



CITY COUNCIL MEETING AGENDA

December 2, 2013

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

7:00 p.m. – Regular Meeting

PAGE NO.

- | | | |
|---|---|---|
| 1. CALL TO ORDER | | |
| 2. PLEDGE OF ALLEGIANCE | | |
| 3. ROLL CALL | | |
| 4. AGENDA CONFIRMATION | | |
| 5. PUBLIC COMMENT | 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 | None received. | |
| 7. CONSENT AGENDA | <ul style="list-style-type: none"> a. Approval of Check Register: Numbers 36196 - 36298 in the Amounts of \$333,925.58 for Payment on December 2, 2013; and Payroll Salaries and Benefits Numbers 5984 - 5995 for Direct Deposits and Wire Transfers in the Amount of \$220,994.51 for November 1 - 15, 2013, Paid on November 20, 2013. b. Approval of Minutes: Regular Meeting, November 18, 2013. c. Motion to Adopt Ordinance No. 591, Relating to 2013 Comprehensive Plan and Zoning Code Amendments and Adopting Findings. d. Motion to Adopt Ordinance No. 596, Authorizing an Interfund Loan to the Parks and General Government Capital Projects Fund from the General Fund. | <p>3.</p> <p>19.</p> <p>23.</p> <p>35.</p> |
| 8. BUSINESS AGENDA | <ul style="list-style-type: none"> a. Update on Downtown Bike Rack Project. b. Public Hearing and Discussion on Proposed Ordinance No. 593, Adopting a Cable Franchise Renewal Until December 31, 2014. c. Adoption of Ordinance No. 588, Amending the 2013-2014 Biennial Budget. d. Motion to Adopt Proposed Resolution No. 352, Entering Findings of Fact and Conclusions of Law Regarding Preliminary Approval of the Westview Subdivision. e. Motion to Approve Appointment to the Parks and Recreation Board. f. Discussion on a Motion to Approve an Interlocal Agreement Between Highline Public Schools and the Cities of Burien, Des Moines, Normandy Park and SeaTac. | <p>37.</p> <p>73.</p> <p>159.</p> <p>213.</p> <p>419.</p> <p>421.</p> |

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

CITY COUNCIL MEETING AGENDA

December 2, 2013

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|---|---|------|
| 8. BUSINESS AGENDA (cont'd.) | g. Discussion of Draft Ordinance No. 594, Relating to Legal Holidays. | 433. |
| | h. Discussion on Amending the Acknowledgement Policy. | 439. |
| | i. City Manager's Report. | 445. |
| 9. COUNCIL BUSINESS | | |
| 10. ADJOURNMENT | | |

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 2nd day of December 2013 THE FOLLOWING:

CHECK NOS. 36196-36298

IN THE AMOUNTS OF \$333,925.58

WITH VOIDED CHECK NOS. 0

PAYROLL SALARIES AND BENEFITS APPROVAL

FOR November 1st - November 15th PAID ON 20th November 2013

CHECK NOS. 5984-5995

DIRECT DEPOSITS AND WIRE TRANSFERS IN THE AMOUNT OF: \$220,994.51

Accounts Payable
Checks for Approval



User: cathy
Printed: 11/26/2013 - 9:21 AM

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Amount |
|--------------|------------|-------------------------------|-------------------------------|------------------------------|--------|
| 36196 | 12/02/2013 | General Fund | Office And Operating Supplies | Ace Hardware | 3.26 |
| 36196 | 12/02/2013 | General Fund | Office and Operating Supplies | Ace Hardware | 10.90 |
| 36196 | 12/02/2013 | General Fund | Office and Operating Supplies | Ace Hardware | 12.03 |
| 36196 | 12/02/2013 | General Fund | Office and Operating Supplies | Ace Hardware | 5.25 |
| 36196 | 12/02/2013 | General Fund | Office and Operating Supplies | Ace Hardware | 38.26 |
| 36196 | 12/02/2013 | General Fund | Office and Operating Supplies | Ace Hardware | 18.57 |
| 36196 | 12/02/2013 | General Fund | Office and Operating Supplies | Ace Hardware | 33.38 |
| 36196 | 12/02/2013 | General Fund | Office and Operating Supplies | Ace Hardware | 7.11 |
| 36196 | 12/02/2013 | General Fund | Office and Operating Supplies | Ace Hardware | 5.17 |
| 36196 | 12/02/2013 | General Fund | Drug Seizure Proceeds KCSO | Ace Hardware | 20.62 |
| 36196 | 12/02/2013 | General Fund | Office/Operating Supplies | Ace Hardware | 17.91 |
| 36196 | 12/02/2013 | General Fund | Office/Operating Supplies | Ace Hardware | 21.86 |
| 36196 | 12/02/2013 | General Fund | Office/Operating Supplies | Ace Hardware | 51.44 |
| 36196 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | Ace Hardware | 26.21 |
| 36196 | 12/02/2013 | General Fund | Office And Operating Supplies | Ace Hardware | 78.66 |
| Check Total: | | | | | 350.63 |
| 36197 | 12/02/2013 | General Fund | Repairs And Maintenance | Tyco Integrated Security LLC | 93.77 |
| Check Total: | | | | | 93.77 |
| 36198 | 12/02/2013 | Street Fund | Office And Operating Supplies | Alpine Fence Company | 376.43 |
| Check Total: | | | | | 376.43 |
| 36199 | 12/02/2013 | General Fund | Repairs And Maintenance | All Purpose Door Repair | 683.28 |
| Check Total: | | | | | 683.28 |
| 36200 | 12/02/2013 | General Fund | Office And Operating Supplies | Aramark Uniform Services | 25.52 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Amount |
|--------------|------------|-------------------------------|-------------------------------|------------------------------|--------|
| | | | | Check Total: | 25.52 |
| 36201 | 12/02/2013 | General Fund | Dues/memberships | Arbor Day Foundation | 15.00 |
| | | | | Check Total: | 15.00 |
| 36202 | 12/02/2013 | General Fund | Dues/memberships | ArtsEdWashington | 100.00 |
| | | | | Check Total: | 100.00 |
| 36203 | 12/02/2013 | Surface Water Management Fund | Dues/Memberships | American Society of Civil | 130.00 |
| 36203 | 12/02/2013 | Street Fund | Dues/Memberships | American Society of Civil | 130.00 |
| | | | | Check Total: | 260.00 |
| 36204 | 12/02/2013 | General Fund | Professional Services | Kenneth Barger | 45.00 |
| | | | | Check Total: | 45.00 |
| 36205 | 12/02/2013 | General Fund | Instructors Prof Srvs | Jay Battle | 300.00 |
| | | | | Check Total: | 300.00 |
| 36206 | 12/02/2013 | General Fund | Telephone | JACK BLOCK JR | 55.48 |
| | | | | Check Total: | 55.48 |
| 36207 | 12/02/2013 | General Fund | Prof. Svcs-Instructors | Eileen Broomell | 189.00 |
| | | | | Check Total: | 189.00 |
| 36208 | 12/02/2013 | Street Fund | Office And Operating Supplies | Bryant's Tractor & Mower Inc | 39.58 |
| 36208 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | Bryant's Tractor & Mower Inc | 39.59 |
| 36208 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | Bryant's Tractor & Mower Inc | 273.73 |
| 36208 | 12/02/2013 | Street Fund | Office And Operating Supplies | Bryant's Tractor & Mower Inc | 273.74 |
| 36208 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | Bryant's Tractor & Mower Inc | 14.78 |
| 36208 | 12/02/2013 | Street Fund | Office And Operating Supplies | Bryant's Tractor & Mower Inc | 14.78 |
| | | | | Check Total: | 656.20 |
| 36209 | 12/02/2013 | General Fund | Office and Operating Supplies | Burien Bark LLC | 69.97 |
| 36209 | 12/02/2013 | General Fund | Office and Operating Supplies | Burien Bark LLC | 34.99 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Amount |
|--------------|------------|-------------------------------|--------------------------------|--------------------|----------|
| 36209 | 12/02/2013 | General Fund | Office and Operating Supplies | Burien Bark LLC | 34.99 |
| 36209 | 12/02/2013 | General Fund | Office and Operating Supplies | Burien Bark LLC | 34.98 |
| Check Total: | | | | | 174.93 |
| 36210 | 12/02/2013 | General Fund | Machinery & Equipment | CDW-G | 1,178.75 |
| Check Total: | | | | | 1,178.75 |
| 36211 | 12/02/2013 | General Fund | Telephone | ROSE CLARK | 53.62 |
| Check Total: | | | | | 53.62 |
| 36212 | 12/02/2013 | General Fund | Professional Services | CleanScapes Inc | 1,244.59 |
| 36212 | 12/02/2013 | General Fund | Professional Services | CleanScapes Inc | 431.16 |
| Check Total: | | | | | 1,675.75 |
| 36213 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | Cardmember Service | 23.98 |
| 36213 | 12/02/2013 | General Fund | Website | Cardmember Service | 59.90 |
| 36213 | 12/02/2013 | General Fund | Registration - Trainng/Workshp | Cardmember Service | 420.00 |
| 36213 | 12/02/2013 | General Fund | Registration - Trainng/Workshp | Cardmember Service | 420.00 |
| 36213 | 12/02/2013 | General Fund | Registration - Trainng/Workshp | Cardmember Service | 281.80 |
| 36213 | 12/02/2013 | General Fund | Registration - Trainng/Workshp | Cardmember Service | 281.80 |
| 36213 | 12/02/2013 | General Fund | Miscellaneous | Cardmember Service | 50.00 |
| 36213 | 12/02/2013 | General Fund | Office/Operating Supplies | Cardmember Service | 382.14 |
| 36213 | 12/02/2013 | General Fund | Office and Operating Supplies | Cardmember Service | 2,269.60 |
| 36213 | 12/02/2013 | General Fund | Office and Operating Supplies | Cardmember Service | 157.94 |
| 36213 | 12/02/2013 | General Fund | Office and Operating Supplies | Cardmember Service | 24.44 |
| 36213 | 12/02/2013 | General Fund | Office and Operating Supplies | Cardmember Service | 23.64 |
| 36213 | 12/02/2013 | General Fund | Office and Operating Supplies | Cardmember Service | 398.57 |
| 36213 | 12/02/2013 | General Fund | Senior Trips | Cardmember Service | 180.00 |
| 36213 | 12/02/2013 | General Fund | Office and Operating Supplies | Cardmember Service | 85.44 |
| 36213 | 12/02/2013 | General Fund | Office And Operating Supplies | Cardmember Service | 80.33 |
| 36213 | 12/02/2013 | General Fund | Office and Operating Supplies | Cardmember Service | 543.81 |
| 36213 | 12/02/2013 | General Fund | Office and Operating Supplies | Cardmember Service | 8.75 |
| 36213 | 12/02/2013 | General Fund | Office and Operating Supplies | Cardmember Service | -45.65 |
| 36213 | 12/02/2013 | General Fund | Office And Operating Supplies | Cardmember Service | 187.86 |
| 36213 | 12/02/2013 | General Fund | Office and Operating Supplies | Cardmember Service | 29.54 |
| 36213 | 12/02/2013 | General Fund | Office and Operating Supplies | Cardmember Service | 124.51 |
| 36213 | 12/02/2013 | General Fund | Office and Operating Supplies | Cardmember Service | 10.93 |
| 36213 | 12/02/2013 | General Fund | Office and Operating Supplies | Cardmember Service | 91.00 |
| 36213 | 12/02/2013 | General Fund | Office and Operating Supplies | Cardmember Service | 79.98 |
| 36213 | 12/02/2013 | General Fund | Office And Operating Supplies | Cardmember Service | 2.63 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Amount |
|--------------|------------|-------------------------------|--------------------------------|----------------------------|----------|
| 36213 | 12/02/2013 | General Fund | Office And Operating Supplies | Cardmember Service | 242.18 |
| 36213 | 12/02/2013 | General Fund | Office and Operating Supplies | Cardmember Service | 532.99 |
| 36213 | 12/02/2013 | General Fund | Senior Trips | Cardmember Service | 100.00 |
| 36213 | 12/02/2013 | General Fund | Office And Operating Supplies | Cardmember Service | 71.48 |
| 36213 | 12/02/2013 | Surface Water Management Fund | Registration - Trainng/Workshp | Cardmember Service | 395.00 |
| 36213 | 12/02/2013 | General Fund | Other Travel | Cardmember Service | 11.00 |
| 36213 | 12/02/2013 | General Fund | Office And Operating Supplies | Cardmember Service | 130.52 |
| 36213 | 12/02/2013 | General Fund | Office and Operating Supplies | Cardmember Service | 646.26 |
| 36213 | 12/02/2013 | General Fund | Software Subscription Fees | Cardmember Service | 59.95 |
| Check Total: | | | | | 8,362.32 |
| 36214 | 12/02/2013 | General Fund | Drug Seizure Proceeds KCSO | COMCAST | 69.95 |
| Check Total: | | | | | 69.95 |
| 36215 | 12/02/2013 | General Fund | Professional Services | CTS Language Link | 22.88 |
| Check Total: | | | | | 22.88 |
| 36216 | 12/02/2013 | General Fund | Software Subscription Fees | City of Bellevue Treasurer | 3,191.95 |
| Check Total: | | | | | 3,191.95 |
| 36217 | 12/02/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | 15.28 |
| 36217 | 12/02/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | 61.81 |
| 36217 | 12/02/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | 170.71 |
| 36217 | 12/02/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | 31.34 |
| 36217 | 12/02/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | 182.66 |
| 36217 | 12/02/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | 69.35 |
| 36217 | 12/02/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | 100.27 |
| 36217 | 12/02/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | 15.97 |
| 36217 | 12/02/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | 15.48 |
| 36217 | 12/02/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | 91.01 |
| 36217 | 12/02/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | 250.07 |
| 36217 | 12/02/2013 | Street Fund | Utilities-Street Lighting | City of Seattle | 46.31 |
| 36217 | 12/02/2013 | Street Fund | Utilities-Street Lighting | City of Seattle | 20.14 |
| 36217 | 12/02/2013 | Street Fund | Utilities-Street Lighting | City of Seattle | 9.78 |
| 36217 | 12/02/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | 308.93 |
| 36217 | 12/02/2013 | Street Fund | Utilities-Street Lighting | City of Seattle | 11.41 |
| 36217 | 12/02/2013 | Street Fund | Utilities-Street Lighting | City of Seattle | 4,943.13 |
| 36217 | 12/02/2013 | Street Fund | Utilities - Traffic Signals | City of Seattle | 382.17 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Amount | |
|--------------|------------|-------------------------------|--------------------------------|--------------------------------|--------------|------------|
| | | | | | Check Total: | 6,725.82 |
| 36218 | 12/02/2013 | Street Fund | Operating Rentals And Leases | City of SeaTac | 287.50 | |
| 36218 | 12/02/2013 | Surface Water Management Fund | Operating Rentals And Leases | City of SeaTac | 287.50 | |
| | | | | | Check Total: | 575.00 |
| 36219 | 12/02/2013 | General Fund | Prof. Svcs-Instructors | Donald Custer | 800.00 | |
| | | | | | Check Total: | 800.00 |
| 36220 | 12/02/2013 | Transportation CIP | Construction | DPK Inc. | 117,111.24 | |
| | | | | | Check Total: | 117,111.24 |
| 36221 | 12/02/2013 | General Fund | Office/Operating Supplies | Dunn Lumber Co. | 8.75 | |
| 36221 | 12/02/2013 | Surface Water Management Fund | Minor Tools & Equipment | Dunn Lumber Co. | 103.07 | |
| 36221 | 12/02/2013 | Street Fund | Small Tools & Minor Equipments | Dunn Lumber Co. | 103.07 | |
| 36221 | 12/02/2013 | General Fund | Office/Operating Supplies | Dunn Lumber Co. | 476.69 | |
| | | | | | Check Total: | 691.58 |
| 36222 | 12/02/2013 | General Fund | Admission and Entrance Fees | Evergreen Comm. Aquatic Center | 578.94 | |
| 36222 | 12/02/2013 | General Fund | Admission and Entrance Fees | Evergreen Comm. Aquatic Center | 244.50 | |
| | | | | | Check Total: | 823.44 |
| 36223 | 12/02/2013 | General Fund | Repairs And Maintenance | Economy Septic Service Inc | 394.20 | |
| | | | | | Check Total: | 394.20 |
| 36224 | 12/02/2013 | General Fund | Telephone | ROBERT EDGAR | 71.95 | |
| | | | | | Check Total: | 71.95 |
| 36225 | 12/02/2013 | General Fund | Publications | EDM Publishers | 98.78 | |
| | | | | | Check Total: | 98.78 |
| 36226 | 12/02/2013 | Surface Water Management Fund | Professional Services | NIC A. EVERSON | 85.00 | |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Amount |
|--------------|------------|-------------------------------|-------------------------------|------------------------------|----------|
| | | | | Check Total: | 85.00 |
| 36227 | 12/02/2013 | General Fund | Office and Operating Supplies | FASTSIGNS | 594.65 |
| | | | | Check Total: | 594.65 |
| 36228 | 12/02/2013 | General Fund | Instructors Prof Srvs | Deborah King | 150.00 |
| | | | | Check Total: | 150.00 |
| 36229 | 12/02/2013 | General Fund | Public Defender | Ganem Law PLLC | 292.50 |
| | | | | Check Total: | 292.50 |
| 36230 | 12/02/2013 | Street Fund | Repairs & Maint. - Fleet | Genuine Parts Co. Seattle-DC | 118.52 |
| 36230 | 12/02/2013 | Surface Water Management Fund | Repairs & Maint. - Fleet | Genuine Parts Co. Seattle-DC | 118.53 |
| | | | | Check Total: | 237.05 |
| 36231 | 12/02/2013 | General Fund | Utilities | Glendale Heating | 1,708.81 |
| | | | | Check Total: | 1,708.81 |
| 36232 | 12/02/2013 | Surface Water Management Fund | Mileage | BENJAMIN GUMMERE | 54.92 |
| | | | | Check Total: | 54.92 |
| 36233 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | HD Fowler Company | 2,822.67 |
| | | | | Check Total: | 2,822.67 |
| 36234 | 12/02/2013 | Street Fund | Repairs & Maint. - Fleet | Hi-line Auto Electric, Inc. | 104.86 |
| 36234 | 12/02/2013 | Surface Water Management Fund | Repairs & Maint. - Fleet | Hi-line Auto Electric, Inc. | 106.19 |
| 36234 | 12/02/2013 | Street Fund | Repairs & Maint. - Fleet | Hi-line Auto Electric, Inc. | 106.19 |
| | | | | Check Total: | 317.24 |
| 36235 | 12/02/2013 | General Fund | Repair and Maintenance | Harrington Mailbox | 1,631.55 |
| | | | | Check Total: | 1,631.55 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Amount |
|--------------|------------|-------------------------------|--------------------------------|------------------------------|----------|
| 36236 | 12/02/2013 | General Fund | Operating Rentals and Leases | Head-quarters | 81.50 |
| Check Total: | | | | | 81.50 |
| 36237 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | ICON Materials | 100.13 |
| 36237 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | ICON Materials | 171.92 |
| 36237 | 12/02/2013 | Street Fund | Office And Operating Supplies | ICON Materials | 79.05 |
| 36237 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | ICON Materials | 257.87 |
| 36237 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | ICON Materials | 644.68 |
| 36237 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | ICON Materials | 463.00 |
| Check Total: | | | | | 1,716.65 |
| 36238 | 12/02/2013 | General Fund | Operating Rentals And Leases | RICOH USA Inc | 859.14 |
| Check Total: | | | | | 859.14 |
| 36239 | 12/02/2013 | General Fund | Miscellaneous | Iron Mountain | 729.31 |
| Check Total: | | | | | 729.31 |
| 36240 | 12/02/2013 | General Fund | Miscellaneous | Iron Mountain | 162.60 |
| 36240 | 12/02/2013 | General Fund | Miscellaneous | Iron Mountain | 458.84 |
| Check Total: | | | | | 621.44 |
| 36241 | 12/02/2013 | General Fund | Miscellaneous | Ingallina's Box Lunch Inc | 47.03 |
| Check Total: | | | | | 47.03 |
| 36242 | 12/02/2013 | General Fund | Citizens Patrol/ Crime Prevent | Interstate Tire & Automotive | 43.76 |
| Check Total: | | | | | 43.76 |
| 36243 | 12/02/2013 | General Fund | Telephone | LUCY KRAKOWIAK | 54.99 |
| Check Total: | | | | | 54.99 |
| 36244 | 12/02/2013 | Street Fund | Office And Operating Supplies | King County Fleet Adm | 95.05 |
| 36244 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | King County Fleet Adm | 95.04 |
| 36244 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | King County Fleet Adm | 320.62 |
| 36244 | 12/02/2013 | Street Fund | Office And Operating Supplies | King County Fleet Adm | 320.62 |
| 36244 | 12/02/2013 | Street Fund | Office And Operating Supplies | King County Fleet Adm | 1,243.51 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Amount |
|--------------|------------|-------------------------------|--------------------------------|--------------------------------|-----------|
| 36244 | 12/02/2013 | Street Fund | Office And Operating Supplies | King County Fleet Adm | 14.61 |
| 36244 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | King County Fleet Adm | 14.60 |
| 36244 | 12/02/2013 | Street Fund | Repairs & Maint. - Fleet | King County Fleet Adm | 15.08 |
| 36244 | 12/02/2013 | Surface Water Management Fund | Repairs & Maint. - Fleet | King County Fleet Adm | 15.07 |
| Check Total: | | | | | 2,134.20 |
| 36245 | 12/02/2013 | General Fund | IT Misc Professional Services | King County Finance- GIS Cente | 897.49 |
| 36245 | 12/02/2013 | Surface Water Management Fund | Registration - Trainng/Workshp | King County Finance- GIS Cente | 1,275.00 |
| Check Total: | | | | | 2,172.49 |
| 36246 | 12/02/2013 | Street Fund | Professional Services | KING COUNTY FINANCE | 2,107.00 |
| 36246 | 12/02/2013 | Surface Water Management Fund | Professional Services | KING COUNTY FINANCE | 2,107.00 |
| 36246 | 12/02/2013 | Surface Water Mgmt CIP | Construction | KING COUNTY FINANCE | 63,865.93 |
| Check Total: | | | | | 68,079.93 |
| 36247 | 12/02/2013 | General Fund | Drug Seizure Proceeds KCSO | KC Sheriff Det. RCrenshaw | 491.00 |
| Check Total: | | | | | 491.00 |
| 36248 | 12/02/2013 | Surface Water Management Fund | Miller/Salmon/Seola Basin Plan | King County Office of Finance | 11,535.72 |
| 36248 | 12/02/2013 | Surface Water Management Fund | Permits & Monitoring | King County Office of Finance | 5,851.00 |
| Check Total: | | | | | 17,386.72 |
| 36249 | 12/02/2013 | General Fund | Attorney Srvc - Gen'l Matters | Kenyon Disend, PLLC | 8,445.06 |
| 36249 | 12/02/2013 | General Fund | Attorney Srvc - Gen'l Matters | Kenyon Disend, PLLC | 78.54 |
| Check Total: | | | | | 8,523.60 |
| 36250 | 12/02/2013 | Transportation CIP | Design | KPG, Inc. | 20,160.45 |
| Check Total: | | | | | 20,160.45 |
| 36251 | 12/02/2013 | Street Fund | Repairs & Maint. - Fleet | Les Schwab | 415.46 |
| 36251 | 12/02/2013 | Surface Water Management Fund | Repairs & Maint. - Fleet | Les Schwab | 415.46 |
| Check Total: | | | | | 830.92 |
| 36252 | 12/02/2013 | Street Fund | Office And Operating Supplies | McLendon Hardware Inc | 32.54 |
| 36252 | 12/02/2013 | Street Fund | Office And Operating Supplies | McLendon Hardware Inc | 10.84 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Amount |
|--------------|------------|-------------------------------|--------------------------------|--------------------------------|----------|
| 36252 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | McLendon Hardware Inc | 10.84 |
| 36252 | 12/02/2013 | General Fund | Office/Operating Supplies | McLendon Hardware Inc | 303.79 |
| 36252 | 12/02/2013 | General Fund | Small Tools & Equipment | McLendon Hardware Inc | 28.19 |
| 36252 | 12/02/2013 | Street Fund | Office And Operating Supplies | McLendon Hardware Inc | 39.04 |
| 36252 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | McLendon Hardware Inc | 130.15 |
| Check Total: | | | | | 555.39 |
| 36253 | 12/02/2013 | General Fund | Sales Tax Auditing Costs | Microflex Inc | 28.84 |
| Check Total: | | | | | 28.84 |
| 36254 | 12/02/2013 | General Fund | Instructors Prof Srvs | Paul Miller | 450.00 |
| 36254 | 12/02/2013 | General Fund | Instructors Prof Srvs | Paul Miller | 400.00 |
| Check Total: | | | | | 850.00 |
| 36255 | 12/02/2013 | General Fund | Dues/Memberships/Registrations | National Public Employer Labor | 200.00 |
| Check Total: | | | | | 200.00 |
| 36256 | 12/02/2013 | General Fund | Building Maintenance | OpenWorks-Billing Agent | 1,003.00 |
| 36256 | 12/02/2013 | General Fund | Building Maintenance | OpenWorks-Billing Agent | 605.00 |
| Check Total: | | | | | 1,608.00 |
| 36257 | 12/02/2013 | Street Fund | Repairs & Maint. - Fleet | OReilly Auto Parts | 31.74 |
| 36257 | 12/02/2013 | Surface Water Management Fund | Repairs & Maint. - Fleet | OReilly Auto Parts | 31.75 |
| 36257 | 12/02/2013 | Surface Water Management Fund | Repairs & Maint. - Fleet | OReilly Auto Parts | 26.58 |
| 36257 | 12/02/2013 | Street Fund | Repairs & Maint. - Fleet | OReilly Auto Parts | 26.59 |
| Check Total: | | | | | 116.66 |
| 36258 | 12/02/2013 | General Fund | Prof. Svcs-Instructors | Fritzi Oxley | 24.00 |
| Check Total: | | | | | 24.00 |
| 36259 | 12/02/2013 | General Fund | Professional Services | Pacific Stage Inc | 750.00 |
| 36259 | 12/02/2013 | General Fund | Professional Services | Pacific Stage Inc | 1,640.00 |
| Check Total: | | | | | 2,390.00 |
| 36260 | 12/02/2013 | General Fund | Operating Rentals And Leases | Park Place Professional Bldg | 490.00 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Amount | |
|--------------|------------|-------------------------------|-------------------------------|--------------------------------|--------------|-----------|
| | | | | | Check Total: | 490.00 |
| 36261 | 12/02/2013 | Street Fund | Office And Operating Supplies | Partner Construction Products | 441.29 | |
| 36261 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | Partner Construction Products | 441.28 | |
| | | | | | Check Total: | 882.57 |
| 36262 | 12/02/2013 | General Fund | Mileage | Petty Cash Custodian | 19.32 | |
| 36262 | 12/02/2013 | General Fund | Travel | Petty Cash Custodian | 13.00 | |
| 36262 | 12/02/2013 | General Fund | Miscellaneous | Petty Cash Custodian | 3.98 | |
| 36262 | 12/02/2013 | General Fund | Mileage | Petty Cash Custodian | 20.02 | |
| 36262 | 12/02/2013 | General Fund | Miscellaneous | Petty Cash Custodian | 7.66 | |
| 36262 | 12/02/2013 | General Fund | Office/Operating Supplies | Petty Cash Custodian | 25.63 | |
| 36262 | 12/02/2013 | General Fund | Mileage | Petty Cash Custodian | 8.48 | |
| 36262 | 12/02/2013 | General Fund | Wellness Activities | Petty Cash Custodian | 2.19 | |
| 36262 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | Petty Cash Custodian | 7.78 | |
| 36262 | 12/02/2013 | General Fund | Wellness Activities | Petty Cash Custodian | 28.52 | |
| 36262 | 12/02/2013 | General Fund | Miscellaneous | Petty Cash Custodian | 21.77 | |
| 36262 | 12/02/2013 | General Fund | Mileage | Petty Cash Custodian | 20.11 | |
| 36262 | 12/02/2013 | General Fund | Mileage | Petty Cash Custodian | 4.52 | |
| | | | | | Check Total: | 182.98 |
| 36263 | 12/02/2013 | Street Fund | Office And Operating Supplies | Pacific Industrial Supply | 98.88 | |
| 36263 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | Pacific Industrial Supply | 98.88 | |
| 36263 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | Pacific Industrial Supply | 250.32 | |
| | | | | | Check Total: | 448.08 |
| 36264 | 12/02/2013 | General Fund | Operating Rentals And Leases | PRG Investment Company, LLC | 2,000.00 | |
| | | | | | Check Total: | 2,000.00 |
| 36265 | 12/02/2013 | General Fund | Bldg Security | Protection One Alarm Monitorin | 47.38 | |
| | | | | | Check Total: | 47.38 |
| 36266 | 12/02/2013 | General Fund | Memberships | Puget Sound Regional Council | 1,147.00 | |
| 36266 | 12/02/2013 | General Fund | Memberships | Puget Sound Regional Council | 13,062.00 | |
| | | | | | Check Total: | 14,209.00 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Amount |
|--------------|------------|--------------|--------------------------------|-------------------------------|----------|
| 36267 | 12/02/2013 | General Fund | Miscellaneous | Ramlyn Engraving & Sign Co. | 65.70 |
| | | | | Check Total: | 65.70 |
| 36268 | 12/02/2013 | General Fund | Refund Clearing Account -Parks | King County Prosecuting Atty. | 750.00 |
| | | | | Check Total: | 750.00 |
| 36269 | 12/02/2013 | General Fund | Business & Occupation Tax | Mitchell Hardware Inc | 3,228.33 |
| | | | | Check Total: | 3,228.33 |
| 36270 | 12/02/2013 | General Fund | Business & Occupation Tax | Public Storage | 1,177.99 |
| 36270 | 12/02/2013 | General Fund | Business & Occupation Tax | Public Storage | 965.04 |
| | | | | Check Total: | 2,143.03 |
| 36271 | 12/02/2013 | General Fund | Refund Clearing Account -Parks | Dorcas Alonzo | 125.00 |
| | | | | Check Total: | 125.00 |
| 36272 | 12/02/2013 | General Fund | Instructors Prof Srvs | Emily Ruppert | 450.00 |
| | | | | Check Total: | 450.00 |
| 36273 | 12/02/2013 | Street Fund | Lodging | GREG RUTKOSKY | 175.26 |
| 36273 | 12/02/2013 | Street Fund | Meals | GREG RUTKOSKY | 41.89 |
| | | | | Check Total: | 217.15 |
| 36274 | 12/02/2013 | General Fund | Printing/Binding/Copying | SafeChecks | 771.70 |
| | | | | Check Total: | 771.70 |
| 36275 | 12/02/2013 | General Fund | Office and Operating Supplies | Safeway Inc | 19.99 |
| 36275 | 12/02/2013 | General Fund | Office and Operating Supplies | Safeway Inc | 73.62 |
| 36275 | 12/02/2013 | General Fund | Office and Operating Supplies | Safeway Inc | 203.49 |
| 36275 | 12/02/2013 | General Fund | Office and Operating Supplies | Safeway Inc | 28.96 |
| 36275 | 12/02/2013 | General Fund | Office and Operating Supplies | Safeway Inc | 3.39 |
| 36275 | 12/02/2013 | General Fund | Office and Operating Supplies | Safeway Inc | 25.59 |
| | | | | Check Total: | 355.04 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Amount |
|--------------|------------|-------------------------------|--------------------------------|--------------------------------|----------|
| 36276 | 12/02/2013 | General Fund | Office and Operating Supplies | Seattle Pottery Supply Inc. | 96.31 |
| Check Total: | | | | | 96.31 |
| 36277 | 12/02/2013 | General Fund | Office Supplies | Seatown Locksmith | 21.90 |
| 36277 | 12/02/2013 | General Fund | Office Supplies | Seatown Locksmith | 9.86 |
| 36277 | 12/02/2013 | General Fund | Office Supplies | Seatown Locksmith | 22.45 |
| 36277 | 12/02/2013 | General Fund | Office And Operating Supplies | Seatown Locksmith | 109.50 |
| Check Total: | | | | | 163.71 |
| 36278 | 12/02/2013 | General Fund | Fuel/Gas Consumption | Shell Fleet Plus | 96.77 |
| 36278 | 12/02/2013 | General Fund | Citizens Patrol/ Crime Prevent | Shell Fleet Plus | 80.37 |
| 36278 | 12/02/2013 | General Fund | Fuel/Gas/Gasoline Consumption | Shell Fleet Plus | 274.14 |
| 36278 | 12/02/2013 | General Fund | Fuel/Gas/Gasoline Consumption | Shell Fleet Plus | 579.13 |
| 36278 | 12/02/2013 | General Fund | Fuel/Gas/Gasoline Consumption | Shell Fleet Plus | 205.06 |
| 36278 | 12/02/2013 | Street Fund | Fuel/Gas/Gasoline Consumption | Shell Fleet Plus | 2,054.56 |
| 36278 | 12/02/2013 | Surface Water Management Fund | Fuel/Gas/Gasoline Consumption | Shell Fleet Plus | 2,244.94 |
| Check Total: | | | | | 5,534.97 |
| 36279 | 12/02/2013 | General Fund | Dues/memberships | South King County Cultural Coa | 30.00 |
| Check Total: | | | | | 30.00 |
| 36280 | 12/02/2013 | General Fund | Instructors Prof Srvs | Skyhawks Sports Academy, Inc. | 381.15 |
| Check Total: | | | | | 381.15 |
| 36281 | 12/02/2013 | General Fund | Hearing Exam Nonreimbursed | Sound Law Center | 1,190.00 |
| 36281 | 12/02/2013 | General Fund | Professional Services | Sound Law Center | 493.50 |
| Check Total: | | | | | 1,683.50 |
| 36282 | 12/02/2013 | General Fund | Dues/Memberships | Springbrook Ntl User Group | 175.00 |
| Check Total: | | | | | 175.00 |
| 36283 | 12/02/2013 | Surface Water Management Fund | Minor Tools & Equipment | Solinst Canada Ltd. | 5,144.99 |
| Check Total: | | | | | 5,144.99 |
| 36284 | 12/02/2013 | General Fund | Other Travel | CASEY STANLEY | 49.22 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Amount |
|--------------|------------|-------------------------------|--------------------------------|-----------------------|----------|
| 36284 | 12/02/2013 | General Fund | Registration - Trainng/Workshp | CASEY STANLEY | 159.00 |
| | | | | Check Total: | 208.22 |
| 36285 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | Sunset Materials Inc | 611.98 |
| | | | | Check Total: | 611.98 |
| 36286 | 12/02/2013 | Street Fund | Repairs & Maint. - Fleet | Terex Utilities Inc | 1,095.80 |
| | | | | Check Total: | 1,095.80 |
| 36287 | 12/02/2013 | Surface Water Management Fund | Professional Services | The Work Clinic | 18.00 |
| | | | | Check Total: | 18.00 |
| 36288 | 12/02/2013 | General Fund | Prof. Svcs-Instructors | Sallie Tierney | 258.00 |
| | | | | Check Total: | 258.00 |
| 36289 | 12/02/2013 | General Fund | Postage | US Postal Service | 1,100.00 |
| | | | | Check Total: | 1,100.00 |
| 36290 | 12/02/2013 | General Fund | Repairs And Maintenance | Vortex Industries INc | 96.91 |
| | | | | Check Total: | 96.91 |
| 36291 | 12/02/2013 | Surface Water Management Fund | Office And Operating Supplies | DALTON WALSER | 35.58 |
| | | | | Check Total: | 35.58 |
| 36292 | 12/02/2013 | Surface Water Management Fund | Minor Tools & Equipment | Washington Tractor | 1,218.38 |
| 36292 | 12/02/2013 | Street Fund | Small Tools & Minor Equipments | Washington Tractor | 1,218.39 |
| 36292 | 12/02/2013 | Surface Water Management Fund | Minor Tools & Equipment | Washington Tractor | 162.04 |
| 36292 | 12/02/2013 | Street Fund | Office And Operating Supplies | Washington Tractor | 162.04 |
| | | | | Check Total: | 2,760.85 |
| 36293 | 12/02/2013 | General Fund | Dues/memberships | WCA Membership | 25.00 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Amount | |
|--------------|------------|-------------------------------|--------------------------------|-------------------------|---------------|------------|
| | | | | | Check Total: | 25.00 |
| 36294 | 12/02/2013 | General Fund | Utilities | King Co Water Dist 49 | 213.82 | |
| 36294 | 12/02/2013 | Street Fund | Landscape Maint - Utilities | King Co Water Dist 49 | 86.00 | |
| 36294 | 12/02/2013 | Street Fund | Landscape Maint - Utilities | King Co Water Dist 49 | 557.25 | |
| 36294 | 12/02/2013 | Street Fund | Landscape Maint - Utilities | King Co Water Dist 49 | 65.00 | |
| 36294 | 12/02/2013 | Street Fund | Landscape Maint - Utilities | King Co Water Dist 49 | 66.10 | |
| 36294 | 12/02/2013 | Street Fund | Landscape Maint - Utilities | King Co Water Dist 49 | 65.00 | |
| | | | | | Check Total: | 1,053.17 |
| 36295 | 12/02/2013 | General Fund | Subscriptions/Publications | West Payment Center | 425.20 | |
| | | | | | Check Total: | 425.20 |
| 36296 | 12/02/2013 | Street Fund | Operating Rentals And Leases | Wilken Properties, LLC | 2,783.16 | |
| 36296 | 12/02/2013 | Surface Water Management Fund | Operating Rentals And Leases | Wilken Properties, LLC | 2,783.17 | |
| | | | | | Check Total: | 5,566.33 |
| 36297 | 12/02/2013 | General Fund | Registration - Trainng/Workshp | WRPA | 249.00 | |
| | | | | | Check Total: | 249.00 |
| 36298 | 12/02/2013 | Transportation CIP | Construction Inspection | Washington State D.O.T. | 54.22 | |
| 36298 | 12/02/2013 | Transportation CIP | Design - Engineering | Washington State D.O.T. | 2,018.85 | |
| | | | | | Check Total: | 2,073.07 |
| | | | | | Report Total: | 337,925.58 |



CITY COUNCIL REGULAR MEETING MINUTES

November 18, 2013

6:00 p.m. - Special Meeting: Conduct Arts Commission interviews

6:30 p.m. – Special Meeting: For the purpose of holding an Executive Session to discuss real estate acquisition

7:00 p.m. – Regular Meeting

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

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

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

SPECIAL MEETINGS

Mayor Bennett called the Special Meetings of the Burien City Council to order at 6:00 p.m. for the purpose of conducting Arts Commission interviews and at 6:30 p.m. for the purpose of holding an Executive Session to discuss real estate acquisition per RCW 42.30.110(1)(b).

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

Administrative staff present: Craig Knutson, Interim City Manager and Dan Trimble, Economic Development Manager. Michael Lafreniere, Parks and Recreation Director was present for the Arts Commission interviews.

No action was taken.

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

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE

Mayor Bennett led the Pledge of Allegiance.

ROLL CALL

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

Administrative staff present: Craig Knutson, Interim City Manager; Dan Trimble, Economic Development Manager; Angie Chaufy, Human Resources Manager; Kim Krause, Finance Director; Tina Hemphill, Finance Analyst; Lori Fleming, Management/Contract Analyst; Maiya Andrews, Public Works Director; Michael Lafreniere, Parks, Recreation and Cultural Services Director; Debbie Zemke, Recreation Manager; and, Monica Lusk, City Clerk.



AGENDA CONFIRMATION

Direction/Action

Motion was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to affirm the November 18, 2013, Agenda.

PUBLIC COMMENT

Ronald Berry, 12022 14th Avenue South, Burien
Goodspaceguy, 10219 Ninth Avenue South, Boulevard Park
Meg Van Wyk, 16203 25th Avenue SW, Burien
Andrea Reay, 18427 2nd Avenue South, Burien
Debi Wagner, 1520 SW 158th Street, Burien
Quinton Thompson, 179 South 182nd Street, Burien

CORRESPONDENCE FOR THE RECORD

- a. Response from Community Development Director Chip Davis to Email Dated October 31, 2013, from Heather Couture.
- b. Email Dated November 4, 2013, from Chestine Edgar.

CONSENT AGENDA

- a. Approval of Check Register: Numbers 36065 - 36195 in the Amounts of \$1,324,875.42 for Payment on November 18, 2013; and Payroll Salaries and Benefits Numbers 5965 - 5983 for Direct Deposits and Wire Transfers in the Amount of \$308,479.18 for October 16 - 31, 2013, Paid on November 5, 2013.
- b. Approval of Minutes: Regular Meeting, November 4, 2013.
- c. Motion to Adopt Ordinance No. 595, Granting a Seattle City Light Franchise Agreement Extension.
- d. Motion to Approve the 2014 Legislative Priorities.

