appropriation of committed state share funds such as liquor profits and taxes, streamlined sales tax (SST) mitigation funding, municipal criminal justice account funding, the annexation sales tax credit, and public health funding.
(State)
- Marijuana Legalization Revenues. Share a portion of the anticipated marijuana revenue collected with cities to help offset local impacts. Harmonize medical marijuana regulations to reflect legalization and state regulation of recreational marijuana. Oppose any preemption of local authority over traditional land use, licensing, local taxes and fees, and other regulatory functions regarding marijuana production or distribution. (State)
 - Work to retain local control over City Business and Occupation (B&O) taxes, while encouraging the simplification of collection. (State)
 - Work with other local jurisdictions to pursue further funding for mediation of the public records cost recovery issue. (State)
 - Maintain partnership efforts to improve the health of Puget Sound, including:
 - Create a pharmaceutical return program to prevent toxic prescription drugs from entering the Sound through inappropriate disposal practices. (State)
 - Monitor fish consumption rulemaking and legislation with an emphasis on costs to comply with new standards.



Burien

Washington, USA

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

MEMORANDUM

TO: Honorable Mayor and Members of the City Council
FROM: Craig Knutson, Interim City Manager
DATE: November 4, 2013
SUBJECT: City Manager's Report

I. INTERNAL CITY INFORMATION

A. Good Turnout for Night of the Pumpkin

The Burien Parks, Recreation & Cultural Services (PaRCS) Department recently held its annual fall community event at the Burien Community Center. Many new participants were in attendance, as well as new volunteers. Councilmember Clark also took part as a volunteer at the event.

B. Tagging in Burien Parks

In recent weeks, the PaRCS Department has been dealing with some unusually significant incidents of tagging, graffiti, and vandalism. Working closely with law enforcement, the Department sought the public's help and asked for tips concerning suspects. Several young people were identified, and law enforcement is working with prosecutors to bring charges.

C. Seahurst Park Closed October 28

The beach restoration project has started, and construction fencing is going up. The park is now closed to the public, and staff is working with the Corps of Engineers to identify opportunities for the media to report on the project.

D. Roof Construction Complete at Community Center

The re-roofing project at the Community Center is now complete. Punch list items have been addressed, and the building is now ready for the winter rains.

E. Third Quarter Financial Report Delayed

The 2013 Third Quarter Financial Report is delayed due to preparation of the 2013-14 Mid-Biennial Budget Amendment that is being prepared in conjunction with training two new staff members in the Finance Department. Finance staff will make every effort to have it ready for the November 18, 2013 City Manager Report.

F. Burien Becomes a Safe Place City for Youth in Crisis

Starting in November, the City of Burien will become a Safe Place city where youth in crisis have a place to wait at City Hall and the Community Center and talk to a Safe Place counselor (on the phone and in person). This counselor will have access to a host of services to help the youth deal with problems such as homelessness, hunger, substance abuse, domestic violence, gang violence, mental health issues, among others. At the October 23 All-Staff meeting, staff received training from a King County Safe Place coordinator on how to handle assistance requests from troubled youth and identify those who might be in need. More information is available at www.facebook.com/KingCountySafePlace. On a related note, at the King County Public Health clinic in White Center, youth can receive free counseling services on birth control methods, condoms, STD & HIV tests, plan B and pregnancy tests. Besides being free, these services are confidential. KC Public Health officials promote and post materials on these services at local Burien schools, libraries, City Hall and the Community Center. For more information, please visit: www.teenclinic.com. Highline School District has the highest teen pregnancy rate in King County.

G. City Staff Participates in 2013 Washington Great Shakeout Earthquake Drill

The Washington Great Shakeout Earthquake Drill is an annual opportunity for people to practice self-protection during an earthquake and improve preparedness. On October 17, at 10:17 am, City staff participated in the one-minute drill upon hearing an announcement over the public announcement system. Staff and guests dropped, covered themselves under a desk, and grabbed onto something while watching out for objects that could be falling about. Staff was reminded that if an earthquake or other natural disaster occurs during non-working hours during the week, employees would call the City Emergency Number, 206-242-7152, to learn if City Hall will open and how City operations have been affected. Employees may also leave a voice mail saying whether or not they will be able to come in.

H. National Prescription Take-Back Day

National Prescription Take-Back Day was held Saturday, October 26. This annual event encourages residents to clean out medicine cabinets and safely dispose of unwanted and expired prescriptions (including controlled substances) at a designated collection site. It is free and anonymous, and safe disposal keeps unwanted medicines out of the environment and prevents misuse and accidental poisoning. The Burien Police Station participated in the event and collected approximately 15 pounds of unwanted medicine. The Burien Police Station is also a designated collection site where residents may drop off prescriptions Monday through Friday from 8:30 am-5:00 pm.

I. Gas-Main Replacement Project on SW 152nd Street

Puget Sound Energy (PSE) will begin a three week gas main replacement project on SW 152nd Street on Thursday, October 31. They will abandon the existing 4-inch main and replace it with a new, plastic main located mostly under the north sidewalk. Gas customers between 1st Avenue S and 6th Avenue SW have been notified to

expect a one-day interruption in gas service when their existing service lines are switched over to the new service lines. Businesses and the public were provided advance notice of the coming construction, which will feature sidewalk closures and pedestrian detours. Available parking stalls will be temporarily reduced between 4th and 6th Avenue SW, when that segment of gas main is installed.

J. Public Works Receives Grant for \$170,000

The Public Works Department has been awarded a Department of Ecology National Pollutant Discharge Elimination System (NPDES) Capacity Grant worth \$170,000. A \$50,000 portion of this grant may be used for tasks related to implementing the new, 5-year NPDES Stormwater Discharge Permit, which became effective August 1, 2013. The remaining \$120,000 may be used for planning and design of Low Impact Development (LID)-related stormwater projects. This will be used for the design of two existing Capital Improvement Plan (CIP) projects from last year's Storm Drainage Master Plan.

K. Public Hearing on Interim Zoning Regulations for Recreational Marijuana Businesses (Page 153)

On September 25, the Burien Planning Commission conducted a public hearing on the interim zoning regulations related to recreational marijuana businesses that were adopted by the City Council on August 19, 2013. The public hearing was required within 60 days of the adoption of Ordinance No. 586, and the interim zoning regulations will be in place for the next six months as permanent zoning regulations for recreational marijuana businesses are being developed. Minutes for the September 11 meeting and the September 25 public hearing are attached, and the Planning Commission will begin consideration of permanent zoning regulations at their December 11 meeting. Permanent zoning regulations are scheduled for review and adoption by the City Council in February, 2014.

L. Benefit Workshops and Fair

On November 20, five of our employee benefit providers will visit the City of Burien to participate in an Employee Benefit Day. The purpose of the Benefit Day is to provide employees with in-depth information about their benefit plans, to facilitate one-on-one access to the vendors to have questions answered, and to kick-off our annual Open Enrollment period. The day will include benefit-related workshops, private consultations with the benefit providers, and a benefit fair.

M. International Union of Operating Engineers (IUOE) Local 302 Employees Decertify

On October 18, the Public Employment Relations Commission (PERC) officially notified the City that our Public Works Maintenance employees represented by IUOE Local 302 had voted to decertify their union. The employees are no longer represented by a union.

N. Recruitment and Hiring Efforts

During the past few months, staff has been busy recruiting and filling several regular status and temporary status positions. The City hired:

- 6 regular status and temporary, part-time Recreation Leaders for afterschool and late night youth programs
- 1 regular, full-time Code Specialist
- 1 regular, full-time Financial Analyst
- 1 regular, full-time Senior Accountant
- 1 regular, full-time Recreation Specialist

Several of the new staff members have prior experience working in their chosen field and welcome the opportunity to use their skills to serve our residents.

O. Wellness Program Update

Ten employees have signed up for the 21-day ThanksLiving wellness campaign. The campaign encourages employees to find thankfulness in the midst of everyday living. Participants will record three things they are thankful for per day in their ThanksLiving journal. Participants who complete the campaign will earn 1 of 2 required formal wellness program points toward the \$75 Wellness Incentive Program.

In addition, During National Save for Retirement Week, October 21 – 25, the Wellness Committee offered six different 30-minute educational financial webinars hosted by ICMA and the National Association of Government Defined Contribution Administrators. Topics included:

- Retirement in 2050: Generation Y Planning
- ABC's of Investing
- Minding Your Money
- Roth Roadmap
- 10 Question Retiree Guide
- Your Financial Questions Answered

II. COUNCIL UPDATES/REPORTS

A. 2012 Annual Report of the Committee to End Homelessness in King County (CEH) (Page 157)

Mayor Bennett received the 2012 Annual Report of the Committee to End Homelessness in King County, "Strategic Investments" (attached). Each Councilmember also received a copy of the report.