Direction/Action

Motion was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton, and passed unanimously to approve the November 18, 2013, Consent Agenda.

BUSINESS AGENDA

Public Hearing on Revenue Sources and Expenditures for 2013-2014 Mid-Biennial Budget Review and Update

Mayor Bennett opened the public hearing at 7:23 p.m.

Goodspaceguy, 10219 Ninth Avenue South, Boulevard Park

There being no further testimony, Mayor Bennett closed the public hearing at 7:27 p.m.

Discussion On and Possible Motion to Adopt Ordinance No. 596, Authorizing an Interfund Loan to the Parks and General Government Capital Projects Fund from the General Fund

Direction/Action

Councilmembers requested placing Ordinance No. 596 on the December 2, 2013, Consent Agenda for approval.

Discussion on 2013-2014 Mid-Biennial Budget Modification

Follow-up

Staff will provide when the car tab fee sunsets.

Direction/Action

Councilmembers requested placing Ordinance No. 591 on the December 2, 2013, Business Agenda for consideration.

Discussion and Potential Adoption of 2014 Property Tax Levy

Direction/Action

MOTION was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to adopt Ordinance No. 589 approving the 2014 Property Tax Levy.

Discussion and Potential Adoption of Ordinance No. 590, Increasing the City's Surface Water Management Service Charges and Amending Chapter 13.10 of the Burien Municipal Code

Follow-up

Staff will research if there is a minimum surface water service charge per parcel.

Direction/Action

MOTION was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to adopt Ordinance No. 590 approving the 2014 Surface Water Management Service fees and amending Chapter 13.10 of the Burien Municipal Code.

Motion to Approve Appointment to the Arts Commission

MOTION was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to appoint Jhoanna K. Whyte to City of Burien Arts Commission to an unexpired term beginning on November 18, 2013, and ending on March 31, 2017.

Motion on Revised Arts Fund Recommendation Process

Direction/Action

MOTION was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to approve the Revised Arts Fund Application, Review and Recommendation Process, as proposed by the Burien Arts Commission.

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

Direction/Action

MOTION was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to approve the Interlocal Agreement with the Port of Seattle for the Northeast Redevelopment Area.

Introduction to 2013 Comprehensive Plan Map Amendment and Rezone Request for Navos (Ruth Dykeman Children's Center)

Direction/Action

Councilmembers requested placing Ordinance No. 591 on the December 2, 2013, Consent Agenda for approval.

Review of Council Proposed Agenda Schedule

Direction/Action

Councilmembers reached consensus to schedule the Joint Use Agreement between the Highline School District and the Cities of Burien, Des Moines, Normandy Park and SeaTac; to defer the truck and speed limits items; and, to cancel the December 23 Study Session.

City Manager's Report

Interim City Manager Craig D. Knutson spoke to the proposed King County Metro Transit service reductions, and the Sound Cities annual meeting to be held on November 20, 2013.

COUNCIL BUSINESS

Councilmember Edgar noted that he attended the National League of Cities Annual Conference held in Seattle.

ADJOURNMENT

Direction/Action

MOTION was made by Deputy Mayor Krakowiak, seconded by Councilmember McGilton and passed unanimously to adjourn the November 18, 2013, meeting at 9:06 p.m.

Brian Bennett, Mayor

Monica Lusk, City Clerk

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 591

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, RELATING TO 2013 COMPREHENSIVE PLAN AND ZONING MAP AMENDMENTS, ADOPTING FINDINGS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council adopted the Comprehensive Plan of the City of Burien on November 17, 1997, pursuant to RCW Chapter 35A.63 and as required by the Growth Management Act ("GMA") of 1990, as amended; and

WHEREAS, the City Council adopted Resolution No. 342 on April 1, 2013, which established the docket of possible Comprehensive Plan amendments to be considered as part of the City's annual amendment package; and

WHEREAS, public notice was provided and the City of Burien Planning Commission held a public hearing on October 23, 2013 pertaining to proposed amendments to the zoning map, comprehensive plan map and zoning code amendments; and

WHEREAS, the City Council has received recommendations from the Planning Commission regarding the proposed amendments; and

WHEREAS, the City Council held public meetings on November 18, 2013 and December 2, 2013 to discuss the proposed amendments; and

WHEREAS, the City of Burien has complied with the requirements of the State Environmental Policy Act and the City Environmental Procedures Code; and

WHEREAS, the City of Burien provided the proposed comprehensive plan amendment to the Washington State Department of Commerce on September 20, 2013 and did not receive any comments by the 60-day comment deadline of November 19, 2013; and

WHEREAS, based on careful consideration of the facts and law, including without limitation, the King County Countywide Planning Policies, public testimony and the records and files on file with the office of the City Clerk including the following:

- Planning Commission meeting minutes of March 13, 2013, March 27, 2013, October 9, 2013 and October 23, 2013;
- City Council findings (attached Exhibit A)
 - o Docket Ref. No. 26, Navos Comprehensive Plan Map Amendment, Rezone Request and zoning code amendment;

the City Council finds that approval of amendments to the Comprehensive Plan and Zoning Maps attached hereto as Exhibit B comply with the requirements of the Washington State Growth Management Act and the City of Burien Zoning Code;

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

Section 1. Amendments to the Comprehensive Plan and Zoning Maps. The City Council hereby adopts the amendments to the Burien Comprehensive Plan and Zoning Maps, attached as Exhibit B, and further adopts the findings in support of said amendments, attached as Exhibit A, which Exhibit A is incorporated by this reference as if fully set forth herein.

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

Section 3. Effective Date. This ordinance, or a summary thereof, shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ____ DAY OF DECEMBER, 2013, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ____ DAY OF DECEMBER, 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: December ____, 2013
Passed by the City Council: December ____, 2013
Ordinance No. 591
Date of Publication: December ____, 2013

CITY OF BURIEN
Dept. of Community Development
15811 Ambaum Blvd SW Ste. C
Burien, WA 98166
(206) 248-5510

2013 Comprehensive Plan Map Amendment and Rezone Request
for
Navos (Ruth Dykeman Children's Center)

AMENDMENT REFERENCE NUMBER: 2013-1

APPLICANT(S): Chris Fiori with Heartland, LLC for Navos (Ruth Dykeman Children's Center), Property Owner

LOCATION: 1033 SW 152nd Street, Burien WA 98166 (See Attachment 1).

REQUEST(S):

1. Change Comprehensive Plan Designation from Moderate Density Residential Neighborhood to Special Planning Area 2.
2. Change Zoning Designation from RS-7,200 Single-Family Residential to SPA-2 Special Planning Area 2.

TAX PARCELNUMBER(S): 192304-9054

STAFF RECOMMENDATIONS:

1. Amend Comprehensive Plan Designation from Moderate Density Residential Neighborhood to Special Planning Area 2.
2. Amend Zoning Designation from RS-7,200 Single-Family Residential to Special Planning Area 2 (SPA-2).

FINDINGS

HISTORY (Comprehensive Plan):

1981: The King County Highline Community Plan designated the subject property as Community Facility.

1997: The City of Burien Comprehensive Plan designated the subject property as Downtown Commercial with a Special Enhancement Area overlay.

1999: The Burien Comprehensive Plan map designated the subject property as Special Planning Area 2.

2009: The Burien Comprehensive Plan map designation for this portion of the subject parcel was amended to Moderate Density residential Neighborhood by approval of Request No. 2008-7 (PLA 08-0838).

HISTORY (Zoning):

1981: The King County Zoning Map designated the subject properties RM-1,800.

1994: The City of Burien interim zoning map designated the property as R-24.

1999: The City of Burien zoning map designated the property as Special Planning Area 2 (SPA-2).

2009: The Burien zoning map designation for this portion of the subject parcel was amended to RS-7,200 Single-Family Residential by approval of Request No. 2008-7 (PLA 08-0838).

CURRENT LAND USES:

| Land Use | Status Under Current Plan and Zoning |
|--------------------------------|---|
| Community Residential Facility | Approved Master Plan, July 17, 2013 (PLA 13-0733) |

ADJACENT COMPREHENSIVE PLAN/ZONING DESIGNATIONS:

| Direction | Comp. Plan Designation | Zone | Current Uses |
|------------------|---|--|---|
| North | Low Density Multi-Family Neighborhood | RM-12 Residential Multiple Family | Multiple-family and Single-family residential |
| South | High Density Multi-Family Neighborhood and Moderate Density Residential | RS 7,200 Residential Single Family and RM-18 Residential Multiple Family | Multiple-family residential and Single-family residential |
| East | High Density Multi-Family Neighborhood and SPA-1 | RM-18 and SPA-1 | Multiple-family residential and religious facility |
| West | Moderate Density Residential | RS-7,200 Residential Single Family | Single-family residential |

DISCUSSION:

The applicant stated the intent of the amendment request is to rezone the southern portion of the Ruth Dykeman Children’s Center property to revert back to the pre-2009 designation of Special Planning Area 2 to facilitate implementation of its newly adopted campus master plan for a Behavioral Healthcare Center of Excellence that will encompass the entire subject parcel. The current split zoning designation of the property impedes Navos ability to locate planned improvements for the campus due to required buffers between RS-7,200 and SPA-2 zoning designations. Approval of the requested amendment will allow Navos the flexibility needed to achieve an optimal campus configuration for the Healthcare Center for Excellence.

REVIEW OF CRITERIA FOR COMPREHENSIVE PLAN AMENDMENT

Zoning Code section 19.65.095.6 contains the criteria for review of a proposed Comprehensive Plan amendment. To be approved, the proposed amendment must meet all of the following criteria (in italics, followed by Planning Commission and staff response):

A. The proposed amendment is the best means for meeting an identified public benefit.

Navos is a non-profit organization with a mission to improve the quality of life for people vulnerable to mental illness by providing a broad continuum of care. A campus master plan was recently completed for the subject property (PLA 13-0733) for development of the Behavioral Healthcare Center of Excellence for Children, Youth and Families on the Lake Burien campus.

The negative impacts associated with the split land use and zoning designation for the subject property, which will affect site planning in conformance with the adopted master plan and adversely impact the use of outdoor space by campus clients, residents and staff, will be resolved by the proposed amendment thus enabling Navos to better address their mental healthcare mission. In addition, approval of the amendment would support protection of the fragile lake ecosystem by eliminating the possibility of constructing single-family homes and facilitating a more environmentally sensitive development as approved in the campus master plan.

B. *The proposed amendment is consistent with the Growth Management Act, applicable Puget Sound Regional Council (PSRC) Plans, King County Countywide Planning Policies and Burien Comprehensive Plan.*

The proposed amendment is consistent with the intent of the Growth Management Act, PSRC and Countywide Planning Policies as it will facilitate the provision of regional mental healthcare services. The majority of the subject parcel has already been designated as a Special Planning Area within the framework of the GMA and Countywide Planning Policies and the proposed amendment seeks to restore the historic land use designation for the property and reinstate zoning that is consistent with the past planning process.

The proposed amendment is consistent with Burien Comprehensive Plan Policy SE 1.3 which recognizes the unique use, campus and location of the Navos/Ruth Dykeman Center and encourages and supports continued operation of the facility with environmental reviews to protect adjacent wetlands and Lake Burien. Major expansions of the facility are to be reviewed as part of an approved master plan, which was recently completed by Navos (PLA 13-0733). Note that the applicant cites in their justification a portion of the Comprehensive Plan Policy SE 1.3 regarding public access to Lake Burien which was in effect at the time of their application but was subsequently removed from the Comprehensive Plan.

C. *The proposed amendment will result in a net benefit to the community.*

The proposed amendment will result in a net benefit to the community by furthering Navos' mission to create a Center for Excellence in Behavioral Health providing mental health services for youth and families in Burien and neighboring communities, while also complying with the approved master plan that includes enhancements to the wetland and shoreline on Lake Burien.

D. *The revised Comprehensive Plan will be internally consistent.*

The proposed amendment will resolve a split land use and zoning designation currently in place on the subject parcel and will result in consistent land use and zoning designations thereby facilitating campus development in conformance with the recently approved campus master plan (PLA 13-0733) and ensuring internal consistency in the Comprehensive Plan.

E. *The capability of the land can support the projected land use.*

A detailed analysis of the subject property was conducted as part of the campus master plan review (PLA 13-0733) to address facility and environmental constraints and the applicant submitted a critical area study defining and delineating critical areas on the site. The primary constraints are the wetlands and shorelines found on the western portions of the site. The presence of critical areas has been accommodated in the approved campus master plan and the land has the capability to support the projected land use.

F. *Adequate public facility capacity to support the projected land use exists or can be provided by the property owner(s) requesting the amendment, or can be cost-effectively provided by the City or other public agency.*

The applicant has demonstrated the adequacy of public facility capacity to serve the projected land use as part of the analysis for the recently approved campus master plan (PLA 13-0733).

G. *The proposed amendment will be compatible with nearby uses.*

Properties to the west of the subject property are designated Moderate Density Neighborhood and are developed with single-family residential homes. To the north of the proposed comprehensive plan map change is the existing Ruth Dykeman Children's Center. South of the property is designated and developed with single family residential uses and medium density multi-family developments. Finally to the east, the area is designated SPA-1 (Old Burien) and High Density Residential Neighborhood and contains a religious facility and multi-family residential development respectively.

The proposed amendment would change the land use designation and zoning back to designations in place prior to the 2009 amendment and would implement the development strategies identified in the approved campus master plan (PLA 13-0733). The approved campus plan was evaluated for compatibility with adjacent uses as part of the development review process and is compatible with the goals established for the SPA-2 designation.

H. *The proposed amendment would not prevent the City from achieving its Growth Management Act population and employment targets.*

The proposed amendment would result in the loss of three potential residential lots which would have a negligible effect on Burien's population target. Approval of the proposed amendment will allow the applicant to most efficiently implement the recently approved campus master plan (PLA 13-0733) and maximize its organizational capacity, thus supporting Burien's employment target.

I. *For a Comprehensive Plan map change, the applicable designation criteria are met and either of the following is met:*

- i. Conditions have so markedly changed since the property was given its present Comprehensive Plan designation that the current designation is no longer appropriate; or,***
- ii. The map change will correct a Comprehensive Plan designation that was inappropriate when established.***

The merger of Navos and Ruth Dykeman Children's Center eliminated the need for the previous amendment which changed the designation from SPA-2 to Single-Family Residential. The recently approved campus master plan (PLA 13-0733) has established the need for zoning consistency across the property to allow the Behavioral Healthcare Center of Excellence for Children, Youth and Families to fully implement its mission statement. For this reason the current designation for the property is no longer appropriate.

REVIEW OF CRITERIA FOR REZONE

Zoning Code section 19.65.090.3 contains the criteria for review of a proposed rezone. To be approved, the proposed amendment must meet all of the following criteria (in italics, followed by a staff response):

A. *The rezone is consistent with the Comprehensive Plan.*

The requested rezone to SPA-2 would restore the previous zoning designation for the property and would be consistent with the proposed Comprehensive Plan if the Comprehensive Plan designation is changed (see criteria and discussion above). Staff is recommending that the Comprehensive Plan map change request be approved.

B. *The rezone will advance the public health, safety or welfare.*

Expansion of the campus will provide expanded access to behavioral healthcare services for youth and families in Burien and surrounding areas.

C. *The rezone will not have significant adverse environmental impacts that are materially detrimental to adjacent properties or other affected areas.*

There is no evidence to support that a rezone will have significant adverse environmental impacts that are materially detrimental to uses in the immediate vicinity of the property. A recently approved campus master plan (PLA 13-0733) for the subject property addressed any facility and environmental constraints that exist for the property. The presence of critical areas has been accommodated in the approved campus master plan and traffic and parking impacts associated with the proposed use are to be mitigated at time of development permit review.

D. The rezone is necessary because at least one of the following is met:

- a. Conditions in the immediate vicinity or neighborhood have changed so that it is in the public interest to approve the rezone, or**
- b. The rezone will correct a zone classification or boundary that was inappropriate when established, or**
- c. The rezone is necessary to achieve consistency with the Comprehensive Plan land use map.**

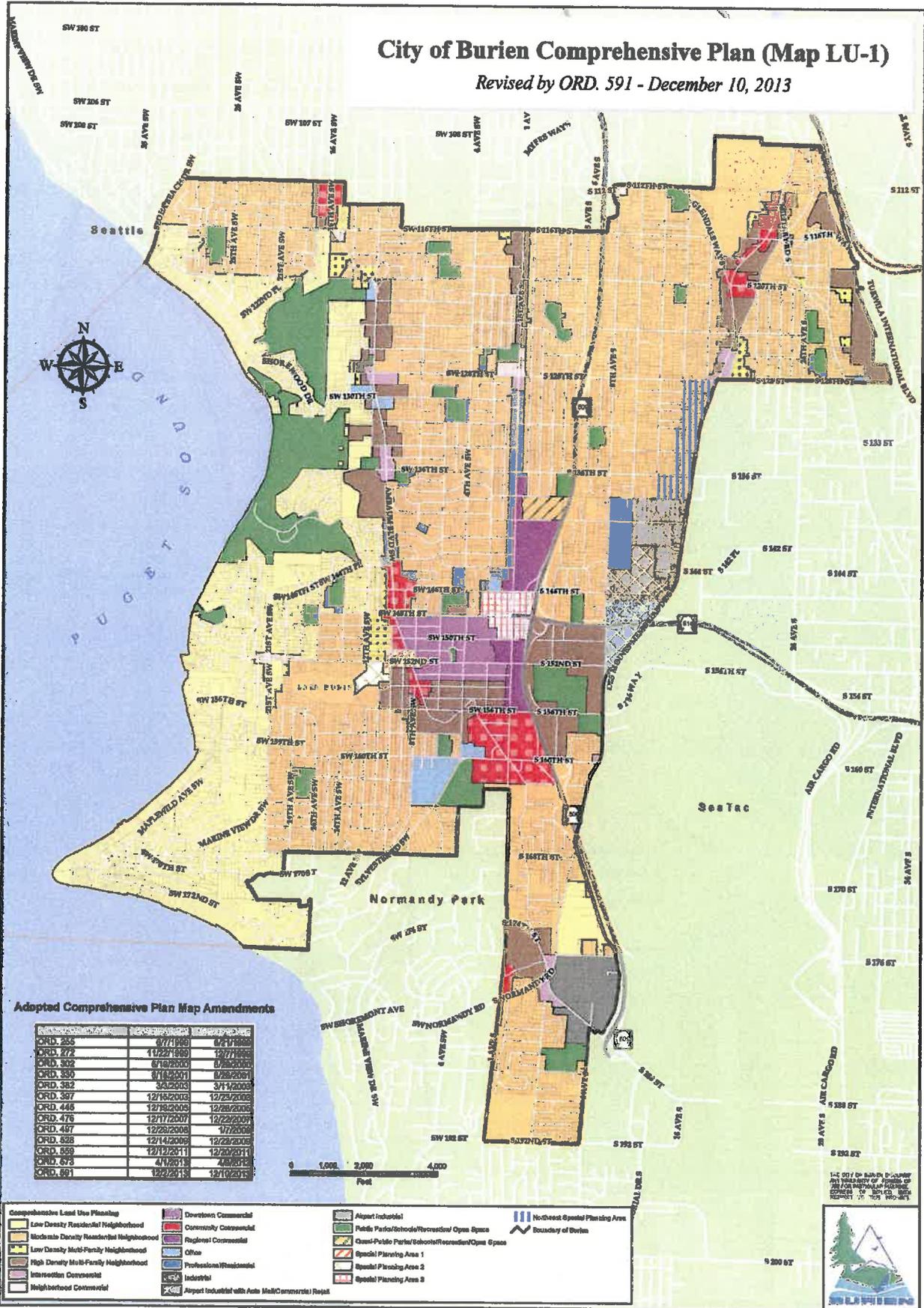
The proposed rezone will better serve the public interest by allowing full implementation of the recently approved campus master plan to establish a successful Behavioral Healthcare Center of Excellence for Children, Youth and Families on the subject property than the current designation of the property as RS-7,200 Single-Family Residential, while restoring wetland and shorelines as set forth in the approved master plan.

ATTACHMENTS

- 1 - Vicinity Map
- 2 - Comprehensive Plan Amendment and Rezone Request, received February 28, 2013
- 3 - Planning Commission Minutes for October 9th Meeting and October 23rd Public Hearing

City of Burien Comprehensive Plan (Map LU-1)

Revised by ORD. 591 - December 10, 2013



Adopted Comprehensive Plan Map Amendments

| Ordinance | Effective Date | Adopted Date |
|-----------|----------------|--------------|
| ORD. 255 | 8/7/1990 | 8/7/1990 |
| ORD. 272 | 11/22/1993 | 12/7/1993 |
| ORD. 302 | 6/10/2000 | 8/28/2000 |
| ORD. 320 | 8/11/2001 | 8/28/2001 |
| ORD. 382 | 3/12/2003 | 3/11/2003 |
| ORD. 397 | 12/15/2003 | 12/23/2003 |
| ORD. 446 | 12/18/2005 | 12/28/2005 |
| ORD. 476 | 12/17/2007 | 12/22/2007 |
| ORD. 497 | 12/22/2008 | 1/7/2009 |
| ORD. 528 | 12/14/2009 | 12/22/2009 |
| ORD. 559 | 12/12/2011 | 12/20/2011 |
| ORD. 573 | 4/12/2013 | 4/29/2013 |
| ORD. 591 | 12/2/2013 | 12/10/2013 |

Comprehensive Land Use Planning

- Low Density Residential Neighborhood
- Moderate Density Residential Neighborhood
- Low Density Multi-Family Neighborhood
- High Density Multi-Family Neighborhood
- Intersection Commercial
- Neighborhood Commercial

- Downtown Commercial
- Community Commercial
- Regional Commercial
- Office
- Professional/Residential
- Industrial
- Airport Industrial with Airline/Multi-Commercial/Resort

- Airport Industrial
- Public Parks/Schools/Recreational Open Space
- Class-Public Parks/Schools/Recreational/Open Space
- Special Planning Area 1
- Special Planning Area 2
- Special Planning Area 3

- Northwest Special Planning Area
- Boundary of Duwamish

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 596

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AUTHORIZING AN INTERFUND LOAN TO THE PARKS AND GENERAL GOVERNMENT CAPITAL PROJECTS FUND FROM THE GENERAL FUND

WHEREAS, RCW 43.09.200 provides that the State Auditor shall formulate, prescribe, and install and system of accounting and reporting for all local governments; and

WHEREAS, such as system has been created and is known as the Budgeting, Accounting and Reporting System (BARS); and

WHEREAS, the BARS manual at Part 3, Chapter 4, Section A provides guidelines for loans between City funds; and

WHEREAS, the Army Corps of Engineers is managing the Seahurst Park – North Shoreline Project and requires advance funding to begin the project; and

WHEREAS, Fund 317, the Parks and General Government Capital Projects Fund, paid \$3.9 million to the Army Corps of Engineers for construction of the project, leaving the fund with a negative cash balance in the amount of \$2.65 million; and

WHEREAS, these funds will be reimbursed by grants; however, reimbursement may not be received prior to the end of the year; and

WHEREAS, Fund 317, the Parks and General Government Capital Projects Fund, is in need of a temporary loan solely for cash flow purposes; and

WHEREAS, the General Fund has sufficient cash to meet this need.

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

Section 1. Interfund Loan Authorized. The City Council does hereby authorize an interfund loan from the General Fund to Fund 317, the Parks and General Government Capital Projects Fund, in the amount of \$2.7 million to be repaid in full by December 31, 2014 at an interest rate commensurate with the rate earned by investments in the State of Washington Local Government Investment Pool. The interfund loan will be available 5 days after the

passage of this Ordinance.

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 be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL 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. 596

Date of Publication:

**CITY OF BURIEN
AGENDA BILL**

| | | |
|--|---|--|
| Agenda Subject: Update on Downtown Bike Rack Project | | Meeting Date: December 2, 2013 |
| Department: Parks, Recreation and Cultural Services (PaRCS) | Attachments: | Fund Source: N/A Activity Cost: \$0 Amount Budgeted: \$0 Unencumbered Budget Authority: \$0 |
| Contact: Michael Lafreniere, Director of PaRCS | 1. WABI PowerPoint Presentation | |
| Telephone: (206) 988-3703 | | |
| Adopted Initiative: Yes No <input checked="" type="checkbox"/> | Initiative Description: N/A | |
| PURPOSE/REQUIRED ACTION: | | |
| Representatives of Walk/Bike (WABI) Burien will review the work that was done with respect to the Downtown Bike Rack Project. | | |
| BACKGROUND (Include prior Council action & discussion): | | |
| Last year the City and WABI joined forces to become partners in the goal of establishing a network of bike racks throughout the downtown and in other commercial areas of the city. We were successful in obtaining a \$10,000 grant from the State of Washington Dept. of Commerce and the Community Economic Revitalization Board to purchase and install racks at multiple locations. Promotion of walking and bike-friendly communities was of interest to the State as making it easier for people to get about also improves the financial health of commercial areas. A ribbon-cutting ceremony was held on Saturday, June 29, 2013 to mark the installation of the first 24 bike racks in the vicinity of Burien's downtown core along 152nd Street. | | |
| In addition to the grant, WABI was able to secure additional sponsorships for the racks that leveraged the grant funds and enabled more racks to be purchased. The sponsorship response from the community and local businesses was tremendous. Most of these bike rack locations are in the public right-of-way, i.e. public sidewalks along the city's downtown streets. The project also envisions making these racks available at commercial locations that are on private property. | | |
| Crews with Burien Public Works assisted with installation, and the volunteers from WABI were responsible for negotiating placement and sponsorships. | | |
| OPTIONS (Including fiscal impacts): N/A | | |
| Administrative Recommendation: Hold discussion and review. | | |
| Committee Recommendation: N/A | | |
| Advisory Board Recommendation: N/A | | |
| Suggested Motion: None required. | | |
| Submitted by: Michael Lafreniere Administration: _____ | Craig Knutson Interim City Manager _____ | |
| Today's Date: November 26, 2013 | File Code: R:\CC\Agenda Bill 2013\120213pks-2 WABI Presentation.docx | |



Wabi burien
Events & Advocacy for a Walk/Bike Community

Downtown Burien Bike Rack Project

Walk/Bike Burien (WABI)

“Events and Advocacy
for a Walk/Bike Community”

www.wabiburien.org
info@wabiburien.org

Founded 2011
501(c)(3) Public Charity 2013



Board of Directors - “WABI-ists”



Maureen Hoffmann
President



Brooks Stanfield
Vice President



Jimmy Schulz
Treasurer



Janet Shull
Secretary



Sue Blazak
Board Member



Tim Kniffin
Board Member

Inspiration

- Provide ample, secure bike racks
- Enable cycling to “shop local”
- Encourage sustainable transportation
- Respond to City’s Comprehensive Plan, Transportation Master Plan, Open Space Master Plan, Vision for Burien



Welcome to
City of Burien
MUNICIPAL
PARKING

634 SW 15 ST













Research

- Inventory & rate existing bike racks in Burien
- Review off-the-shelf bike rack designs

State CERB Grant Of \$10,000

- Notice of award: September 20, 2012
- Revitalize downtown business district
- Increase activity for existing businesses
- Improve safety & enjoyment of cyclists
- Enhance in-city recreational opportunities





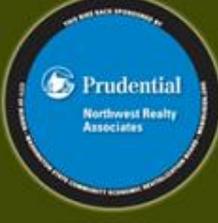
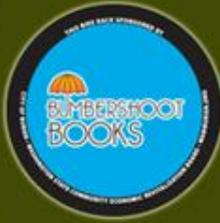
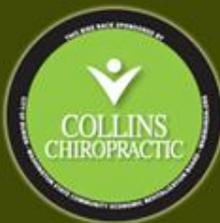
Sponsorship Concept

- Sponsorship of individual racks
- Community buy-in
- Increased funds for walk/bike projects



Sponsorship Sprint

- April 19, 2013
- \$200 per rack for sponsorship
- Competitive race to select rack location
- 41 Racks sponsored in 3 days
- 34 Sponsors (some sponsored 2 racks)
- \$7,800 Additional funds raised



Burien-specific Rack Design

- WABI customization of standard inverted “U” rack
- Enable sponsorship plaque mounting
- Add artistic element to our city streets



Local Rack Producers Considered

- Artisan blacksmith (White Center)
- Producer of cast metal urban accessories (Seahurst)
- Bike rack producer with local rep (Regional/Burien)*
 - SELECTED: *Urban Racks



Installation

- Walk-through pre-planning with Public Works
April 11, 2013
- Rack installation by Public Works
June 12, 2013
- Plaque installation by WABI



Ribbon Cutting Ceremony

- June 29, 2013
- Attendance by 100 people
 - Mayor, representatives from City Council & PaRCS
- Community participation through donations
 - Food, discounts, prizes & bike for raffle



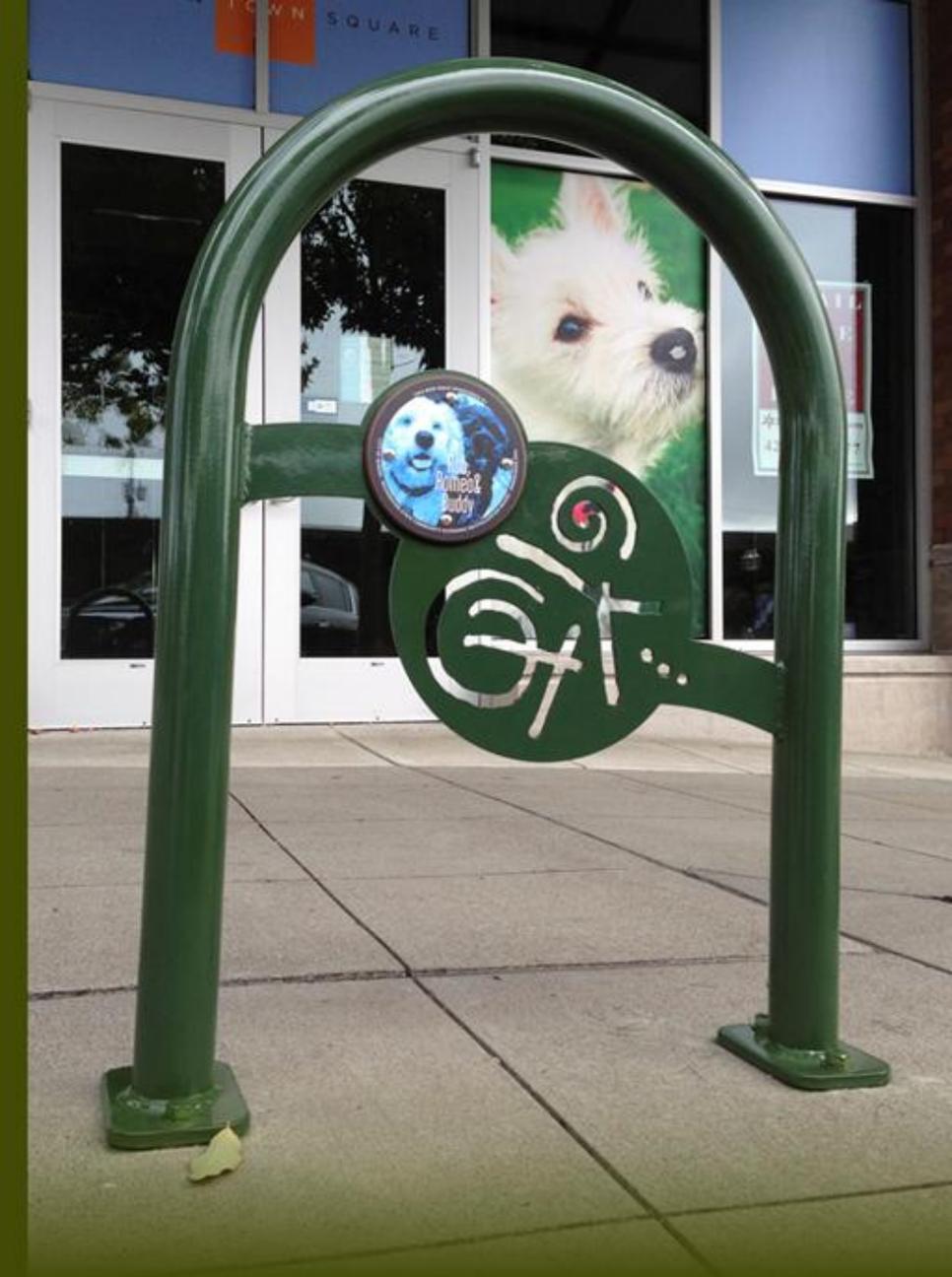




Results

- 41 Racks produced
 - 23 Racks in public right-of-way
 - 18 Racks on private, commercial properties
- Racks in use immediately after installation
- \$7800 from sponsorships for future walk/bike efforts







...and

- Kids grow up with bike racks in Burien!





Thank You

WABI Burien is grateful to:
the City of Burien
and the
Washington State Community
Economic Revitalization Board
for their support of this project.

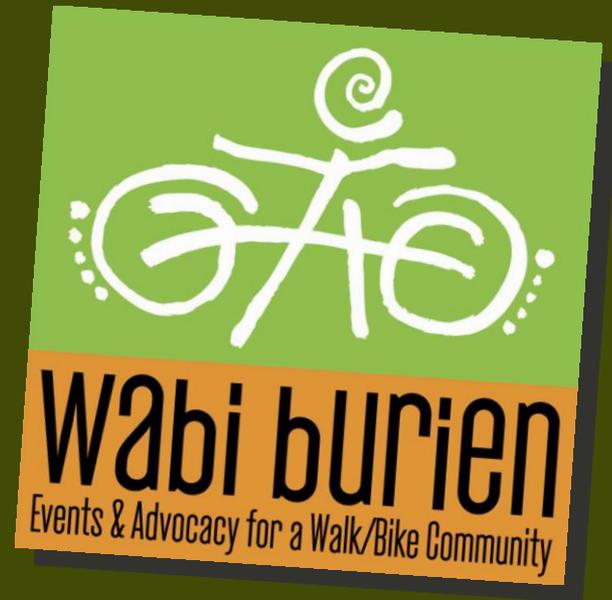


Photo Credits: Maureen Hoffmann, Patti Means Project Solutions, Brooks Stanfield, Burien Public Works Dept.



**CITY OF BURIEN
AGENDA BILL**

| | | |
|--|--|--|
| Agenda Subject: Public Hearing, Discussion and Possible Motion to Approve Ordinance No. 593, Adopting a Cable Franchise Renewal until December 31, 2014 | | Meeting Date: December 2 and 16, 2013 |
| Departments: Legal, Finance, and City Manager | Attachments: 1. Proposed Ordinance No. 593; 2. Ordinance No. 457 and Exhibit A "Cable Franchise"; 3. Survey Results of Cable Past Performance and Future Needs; 4. Matrix | Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A |
| Contact: Craig Knutson, Interim City Manager | | |
| Telephone: (206) 248-5503 | | |
| Adopted Work Plan Priority: Yes <input checked="" type="checkbox"/> No | Work Plan Item Description: Negotiate Cable Franchise Renewal with Comcast | |
| <p>PURPOSE/REQUIRED ACTION: The purpose of this item is for Council to conduct a public hearing and to discuss and approve Ordinance 593, adopting a cable franchise renewal with Comcast until December 31, 2014.</p> <p>BACKGROUND (Include prior Council action & discussion): The City of Burien's franchise with Comcast sets forth the terms and conditions under which Comcast is allowed to have its cable system in City rights-of-way. The City's cable franchise authority is significantly limited by federal law.</p> <p>The current franchise was due to expire in October 2011, and since then the parties have agreed to continue operating under the franchise until it is formally renewed. In an effort to negotiate a five year renewal of the franchise, the City conducted a survey of cable system needs/performance and held many negotiating sessions with Comcast. Since the parties have still not reached agreement on all issues, staff recommends that the City Council formally extend the franchise until December 31, 2014, to allow the parties more time to reach agreement on a five year franchise.</p> <p>The City's survey included a community web survey and surveys of City departments, the Highline School District, and the King County Library System. The City's negotiating team included the City Attorney, Finance Director, PW Director, former IT Manager, City Clerk, and a consultant who specializes in cable franchise negotiations on behalf of cities and who helped negotiate the City's current Comcast franchise. The City's team also obtained direct input from the School District, Fire District, and Puget Sound Access (Channel 21 operator) regarding items of interest to them, such as the I Net and public access channels.</p> <p>The community web survey received 201 responses. The results indicated varying degrees of overall satisfaction (fair, good, excellent) with Comcast's services but much dissatisfaction with the cost of Comcast's services and many individual instances of technical problems. A significant number of respondents felt Channel 21 coverage of Council and Planning Commission meetings was important and were okay with paying a small charge (25 cents per month) to support the capital costs associated with Channel 21 programming.</p> <p>The survey responses from City departments and government agencies primarily related to continuing and expanded use of the I Net. The I Net is the Institutional Network that connects specified government facilities with six-strand fiber optic lines.</p> <p>The provisions that the parties were negotiating to include in a five year franchise renewal are set forth in the attached matrix. The primary remaining disagreement has to do with changes that Comcast has recently requested with regard to a proposed franchise provision to make Channel 21 also available in HDTV format.</p> <p>OPTIONS (Including fiscal impacts):</p> <ol style="list-style-type: none"> 1. Approve Ordinance No. 593, formally renewing the cable franchise with Comcast until December 31, 2014. 2. Do not approve Ordinance No. 593. Comcast will continue to operate under the terms of the expired franchise. | | |
| Administrative Recommendation: Approve Ordinance No. 593. | | |
| Advisory Board Recommendation: N/A | | |
| Suggested Motion for December 16: Motion to Approve Ordinance No. 593, Granting a Cable Franchise Renewal to Comcast of Washington IV, Inc. until December 31, 2014 | | |
| Submitted by: Craig Knutson Administration _____ City Manager _____ | | |
| Today's Date: November 27, 2013 | | File Code: R:\CC\Agenda Bill cc-comcastfranchiserenewal.doc |

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 593

AN ORDINANCE OF THE CITY OF BURIEN, GRANTING RENEWAL OF A NON-EXCLUSIVE CABLE FRANCHISE TO COMCAST OF WASHINGTON IV, INC., TO OPERATE AND MAINTAIN A CABLE SYSTEM THROUGHOUT THE HEREIN DESIGNATED PUBLIC RIGHTS OF WAY OF THE CITY OF BURIEN UNTIL DECEMBER 31, 2014; SETTING FORTH PROVISIONS, TERMS AND CONDITIONS OF THE FRANCHISE RENEWAL; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on October 16, 2006, the City Council approved Ordinance No. 457 granting a new Cable Franchise to Comcast of Washington IV, Inc. ("Comcast"); and

WHEREAS, the City has reviewed Comcast's performance under the franchise and the quality of service during the prior franchise term, has identified the future cable-related needs and interests of the City and its citizens, has determined that Comcast's plans for operating and maintaining its Cable System are generally adequate, and has determined that renewal of the franchise until December 31, 2014 is in the public interest and will provide the parties additional time to negotiate a longer term renewal; and

WHEREAS, the public has had adequate notice and opportunity to comment on this Franchise Renewal during a public proceeding; and

WHEREAS, the City has a legitimate and necessary regulatory role in ensuring the availability of state-of-the-art cable communications service, the high technical capability and reliability of a cable system in the Franchise Area, the availability of local programming, and the high quality of customer service; and

WHEREAS, diversity in Cable Service is an important policy goal and the Grantee's Cable System should offer a broad range of programming services; and

WHEREAS, flexibility to respond to changes in technology and subscriber interests within the cable service market should continue to be an essential characteristic of this Franchise; and

WHEREAS, the City is authorized by applicable law to grant one or more nonexclusive franchises to construct, operate, and maintain a cable system within the boundaries of the City;

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

Section 1. Cable Franchise – Grant and Authorization. The City hereby grants to Comcast of Washington IV, Inc. (“Comcast”) the renewal of a non-exclusive franchise, which shall authorize Comcast to continue to use the City’s public rights-of-way within the Franchise Area to install, construct, repair, replace, reconstruct, maintain, or retain, a Cable System for the deployment of Cable Services in the manner and upon the terms and conditions as are set forth in the Cable Franchise granted and approved as Exhibit A of Ordinance No. 457, which is incorporated by this reference as though fully set forth herein, provided that the term of said Cable Franchise is hereby extended until December 31, 2014.

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 be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON 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: _____, 2013
Passed by the City Council: _____, 2013
Ordinance No. 593
Date of Publication: _____, 2013

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 457

AN ORDINANCE OF THE CITY OF BURIEN, GRANTING A NON-EXCLUSIVE CABLE FRANCHISE TO COMCAST OF WASHINGTON IV, INC., TO OPERATE AND MAINTAIN A CABLE SYSTEM THROUGHOUT THE HEREIN DESIGNATED PUBLIC RIGHTS OF WAY OF THE CITY OF BURIEN; SETTING FORTH PROVISIONS, TERMS AND CONDITIONS OF THE FRANCHISE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on August 7, 2006, the City Council approved Resolution No. 243 granting a new Cable Franchise to Comcast of Washington IV, Inc. ("Comcast") to be effective upon acceptance within 60 days of the date of passage of the resolution; and

WHEREAS, as a result of Comcast's review of the cable regulatory ordinance enacted the same date pursuant to City of Burien Ordinance No. 241, Comcast had not accepted the terms and conditions of the Franchise; and

WHEREAS, as a result of the legal department's review of the requested amendment to the cable regulatory ordinance, it has been determined that the Franchise requires by its terms at section 17.16 thereof, that the Franchise be granted by ordinance rather than by resolution; and

WHEREAS, the City has reviewed Comcast's performance under the prior franchise and the quality of service during the prior franchise term, has identified the future cable-related needs and interests of the City and its citizens, and has determined that Comcast's plans for operating and maintaining its Cable System are adequate; and

WHEREAS, the public has had adequate notice and opportunity to comment on this Franchise during a public proceeding; and

WHEREAS, the City has a legitimate and necessary regulatory role in ensuring the availability of state-of-the-art cable communications service, the high technical capability and reliability of a cable system in the Franchise Area, the availability of local programming and quality customer service; and

WHEREAS, diversity in Cable Service is an important policy goal and the Grantee's Cable System should offer a broad range of programming services; and

WHEREAS, flexibility to respond to changes in technology and Subscriber interests within the Cable Service market should be an essential characteristic of this Franchise; and

WHEREAS, the City is authorized by applicable law to grant one or more nonexclusive franchises to construct, operate, and maintain a cable system within the boundaries of the City;

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

Section 1. Cable Franchise – Grant and Authorization. The City hereby grants to Comcast of Washington IV, Inc. (“Comcast”) a non-exclusive franchise which, once it becomes effective, shall authorize Comcast to use the City’s public rights-of-way within the Franchise Area to install, construct, repair, replace, reconstruct, maintain, or retain in, a Cable System for the deployment of Cable Services over the Cable System all in the manner and upon the terms and conditions as are set forth in the Cable Franchise attached hereto as Exhibit A, which Cable Franchise is incorporated by this reference as though fully set forth herein.

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 be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 16TH DAY OF OCTOBER 2006, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 16TH DAY OF OCTOBER, 2006.

CITY OF BURIEN
/s/ Joan McGilton, Mayor

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

Approved as to form:
/s/ Mike Kenyon, City Attorney

Filed with the City Clerk: October 12, 2006
Passed by the City Council: October 16, 2006
Ordinance No. 457
Date of Publication: October 19, 2006

CABLE FRANCHISE

This Cable Franchise ("Franchise") is entered into in Burien, Washington, this 16th day of OCTOBER, 2006, by and between the City of Burien, Washington, a municipal corporation, (hereinafter "City") and Comcast of Washington IV, Inc. (hereinafter "Grantee"). The City and Grantee are sometimes referred to hereinafter collectively as the "parties."

WHEREAS, the City has reviewed Grantee's performance under the prior franchise and the quality of service during the prior franchise term, has identified the future cable-related needs and interests of the City and its citizens, and has determined that Grantee's plans for operating and maintaining its Cable System are adequate; and

WHEREAS, the public has had adequate notice and opportunity to comment on this Franchise during a public proceeding; and

WHEREAS, the City has a legitimate and necessary regulatory role in ensuring the availability of state-of-the-art cable communications service, the high technical capability and reliability of a cable system in the Franchise Area, the availability of local programming and quality customer service; and

WHEREAS, diversity in Cable Service is an important policy goal and the Grantee's Cable System should offer a broad range of programming services; and

WHEREAS, flexibility to respond to changes in technology and Subscriber interests within the Cable Service market should be an essential characteristic of this Franchise; and

WHEREAS, the City is authorized by applicable law to grant one or more nonexclusive franchises to construct, operate and maintain a cable system within the boundaries of the City.

NOW, THEREFORE, in consideration of the mutual promises made herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the City and Grantee do hereby agree as follows:

SECTION 1. DEFINITIONS

For the purposes of this Franchise and the Exhibits attached hereto, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Words not defined shall be given their common and ordinary meaning. The word "shall" is always mandatory and not merely directory.

1.1 "Access" means the availability for Non-Commercial use by various governmental and educational agencies, institutions, organizations, and other groups and individuals in the community, including the City and its designees, of particular Channels on the Cable System to distribute programming to Subscribers, as permitted under applicable law and this Franchise.

(A) **“Public Access”** means Access where the public is the primary user having editorial control over programming and services.

(B) **“Educational Access”** means Access where Schools are the primary users having editorial control over programming and services.

(C) **“Government Access”** means Access where governmental institutions or their designees are the primary users having editorial control over programming and services.

1.2 **“Access Channel”** means a Channel designated for Access purposes or otherwise made available to facilitate or transmit Access programming.

1.3 **“Affiliate”** when used in connection with Grantee means any Person who owns or controls, is owned or controlled by, or is under common ownership or control with Grantee.

1.4 **“Bad Debt”** means amounts lawfully owed by a Subscriber and accrued as revenues on the books of Grantee, but not collected after reasonable efforts by Grantee.

1.5 **“Basic Service”** means the lowest Tier of Cable Service that includes, at a minimum, the retransmission of local television Broadcast Signals and Access programming.

1.6 **“Broadcast Signal”** means a television or radio signal transmitted over the air to a wide geographic audience, and received by an antenna, microwave, satellite dishes or any other means.

1.7 **“Cable Act”** means the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996, and any amendments thereto.

1.8 **“Cable Operator”** means any Person or groups of Persons, including Grantee, who provides Cable Service over the Cable System and directly or through one or more Affiliates owns a significant interest in such Cable System or who otherwise control(s) or is(are) responsible for, through any arrangement, the management and operation of such a Cable System.

1.9 **“Cable Service”** means the one-way transmission to Subscribers of Video Programming, or other programming service and Subscriber interaction, if any, which is required for the selection or use of such Video Programming or other programming service.

1.10 **“Cable System”** means the Grantee’s facility in the Franchise Area, consisting of a set of closed transmission paths and associated signal generation, reception and control equipment that is designed to provide Cable Service which includes Video Programming and which is provided to multiple Subscribers within a community, but such term does not include (1) a facility that serves only to retransmit the television signals of one or more television broadcast stations; (2) a facility that serves Subscribers without using any public Right-of-Way; (3) a facility of a common carrier which is subject, in whole or in part, to the provisions of Title II of the federal Communications Act (47 U.S.C. 201 et seq.), except that such facility shall be considered a Cable System (other than for purposes of 47 U.S.C. 541(c)) to the extent such facility is used in the transmission of Video Programming directly to Subscribers, unless the extent of such use is solely to provide interactive

on-demand services; (4) an open video system that complies with 47 U.S.C. 573; or (5) any facilities of any electric utility used solely for operating its electric utility systems.

1.11 "Channel" means a portion of the frequency band capable of carrying a Video Programming Service, an audio service or a combination of Video Programming services and audio services, whether delivered in an analog or digital format.

1.12 "City" means the City of Burien, Washington, a municipal corporation.

1.13 "Complaint" means a Subscriber contact with the Grantee to express a grievance or dissatisfaction concerning Cable Service. Complaints do not include matters not within the regulatory control of the City. A Complaint may be verbal or in writing but need not include initial contacts where an issue is promptly resolved to the Subscriber's satisfaction.

1.14 "Designated Access Provider" means the entity or entities designated by the City to manage or co-manage Access Channels and facilities. The City may also be a Designated Access Provider.

1.15 "Dwelling Unit" means any residential building, or each portion thereof that has independent living facilities, including provisions for cooking, sanitation and sleeping and that is designed for residential occupancy. Buildings containing more than one set of facilities for cooking are multiple unit buildings unless the additional facilities are clearly accessory.

1.16 "Expanded Basic Service" means cable programming services not included in the Basic Service and excluding, for example, premium or Pay-Per-View Services.

1.17 "FCC" means the Federal Communications Commission or its lawful successor.

1.18 "Franchise" means this document, a contractual agreement, and any amendments and modifications thereto executed between the City and Grantee, containing the specific provisions of the authorization granted to operate a Cable System in the City.

1.19 "Franchise Area" means the area within the jurisdictional boundaries of the City, including any areas annexed by the City during the term of this Franchise.

1.20 "Gross Revenues" means all revenue derived directly or indirectly by the Grantee, or by Grantee's Affiliates, from the operation of Grantee's Cable System to provide Cable Services in the Franchise Area. Gross Revenues include, by way of illustration and not limitation, monthly fees charged Subscribers for Cable Services including Basic Service and all other Tiers of Cable Service; Pay-Per-View Service; Cable Service installation, disconnection, change-in-service and reconnection fees, Leased Access Channel fees, late fees, payments received by the Grantee from programmers for carriage of Cable Services on the Cable System and recognized as revenue under generally accepted accounting principles ("GAAP"), revenues from rentals of Cable System equipment such as converters; advertising revenues; advertising sales commissions if recognized as revenue under GAAP; additional outlet fees, Franchise Fees, and revenues from home shopping Channels. Gross Revenues shall not include (i) Bad Debt, provided, however, that all or part of any such Bad Debt that is written off but subsequently collected shall be included in Gross Revenues in

the period collected; (ii) the capital advances and Capital Contribution referenced in subsections 9.6 and 9.7; (iii) any payments by the City to Grantee for I-Net maintenance or expansion; or (iv) any taxes on services furnished by the Grantee which are imposed directly on any Subscriber or user by the State, City or other governmental unit and which are collected by the Grantee on behalf of said governmental unit. The Franchise Fees are not such a tax and are therefore included in Gross Revenues.

1.21 "Headend" means Grantee's primary facility for signal reception and dissemination on the Cable System, including cables, antennas, wires, satellite dishes, monitors, switchers, modulators, processors and other related equipment.

1.22 "Leased Access Channel" means any Channel or portion of a Channel commercially available for programming in accordance with Section 612 of the Cable Act.

1.23 "Non-Commercial" means, in the context of Access Channels, that particular products and services are not promoted or sold for commercial gain. This term will not be interpreted to prohibit an Access Channel operator or programmer from soliciting and receiving financial support to produce and transmit Video Programming on an Access Channel, or from acknowledging a contribution.

1.24 "Pay-Per-View Service" means programming offered on a per-program or per-event basis for which a separate fee is charged.

1.25 "Person" means any individual, partnership, association, joint stock company, trust, corporation, governmental entity (but shall not mean the City) or other entity..

1.26 "Right-of-Way" or "Rights-of-Way" means the surface of, and the space above and below, any public street, highway, freeway, bridge, land path, alley, court, boulevard, sidewalk, way, lane, public way, drive, circle or other public Right-of-Way, including, but not limited to, utility easements, dedicated utility strips, or Rights-of-Way dedicated for compatible uses now or hereafter held by the City in the Franchise Area, which shall entitle the Grantee to the use thereof for the purpose of installing, operating, repairing, upgrading and maintaining the Cable System. Right-of-Way shall also mean any easement now or hereafter held by the City within the Franchise Area for the purpose of public travel or for utility or public service use dedicated for compatible uses.

1.27 "School" means any State accredited public educational institution including, for example, primary and secondary Schools (K-12).

1.28 "State" means the State of Washington.

1.29 "Subscriber" means any Person who lawfully receives Cable Service provided by Grantee by means of the Cable System and whose premises are physically wired and lawfully activated to receive Cable Service from Grantee's Cable System.

1.30 "Tier" means a group of Channels for which a separate periodic rate is charged.

1.31 "Video Programming" means programming provided by, or generally considered comparable to programming provided by, cable programmers or a television broadcast station.

SECTION 2. GRANT OF FRANCHISE

2.1 Grant

(A) The City hereby grants to Grantee a nonexclusive Franchise authorizing the Grantee to construct and operate a Cable System in, along, among, upon, across, above, over, under, or in any manner connected with Rights-of-Ways within the Franchise Area, and for that purpose to install, construct, repair, replace, reconstruct, maintain, or retain in, on, over, under, upon, across, or along any Right-of-Way such wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment and use existing poles as may be necessary or appurtenant for the deployment of Cable Services over the Cable System. This Franchise shall constitute both a right and an obligation to provide the Cable Services required by, and to fulfill the obligations set forth in, the provisions of this Franchise.

(B) Grantee, through this Franchise, is granted the right to operate its Cable System using the Rights-of-Way within the Franchise Area. Such use must be in compliance with all lawfully enacted and applicable Municipal Code provisions. In the event of a conflict between the Municipal Code and this Franchise, this Franchise shall control. Subject to federal and State preemption, the material terms and conditions contained in this Franchise may not be unilaterally altered by the City through subsequent amendments to any ordinance, regulation, resolution or other enactment of the City, except within the lawful exercise of the City's police power. The Grantee agrees to comply with all lawful and generally applicable City ordinances. Grantee has the right to challenge any City ordinance or regulation that conflicts with its rights under this Franchise. Grantee acknowledges that its rights hereunder are subject to the police powers of the City to adopt and enforce ordinances necessary to protect the health, safety and welfare of the public, and Grantee agrees to comply with all applicable general laws and ordinances enacted by the City pursuant to such power.

(C) This Franchise shall not be interpreted to prevent the City from lawfully imposing additional conditions, including additional compensation conditions for use of the Rights-of-Way, should Grantee provide service other than Cable Service.

(D) Grantee guarantees, as a condition of exercising the privileges granted by this Franchise, that any Affiliate of the Grantee offering Cable Service in the Franchise Area, or directly involved in the management or operation of the Cable System in the Franchise Area, will also comply with the terms and conditions of this Franchise.

(E) No rights shall pass to Grantee by implication. Without limiting the foregoing, by way of example and not limitation, this Franchise shall not include or be a substitute for:

(1) Any other permit or authorization required for the privilege of transacting and carrying on a business within the City that may be required by the ordinances and laws of the City;

(2) Any permit, agreement or authorization required by the City for Rights-of-Way users in connection with operations on or in Rights-of-Way or public property including, by way of example and not limitation, street cut permits; or

(3) Any permits or agreements for occupying any other property of the City or private entities to which access is not specifically granted by this Franchise including, without limitation, permits and agreements for placing devices on poles, in conduits or in or on other structures.

(F) This Franchise is intended to convey limited rights and interests only as to those Rights-of-Way in which the City has an actual interest. It is not a warranty of title or interest in any Rights-of-Way; it does not provide the Grantee with any interest in any particular location within the Rights-of-Way; and it does not confer rights other than as expressly provided in the grant hereof.

(G) This Franchise expressly authorizes Grantee to provide only Cable Services as allowed by applicable law, and to construct, operate or maintain Cable Service facilities in the Franchise Area. This Franchise does not relieve Grantee of any obligation it may have to obtain from the City an authorization to provide non-Cable Services or relieve Grantee of its obligation to comply with any such authorization(s) that may be lawfully required. However, this Franchise shall not be read as a concession by the Grantee that it needs authorization to provide non-Cable Services.

2.2 Use of Rights-of-Way

Within parameters reasonably related to the City's role in protecting the public health, safety and welfare, the City may require that Cable System facilities be installed at a particular time, at a specific place or in a particular manner as a condition of access to a particular Right-of-Way and may deny access if Grantee is not willing to comply with the City's requirements.

2.3 Duration

The term of this Franchise and all rights, privileges, obligations and restrictions pertaining hereto shall be five (5) years from the effective date of this Franchise, unless terminated or extended as hereinafter provided.

2.4 Effective Date

(A) This Franchise and the rights, privileges, and authority granted hereunder and the contractual relationship established hereby shall take effect and be in force from and after the effective date of this Franchise.

(B) The effective date of this Franchise shall commence 10/27, 2006 and run through midnight of 10/26, 2011. At the expiration of the initial term, the City may offer to extend this Franchise for an additional term of five (5) years by giving written notice to the Grantee, provided that there has not been a change in federal or State law which negatively impacts the City's ability to extend this Franchise. This Franchise may be extended for such additional term of five (5) years, subject to the written agreement of both parties.

(C) The grant of this Franchise shall have no effect on the Grantee's duty under the prior franchise to indemnify or insure the City against acts and omissions occurring during the period that the prior franchise was in effect, nor shall it have any effect upon Grantee's liability to pay all franchise fees which were due and owed under the prior franchise.

2.5 Franchise Nonexclusive

This Franchise shall be nonexclusive, and subject to all prior rights, interests, easements, permits or licenses granted by the City to any Person to use any property for any purpose whatsoever, including the right of the City to use the same for any purpose it deems fit, including the same or similar purposes allowed Grantee hereunder. The City may at any time grant authorization to use the Rights-of-Way for any purpose not incompatible with Grantee's authority under this Franchise and for such additional franchises for cable systems as the City deems appropriate.

2.6 Effect of Acceptance

By accepting the Franchise, the Grantee: (1) acknowledges and accepts the City's legal right to issue and enforce the Franchise; (2) agrees that it will not oppose the City's intervening, to the extent that the City is legally entitled to do so, in any legal or regulatory proceeding affecting the Cable System; (3) accepts and agrees to comply with each and every provision of this Franchise; and (4) agrees that the Franchise was granted pursuant to processes and procedures consistent with applicable law, and that it will not raise any claim to the contrary.

2.7 Grant of Other Franchises

In the event the City enters into a franchise with any other Person or entity other than the Grantee to use the Rights-of-Way for the purpose of constructing or operating a cable system or providing Cable Service to any part of the Franchise Area in which the Grantee is providing Cable Service under the terms and conditions of this Franchise, the terms and conditions thereof, taken as a whole, shall be substantially similar and neither more favorable nor less burdensome to such Person than those contained herein in order that one cable provider not be granted an unfair competitive advantage over another.

In furtherance of the foregoing, the City and Grantee recognize and acknowledge that other cable franchises granted by the City might contain provisions and conditions that are different than the provisions and conditions that the Grantee has negotiated and accepted in this Franchise. Nothing in this Franchise shall be construed so as to require identical provisions and conditions in other cable franchises granted by the City.

SECTION 3. FRANCHISE FEES AND FINANCIAL CONTROLS

3.1 Franchise Fees

As compensation for the use of the City's Rights-of-Way, Grantee shall pay as a franchise fee to the City, throughout the duration of this Franchise, an amount equal to five percent (5%) of Grantee's Gross Revenues. Accrual of such franchise fees shall commence as of the effective date of this Franchise.

3.2 Payments

Grantee's franchise fee payments to the City shall be computed quarterly for the preceding quarter. Each payment shall be due and payable no later than thirty (30) days after the end of the preceding

quarter, after which time interest will accrue. The quarters shall end respectively on the last day of March, June, September and December.

3.3 Acceptance of Payment

No acceptance of any payment shall be construed as an accord by the City that the amount paid is, in fact, the correct amount, nor shall any acceptance of payments be construed as a release of any claim the City may have for further or additional sums payable or for the performance of any other obligation of Grantee.

3.4 Franchise Fee Reports

Each payment shall be accompanied by a written report to the City, verified by an authorized representative of Grantee, containing an accurate statement in summarized form which includes a breakdown by category of Grantee's Gross Revenues and the computation of the payment amount.

3.5 Audits

Upon forty-five (45) days prior written notice, the City shall have the right to conduct an annual independent audit of Grantee's records necessarily related to the enforcement of this Franchise and to recompute any amounts determined to be payable under this Franchise. If Grantee cooperates in making all relevant records available to the City, the City will attempt to complete each audit within six (6) months, and the audit period shall be no greater than the previous three (3) years, unless the City has information relating to previous years beyond the three (3) years which raises doubt as to the accuracy of payments made under this or previous franchises, in which case an additional three (3) years may be audited. Any undisputed amounts due to the City as a result of the audit shall be paid within sixty (60) days following written notice to the Grantee by the City, which notice shall include a copy of the audit findings. If the audit shows that franchise fees have been underpaid by five percent (5%) or more in any calendar year, Grantee shall pay for the cost of the audit up to fifteen thousand dollars (\$15,000) for the first year of the audit period and seven thousand five hundred dollars (\$7,500) for each year thereafter.

If Grantee disputes all or part of the audit findings, then the parties shall meet in an attempt to resolve the matter. If the parties are unable to resolve the matter, then that matter may be referred to non-binding arbitration by either of the parties. Each party shall bear one-half of the costs and expenses of the arbitration proceedings. The decision of the arbitrator(s) shall be subject to judicial review at the request of either party.

3.6 Financial Records

Grantee agrees to meet with a representative of the City upon request to review Grantee's methodology of record-keeping, financial reporting, the computing of franchise fee obligations and other procedures, the understanding of which the City deems necessary for reviewing reports and records that are relevant to the enforcement of this Franchise.

3.7 Late Payments

In the event any payment due the City is not timely made, Grantee shall pay, in addition to the amount due, interest at the maximum allowed rate as provided under State law, from the payment due date until the City receives the payment.

3.8 Underpayments

If a franchise fee underpayment is discovered as the result of an audit, Grantee shall pay, in addition to the amount due, interest at the maximum allowed rate as provided under State law, calculated from the date the underpayment was originally due until the date the City receives the payment.

3.9 Maximum Franchise Fees

The parties acknowledge that, at present, applicable federal law limits the City to collecting a franchise fee of five percent (5%) of Gross Revenues in a 12-month period. In the event that at any time throughout the term of this Franchise, the City is authorized to collect an amount in excess of or less than five percent (5%) of Gross Revenues, then this Franchise shall be amended by the parties consistent with such change.

3.10 Additional Commitments Not Franchise Fees

No term or condition in this Franchise shall in any way modify or affect Grantee's obligation to pay franchise fees. Although the total sum of franchise fee payments and additional commitments set forth elsewhere in this Franchise may total more than five percent (5%) of Grantee's Gross Revenues in any 12-month period, Grantee agrees that the additional commitments herein are not franchise fees, nor are they to be offset or credited against any franchise fee payments due to the City, nor do they represent an increase in franchise fees to be passed through to Subscribers.

3.11 Alternative Compensation

In the event the obligation of Grantee to compensate the City through franchise fee payments is lawfully suspended or eliminated, in whole or part, then Grantee shall pay to the City such compensation as is required by law.

3.12 Payment on Termination

If this Franchise terminates for any reason, the Grantee shall file with the City within ninety (90) days of the date of the termination, a financial statement, prepared by a certified public accountant, showing the Gross Revenues received by the Grantee since the end of the previous fiscal year. Within thirty (30) days of the filing of the statement with the City, Grantee shall pay any unpaid franchise fee amounts as indicated. If the Grantee fails to pay its remaining financial obligations as required in this Franchise, the City may satisfy the same by utilizing the funds through any security provided by the Grantee.

3.13 Tax Liability

The franchise fees shall be in addition to any and all taxes or other levies or assessments which are now or hereafter required to be paid by businesses in general by any law of the City, the State or the United States including, without limitation, sales, use, utility, occupation and other taxes, business license fees or other payments. Payment of the franchise fees under this Franchise shall not exempt Grantee from the payment of any other license fee, permit fee, tax or charge on the business, occupation, property or income of Grantee that may be lawfully imposed by the City.

3.14 Bundling of Cable and Non-Cable Services

In no event will the Grantee unlawfully evade or reduce applicable franchise fee payments required to be made to the City due to discounted bundled services. Customer billing shall be itemized by service(s), and Grantee shall comply with all applicable laws regarding rates for Cable Services and all applicable laws covering issues of cross subsidization.

SECTION 4. ADMINISTRATION AND REGULATION

4.1 Authority

The City shall be vested with the power and right to administer and enforce the requirements of this Franchise and the regulations and requirements of applicable law, including the Cable Act, or to delegate that power and right, or any part thereof, to the extent permitted under law, to any agent in the sole discretion of the City.

The Grantee and the City shall be entitled to all rights and be bound by all changes in local, State and federal law that occur subsequent to the effective date of this Franchise. The Grantee and the City acknowledge that their rights and obligations under this Franchise are explicitly subject to all such changes.

4.2 Rate Regulation

All of Grantee's rates and charges related to or regarding Cable Services shall be subject to regulation by the City to the full extent authorized by applicable federal, State and local laws.

4.3 No Rate Discrimination

All of Grantee rates and charges shall be published (in the form of a publicly-available rate card), and shall be nondiscriminatory for all Persons of similar classes, under similar circumstances and conditions. Nothing herein shall be construed to prohibit:

- (A) The temporary reduction or waiving of rates or charges in conjunction with valid promotional campaigns;
- (B) The offering of reasonable discounts to similarly situated Persons; or
- (C) The offering of bulk discounts for Multiple Dwelling Units.

4.4 Low Income Discount

The Grantee shall offer a discount to those individuals who are low income (according to applicable federal guidelines) and either permanently disabled or 65 years of age or older and who are the legal owners or tenants of the Dwelling Unit. Such discounts will consist of thirty percent (30%) off of Basic Service or the Basic Service portion of Expanded Basic Service when not discounted by inclusion in other promotional or programming package rates, at which time the promotional or programming package rate will apply. Those subscribers currently receiving any low income discount that differs in terms from the above will continue to receive discounted service on those terms; however, any new applicants will receive a discount based on the terms of this Franchise. Grantee has voluntarily initiated this discount program and will make it available throughout the term of this Franchise.

The City, its designee, or Grantee, at the City's discretion, will be responsible for determining an individual's eligibility under this program.

4.5 Performance Evaluations

- (A) Upon written notification, the City may hold performance evaluation sessions whenever necessary to ensure proper performance of the provisions of this Franchise.

(B) Special evaluation sessions may be held at any time by the City during the term of this Franchise.

(C) All evaluation sessions shall be open to the public.

(D) Topics which may be discussed at any evaluation session include, but are not limited to, Subscriber figures for each classification of service, construction issues, Cable Service rate structures, franchise fee payments, liquidated damages, free or discounted Cable Service, application of new technologies, Cable System performance, Cable Services currently provided and programming offered, future plans of Grantee for new services or programs, Subscriber Complaints, privacy, modifications to this Franchise, judicial and FCC rulings, line extension policies and the City's or Grantee's rules; provided that nothing in this subsection shall be construed as requiring the renegotiation of this Franchise.

(E) During evaluations under this subsection, Grantee shall fully cooperate with the City and shall provide such information and documents as the City may reasonably require to perform the evaluation.

4.6 Leased Access Channel Rates

Grantee shall offer Leased Access Channel capacity on such terms and conditions and rates as may be negotiated with each lessee, subject to the requirements of Section 612 of the Cable Act. Upon request, Grantee shall provide a complete schedule of current rates and charges for any and all Leased Access Channels, or portions of such Channels, provided by Grantee.

4.7 Late Fees

(A) For purposes of this subsection, any assessment, charge, cost, fee or sum, however characterized, that the Grantee imposes upon a Subscriber solely for late payment of a bill is a late fee and shall be applied in accordance with applicable local, State and federal laws.

(B) The Grantee's late fee and disconnection policies and practices shall be nondiscriminatory, and such policies and practices, and any fees imposed pursuant to this subsection, shall apply equally in all parts of the City without regard to the neighborhood or income level of the Subscribers.

4.8 Reserved Authority

The City reserves all of its rights and authority arising from the Cable Act and any other relevant provisions of federal, State or local laws.

4.9 Time Limits Strictly Construed

Whenever this Franchise sets forth a time for any act to be performed by Grantee, such time shall be deemed to be of the essence, and any failure of Grantee to perform within the allotted time may be considered a breach of this Franchise.

SECTION 5. INDEMNIFICATION AND INSURANCE REQUIREMENTS

5.1 Indemnification

(A) General Indemnification. Grantee shall indemnify, defend and hold harmless the City, City Council, and any of the City's officers, officials, boards, commissions, agents and employees acting in an official capacity from any action, claim, damage, loss, liability, cost or expense, including court costs and attorneys' fees and expenses, arising from the death of or injury to any Person, casualty or accident to equipment or property, and all other damages arising out of, or by reason of, any construction, excavation, operation, maintenance, repair, reconstruction, upgrade, rebuild, upkeep or removal of the Cable System, by or for Grantee, its agents or employees, or by reason of any neglect or omission of Grantee, its agents or employees, except for injuries and damages caused by the sole negligence of the City.

(B) Procedures and Defense. The City shall give the Grantee written notice of any claim or of the commencement of any action, suit or other proceeding covered by the indemnity in this subsection 5.1. If a claim or action arises, the City or any other indemnified party shall then tender the defense of the claim to Grantee, which defense shall be at Grantee's expense. The City may participate in the defense of a claim and, in any event, Grantee may not agree to any settlement of claims financially affecting the City without the City's prior written approval which shall not be unreasonably withheld.

(C) Grantee's Duties. The fact that Grantee carries out any activities under this Franchise through independent contractors shall not constitute an avoidance of or defense to Grantee's duties of defense and indemnification under this subsection 5.1.

(D) Other Counsel. If separate representation to fully protect the interests of both parties is necessary, such as a conflict of interest between the City and the counsel selected by Grantee to represent the City, Grantee shall select additional counsel with no conflict with the City.

5.2 Insurance Requirements

(A) General Requirement. Grantee must have adequate insurance during the entire term of this Franchise to protect the City against claims for death or injuries to Persons or damages to property or equipment which in any way relate to, arise from or are connected with this Franchise, or involve Grantee, its agents, representatives, contractors, subcontractors and their employees.

(B) Minimum Insurance Limits. The Grantee shall maintain the following insurance limits:

- (1) Commercial General Liability: \$2,000,000 per occurrence, \$2,000,000 general aggregate and \$1,000,000 products/completed operations aggregate.
- (2) Automobile Liability: \$2,000,000 combined single limit.
- (3) Workers Compensation Insurance limits in accordance with State law requirements.
- (4) Excess or Umbrella Liability: \$5,000,000 each occurrence and \$5,000,000 policy limit.

(C) Endorsements.

(1) Commercial General Liability insurance policies are to contain, or be endorsed to contain, the following:

(a) The Grantee's insurance coverage shall be primary insurance with respect to the City. Any insurance, self-insurance, or insurance pool coverage maintained by the City shall be in excess of the Grantee's insurance and shall not contribute to it.

(b) The Grantee's insurance shall name the City as an additional insured.

(2) The insurance provided herein shall not be canceled or the limits reduced so as to be out of compliance with the requirements of this subsection 5.2 without thirty (30) days written notice, certified mail, return receipt requested, first being given to the City. If the insurance is canceled or reduced in coverage, Grantee shall provide a replacement policy.

(D) Acceptability of Insurers. The insurance obtained by Grantee shall be placed with insurers with a Best's rating of no less than "A VII".

(E) Verification of Coverage. The Grantee shall furnish the City with signed certificates of insurance and a copy of the amendatory endorsements, including, but not necessarily limited to, the additional insured endorsement, evidencing the Automobile Liability, Commercial General Liability and Umbrella or Excess insurance of the Grantee upon acceptance of this Franchise. The certificate for each insurance policy is to be signed by a Person authorized by that insurer to bind coverage on its behalf. The certificate for each insurance policy must be on standard forms or on such forms as are consistent with standard industry practices. The Grantee hereby warrants that its insurance policies satisfy the requirements of this Franchise.

(F) No Limitation. Grantee's maintenance of insurance policies required by this Franchise shall not be construed to excuse unfaithful performance by Grantee or limit the liability of Grantee to the coverage provided in the insurance policies, or otherwise limit the City's recourse to any other remedy available at law or in equity.

5.3 Letter of Credit

(A) If there is an uncured breach by Grantee of a material provision of this Franchise or a pattern of repeated violations of any provision(s) of this Franchise, then Grantee shall, upon written request, establish and provide to the City, as security for the faithful performance by Grantee of all of the provisions of this Franchise, an irrevocable letter of credit from a local financial institution satisfactory to the City in the amount of fifteen thousand dollars (\$15,000).

(B) If a letter of credit is furnished pursuant to subsection (A), the letter of credit shall then be maintained at that same amount throughout the remaining term of this Franchise.

(C) After the giving of notice to Grantee and expiration of any applicable cure period, the letter of credit may be drawn upon by the City for purposes including, but not limited to, the following:

(1) Failure of Grantee to pay the City sums due under the terms of this Franchise;

(2) Reimbursement of costs and expenses borne by the City to correct Franchise violations not corrected by Grantee; and

(3) Monetary remedies or damages assessed against Grantee as provided in this Franchise.

(D) Within ten (10) days following notice that a withdrawal from the letter of credit has occurred, Grantee shall restore the letter of credit to the full amount required by subsection (A). Grantee's maintenance of the letter of credit shall not be construed to excuse unfaithful performance by Grantee or limit the liability of Grantee to the amount of the letter of credit or otherwise limit the City's recourse to any other remedy available at law or in equity.

(E) Grantee shall first appeal to the City Council for reimbursement in the event Grantee believes that the letter of credit was drawn upon improperly. Thereafter, Grantee shall have the right of judicial appeal if Grantee believes the letter of credit has not been properly drawn upon in accordance with this Franchise.

5.4 Bonds

(A) Grantee shall provide to the City a faithful performance bond in the initial amount of fifty thousand dollars (\$50,000) and obtain additional bonds on a project specific basis as required by the Municipal Code or regulations.

(B) Grantee's maintenance of the bond(s) shall not be construed to excuse unfaithful performance by Grantee, or limit the liability of Grantee to the amount of the bond(s), or otherwise limit the City's recourse to any other remedy available at law or in equity.

SECTION 6. CUSTOMER SERVICE

6.1 Customer Service Standards

City and Grantee recognize the importance of customer service in the grant of this Franchise. Grantee shall comply with customer service standards as the same may be adopted and amended from time to time by the City Council. Grantee reserves the right to challenge any customer service standard that it believes is inconsistent with its contractual rights granted pursuant to this Franchise or State or federal law. Grantee and the City shall work cooperatively in an effort to develop those standards.

6.2 Subscriber Privacy

Grantee will comply with privacy rights of Subscribers in accordance with federal, State and local laws.

SECTION 7. REPORTS AND RECORDS

7.1 Open Records

The City shall have access to, and the right to inspect, any books and records of Grantee and its Affiliates which are reasonably necessary to monitor and enforce Grantee's compliance with the provisions of this Franchise at the Grantee's regional business office, during normal business hours, and without unreasonably interfering with Grantee's business operations. The City may, in writing, request copies of any such records or books that are not identified as proprietary or confidential, and Grantee shall provide such copies within thirty (30) days of the transmittal of such request. One copy of all reports and records required under this or any other Section shall be furnished to the City at the sole expense of Grantee. If the requested books and records are too voluminous, or identified as proprietary and confidential, or for security reasons cannot be copied or removed, then the City shall inspect them at Grantee's regional office. If any books or records of Grantee are not kept in a regional office and not made available in copies to the City upon written request as set forth above, and if the City determines that an examination of such records is necessary for the enforcement of this Franchise, then all reasonable travel expenses incurred in making such examination shall be paid by Grantee.

7.2 Confidentiality

Grantee shall not be required to disclose information that it reasonably deems to be proprietary or confidential in nature, nor disclose books and records of any Affiliate of Grantee that is not providing Cable Service in the Franchise Area. The City agrees to keep confidential any proprietary or confidential books or records of Grantee to the extent permitted by law. Grantee shall be responsible for clearly and conspicuously identifying the records as confidential or proprietary, and shall provide a brief written explanation as to why such information is confidential or proprietary and how it may be treated as such under State or federal law. The Grantee shall not be required to provide Customer information in violation of Section 631 of the Cable Act or any other applicable federal or State privacy law. For purposes of this subsection, the terms "proprietary or confidential" include, but are not limited to, information relating to the Cable System design, customer lists, marketing plans, financial information unrelated to the calculation of franchise fees or rates pursuant to FCC rules, or other information that is reasonably determined by the Grantee to be competitively sensitive. If the City receives a demand from any Person for disclosure of any information designated by Grantee as confidential, the City shall, so far as consistent with applicable law, advise Grantee and provide Grantee with a copy of any written request by the Person demanding access to such information within five (5) business days.

7.3 Maps and Records Required

Grantee shall provide to the City upon request:

(A) A route map that depicts the general location of the Cable System facilities placed in the Rights-of-Way. The route map shall identify Cable System facilities as aerial or underground and is not required to depict cable types, number of cables, electronic equipment, and service lines to individual Subscribers. The Grantee shall also provide, if requested, an electronic format of the aerial/underground facilities in relation to the Right-of-Way centerline reference to allow the City to add this information to the City's GIS program;

(B) A copy of all FCC filings which relate to the operation of the Cable System in the Franchise Area; and

(C) A list of Grantee's Cable Services, rates and Channel line-up.

7.4 Submittal of Documents

Upon written request, Grantee shall submit to the City a copy of any application, notification, communication or document of any kind, submitted by Grantee or its Affiliates to any federal, State or local courts, regulatory agencies and other governmental bodies if such document directly relates to the operations of Grantee's Cable System within the Franchise Area. Grantee shall submit such documents to the City no later than forty-five (45) days after receipt of the City's request. Grantee shall not claim confidential, privileged or proprietary rights to such documents unless under federal, State, or local law such documents have been determined to be confidential by a court of competent jurisdiction, or a federal or State agency.

7.5 Annual Reports

Upon request, thirty (30) days after the end of the first quarter, Grantee shall submit to the City a written report, which shall include the following information:

- (A) The most recently completed annual corporate report;
- (B) A Gross Revenue statement for the preceding fiscal year and all deductions and computations for the period, and such statement shall be reviewed by a certified public accountant, who may also be the chief financial officer or controller of Grantee;
- (C) A summary of the previous year's activities regarding the development of the Cable System, including, but not limited to, homes passed, beginning and ending plant miles, any technological changes occurring in the Cable System and the number of Subscribers for each class of Cable Service (i.e., Basic, Expanded Basic Service, premium, etc.);
- (D) A description of planned construction, if any, for the current year; and
- (E) An executive summary of Subscriber Complaints received in the previous year.

7.6 False Statements

Any intentional false or misleading statement or representation in any report required by this Franchise shall be a material breach of this Franchise and may subject Grantee to all remedies, legal or equitable, which are available to the City under this Franchise or otherwise.

7.7 Failure to Report

The failure or neglect of Grantee to file any of the information required under this Franchise (not including clerical errors or errors made in good faith) may, at the City's option, be deemed a breach of this Franchise.

SECTION 8. PROGRAMMING

8.1 Broad Programming Categories

Grantee shall provide at least the following initial broad categories of programming to the extent such categories are reasonably available:

- (A) News, weather and information;

- (B) Sports;
- (C) General entertainment including movies;
- (D) Children, family oriented;
- (E) Arts, culture and performing arts; and
- (F) Science/documentary.

8.2 Deletion of Broad Programming Categories

Grantee shall not delete or so limit as to effectively delete any broad category of programming within its control without prior written notice to the City.

8.3 Ascertainment of Customer Satisfaction

In the event Grantee conducts an ascertainment survey related to Franchise renewal under the guidelines of Section 626 of the Cable Act, Grantee agrees to provide, upon request, the results of said ascertainment survey to the City within thirty (30) days of the completion thereof.

8.4 Parental Control Device

Upon request by any Subscriber, Grantee shall make available a parental control or lockout device, trap or filter to enable a Subscriber to control access to both the audio and video portions of any or all Channels. Grantee shall inform its Subscribers of the availability of the lockout device at the time of their initial subscription and periodically thereafter. Such devices, traps or filters will be provided at no charge to the Subscriber, unless otherwise provided by federal law.

SECTION 9. ACCESS

9.1 Access Channels

For the purpose of meeting the community's need for Access programming, Grantee shall make available and maintain throughout the term of this Franchise the following Access Channels throughout the Franchise Area:

one (1) Government Access Channel; and

one (1) Public Access Channel which may carry either local or regional programming and recognizing that the Grantee does not exercise any editorial control over the programming content of this Channel.

The City acknowledges that the Grantee's Cable System provides additional benefits to Access programming needs beyond the requirements listed above. This is accomplished through the inclusion of other regional access programming within the regional channel line-up that services the Franchise Area. The Grantee will endeavor to provide the Subscribers in the Franchise Area with the other regional access channels so long as the programmers offer them for use on the Cable System.

If Grantee makes a change in its Cable System and related equipment and facilities, or in its signal delivery technology, which directly or indirectly affects the signal quality or method or type of transmission of Access programming or services, Grantee shall take all necessary technical steps and provide necessary technical assistance, including the acquisition of all necessary equipment, up to the point of demarcation to ensure that the capabilities of the Access Channels and delivery of Access programming are not diminished or adversely affected by such change. For example, live and taped programming must be cablecast with as good or better signal quality than existed prior to such change.

In the event that the local School District can make available an adequate amount of educational programming, then the Grantee will use its best efforts to cablecast that programming on the regional educational access channel.