B. Association of Washington Cities (AWC) Elected Officials Essentials Workshop (Page 171)

On Saturday, December 7, AWC is broadcasting a workshop to 12 regional locations for officials to receive information on their legal obligations from expert attorney Steve DiJulio. The flyer and registration information for this training are attached.

C. Solid Waste Interlocal Agreement (ILA) Approved by King County Council

On October 21, the Metropolitan King County Council approved an ordinance that authorizes the Executive to sign the solid waste interlocal agreement (ILA) with the cities that have an ILA for solid waste management services with the County.

D. September Permit Activity Report (Page 173)

Attached are the monthly reports for Construction Permits Issued and Construction Permit Applications Received during the month of September. The total number of construction permit applications received increased slightly while the total valuation of construction costs increased significantly compared with August. The total number of construction permits issued in September was relatively even when compared with August. The total valuation of construction permits issued increased slightly over August results. The following are permits completed/occupancy approved highlights:

- Highline Heritage Museum was granted a 90 day occupancy approval at 216 SW 153rd ST for display of the New 'Hope in Hard Times' exhibit.
- Navos Cedar Building remodel and change of use work was completed. Located 1043 SW 152nd St on the Ruth Dykeman campus, this building will be used to consolidate services that were provided in other buildings so that work can begin on a major Master Plan reconstruction of the campus.
- Fire Station 29, located at 135 S Normandy Rd., received temporary occupancy approval for phase 1 of the project and is moving into the new station while the old station is demolished and the rest of the project is completed.
- Staples' new location at 158 SW 148th St was granted occupancy approval and will be opening soon.
- Miller Creek Junction has one 3-unit and three 4-unit townhome buildings completed and approved for occupancy. Work continues on the remaining eight buildings, which are expected to be completed by the end of the year. Once finished, this development will provide a total of 47 new single family dwelling units with garages which will be available as rentals units.
- BECU Drive-Thru recently completed their work at 125 SW 146th and is now open for business.
- Start Fresh Bakery, Deli, and Natural Market, located at 816 SW 152nd, have been given final occupancy approval and are now able to open the bakery portion of their business in addition to the deli and market.

E. Request for Proclamation - Pancreatic Cancer Awareness Month, November 2013 (Page 175)

Attached is a request from Larry Lither, Pancreatic Cancer Survivor, inviting the City of Burien to raise awareness in the community about pancreatic cancer by proclaiming November, 2013, as Pancreatic Cancer Awareness Month.

F. Changing Study Session Structure (Page 179)

At Council's request, staff has researched changing the Study Session layout to a more informal setting when appropriate. Since the video and audio are arranged specifically for the dais, additional audio and video equipment would be needed. The current audio system is at full capacity for wired microphones, and staff's suggestion would be to use wireless microphones by appending additional components. The cost estimate is \$33,861.34 including installation (attached). Due to view constraints on the existing video cameras, an additional camera with larger view angles would also need to be installed, including new controllers. The cost estimate is \$12,000 including installation.

G. Lora Lake Cleanup

The Department of Ecology has completed its review of the Port's Remedial Investigation/Feasibility Study (RIFS) of the Lora Lake Cleanup Site. The Department of Ecology has identified the cleanup actions and drafted a Consent Decree agreement defining those actions. The Consent Decree, the RIFS as well as the SEPA Checklist and Mitigated Determination of Non-Significance are now available for public review. Comments will be accepted through November 25. City staff will be submitting comments in support of the cleanup. All of the associated documents are available at <https://fortress.wa.gov/ecy/gsp/Sitepage.aspx?csid=2008>. The City's design team for the SR 518 Off-Ramp to Des Moines Memorial Drive has been working with the Port's design team for the Cleanup work, and will continue to do so throughout the design process next year to ensure that the construction activities for both projects are coordinated.

H. Notices: (Page 181)

The following (attached) Notices were published:

- Notice of Public Hearing: 2013-2014 Mid-Biennial Budget Review Monday, November 4, 2013, and Monday, November 18, 2013, 7:00 pm, Burien Council Chambers; 400 SW 152nd St.
- Notice of Public Hearing: The City of Burien Planning Commission will hold a public hearing on October 23, 2013, at 7:00 pm at Burien City Hall, 400 SW 152nd Street, to receive public comments on an application for NAVOS to

- change Comprehensive Plan map designation from Moderate Density Residential Neighborhood to Special Planning Area 2 and Change Zoning designation from RS-7,200 Single-Family Residential to SPA-2 Special Planning Area 2.
- Notice of Public Hearing: The City of Burien Hearing Examiner will hold a public hearing November 5, 2013, 9:30 am, Miller Creek Conference Room, Burien City Hall, 400 SW 152nd Street, Suite 300, to receive public comments on an application to subdivide one existing 1.14 acre residential lot into five single-family residential lots.
- Notice of Application: Type 1 SEPA & BMC 19.40.070.3 Critical Areas Public Agency & Utility Exception for the Northwest Redevelopment Area (NERA) Master Drainage Plan, Phase I. Written comments must be submitted to project planner Brandi Eyerly, AICP, and received prior to 5:00 pm on Tuesday, November 12, 2013.
- Notice of Application: Wetland buffer reduction for construction of a new single-family residence on a vacant lot. Written comments must be sent to project planner Liz Olmstead and received prior to 5:00 pm on October 31, 2013.
- Notice of Decision: Preliminary Approval with Conditions for Short Plat One Residential Lot Into Three Residential Lots. The deadline for filing a written Notice of Appeal with the City Clerk is prior to 5:00 pm on October 28, 2013.
- SEPA Determination of Non-significance (DNS): The lead agency for the NAVOS proposal (to change their Comprehensive Plan map designation from Moderate Density Residential Neighborhood to Special Planning Area 2 and Change Zoning designation from RS-7,200 Single-Family Residential to SPA-2 Special Planning Area 2) has determined that there would be no probable significant adverse impact on the environment.

City of Burien

BURIEN PLANNING COMMISSION
September 11, 2013
7:00 p.m.
Multipurpose Room/Council Chambers
MINUTES

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

- Watch the video-stream available on the City website, www.burienwa.gov
- Check out a DVD of the Council Meeting from the Burien Library
- Order a DVD of the meeting from the City Clerk, (206) 241-4647

CALL TO ORDER

Chair Jim Clingan called the September 11, 2013, meeting of the Burien Planning Commission to order at 7 p.m.

ROLL CALL

Present: Jim Clingan, Greg Duff, Ray Helms, and Joey Martinez, and Nancy Tosta via speakerphone

Absent: Butch Henderson and Brooks Stanfield

Administrative staff present: David Johanson, senior planner; Chip Davis, Community Development director

AGENDA CONFIRMATION

Direction/Action

Motion was made by Commissioner Duff, seconded by Commissioner Martinez, to approve the agenda for the September 11, 2013, meeting. Motion passed 5-0.

PUBLIC COMMENT

None.

APPROVAL OF MINUTES

Direction/Action

Motion was made by Commissioner Martinez, seconded by Commissioner Helms, and passed 5-0 to approve the amended draft minutes of the August 28, 2013, meeting.

NEW BUSINESS

Introduction and Discussion on Interim Zoning Regulations Related to Recreational Marijuana Businesses in Burien

Mr. Davis explained that since Burien code was silent on recreational marijuana use as approved by Washington state voters, the City has been unable to provide appropriate direction to prospective applicants trying to secure a site for their potential marijuana business, which is required in order to apply for a state license. He said the City Council on August 19th adopted Ordinance 586, establishing six-month interim regulations on the establishment, location, operation, licensing, maintenance and continuation of marijuana producers, processors and retailers. He referenced Attachment 1 to the memo included in the packet

summarizing the interim regulations, and noted that a public hearing is required within 60 days of adoption of the interim code. The hearing, he said, will be the beginning of the public process of adopting permanent regulations within six months. Mr. Davis said the state has designated Burien to receive only one licensed retail store, although that number was set with pre-2010 annexation numbers, so at some point in the future a second license might be granted based on Burien's actual population. He said the commission will conduct the public hearing at its next regularly scheduled meeting.

PLANNING COMMISSION COMMUNICATIONS

None.

DIRECTOR'S REPORT

Mr. Johanson told the commissioners that, regarding the proposed amendments to the Downtown Commercial zone multi-family recreation space requirements, staff will be providing the City Council with new optional language adding to the Planning Commission recommendation. He said that proposed new language was a direct result of the detailed discussions and work of the Planning Commission on the topic. While it is similar to the Planning Commission's recommendation, projects of less than 50 units would be required to provide private recreation space at a minimum of 48 square feet. Projects of 50 units or more may reduce the size of private decks or patios down to a minimum of 24 square feet. This option helps encourage growth in the downtown by offering a small benefit to developers whose buildings maximize the use of the land.

ADJOURNMENT

Direction/Action

Commissioner Martinez moved for adjournment; Commissioner Duff seconded. Motion carried 5-0. The meeting was adjourned at 7:45 p.m.