9.2 Additional Access Channel

In addition to the Access Channels referenced in subsection 9.1 above, the City may require Grantee to make available an additional Access Channel as established by the triggers set forth below:

One (1) additional channel shall be made available for Government Access use when the Government Access Channel required above is used for original programming (excluding character generated and filler programming, e.g., AM/FM radio programming) during fifty percent (50%) of the hours between 10:00 a.m. and 10:00 p.m., five (5) days per week during any consecutive twelve (12) week period. The programming shall generally be distinct and non-repetitive of the previous channel. Based upon this criteria, the Grantee shall, within four (4) months following a written request by the City, make available an additional Access Channel.

9.3 Management, Control and Connectivity of Access Channels

(A) The City may authorize Designated Access Providers to control, operate and manage the use of any and all Access facilities provided by Grantee under this Franchise, including, without limitation, the operation of Access Channels. The City or its designee may formulate rules for the operation of the Access Channels, consistent with this Franchise.

(B) Regarding the City's and Designated Access Providers use of Access facilities and Access Channels, Grantee shall fully cooperate with requests from the City, and provide all necessary assistance related thereto.

(C) As of the effective date of this Franchise, the Grantee shall maintain all existing fiber optic return line(s) to facilitate the City's current Access connectivity to Grantee's Headend and hubs. If the City desires to relocate or expand the fiber optic return line(s) to new location(s) over the term of this Franchise, upon one hundred twenty (120) days written request by the City and at the City's cost for Grantee's reasonable time and materials, the Grantee shall construct the requested new fiber optic return line(s).

9.4 Location and Quality of Access Channels

(A) All Access Channels provided to Subscribers under this Franchise shall be included by Grantee as a part of the Basic Service Tier or as otherwise provided by federal law.

(B) Grantee shall provide as much notice as possible but not less than sixty (60) days advance written notice to the City prior to any relocation of a Government or Public Access Channel. In connection with the movement of those Access Channels to other Channel numbers, Grantee shall provide a bill message on subscriber's bills.

(C) Any Access Channels shall have at least the same transmission quality as is used to carry any of the commercial Channels that deliver programming on the Cable System. The Grantee shall provide Headend and hub equipment and routine maintenance and repair and replace, if necessary, any of Grantee's equipment required to carry the Access signal to and from the City's and any other Access origination point and the Grantee's Headend and hubs for the Access Channels.

9.5 Access Interconnections

Grantee acknowledges that it is the City's goal to further the community's needs and interests by providing for the interconnection of Access Channels between the City and surrounding communities. Therefore, Grantee will implement Access Channel interconnections, at the cost of the City (such cost to be agreed upon by both parties prior to beginning of construction) which facilitate the sharing of Access programming between and among the City and surrounding (geographically adjacent, but not necessarily contiguous) communities that are served by the Grantee's same Headend or hub. The City shall have the right to use any Access programming provided to it through an interconnection and approved for use by the interconnecting municipality. The Grantee shall not be required by the City to interconnect the Access Channels carried on Grantee's Cable System with those carried on a system of another cable operator with a franchise granted by the City within the Franchise Area.

Additionally, the Grantee shall not be required, by the City, to interconnect its Access Channels with a newly authorized cable operator or a facilities based entity, legally authorized by State or federal law, who makes available for purchase by customers, Cable Services within the Franchise Area without a franchise or other similar lawful authorization granted by the City.

9.6 Access Advances

Within forty-five (45) days of the City's request, Grantee shall pay to the City a capital advance in the amount of \$66,600 and another capital advance in the amount of \$66,600 two and one-half years after the effective date of this Franchise. These are advance payments of the monthly Capital Contributions set forth in subsection 9.7. These funds may be used by the City for capital expenditures related to Access/I-Net matters including, without limitation, for equipment purchases, construction and relocation costs. These advances shall in no way be considered in lieu of franchise fees and shall not reduce in any way franchise fees owed to the City under this Franchise.

9.7 Monthly Capital Contribution

Grantee shall provide a monthly Capital Contribution to the City for Access/I-Net purposes including, without limitation, for equipment purchases, construction and relocation costs. As of the acceptance date of this Franchise by the Grantee, the Grantee shall collect an amount of \$0.25 per Subscriber per month throughout the term of this Franchise to recoup the access advance payments set forth in subsection 9.6. In the case of the access advance payments, if the Grantee recoups the

full payment amount prior to the two and one-half year payment date or the expiration date of the Franchise, the Grantee shall continue to collect the \$0.25 per Subscriber per month Capital Contribution and remit it to the City on a quarterly basis at the same time as franchise fees are paid.

Upon forty-five (45) days written notice, the monthly amount may be adjusted, upon approval by the City Council, but in no event shall the monthly amount exceed \$0.25. Grantee shall not be responsible for paying the Capital Contribution with respect to gratis or Bad Debt accounts. The City shall have discretion to allocate the Capital Contribution in accordance with applicable law. To the extent the City makes Access/I-Net capital investments using City funds prior to receiving the capital advances or monthly Capital Contribution funds, the City is entitled to apply the subsequent capital advances and monthly Capital Contribution payments from Grantee toward such City capital investments. The City agrees that the capital advances in subsection 9.6 and Capital Contribution may be treated as external costs under applicable federal law. On an annual basis, the City or its designee shall provide Grantee a statement showing the Capital Contribution account balance, the amount expended including a detailed list of purchases, and the interest earned.

The City shall dedicate the time, personnel and other resources needed to operate the Government Access Channel designated herein.

SECTION 10. GENERAL RIGHT-OF-WAY USE AND CONSTRUCTION

10.1 Right to Construct

Subject to the other provisions of this Franchise, Grantee may perform all construction in the Rights-of-Way for any facility needed for the maintenance, operation or extension of Grantee's Cable System.

10.2 Right-of-Way Meetings

Subject to receiving advance notice, Grantee will make reasonable efforts to attend and participate in meetings of the City regarding Right-of-Way issues that may impact the Cable System.

10.3 General Standard

All work authorized and required hereunder shall be done in a safe, thorough and workmanlike manner. All equipment shall be durable and installed and maintained in accordance with good engineering practices and comply with applicable law.

10.4 Joint Trenching

Grantee agrees to cooperate with others to minimize adverse impacts on the Rights-of-Way through joint trenching and other arrangements.

10.5 Movement of Facilities During Emergencies

During emergencies, except those involving imminent danger to the public health, safety or welfare, the City shall provide notice to Grantee, at a designated emergency response contact number, to allow Grantee the opportunity to respond and rectify the problem without disrupting Cable Service. If after providing notice, there is no immediate response, the City may move Grantee's facilities.

10.6 One Call

The Grantee shall, at its own expense, participate in the call before you dig program required under State Law.

10.7 Permits Required

Prior to doing any work in the Right-of-Way or other public property (with the exception of installations and general maintenance that involves no construction and with no disruption to the use of the Right-of-Way or other public property), Grantee shall apply for, and obtain, in advance, appropriate permits from the City. As part of the permitting process, the City may impose such conditions and regulations as are necessary for protecting any structures in such Rights-of-Way, and for providing for the proper restoration of such Rights-of-Way and to protect the public and the continuity of pedestrian or vehicular traffic. Grantee shall pay all generally applicable fees for the requisite City permits.

10.8 Emergency Permits

In the event that emergency repairs are necessary, Grantee shall immediately notify the City of the need for such repairs. Grantee may initiate such emergency repairs, and shall apply for appropriate permits within forty-eight (48) hours after discovery of the emergency.

10.9 Submittal of Plans

No construction activities shall occur within the Rights-of-Way of the City unless plans therefor shall have been first submitted to the City.

10.10 Compliance with Applicable Codes

(A) City Codes. Grantee shall comply with all applicable City codes, including, without limitation, construction codes, building codes, the Fire Code and zoning codes and regulations.

(B) Regulations and Safety Codes. Grantee shall comply with all applicable federal, State and City safety requirements, rules, regulations, laws and practices. By way of illustration and not limitation, Grantee shall comply with the National Electric Code, National Electrical Safety Code and Occupational Safety and Health Administration (OSHA) Standards.

10.11 Least Interference

Work in the Right-of-Way, or on other public property, shall be done in a manner that causes the least interference with the rights and reasonable convenience of property owners and residents. Grantee's Cable System shall be constructed and maintained in such a manner as not to interfere with sewers, water pipes or any other property of the City, or with any other pipes, wires, conduits, pedestals, structures or other facilities that may have been laid in the Rights-of-Way by, or under, the City's authority. The Grantee's Cable System shall be located, erected and maintained so as not to endanger or interfere with the lives of Persons, or to interfere with new improvements the City may deem proper to make or to unnecessarily hinder or obstruct the free use of the Rights-of-Way or other public property, and shall not interfere with travel and use of public places by Persons during the construction, repair, operation or removal thereof. In the event of such interference, the City may require the removal or relocation of Grantee's lines, cables, equipment and other appurtenances from the property in question at Grantee's expense.

10.12 Prevent Injury/Safety

Grantee shall provide and use any equipment and facilities necessary to control and carry Grantee's signals so as to prevent injury to the City's property or property belonging to any Person. Grantee shall repair, change and improve its facilities to keep them in good repair, and safe and presentable

condition. All excavations made by Grantee in the Rights-of-Way shall be properly safeguarded for the prevention of accidents.

10.13 Notice to Private Property Owners

Except in the case of an emergency involving public safety, Grantee shall give reasonable advance notice to private property owners or tenants of construction work on or adjacent to such private property.

10.14 Poles & Undergrounding Requirements

(A) If all of the wires and lines of electric and telephone service providers in any given area within the Franchise Area are now or in the future placed underground, the Grantee shall place its Cable System distribution cables underground. In any part of the Franchise Area where the wires and lines of the electric and telephone service providers are both aerial and underground, the Grantee shall have the discretion to construct, operate, and maintain all of its distribution cables, or any part thereof, aerially or underground. In areas where the electric and telephone service providers wiring is aerial, the Grantee may install aerial cable, except when a property owner or resident requests underground installation and agrees to bear the additional cost in excess of aerial installation. Nothing in this subsection shall be construed to require the Grantee to construct, operate, or maintain underground any ground-mounted appurtenances such as power supplies, or pedestals. Cable System equipment such as pedestals may be accompanied by landscaping and screening which, if required by the City, will meet with the approval of the City on a case by case basis. Grantee shall not erect or authorize or allow others to erect any poles within the Rights-of-Way of the City for operation of its Cable System.

(B) This Franchise does not grant, give or convey to the Grantee the right or privilege to install its facilities in any manner on poles or equipment of the City or of any other Person.

(C) The Grantee and the City recognize that situations may occur in the future where the City may desire to place its own conduit and fiber optic cable in trenches or bores opened by the Grantee. The Grantee agrees to cooperate with the City in any such construction that involves trenching or boring. The Grantee shall allow the City to lay City conduit and fiber optic cable in the Grantee's trenches and bores, provided that the City and Grantee enter into a mutually acceptable cost sharing arrangement consistent with State law. The City shall be responsible for maintaining its respective conduit and fiber optic cable, which is buried in the Grantee's trenches and bores.

10.15 Restoration of Property

(A) If damage occurs, the Grantee shall promptly notify the property owner within twenty-four (24) hours.

(B) If in connection with the construction, operation, maintenance, upgrade, repair or replacement of the Cable System, the Grantee disturbs, alters, or damages any public or private property, the Grantee agrees that it shall at its own cost and expense pay for any damage and replace and restore any such property to a condition reasonably comparable to the condition existing immediately prior to the disturbance. Whenever Grantee disturbs or damages any Right-of-Way or other public property, Grantee shall complete the restoration work within forty-eight (48) hours or as authorized by the City's Public Works Director or designee.

(C) Grantee shall warrant any restoration work performed by or for Grantee in the Right-of-Way or on other public property for one (1) year, unless a longer period is required by the Municipal Code or any generally applicable ordinance or resolution of the City. If restoration is not satisfactorily and timely performed by the Grantee, the City may, after prior notice to the Grantee, or without notice where the disturbance or damage may create a risk to public health or safety, cause the repairs to be made and recover the reasonable cost of those repairs from the Grantee. Within thirty (30) days of receipt of an itemized list of those costs, including the costs of labor, materials and equipment, the Grantee shall pay the City.

10.16 Movement of Cable System Facilities

(A) Relocation at Request of the City. Upon thirty (30) days prior written notice to Grantee, the City shall have the right to require Grantee to relocate any part of the Cable System within the Rights-of-Way when the safety, health or welfare of the public requires such change, and the expense thereof shall be paid by Grantee. Should Grantee fail to remove or relocate any such facilities by the date established by the City, the City may effect such removal or relocation, and the expense thereof shall be paid by Grantee, including all costs and expenses incurred by the City due to Grantee's delay. If the City requires Grantee to relocate its facilities located within the Rights-of-Way, the City shall make a reasonable effort to provide Grantee with an alternate location within the Right-of-Way. If public funds are available to any Person using such Rights-of-Way for the purpose of defraying the cost of any of the foregoing, the Grantee may make application for such funds.

(B) In the case of relocation projects where the City hires and designates an independent contractor to accommodate and coordinate the conversion of overhead utilities within a City capital improvement project, then the Grantee shall participate in the joint trenching portion of the project and Grantee shall pay to the City Grantee's portion of the traffic control and trench costs, including excavation and other associated costs, trench bedding, and backfill commensurate with Grantee's proportionate share of trench usage. However, notwithstanding anything to the contrary set forth herein, if bids from the City's contractor for placement of Grantee's conduits and vaults/pedestals in the supplied joint trench, in the reasonable estimation of the Grantee, are not acceptable, the Grantee shall have the option to utilize contractor(s) of its choice to complete the required work. The City's contractor shall coordinate with the Grantee's contractor(s) to provide reasonable notice and time to complete the placement of the Grantee's facilities in the supplied joint trench.

(C) Nothing in this Franchise shall prevent the City from constructing any public work or capital improvement. Further, the City shall have the right to require Grantee to relocate, remove, replace, modify or disconnect Grantee's facilities and equipment located in the Rights-of-Way or on any other property of the City in the event of an emergency or when necessary to protect or further the health, safety or welfare of the general public, and such work shall be performed at Grantee's expense. Except during an emergency, the City shall provide reasonable notice to Grantee, not to be less than thirty (30) days, and allow Grantee the opportunity to perform such action. In the event of any capital improvement project exceeding \$500,000 in expenditures by the City which requires the removal, replacement, modification or disconnection of Grantee's facilities or equipment, the City shall provide at least sixty (60) days written notice to Grantee. Following notice by the City, Grantee shall relocate, remove, replace, modify or disconnect any of its facilities or equipment within any Right-of-Way, or on any other property of the City.

(D) If the Grantee fails to complete the above work within the time prescribed by the City, given the nature and extent of the work, or if it is not done to the City's reasonable satisfaction, the City may cause such work to be done and bill the reasonable cost of the work to the Grantee, including all reasonable costs and expenses incurred by the City due to Grantee's delay. In such event, the City shall not be liable for any damage to any portion of Grantee's Cable System. Within thirty (30) days of receipt of an itemized list of those costs, the Grantee shall pay the City.

10.17 Movement of Cable System Facilities for Others

(A) If any removal, replacement, modification or disconnection of the Cable System is required to accommodate the construction, operation or repair of the facilities or equipment of another City franchise holder(s), Grantee shall, after at least thirty (30) days advance written notice, take action to effect the necessary changes requested by the responsible entity, as long as, the other franchise holder(s) pay for the Grantee's time and material costs associated with the project and Grantee is issued a permit for such work by the City.

(B) The Grantee shall, upon reasonable prior written request of any Subscriber, relocate its aerial distribution cable facilities underground, as long as, the Subscriber pays for the Grantee's time and material costs associated with the project and Grantee is issued a permit for such work by the City.

(C) In the event an underground conversion of cable facilities is required as part of the street improvement condition(s) of a new land use development, not associated with a City designated capital improvement project, this Franchise shall in no way limit the Grantee's right to recoup all time and material costs associated with the underground conversion of the Cable System from the Person responsible for the project.

10.18 Temporary Changes for Other Permittees

At the request of any Person holding a valid permit and upon reasonable advance notice, Grantee shall temporarily raise, lower or remove its wires as necessary to permit the moving of a building, vehicle, equipment or other item. The expense of such temporary changes must be paid by the permit holder.

10.19 Reservation of City Use of Right-of-Way

Nothing in this Franchise shall prevent the City from constructing sewers; grading, paving, repairing or altering any Right-of-Way; laying down, repairing or removing water mains; or installing conduit or fiber optic cable.

10.20 Tree Trimming

The Grantee shall have the authority to conduct minimal pruning and trimming for access to Cable System facilities in the Rights-of-Way subject to compliance with the City Code. In situations involving tree trimming activities for construction activities on its Cable System lines in the Rights-of-Way, the Grantee shall coordinate the trimming with the City per the City Code. All such trimming shall be done at the Grantee's sole cost and expense. The Grantee shall be responsible for any damage caused by such trimming.

10.21 Inspection of Construction and Facilities

The City may inspect any of Grantee's facilities, equipment or construction within the Rights-of-Way and on other public property upon at least twenty-four (24) hours notice, or, in case of an emergency, upon demand without prior notice. If an unsafe condition is found to exist, the City, in addition to taking any other action permitted under applicable law, may order Grantee to make the necessary repairs and alterations specified therein forthwith to correct the unsafe condition by a time the City establishes. The City has the right to inspect, repair and correct the unsafe condition if Grantee fails to do so, and to reasonably charge Grantee therefor.

10.22 Stop Work

(A) On notice from the City that any work is being performed contrary to the provisions of this Franchise, or in an unsafe or dangerous manner as reasonably determined by the City, or in violation of the terms of any applicable permit, laws, regulations, ordinances or standards, the work may immediately be stopped by the City.

(B) The stop work order shall:

- (1) Be in writing;
- (2) Be given to the Person doing the work and be posted on the work site;
- (3) Be sent to Grantee by overnight delivery at the address given herein;
- (4) Indicate the nature of the alleged violation or unsafe condition; and
- (5) Establish conditions under which work may be resumed.

10.23 Work of Contractors and Subcontractors

Grantee's contractors and subcontractors shall be licensed and bonded in accordance with the City's and State's regulations and requirements. Work by contractors and subcontractors is subject to the same restrictions, limitations and conditions as if the work were performed by Grantee. Grantee shall be responsible for all work performed by its contractors and subcontractors and others performing work on its behalf as if the work were performed by it, and shall ensure that all such work is performed in compliance with this Franchise and other applicable laws, and shall be jointly and severally liable for all damages and correcting all damage caused by them. It is Grantee's responsibility to ensure that contractors, subcontractors or other Persons performing work on Grantee's behalf are familiar with the requirements of this Franchise and other applicable laws governing the work performed by them.

SECTION 11. CABLE SYSTEM ARCHITECTURE/TECHNICAL STANDARDS

11.1 Subscriber Network

(A) Prior to the effective date of this Franchise, Grantee has upgraded its Cable System to a fiber-to-the-node Cable System architecture. Fiber-optic cable was deployed from the Headend to the nodes and tying into a hybrid fiber-coaxial Cable System. Active and passive devices are capable of passing a minimum of 750 MHz. The Cable System is capable of delivering high quality signals that meet or exceed FCC technical quality standards regardless of how the signal is transmitted. The Grantee shall, throughout the term of this Franchise provide additional Cable

System facilities and equipment, expand Cable System channel capacity and otherwise upgrade or rebuild its Cable System as required to incorporate improvements in technology as necessary to reasonably meet the needs of the community in light of the costs thereof.

Regional Cable Services provided by Grantee from a common Headend or hub shall be deployed and made available in the City as soon as practicable and economically and technically feasible.

(B) Grantee will take prompt corrective action if it finds that any facilities or equipment on the Cable System are not operating as expected, or if it finds that facilities and equipment do not comply with the requirements of this Franchise or applicable law.

11.2 Standby Power

Grantee shall provide standby power generating capacity at the Headend and hubs of at least twenty-four (24) hours. Grantee shall maintain strategically located standby power supplies throughout the Cable System, rated for at least four (4) hours duration.

11.3 Emergency Alert

The Grantee shall provide an operating Emergency Alert System in accordance with and at the time required by the provisions of State and federal laws, including FCC regulations.

11.4 Technical Performance

The technical performance of the Cable System shall meet or exceed all applicable federal technical standards, as they may be amended from time to time, regardless of the transmission technology utilized. The City shall have the full authority permitted by applicable law to enforce compliance with these technical standards.

11.5 Cable System Performance Testing

(A) Grantee shall perform all technical tests presently or hereafter required by the FCC.

(B) Upon request, all required FCC technical performance tests may be witnessed by representatives of the City.

(C) Grantee shall maintain written records of its Cable System tests performed by or for Grantee. Copies of such test results will be provided to the City upon request.

(D) Grantee shall promptly take such corrective measures as are necessary to correct any performance deficiencies fully and to prevent their recurrence as far as possible. Grantee's failure to correct deficiencies identified through this testing process shall be a material violation of this Franchise. Sites shall be re-tested following correction.

11.6 Additional Tests

In addition to the above, where there exists other evidence which in the judgment of the City casts doubt upon the reliability or technical quality of the Cable System, after giving Grantee notice and a reasonable opportunity to cure, the City may retain an independent consultant to conduct an analysis of the Cable System and its performance. In conjunction with the foregoing, the City shall have the right and authority, upon thirty (30) days notice, to require Grantee to conduct additional

tests regarding the performance of the Cable System. Grantee shall fully cooperate with the City and the City's consultant in performing such testing. Following testing, the consultant's report shall include the following information:

- (A) the nature of the evidence which precipitated the special tests;
- (B) the Cable System component tested;
- (C) the equipment used and procedures employed in testing;
- (D) the results of the testing and Cable System evaluation, including a description of any problem(s) found;
- (E) the method, if any, in which such problem was resolved; and
- (F) any other information pertinent to said tests and analysis, which may be required.

If the test(s) indicate that the Cable System is not performing in compliance with FCC technical standards, the Grantee shall reimburse the City for all of the City's reasonable costs (including, without limitation, consultant's fees and expenses) with regard to such test(s).

SECTION 12. INSTITUTIONAL NETWORK

12.1 I-Net History

The Grantee has provided a fiber optic system, attached to the Grantee's Cable System connected to a hub at City Hall, and connected to each public building and school building listed in the attached Exhibits B and C. Each of these fiber optic lines is at least six-strand fiber and meets the minimum specifications established by industry standards and by the FCC and state and local government.

Fiber has been constructed and terminated in accordance with Grantee's standard practices. Each fiber connection has been terminated at an internal point of demarcation in a Grantee standard fiber termination panel, unless the City provided another means of termination, in which case the City has provided, at its expense, all necessary fiber termination equipment. At each fiber termination location the City has provided wall mount backboards and a power source for the basic termination, or such equipment as chosen by the City as a replacement. The City and other Qualified I-Net Users have an indefatigable, exclusive right of use thereof for non-commercial private network communications (for example, for educational and public safety communications), which right cannot be revoked by the Grantee, or successor companies, assigns or other entities, if any, throughout the term of this Franchise or any renewal(s), extension(s) or transfer(s) thereof so long as the City has met its financial obligations to Grantee.

12.2 I-Net Maintenance, Relocation, and Future Construction

The City and Grantee will follow the terms and conditions addressed in this Franchise and Exhibit A for the ongoing I-Net maintenance, relocation, and future construction activities.

12.3 Qualified I-Net Users

The I-Net will be for the use of the City and any Qualified I-Net User, which shall include: the City, schools, police stations, fire stations and other public safety facilities, the library, other municipal facilities, and other public entities or locations that Grantee and the City agree may use the I-Net provided that they are located within the Franchise Area.

12.4 Testing

Upon request from the City and at its cost, I-Net optical fibers will be re-tested in accordance with industry standards. Tests will be conducted from demarcation point to demarcation point which is typically from the City Hall to the I-Net site. Industry standards for loss and attenuation will determine the acceptable loss of a given link. A copy of the documentation and test results shall be provided in an electronic format that may be viewed or printed with standard office applications or software provided by Grantee.

The City or its designee shall have the option of attending any City requested test conducted by Grantee and also have the option of conducting a physical inspection of the construction taking place in the Right-of-Way or on other City property or other property used by the City, provided that this inspection should not include touching, moving or manipulating the fiber, and provided further that this inspection is conducted prior to the date of Grantee's planned testing. If the test results or physical inspection do not/does not indicate compliance with industry standards, Grantee shall perform repairs and retesting and take any other action necessary until the fiber meets such standards. After meeting such standards, Grantee shall provide documents showing proof of compliance.

12.5 Warranties/Acceptance

The acceptance of any component of the I-Net, or reimbursement therefore, shall not waive any defect in the work or constitute acceptance of workmanship or materials not in compliance with the applicable design and specification requirements. Grantee shall provide in its contracts for warranties of the workmanship and materials which are satisfactory to the City and will provide for the enforcement of such warranties and for the correction of workmanship or materials which is not provided in accordance with applicable design and specification requirements or which is otherwise defective.

12.6 Payment

The City may use the capital advances and Capital Contributions specified in subsections 9.6 and 9.7 of this Franchise for payment of the I-Net costs.

12.7 I-Net Service Standards.

Grantee shall be responsible for meeting the I-Net service and maintenance standards described in this Franchise and Exhibit A. Grantee shall maintain the I-Net fiber plant at a high level of reliability.

(A) The I-Net shall be experiencing an "outage" when the City or another Qualified I-Net User cannot, because of a problem resulting from the failure of any Grantee-provided fiber optic cable or an associated component, transmit video, voice or data communications to, from or on the I-Net.

(B) "Outage" conditions shall not include (i) service problems resulting from City-owned or Qualified I-Net User owned or installed equipment or facilities or (ii) *force majeure*.

12.8 No Other I-Net Costs

The parties agree that there shall be no charges for the I-Net provided by Grantee, other than those types of charges specified in Exhibit A. The parties also agree that any costs to the Grantee associated with the I-Net are not franchise fees.

SECTION 13. SERVICE EXTENSION AND SERVICE TO PUBLIC BUILDINGS

13.1 Service Availability

(A) Subject to the density provisions described in subsection 13.1(B) below and accessibility, Cable Service shall be made available in the entire Franchise Area. If such availability does not now exist in the Franchise Area, the Grantee shall complete such construction and wiring and be in a position to offer Cable Service to all residents within six (6) months of such availability. Other areas subsequently annexed shall be provided with Cable Service within twelve (12) months.

(B) Distribution Line Extension Charges. The Grantee must make Cable Service available to every residential Dwelling Unit within the Franchise Area where the minimum density is at least twenty-five (25) Dwelling Units per strand mile in areas served by overhead facilities and sixty (60) Dwelling Units per mile in areas served by underground facilities. The Grantee may elect to provide Cable Service to areas not meeting the above density standard and charge the requesting resident(s) for the line extension on a time and material cost basis.

(C) New Developments. The City shall use its best efforts to provide the Grantee with written notice of the issuance of formal approvals for new subdivisions and/or planned developments, within the Franchise Area, requiring underground installation and/or the conversion of the Cable System as part of the approval condition(s).

(D) Extraordinary Installation Charges. All residents requesting Cable Service and living within one hundred twenty-five (125) aerial feet of existing cable distribution or trunk lines shall have the cable installed at the prevailing published installation rate. In the event a request is made for service and the residence is more than one hundred twenty-five (125) aerial feet from an existing cable distribution or trunk line, such installation shall be completed on a time and material cost basis for that portion of the service line extending beyond one-hundred twenty-five (125) feet.

(E) Service to Multiple Dwelling Units. The Grantee shall provide Cable Service to Multiple Dwelling Units in accordance with this Franchise and applicable laws.

13.2 Connection of City and Other Public Facilities

Grantee shall, upon request through the designated City representative and without charge, provide a standard installation and a minimum of one outlet of Basic and Expanded Basic Cable Services (and if necessary one (1) converter) to City administrative buildings as designated by the City (whether they are owned or leased), and fire station(s), police station(s), libraries, Access facilities and K-12 public School(s). If the installation to such building does exceed one hundred twenty-five (125) aerial feet, the City or other agency agrees to pay the incremental cost of such installation in

excess of one hundred twenty-five (125) aerial feet or a necessary distribution line extension of the Cable System, including the cost of such excess labor and materials. The recipient of the service will secure any necessary right of entry. The Cable Service will not be used for commercial purposes, and the outlets will not be located in jail cells or areas open to the public, except for one outlet to be located in a public lobby in City Hall that will be used by the public for viewing City Council meeting broadcasts. The City will take reasonable precautions to prevent any use of the Grantee's Cable System in any manner that results in inappropriate use, loss or damage to the Cable System. If additional outlets of Cable Service are needed in such buildings, only the Grantee is authorized to complete the Cable Service expansion to support the outlet installation(s) and the building occupant will pay the standard installation fees. No other Cable Service fees shall be owed in connection with additional outlets.

SECTION 14. FRANCHISE VIOLATIONS

14.1 Non-Material Franchise Violations

(A) If the City believes that Grantee has failed to perform any non-material obligation under this Franchise, the City shall notify Grantee in writing, stating with reasonable specificity the nature of the alleged default. Grantee shall have thirty (30) days from the receipt of such notice to:

(1) respond to the City, contesting the City's assertion that a default has occurred, and request a meeting in accordance with subsection (B), below; or

(2) cure the default; or

(3) notify the City that Grantee cannot cure the default within thirty (30) days, because of the nature of the default. In the event the default cannot be cured within thirty (30) days, Grantee shall promptly take all reasonable steps to cure the default and notify the City in writing and in detail as to the exact steps that will be taken and the projected completion date. In such case, the City may set a meeting in accordance with subsection (B) below to determine whether additional time beyond the thirty (30) days specified above is indeed needed, and whether Grantee's proposed completion schedule and steps are reasonable.

(B) If Grantee does not cure the alleged default within the cure period stated above, or denies the default and requests a meeting in accordance with subsection (A)(1), or the City orders a meeting in accordance with subsection (A)(3), the City shall set a meeting to investigate said issues and the existence of the alleged default. The City shall notify Grantee of the meeting in writing and such meeting shall take place no less than fifteen (15) business days after Grantee's receipt of notice of the meeting. At the meeting, Grantee shall be provided an opportunity to be heard and to present evidence in its defense.

(C) If, after the meeting, the City determines that a default exists, Grantee and the City may agree on a plan and schedule to cure the default. Absent such agreement, the City shall order Grantee to correct or remedy the default or breach within thirty (30) days or within such other reasonable timeframe, beyond thirty (30) days as the City shall determine. In the event Grantee does not cure the default within such time to the City's reasonable satisfaction, the City may:

(1) Recommend the revocation of this Franchise pursuant to the procedures in subsection 14.2; or

(2) Pursue any other legal or equitable remedy available under this Franchise or applicable law.

(D) The determination as to whether a non-material violation of this Franchise has occurred shall be within the discretion of the City. Any such determination by the City must be in writing and must be based upon findings that include Grantee's submissions, provided that any such determination may be subject to appeal to the City Council or review by a court of competent jurisdiction under applicable law.

14.2 Material Franchise Violations

(A) The City may revoke this Franchise and rescind all rights and privileges associated with this Franchise in any of the following circumstances:

(1) If Grantee fails to perform any material obligation under this Franchise;

(2) If Grantee willfully fails for more than three (3) days to provide continuous and uninterrupted Cable Service;

(3) If Grantee attempts to evade any material provision of this Franchise or to practice any fraud or deceit upon the City or Subscribers;

(4) If Grantee becomes insolvent, or if there is an assignment for the benefit of Grantee's creditors; or

(5) If Grantee fails to provide the insurance or other security required by this Franchise.

(B) Prior to forfeiture or termination of the Franchise, the City shall give written notice to the Grantee of its intent to revoke the Franchise. The notice shall set forth the exact nature of the noncompliance. Grantee shall have thirty (30) days from such notice to object in writing and to state its reasons for such objection and provide any explanation. In the event the City has not received a timely and satisfactory response from Grantee, it may then seek a termination of the Franchise in accordance with this subsection.

(C) The City Council shall conduct a public hearing to determine if revocation of the Franchise is warranted.

(1) At least thirty (30) days prior to the public hearing, the City Clerk shall issue a public hearing notice that shall establish the issue(s) to be addressed in the public hearing; provide the time, date and location of the hearing; provide that the City Council shall hear any Persons interested therein; and provide that the Grantee shall be afforded fair opportunity for full participation, including the right to introduce evidence, to require the production of evidence, to be represented by counsel and to question witnesses.

(2) A verbatim transcript shall be made by a court reporter of such proceeding and the cost shall be paid by the Grantee.

(3) Within thirty (30) days after the close of the hearing, the City Council shall issue a written decision regarding the revocation and termination of the Franchise.

(D) Grantee shall be bound by the City Council's decision to revoke the Franchise unless an appeal to a court of competent jurisdiction is filed within thirty (30) days of the date of the City Council's decision.

(F) Grantee and the City shall be entitled to such relief as the court may deem appropriate.

14.3 Termination

(A) If this Franchise expires without renewal or is otherwise lawfully terminated or revoked, the City may, subject to applicable law:

(1) Require Grantee to maintain and operate its Cable System on a month-to-month basis until a new cable operator is selected; or

(2) Purchase Grantee's Cable System in accordance with federal law.

(B) The City may order the removal of the above-ground Cable System facilities and such underground facilities from the City at Grantee's sole expense within a reasonable period of time as determined by the City. In removing its plant, structures and equipment, Grantee shall refill, at its own expense, any excavation that is made by it and shall leave all Rights-of-Way, public places and private property in as good a condition as that prevailing prior to Grantee's removal of its equipment and without affecting electrical or telephone wires or attachments. The indemnification, insurance provisions and letter of credit, if any, shall remain in full force and effect during the period of removal, and Grantee shall not be entitled to, and agrees not to request, compensation of any sort therefor.

(C) If Grantee fails to complete any removal required by subsection 14.3 (B) to the City's satisfaction, after written notice to Grantee, the City may cause the work to be done and Grantee shall reimburse the City for the costs and expenses incurred within thirty (30) days after receipt of an itemized list of the costs and expenses, or the City may recover the costs and expenses through the Grantee's security instruments if Grantee has not paid such amount within the foregoing thirty (30) day time period. Any costs and expenses incurred by the City regarding such removal shall be included in the monies due the City from the Grantee, including reasonable attorneys' fees, and costs and expenses for work conducted by the City staff or its agents.

14.4 Receivership

At the option of the City, subject to applicable law, this Franchise may be revoked after the appointment of a receiver or trustee to take over and conduct the business of Grantee whether in a receivership, reorganization, bankruptcy or other action or proceeding, unless:

(A) The receivership or trusteeship is timely vacated; or

(B) The receiver or trustee has timely and fully complied with all the terms and provisions of this Franchise, and has remedied all defaults under the Franchise. Additionally, the receiver or trustee shall have executed an agreement duly approved by the court having jurisdiction, by which the receiver or trustee assumes and agrees to be bound by each and every term, provision and limitation of this Franchise.

14.5 Alternative Remedies

No provision of this Franchise shall be deemed to bar the City from seeking appropriate judicial relief. Neither the existence of other remedies identified in this Franchise nor the exercise thereof shall be deemed to bar or otherwise limit the right of either party to recover monetary damages, as allowed under applicable law, or to seek and obtain judicial enforcement by means of specific performance, injunctive relief or mandate, or any other remedy at law or in equity. The City specifically does not, by any provision of this Franchise, waive any right, immunity, limitation or protection otherwise available to the City, its officers, officials, City Council, Boards, commissions, agents, or employees under federal, State, or local law (including, for example, Section 635A of the Cable Act).

14.6 Assessment of Liquidated Damages

(A) Because it may be difficult to calculate the harm to the City in the event of a breach of this Franchise by Grantee, the parties agree to liquidated damages as a reasonable estimation of the actual damages. To the extent that the City elects to assess liquidated damages as provided in this Franchise, such damages shall be the City's sole and exclusive remedy for such breach or violation and shall not exceed a time period of one hundred eighty (180) days. Nothing in this subsection is intended to preclude the City from exercising any other right or remedy with respect to a breach that continues past the time the City stops assessing liquidated damages for such breach.

(B) Prior to assessing any liquidated damages, the City shall follow the enforcement procedures of this Franchise that provide the Grantee proper notice and a right to cure.

(C) The City shall not assess any liquidated damages if the Grantee has cured or commenced to and completes the cure under the enforcement provisions of this Franchise. In the event Grantee fails to cure, the City may assess liquidated damages and shall inform Grantee in writing of the assessment. Grantee shall have thirty (30) days to pay the damages.

(D) The first day for which liquidated damages may be assessed, if there has been no cure after the end of the applicable cure period, shall be the day after the end of the applicable cure period, including any extension of the cure period granted by the City.

(E) Grantee may appeal (by pursuing judicial relief) any assessment of liquidated damages within thirty (30) days of paying the assessment.

Pursuant to the requirements outlined herein, liquidated damages shall not exceed the following amounts: one hundred dollars (\$100.00) per day for material departure from the FCC technical performance standards; one hundred dollars (\$100.00) per day for failure to provide the Access Channels or any equipment related thereto which is required hereunder; one hundred dollars (\$100.00) per day for each material violation of the Customer Service Standards; one hundred

dollars (\$100.00) per day for failure to provide reports or notices as required by this Franchise; and one hundred dollars (\$100.00) per day for any material breaches or defaults not previously listed.

14.7 Effect of Abandonment

If the Grantee abandons its Cable System or I-Net during the Franchise term, or fails to operate its Cable System or I-Net in accordance with its duty to provide continuous service, the City, at its option, may obtain an injunction, or operate the Cable System or I-Net, or designate another entity to operate the Cable System or I-Net temporarily until the Grantee restores service under conditions acceptable to the City, or until the Franchise is revoked and a new franchisee is selected by the City.

If the City operates the Cable System or I-Net, or designates another entity to operate the Cable System or I-Net, the Grantee shall reimburse the City or the City's designee, as applicable, for all reasonable costs and expenses incurred. If Grantee permanently abandons its entire Cable System or I-Net (namely, for a period of one [1] year or more), then, at the City's sole discretion, such Cable System and/or I-Net may become the property of the City, and Grantee shall then submit to the City a bill of sale and other conveyance documents, to be approved in advance by the City Attorney, transferring ownership of such property to the City.

SECTION 15. FRANCHISE RENEWAL

Any renewal of this Franchise shall be governed by and comply with the provisions of Section 626 of the Cable Act, as amended, unless the procedures or substantive protections set forth therein shall be deemed to be preempted or superseded by the provisions of any subsequent federal or State law.

SECTION 16. FRANCHISE TRANSFER

(A) Except as allowed under subsection (G), the Cable System and this Franchise shall not be sold, assigned, transferred, leased or disposed of, either in whole or in part, either by involuntary sale or by voluntary sale, merger or consolidation; nor shall title thereto, either legal or equitable, or any right, interest or property therein pass to or vest in any Person without the prior written consent of the City, which consent shall not be unreasonably withheld.

(B) The Grantee shall promptly notify the City of any actual or proposed change in, or transfer of, or acquisition by any other party of control of the Grantee. The word "control" as used herein is not limited to majority stock ownership but includes actual working control in whatever manner exercised. Every change, transfer or acquisition of control of the Grantee shall make this Franchise subject to cancellation unless and until the City shall have consented thereto.

(C) The parties to the sale, transfer or change of control shall make a written request to the City for its approval of a sale, transfer or change of control and shall furnish all information required by law.

(D) The City may condition said sale, transfer or change of control upon such terms and conditions as it deems reasonably appropriate, including, for example, any adequate guarantees or other security, as allowed by applicable law. Additionally, the prospective controlling party or transferee shall effect changes as promptly as practicable in the operation of the Cable System, if any changes are necessary, to cure any violations or defaults presently in effect or ongoing.

(E) The City shall act by ordinance or resolution on the request within one hundred twenty (120) days of the request, provided it has received all information required by law, such as a complete FCC Form 394. Subject to the foregoing, if the City fails to render a final decision on the request within one hundred twenty (120) days, such request shall be deemed granted unless the requesting party and the City agree to an extension of time.

(F) Within thirty (30) days of any transfer, sale or change of control, if approved or deemed granted by the City, Grantee shall file with the City a copy of the deed, agreement, lease or other written instrument evidencing such sale or transfer of ownership or control, certified and sworn to as correct by Grantee and the transferee or new controlling entity. In the event of a sale or transfer of ownership, the transferee shall also file its written acceptance agreeing to be bound by all of the provisions of this Franchise. In the event of a change in control, in which the Grantee is not replaced by another entity, the Grantee will continue to be bound by all of the provisions of the Franchise and will not be required to file an additional written acceptance.

(G) Notwithstanding the foregoing, the City's consent shall not be required for a mortgage, hypothecation or an assignment of Grantee's interest in the Franchise in order to secure indebtedness or for a transfer to an intra-company Affiliate, provided that the Grantee must reasonably notify the City in advance and the Affiliate must have the requisite legal, financial and technical capability to satisfy the City.

SECTION 17. MISCELLANEOUS PROVISIONS

17.1 Discriminatory Practices Prohibited

Throughout the term of this Franchise, Grantee shall fully comply with all equal employment and nondiscrimination provisions of applicable law.

17.2 Notices

Throughout the term of this Franchise, each party shall maintain and file with the other a local address for the service of notices by mail. All notices shall be sent to such respective address, and such notices shall be effective upon the date of mailing. At the effective date of this Franchise:

Grantee's address shall be:

Comcast of Washington IV, Inc.
4020 Auburn Way N
Auburn, WA 98002
Attention: Director, Franchising and Government Affairs

With a copy to:

Comcast of Washington IV, Inc.
PO Box 3042
Bothell, WA 98041-3042
Attention: Franchising Department

City's address shall be:

City of Burien
415 S.W. 150th Street
Burien, WA 98166-1957
Attention: City Manager

17.3 Cumulative Rights

All rights and remedies given to the City by this Franchise shall be in addition to and cumulative with any and all other rights and remedies, existing or implied, now or hereafter available to the City, at law or in equity.

17.4 Costs to be Borne by Grantee

Grantee shall reimburse the City for all costs of publication of this Franchise, and any notices prior to any public hearing regarding this Franchise, contemporaneous with its acceptance of this Franchise.

17.5 Binding Effect

This Franchise shall be binding upon the parties hereto, their permitted successors and assigns.

17.6 Authority to Amend

In addition to police powers and subsection 3.9, this Franchise may also be amended at any time by mutual written agreement between the parties.

17.7 Governing Laws

This Franchise shall be governed, construed and enforced in accordance with federal, State and local laws and any applicable rules, regulations and orders of the FCC (as such now exist, are later amended or subsequently adopted).

17.8 Captions

The captions and headings of this Franchise are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of any provision of this Franchise.

17.9 No Joint Venture

Nothing herein shall be deemed to create a joint venture or principal-agent relationship between the parties, and neither party is authorized to, nor shall either party act toward third Persons or the public in any manner which would indicate any such relationship with the other. Further, the Grantee is not granted any express or implied right or authority to assume or create any obligation or responsibility on behalf of or in the name of the City.

17.10 Cooperation

The parties recognize that it is in their mutual best interests for the Cable System to be operated as efficiently as possible. To achieve this, the parties agree to cooperate with each other in accordance with the terms and provisions of this Franchise.

17.11 Waiver

The failure of the City at any time to require performance by Grantee of any provision hereof shall in no way affect the right of the City hereafter to enforce the same, nor shall the waiver by the City of any breach of any provision hereof be taken or held to be a waiver of any succeeding breach of such provision, or as a waiver of the provision itself or any other provision.

17.12 Severability

If any Section, subsection, paragraph or provision of this Franchise is determined to be illegal, invalid or unconstitutional by any court or agency of competent jurisdiction, such determination shall have no effect on the validity of any other Section, subsection, paragraph or provision of this Franchise, all of which will remain in full force and effect for the term of the Franchise.

17.13 Entire Agreement

This Franchise and Exhibits represent the entire understanding and agreement between the parties hereto with respect to the subject matter hereof and supersede all prior oral and written negotiations between the parties.

17.14 Force Majeure

The Grantee will not be held in violation under, or in noncompliance with, the provisions of this Franchise, nor suffer any enforcement relating thereto, where such noncompliance or alleged violation occurred or was caused by circumstances reasonably beyond the ability of the Grantee to control. This includes war or riots, civil disturbances, floods or other natural catastrophes, labor stoppages or slow downs not attributable to Grantee's employees, or power outages exceeding back-up power supplies, and work delays caused by waiting for utility providers to service or monitor their utility poles to which the Grantee's Cable System is attached as well as verifiable unavailability of materials and/or qualified labor to perform the work necessary.

Grantee shall have a reasonable time, under the circumstances, to perform the affected obligation under this Franchise or to procure a substitute for such obligation which is satisfactory to the City.

If Grantee believes that a reason beyond its control has prevented or delayed its compliance with the provisions of this Franchise, Grantee shall provide documentation as reasonably required by the City to substantiate the Grantee's claim. If Grantee has not yet cured the deficiency, Grantee shall also provide the City with its proposed plan for remediation, including the timing for such cure.

17.15 Attorneys' Fees

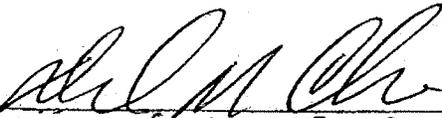
If any action or suit arises in connection with this Franchise (excluding Franchise renewal proceedings), the court shall determine which party shall be entitled to recover all of its reasonable attorneys' fees, costs and expenses in connection therewith, in addition to such other relief as the court may deem proper.

17.16 Acceptance

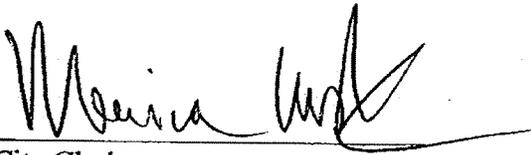
Within sixty (60) days after the passage and approval of this Franchise by Ordinance by the City Council, and receipt of the Franchise by Grantee, this Franchise shall be accepted by Grantee by filing with the City its written acceptance of all of the terms, provisions and conditions of this Franchise. The failure of Grantee to file such an acceptance shall be deemed a rejection by Grantee, and this Franchise shall then be voidable at the discretion of the City.

IN WITNESS WHEREOF, this Franchise is signed in the name of the City of Burien, Washington, this 16th day of OCTOBER, 2006.

CITY OF BURIEN, WASHINGTON

By: 
Title: CITY MANAGER

Attest:

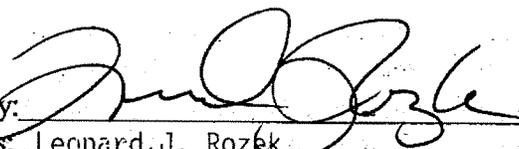
By: 
City Clerk

Approved as to Legal Form:

By: 
City Attorney

Accepted and approved this 27th day of Oct, 2006.

COMCAST OF WASHINGTON IV, INC.

By: 
Its: Leonard J. Rozek
Senior Vice President

Attest:

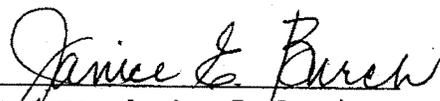
By: 
~~Secretary~~ Janice E. Burch

EXHIBIT A

I-Net Maintenance

Section 1. Non-Commercial Applications

In the context of the I-Net, non-commercial means private network communications from and among government agencies, Schools, libraries and other public agencies and excludes leasing or reselling I-Net capacity to a third party for any purpose. References in this Exhibit to the City utilized I-Net also include usage by other Qualified I-Net Users.

Section 2. Maintenance of Fiber

Routine maintenance on the fiber used for City utilized I-Net purposes and including associated facilities and equipment used exclusively by the City or another Qualified I-Net User for I-Net communications will be conducted on the same schedule as routine maintenance of Grantee's Cable System. Any repairs effected upon the fiber and associated I-Net facilities and equipment shall be performed by Grantee, with prior notice of at least five (5) business days to the City when practicable. In emergency conditions, such as a natural emergency resulting from a windstorm, Grantee will effect emergency repair work on the Grantee utilized fiber and City utilized I-Net fiber, if any, in the course of conducting its own emergency repair work on its Cable System, excepting where City utilized I-Net fiber may not be co-located with Grantee's Cable System on a strand or in conduit in which case Grantee fiber shall be repaired as a first priority and City utilized I-Net fiber shall be repaired as a second priority in a continuous repair window. In such event, Grantee shall have no liability to the City for a delay in I-Net service restoration. Grantee shall charge for time and materials (as hereinafter described) for all routine maintenance upon the I-Net fiber and associated facilities and equipment from the Grantee side of the I-Net fiber termination panel located at each site out to and including the backbone fiber.

Section 3. Service Trouble Calls and Escalation

The City acknowledges that Grantee does not actively monitor the signal transmission upon City utilized I-Net fiber, and may have no notice of a service outage but for a City-initiated notification. For any outages of City utilized I-Net fiber as determined by the City, the City's designated representative shall contact the designated local Network Operations Center (NOC). Grantee shall respond on-site to any routine trouble calls within four (4) hours of receipt of notification at the NOC and shall actively begin working on the problem until it is resolved. In order to document its work on the City-utilized I-Net fiber, Grantee will use its normal trouble ticket processes. In the event of an inability to initially resolve I-Net problems, Grantee shall follow its normal escalation procedures for correcting fiber outages. Grantee will communicate with the City's designated representative following resolution of the I-Net problems and, at the City's request, provide documentation of the I-Net problem resolution. Such documentation shall include, among other things, a description of the cause and resolution of the problem for each I-Net trouble ticket.

Section 4. Administration, Maintenance and Management

The City shall be responsible for the ongoing administration, maintenance and management of the non-backbone I-Net facilities and equipment located on the City side of the I-Net fiber termination panel located at each site, and the internal site network itself, unless it contracts with Grantee separately for a managed network. All such maintenance conducted by the City shall be performed

in accordance with industry standards, and any equipment owned and used by the City shall comply in all respects with applicable governmental codes, laws, ordinances or regulations.

Section 5. Equipment or Modifications

The City will not attach any equipment or otherwise modify the I-Net in any way that will interfere with the signal quality and the normal operation of Grantee's Cable System. The City may not access any part of the backbone fiber and associated facilities and equipment outside the actual I-Net site fiber termination panel, and the City's permitted access shall in no event extend beyond the City's side of the fiber termination panel.

Section 6. Undergrounding

When electric and telephone utility wiring in an area of the City are relocated underground, Grantee shall be responsible for relocating City I-Net utilized fiber when Grantee's Cable System is placed underground at the same time. Notwithstanding the foregoing, should an increased cost differential arise because of Grantee's having to do additional splicing, increase the size of its conduit, vaults, or fiber sheath (because of the undergrounding), then the City shall pay the reasonable, incremental cost differential pertaining to the City I-Net utilized fiber only.

Section 7. Time and Materials

The ongoing maintenance and repair of the City utilized I-Net fiber, whether or not scheduled or prompted by an emergency, shall be performed by Grantee on a time and materials basis. Maintenance and repair shall cover, without limitation, restoration of outages caused by third-party plant damage, damage wrought by inclement weather, quarterly system drive-outs for preventive maintenance, code compliance inspections, fiber functionality testing and re-documentation, pole change-outs and pole relocations, strand replacement, strand/facilities re-tensioning and anchoring. Except for an emergency, maintenance and repair work will not be performed without the prior written consent of the City. The City shall make payment within ninety (90) days of receipt of an invoice. Should the City fail to make payment within such period, the payment shall be paid from the next applicable quarterly franchise fee.

Section 8. Future I-Net Construction and/or Modification

At the City's discretion it may occasionally be found in the City's best interest to direct Grantee to investigate and consider options for modification of the I-Net plant. The City may make such requests at any time throughout the term of this Franchise and any extension(s), transfer(s) or renewal(s) thereof. The City shall provide to Grantee a formal written request for this investigation.

Upon receiving such request from the City, Grantee shall within ninety (90) calendar days provide to the City a written plan, proposed construction schedule, and cost commitments for the work. Cost commitments shall be based on the most cost effective method, including active and/or passive connection methodologies and use of the most current technologies to accommodate bandwidth needs.

If the City decides not to proceed with construction as proposed in Grantee's plan, and upon receipt of a letter from Grantee itemizing its engineering costs directly associated with creation of the plan, the City shall pay Grantee's engineering planning costs.

If the City decides to proceed with the construction as proposed in Grantee's plan, the City shall provide to Grantee official written authorization to proceed with the activities as defined in the submitted plan. As part of the authorization to proceed, the City shall provide to Grantee a purchase order for the cost commitments as defined in the plan. Grantee shall not commence work on the plan until it receives from the City official written authorization to proceed.

Testing on new and/or modified I-Net plant, all retesting found by the City to be necessary, the provision of documentation and test results to the City, the City's right to attend tests and inspect modifications made by Grantee shall follow the same types of procedures and standards as outlined in subsection 12.4 of the Franchise.

EXHIBIT B

PUBLIC BUILDINGS

| SITE # | SITE NAME | LOCATION |
|--------|-----------------------------|------------------------|
| | | CITY SITES |
| BC 01 | FIRE STATION #1 | 15100 8th Ave SW |
| BC 02 | FIRE STATION #2 | 1243 SW 112th |
| BC 03 | FIRE STATION #3 | 151 S Normandy Rd. |
| BC 04 | FIRE STATION #4 | 1606 S 128th |
| BC 05 | BURIEN CITY HALL | 415 SW 150th St |
| BC 06 | BURIEN PUBLIC WORKS | 457 SW 148th Suite 201 |
| BC 07 | COMMUNITY CENTER | 425 SW 144th |
| BC 08 | HIGHLINE COMMUNITY HOSPITAL | 16251 Sylvester Rd. SW |
| BC 09 | SW SEWER DIST. | 431 SW Ambaum Blvd. |
| BC 10 | WATER DIST #20 | 1206 1st Ambaum Blvd. |
| BC 11 | WATER DIST #49 | 415 SW 153rd St. |

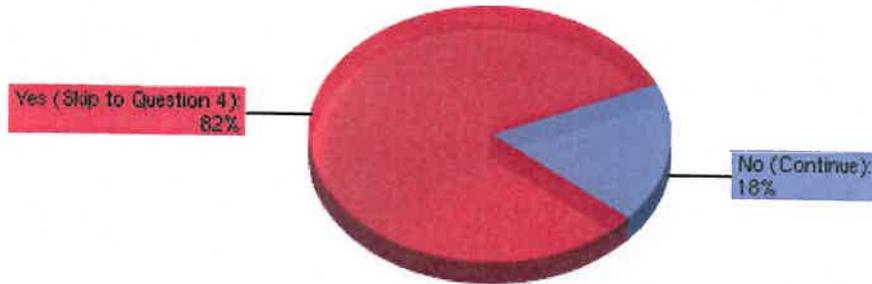
EXHIBIT C

SCHOOLS

| SITE # | SITE NAME | LOCATION |
|--------|---------------------------|-------------------------|
| BC 12 | HIGHLINE SCHOOL ADMIN. | 15675 Ambaum Blvd. |
| BC 13 | CEDERHURST ELEM. | 611 S 132nd St. |
| BC 14 | GREGORY HEIGHTS ELEM. | 16216 19th SW |
| BC 15 | HAZEL VALLEY ELEM. | 402 SW 132nd St. |
| BC 16 | SYLVESTER MIDDLE SCHOOL | 16222 Sylvester Rd SW |
| BC 17 | SEAHURST ELEM. | 14603 14th Ave SW |
| BC 18 | SHOREWOOD ELEM. | 2725 SW 116th St. |
| BC 19 | SUNNYDALE ELEM. | 15631 8th Ave S |
| BC 20 | HIGHLINE HIGH SCHOOL | 225 S 152nd St. |
| BC 21 | MANHATTAN LEARNING CENTER | 440 S 186th |
| BC 22 | OCCUPATIONAL CENTER | 18010 8th Ave S |
| BC 23 | FACILITIES SERVICE | 18010 8th Ave S Bldg. J |
| BC 24 | SECURITY | 18367 8th Ave S |

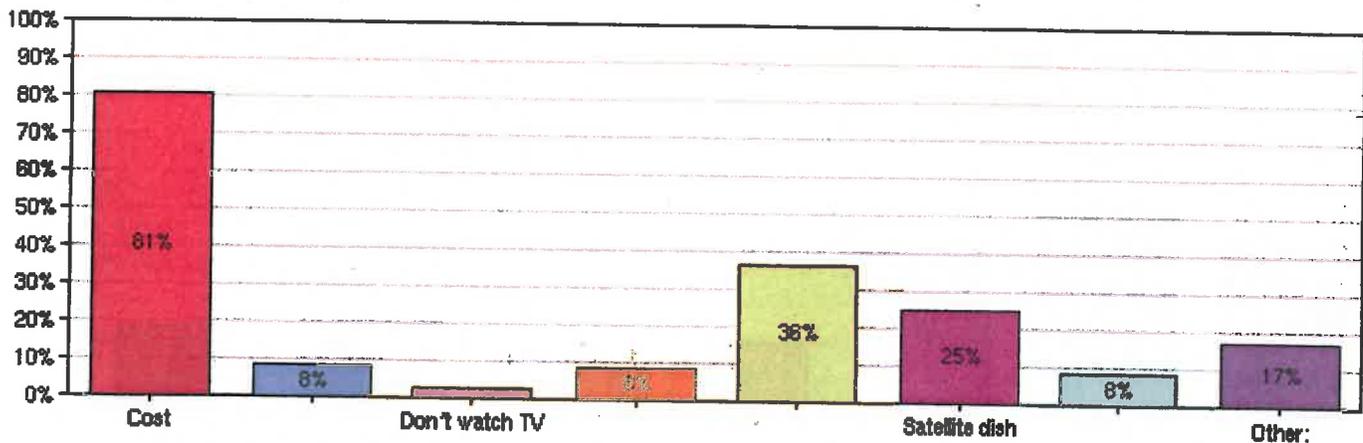
Summary Report - Jul 12, 2011

Survey: COMCAST Community Survey



1. Does your household currently subscribe to cable TV service from Comcast?

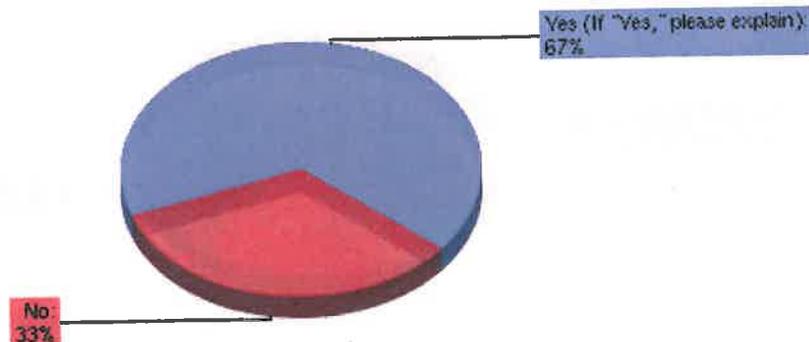
| Value | Count | Percent % | Statistics |
|--------------------------|-------|-----------|---------------------|
| Yes (Skip to Question 4) | 165 | 82.1% | Total Responses 201 |
| No (Continue) | 36 | 17.9% | |



2a. For what reasons are you not currently subscribing to cable TV service from Comcast? (Mark all that apply)

| Value | Count | Percent % | Statistics |
|---|-------|-----------|--------------------|
| Cost | 29 | 80.6% | Total Responses 36 |
| Don't want cable TV | 3 | 8.3% | |
| Don't watch TV | 1 | 2.8% | |
| Subscribe to cable TV from another provider | 3 | 8.3% | |
| Previous service issues | 13 | 36.1% | |

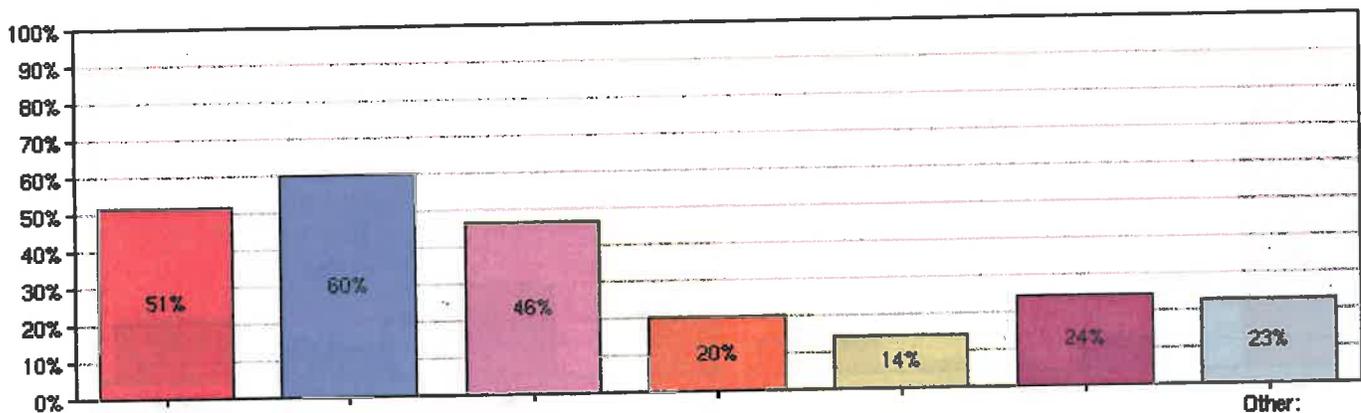
| Value | Count | Percent % |
|-------------------------|-------|-----------|
| Satellite dish | 9 | 25% |
| Cable channel offerings | 3 | 8.3% |
| Other: | 6 | 16.7% |



2b. Is there anything Comcast could do to interest you in subscribing to cable TV?

| Value | Count | Percent % |
|--------------------------------|-------|-----------|
| No | 12 | 33.3% |
| Yes (If "Yes," please explain) | 24 | 66.7% |

| Statistics | |
|-----------------|----|
| Total Responses | 36 |



3. What cable services do you currently receive from Comcast? (Mark all that apply)

| Value | Count | Percent % |
|--|-------|-----------|
| Basic Cable Service (ABC, CBS, NBC, etc.) | 91 | 51.4% |
| Digital cable service | 106 | 59.9% |
| HDTV (with a specially designed set-top box used to receive High Definition programming) | 82 | 46.3% |
| Premium services (HBO, etc.) | 35 | 19.8% |
| Pay-per-view services | 25 | 14.1% |

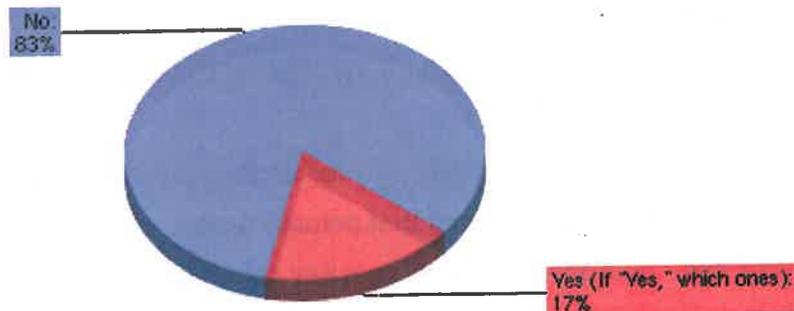
| Statistics | |
|-----------------|-----|
| Total Responses | 177 |

| Value | Count | Percent % |
|------------------------------|-------|-----------|
| Digital Video Recorder (DVR) | 43 | 24.3% |
| Other: | 40 | 22.6% |

4 Are there additional cable services that you would like Comcast to consider?

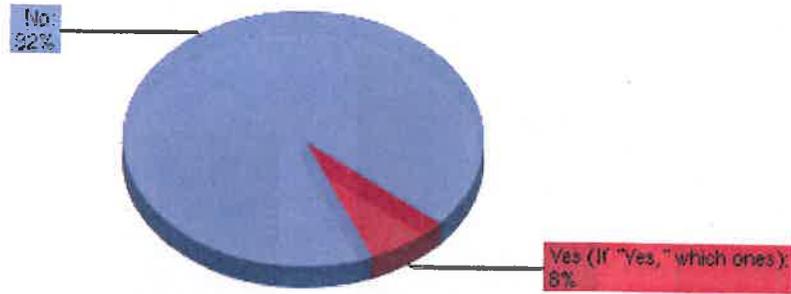
| Count | Response |
|-------|--|
| 1 | AD HOC Channel Choice |
| 1 | Being able to shop the channels we would watch and pay for what we use |
| 1 | Can't think of anything right now |
| 1 | Considering phone service |
| 1 | Enough converter boxes for number of household tv's. |
| 1 | I would like to be able to order single channels and/or upgrade/downgrade when I want on-line. |
| 1 | I would like to be able to subscribe to specific channels "a la carte" |
| 1 | Multiple room dvr access |
| 3 | NO |
| 1 | NONE |
| 13 | No |
| 1 | No, I just wish they didn't charge as much for what they do offer |
| 1 | No. I am bundeled so Comcast provides Internet and phone as well. |
| 1 | None |
| 1 | None I can think of |
| 1 | None that I can think of at this time. |
| 1 | Not for me. I can only afford Basic. |
| 1 | OnDemand with TIVO |
| 1 | SOME WAY TO DELETE CHANNELLS WHICH I'M CHARGED FOR AND NEVER WATCH |
| 1 | TiVo |
| 1 | Would be awesome if they had a pay only for what you want package! |
| 1 | Yes, a customer service department that actually works. |
| 1 | choose your own "package", we have so many channels that we do not watch |
| 1 | don't know |
| 1 | faster speeds and connections |
| 1 | fiber optic |
| 1 | games |
| 1 | integrate international channels into a plan rather as well as a la carte |
| 1 | lower prices |
| 1 | n/a |
| 1 | nO |

| Count | Response |
|-------|--|
| 17 | no |
| 1 | none |
| 1 | none that I can think of |
| 1 | nope |
| 1 | stop being such a rip-off |
| 1 | dumping the stupid packages that require me to buy channels I don't watch. I'd be a lot happier with Comcast if I only paid for channels I care about. |
| 1 | I can only subscribe to basic cable because of the cost (my wife and I have baby twins and struggle financially) |
| 1 | Yes, cheaper pricing.....way over priced, when you consider that most channels are duplicated (regular and HD versions of same). |
| 1 | Comcast is the only choice we have and it is very unfair of Burien to allow for other options; what are they paying you? |
| 1 | packages that offer opt out of sports channels if you don't want 'em. Ditto for other types of programs |
| 1 | Too many channels not available without upping the subscription.....i.e.OWN, some sports channels, Cooking Channel,etc. |
| 1 | free wi-fi coverage, no less than 2mbs speed for cheapest internet, negotiate lower rates and faster speeds, |
| 1 | Yes, make better channel choices available. Why not allow customers to choose channels instead of Comcast? |



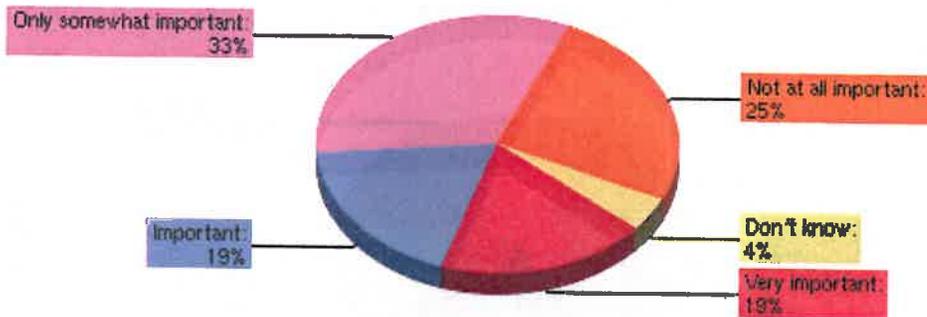
5 Are there any cable programs that are not available that you would like Comcast to add?

| Value | Count | Percent % | Statistics |
|----------------------------|-------|-----------|-----------------|
| Yes (If "Yes," which ones) | 30 | 17.3% | Total Responses |
| No | 143 | 82.7% | 173 |



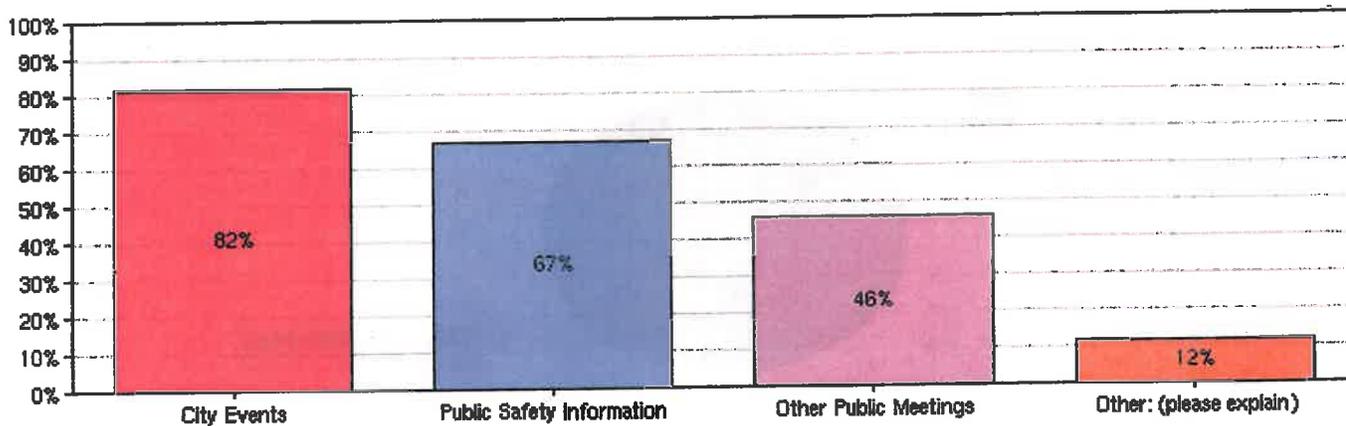
6. Are there any governmental or local issues or activities you believe should receive more coverage on cable TV?

| Value | Count | Percent % | Statistics | |
|----------------------------|-------|-----------|------------|-----|
| Yes (If "Yes," which ones) | 13 | 7.6% | Total | 172 |
| No | 159 | 92.4% | Responses | |



7. How important is governmental Access programming (coverage of City Council and Planning Commission Meetings on Channel 21) to you?

| Value | Count | Percent % | Statistics | |
|-------------------------|-------|-----------|------------|-----|
| Very important | 36 | 18.8% | Total | 192 |
| Important | 36 | 18.8% | Responses | |
| Only somewhat important | 63 | 32.8% | | |
| Not at all important | 49 | 25.5% | | |
| Don't know | 8 | 4.2% | | |

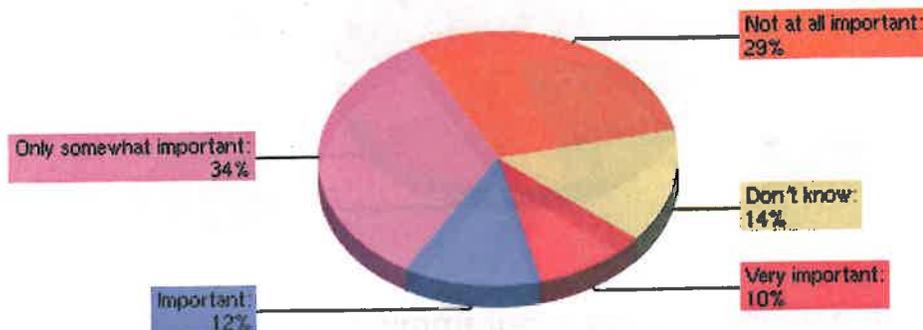


1b What kind of other programming would you like to see on Channel 21? (Mark all that apply)

| Value | Count | Percent % |
|---------------------------|-------|-----------|
| City Events | 111 | 81.6% |
| Public Safety Information | 91 | 66.9% |
| Other Public Meetings | 62 | 45.6% |
| Other: (please explain) | 16 | 11.8% |

Statistics

| | |
|-----------------|-----|
| Total Responses | 136 |
|-----------------|-----|

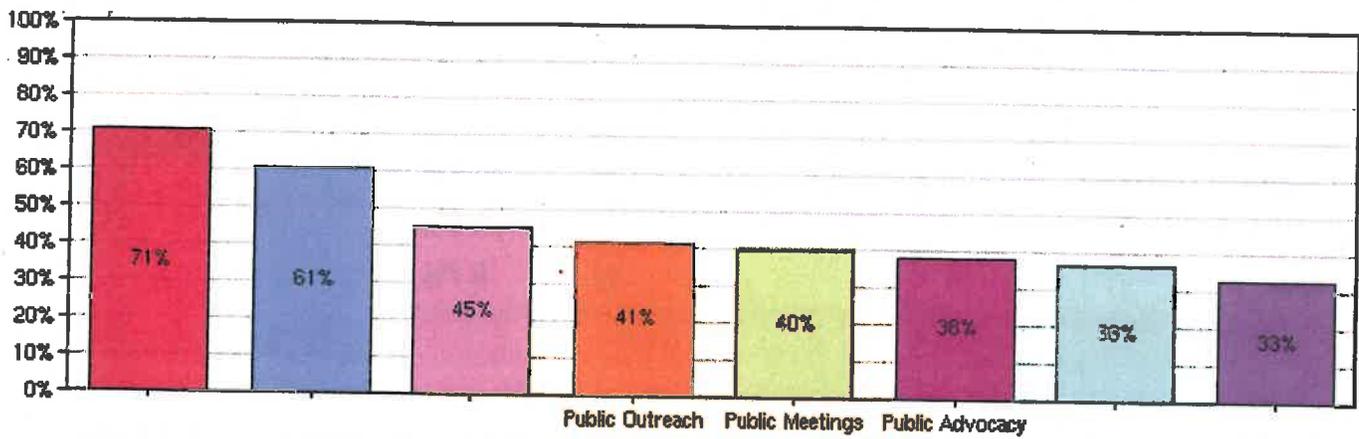


8a How important is Public Access programming on Channel 77 to you?

| Value | Count | Percent % |
|-------------------------|-------|-----------|
| Very important | 19 | 10.2% |
| Important | 23 | 12.3% |
| Only somewhat important | 63 | 33.7% |
| Not at all important | 55 | 29.4% |
| Don't know | 27 | 14.4% |

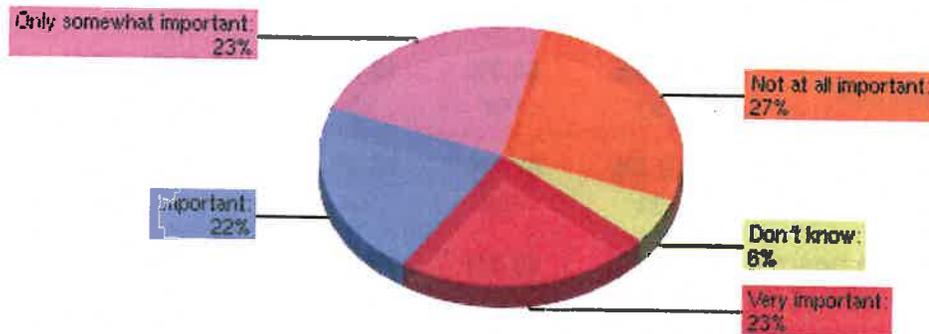
Statistics

| | |
|-----------------|-----|
| Total Responses | 187 |
|-----------------|-----|



8b **What kind of programming would you like to see on Channel 77? (Mark all that apply)**

| Value | Count | Percent % | Statistics |
|---------------------------|-------|-----------|---------------------|
| Public Outreach | 53 | 41.1% | Total Responses 129 |
| Community News and Events | 91 | 70.5% | |
| Public Advocacy | 49 | 38% | |
| Arts and Entertainment | 78 | 60.5% | |
| Religious/Faith-Based | 9 | 7% | |
| Youth-Related Programs | 42 | 32.6% | |
| Senior-Related Programs | 42 | 32.6% | |
| Public Meetings | 51 | 39.5% | |
| Training and Education | 58 | 45% | |
| Local Sports Coverage | 47 | 36.4% | |
| Other: (please explain) | 10 | 7.8% | |



9 **Cable television subscribers help support the capital costs for governmental and Public Access programming through a small additional charge (25 cents per month). How important is it to you to continue this support?**

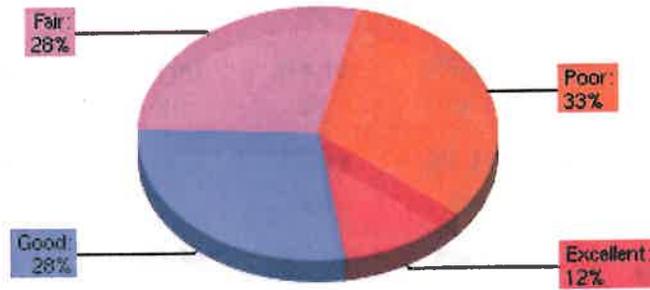
For each of the following, how satisfied have you been with Comcast over the last year?

| | Very Satisfied | Satisfied | Dissatisfied | Very Dissatisfied | Not Applicable | Total |
|---|----------------|--------------|--------------|-------------------|----------------|-------------|
| Ability to contact by phone | 16.7% 32 | 41.7% 80 | 11.5% 22 | 8.3% 16 | 21.9% 42 | 100% 192 |
| Time on hold when contacting by phone | 9.9% 19 | 37.2% 71 | 17.3% 33 | 13.1% 25 | 22.5% 43 | 100% 191 |
| Response to service requests | 12.6% 24 | 33.7% 64 | 13.7% 26 | 13.2% 25 | 26.8% 51 | 100% 190 |
| Resolution of outages | 12.7% 24 | 36.0% 68 | 12.2% 23 | 12.7% 24 | 26.5% 50 | 100% 189 |
| Effectiveness of Customer Service personnel | 12.2% 23 | 41.8% 79 | 10.1% 19 | 12.7% 24 | 23.3% 44 | 100% 189 |
| Performance of service technicians | 13.1% 25 | 41.9% 80 | 6.8% 13 | 9.9% 19 | 28.3% 54 | 100% 191 |
| Cost of Internet service | 3.6% 7 | 15.1% 29 | 24.5% 47 | 43.2% 83 | 13.5% 26 | 100% 192 |
| Accuracy of monthly bill | 12.7% 24 | 52.9% 100 | 8.5% 16 | 11.1% 21 | 14.8% 28 | 100% 189 |
| Location and hours of the nearest office | 4.3% 8 | 19.9% 37 | 17.7% 33 | 25.8% 48 | 32.3% 60 | 100% 186 |
| Other | 0.0% 0 | 0.0% 0 | 0.0% 0 | 0.0% 0 | 0.0% 0 | 100% 0 |

For each of the following, how satisfied have you been with Comcast over the last year?

| | Very Satisfied | Satisfied | Dissatisfied | Very Dissatisfied | Not Applicable | Total |
|---|----------------|-------------|--------------|-------------------|----------------|-------------|
| Ability to contact | 9.6% 17 | 23.6% 42 | 7.3% 13 | 5.6% 10 | 53.9% 96 | 100% 178 |
| Response to service requests | 6.7% 12 | 23.0% 41 | 6.2% 11 | 7.3% 13 | 56.7% 101 | 100% 178 |
| Resolution of outages | 5.6% 10 | 19.7% 35 | 6.7% 12 | 7.9% 14 | 60.1% 107 | 100% 178 |
| Effectiveness of Customer Service personnel | 6.7% 12 | 24.2% 43 | 6.7% 12 | 6.7% 12 | 55.6% 99 | 100% 178 |
| Performance of service technicians | 7.3% 13 | 24.9% 44 | 2.8% 5 | 6.2% 11 | 58.8% 104 | 100% 177 |
| Cost of telephone service | 3.4% | 18.0% | 10.1% | 20.2% | 48.3% | 100% |

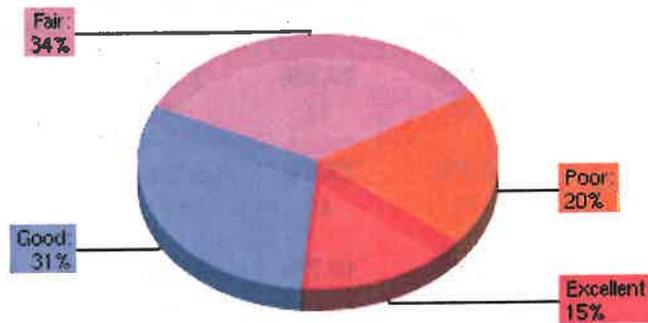
| | | | | | | |
|---|------|-------|-------|-------|-------|------|
| | 6 | 32 | 18 | 36 | 86 | 178 |
| Accuracy of month bill | 6.3% | 34.1% | 4.0% | 6.3% | 49.4% | 100% |
| | 11 | 60 | 7 | 11 | 87 | 176 |
| Location and hours of the nearest office | 2.9% | 12.6% | 11.5% | 14.4% | 58.6% | 100% |
| | 5 | 22 | 20 | 25 | 102 | 174 |
| Other | 0.0% | 0.0% | 0.0% | 0.0% | 0.0% | 100% |
| | 0 | 0 | 0 | 0 | 0 | 0 |