APPROVED: September 25, 2013



Jim Clingan, chair
Planning Commission

City of Burien

BURIEN PLANNING COMMISSION
September 25, 2013
7:00 p.m.
Multipurpose Room/Council Chambers
MINUTES

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

- Watch the video-stream available on the City website, www.burienwa.gov
- Check out a DVD of the Council Meeting from the Burien Library
- Order a DVD of the meeting from the City Clerk, (206) 241-4647

CALL TO ORDER

Chair Jim Clingan called the September 25, 2013, meeting of the Burien Planning Commission to order at 7 p.m.

ROLL CALL

Present: Jim Clingan, Greg Duff, Ray Helms, Butch Henderson, Joey Martinez and Nancy Tosta

Absent: Brooks Stanfield

Administrative staff present: David Johanson, senior planner; Chip Davis, Community Development director

AGENDA CONFIRMATION

Direction/Action

Motion was made by Commissioner Tosta, seconded by Commissioner Martinez, to approve the agenda for the September 25, 2013, meeting. Motion passed 6-0.

PUBLIC COMMENT

None.

APPROVAL OF MINUTES

Direction/Action

Motion was made by Commissioner Tosta, seconded by Commissioner Henderson, and passed 6-0 to approve the minutes of the September 11, 2013, meeting.

PUBLIC HEARING

Chair Clingan opened the hearing on the interim zoning regulations related to recreational marijuana businesses in Burien at 7:03 p.m. and read the rules of conduct for the hearing. Chip Davis, Community Development director, gave a brief introduction about the hearing topic. Testimony was then given by the following people:

Phil Smith, 12241 Roseburg Ave S, said he believes the interim regulations are too restrictive in where marijuana businesses may be located. He said the commission needs to ask itself if it wants recreational marijuana businesses in Burien, because the rules make it hard for a business to locate here and be viable.

Written testimony was received from Earl Long, 13772 16th Ave SW, who stated he is opposed to any recreational marijuana business within Burien city limits. He urged strict enforcement of the law prohibiting public consumption of marijuana.

Chair Clingan closed the hearing at 7:20 p.m.

The commissioners discussed the details of how a legal recreational marijuana business can be established. Mr. Davis noted that of the 443 licenses that the state will be issuing statewide, based on population only one has been designated for location within the city of Burien.

NEW BUSINESS

a. Schedule for 2013 Comprehensive Plan and Zoning Amendments

David Johanson, senior planner, introduced the tentative schedule for the remainder of 2013 and early 2014. He said the commission probably will look at only the one property-specific rezone request this year, from Navos, along with working on permanent zoning regulations for recreational marijuana uses.

PLANNING COMMISSION COMMUNICATIONS

Commissioner Helms asked for an update on the City Council's action the previous Monday on the multi-family recreational space requirements in the Downtown Commercial zone. Mr. Johanson responded that the Council adopted amendments that look at the type of unit being provided and require a certain amount of square footage of common recreational space for each type of unit. Also, Juliet balconies are required to be a minimum width of 12 inches and a minimum length of six feet, and private decks are required to be a minimum size of 48 sq. ft. for projects that are achieving density of less than 50 units per acre as defined in a formula in the code. For projects achieving density of more than 50 units per acre as defined by the formula, the size of the private decks may be reduced to 24 sq. ft.

DIRECTOR'S REPORT

Mr. Davis noted that the commissioners should have received a link to a survey recently via e-mail from PlannersWeb.com and encouraged them to complete the survey.

ADJOURNMENT

Direction/Action

Commissioner Duff moved for adjournment; Commissioner Henderson seconded. Motion carried 6-0. The meeting was adjourned at 7:32 p.m.

APPROVED: _____

Jim Clingan
October 9, 2013

Jim Clingan, chair
Planning Commission



**COMMITTEE TO
END HOMELESSNESS
KING COUNTY**

Governing Board

Dan Brettler, Co-Chair
Chairman/CEO/President, CAR TOYS Inc.

Dow Constantine, Co-Chair
County Executive, King County

David Bley
Director, Pacific Northwest Initiatives
Private Foundation

Bobbe Bridge
Judge
Center for Children & Youth Justice

John Chelminiak
Councilmember, City of Bellevue

Jon Fine
President/CEO, United Way of King County

David Freiboth
Executive Secretary, King County Labor Council

Kathy Lambert
Councilmember, King County Council

Nick Licata
Councilmember, City of Seattle

Mike Lowry
former Governor, Washington State

Nicole Macri
Seattle/King County Coalition on Homelessness

Doreen Marchione
Deputy Mayor, City of Kirkland

Mike McGinn
Mayor, City of Seattle

Jaclyn Mellon
Consumer Advocate

Blake W. Nordstrom
President, Nordstrom, Inc.

Jamal Rahman
Interfaith Community Church

J. Wesley Saint Clair
Judge, King County Superior Court

Nancy Sclater
Pinkerton Brown

Sheila Sebron
Consumer Advocate

Father Stephen V. Sundborg, S.J.
President, Seattle University

Greg Taylor
Councilmember, City of Renton

Edward Lee Vargas
Superintendent, Kent School District

CEHCK is hosted at King County:
401 Fifth Avenue, Suite 500
Seattle, WA 98104
206-263-9085
cehck@kingcounty.gov
www.cehkc.org

October 8, 2013

Dear Mayor Bennett:

When the Committee to End Homelessness in King County (CEH) was formed, the City of Burien officially endorsed the Ten-Year Plan. We are now in year eight of the plan, and the investments that many local governments have made in the intervening years have shown conclusively that we can improve both the lives of individuals and the fabric of our community.

Enclosed is a copy of the 2012 Annual Report of the Committee to End Homelessness in King County (CEH), "Strategic Investments." This report describes our region's investments in 2012 around our key strategies: increasing the efficiency of the existing systems, strengthening connections across systems, and moving people rapidly from homelessness to housing.

I'm proud to say that as a result of our community's investments we have developed more than 5,400 units of new homeless housing, 57% of our production goal; increased by 40% the number of households served through rapid rehousing; launched coordinated entry systems to get families into housing; and served the 1,000 household through the Landlord Liaison Project. Since 2005, the launch of the plan, we have helped more than 34,000 people exit homelessness and offered a range of homeless prevention services to another 23,000.

Over the past seven years, we have learned what it takes to break the cycle of homelessness for individuals with multiple barriers to housing, improving the lives of thousands and realizing millions in cost offsets along the way. We continue to face, however, unusually hard times and we must find ways to sustain, even increase, our efforts so as to change forever the lives of thousands of homeless individuals, families and children. We seek now to provide opportunities for the thousands who don't need intensive supports, but would benefit from time-limited interventions to secure housing.

I have included multiple copies of the report in the hope that you will share them with your city council members. We would be pleased to give you and your council a personal update on our work under the Ten-Year-Plan. If that is of interest, please contact me at 206-263-9085.

Thank you for your commitment to ending homelessness. Your leadership and guidance for our region continue to be critical to the success of our Ten-Year Plan and the health of our community.

As always, please feel free to contact me with any questions or suggestions.

Sincerely,

Gretchen Bruce, Interim Project Director
Committee to End Homelessness

Enclosure

STRATEGIC INVESTMENTS

TEN-YEAR PLAN TO END
HOMELESSNESS IN KING COUNTY



COMMITTEE TO
END HOMELESSNESS
KING COUNTY

2012 ANNUAL REPORT

LETTER FROM THE GOVERNING BOARD CO-CHAIRS

“Nothing felt so good as the first time I walked into my new apartment and locked the door behind me. I didn’t know what a relief that would be.”

Those words graced the back cover of our Ten Year Plan to End Homelessness. The security of “home,” so often taken for granted, is a luxury out of reach for many in our community.

We have been working to change that. In 2005 we set the ambitious goal of creating 9,500 new units of stable housing. We vowed to bring together partners from across our region to align our investments, connect housing to supportive services, and forge the political will to put **“A Roof Over Every Bed in King County.”**

As of December 2012, we had reached 57 percent of our goal, funding 5,424 new units of housing. We’ve helped more than 34,000 people exit homelessness, and offered a range of homeless prevention services to another 23,000 people.

Thousands of hands working together have made a difference in tens of thousands of lives. Yet even as we make progress, much work remains – More housing for single adults. More housing for low-income families who are homeless or on the brink of homelessness. More low-barrier housing to give homeless youth a chance to exit homelessness before they become entrenched in systems and services.

Our work has earned notice from others. Delegations from across the nation have come to learn from us. In 2012, we attracted new partners and new funding. Looking ahead, we must continue to build and strengthen our coalitions, our partnerships and our resources.

We remain unwavering in our commitment to creating the long-term solutions that will bring an end to homelessness in King County. Our community is strong, and so must be our resolve. Thank you for being a part of that effort.



A handwritten signature in black ink, appearing to read 'Dan Brettler'.

Dan Brettler, Car Toys CEO (left)

A handwritten signature in black ink, appearing to read 'Dow Constantine'.

Dow Constantine, King County Executive (right)

2012 HIGHLIGHTS

A Roof Over Every Bed in King County. Many organizations, agencies, governments, and individuals are working to make this goal a reality. All share in the progress to date, and in the work still ahead.

Housing development

378 Number of homeless housing units opened in 2012

5,424 Total number of homeless housing units funded through 2012 (57% of goal)

Preventing homelessness and moving people rapidly into housing

People served in 2012 by program	2011	2012	% Change
<i>(from Safe Harbors)</i>			
Homelessness Prevention & Rapid Re-Housing	7,881	11,008	40%
Emergency Shelter	11,999	12,501	4%
Transitional Housing *	6,507	5,576	-14%
Permanent Housing/Permanent Supportive Housing	5,275	6,254	19%
Service Only Programs	6,113	6,911	13%
Movement to Permanent Housing			
From emergency shelter or transitional housing	3,072	3,004	-2%
From service only programs	930	1,348	45%

*Some transitional housing units were reprogrammed into permanent housing.

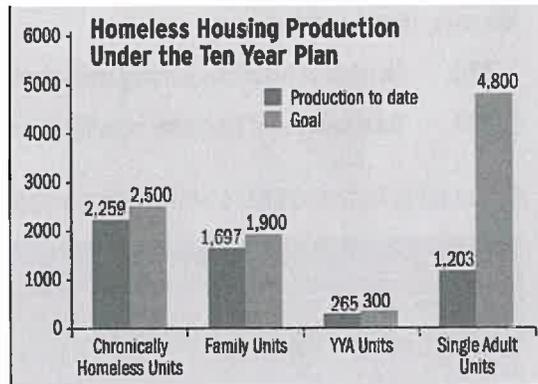
Increasing the efficiency of existing systems

- Launched **Family Housing Connection**, creating a single access point to 80 shelter and housing programs for families facing homelessness.
- Collaborated on a **Combined Notice of Funding Availability (NOFA)**, allocating \$43 million from seven public and private funders to create and support housing projects across King County.
- Through coordinated entry – prioritizing housing for people with the highest utilization of emergency and criminal justice systems – achieved cost offsets from over \$1,400 to as much as \$33,125 per person in reduced acute care and incarceration in just the first year in a supported housing program.
- Served the 1,000th household in the **Landlord Liaison Project**, far surpassing our original goal! By year end, we had placed 1,202 households in market housing, working with 173 landlords representing 342 properties across King County.
- Completed a special task force to explore the unique needs of homeless youth and young adults, in preparation for a plan to end youth/young adult homelessness by 2020, and engaging new planning and funding partners in this effort.
- Brought together countywide stakeholders to identify the needs of single adults in shelter and the barriers they face to achieving stable housing.

HOUSING PRODUCTION

Creativity, innovation and the ability to create system change are cornerstones of our **Ten Year Plan**. By year end 2012, our regional collaboration had funded a total of 5,424 new units, open or in the pipeline - 57 percent of our Ten Year Plan goal.

- 2,259 units for chronically homeless individuals (90% of goal)
- 1,697 units for families (89% of goal)
- 265 units for youth and young adults (88% of our goal)
- 1,203 for non-disabled single adults needing subsidized housing (25% of goal).



It was a year for reflection - assessing previous housing goals for the various populations against the mix of current and pending housing inventory. Comparing local homeless housing inventory with similar sized areas, Seattle/King County is third only to New York and Los Angeles in total homeless housing stock, including shelter, transitional housing and supportive housing.

In 2012, we looked to re-balance investment strategies across all the CEH Investment Priorities. Recognizing that we lag in housing for homeless single adults, we are exploring models to bring units online faster with less cost. For homeless families, we are looking to transform our system towards rapid placement into permanent housing, rather than cycling families through emergency and transitional housing.



Mobile Medical Van

Programs that work:

Mobile Medical Van

People who are homeless face every-day survival needs, like food and shelter that make linking to medical services challenging. By coming to them, the King County Mobile Medical Program aids in that survival.

Clinics are set up at programs in South King County where homeless people meet, provid-

ing outreach, free medical and dental care, and linkages to community services like housing or shelter, mental health and substance abuse treatment, and appointments for follow up care.

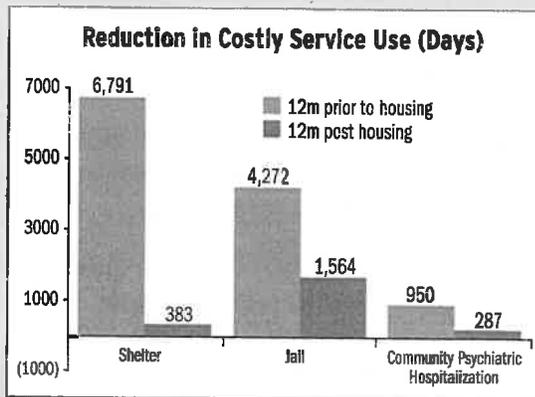
In 2012, Mobile Medical served 669 unduplicated homeless individuals (a 37% increase over 2011). They offered 48 dental clinics (a 40% increase over 2012) and helped 20 people obtain dentures. Veterans and Human Services Levy funding paid for a new van to replace the old one.

COORDINATED ENTRY FOR SUPPORTIVE HOUSING: REDUCING COSTS AND STABILIZING LIVES

Housing combined with onsite supportive services has proven to be effective in stabilizing lives and reducing criminal justice and emergency medical contacts and costs, particularly for those homeless persons who have historically made the highest use of those services. These results have been found again and again in "housing first" evaluations conducted by King County and other researchers, locally and nationally.

Thanks to funding from the voter-approved **Veterans and Human Services Levy** and from **United Way**, King County and its partners have taken supportive housing one step further: implementing a client care coordination system that prioritizes supportive housing for the highest utilizers and most vulnerable in an effort to create safe housing for them and to reduce use of expensive public services.

In 2012, 456 community referrals were screened for placement into client care designated housing units and of these, 227 met the requirements. By year end, a total of 112 individuals, 15 of whom were veterans, moved into permanent housing, joining the 522 individuals who have been placed in client care designated units since 2009.



Cost offset for Client Care Coordination over 12 months: \$2.8 million

A study conducted in 2012 looked at the utilization of public services for the 12 months pre and post housing for the 180 individuals placed in supportive housing in 2011. Of these, 79 percent retained their housing for more than 365 days, greatly reducing the need for shelter. Jail days and hospitalization dropped dramatically.

Reductions in public services were dramatic.

- Sobering admissions declined 88.8 percent from 2,812 to 314 episodes.
- Emergency department admissions declined 66.1 percent from 1,383 to 469 episodes.
- Jail admissions declined 54.1 percent from 220 to 101 episodes.
- Community psychiatric hospital admissions declined 61.5 percent from 52 to 20 episodes.

An estimated \$2.8 million in cost offsets was achieved through reduced use of jails, emergency departments, community psychiatric hospitals, sobering, and shelters by individuals housed through Client Care Coordination during the first twelve months post supportive housing entry.

REACHING OUT TO YOUTH AND YOUNG ADULTS

A new effort with new partners and new resources, 2012 saw the launch of the Homeless Youth and Young Adult Initiative, bringing together more than 100 stakeholders. Private philanthropy, including the Raikes Foundation, Giddens Foundation, Medina Foundation, and United Way of King County together pledged over \$3 million to support the initiative over the first three years.

Primary goals:

1. Focus on prevention and early intervention.
2. Coordinated engagement and entry to match youth to housing and services based on their individual needs.
3. Coordinated data collection and reporting to measure progress and refine strategies.

King County participated in the Count Us In point-in-time census of homeless youth on May 25, 2012 when volunteers counted 685 unstably housed youth and young adults, ages 13 to 25.

- 408 were counted in shelter or transitional housing programs
- 277 were surveyed at program sites and homeless youth meeting places
 - 81 were homeless (generally consistent with the January 2012 One Night Count)
 - 70 were at imminent loss of housing
 - 126 were uncertain where they would be living in the next 30 days.

Learning more about homeless youth and their needs is a core aim of the initiative. Conflict at home is the primary cause of youth leaving the family home. National studies suggest that most, 80 percent, return home relatively quickly. But being on the streets for any amount of time can be dangerous. A Seattle Police Department study found that 76 percent of unaccompanied minors were approached by either a known gang member or pimp in less than 45 minutes.

Programs that Work: Project Safe Place

Launched in 2011 and expanded in 2012,

Project Safe Place is a proven prevention and early intervention strategy that seeks to help youth in crisis by establishing local access points designated as “safe places.”

Each site offers a place where a runaway can get help from caring people in an environment safe from predators. The program is run by YouthCare, Auburn Youth Resources and Friends of Youth, in partnership with a network of 1,650 partners who have volunteered to be “Safe Place” participants, including King

County Metro Transit, the King County Library System, the YMCA of Greater Seattle, United Way, and Compass Housing Alliance. A young person need only ask for help at any participating location or ask any Metro bus driver and within 45 minutes, a Safe Place Coordinator will arrive to provide assistance.