3. **What is your overall opinion of Comcast as a cable service provider?**

| Value | Count | Percent % |
|-----------|-------|-----------|
| Excellent | 23 | 11.7% |
| Good | 55 | 27.9% |
| Fair | 55 | 27.9% |
| Poor | 64 | 32.5% |

| Statistics | |
|-----------------|-----|
| Total Responses | 197 |

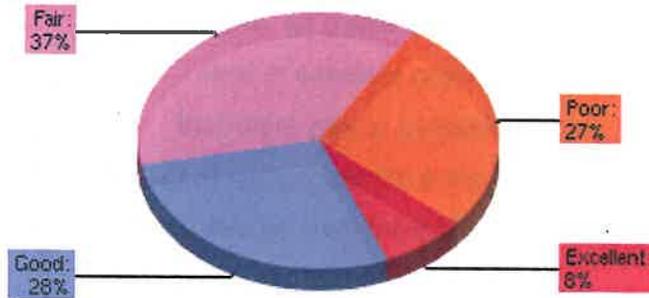


4. **What is your overall opinion of Comcast as an Internet service provider?**

| Value | Count | Percent % |
|-----------|-------|-----------|
| Excellent | 28 | 15.4% |

| Value | Count | Percent % |
|-------|-------|-----------|
| Good | 56 | 30.8% |
| Fair | 62 | 34.1% |
| Poor | 36 | 19.8% |

| Statistics | |
|-----------------|-----|
| Total Responses | 182 |



13. What is your overall opinion of Comcast as a telephone service provider?

| Value | Count | Percent % |
|-----------|-------|-----------|
| Excellent | 11 | 7.7% |
| Good | 40 | 28% |
| Fair | 53 | 37.1% |
| Poor | 39 | 27.3% |

| Statistics | |
|-----------------|-----|
| Total Responses | 143 |

14. Please provide any other comments you may have regarding Comcast and its services:

| Count | Response |
|-------|---|
| 1 | Allow other companies to help bring down pricies. |
| 1 | Am looking forward to fiber optics! |
| 1 | Comcast charges far too much, and offers far too little for television cable customers. |
| 1 | Comcast is the best of the best. We hope you renew their contract. |
| 1 | Comcast office is in FEDERAL WAY! Too far to drive |
| 1 | Comcast refused to credit me for a lengthy cable TV outage when I requested. |
| 1 | Considering changing to Direct TV because Comcast is too expensive for what you get |
| 1 | Do What Tacoma did |
| 1 | FAR TOO EXPENSIVE. PRICE FREQUENTLY GOINGUP; WE NEED ANOTHER CHOICE LIKE "CLICK" |
| 1 | Good product, terrible customer service, bad pricing. |
| 1 | Horrible tv remotes. |

| Count | Response |
|-------|---|
| 1 | I am planning to add Comcast phone service and internet service |
| 1 | I despise Comcast. The service and prices are terrible. |
| 1 | I have been very satisfied with Comcast TV and Internet. I do not use their phone service. |
| 1 | I've had nothing but good experience with Comcast overall. |
| 1 | In the last couple of years, Comcast has significantly improved their service and response. |
| 1 | It costs too much. |
| 1 | Mariners baseball should be included in the basic TV package. |
| 1 | More value in your basic cable options would be very nice. |
| 1 | No longer subscribe due to continuing increase in cost. |
| 1 | Providing discounts to seniors/disabled is very important |
| 1 | Re: #15 and #16, you need to have a not applicable as they only provide us TV service. |
| 1 | Stop sending me ads in the mail. If I want your service I'll seek it out. |
| 1 | TOO EXPENSIVE |
| 1 | Thank you! |
| 1 | The Internet is slow and often drops |
| 1 | The charge for services is excessive -- we can do better! |
| 1 | The most desirable sort of service is that which you don't have to call on. |
| 1 | The prices they charge are outrageous! How can you let them do that?? |
| 1 | The worst customer service ever; fails to uphold service guarantees. |
| 1 | They do what they are paid to do. What more could one ask or expect? |
| 1 | They don't provide good value for what we pay. |
| 1 | Too expensive, too expensive, too expensive. |
| 1 | Very, very overpriced |
| 1 | We just signed the bundle package last evening |
| 1 | Why is there an additional charge for hd when that is the new US standard? |
| 1 | basic cable price needs to be lower |
| 1 | comcast's customer service is excellant! |
| 1 | cost is ridiculous. When they up the charges I threaten to drop them. then we "negotiate". |
| 1 | expensive |
| 1 | internet way overpriced for service received |
| 1 | overpriced! |
| 1 | too exspensive, poor customer service. Time to get rid of them |
| 1 | wish they had a discount for paying the yearly bill all at once |
| 1 | would like to have viable alternate options for cable tv instead of the current Comcast monopoly |
| 1 | Comcast continually raises their rates for cable tv service, because they can. They need a competitor. |
| 1 | Much too expensive and small changes in service cost more than told it will cost. Way too expensive. let me choose my channels. |

- 1 They had a special for higher internet speed for more money. We paid but never saw a change. Then decided to save \$ and lower the speed. Immediately we saw a decrease in speed. Funny how that works.
- 1 they are to expensive for alot of people to get service..thats why i went to direct tv...and i love it
- 1 I have had several problems with reception recently, and have received VERY RUDE responses to my requests for assistance. This has been happening ever since the switch to HD, and I truly believe that all these problems are the fault of Comcast, and NOT my TV sets. Comcast wants to assess charges for anything that they "cannot determine" when the technician comes, which is ridiculous. I called the Burien City Hall to try to find out WHOM AND WHERE to complain, and was NOT provided with the info about this survey. Customers are NOT getting decent service, and I am seriously considering switching to another provider, after over 30 years with this one (and its predecessors)
- 1 It raises rates to include programs and services that I'm not interested in but have no choice on getting.
- 1 too often without warning our phone, internet cable go out at nite for a few hours a month between from 12am-4am for general maintenance no internet and cable is annoying but no phone to me is dangerous what if there is an emergency this makes me contemplate switching phone service to Qwest. plus if your power goes out so does your phone with comcast.
- 1 Cable TV packages are very expensive and somehow, despite the array of packages available, still don't offer a mix of stations that include all the ones that I really want and few of the ones I absolutely never ever watch...I hate that in order to get the dozen great channels that we watch all the time we have to pay for HUNDREDS of channels we literally would never consider watching. Would LOVE a "pick your own channel lineup" package! (I know that's unrealistic, but... would be wonderful)
- 1 You keep raising your fees. YOU have the television people paying you cause they want to watch tv, you should give discounts sometime.
- 1 I constantly had techs telling me I did not know what I was doing untill they found out I had better signal inside the house than at the outside line. BECAUSE I use better wire and box than they provided.
- 1 We've always had good service from them and our questions have been answered quickly and correctly.
- 1 just a big monopoly. Just like ma bell when they split. Don't know why the government doesn't step in, so they quit ripping people off
- 1 I am part of North Highline, recently becoming part of Burien. In my area, Comcast is the only internet provider. They charge way too much for something that they already have in place. I use their basic service and my bill is about \$67 per month, for internet only. That is more than my phone bill and my sat dish cable bill.
- 1 Comcast clearly cares only about making money over customer satisfaction or you'd allow people to build ala carte channel packages.
- 1 Burien should look at implementing a local community fiber optic network. This would provide residents with independence of information technology, encourage the expansion of high value added businesses inside the city, and serve to return choice to a market that is dominated by very few large corporations. This model has been tried and shown to be successful in places from North Carolina to Washington State.

| Count | Response |
|-------|---|
| 1 | constantly raising rates for less and less services... there should be FIOS (or comparable) competition to keep prices lower. |
| 1 | The monthly rate for internet service is not worth the price for the speed. There is little competition for bandwidth from our neighbors but still it's slow. Not as slow as Clearwire though. About the same speed as Qwest's lowest level (silver) package, but it costs \$15 more than Qwest per month. |
| 1 | The only competition is Qwest/Century Link, which is worse so you're stuck. The cost of service, along with all the obscure fees and taxes, is way too much. The only thing you can do is stop service and start up again with the "deal of the day". |
| 1 | My neighbors constantly have problems with their phones not working and they have you as their carrier. Phone service from you in this city is not good. |
| 1 | i only have the digital starter cable package. The rates are constantly increasing, its getting ridiculous! |
| 1 | if you are charging the big money, my street needs the update in serives. The cost is just too high. Too many different price for the same serives. |
| 1 | Have been very dissatisfied with extreme cost and poor customer service, but feel i have no other choice than to use comcast |
| 1 | i think comcast should create a cable package that allows the customer to pick and chose what channels they would like to subscribe to and charge the customer per channel. |
| 1 | I do not appreciate their inconsistencies and bait-and-switch practices regarding costs. No other company would be allowed to get away with this. |
| 1 | Really wish they would do a la carte pricing, and add other HD channels that the Comcast customers in other areas have. |
| 1 | The only reason comcast has as many customers as it does is because in many areas, there are no other reasonable options. |
| 1 | I loved comcast when I had it for a low price, but when they raised the price on me after 3+ years, I decided to try a different provider. The customer service wasn't that great, and I never recieved coupons that they promised for disrupted service. |
| 1 | Please offer 'ala carte' cable channel ordering! I am tired of paying for dozens of channels I NEVER watch! |
| 1 | Comcast is the only choice we have and it is very unfair of Burien to allow for other options; what are they paying you? |
| 1 | very aggresive sales staff that make home visits and give misinformation to persuade people to switch to cable, very unethcal behavior, will never use comcast. |
| 1 | Overall, Comcast is arrogant and far too expensive. That's what happens with virtual monopolies. |
| 1 | too expensive. good quality though. i'd like not to have basic cable and have my internet fee go down and not up. |
| 1 | Comcast is charging two dollars a month, as insurance, to maintain their own equipment. Comcast should maintain their own in home equipment and cable wire at no cost to the customer. If you don't have the insurance they charge by the hour to make repairs to their equipment. The customers should not haft to pay for repair service for any Comcast problems.s.. |

- 1 They are the only provider I have ever subscribed to, negotiate hard, get us more for the same cost or less. Do not give away public access channels, get more if you can, we never know when or what we will need them for.
- 1 I BOUGHT A SERVICE AND WHEN ANY PROBLEM ARISES WHICH CAN'T BE RESOLVED OVER THE PHONE AND SERVICE MAN IS REQUIRED TO RESOLVE A SERVICE PROBLEM I'M CHARGED. I HAVE HAD PROBLEMS WHICH COULD ONLY BE RESOLVED BY A SERVICE PERSON AND YET I WAS CHARGED FOR THE SERVICE CALL. AGAIN STARTING 6/01/11 COMCAST HAS INCREASED THEIR RATES. I'M PLANING TO DISCONTINUE ALL THREE OF THE OF MY COMCAST SERVICES AS EACH OF THESE SERVICES CAN BE OBTAINED MUCH CHEAPER THROUGH OTHER SOURCES. I DON'T SEE WHY COMCAST CAN'T UNDERSTAND THAT CONTINUING TO RAISE RATES ENCOURAGES THEIR CUSTOMERS TO LOOK FOR ALTERNATIVE CHOICES FOR THESE SERVICES.
- 1 WHY ARE COMCAST BILLS SO HIGH.SEEMS THEY SHOULD HAVE PREFERENTIAL RATES FOR SENIORS.WHY CAN'T OTHER COMPANIES HOOK ON TO CABLE LINES LIKE PHONE COMPANIES DO
- 1 KEEP THE BUNDLE PACKAGES ONE PRICE. IT IS RIDICULOUS THAT THE BUNDLE SPECIAL DOES NOT REMAIN CONSTANT.
- 1 I feel that Comcast is very expensive and would move to a different provider if I could find one that had the same services at a lower cost.
- 1 we finally had to cancel cable tv due to cost, now looking at downgrading internet service or using library due to cost.....
- 1 Overall I am quite satisfied with Comcast for my Cable Tv and Internet services...I cancelled my phone as there were too many 'bad' phone calls from whomever...I was apparently on some lists provided by Comcast to collection agencies or whoever wanted to place a prank call...way too many of these calls and hang-ups...switched back to Qwest limited service and no problem since.
- 1 My bill changes monthly and it is much too expensive (approx \$200). They force me to buy larger programs to get what I want.
- 1 We pay over \$250 a month, and feel like we have no other options. This bill is higher than our water, sewer, and electric combined. I would urge the city of Burien to consider contracting with a more affordable option. Although my family and I can afford it(barely), I shutter to think about how others pay this bill
- 1 We receive so many channels that we do not watch and still have to pay for them. Smaller pick and choose packages with reduced rates is preferable.
- 1 If you try to eliminate services they always quote you a higher fee than you are currently paying. We tried to eliminate premium channels to cut costs (our two year agreement was up) and the fee would have been more than we were currently paying for all channels. They keep you locked in. The only way to lower your monthly fees is to quit them totally.
- 1 My broadband internet was originally with ATT, and it was super fast. There's been a slowdown, particularly at certain times of the day, since Comcast took over. But mostly, I just hate how Comcast has a monopoly and gets to keep raising their rates constantly.
- 1 The cost of all of this is way too high. Why does HD cost more when it is the new standard. Did color TV cost more?
- 1 Charges for some porno movies that no one in this household ordered were not taken off of my bill...I did not order them and they tried to say that it came from one of our boxes. We dont watch

and order those kind of movies.....I was highly dissatisfied.....plus the bill is too high as I work part time and the bill is outrageous.....

- 1 I am unhappy with the continual increase in cost of services. Every year I pay more, and it is a much higher increase than the cost of living. Feels like once you're in you're hooked instead I
- 1 Comcast needs to have an office closer to this area. Also, their rate structure is ridiculous. In comparing with friends we are all paying vastly different amounts for identical service in the same zip code. That doesn't seem fair to me. You have to threaten to cancel to get any price break, and usually that results in a reduction of service. Internet is unreliable at times.
- 1 We no longer have a land line because of the excessive costs just to have basic service. For both cable tv and phone we are now using online services to get what we want for free.
- 1 The cost of Comcast, and their monopoly over the Burien area is a testament to unfair and troubling business practices. I should have access to Qwest, Frontier, Millenium, and Clear, with no restriction of choice. Since we are free market economy, why doesn't the City of Burien encourage competition by opening up these licences to all companies?
- 1 Internet service is top notch but very expensive. Almost not worth it. Cable TV is definitely not worth it.
- 1 Inconsistencies with abilities of technicians, especially in the last 1-2 yrs. Supervisors, or the one technician who is qualified, often have to solve a problem.
- 1 I have been dealing with intermittent outages of my internet and phone (all Comcast), for the past month and a half and it has been a very frustrating process. Comcast has changed out my modem twice and it still continues. Finally had a technician run a new line, junction box and called in a line check. Not sure if it is fixed entirely. Each Technician is different and gives different advice, sometimes different from the last technician.....and yet I still have to pay almost \$180 a month for the "triple play," that is supposed to be "cheaper" than buying the services separately. Used to have expanded basic cable service, with no internet, and Qwest phone service. I paid a lot less than what I am paying now with less hassles. Wish that there was another Cable competitor to keep cable prices low, and provide incentive for better service. Was "forced" to upgrade to digital cable over a year ago, due to improvements in my neighborhood. I can't say that the "improvements" have been worth the extra cost. Also, there are way too many added fees! State taxes, municipal taxes, 911 taxes, surcharges, cost recovery fees, etc.....I have almost as many fees as what it used to cost me for my monthly phone service.....which is ridiculous. It's time for Burien to take a serious look at this "predatory" pricing. Taxing citizens to death, just adds to the overall dissatisfaction!
- 1 have a modern tv and want HD? Pay extra. Want to record with a DVR? Pay extra. Want more than just one TV connected? Pay extra. Comcast is an expert in nickel & diming its customers to death! I'm paying through the nose for internet service, yet cannot upgrade its slow speed (aged infrastructure) and have to contend with my home's connection dropping several times/day. The only other options are Clear 3g (worse service) and Qwest (slower speed & appalling customer service).
- 1 Comcast is way too expensive. Competing service should be provided by city/community as in Kitsap or Tacoma.
- 1 I think we should also have frontier in the area and make it more competitive.....comcast charges too much for what you get.....

| Count | Response |
|-------|---|
| 1 | My internet is very slow during certain times of day. With prices going up it seems that service should improve. |
| 1 | Why is there a monopoly of cable service without regulation of pricing? The cost for access to high definition cable is obscenely expensive. |
| 1 | We need community fiber optic cable network. City can help set up a public (non-commercial) provider to enable more access to all burien residents. |
| 1 | Comcast: STOP compressing channels 4.2 and 7.2 (114 and 117 on your lineup) 3 to 4 horizontally!!!! |
| 1 | Haven't been able to correct cable interruptions, like garbled conversations, blackouts, HD not available, some mornngs cable is not available, TV doesn't come on |
| 1 | There is absolutely no way to personally contact a customer service representative. All communication is electronic. |
| 1 | would like to be able to choose the stations we watch. don't need the forgein language ones when you don't understand them at |
| 1 | They charge way too much for how slow our internet connection is and how often there are internet outages. Different phone reps will tell you different things too. Talk to one person and get one price, talk to someone else and they laugh and say no way, we can't do that. Never fixed my internet speed like they promised to either. |
| 1 | Rates are outrageous. Telephone customer service is poor. Not seeing Comcast invest in the community enough. Removing the fast forward function with on-demand is a terrible idea. |
| 1 | They use the bait and switch, cost is only good for six months then the price goes up. The phone company does not use this practice, I know from the start what my bill will be. I feel the government should own all communication companies not greedy companies. |
| 1 | Since we are already paying for the cable service I don't see the need to have to pay additional to see premium movies. |
| 1 | Comcast cable has no competition. When there is only one game in town, there is no incentive to lower prices. Some areas are not suitable for dish tv. |
| 1 | Monthly bill should be much lower for long-time customers who 'bundle' Comcast services and not only for new customers. |
| 1 | we need more than one provider in this area, they have a monopoly and take advantage of us, they raise rates again and again and have awful service |
| 1 | The product and service offered by Comcast to the Burien area over the last few years demonstrates an overall lack of concern for individuals that make of this community. A contract with Comcast allows for the company feel to feel secure in their position while not being challenged to provide improving services. Burien residents should not be subjected to only having one option like the people in Seattle are. Because of these contracts, companies like Google and Verizon have no reason for pursuing services in this area. |
| 1 | For tv that is hd-ready we do not want to have to have extra hardware/boxes to provide extra revenue to comcast and squire additional remotes. |
| 1 | Very difficult website to use, and extensive fees for installation and other products when doing very little actual work for them. |
| 1 | Frequently when I want to watch a show I DVR'd, it is messed up or freezes. I'm told there is nothing that can be done. |

| Count | Response |
|-------|--|
| 1 | We cancelled Comcast a few years ago. We even own stock in the company and had nothing but problems with them . Would not recommend them to anyone and am frustrated that I can't watch the City Council Meetings with my present provider but would not change back to Comcast. |
| 1 | Comcast does a good job BUT competition is needed to allow choices and alternatives to service and cost. |
| 1 | The cost of this service increases inexplicably and without warning. And there is a lack of equivalent competition in our city. |
| 1 | Internet service is quite expensive. Basic cable is very limited but is the only option that is affordable. |

URL Variable: crc

URL Variable: id

CABLE TV/BROADBAND ASSESSMENT SURVEY

As part of the cable franchise renewal process with Comcast, the City of Burien ("City") is conducting this Survey to determine your present and future cable TV/broadband needs and interests as they pertain to Comcast. Please take a few moments to answer these questions.

EDUCATIONAL SURVEY

1. Name of School District or School: Highline School District _____
2. Number of employees: ___ 1-25 ___ 26-49 X 50 or more
3. Number of students: 18000 _____
4. Location: Burien, Normandy Park, SeaTac, Des Moines, and unincorporated King County _____
5. Person responding to Survey: Mark Finstrom _____
6. Title/Phone Number: Director of Technology, 206.433.2202 _____

7. Our organization:

- X Does not have any cable TV outlets/services
X Receives free cable TV outlets/services; if so:
X Basic Cable Service; X Other Cable Service
X Pays for cable TV outlets/services

Number/Type desired in the future: Ideal number – 19 elementary, 4 middle, 10 high, & 5 support sites _____

8a. How does or will your organization use cable TV? (check all that apply)

| Service | Current Use | Future Use | Unsure |
|--|-------------|------------|--------|
| Viewing informational programming | x | x | |
| Paid advertising or public service announcements | x | x | |
| Cablecast meetings and/or information | x | x | |
| Other services: | | | x |

8b. Cable systems have broadband applications in addition to entertainment. Please complete the following:

| Service | Current Use | Future Use | Unsure |
|--|-------------|------------|--------|
| Video conferencing | x | x | |
| Training | x | x | |
| Telecommuting using high speed Internet service | x | x | |
| Video streaming (accessing video clips via the Internet) | x | x | |
| Other (specify) _____ | | | x |

9. Are there any educational issues or activities you believe should receive more coverage on the cable TV system's Access Channels (Channels 21 and 77)?

No Yes *If yes, which ones?*

The school district needs to have access and the capability to deliver content over the educational access channels during a state of emergency to provide for the continued education of our students. OSPI (state department of education) requires that school districts continue educational delivery during an extended emergency. If a pandemic were to hit, Highline would want to deliver teaching over the cable network to our students.

10. Please list new communications applications or upgrades which you believe would immediately improve workflow and benefit public service.

I am working with Terry Davis and his Comcast team to provide families that qualify for free lunch with a low-cost internet connection and the option to purchase a computer at a significant reduction in cost. However, I also believe that it is not just the families who receive free lunch that need this level of access and would welcome any opportunity to develop a relationship within the community that would extend this to all residents. In addition, I would like to discuss the ability of the community to further expand this to include wireless access. While I work with the Port of Seattle on numerous items, there is still a concern about free wi-fi and it crossing the FAA's path. This could be kiosk locations and not widespread wireless in the community. Nonetheless, I would welcome a discussion with city leaders and Comcast on this topic.

11. If telecommuting (i.e., work from home or a remote location, access to on-line services, etc.) were available, would there be a significant benefit for your organization?

No Yes (please describe)

Teachers and students need access to resources. If this resource were available, it would open up the education platform for more instructional options, classroom models and student engagement. We are always looking for ways to engage the students who have disconnected from the education process and get them to complete their plan. We have several students who are enrolled in Highline through various "return to school" programs and they would definitely benefit from this access. As far as staff goes, most staff already use remote access from home but they cannot instruct students from an offsite location. We could review the legalities of an offsite instructor and provide some services remotely, but that will be something that needs to be reviewed and discussed.

12. Are any new programs or expansion of existing programs planned (budgeted) which may require additional communications resources? No Yes (please describe programs and communications resources needed)

Highline School District is planning a major expansion of digital learning programs. Adaptive, digital tools for learning are becoming increasingly sophisticated every year. Many are now able to quickly assess a students' skill level in a particular area and deliver lessons and activities that are at their level

and grow along with the student. In addition, they are becoming more engaging and student-friendly, which encourages students to use them during their free time at school as well as at home. In the upper grades, sites like Kahn Academy are delivering excellent content in all subjects for free, which encourages teachers to "flip the classroom" and assign the lecture as homework so as to reserve class time for discussion. We expect that 80% of our students will be utilizing technology for learning anywhere from one to four hours per week on average next year.

We have multiple schools that provide services to students who are in alternative education programs. Those sites include: Puget Sound Skills Center, New Start, Career Link, Gateway to College, HIPP, CHOICE and Satellite.

PSSC is a vocational education high school that services students from 5 districts. The school offers a variety of education programs from culinary to fire and rescue. The students in this school are looking for ways to instruct others and reach out to the community for support. With an avid communications department they need avenues to delivery their content.

New Start is an alternative education program that services students who have dropped out of school to get them back into a school and to graduate before the age of 21. They use a variety of communication methods to instruct and provide students access to information that will improve their education acceptance and completion.

Career Link and Gateway to College are two schools that are in conjunction with South Seattle Community College and Highline Community College. The students in these programs may have completed a high school education or may have chosen to reengage at the community college level without a diploma. The colleges and Highline are heavily engaged in keeping these students enrolled and look for ways to keep student achievement and success available to them at work, at home or at school.

HIPP, CHOICE and Satellite are three multi-purpose schools. The HIPP students are those that have been suspended or expelled from school and instead of dropping them we engage them in an intense education program to increase their skills in an effort to help them transition back into the classroom effectively. The CHOICE school is a combination of homeschool and non-traditional schooling where the academy emphasizes high parent involvement, student responsibility, high academic standards and a small learning environment for students at the secondary level. The Satellite program has a high degree of special needs students that will use access to materials differently and with a varied degree of success.

13. What is the most important communications-based issue facing your organization at this time?

Our interest in blended learning, and our belief that home-access is essential to this learning model, causes us to be extremely concerned about the high cost of access for low-income families in our school district. 70% of our families have applied for free or reduced-price lunch which is a reliable proxy for poverty. These students are most at-risk for academic challenges to begin with, meaning that the ability for them to continue to amplify their learning at home is essential. We may be able to provide devices for families out of supplemental district resources, but if the families have no- or slow internet access at home, they will be further disadvantaged.

In addition, there is a perceived lack of computer and internet access from our parents and students in the community. A secondary issue may be the lack of involvement with the district, but that is separate from the lack of access.

14. What are the most critical long-term communications needs of your organization?

Ultimately, our vision of blended learning entails an “anytime, anywhere” philosophy meaning that students need devices that are reliable and access that is omnipresent.

To get a strong parent to teacher dialogue developed that will improve the parents understanding of their student’s education, successes, short comings and plans for keeping the parent and student engaged through all their years in Highline.

The strategic plan reflects these core values:

We believe...

- in academic success and high expectations for all students.
- in lifelong learning for students and adults.
- in investing in our most valuable resource – our people.
- in innovation, continuous improvement, and results.
- in stewardship of community resources.
- in community engagement, partnerships, and open and honest communication.
- in accountability from the board room to the classroom.

15. What is your overall rating of Comcast as a cable service provider?

Excellent Good Fair Poor No opinion/don't have cable

16. Any other comments:

We are a high free and reduced lunch district. Based on these values, Highline applies for services from the FCC/USAC programs. In past years, Comcast and other cable providers were required to provide a cable TV connection for every facility. This was under the Cable in the Classroom initiative started under the Cable Act. Another component of that was the delivery of an Internet connection to every school. While Highline never took advantage of that option, we would be interested in doing so now, but Comcast has said that this is no longer an option as the requirement from the Cable Act has passed its required delivery age. This would provide the school district options for delivery of services, growth and support, should Highline be able to get access to a network drop separate from the City’s agreement with Comcast. I can describe this in greater detail to anyone who needs more information.

In addition, we do not want to lose any of the connections and service that we currently have with Comcast.

ADDITIONAL HIGHLINE SCHOOL DISTRICT QUESTIONS

1. Does the School District currently provide a fiber optic interconnection among all buildings and classrooms for interactive teaching purposes?

Yes No

- a. If yes, please describe.

We have fiber to the building, but not to the classrooms. In a building we use a fiber connection between MDF and IDF locations. Currently, the Burien Inet connection services 14 locations. _____

- b. If no, would such interconnection be beneficial and why? _____

2. Is the School District involved in distance learning beyond the boundaries of the School District?

Yes No

- a. If yes, please describe.

We have begun our delivery of online classes through two high schools and two alternative education locations. This online class is through contracted services with state approved curriculum providers. We will be expanding this option and increase the connectivity between other schools. PSSC and CHOICE will soon begin to deliver curriculum to their student base. _____

- b. If no, would such distance learning connections be beneficial, and why? _____

Thanks for your cooperation in completing this Survey. Please return the completed Survey by June 17, 2011 to Monica Lusk, city clerk, at monical@burienwa.gov.

Monica Lusk

From: Jed Moffitt [jmoffitt@kcls.org]
Sent: Tuesday, May 24, 2011 2:42 PM
To: Monica Lusk; Julie Brand
Subject: RE: City of Burien - Comcast franchise renewal

Hi Monica:

I have confirmed with our operations people that we have no current nor future planned cable TV needs, institutionally speaking, for the library. Our broadband services are provided via King County Inet, so I can find no points of relevance between the survey and our system operations and plans.

Regards,

Jed

From: Monica Lusk [mailto:MONICAL@burienwa.gov]
Sent: Tuesday, May 24, 2011 8:18 AM
To: Julie Brand
Cc: Jed Moffitt; Monica Lusk
Subject: RE: City of Burien - Comcast franchise renewal

Thanks Julie!

I look forward to hearing from Jed.

Have a great week,

Monica Lusk

City Clerk

City of Burien

(206) 248-5517

monical@burienwa.gov

www.burienwa.gov

From: Julie Brand [mailto:jbrand@kcls.org]
Sent: Monday, May 23, 2011 6:54 PM
To: Monica Lusk; Jed Moffitt
Subject: Re: City of Burien - Comcast franchise renewal

That should be done by our ITS department. I have copied jed moffitt who can direct you to the right person.

Julie - sent from my Droid

----- Reply message -----

From: "Monica Lusk" <MONICAL@burienwa.gov>
Date: Mon, May 23, 2011 5:35 pm
Subject: City of Burien - Comcast franchise renewal
To: "Julie Brand" <jbrand@kcls.org>
Cc: "Monica Lusk" <MONICAL@burienwa.gov>

Julie,

The city of Burien is in the process of renewing our franchise agreement with Comcast.

We are conducting a survey (attached) to determine your present and future cable TV/broadband needs and interests.

We had contacted Marilee who stated you would be the best person to fill out the survey.

We will need the completed survey back by Friday, June 17.

Best regards,

Monica Lusk

City Clerk

City of Burien

(206) 248-5517

monical@burienwa.gov

www.burienwa.gov

Return to Monica by June 6

CABLE TV/BROADBAND ASSESSMENT SURVEY

As part of the cable franchise renewal process with Comcast, the City of Burien ("City") is conducting this Survey to determine your present and future cable TV/broadband needs and interests as they pertain to Comcast. Please take a few moments to answer these questions.

CITY DEPARTMENT SURVEY

1. Department name: Finance / IT
2. Number of employees: 1-10 11-20 21 or more
3. Location: City Hall
4. Person responding to Survey: Dean Tatham, IS Manager
5. Title/Phone number: 206.248.5511
6. List any satellite or field offices of your department: NONE

7. What is your department's primary function?
 - Services to Other City Departments
 - Services to City Residents *(via website)*
 - Services to the Business Community
 - Other (please specify) _____

8. Our department:
 - Does not have any cable TV outlets/services
 - Receives free cable TV outlets/services; if so:
 - Basic Cable Service; Other Cable Service
 - Pays for cable TV outlets/services
 - Number/Type desired in the future _____

9a. How does or will your department use cable TV? (check all that apply)

| Service | Current Use | Future Use | Unsure |
|--|-------------|------------|--------|
| Viewing informational programming | ✓ | | |
| Paid advertising or public service announcements | ✓ | | |
| Cablecast meetings and/or information | ✓ | | |
| Other services: | | | |

9b. Cable systems have broadband applications in addition to entertainment. Please complete the following:

| Service | Current Use | Future Use | Unsure |
|--|-------------|------------|--------|
| Video conferencing | | ✓ | |
| Teletraining | | ✓ | |
| Telecommuting using high speed Internet service | ✓ | | |
| Video streaming (accessing video clips via the Internet) | ✓ | | |
| Other (specify): | | | |

10. Are there any governmental issues or activities you believe should receive more coverage on Channel 21 -- the Government Access Channel?

No Yes If yes, which ones?

11. Please list new communications applications or upgrades which you believe would immediately improve workflow and benefit public service.

→ Our AV equipment needs upgrading/replacement + possibly upgrading to HD too.

12. If telecommuting (i.e., work from home or a remote location, access to department on-line services, etc.) were available, would there be a significant benefit for your department?

No Yes (please describe) We already can.

13. Are any new programs or expansion of existing programs planned (budgeted) which may require additional communications resources? No Yes (please describe programs and communications resources needed)

14. What is the most important communications-based issue facing your department at this time?

City-side fiber inet equipment is at end of life.

15. What are the most critical long-term communications needs of your department?

Connecting new facilities on to inet.

16. What is your overall rating of Comcast as a cable service provider?

Excellent Good Fair Poor No opinion/don't have cable

17. Any other comments:

Thanks for your cooperation in completing this Survey. Please return the completed Survey by June 17, 2011 to Monica Lusk, city clerk.

CABLE TV/BROADBAND ASSESSMENT SURVEY

As part of the cable franchise renewal process with Comcast, the City of Burien ("City") is conducting this Survey to determine your present and future cable TV/broadband needs and interests as they pertain to Comcast. Please take a few moments to answer these questions.

CITY DEPARTMENT SURVEY

1. Department name: PARKS & RECREATION
2. Number of employees: 1-10 11-20 21 or more
3. Location: BURIEN COMMUNITY CENTER
4. Person responding to Survey: MICHAEL LAFRENIERE
5. Title/Phone number: DEPT DIRECTOR / 206-988-3703
6. List any satellite or field offices of your department: ^① THE ANNEK, ^② BURIEN COMMUNITY CENTER, ^③ MOSHIER ART CENTER

7. What is your department's primary function?

| | |
|---|--|
| <input type="checkbox"/> Services to Other City Departments | <input checked="" type="checkbox"/> Services to City Residents |
| <input type="checkbox"/> Services to the Business Community | <input type="checkbox"/> Other (please specify) _____ |

8. Our department:
 - Does not have any cable TV outlets/services
 - Receives free cable TV outlets/services; if so:
 - Basic Cable Service; Other Cable Service
 - Pays for cable TV outlets/services

Number/Type desired in the future HD CABLE (BUSINESS PACKAGE) AT EACH FACILITY AND BROADBAND CONNECTION FOR PUBLIC KIOSKS

9a. How does or will your department use cable TV? (check all that apply)

| Service | Current Use | Future Use | Unsure |
|--|-------------------------------------|-------------------------------------|--------|
| Viewing informational programming | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Paid advertising or public service announcements | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Cablecast meetings and/or information | | <input checked="" type="checkbox"/> | |
| Other services: <u>see other below</u> | | <input checked="" type="checkbox"/> | |

9b. Cable systems have broadband applications in addition to entertainment. Please complete the following:

| Service | Current Use | Future Use | Unsure |
|--|-------------|-------------------------------------|--------|
| Video conferencing | | <input checked="" type="checkbox"/> | |
| Teletraining | | <input checked="" type="checkbox"/> | |
| Telecommuting using high speed Internet service | | <input checked="" type="checkbox"/> | |
| Video streaming (accessing video clips via the Internet) | | <input checked="" type="checkbox"/> | |
| Other (specify): <u>VIDEO STREAMING / SECURITY</u> | | <input checked="" type="checkbox"/> | |

AS PUBLIC LOCATIONS SUCH AS SKATEBOARD PARK, TOWN SQUARE. internet connectivity in water & lighting

10. Are there any governmental issues or activities you believe should receive more coverage on Channel 21 -- the Government Access Channel?
 ___ No Yes If yes, which ones?
ADVISORY BOARD MEETINGS, COMMUNITY EVENTS,
PROMOTING RECREATION PROGRAMS, MORE PUBLIC SERVICE PSA'S
11. Please list new communications applications or upgrades which you believe would immediately improve workflow and benefit public service.
CFM ability
12. If telecommuting (i.e., work from home or a remote location, access to department on-line services, etc.) were available, would there be a significant benefit for your department?
 ___ No Yes (please describe)
MORE TIMELY RESPONSES, ~~HAVE~~ GREATER WORK-LIFE BALANCE,
13. Are any new programs or expansion of existing programs planned (budgeted) which may require additional communications resources? ___ No Yes (please describe programs and communications resources needed) hardware such as cable boxes, cameras
14. What is the most important communications-based issue facing your department at this time?
customer communications & marketing programs
15. What are the most critical long-term communications needs of your department?
16. What is your overall rating of Comcast as a cable service provider?
 ___ Excellent ___ Good Fair ___ Poor ___ No opinion/don't have cable
17. Any other comments:

Thanks for your cooperation in completing this Survey. Please return the completed Survey by June 17, 2011 to Monica Lusk, city clerk.

DOUG L ^{PTIC}
 SAUR B

GIVE TO MONICA WHEN COMPLETE:

CABLE TV/BROADBAND ASSESSMENT SURVEY

Return to Larry by 06-10-11

As part of the cable franchise renewal process with Comcast, the City of Burien ("City") is conducting this Survey to determine your present and future cable TV/broadband needs and interests as they pertain to Comcast. Please take a few moments to answer these questions.

CITY DEPARTMENT SURVEY

1. Department name: P.W.
2. Number of employees: 1-10 11-20 21 or more
3. Location: 400 SW 152nd St, suite 300; Burien WA 98166
4. Person responding to Survey: SAM RASMEN
5. Title/Phone number: MAINT. Manager (206) 439-2163
6. List any satellite or field offices of your department: 18040 Des Moines Memorial Dr. S.

7. What is your department's primary function?

- Services to Other City Departments Services to City Residents
 Services to the Business Community Other (please specify) _____

8. Our department:

- Does not have any cable TV outlets/services
 Receives free cable TV outlets/services; if so:
 Basic Cable Service; Other Cable Service
 Pays for cable TV outlets/services
 Number/Type desired in the future _____

9a. How does or will your department use cable TV? (check all that apply)

| Service | Current Use | Future Use | Unsure |
|--|-------------|------------|-------------------------------------|
| Viewing informational programming | YES | | |
| Paid advertising or public service announcements | | | <input checked="" type="checkbox"/> |
| Cablecast meetings and/or information | | | <input checked="" type="checkbox"/> |
| Other services: | | | <input checked="" type="checkbox"/> |

9b. Cable systems have broadband applications in addition to entertainment. Please complete the following:

| Service | Current Use | Future Use | Unsure |
|--|-------------------------------------|-------------------------------------|-------------------------------------|
| Video conferencing | | <input checked="" type="checkbox"/> | |
| Teletraining | <input checked="" type="checkbox"/> | | |
| Telecommuting using high speed Internet service | <input checked="" type="checkbox"/> | | |
| Video streaming (accessing video clips via the Internet) | | | <input checked="" type="checkbox"/> |
| Other (specify): | | | <input checked="" type="checkbox"/> |

1) FREE HD MICHAEL SENIOR DISCOUNT EXTENSION #1101

10. Are there any governmental issues or activities you believe should receive more coverage on Channel 21 – the Government Access Channel?

No Yes If yes, which ones?

Not sure.

11. Please list new communications applications or upgrades which you believe would immediately improve workflow and benefit public service.

Better/faster/cheaper broadband

12. If telecommuting (i.e., work from home or a remote location; access to department on-line services, etc.) were available, would there be a significant benefit for your department?

No Yes (please describe)

We can access our system from anywhere we're. It can save lots of time and cost to the City.

13. Are any new programs or expansion of existing programs planned (budgeted) which may require additional communications resources? No Yes (please describe programs and communications resources needed)

Not sure.

14. What is the most important communications-based issue facing your department at this time?

At the shop we need broadband but the cost to install is too high.

15. What are the most critical long-term communications needs of your department?

Internet (broadband)

16. What is your overall rating of Comcast as a cable service provider?

Excellent Good Fair Poor No opinion/don't have cable

17. Any other comments: *N/A*

Thanks for your cooperation in completing this Survey. Please return the completed Survey by June 17, 2011 to Monica Lusk, city clerk.