ENDING YOUTH HOMELESSNESS: JACLYN'S STORY

In many ways, Jaclyn Mellon is the face of the **Committee to End Homelessness**. An active member of the Consumer Advisory Council and the Governing Board, she works at **Peace for the Streets by Kids from the Streets (PSKS)**, a Seattle day center for homeless youth. Jaclyn is proof positive that supportive programs and systems connections can end youth homelessness.

Homelessness began for Jaclyn at age 12, "squatting" with friends in Spokane, Washington. At age 14, a friend who owed her \$6 gave her a wallet, later identified as stolen. Hitchhiking to Seattle to avoid a felony warrant, she landed in the University District where just two days later, she was assaulted. Repeatedly picked up as a runaway, her parents never came to get her and she was released to the streets.



Jaclyn at PSKS

Jaclyn migrated to Capitol Hill where she met Elaine Simons, founder of PSKS. Jaclyn loved the PSKS model of empowerment and advocacy. It was the first time, she says, "that someone told me 'I matter, I have a story to tell' and stayed with me to help me tell it." Through PSKS, Jaclyn connected to treatment, case management, housing and employment, and received a stipend to attend CEH planning meetings. Her contributions are

found in the call for service linkages, programs responsive to young people's developmental needs, and youth involvement in service design.

Overwhelmed by people looking to her for a way off the streets, Jaclyn hitchhiked to California where she slipped into old habits. Pregnant at 19, she returned to Seattle and PSKS. They helped her place her child through open adoption, find housing and re-connect to services.

Another period of stability was followed by another relapse. In jail at age 21, a routine pregnancy test came back positive. She committed to getting clean. "I asked to stay in jail until a treatment bed opened up." This time, she says, "it clicked."

Many programs supported her journey to stability: Moms Plus, Perinatal Treatment Services, Drug Court, YWCA Transitions, Kent Youth Shelter, Valley Cities Counseling, Section 8 housing, and PSKS. A full-time PSKS program manager, Jaclyn encourages and supports youth to exit homelessness. And she is a great mom to her daughter, Wednesday.

"You can find help in unlikely places," she says. "The police sort of looked out for me, the courts quashed my old felony record, and Drug Court Judge [Wesley] Saint Clair kept encouraging me every time I appeared before him with a clean UA."

"Last year, when he joined the Governing Board, it was cool to see him again and let him know what I've accomplished."

HELPING FAMILIES SUCCEED: FAMILY HOMELESSNESS INITIATIVE

Implementing coordinated entry into housing and supportive services for families represents one of the biggest system change initiatives in King County.

Family Housing Connection, launched in April 2012, is operated by Catholic Community Services with investments by King County, United Way of King County, the Bill & Melinda Gates Foundation and Building Changes. It is already making a difference.



Imagine Housing developed Andrews Glen in Bellevue with 40 units of housing, including 20 units dedicated to homeless veterans and 10 units dedicated to families exiting homelessness.

Prior to coordinated entry, families made an average of 45 calls to multiple agencies to seek help and placement on a shelter wait list. Now, families make one call to 2-1-1, a single access point to over 80 shelter and housing programs. A housing specialist gives each family an individual assessment. With staff fluent in nine languages and available at nine locations, Family Housing Connection streamlines the process by which families access resources.

In the first year, 3,788 families were assessed and 757 placements made into shelter and housing. Data on these families provide insight into the numbers and needs:

- 7% were staying in a place not meant for human habitation (cars, streets, abandoned buildings)
- 56% were couch surfing or doubled up
- 14% were in emergency housing with a shelter/hotel voucher
- 10% were in a rental with no subsidy
- 4% were staying in a hotel without a voucher.

What we have learned about homeless families in King County:

- Most (69%) report this is their first time homeless
- Most (53%) have recent positive work history
- Most (64%) can obtain a positive landlord reference
- Most (67%) have never been evicted
- Most (72%) have a high school diploma or more
- Most (76%) report having been a renter or homeowner
- Most (86%) report no criminal history
- Interpreters were needed at 539 appointments, with 34 languages represented.

In November 2012, the program began to prioritize families most at risk due to their current living situation (e.g., in cars or on the streets) rather than “first come first served,” recognizing the need to target limited resources towards the most vulnerable. Rapid re-housing, helping families as quickly as possible toward self-sufficiency, will serve more families.

ADDRESSING SINGLE ADULT HOMELESSNESS

While we have achieved gains in addressing chronic homelessness, the numbers of low-income homeless single adults remains high. A Single Adult Shelter Task Force was formed to strategize solutions.

In 2012, there were over 1,700 shelter beds available nightly for single adults (more in the winter). The majority (91%) are in Seattle. Over 7,000 single adults access shelter annually. Most stay briefly, using shelter as temporary respite.

A study of 2,502 individuals in shelters found that half stayed 60 days or less. A smaller group, 645 individuals, stayed 180 days or longer. These "long-term stayers" were older, often disabled, and consumed 74 percent of the bed nights.

Three key strategies for homeless single adults emerged:

1. Open the front door to shelter by increasing capacity, particularly outside Seattle and using shelter as a point of engagement.
2. Open the back door to housing by targeting resources to long-term stayers, freeing up shelter beds for others.
3. Increase investments in housing for low-income single adults.

By late 2012, CEH was working to implement the recommendations, increasing winter shelter beds and aligning resources to move long-term stayers into housing. Partners are ramping up efforts in 2013 – setting a target of moving 100 people out of shelter and into housing during 2013 (15% of the 645).

Providing emergency housing...and more

In 2012, the Governing Board directed an expansion of winter shelter, adding 135 more to the nearly 500 annual winter beds. Partners included King County, Salvation Army, Seattle, United Way, Bellevue, Kirkland, Redmond and other eastside cities, Congregations for the Homeless, Sophia Way, North Bend, Snoqualmie Valley Winter Shelter, Kent, Catholic Community Services and Holy Spirit Parish. A letter from the women sheltered to the Parish expressed their thanks.

We thank each of you who took the time to cook a meal, brought towels, soap, blankets...and so many other items. You showed people care. You helped 33 women ages 18 to 76. Thanks to you, 14 women

were placed in housing. Women were connected with medical care, mental health services, veterans benefits, jobs and school. You stepped up! You helped women find themselves and their dignity. Thank you!



Participants in the Women's Homeless Outreach Mobilization Effort

LOOKING AHEAD

The original **Ten Year Plan** was a starting point. It brought our community together around shared goals and objectives.

It remains a living document. We have kept the plan alive by reviewing the goals and adjusting our approaches and our priorities to meet new or changing needs.

Exciting efforts are underway to help youth and young adults, families and single adults in shelter. We are grateful for the new partners who stepped up in 2012 to join us, particularly in private philanthropy, faith organizations and our cities.



Gretchen Bruce

Our greatest challenge looking ahead is achieving and maintaining the resources needed to build housing and fund the supportive services that help our most vulnerable residents achieve health, stability and self-sufficiency. Since the Great Recession began in 2008, Washington State has cut \$11 billion from the state budget, with deep cuts to our social safety net. At the federal level, the Section 8 administrative funding is the lowest in the program's 38-year history. We must reverse this trend and work with our state and congressional delegations to ensure the necessary funding to get the job done.

One hopeful change on the horizon is health care reform. With the implementation of the **Affordable Care Act**, as many as 180,000 people living in King County may soon be able to enroll in some form of affordable health care. Some will become eligible for Medicaid, while others will find coverage through the new Health Benefit Exchange. King County will work to educate and enroll residents in October 2013 for coverage that will begin in 2014. Health reform should both ease the burden of medical expenses and increase the availability of preventive care, saving lives and saving money.

Ending homelessness benefits all of society. Our economy and our quality of life are enhanced when children are given the safety of a home to come to after school each day, when at-risk youth are given pathways to healthy and self-sufficient lives, when adults and persons with disabilities have the stability of housing from which to seek and receive health services, and when all people have education and employment opportunities to earn a living wage. As we work to make these ideals reality, we move ever closer to achieving a more fair and just community.