PROPOSED COMCAST FRANCHISE RENEWAL AMENDMENTS

| FRANCHISE ORDINANCE SECTION | SUMMARY OF CURRENT FRANCHISE WORDING | SUMMARY OF PROPOSED FRANCHISE PROPOSED WORDING |
|---|--|--|
| Franchise Renewal Term | 5 year franchise term from 10/27/2006 through 10/26/2011 | 5 year franchise renewal term |
| Section 2.7 Grant of Other Franchises/Competitive Equity | If City grants a franchise to a competing cable company, the franchise provisions shall be similar to and not more favorable than the Comcast franchise (NOTE: FCC Order FCC 06-180 ruled current language unlawful) | If City grants a franchise to a competing cable company, City will notify Comcast and will amend Comcast franchise to include any more favorable provisions Comcast may petition for relief from any regulatory burdens in the franchise that create a competitive disadvantage with other wireline video providers |
| Sections 5.3/5.4 Letter of Credit & Performance Bond | City may request \$15,000 letter of credit from Comcast if Comcast breaches franchise Comcast must provide City \$50,000 performance bond | No letter of credit Performance bond increased to \$250,000 |

PROPOSED COMCAST FRANCHISE RENEWAL AMENDMENTS

| | | |
|--|---|--|
| <p>Section 7.2 Confidentiality</p> | <p>City agrees to keep confidential Comcast's proprietary information to extent permitted by law</p> | <p>A non-disclosure agreement between Comcast and the City or its consultant is needed to review proprietary information</p> |
| <p>Section 9.2 Additional Access Channel/High Definition Access Channel</p> | <p>Comcast must provide 2nd Government Access Channel when current programming exceeds specified level</p> | <p>Comcast must provide HDTV format for Government Access Channel when its system completes transition from analog to digital</p> <p>Disagreement: Comcast recently proposed several changes to the HDTV provision, including requiring 12 months notice by the City, City payment of Comcast's engineering costs (estimated at \$25,000), and City providing HD signal per Comcast's standards</p> |
| <p>Section 10.16 Movement of Cable System Facilities</p> | <p>When a City street project necessitates relocating utilities, Comcast must participate in joint trenching and pay proportionate share of costs</p> | <p>Clarifies that Comcast may elect to remove its facilities from Rights-of-Way by the date established by the City rather than participate in joint trenching</p> |

**CITY OF BURIEN
AGENDA BILL**

| | | |
|---|--|--|
| Agenda Subject: Adoption of Ordinance No. 588 Amending the 2013-14 Biennial Budget | | Meeting Date: December 2, 2013 |
| Department: Finance Department | Attachments: 1. Draft Ordinance 588 2. Presentation 3. Budget Memo 4. CIP Summary 5. January 1, 2014 Salary Schedules 6. July 1, 2014 Salary Schedules 7. Financial Policies | 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 | | |
| <p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is to discuss and potentially adopt Ordinance No. 588 amending the 2013-14 Biennial Budget.</p> <p>BACKGROUND (Include prior Council action & discussion): On November 5, 2012, Council adopted the 2013-14 Biennial Budget (Ordinance #568). On May 20, 2013, Council approved Ordinance No. 580 appropriating \$500,000 for Town Square litigation, mediation, settlement, and negotiation services. That ordinance is included in this amendment; however, the appropriation is reduced to \$245,000. On August 5, 2013, Council approved Ordinance No. 584 appropriating \$3,600,000 for the purchase of property in the North East Redevelopment Area (NERA), which is also incorporated into this budget amendment. Staff has also incorporated Ordinance No. 596, authorizing an interfund loan for the Seahurst Park – North Shoreline project, scheduled for approval on the December 2, 2013 consent agenda. Staff presented the mid-biennial budget modification on November 4, 2013. Council held public hearings on November 4 and November 18, 2013 and adopted the Property Tax Levy and Surface Water Management Services Charges on November 18, 2013.</p> <p>By law, the Council must review and make applicable adjustments to the biennial budget, between the eighth month and the end of the first year. The mid-biennial review only addresses items that need budgetary changes. Those adjustments are included in Ordinance 588.</p> <p>There is one policy change included in this budget amendment. In 2012, Council approved increasing the General Fund Reserve from 10% to 20% by the year 2022. In 2012, the General Fund ending fund balance was approximately 31% of budgeted recurring revenue. This increase is due to the receipt of significant one-time revenue and some one-time expenditure savings. Staff is proposing that a portion of these one-time funds be used to increase the General Fund Reserve from 10% to 15%.</p> <p>Please note that one change was made to the attachments presented on November 18, 2013. The Intermittent and Temporary Staff Salary Schedules have been amended to include the GIS Intern as it was inadvertently omitted.</p> <p>At the November 18, 2013 meeting, Council inquired about the sunset date for the Car Tab Fee that funds the Transportation Benefit District Fund. The Transportation Benefit District shall be dissolved when all indebtedness of the district has been retired and when all of the districts anticipated responsibilities have been satisfied. The debt service for the overlay bonds will be retired on December 1, 2029.</p> <p>If Council decides to continue discussion of the 2013-14 Mid-biennial Review and Update, action on this matter may be extended to any date prior to January 1, 2014.</p> | | |
| Administrative Recommendation: Adopt Ordinance No. 588 amending the 2013-14 Biennial Budget. Adopt the 2014 Financial Policies. | | |
| Suggested Motion: Move to adopt Ordinance No. 588 amending the 2013-14 Biennial Budget. Move to adopt the 2014 Financial Policies. | | |
| Submitted by: Kim Krause, Finance Director | | |
| Administration _____ | City Manager _____ | |
| Today's Date: November 21, 2013 | File Code: \\File\records\CC\Agenda Bill 2013\120213ad-1 Mid-biennial Budget Review and Update.docx | |

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 588

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING THE 2013-2014 BIENNIAL BUDGET OF THE CITY OF BURIEN, WASHINGTON TO ADJUST REVENUES AND APPROPRIATE EXPENDITURES TO THE CITY FUNDS FOR 2013 AND 2014

WHEREAS, the City of Burien adopted the 2013-2014 Biennial Budget by Ordinance No. 568; and

WHEREAS, on May 20, 2013, the City of Burien adopted Ordinance No. 580 providing funding for litigation, mediation, and settlement negotiation services related to the Town Square development; and

WHEREAS, on May 20, 2013, the City of Burien adopted Ordinance No. 584 providing for the issuance and sale of a limited tax general obligation bond for the purpose of providing funds to acquire land; and

WHEREAS, the City of Burien will receive additional revenue and incur additional debt service expense associated with these bonds.

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

Section 1. The 2013-2014 Adopted Budget for the City of Burien for the period January 1, 2013 through December 31, 2014 is hereby amended as shown in Exhibit A and B.

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 be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON 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. 588
Date of Publication:

Exhibit A

The following exhibit illustrates the revised revenue and expenditure totals for all funds and brings current the totals for each fund previously reported in Ordinance No. 568:

| City of Burien | | | | |
|---|-------------------------------|----------------------|----------------------------|------------------------|
| 2013-14 Revised Budget - All Funds | | | | |
| | | | | |
| Operating Funds - Resources | Beginning Fund Balance | Revenues | Transfers In | Total Resources |
| General | \$ 6,446,025 | \$ 44,793,000 | \$ 160,000 | \$ 51,399,025 |
| Street | 423,366 | 4,287,000 | - | 4,710,366 |
| Surface Water Management | 664,347 | 5,912,000 | - | 6,576,347 |
| Public Works Reserve | 380,618 | 2,176,000 | - | 2,556,618 |
| Equipment Reserve | 519,117 | - | 515,000 | 1,034,117 |
| Art in Public Places | 33,491 | 200 | - | 33,691 |
| Capital Projects Reserve | 670,418 | 1,344,400 | - | 2,014,818 |
| Transportation Benefit District | 23,599 | 650,000 | - | 673,599 |
| Debt Service | 105,431 | 480,330 | 4,910,000 | 5,495,761 |
| LID Reserve | 165,000 | - | - | 165,000 |
| Capital Project Funds - Resources | Beginning Fund Balance | Revenues | Transfers In | Total Resources |
| Parks and General Government Capital Projects | (16,659) | 7,763,380 | 1,000,000 | 8,746,721 |
| Transportation Capital Projects | 3,030,685 | 9,532,061 | 893,655 | 13,456,401 |
| Surface Water Management Capital Projects | 580,052 | 5,624,825 | 2,203,515 | 8,408,392 |
| Total Resources | \$ 13,025,490 | \$ 82,563,196 | \$ 9,682,170 | \$105,270,856 |
| | | | | |
| Operating Funds - Uses | Expenditures | Transfers Out | Ending Fund Balance | Total Uses |
| General | \$ 44,828,620 | \$ 792,000 | \$ 5,778,405 | \$ 51,399,025 |
| Street | 3,301,940 | 885,000 | 523,426 | 4,710,366 |
| Surface Water Management | 4,351,430 | 2,095,000 | 129,917 | 6,576,347 |
| Public Works Reserve | - | 2,500,000 | 56,618 | 2,556,618 |
| Equipment Reserve | 400,000 | - | 634,117 | 1,034,117 |
| Art in Public Places | 33,491 | - | 200 | 33,691 |
| Capital Projects Reserve | - | 1,718,000 | 296,818 | 2,014,818 |
| Transportation Benefit District | - | 670,000 | 3,599 | 673,599 |
| Debt Service | 5,455,455 | - | 40,306 | 5,495,761 |
| LID Reserve | - | - | 165,000 | 165,000 |
| Capital Project Funds - Uses | Expenditures | Transfers Out | Ending Fund Balance | Total Uses |
| Parks and General Government Capital Projects | 8,348,100 | 328,515 | 70,106 | 8,746,721 |
| Transportation Capital Projects | 12,532,366 | - | 924,035 | 13,456,401 |
| Surface Water Management Capital Projects | 7,688,431 | 693,655 | 26,306 | 8,408,392 |
| Total Uses | \$ 86,939,833 | \$ 9,682,170 | \$ 8,648,853 | \$105,270,856 |

Exhibit B

The following illustrates the changes made in each fund, not the totals per fund.

| City of Burien | | | | |
|---|--|---------------------------------|---------------------------------------|-----------------------------------|
| Changes to the 2013-2014 Budget -- All Funds | | | | |
| Operating Funds - Resources | Changes to Beginning Fund Balance | Changes to Revenues | Changes to Transfers In | Changes to Total Resources |
| General | \$ 2,631,120 | \$ 4,514,000 | \$ 10,000 | \$ 7,155,120 |
| Street | 304,304 | 192,000 | - | 496,304 |
| Surface Water Management | 411,054 | 320,000 | - | 731,054 |
| Public Works Reserve | 179,842 | 840,000 | - | 1,019,842 |
| Equipment Reserve | 105,134 | - | 15,000 | 120,134 |
| Art in Public Places | (9,133) | - | (10,000) | (19,133) |
| Capital Projects Reserve | 32,115 | 6,000 | - | 38,115 |
| Transportation Benefit District | 23,599 | 50,000 | - | 73,599 |
| Debt Service | 26,526 | (17,620) | 60,000 | 68,906 |
| LID Reserve | - | - | - | - |
| Capital Project Funds - Resources | Changes to Beginning Fund Balance | Changes to Revenues | Changes to Transfers In | Changes to Total Resources |
| Parks and General Government Capital Projects | (129,660) | 5,251,505 | 740,000 | 5,861,845 |
| Transportation Capital Projects | 1,557,928 | 9,369,061 | 643,655 | 11,570,644 |
| Surface Water Management Capital Projects | (403,034) | 5,309,825 | 860,480 | 5,767,271 |
| Total Resources | \$ 4,729,795 | \$ 25,834,771 | \$ 2,319,135 | \$ 32,883,701 |
| | | | | |
| Operating Funds - Uses | Changes to Expenditures | Changes to Transfers Out | Changes to Ending Fund Balance | Changes to Total Uses |
| General | \$ 4,127,330 | \$ (50,000) | \$ 3,077,790 | \$ 7,155,120 |
| Street | 6,260 | 135,000 | 355,044 | 496,304 |
| Surface Water Management | (36,800) | 795,000 | (27,146) | 731,054 |
| Public Works Reserve | - | 1,000,000 | 19,842 | 1,019,842 |
| Equipment Reserve | - | - | 120,134 | 120,134 |
| Art In Public Places | 18,491 | - | (37,624) | (19,133) |
| Capital Projects Reserve | - | (150,000) | 188,115 | 38,115 |
| Transportation Benefit District | - | 70,000 | 3,599 | 73,599 |
| Debt Service | 60,000 | - | 8,906 | 68,906 |
| LID Reserve | - | - | - | - |
| Capital Project Funds - Uses | Changes to Expenditures | Changes to Transfers Out | Changes to Ending Fund Balance | Changes to Total Uses |
| Parks and General Government Capital Projects | 5,724,479 | 75,480 | 61,886 | 5,861,845 |
| Transportation Capital Projects | 10,846,366 | - | 724,278 | 11,570,644 |
| Surface Water Management Capital Projects | 5,545,398 | 443,655 | (221,782) | 5,767,271 |
| Total Uses | \$ 26,291,524 | \$ 2,319,135 | \$ 4,273,042 | \$ 32,883,701 |

Exhibit C

Ordinance No. 588 amends the 2013-2014 Adopted Budget in the following funds:

GENERAL FUND 001

Beginning Fund Balance: An increase of \$2,631,120 was recognized when the books were closed for 2012.

Revenues: A net increase of \$4,514,000. This increase includes the \$3,600,000 limited tax general obligation bond authorized in Ordinance No. 584, adopted on May 20, 2013. Other adjustments include a 1% Property Tax increase, totaling \$154,000 and an additional \$1,031,000 in Sales Tax that is primarily due to improved auto sales. Utility Taxes have been adjusted downward by \$123,000. This is due to lower than expected natural gas receipts caused by a mild winter and reduced natural gas rates. Gambling Excise Tax reflects a \$160,000 decrease due to the reduction in the card room tax rate to 8%, as adopted by the Council earlier in the year. There is a \$60,000 increase in franchise fees and a \$50,000 increase in permit revenues for right-of-way inspections. State Shared Revenues (City Assistance) has been reduced by \$107,000 as the City no longer qualifies based on the calculation formula. Liquor Tax and Profits reflects a decrease of \$47,000 as the State used these funds to balance its budget. Seattle City Light revenues and other Intergovernmental revenues were overestimated and reflect a reduction of \$161,000. Recreation revenues have been increased by \$131,000 to reflect the current year activity and new programming. Fines and Forfeitures reflect an \$80,000 increase that is the result of penalty and interest collected as part of the utility tax audit. Miscellaneous revenues include a \$6,000 increase for an insurance reimbursement for damage to the Skate Park sign.

Transfers In: A net increase of \$10,000. The transfer in from the Street and Surface Water Management Funds is increased by \$5,000 each to fund a part-time GIS intern.

Expenditures: A net increase of \$4,127,330. The bulk of the increase (\$3,600,000) is due to the inclusion of the mid-year appropriation to purchase property in the North East Redevelopment Area (NERA) and the allocation of funds for litigation, mediation and settlement negotiation services related to the Town Square Development (\$245,000). While Council approved an additional \$500,000 for Town Square, staff reduced this amount to \$245,000 in this amendment.

This amendment also includes an increase in employee salaries and benefits (\$166,530) that is a combination of many factors including an increase in the monthly compensation for Councilmembers (\$18,085), an increase in the City Manager's compensation package (\$35,075), the addition of a GIS Intern that is funded with a transfer from the Street and Surface Water Management Funds (\$9,965), and the addition of intermittent staffing in Parks, Recreation and Cultural Services to provide additional programming and to staff the Highline School District Joint Venture after school program (\$63,630). Also included is the implementation of the salary survey (\$170,470) that is offset by a reduction of the 2% COLA placeholder to 1% (\$38,625), the elimination of all medical increases as a result of the AWC Trust becoming self-insured (\$73,340) and savings due to re-organizations (\$18,730). The cost of the 1% COLA for all General Fund staff is \$41,200.

Other expenditure adjustments include an increase of \$2,000 to establish an annual volunteer recognition program, emailing the quarterly newsletter for a savings of \$50,000, closure of City Hall North because it is no longer needed by the Sheriff's Department (\$15,000), additional funds (\$95,000) for the utility tax audit (offset by revenue), a reduction in the SCORE jail costs (\$80,000), an increase in the animal control contract (\$45,000) as approved by Council, the addition of \$40,000 to replace and upgrade equipment in the audio/video room in Council Chambers to improve security and reliability, a decrease in the 2014 King County Sheriff's contract (\$176,000), an increase in a Deputy who was being shared with King County (\$24,000), an increase in the condo operating costs due to some large repairs (\$28,000), an increase of \$30,000 in professional services to hire King County Community Services for graffiti removal and trash pickup, professional services to assist with preparation of a new Environmental Impact Statement to support the Comprehensive Plan update (\$100,000), program operation costs for the enhanced after school programs and Highline Joint Venture (\$30,300), the downtown bike rack project (\$10,000), repair of the skate park sign (\$6,000) and a new van (\$26,500) for the youth program as the current one is unreliable.

GENERAL FUND 001 continued

Transfers Out: A net reduction of \$50,000. Due to improved REET collections, the General Fund transfer to the Parks and General Government CIP Fund (\$110,000) was eliminated. This is offset by an increase to the Debt Service Fund for the interest expense on the line of credit issued earlier in the year.

Ending Fund Balance: A increase of \$3,077,790 reflects the net changes of the adjustments noted above.

STREET FUND 101

Beginning Fund Balance: An increase of \$304,304 was recognized when the books were closed for 2012.

Revenues: A net increase of \$192,000. This increase reflects a reduction (\$60,000) in Solid Waste Utility Taxes due to reduced rates as a result of awarding the solid waste contract to CleanScapes effective June 2014. This decrease is offset by increased franchise fees that will be used to establish an annual overlay program (\$252,000).

Expenditures: A net increase of \$6,260. This amendment includes a net decrease of \$33,740 in salaries and benefits that is a combination of several factors including decreasing the budgeted 2% COLA to 1% (\$6,740) and the elimination of all medical increases as a result of the AWC Trust becoming self-insured (\$8,305) and adjusting the salaries and benefits to reflect the current staffing (\$27,085). These decreases are offset by the implementation of the salary survey (\$8,390). The cost of the 1% COLA for these staff members is \$4,745. Capital outlay includes \$40,000 for a chipper as city crews currently rent or borrow this piece of equipment from a neighboring city.

Transfers Out: A net increase of \$135,000. This increase includes reducing the transfer to the Debt Service Fund (\$70,000) as the Transportation Benefit District Fund can provide more support for the overlay bonds; increasing the transfer to the General Fund to pay for half of the GIS intern (\$5,000) and adding a transfer to the Transportation CIP Fund (\$200,000) as a result of the increased franchise fees due to the CleanScapes contract implementation in June 2014.

Ending Fund Balance: An increase of \$355,044 reflects the net changes of the adjustments noted above.

SURFACE WATER MANAGEMENT FUND 104

Beginning Fund Balance: An increase of \$411,054 was recognized when the books were closed for 2012.

Revenues: An increase of \$320,000 is the result of receiving funds from the King County Flood Control District for the purchase of the vactor truck (\$275,000) and the addition of a grant from the Department of Ecology (\$45,000).

Expenditures: A net decrease of \$36,800. This decrease is due to a combination of factors in salaries and benefits including a reduction of the budgeted 2% COLA to 1% (\$9,635), the elimination of all medical increases as a result of the AWC Trust becoming self-insured (\$18,030), a reduction of the Civil Engineer III position to a Civil Engineer – Journey Level (\$26,250) and adjusting the salaries and benefits to reflect the current staffing (\$2,420). These decreases are offset by the implementation of the salary survey (\$19,535). The cost of the 1% COLA for these staff members is \$8,145.

Transfers Out: An increase of \$795,000 includes \$5,000 to the General Fund to pay for half of the GIS Intern, \$15,000 to the Equipment Reserve Fund for the addition of the vactor truck and \$775,000 to the Surface Water Management CIP Fund.

Ending Fund Balance: A decrease of \$27,146 reflects the net changes of the adjustments noted above.

PUBLIC WORKS RESERVE FUND 106

Beginning Fund Balance: An increase of \$179,842 was recognized when the books were closed for 2012.

Revenues: An increase of \$840,000. Real Estate Excise Tax revenues reflect an improvement in home sales.

Transfers Out: An increase of \$1,000,000 to the Debt Service Fund.

Ending Fund Balance: An increase of \$19,842 reflects the net changes of the adjustments noted above.

EQUIPMENT RESERVE FUND 107

Beginning Fund Balance: An increase of \$105,134 was recognized when the books were closed for 2012.

Transfers In: An increase of \$15,000 from the Surface Water Management Fund for future replacement of the vactor truck.

Ending Fund Balance: An increase of \$120,134 reflects the net changes of the adjustments noted above.

ART IN PUBLIC PLACES FUND 113

Beginning Fund Balance: A decrease of \$9,133 was recognized when the books were closed for 2012.

Transfers In: A decrease of \$10,000 reflects the actual anticipated transfers for 2013 and 2014.

Expenditures: An increase of \$18,491 to implement the public art plan approved by Council earlier in the year.

Ending Fund Balance: A decrease of \$37,624 reflects the net changes of the adjustment noted above.

CAPITAL PROJECTS RESERVE FUND 115

Beginning Fund Balance: An increase of \$32,115 was recognized when the books were closed for 2012.

Revenue: An increase of \$6,000 reflects the 1% property tax increase proposed by staff.

Transfers Out: A net decrease of \$150,000 is the result of reducing the transfer to the Debt Service Fund by \$1,000,000 due to the increased real estate excise tax collections and increasing the transfer to the Parks and General Government CIP Fund by additional \$850,000 to cover the funds required by the Army Corps of Engineers for the Seahurst Park - North Shoreline project.

Ending Fund Balance: An increase of \$188,115 reflects the net changes of the adjustments noted above.

TRANSPORTATION BENEFIT DISTRICT FUND 118

Beginning Fund Balance: An increase of \$23,599 was recognized when the books were closed for 2012.

Revenue: An increase of \$50,000 reflects higher than anticipated car tab fee revenue.

Transfers Out: An increase of \$70,000 to the Debt Service Fund for the overlay project. This increase is offset by the reduction in the Street Fund.

Ending Fund Balance: An increase of \$188,115 reflects the net changes of the adjustments noted above.

DEBT SERVICE FUND 201

Beginning Fund Balance: An increase of \$26,526 was recognized when the books were closed for 2012.

Revenues: A decrease of \$17,620 reflects the reduction in the subsidy from the federal government as a result of sequestration.

Transfers In: A net increase of \$60,000 reflects an increase in the transfer from the General Fund for the interest expense (\$60,000) on the line of credit issued earlier in the year, an increase in the transfer from the Public Works Reserve Fund (\$1,000,000), the corresponding decrease (\$1,000,000) in the transfers from the Capital Project Reserve Fund, an increase in the transfer from the Transportation Benefit District Fund (\$70,000) and the corresponding decrease in the Street Fund (\$70,000).

Expenditures: An increase of \$60,000 reflects the addition of interest expense for the line of credit used to buy property in the North East Redevelopment Area (NERA).

Ending Fund Balance: An increase of \$8,906 reflects the net changes of the adjustments noted above.

PARKS & GENERAL GOVERNMENT CAPITAL PROJECT FUND 317

Beginning Fund Balance: A decrease of \$129,660 was recognized when the books were closed for 2012.

Revenue: An increase of \$5,251,505 reflects the addition of \$15,000 in CDBG funding for the Community Center Roof Replacement project, \$24,000 in private funding for the construction of the Off-Leash Dog Park, \$90,000 from the newly approved King County Parks Levy, and additional funding from the Army Corps of Engineers and other grants for the Seahurst Park project (\$5,122,505).

Transfers In: A net increase of \$740,000. An additional \$850,000 from the Capital Projects Reserve Fund to cover the funds required by the Army Corps of Engineers for the Seahurst Park – North Shoreline project and the elimination of the transfer from the General Fund (\$110,000).

Expenditures: An increase of \$5,724,479. This increase includes the addition of \$70,000 to the Burien Community Center Roof Replacement Project, the addition of \$39,000 for construction of the Off-Leash Dog Park (pending receipt of private funds to match the City's share), an additional \$125,100 for Parks Facilities Restoration, and an additional \$5,490,379 for the Seahurst Park – North Shoreline Project (carried forward from previous years).

Transfers Out: A net increase of \$75,480 reflects the transfer of an additional \$85,480 to the Surface Water Management CIP Fund for the NERA Trail project and the elimination of the transfer (\$10,000) to the Art in Public Places Fund to reflect the actual anticipated transfers.

Ending Fund Balance: A increase of \$61,886 reflects the net changes of the adjustments noted above.

TRANSPORTATION CAPITAL PROJECT FUND 318

Beginning Fund Balance: An increase of \$1,557,928 was recognized when the books were closed for 2012.

Revenue: An increase of \$9,369,061. This increase is attributed to an increase of \$2,616,490 in grant and utility funds for the 1st Avenue South Phase II project (carried forward from 2012), the addition of \$300,000 for a WSDOT grant for the Citywide Traffic Intersections/Corridor Improvement project (carried forward from 2012), the addition of \$40,376 in King County funds for the Lake to Sound Trail project, an FAA grant for \$4,000,000 and a Port of Seattle contribution of \$500,000 for the NERA Infrastructure Improvements – Pilot Program project, the addition of a federal grant (\$1,630,195) and state appropriation (\$250,000) for the NERA SR 518/Des Moines Memorial Drive Interchange project (carried forward from 2012), and the addition of \$195,000 in CDBG funds for the South 132nd Street Pedestrian and Bicycle Trail project. These increases are offset by the elimination of the WSDOT grant (\$163,000) for the South 132nd Street Pedestrian and Bicycle Trail as it was not awarded.

TRANSPORTATION CAPITAL PROJECT FUND 318 continued

Transfers In: An increase of \$643,655 reflects the addition of \$200,000 from the Street for overlay and an additional \$443,655 from the Surface Water Management CIP Fund to fund the surface water portion of transportation projects.

Expenditures: An increase of \$10,846,366. Included in this adjustment is additional funding to finalize 1st Avenue South Phase I (\$80,000 – carried forward from 2012), additional funding for 1st Avenue South Phase II (\$2,770,438 – carried forward from 2012), the addition of the 4th and 6th Avenue SW/ SW 148th Street Intersection project (\$204,000), the addition of \$298,937 for the Citywide Traffic Intersections/Corridor Improvement project (carried forward from 2012), the addition of \$3,655 to close out the Hazel Valley Elementary School Safe Sidewalk project, additional \$37,091 in the Lake to Sound Trail project, the addition of the NERA Infrastructure Improvements – Pilot Program project (\$5,000,000), an additional \$1,930,195 for the NERA SR 518/Des Moines Memorial Drive Interchange project (carried forward from 2012), the additional of a Signal Controller/Interconnect Upgrade program (\$50,000), an increase in the South 132nd Street Pedestrian and Bicycle Trail project (\$24,000), and an additional \$390,000 for the 2014 Street Overlay project, and the addition of \$58,050 for the Sylvester Road Bridge project (carried forward from 2012).

Ending Fund Balance: An increase of \$724,278 reflects the net changes of the adjustments noted above.

SURFACE WATER MANAGEMENT CAPITAL PROJECT FUND 319

Beginning Fund Balance: The Beginning Fund Balance was \$403,034 lower than projected during the 2013-14 budget process.

Revenues: An increase of \$5,309,825. This includes \$4,255,305 in grant funds carried forward from 2012 and an additional \$1,200,000 from the Port of Seattle for the NERA Drainage Improvement project, and the addition of Department of Ecology grants for the Hermes/Mayfair Study (\$5,000) and the Residential Drainage Improvement Program (\$120,000). This increases are offset by a reduction in funding from the King County Flood Control District for the Hermes/Mayfair Study (\$250,000) as this funding was used to purchase the vector truck and a reduction in the King County Parks Levy funds as those will be included in Transfers In (\$20,480).

Transfers In: An increase of \$860,480 reflects additional funding from the Surface Water Management Fund (\$775,000) and the Parks and General Government CIP Fund for the Parks Trail is included in the NERA Drainage Improvement project (\$85,480).

Expenditures: An increase of \$5,545,398. Of this increase, \$5,420,398 is attributed to the addition of the NERA Drainage Improvement Project (\$4,255,305 is carried forward from 2012), additional funding for the Hermes/Mayfair study (\$5,000) and additional funding for the Residential Drainage Improvement Program (\$120,000).

Transfers Out: An increase of \$443,655 to the Transportation Capital Project Fund to fund the surface water portion of those projects.

Ending Fund Balance: A reduction of \$221,782 reflects the net changes of the adjustments noted above.

Mid-Biennial Budget Review

Finance Department
November 18, 2013



Mid-Biennial Review Tonight

- Review Ordinance No. 588 Amending the 2013-14 Biennial Budget
- Adopt 2014 Property Tax Levy
- Adopt 2014 Surface Water Management Fees



Decision Making

- Policy Change to increase General Fund Reserve from 10% 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 allocation of the 2013 \$10,000 Human Services contingency



2014 Property Tax Levy

- Due to a 2.43% projected increase in assessed valuation, the City can increase property tax revenues by \$154,000 by continuing to levy the statutory maximum of \$1.60 per \$1,000 in assessed valuation
- Total projected property tax revenues of approximately \$6.5 million well below 2011 maximum of \$7.1 million



2013-14 Budget Amendment Highlights

- Reduced use of General Fund Fund Balance from \$1.1 million over the two-year biennium to \$750k
 - Primarily due to increased Sales Tax collections
- 2% Cost of Living adjustment reduced to 1%
- Implementation of 100% of salary survey by July 1, 2014
 - Partially funded by reduction in COLA and elimination of medical increases due to AWC becoming self-insured
- Addition of \$100,000 for Environmental Impact Statement in preparation of the Comprehensive Plan Update
- Addition of \$30,000 for King County Community Services Program for graffiti removal



2013-14 GENERAL FUND REVENUE SUMMARY

| | 2013 Adopted Budget | 2013 Budget Revisions | 2013 Revised Budget | 2014 Adopted Budget | 2014 Budget Revisions | 2014 Revised Budget |
|--|---------------------------|-----------------------------|---------------------------|---------------------------|-----------------------------|---------------------------|
| General Fund Revenue | | | | | | |
| Property Tax | 5,657,000 | - | 5,657,000 | 5,657,000 | 154,000 | 5,811,000 |
| Sales Taxes | 6,012,000 | 513,000 | 6,525,000 | 6,072,000 | 518,000 | 6,590,000 |
| Business & Occupation Tax | 563,000 | - | 563,000 | 563,000 | - | 563,000 |
| Utility Taxes | 2,851,000 | (110,000) | 2,741,000 | 2,908,000 | (13,000) | 2,895,000 |
| Gambling Excise Tax | 575,000 | (95,000) | 480,000 | 575,000 | (45,000) | 530,000 |
| Total Taxes | 15,658,000 | 308,000 | 15,966,000 | 15,775,000 | 614,000 | 16,389,000 |
| Franchise Fees | 580,000 | 30,000 | 610,000 | 586,000 | 30,000 | 616,000 |
| Permits | 639,000 | 25,000 | 664,000 | 639,000 | 25,000 | 664,000 |
| Total Licenses & Permits | 1,219,000 | 55,000 | 1,274,000 | 1,225,000 | 55,000 | 1,280,000 |
| Federal Grants | 74,000 | - | 74,000 | 53,000 | - | 53,000 |
| State Grants | 87,000 | (50,000) | 37,000 | 57,000 | (57,000) | - |
| State - Criminal Justice | 266,000 | - | 266,000 | 266,000 | - | 266,000 |
| DUI Programs | 10,000 | - | 10,000 | 10,000 | - | 10,000 |
| Liquor Tax and Profits | 443,000 | 2,000 | 445,000 | 529,000 | (49,000) | 480,000 |
| Intergovernmental Services | 150,000 | - | 150,000 | 150,000 | (9,000) | 141,000 |
| Intergovernmental - Seattle City Light | 925,000 | (75,000) | 850,000 | 962,000 | (77,000) | 885,000 |
| Total Intergovernmental | 1,955,000 | (123,000) | 1,832,000 | 2,027,000 | (192,000) | 1,835,000 |
| Planning & Building Fees | 305,000 | - | 305,000 | 305,000 | - | 305,000 |
| Other Miscellaneous Charges | 22,000 | - | 22,000 | 22,000 | - | 22,000 |
| Parks & Recreation Charges | 660,000 | 30,000 | 690,000 | 686,000 | 101,000 | 787,000 |
| Total Charges for Services | 987,000 | 30,000 | 1,017,000 | 1,013,000 | 101,000 | 1,114,000 |
| Fines and Forfeitures | 200,000 | 80,000 | 280,000 | 200,000 | - | 200,000 |
| Miscellaneous | 10,000 | 3,606,000 | 3,616,000 | 10,000 | 2,700,000 | 2,710,000 |
| Total Fines & Miscellaneous | 210,000 | 3,686,000 | 3,896,000 | 210,000 | 2,700,000 | 2,910,000 |
| Total Revenues | 20,029,000 | 3,956,000 | 23,985,000 | 20,250,000 | 3,278,000 | 23,528,000 |
| Total Transfers In | 75,000 | - | 75,000 | 75,000 | 10,000 | 85,000 |
| Total Revenues & Transfers | 20,104,000 | 3,956,000 | 24,060,000 | 20,325,000 | 3,288,000 | 23,613,000 |



2013-14 GENERAL FUND EXPENDITURE SUMMARY - BY DEPARTMENT

| | 2013 Adopted Budget | 2013 Budget Revisions | 2013 Revised Budget | 2014 Adopted Budget | 2014 Budget Revisions | 2014 Revised Budget |
|---|---------------------------|-----------------------------|---------------------------|---------------------------|-----------------------------|---------------------------|
| Expenditures by Department | | | | | | |
| City Council | 211,130 | 1,000 | 212,130 | 209,640 | 17,760 | 227,400 |
| City Manager | 1,156,265 | 80,000 | 1,236,265 | 1,158,145 | (2,035) | 1,156,110 |
| Economic Development | 258,215 | 3,845,000 | 4,103,215 | 218,495 | (3,205) | 215,290 |
| Human Resources | 174,400 | - | 174,400 | 166,860 | 3,130 | 169,990 |
| Finance & Administrative Services | 2,391,110 | 2,740,000 | 5,131,110 | 2,479,315 | 85,485 | 2,564,800 |
| Legal | 956,555 | - | 956,555 | 1,005,490 | 2,810 | 1,008,300 |
| Police | 10,236,600 | - | 10,236,600 | 10,621,600 | (152,000) | 10,469,600 |
| Public Works | 565,650 | 14,000 | 579,650 | 574,470 | 47,200 | 621,670 |
| Community Development | 1,389,260 | - | 1,389,260 | 1,398,580 | 80,670 | 1,479,250 |
| Parks, Recreation & Cultural Services | 2,736,345 | 58,915 | 2,795,260 | 2,793,165 | 109,080 | 2,902,245 |
| | | | | | | |
| Subtotal Department Expenditures | 20,075,530 | 6,738,915 | 26,814,445 | 20,625,760 | 188,895 | 20,814,655 |
| | | | | | | |
| Transfers Out | | | | | | |
| To Equipment Reserve Fund | 150,000 | - | 150,000 | 150,000 | - | 150,000 |
| To Debt Service Fund | 216,000 | - | 216,000 | 216,000 | 60,000 | 276,000 |
| To Parks & General Govt CIP Fund | 110,000 | (110,000) | - | - | - | - |
| Total Transfers Out | 476,000 | (110,000) | 366,000 | 366,000 | 60,000 | 426,000 |
| | | | | | | |
| Total Expenditures & Transfers | 20,551,530 | 6,628,915 | 27,180,445 | 20,991,760 | 248,895 | 21,240,655 |



2013-14 GENERAL FUND EXPENDITURE SUMMARY – BY LINE ITEM

| | | 2013 Adopted Budget | 2013 Budget Revisions | 2013 Revised Budget | 2014 Adopted Budget | 2014 Budget Revisions | 2014 Revised Budget |
|--------------------|---|---------------------------|-----------------------------|---------------------------|---------------------------|-----------------------------|---------------------------|
| Expenditure | | | | | | | |
| | Salaries | 3,678,940 | 9,530 | 3,688,470 | 3,774,735 | 144,600 | 3,919,335 |
| | Benefits | 1,334,180 | 1,685 | 1,335,865 | 1,423,450 | 11,195 | 1,434,645 |
| | Total Salaries & Benefits | 5,013,120 | 11,215 | 5,024,335 | 5,198,185 | 155,795 | 5,353,980 |
| | Total Supplies | 186,310 | 2,700 | 189,010 | 186,560 | 5,300 | 191,860 |
| | Professional Contract Services | 2,811,510 | 251,500 | 3,063,010 | 2,681,310 | 273,800 | 2,955,110 |
| | Communications | 88,200 | - | 88,200 | 90,700 | - | 90,700 |
| | Travel/Meals/Mileage | 34,350 | - | 34,350 | 35,850 | - | 35,850 |
| | Advertising | 13,950 | - | 13,950 | 13,950 | - | 13,950 |
| | Operating Rents & Leases | 91,500 | - | 91,500 | 92,500 | (13,000) | 79,500 |
| | Insurance | 200,110 | - | 200,110 | 210,125 | - | 210,125 |
| | Utility Services | 201,700 | - | 201,700 | 204,250 | (2,000) | 202,250 |
| | Repairs & Maintenance | 65,200 | 6,000 | 71,200 | 65,200 | - | 65,200 |
| | Dues & Memberships | 114,870 | - | 114,870 | 113,620 | - | 113,620 |
| | Printing & Binding | 19,700 | - | 19,700 | 19,700 | - | 19,700 |
| | Registration & Training | 58,710 | - | 58,710 | 54,260 | - | 54,260 |
| | Subscriptions & Publications | 42,150 | - | 42,150 | 40,900 | - | 40,900 |
| | Other Miscellaneous | 42,150 | 1,000 | 43,150 | 40,650 | 1,000 | 41,650 |
| | Total Other Services & Charges | 3,784,100 | 258,500 | 4,042,600 | 3,663,015 | 259,800 | 3,922,815 |
| | Total Intergovernmental Services | 11,054,500 | 100,000 | 11,154,500 | 11,560,500 | (232,000) | 11,328,500 |
| | Total Interfund Loan Disbursement | - | 2,700,000 | 2,700,000 | - | - | - |
| | Total Capital Outlay | 37,500 | 3,666,500 | 3,704,000 | 17,500 | - | 17,500 |
| | Total Expenditures | 20,075,530 | 6,738,915 | 26,814,445 | 20,625,760 | 188,895 | 20,814,655 |
| | Total Transfers Out | 476,000 | (110,000) | 366,000 | 366,000 | 60,000 | 426,000 |
| | Total Expenditures & Transfers | 20,551,530 | 6,628,915 | 27,180,445 | 20,991,760 | 248,895 | 21,240,655 |



2013-14 OPERATING FUNDS REVENUE SUMMARY

| OTHER OPERATING FUND REVENUES | 2013 Adopted Budget | 2013 Budget Revisions | 2013 Revised Budget | 2014 Adopted Budget | 2014 Budget Revisions | 2014 Revised Budget |
|---|---------------------------|-----------------------------|---------------------------|---------------------------|-----------------------------|---------------------------|
| Street Fund | | | | | | |
| Solid Waste Utility Tax | \$ 394,000 | \$ - | \$ 394,000 | \$ 410,000 | \$ (60,000) | \$ 350,000 |
| Parking Tax | 150,000 | - | 150,000 | 150,000 | - | 150,000 |
| Business Licenses | 290,000 | - | 290,000 | 290,000 | - | 290,000 |
| Franchise Taxes | 220,000 | - | 220,000 | 223,000 | 252,000 | 475,000 |
| Motor Vehicle Fuel Tax | 984,000 | - | 984,000 | 984,000 | - | 984,000 |
| Total Street Fund | \$ 2,038,000 | \$ - | \$ 2,038,000 | \$ 2,057,000 | \$ 192,000 | \$ 2,249,000 |
| Surface Water Management Fund | | | | | | |
| SWM Drainage Fees | \$ 2,780,000 | \$ - | \$ 2,780,000 | \$ 2,808,000 | \$ - | \$ 2,808,000 |
| Intergovernmental Revenues | - | 275,000 | 275,000 | - | 45,000 | 45,000 |
| Miscellaneous | 2,000 | - | 2,000 | 2,000 | - | 2,000 |
| Total SWM Fund | \$ 2,782,000 | \$ 275,000 | \$ 3,057,000 | \$ 2,810,000 | \$ 45,000 | \$ 2,855,000 |
| Public Works Reserve Fund | | | | | | |
| Real Estate Excise Tax | \$ 650,000 | \$ 490,000 | \$ 1,140,000 | \$ 650,000 | \$ 350,000 | \$ 1,000,000 |
| Other Revenues | 18,000 | - | 18,000 | 18,000 | - | 18,000 |
| Total PWR Fund | \$ 668,000 | \$ 490,000 | \$ 1,158,000 | \$ 668,000 | \$ 350,000 | \$ 1,018,000 |
| Equipment Reserve Fund | | | | | | |
| Transfers In | \$ 250,000 | \$ - | \$ 250,000 | \$ 250,000 | \$ 15,000 | \$ 265,000 |
| Total ERR Fund | \$ 250,000 | \$ - | \$ 250,000 | \$ 250,000 | \$ 15,000 | \$ 265,000 |
| Art in Public Places Fund | | | | | | |
| Other Revenues | \$ 100 | \$ - | \$ 100 | \$ 100 | \$ - | \$ 100 |
| Transfers In | 5,000 | (5,000) | - | 5,000 | (5,000) | - |
| Total APP Fund | \$ 5,100 | \$ (5,000) | \$ 100 | \$ 5,100 | \$ (5,000) | \$ 100 |
| Capital Projects Reserve | | | | | | |
| Property Taxes | \$ 668,000 | \$ - | \$ 668,000 | \$ 668,000 | \$ 6,000 | \$ 674,000 |
| Other Revenues | 1,200 | - | 1,200 | 1,200 | - | 1,200 |
| Total CPR Fund | \$ 669,200 | \$ - | \$ 669,200 | \$ 669,200 | \$ 6,000 | \$ 675,200 |
| Transportation Benefit District Fund | | | | | | |
| Property Taxes | \$ 300,000 | \$ 25,000 | \$ 325,000 | \$ 300,000 | \$ 25,000 | \$ 325,000 |
| Other Revenues | - | - | - | - | - | - |
| Total TBD Fund | \$ 300,000 | \$ 25,000 | \$ 325,000 | \$ 300,000 | \$ 25,000 | \$ 325,000 |
| Debt Service Fund | | | | | | |
| Other Revenues | \$ 132,165 | \$ - | \$ 132,165 | \$ 128,165 | \$ - | \$ 128,165 |
| Intergovernmental Revenues | 118,810 | (8,810) | 110,000 | 118,810 | (8,810) | 110,000 |
| Transfers In | 2,400,000 | - | 2,400,000 | 2,450,000 | 60,000 | 2,510,000 |
| Total Debt Service Fund | \$ 2,650,975 | \$ (8,810) | \$ 2,642,165 | \$ 2,696,975 | \$ 51,190 | \$ 2,748,165 |