Gretchen Bruce, Interim Director
Committee to End Homelessness

401 5th Avenue, Suite 500
Seattle, WA 98104
206-263-9085
cehkc@kingcounty.gov
www.cehkc.org

TEN-YEAR PLAN TO END HOMELESSNESS IN KING COUNTY

Municipal Endorsers

City of Auburn
City of Bellevue
City of Burien
City of Covington
City of Enumclaw
City of Federal Way
City of Issaquah
City of Kenmore
City of Kent
City of Kirkland
City of Lake Forest Park
City of Normandy Park
City of Pacific
City of Redmond
City of Renton
City of Sammamish
City of Seatac
City of Seattle
City of Shoreline
City of Tukwila
City of Woodinville
King County
Suburban Cities Association

Other Endorsers and Participants

24-Seven Ministry Center
A Regional Coalition for Housing
(ARCH)
Abu Bakr Mosque
All Saints Episcopal Church
Alliance of Eastside Agencies
American Jewish Committee
Assumption Catholic Church
Bear Creek United Methodist Church
Bethany United Church of Christ
Bill & Melinda Gates Foundation
Blessed Sacrament
Roman Catholic Parish
Bothell United Methodist Church
Building Changes
Calvary Lutheran Church
Capitol Hill Housing
Catholic Community Services
King County
Catholic Housing Services
Central Lutheran Church
Child Care Resources
Christ the King Catholic Church
Church Council of Greater Seattle
Cobweb Specialties LLC
Common Ground
Community Psychiatric Clinic
Compass Center
Congregation Beth Shalom
Congregation Eitz Or
Congregations for the Homeless
Council on American-Islamic Relations/
CAIR-Seattle Organization
Crisis Clinic
Des Moines United Methodist Church
Downtown Action to Save Housing
(DASH)

Downtown Emergency Service Center
Downtown Seattle Association
Eastside Domestic Violence Program
Eastside Friends Meeting
Eastside Human Service Providers
Episcopal Church of the Resurrection
Evergreen Treatment Services
Family & Adult Service Center
Family Services
Fauntleroy United Church of Christ
First African Methodist
Episcopal Church
First Congregational Church of Bellevue
First Evangelical Lutheran Church
First Place
First Presbyterian Church of Bellevue
First United Methodist Church
Friends of Youth
Gethsemane Lutheran Church
Good Shepherd Baptist Church
Habitat for Humanity
Seattle/South King County
Harborview Medical Center
Holy Cross Lutheran Church
Holy Spirit Lutheran Church
Hopelink
Housing Development Consortium
Seattle-King County
Housing Resources Group
International District Housing Alliance
IMAN Organization
Intercommunity Peace and
Justice Center
Interfaith Community Church
Islamic Center of Eastside
Islamic Center of Shoreline
Jamiul Muslimin Cham Mosque
King County Housing Authority
Kirkland Interfaith Transitions
in Housing
Lake Washington United
Methodist Church
Lakeridge Lutheran Church
League of Women Voters
Lifewire
Microsoft Corporation
Millionair Club Charity
Minority Executive Directors Coalition
Mockingbird Society
Mount Zion Baptist Church
Multi-Service Center
Neighborhood House
Newport Presbyterian Church
North Urban Human Services Alliance
Northlake Unitarian Universalist Church
Northshore United Church of Christ
Ohana Youth Project
Operation Nightwatch
Our Lady of the Lake Catholic Church
Overlake Park Presbyterian Church
Pacific Northwest Conference of the
United Methodist Church
Path With Art
Plymouth Congregational Church
Plymouth Housing Group

Public Health – Seattle & King County
Rainier Beach United Methodist Church
Renton First United Methodist Church
Sand Point Community
United Methodist Church
Seattle Community Law Center
Seattle First Baptist Church
Seattle First United Methodist Church
Seattle Foundation
Seattle Housing Authority
Seattle Mennonite Church
Seattle/King County Coalition
on Homelessness (SKCCH)
Seattle's Union Gospel Mission
SHARE/WHEEL
Sisters of Providence
Sojourner Truth Ministries
Solid Ground
South King County Forum
on Homelessness
South King County Human Services Forum
St. Andrew's Episcopal Church
St. Andrew's Housing Group
St. Brendan Catholic Church
St. James Cathedral
St. John United Lutheran Church
St. John Vianney Parish
St. Joseph Parish
St. Louise Church
St. Luke's Lutheran Church
St. Mark's Episcopal Cathedral
St. Mary's Catholic Church
St. Patrick's Catholic Church of Seattle
St. Therese Parish
Teen Feed
Temple Beth Am
Temple B'nai Torah
Unitarian Housing Group
United Way of King County
University Baptist Church
University Christian Church
University Congregational
United Church of Christ
University District Chamber of Commerce
University Friends Meeting
University Lutheran Church
University Temple
United Methodist Church
University Unitarian Church
Valley Cities Counseling & Consultation
Vets Edge
Wallingford United Methodist Church
Washington Low Income Housing Alliance
Washington State Department
of Corrections
Washington State Department of
Social and Health Services
Wedgwood Community Church
Wellspring Family Services
Woodinville Unitarian Universalist Church
Woodland Park United Methodist Church
YMCA of Greater Seattle
YouthCare
YWCA of Seattle · King · Snohomish County



Elected Officials Essentials

Workshop

A one-day refresher for elected officials and key city staff

As an elected official, you deal with a wide variety of issues that all have significant legal implications. Join both seasoned and newly-elected officials for a one-day workshop covering some of the most prevalent legal requirements of importance to you in your elected position.

Keynote presenter, Steve DiJulio, Attorney with Foster Pepper PLLC, has partnered with AWC for more than 20 years to share his expansive knowledge and insight into the legal aspects of an elected official's role.

Hear what's new in the legal realm specifically related to your city role. Learn from real-life examples that resonate with issues you're facing. Refresh your understanding of laws related to public records, municipal financing, open public meetings, ethics violations, and more.

To make it convenient for you to attend, we've arranged to broadcast the workshop to 12 locations across Washington. These interactive sessions will include live presentations from AWC offices in Olympia, with opportunities for each site to discuss amongst themselves the topics under discussion, and to submit feedback and questions to the presenters for response.

This format is also designed to allow you to connect and network with other city leaders in your region while spending less time and travel costs than a traditional training event.

Select from one of these convenient locations: Airway Heights, Arlington, Chewelah, Gig Harbor, Kenmore, Kennewick, Maple Valley, Moses Lake, Olympia, Pullman, Vancouver or Wenatchee (tentative).

For more information, contact Karen Tanner, Education Coordinator at karent@awcnet.org or (360) 753-4137.

**Saturday,
December 7, 2013**

8:30 am: Registration
9 am — 3:30 pm: Workshop
(lunch on your own)

\$25 per person

Registration opens
October 8



Stephen DiJulio is an attorney with Foster Pepper whose practice focuses on litigation involving state and local governments, and land use and environmental law. His particular experience includes representation of jurisdictions on eminent domain, utilities (water, wastewater, storm water, solid waste systems), local improvement districts, facility siting and contractor litigation.

Mobile

We are offering this one-day event in 12 remote sessions via webinar simulcast across Washington State so you don't have to travel far.

Meaningful

More regional conversations that help build collaboration, partnership and community in your local area.

Manageable

We understand the demands on your time. We've expanded the program so that it includes on-demand and online educational events into 2014.



Burien

Washington, USA

Summary of Permits Applications Received – SEPTEMBER 2013

Type Permit	Count	Valuation
Building	45	\$ 5,080,349
Damage	1	
Demolition	6	
Electrical	94	\$ 83,828
Fire Protection	11	\$ 79,373
Mechanical	24	\$ 16,050
Plumbing	8	
Right of Way	45	
Sign	4	\$ 17030
Totals :	238	\$ 5,276,630



Burien

Washington, USA

Summary of Permits Issued – SEPTEMBER 2013

Type Permit	Count	Valuation
Building	31	\$ 1,734,974
Damage	1	
Demolition	4	\$
Electrical	95	\$ 257,533
Fire Protection	12	\$ 26,967
Mechanical	24	\$ 6,950
Plumbing	11	\$ 14,600
Right of Way	37	
Sign	2	\$ 500
Totals :	217	\$ 2,041,544



PANCREATIC CANCER ACTION NETWORK

RECEIVED

October 17, 2013

OCT 21 2013

City of Burien

Honorable Brian Bennett
Mayor of the City of Burien
400 SW 152nd Street, Suite 300
Burien, Washington 98166

Dear Mayor Bennett:

SUBJECT: REQUEST FOR PROCLAMATION REGARDING PANCREATIC CANCER MONTH

As someone who lives nearby and does business frequently in Burien, I am writing on behalf of the Pancreatic Cancer Action Network and the estimated 38,460 Americans who will die of pancreatic cancer in 2013, approximately 850 of whom live in the State of Washington. In 2013, pancreatic cancer will afflict more than 45,220 Americans, 73% of whom will die within one year of their diagnosis, and 94% of whom will die within five years of diagnosis.

I was diagnosed with pancreatic cancer in January 2012, and have undergone major surgery and chemotherapy. Fortunately, I was one of the lucky ones and am still around to tell my story. It is humbling indeed, and if you know anyone who has been affected by this disease you know how devastating it can be. We want to extend awareness and ultimately find a cure.

To date, pancreatic cancer is the fourth leading cause of cancer death in the United States, and it is the only major cancer with a five-year relative survival rate of just 6%. Furthermore, the incidence and death rate for pancreatic cancer are increasing, and pancreatic cancer is anticipated to move from the fourth to the second leading cause of cancer death in the U.S. by 2020. We need your help to shine a spotlight on this disease and finally make progress in developing treatments and early detection tools. I am asking you to issue a proclamation supporting the observance of November 2013 as Pancreatic Cancer Awareness Month in the City of Burien, so that you can help us to raise awareness in our community.

I have attached a draft of the proclamation text for your review. I am happy to provide additional official Pancreatic Cancer Action Network material, including pancreatic cancer facts and statistics and NCI funding information, upon request.

I would be happy to meet with you and/or the Burien City Council to go over the Proclamation in more detail. On behalf of pancreatic cancer survivors and their families in our area, I would be grateful if the City of Burien would issue a Proclamation recognizing November as Pancreatic Cancer Awareness Month and bring much needed attention to this deadly disease.

Please contact me at (206) 391-9156, or by email at larryref@comcast.net with any questions.
Thank you for your interest in this important issue.

Sincerely,



Larry H. Lither
P.O. Box 47103
Seattle, Washington 98146

(206) 391-9156
larryref@comcast.net

cc: Maija Eerkes, PANCAN Advocacy Coordinator

CITY OF BURIEN PROCLAMATION

RESOLUTION

Declaring the month of November "Pancreatic Cancer Awareness Month" in the City of Burien, in the State of Washington;

WHEREAS in 2013, an estimated 45,220 people will be diagnosed with pancreatic cancer in the United States and 38,460 will die from the disease;

WHEREAS pancreatic cancer is one of the deadliest cancers, is the fourth leading cause of cancer death in the United States, and is the only major cancer with a five-year relative survival rate in the single digits at just six percent;

WHEREAS when symptoms of pancreatic cancer present themselves, it is late stage, and 73 percent of pancreatic cancer patients die within the first year of their diagnosis while 94 percent of pancreatic cancer patients die within the first five years;

WHEREAS approximately 850 deaths will occur in Washington State in 2013;

WHEREAS the incidence and death rate for pancreatic cancer are increasing and pancreatic cancer is anticipated to move from the fourth to the second leading cause of cancer death in the U.S. by 2020;

WHEREAS the U.S. Congress passed the *Recalcitrant Cancer Research Act* last year, which calls on the National Cancer Institute to develop a scientific frameworks, or strategic plans, for pancreatic cancer and other deadly cancers, which will help provide the strategic direction and guidance needed to make true progress against these diseases; and

WHEREAS the Pancreatic Cancer Action Network is the national organization serving the pancreatic cancer community in the City of Burien and nationwide through a comprehensive approach that includes public policy, research funding, patient services, and public awareness and education related to developing effective treatments and a cure for pancreatic cancer;

WHEREAS the Pancreatic Cancer Action Network and its affiliates in the City of Burien support those patients currently battling pancreatic cancer, as well as to those who have lost their lives to the disease, and are committed to nothing less than a cure;

WHEREAS the good health and well-being of the residents of the City of Burien are enhanced as a direct result of increased awareness about pancreatic cancer and research into early detection, causes, and effective treatments; therefore be it

RESOLVED that the Mayor and City Council designate the month of November 2013 as "Pancreatic Cancer Awareness Month" in the City of Burien.



Revision Date		10/2/13								
Budget Details										
Item	Device	System	Sub-System	Manufacturer	Model Number	QTY	Sell	Sell TTL	Retail	Retail TTL
1	Master Module	Audio	Master interface for wireless units	Audio Technica	SpectraPulse drm141	1	\$ 5,280.00	\$ 5,280.00	\$ 6,600.00	\$ 6,600.00
2	Audio Interface	Audio	Connects Master to audio system	Audio Technica	SpectraPulse aci707	2	\$ 2,560.00	\$ 5,120.00	\$ 3,200.00	\$ 6,400.00
3	Transmitter	Audio	Desktop Wireless Transmitter	Audio Technica	SpectraPulse mtu201	11	\$ 1,040.00	\$ 11,440.00	\$ 1,300.00	\$ 14,300.00
4	Charger	Audio	Four Bay Charging Station	Audio Technica	SpectraPulse chg004	3	\$ 608.00	\$ 1,824.00	\$ 760.00	\$ 2,280.00
5	Microphones	Audio	Goosneck Microphones	Audio Technica	ES915-C18	11	\$ 233.60	\$ 2,569.60	\$ 292.00	\$ 3,212.00
6	Cabling	Audio	Cable Estimate	MSI	TBD	1	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00	\$ 1,400.00
7							\$ -	\$ -	\$ -	\$ -
8							\$ -	\$ -	\$ -	\$ -
9							\$ -	\$ -	\$ -	\$ -
10							\$ -	\$ -	\$ -	\$ -
11							\$ -	\$ -	\$ -	\$ -
12							\$ -	\$ -	\$ -	\$ -
13							\$ -	\$ -	\$ -	\$ -
14							\$ -	\$ -	\$ -	\$ -
15							\$ -	\$ -	\$ -	\$ -
16							\$ -	\$ -	\$ -	\$ -
17							\$ -	\$ -	\$ -	\$ -
18							\$ -	\$ -	\$ -	\$ -
19							\$ -	\$ -	\$ -	\$ -
46				Expendables and Miscellaneous			\$ -	\$ -	\$ -	\$ -
52				Equipment Freight			\$ -	\$ -	\$ -	\$ -
53				Sub Total Equipment				\$ 27,633.60		\$ 34,192.00
57				Installation Labor				\$ 3,290.00		\$ 3,290.00
58				Control System Programming				\$ -		\$ -
59				AV System Programming				\$ -		\$ -
62				Total				\$ 30,923.60		\$ 37,482.00
				Sales Tax				\$ 2,937.74		\$ 3,560.79
				Grand Total				\$ 33,861.34		\$ 41,042.79



2004 196th ST SW; Lynnwood, WA 98036
 (425) 771-7257 Office
 (425) 670-1656 Fax
 (866) 860-8233 Toll Free
 www.morgansound.com

SUMMARY Round Table Wireless System

Revision Date 10/2/13

Location	SD Budget	NOTES
Microphone System	\$ 33,861.34	Includes WSST
Budget Grand Total	\$ 33,861.34	Includes WSST

Statement of Proprietary Design

The sound, video, and/or lighting system design contained herein is the sole property of Morgan Sound, and may not be duplicated, distributed for cost quotation, or otherwise copied in whole or part without the specific written consent of Morgan Sound.

Acceptance of this proposal constitutes agreement to this policy and acknowledgment of the rights of Morgan Sound with relationship to the system documentation contained herein. The recipient of this proposal further understands that any such infringements on these rights may allow Morgan Sound to claim compensation not limited to design and documentation times per their usual consulting fee schedule.



Burien

Washington, USA

400 SW 152nd, Suite 300, Burien, WA 98166

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

www.burienwa.gov

DATE: October 22, 2013
FOR RELEASE: October 23 and October 30, 2013
CONTACT: Finance Department
Telephone: (206) 439-3150

2013-2014 MID-BIENNIAL BUDGET REVIEW PUBLIC HEARING NOTICE

The City of Burien will hold a public hearing on Monday, November 4, 2013, and Monday, November 18, 2013 for the purpose of:

Receiving the public's comments on revenue sources, including a possible increase of up to 1% in property tax revenue, and expenditures for the 2013-2014 Mid-Biennial Budget review and amendments.

The hearing will be in the Burien Council Chambers at 400 SW 152nd St., at approximately 7:00 p.m. The 2013-2014 Mid-Biennial Budget Review will be available on November 1, 2013 on the City's website, www.burienwa.gov, or copies can be obtained by calling the Finance Department at (206) 439-3150.

Sign language and communication in alternate format can be arranged given sufficient notice. Please contact the City Clerk's office at (206) 248-5517.

###

Published in The Seattle Times: October 23, 2013 and October 30, 2013
The Westside Weekly: November 1, 2013

cc: Burien City Council
Burien Staff
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Burien Daily
King County/Burien Public Library
Web site: www.burienwa.gov
White Center Now



Public Hearing Notice

City of Burien

400 SW 152nd Street (Suite 300)

Burien, Washington 98166

Hearing Information

The City of Burien Planning Commission will hold a public hearing on October 23, 2013 at 7:00 pm at 400 SW 152nd Street to receive public comments on the following application:

Applicant

Chris Fiori with Heartland, LLC for Navos (Ruth Dykeman Children's Center)

Proposal

Change Comprehensive Plan map designation from Moderate Density Residential Neighborhood to Special Planning Area 2.

and

Change Zoning designation from RS-7,200 Single-Family Residential to SPA-2 Special Planning Area 2.

Comprehensive Plan Amendment Ref No.

2013-1

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

Location

1033 SW 152nd Street, Burien, WA

Current Zoning

RS-7,200 Residential Single-family

How to Comment

Any person may submit written or oral comments or testimony at the public hearing, or may submit written comments prior to the hearing. Written comments may be submitted in person, via mail, e-mail or by facsimile. All documents submitted or requested as part of this application, including the City staff report are available for review at City Hall during regular business hours.

Project Planner

Charles W. "Chip" Davis, AICP
Community Development director

(for submittal of written comments or for more information)

Department of Community Development
City of Burien
400 SW 152nd Street (Suite 300)
Burien, WA 98166
Phone: (206) 248-5501
E-Mail: chipd@burienwa.gov

Published in the Seattle Times

Date of Notice: October 6, 2013

cc: Burien City Council
Burien Staff
B-Town Blog
Burien Daily
Burien Library

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Seahurst Post Office
White Center Now
Web site: www.burienwa.gov



Public Hearing Notice

City of Burien 400 SW 152nd Street, Suite 300 Burien, Washington 98166-3066

Hearing Information The City of Burien Hearing Examiner will hold a public hearing on **November 5, 2013 at 9:30 AM** at the Miller Creek Conference Room, Burien City Hall, 400 SW 152nd Street, Suite 300, to receive public comments on the following application:

Applicant Mike Lierman, Smackdab Realty LLC

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

File No. PLA 13-0135
File is available for viewing at Burien City Hall during regular business hours.

Location 18052 Occidental Avenue South, Burien, Washington

Tax Parcel No. 3223049127

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

How to Comment Any person may submit written or oral comments or testimony at the public hearing, or may submit written comments prior to the hearing. Written comments may be submitted in person, via mail, e-mail or by facsimile. Only persons who submit written or oral comments prior to the close of the hearing may appeal the decision. All documents submitted or requested as part of this application, including the City staff report are available for review at City Hall during regular business hours.

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

Date of Notice: October 21, 2013

cc: Burien City Council
Burien Staff
B-Town Blog
Burien Daily
Burien Library

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Seahurst Post Office
White Center Now
Web site: www.burienwa.gov



Notice of Application

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

Date October 22, 2013

Applicant City of Burien Public Works Department
Maiya Andrews, Director

Proposal Type 1 SEPA & BMC 19.40.070.3 Critical Areas Public Agency & Utility Exception for the Northwest Redevelopment Area (NERA) Master Drainage Plan, Phase I -
Installation of 4 underground stormwater infiltration facilities with associated pretreatment facilities; construction of a fish passable culvert in Miller Creek at S. 144th Way; and construction of a shared use/maintenance path.

File No. PLA 13-1902
File is available for viewing at Burien City Hall during regular business hours.

Location The 120 acre site in the NE corner of the City of Burien WA. is bordered by S. 140 St to the north, Des Moines Memorial Drive to the east and State Road 518 to the south (see Vicinity Map).

Tax Parcel No. Various – Located in Sections 17 & 20, Township 23 North, Range 4 East, City of Burien, King County, Washington State.

Current Zoning Airport Industrial 1 (AI-1), Airport Industrial 2 (AI-2) and Professional/Residential (PR)

Application Submitted/Complete Submitted: September 17, 2013
Complete: October 11, 2013

Other Permits Needed City of Burien Clear & Grading Building Permit, WA State Dept. of Fish & Wildlife Hydraulic Project Permit, WA State Dept. of Ecology Section 401 Water Quality Certificate, and U. S. Army Corps of Engineers Section 404 Nationwide Permit

Existing Environmental Info. State Environmental Policy Act (SEPA) checklist dated September 12, 2013, NERA Master Drainage Plan and Phase 1 Construction Draft Critical Area Study dated September 6, 2013

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

Review Process and Public Comment The decision on this application will be made by the Community Development Director. Prior to the decision, there is an opportunity for the public to submit written comments. **Written comments must be received prior to 5:00 p.m. on Tuesday, November 12, 2013** Send written comments to the project planner (see below). Please indicate your name and address and refer to the file indicated above. Only people who submit comments as indicated above may appeal the decision on this application.

Project Planner (for written comments and more information) Brandi Eyerly, AICP
Department of Community Development
City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166-3066
Phone: (206) 248-5519 E-Mail: brandie@burienwa.gov

Published in the Seattle Times Date of Notice October 22, 2013

cc: Burien City Council
Burien Staff

Seahurst Post Office
Web site: www.burienwa.gov

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Seahurst Post Office



Notice of Application

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

Date October 10, 2013

Applicant Everett Woods, Property Owner

Proposal Wetland buffer reduction for construction of a new single-family residence on a vacant lot.

File No. PLA 13-1852
File is available for viewing at Burien City Hall during regular business hours.

Location 168XX Des Moines Memorial Dr S, Burien, WA

Tax Parcel No. 292304-9492

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

Application Submitted/Complete
Submitted: September 9, 2013
Complete: October 3, 2013

Other Permits Needed Building Permit

Review Process and Public Comment
The decision on this application will be made by the Community Development Director. Prior to the decision, there is an opportunity for the public to submit written comments. **Written comments must be received prior to 5:00 p.m. on October 31, 2013.** Send written comments to the project planner (see below). Please indicate your name and address and refer to the file indicated above. Only people who submitted comments as indicated above may appeal the decision on this application.

Project Planner (for written comments and more information)
Liz Olmstead
Department of Community Development
City of Burien
400 SW 152nd Street (Suite 300)
Burien, WA 98166-3066
Phone: (206) 812-7575 E-Mail: elizabetho@burienwa.gov

Published in the Seattle Times
Date of Notice: October 10, 2013

cc: Burien City Council
Burien Staff
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Notice of Decision

City of Burien

400 SW 152nd Street (Suite 300)

Burien, Washington 98166

Date	October 18, 2013
Applicant	Schwin Chaosilapakul, Patrick Harron & Associates
Proposal	Short Plat One Residential Lot Into Three Residential Lots
File No.	PLA 13-1255
Location	806 SW 132 nd Street, Burien, Washington
Tax Parcel No.	182304-9094
Decision	Preliminary Approval with Conditions
Appeals	<p>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 5:00 p.m. on October 28, 2013. 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).</p>
Property Tax Revaluation	<p>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.</p>
Project Planner	<p>Liz Olmstead Department of Community Development City of Burien 400 SW 152nd Street (Suite 300) Burien, WA 98166 Phone: (206) 812-7575 E-Mail: elizabetho@burienwa.gov</p>
Attachments	Conditions of Approval

CONDITIONS OF PRELIMINARY SHORT PLAT APPROVAL

Feeney Short Plat, PLA 13-1255

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. This attachment does not include all of the additional requirements. When a condition of approval below conflicts with a development requirement in this document, the condition of approval shall be followed.

1. Prior to recording the short plat, the applicant shall:
 - a. Modify the final short plat map according to the Development Engineer's comments as outlined in the Memorandum dated October 7, 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 Engineer's Memorandum dated October 17, 2013 and the Surface Water Management Engineer's Memorandum dated October 16, 2013.
 - c. Submit 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.
 - d. Submit approved plans and install utilities approved by the appropriate Utility Districts.
 - e. Submit a Declaration of Covenant for private maintenance and operation of on-site drainage facilities for City review and recording against the property.
 - f. Submit calculations demonstrating compliance with the requirement to retain 30% of the significant trees on the lot or include a statement on the final plat map that no trees will be removed as part of the short plat process and that all future construction will be required to meet the City of Burien standards for significant tree preservation in conformance with BMC 19.25.
 - g. 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. Update plans as outlined in the Development Engineer's Memorandum dated October 17, 2013 and the Surface Water Management Engineer's Memorandum dated October 16, 2013.
 - b. Submit a channelization and signing plan prior to issuance of development permits.
 - c. Submit restoration, performance, and maintenance securities in forms acceptable to the City must be posted for required site and right-of-way improvements per BMC 17.35.130(1) (e) and Section 1.2.7 KCSWDM, KCC Title 9, and KCC Title 27A.
 - d. Have inspected on-site road and drainage improvements according to the required inspections as listed in the BRS Chapter 9 (construction control and inspection). Special inspection of drainage facilities is required by the engineer of record.
 - e. Submit a Declaration of Covenant must be recorded prior to engineering plan approval per page 1-45 of the 2009 KCSWDM.
 - f. Submit as-built drawings shall be prepared by a professional surveyor in accordance with the City of Burien checklist of 2008 BRS and 2009 KCSWDM to the City of Burien prior to final inspection of clearing and grading permit and prior to final inspection of any house on site.
 - g. Substantially refine and update the stormwater control facilities and TIR prior to issuance of development permits for any construction activities on-site.
 - h. Provide a full field inspection (Level 1 inspection). The Level 1 inspection shall include all components in the section 2.3.1 of KCSWDM.
 - i. Obtain a Department of Ecology Construction Stormwater General Permit (also known as "NPDES" permit) shall be required. The applicant must submit the Notice of Intent (NOI) to Ecology at least 60 days prior to discharging stormwater from construction activities. More detail about the permit can be found at <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>
5. Prior to issuance of building permits for future development on lots 2 and 3, the Applicant shall pay a Transportation Impact Fee as set forth in Table 19.35-2.