2013-14 OPERATING FUNDS EXPENDITURE SUMMARY

| OTHER OPERATING FUND EXPENDITURES | 2013 Adopted Budget | 2013 Budget Revisions | 2013 Revised Budget | 2014 Adopted Budget | 2014 Budget Revisions | 2014 Revised Budget |
|---|---------------------------|-----------------------------|---------------------------|---------------------------|-----------------------------|---------------------------|
| Street Fund | | | | | | |
| Public Works | \$ 1,643,075 | \$ - | \$ 1,643,075 | \$ 1,652,605 | \$ 6,825 | \$ 1,659,430 |
| Transfers Out | 375,000 | (45,000) | 330,000 | 375,000 | 180,000 | 555,000 |
| Total Street Fund | \$ 2,018,075 | \$ (45,000) | \$ 1,973,075 | \$ 2,027,605 | \$ 186,825 | \$ 2,214,430 |
| Surface Water Management Fund | | | | | | |
| Public Works | \$ 2,289,785 | \$ - | \$ 2,289,785 | \$ 2,098,445 | \$ (35,990) | \$ 2,062,455 |
| Transfers Out | 550,000 | 250,000 | 800,000 | 750,000 | 545,000 | 1,295,000 |
| Total SWM Fund | \$ 2,839,785 | \$ 250,000 | \$ 3,089,785 | \$ 2,848,445 | \$ 509,010 | \$ 3,357,455 |
| Public Works Reserve Fund | | | | | | |
| Transfers Out | \$ 800,000 | \$ 500,000 | \$ 1,300,000 | \$ 700,000 | \$ 500,000 | \$ 1,200,000 |
| Total PWR Fund | \$ 800,000 | \$ 500,000 | \$ 1,300,000 | \$ 700,000 | \$ 500,000 | \$ 1,200,000 |
| Equipment Reserve Fund | | | | | | |
| Finance Department | \$ 200,000 | \$ - | \$ 200,000 | \$ 200,000 | \$ - | \$ 200,000 |
| Total ERR Fund | \$ 200,000 | \$ - | \$ 200,000 | \$ 200,000 | \$ - | \$ 200,000 |
| Art in Public Places Fund | | | | | | |
| Parks Department | \$ 7,500 | \$ - | \$ 7,500 | \$ 7,500 | \$ 18,491 | \$ 25,991 |
| Total APP Fund | \$ 7,500 | \$ - | \$ 7,500 | \$ 7,500 | \$ 18,491 | \$ 25,991 |
| Capital Projects Reserve | | | | | | |
| Transfers Out | \$ 934,000 | \$ 250,000 | \$ 1,184,000 | \$ 934,000 | \$ (400,000) | \$ 534,000 |
| Total CPR Fund | \$ 934,000 | \$ 250,000 | \$ 1,184,000 | \$ 934,000 | \$ (400,000) | \$ 534,000 |
| Transportation Benefit District Fund | | | | | | |
| Transfers Out | \$ 300,000 | \$ 45,000 | \$ 345,000 | \$ 300,000 | \$ 25,000 | \$ 325,000 |
| Total TBD Fund | \$ 300,000 | \$ 45,000 | \$ 345,000 | \$ 300,000 | \$ 25,000 | \$ 325,000 |
| Debt Service Fund | | | | | | |
| Finance Department | \$ 2,697,900 | \$ - | \$ 2,697,900 | \$ 2,697,555 | \$ 60,000 | \$ 2,757,555 |
| Total Debt Service Fund | \$ 2,697,900 | \$ - | \$ 2,697,900 | \$ 2,697,555 | \$ 60,000 | \$ 2,757,555 |



2013-14 General Fund Revenue Amendments

| Description | Amendment |
|---|-------------|
| Increase Property Tax Revenue to reflect increased assessed valuation | \$154,000 |
| Increase Sales Tax Revenues to reflect current year activity | \$1,031,000 |
| Decrease Utility Tax Revenues to reflect actual results | (\$123,000) |
| Decrease Gambling Tax to reflect lower card room tax rate | (\$140,000) |
| Increase Franchise Fees to reflect current year activity | \$60,000 |
| Increase Permit revenue to reflect current year activity | \$50,000 |
| Decrease State Shared Revenues–City Assistance/ Liquor | (\$154,000) |
| Decrease Seattle City Light and other Intergovernmental revenues to reflect actual results | (\$161,000) |



2013-14 General Fund Revenue Amendments continued

| Description | Amendment |
|---|--------------------|
| Increase Park/Recreation and Miscellaneous charges to reflect current year activity | \$137,000 |
| Increase Fines and Forfeitures due to Utility Tax audit penalties and interest | \$80,000 |
| Reflect Ordinance No. 584 authorizing sale of Limited Tax General Obligation Bonds to purchase property in NERA | \$3,600,000 |
| Increase Interfund Loan Repayment | \$2,700,000 |
| Total General Fund Revenue Adjustments | \$7,234,000 |
| Increase Transfers In from Street and SWM for reimbursement of GIS Intern | \$10,000 |
| Total Adjustments to Transfers In | \$10,000 |



2013-14 General Fund Expenditure Adjustments

| Description | Amendment |
|---|-------------|
| Increase Salaries and Benefits | \$167,010 |
| Increase Miscellaneous for Volunteer Recognition program | \$2,000 |
| Increase Professional Services for Town Square settlement, negotiation and mediation services | \$245,000 |
| Reduce SCORE Jail costs | (\$80,000) |
| Increase Animal Control contract | \$45,000 |
| Increase Voter Registration due to a change in the timing of the County's invoices | \$100,000 |
| Increase Professional Services for remaining costs of Utility Tax audit | \$95,000 |
| Reduce Sheriff's contract to reflect KC proposed budget/offset by increase of partial deputy | (\$152,000) |
| Increase Miscellaneous Services (program costs for after school programs/downtown bike racks/condo operating costs) | \$74,300 |



2013-14 General Fund Expenditure Adjustments

| Description | Amendment |
|--|--------------------|
| Decrease Miscellaneous Services (reduction of newsletter mailing/closure of City Hall North) | (\$65,000) |
| Increase Professional Services for graffiti removal/trash pickup | \$30,000 |
| Increase Professional Services to assist with preparation of Environmental Impact Statement | \$100,000 |
| Increase Interfund Loan Disbursement for Seahurst project | \$2,700,000 |
| Increase Capital Outlay for NERA land purchase/audio-video equipment in Council Chambers/van for youth program | \$3,666,500 |
| Total General Fund Expenditure Adjustments | \$6,927,810 |
| Reduce Transfer Out to Parks and General Government CIP Fund | (\$110,000) |
| Increase Transfer Out to Debt Service Fund for interest expense on line of credit for NERA property | \$60,000 |
| Total Adjustments to Transfers Out | (\$50,000) |



Other Funds Changes

| Fund | Description | Impact on Resources | Impact on Uses |
|---------------|---|---------------------|------------------|
| Street | Reduce Solid Waste Utility Taxes | (\$60,000) | |
| Street | Increase Franchise Fees | \$252,000 | |
| Street | Decrease Salaries/Benefits | | (\$33,175) |
| Street | Increase Capital Outlay for chipper | | \$40,000 |
| Street | Increase in Transfers Out | | \$135,000 |
| Street | Total Adjustments | \$192,000 | \$141,825 |
| SWM | Increase revenue - King County Flood Control funding for vector truck | \$275,000 | |
| SWM | Add Department of Ecology grant | \$45,000 | |
| SWM | Decrease Salaries and Benefits | | (\$35,990) |
| SWM | Increase in Transfers Out | | \$795,000 |
| SWM | Total Adjustments | \$320,000 | \$759,010 |



Other Funds Changes

| Fund | Description | Impact on Resources | Impact on Uses |
|--------------------------|--|---------------------|----------------|
| Public Works Reserve | Increase Real Estate Excise Tax Revenues | \$840,000 | |
| Public Works Reserve | Increase Transfers Out to Debt Service Fund | | \$1,000,000 |
| Equipment Reserve | Increase Transfer In from SWM Fund for vector truck | \$15,000 | |
| Art in Public Places | Reduce Transfers In to reflect actual expectation | (\$10,000) | |
| Art in Public Places | Increase Expenditures for Public Art Plan implementation | | \$18,491 |
| Capital Projects Reserve | Increase Property Tax Revenue | \$6,000 | |



Other Funds Changes

| Fund | Description | Impact on Resources | Impact on Uses |
|---------------------------------|--|---------------------|----------------|
| Capital Projects Reserve | Decrease Transfers Out | | (\$150,000) |
| Transportation Benefit District | Increase Car Tab fee revenue to reflect actual receipts | \$50,000 | |
| Transportation Benefit District | Increase Transfers Out to Debt Service Fund | | \$70,000 |
| Debt Service | Decrease federal subsidy for the 2010 bond issue | (\$17,620) | |
| Debt Service | Increase Transfers In | \$60,000 | |
| Debt Service | Increase Interest Expense for Line of Credit for NERA property | | \$60,000 |



CIP UPDATES

- New Projects:
 - Off-leash Dog Park - \$39,000 – City funds = \$15,000, balance from private donations
 - Signal Controller/Interconnect Upgrades Program- \$50,000
 - NERA Infrastructure Improvements-Pilot Program - \$5,000,000 – City Funding = \$500,000; FAA = \$4,000,000; Port of Seattle = \$500,000
- Seahurst Park and 1st Avenue South Phase II – Revised Funding to reflect current construction estimates
- NERA Drainage Improvements-\$1.2 million revision to project costs to reflect grant award
- Street Overlay Program - Project increased to reflect additional funding from CleanScapes



Human Services Funding Recommendations

- Allocation of \$10,000 contingency from 2013
 - Staff recommendation:

| Organization | Service | Recommended Award |
|-------------------------|-------------------------------------|-------------------|
| Transform Burien | Hot meals, food bank, clothing bank | \$5,000 |
| Highline Area Food Bank | Food Bank | \$2,500 |
| White Center Food Bank | Food Bank | \$2,500 |



Financial Policies

- General Fund Reserve
 - Policy is to increase the reserve from 10% to 20% by 2022
 - 2012 Ending Fund Balance is 31% of budgeted recurring revenue
 - Recommend increasing reserve from 10% to 15%



Conclusion

- Next meeting December 2, 2013
 - Consider adoption of Ordinance No. 588 Amending the 2013-14 Biennial Budget
 - Consider adoption of Financial Policy Revision
- Questions?



Burien

Washington, USA

City of Burien

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www.burienwa.gov

City of Burien 2013-2014 Mid-Biennium Budget Update

November 18, 2013

Honorable Mayor, Members of the City Council, and Residents of Burien:

This brief memo is intended to provide a high-level summary of the 2013-14 Mid-Biennium Budget Review and Update, including some of the more significant changes I am recommending.

This mid-biennial update shows a slightly improved financial position from the budget that was adopted one year ago. We are seeing some growth in revenues, primarily sales tax (\$1,031,000) and property tax (\$154,000), which reduce the amount of reserves used to balance this budget. The increased sales and property tax revenue estimates are partially offset by losses in other areas, such as gambling tax, natural gas utility tax, and Seattle City Light franchise fees. Overall, the proposed mid-biennium budget amendment will reduce the General Fund deficit over the two-year biennium from \$1.1 million to just under \$750,000.

With regard to property tax revenue, the preliminary assessed valuation (AV) for 2014 shows a 2.43% increase after declining 13.5% over the past two years. The City is allowed to maintain the current levy rate of \$1.60 per \$1,000 AV, thereby increasing property tax revenue by approximately \$154,000. Maintaining the levy rate is critical, as lost property tax revenue due to changes in state law is the primary cause of the City's structural deficit problem. Over the three-year period from 2012 through 2014, hitting the property tax levy lid cost the City a total of about \$2.5 million in lost revenue (or about \$1 million to the General Fund).

With regard to budget expenditures, the proposed mid-biennium budget amendment includes an increase of \$167,010 for General Fund salaries and benefits. As the City Council is aware, City policy calls for reviewing employee compensation at least every three years to maintain competitiveness within our local market. In 2007, positions that were behind the market were increased to an amount that was within 97% of the market. In 2010, no salary adjustments were made due to the economy. Additionally, staff has only received a total of 3% Cost of Living adjustments over the past four years, and staff agreed to reduce their benefit package in 2012, which is saving the City approximately \$66,000 per year. With this mid-biennium budget amendment, I am recommending that the recently completed 2013 salary survey be implemented in two phases, as set forth in the attached salary schedules. The first phase will place all positions within 97.5% of market rate on January 1, 2014, and the second phase will place all positions at 100% of market rate on July 1, 2014. The total cost of phasing in the survey for the General

Fund is \$170,890 (approximately \$205,000 citywide). \$137,060 of this cost is offset by three savings: (1) the elimination of medical insurance increases due to the AWC Trust becoming self-insured; (2) the reduction of the 2% COLA placeholder in the 2013-2014 adopted budget to 1%, which is more consistent with the CPI; and (3) internal staff reorganizations. The rest of the General Fund salary and benefit increase (\$133,180) is primarily due to adding Recreation staff for the Highline School District after-school joint venture, adding a part-time GIS intern, increasing the City Manager compensation package to the market rate, and increasing the City Council VEBA contribution.

As part of the 2013-14 biennial budget process, the City Council approved increasing the General Fund Reserve from 10% to 20% by 2022. The 2012 ending General Fund balance is \$6,446,025 or just under 31% of budgeted revenues (excluding one-time revenues). This revised budget proposes using \$750,000 or 3.6% of fund balance to balance the budget. I am recommending that another 5% be allocated to the reserve for a total reserve of 15%. This revision is included in the proposed financial policies.

The details of the existing budget and proposed changes are included in the attached documents.

Sincerely,

Craig Knutson
Interim City Manager

2014 - 2019 Capital Improvement Program

PARKS & GENERAL GOVERNMENT

Total Project Expenditures

| | Prior Years | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | TOTAL PROJECT | 2014-2019 Six-Year CIP |
|---|---------------------|---------------------|-------------------|-------------------|------------------|------------------|------------------|-------------------|----------------------|------------------------|
| Burien Comm. Center Roof Replacement | \$ - | \$ 224,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 224,000 | \$ - |
| Dottie Harper Playground | - | - | 205,000 | - | - | - | - | - | 205,000 | 205,000 |
| Off Leash Dog Park | - | - | 39,000 | - | - | - | - | - | 39,000 | 39,000 |
| Parks Facilities Restoration | 88,547 | 21,100 | 124,000 | 92,000 | 94,000 | 96,000 | 98,000 | 100,000 | 713,647 | 604,000 |
| Seahurst Park - North Shoreline | 2,171,723 | 7,700,000 | - | - | - | - | - | - | 9,871,723 | - |
| <i>Seahurst Park - North Shoreline - Unfunded</i> | - | - | - | 400,000 | - | - | - | - | 400,000 | 400,000 |
| Strategic Information Systems - Funded | 21,311 | - | 35,000 | - | - | - | - | - | 56,311 | 35,000 |
| <i>Strategic Information Systems - Unfunded</i> | - | - | - | 50,000 | 50,000 | 50,000 | 50,000 | 50,000 | 250,000 | 250,000 |
| Total Projects - Funded | \$ 2,281,581 | \$ 7,945,100 | \$ 403,000 | \$ 92,000 | \$ 94,000 | \$ 96,000 | \$ 98,000 | \$ 100,000 | \$ 11,109,681 | \$ 883,000 |
| <i>Total Projects - Unfunded</i> | <i>\$ -</i> | <i>\$ -</i> | <i>\$ -</i> | <i>\$ 450,000</i> | <i>\$ 50,000</i> | <i>\$ 50,000</i> | <i>\$ 50,000</i> | <i>\$ 50,000</i> | <i>\$ 650,000</i> | <i>\$ 650,000</i> |

Total Project Resources

| | Prior Years | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | TOTAL PROJECT | 2014-2019 Six-Year CIP |
|---|---------------------|---------------------|-------------------|------------------|------------------|------------------|------------------|-------------------|----------------------|------------------------|
| Parks CIP Fund Balance | \$ 131,251 | \$ 423,805 | \$ 49,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 604,056 | \$ 49,000 |
| Capital Projects Reserve | - | 66,915 | 45,000 | - | - | - | - | - | \$ 111,915 | \$ 45,000 |
| King County Parks Levy | - | - | 90,000 | 92,000 | 94,000 | 96,000 | 98,000 | 100,000 | \$ 570,000 | \$ 570,000 |
| Subtotal Local Funds | \$ 131,251 | \$ 490,720 | \$ 184,000 | \$ 92,000 | \$ 94,000 | \$ 96,000 | \$ 98,000 | \$ 100,000 | \$ 1,285,971 | \$ 664,000 |
| Grants | 2,150,330 | 7,285,380 | - | - | - | - | - | - | 9,435,710 | - |
| CDBG | - | 169,000 | 195,000 | - | - | - | - | - | 364,000 | 195,000 |
| Private | - | - | 24,000 | - | - | - | - | - | 24,000 | 24,000 |
| <i>Unfunded</i> | <i>-</i> | <i>-</i> | <i>-</i> | <i>450,000</i> | <i>50,000</i> | <i>50,000</i> | <i>50,000</i> | <i>50,000</i> | <i>650,000</i> | <i>650,000</i> |
| TOTAL ALL PROJECTS (less unfunded) | \$ 2,281,581 | \$ 7,945,100 | \$ 403,000 | \$ 92,000 | \$ 94,000 | \$ 96,000 | \$ 98,000 | \$ 100,000 | \$ 11,109,681 | \$ 883,000 |

**2014 - 2019 Capital Improvement Program
TRANSPORTATION**

Total Project Expenditures

| | Prior Years | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | TOTAL PROJECT | 2014-2019 Six-Year CIP |
|---|----------------------|---------------------|---------------------|----------------------|-------------------|-------------------|-------------------|-------------------|----------------------|------------------------|
| 1st Ave S., Phase 1 | \$ 30,684,757 | \$ 80,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 30,764,757 | \$ - |
| 1st Ave S., Phase 2 | 6,414,557 | 2,770,438 | - | - | - | - | - | - | 9,184,995 | - |
| 4th-6th Ave SW/SW 148th St. Intersection-Funded | - | - | 204,000 | 467,321 | - | - | - | - | 671,321 | 671,321 |
| 4th-6th Ave SW/SW 148th St. Intersection-Unfunded | - | - | - | 868,679 | - | - | - | - | 868,679 | 868,679 |
| Citywide ADA Barrier Mitigation | - | 5,000 | 305,000 | 440,000 | - | - | - | - | 750,000 | 745,000 |
| Citywide Traffic Intersections | 1,063 | 298,937 | - | - | - | - | - | - | 300,000 | - |
| Hazel Valley Safe Sidewalk Improvements | 904,841 | 3,655 | - | - | - | - | - | - | 908,496 | - |
| Lake to Sound Trail | 3,285 | 1,715 | 40,376 | - | - | - | - | - | 45,376 | 40,376 |
| NERA Infrastructure-Pilot Program | - | - | 5,000,000 | - | - | - | - | - | 5,000,000 | 5,000,000 |
| NERA SR518/DMMD Interchange-Funded | - | 2,180,195 | - | - | - | - | - | - | 2,180,195 | - |
| NERA SR518/DMMD Interchange-Unfunded | - | - | 1,000,000 | 12,000,000 | - | - | - | - | 13,000,000 | 13,000,000 |
| Signal Controller/Interconnect Upgrades | - | - | 50,000 | - | - | - | - | - | 50,000 | 50,000 |
| S. 132nd St. Pedestrian & Bicycle Trail | - | - | 195,000 | - | - | - | - | - | 195,000 | 195,000 |
| S. 136th St. Sidewalk Improvements-Unfunded | - | - | - | 1,300,000 | - | - | - | - | 1,300,000 | 1,300,000 |
| Street Overlay Program | 10,291,091 | 100,000 | 1,240,000 | 480,000 | 480,000 | 480,000 | 480,000 | 480,000 | 14,031,091 | 3,640,000 |
| Sylvester Bridge Replacement | - | 58,050 | - | - | - | - | - | - | 58,050 | - |
| Total Projects - Funded | \$ 48,299,594 | \$ 5,497,990 | \$ 7,034,376 | \$ 1,387,321 | \$ 480,000 | \$ 480,000 | \$ 480,000 | \$ 480,000 | \$ 64,139,281 | \$ 10,341,697 |
| Total Projects - Unfunded | \$ - | \$ - | \$ 1,000,000 | \$ 14,168,679 | \$ - | \$ - | \$ - | \$ - | \$ 15,168,679 | \$ 15,168,679 |

Total Project Resources

| | Prior Years | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | TOTAL PROJECT | 2014-2019 Six-Year CIP |
|--|----------------------|---------------------|---------------------|---------------------|-------------------|-------------------|-------------------|-------------------|----------------------|------------------------|
| Transportation CIP | \$ 6,805,514 | \$ 350,663 | \$ 1,163,383 | \$ 740,000 | \$ - | \$ - | \$ - | \$ - | \$ 9,059,560 | \$ 1,903,383 |
| Surface Water Mgmt: CIP | 4,234,926 | 253,655 | 440,000 | 80,000 | 80,000 | 80,000 | 80,000 | 80,000 | 5,328,581 | 840,000 |
| Street Fund | - | - | 200,000 | 400,000 | 400,000 | 400,000 | 400,000 | 400,000 | 2,200,000 | 2,200,000 |
| Capital Projects Reserve | - | 58,050 | - | - | - | - | - | - | 58,050 | - |
| PW Trust Fund Loan | 2,000,000 | - | - | - | - | - | - | - | 2,000,000 | - |
| Bonds - Street Overlay & 1st Ave S | 15,133,336 | 40,000 | 291,617 | - | - | - | - | - | 15,464,953 | 291,617 |
| Impact/Mitigation Fees* | 125,000 | - | 204,000 | 167,321 | - | - | - | - | 496,321 | 371,321 |
| Subtotal Local Funding | 28,298,776 | 702,368 | 2,299,000 | 1,387,321 | 480,000 | 480,000 | 480,000 | 480,000 | 34,607,465 | 5,606,321 |
| CDBG | 395,645 | - | 195,000 | - | - | - | - | - | 590,645 | 195,000 |
| Grants | 7,345,124 | 4,726,149 | 4,540,376 | - | - | - | - | - | 16,611,649 | 4,540,376 |
| Utilities/Private | 12,258,986 | 70,536 | - | - | - | - | - | - | 12,329,522 | - |
| Unfunded | - | - | 1,000,000 | 14,168,679 | - | - | - | - | 15,168,679 | 15,168,679 |
| Total Project Resources (less unfunded) | \$ 48,298,531 | \$ 5,499,053 | \$ 7,034,376 | \$ 1,387,321 | \$ 480,000 | \$ 480,000 | \$ 480,000 | \$ 480,000 | \$ 64,139,281 | \$ 10,341,697 |

*The Impact/Mitigation Fee of \$371,321 was collected in a prior year.

**2014 - 2019 Capital Improvement Program
SURFACE WATER MANAGEMENT**

Total Project Expenditures

| | Prior Years | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | TOTAL PROJECT | 2014-2019 Six-year CIP |
|---|-------------------|---------------------|---------------------|-------------------|-------------------|-------------------|-------------------|-------------------|---------------------|------------------------|
| Capacity Improvements at SW 158th St & 4th Ave SW | \$ - | \$ 75,000 | \$ 500,000 | \$ - | \$ - | \$ - | \$ - | \$ - | \$ 575,000 | \$ 500,000 |
| SW 152nd St and 8th Ave SW Drainage Improvements | - | 245,000 | - | - | - | - | 600,000 | - | \$ 845,000 | \$ 600,000 |
| Hermes/Mayfair Study | - | 255,000 | - | - | - | - | - | - | \$ 255,000 | \$ - |
| NERA Drainage Improvements | 359,604 | 4,593,431 | 1,200,000 | - | - | - | - | - | \$ 6,153,035 | \$ 1,200,000 |
| Residential Drainage Imp. Program (RDIP) | 114,106 | 470,000 | 350,000 | 200,000 | 200,000 | 200,000 | 200,000 | 200,000 | \$ 1,934,106 | \$ 1,350,000 |
| Total Projects | \$ 473,710 | \$ 5,638,431 | \$ 2,050,000 | \$ 200,000 | \$ 200,000 | \$ 200,000 | \$ 800,000 | \$ 200,000 | \$ 9,762,141 | \$ 3,650,000 |

Total Project Resources

| | Prior Years | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | TOTAL PROJECT | 2014-2019 Six-year CIP |
|---------------------------|-------------------|---------------------|---------------------|-------------------|-------------------|-------------------|-------------------|-------------------|---------------------|------------------------|
| Surface Water Mgmt CIP | \$ 114,106 | \$ 920,000 | \$ 850,000 | \$ 200,000 | \$ 200,000 | \$ 200,000 | \$ 800,000 | \$ 200,000 | \$ 3,484,106 | \$ 2,450,000 |
| King Cty Parks Levy Funds | - | 373,035 | - | - | - | - | - | - | 373,035 | - |
| Grants | 324,695 | 4,380,305 | 1,200,000 | - | - | - | - | - | 5,905,000 | 1,200,000 |
| Total Projects | \$ 438,801 | \$ 5,673,340 | \$ 2,050,000 | \$ 200,000 | \$ 200,000 | \$ 200,000 | \$ 800,000 | \$ 200,000 | \$ 9,762,141 | \$ 3,650,000 |

January 1, 2014 Proposed Salary Schedule

| Grade | Title | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> |
|-------|--|----------|----------|----------|----------|----------|
| 550 | Accountant | 4,718 | 4,954 | 5,202 | 5,462 | 5,735 |
| 470 | Accounting Assistant | 3,872 | 4,066 | 4,269 | 4,482 | 4,706 |
| 690 | Accounting Manager | 6,666 | 6,999 | 7,349 | 7,716 | 8,102 |
| 510 | Accounting Technician | 4,275 | 4,489 | 4,713 | 4,949 | 5,196 |
| 770 | Assistant Public Works Director | 8,123 | 8,529 | 8,955 | 9,403 | 9,873 |
| 700 | Building Official | 6,832 | 7,174 | 7,533 | 7,910 | 8,305 |
| 830 | City Attorney | 9,419 | 9,890 | 10,385 | 10,904 | 11,449 |
| 620 | City Clerk | 5,608 | 5,888 | 6,182 | 6,491 | 6,816 |
| 640 | Civil Engineer - Journey Level | 5,891 | 6,186 | 6,495 | 6,820 | 7,161 |
| 670 | Civil Engineer II | 6,344 | 6,661 | 6,994 | 7,344 | 7,711 |
| 550 | Code Compliance Officer | 4,718 | 4,954 | 5,202 | 5,462 | 5,735 |
| 510 | Code Specialist | 4,275 | 4,489 | 4,713 | 4,949 | 5,196 |
| 560 | Combination Bldg Inspector | 4,835 | 5,077 | 5,331 | 5,598 | 5,878 |
| 830 | Community Development Director | 9,419 | 9,890 | 10,385 | 10,904 | 11,449 |
| 540 | Computer Support Technician | 4,603 | 4,833 | 5,075 | 5,329 | 5,595 |
| 552 | Contract Management Analyst | 4,750 | 4,987 | 5,236 | 5,498 | 5,773 |
| 470 | Department Assistant | 3,872 | 4,066 | 4,269 | 4,482 | 4,706 |
| 710 | Economic Development Manager | 7,004 | 7,354 | 7,722 | 8,108 | 8,513 |
| 560 | Electrical Inspector | 4,835 | 5,077 | 5,331 | 5,598 | 5,878 |
| 540 | Executive Assistant | 4,603 | 4,833 | 5,075 | 5,329 | 5,595 |
| 830 | Finance Director | 9,419 | 9,890 | 10,385 | 10,904 | 11,449 |
| 610 | Financial Analyst | 5,470 | 5,744 | 6,031 | 6,333 | 6,650 |
| 390 | Front Desk Assistant | 3,177 | 3,336 | 3,503 | 3,678 | 3,862 |
| 710 | Human Resources Manager | 7,004 | 7,354 | 7,722 | 8,108 | 8,513 |
| 680 | Information Systems Manager | 6,504 | 6,829 | 7,170 | 7,528 | 7,904 |
| 560 | Management Analyst | 4,835 | 5,077 | 5,331 | 5,598 | 5,878 |
| 470 | Paralegal | 3,872 | 4,066 | 4,269 | 4,482 | 4,706 |
| 470 | Park & Facility Maintenance Worker | 3,872 | 4,066 | 4,269 | 4,482 | 4,706 |
| 660 | Parks Development & Operation Mgr | 6,190 | 6,499 | 6,824 | 7,165 | 7,523 |
| 542 | Parks Maintenance Supervisor | 4,660 | 4,893 | 5,138 | 5,395 | 5,665 |
| 830 | Parks, Rec, and Cultural Svcs Director | 9,419 | 9,890 | 10,385 | 10,904 | 11,449 |
| 470 | Permit Technician | 3,872 | 4,066 | 4,269 | 4,482 | 4,706 |
| 571 | Planner | 4,982 | 5,231 | 5,493 | 5,768 | 6,056 |
| 500 | Public Information Officer | 4,170 | 4,379 | 4,598 | 4,828 | 5,069 |
| 830 | Public Works Director | 9,419 | 9,890 | 10,385 | 10,904 | 11,449 |
| 440 | PW Maintenance Worker I | 3,595 | 3,775 | 3,964 | 4,162 | 4,370 |
| 470 | PW Maintenance Worker II | 3,872 | 4,066 | 4,269 | 4,482 | 4,706 |
| 520 | PW Maintenance Worker III | 4,381 | 4,600 | 4,830 | 5,072 | 5,326 |
| 261 | Recreation Leader III | 2,324 | 2,440 | 2,562 | 2,690 | 2,825 |
| 660 | Recreation Manager | 6,190 | 6,499 | 6,824 | 7,165 | 7,523 |
| 480 | Recreation Specialist | 3,969 | 4,167 | 4,375 | 4,594 | 4,824 |
| 542 | Recreation Supervisor | 4,660 | 4,893 | 5,138 | 5,395 | 5,665 |
| 520 | Right of Way Inspector | 4,381 | 4,600 | 4,830 | 5,072 | 5,326 |
| 390 | Secretary/Receptionist | 3,177 | 3,336 | 3,503 | 3,678 | 3,862 |
| 600 | Senior Accountant | 5,338 | 5,605 | 5,885 | 6,179 | 6,488 |
| 620 | Senior Planner | 5,608 | 5,888 | 6,182 | 6,491 | 6,816 |
| 550 | Stormwater Engineering Technician | 4,718 | 4,954 | 5,202 | 5,462 | 5,735 |
| 660 | Street & Stormwater Maint. Mgr | 6,190 | 6,499 | 6,824 | 7,165 | 7,523 |
| 610 | Systems and GIS Administrator | 5,470 | 5,744 | 6,031 | 6,333 | 6,650 |

January 1, 2014 Proposed Salary Schedule

Intermittent and Temporary Staff

| Grade | Title | 1 | 2 | 3 | 4 | 5 |
|--------------|-----------------------------|----------|----------|----------|----------|----------|
| I530 | Communication Technician | \$ 24.90 | \$ 26.15 | \$ 27.46 | \$ 28.83 | \$ 30.27 |
| I220 | Custodian | \$ 11.58 | \$ 12.16 | \$ 12.77 | \$ 13.41 | \$ 14.08 |
| I300 | Facilities Inventory Intern | \$ 14.12 | \$ 14.82 | \$ 15.56 | \$ 16.34 | \$ 17.16 |
| I220 | Facility Attendant | \$ 11.58 | \$ 12.16 | \$ 12.77 | \$ 13.41 | \$ 14.08 |
| I261 | Front Desk Assistant | \$ 12.89 | \$ 13.53 | \$ 14.21 | \$ 14.92 | \$ 15.66 |
| I361 | GIS Intern | \$ 16.53 | \$ 17.36 | \$ 18.23 | \$ 19.14 | \$ 20.09 |
| I210 | Park Maintenance Assistant | \$ 11.30 | \$ 11.86 | \$ 12.46 | \$ 13.08 | \$ 13.73 |
| I611 | Parking Enforcement Officer | \$ 30.85 | \$ 32.39 | \$ 34.01 | \$ 35.71 | \$ 37.50 |
| I262 | Pavement Inventory Intern | \$ 13.00 | \$ 13.66 | \$ 14.34 | \$ 15.05 | \$ 15.80 |
| I262 | PW Maintenance Assistant | \$ 13.00 | \$ 13.66 | \$ 14.34 | \$ 15.05 | \$ 15.80 |
| I261 | Rec Leader III | \$ 12.89 | \$ 13.53 | \$ 14.21 | \$ 14.92 | \$ 15.66 |
| I130 | Recreation Leader I | \$ 9.27 | \$ 9.73 | \$ 10.22 | \$ 10.73 | \$ 11.27 |
| I201 | Recreation Leader II | \$ 11.05 | \$ 11.61 | \$ 12.19 | \$ 12.80 | \$ 13.44 |
| I361 | Scanner | \$ 16.53 | \$ 17.36 | \$ 18.23 | \$ 19.14 | \$ 20.09 |

July 1, 2014 Proposed Salary Schedule

| Grade | Title | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> |
|-------|--|----------|----------|----------|----------|----------|
| 550 | Accountant | 4,718 | 4,954 | 5,202 | 5,462 | 5,735 |
| 480 | Accounting Assistant | 3,969 | 4,167 | 4,375 | 4,594 | 4,824 |
| 690 | Accounting Manager | 6,666 | 6,999 | 7,349 | 7,716 | 8,102 |
| 510 | Accounting Technician | 4,275 | 4,489 | 4,713 | 4,949 | 5,196 |
| 780 | Assistant Public Works Director | 8,326 | 8,742 | 9,179 | 9,638 | 10,120 |
| 710 | Building Official | 7,004 | 7,354 | 7,722 | 8,108 | 8,513 |
| 840 | City Attorney | 9,654 | 10,137 | 10,644 | 11,176 | 11,735 |
| 630 | City Clerk | 5,747 | 6,034 | 6,336 | 6,653 | 6,986 |
| 640 | Civil Engineer - Journey Level | 5,891 | 6,186 | 6,495 | 6,820 | 7,161 |
| 680 | Civil Engineer II | 6,504 | 6,829 | 7,170 | 7,528 | 7,904 |
| 560 | Code Compliance Officer | 4,835 | 5,077 | 5,331 | 5,598 | 5,878 |
| 510 | Code Specialist | 4,275 | 4,489 | 4,713 | 4,949 | 5,196 |
| 570 | Combination Bldg Inspector | 4,957 | 5,205 | 5,465 | 5,738 | 6,025 |
| 840 | Community Development Director | 9,654 | 10,137 | 10,644 | 11,176 | 11,735 |
| 550 | Computer Support Technician | 4,718 | 4,954 | 5,202 | 5,462 | 5,735 |
| 560 | Contract Management Analyst | 4,835 | 5,077 | 5,331 | 5,598 | 5,878 |
| 480 | Department Assistant | 3,969 | 4,167 | 4,375 | 4,594 | 4,824 |
| 720 | Economic Development Manager | 7,178 | 7,537 | 7,914 | 8,310 | 8,726 |
| 570 | Electrical Inspector | 4,957 | 5,205 | 5,465 | 5,738 | 6,025 |
| 550 | Executive Assistant | 4,718 | 4,954 | 5,202 | 5,462 | 5,735 |
| 840 | Finance Director | 9,654 | 10,137 | 10,644 | 11,176 | 11,735 |
| 610 | Financial Analyst | 5,470 | 5,744 | 6,031 | 6,333 | 6,650 |
| 400 | Front Desk Assistant | 3,256 | 3,419 | 3,590 | 3,770 | 3,959 |
| 720 | Human Resources Manager | 7,178 | 7,537 | 7,914 | 8,310 | 8,726 |
| 680 | Information Systems Manager | 6,504 | 6,829 | 7,170 | 7,528 | 7,904 |
| 560 | Management Analyst | 4,835 | 5,077 | 5,331 | 5,598 | 5,878 |
| 480 | Paralegal | 3,969 | 4,167 | 4,375 | 4,594 | 4,824 |
| 470 | Park & Facility Maintenance Worker | 3,872 | 4,066 | 4,269 | 4,482 | 4,706 |
| 670 | Parks Development & Operation Mgr | 6,344 | 6,661 | 6,994 | 7,344 | 7,711 |
| 550 | Parks Maintenance Supervisor | 4,718 | 4,954 | 5,202 | 5,462 | 5,735 |
| 840 | Parks, Rec, and Cultural Svcs Director | 9,654 | 10,137 | 10,644 | 11,176 | 11,735 |
| 480 | Permit Technician | 3,969 | 4,167 | 4,375 | 4,594 | 4,824 |
| 580 | Planner | 5,081 | 5,335 | 5,602 | 5,882 | 6,176 |
| 510 | Public Information Officer | 4,275 | 4,489 | 4,713 | 4,949 | 5,196 |
| 840 | Public Works Director | 9,654 | 10,137 | 10,644 | 11,176 | 11,735 |
| 440 | PW Maintenance Worker I | 3,595 | 3,775 | 3,964 | 4,162 | 4,370 |
| 470 | PW Maintenance Worker II | 3,872 | 4,066 | 4,269 | 4,482 | 4,706 |
| 520 | PW Maintenance Worker III | 4,381 | 4,600 | 4,830 | 5,072 | 5,326 |
| 261 | Recreation Leader III | 2,324 | 2,440 | 2,562 | 2,690 | 2,825 |
| 670 | Recreation Manager | 6,344 | 6,661 | 6,994 | 7,344 | 7,711 |
| 490 | Recreation Specialist | 4,069 | 4,272 | 4,486 | 4,710 | 4,945 |
| 550 | Recreation Supervisor | 4,718 | 4,954 | 5,202 | 5,462 | 5,735 |
| 530 | Right of Way Inspector | 4,490 | 4,715 | 4,951 | 5,199 | 5,459 |
| 400 | Secretary/Receptionist | 3,256 | 3,419 | 3,590 | 3,770 | 3,959 |
| 600 | Senior Accountant | 5,338 | 5,605 | 5,885 | 6,179 | 6,488 |
| 630 | Senior Planner | 5,747 | 6,034 | 6,336 | 6,653 | 6,986 |
| 560 | Stormwater Engineering Technician | 4,835 | 5,077 | 5,331 | 5,598 | 5,878 |
| 660 | Street & Stormwater Maint. Mgr | 6,190 | 6,499 | 6,824 | 7,165 | 7,523 |
| 620 | Systems and GIS Administrator | 5,608 | 5,888 | 6,182 | 6,491 | 6,816 |

July 1, 2014 Proposed Salary Schedule

Intermittent and Temporary Staff

| Grade | Title | <u>1</u> | <u>2</u> | <u>3</u> | <u>4</u> | <u>5</u> |
|--------------|-----------------------------|-----------------|-----------------|-----------------|-----------------|-----------------|
| I530 | Communication Technician | \$ 24.90 | \$ 26.15 | \$ 27.46 | \$ 28.83 | \$ 30.27 |
| I220 | Custodian | \$ 11.58 | \$ 12.16 | \$ 12.77 | \$ 13.41 | \$ 14.08 |
| I300 | Facilities Inventory Intern | \$ 14.12 | \$ 14.82 | \$ 15.56 | \$ 16.34 | \$ 17.16 |
| I230 | Facility Attendant | \$ 11.87 | \$ 12.47 | \$ 13.09 | \$ 13.74 | \$ 14.43 |
| I261 | Front Desk Assistant | \$ 12.89 | \$ 13.53 | \$ 14.21 | \$ 14.92 | \$ 15.66 |
| I361 | GIS Intern | \$ 16.53 | \$ 17.36 | \$ 18.23 | \$ 19.14 | \$ 20.09 |
| I210 | Park Maintenance Assistant | \$ 11.30 | \$ 11.86 | \$ 12.46 | \$ 13.08 | \$ 13.73 |
| I611 | Parking Enforcement Officer | \$ 30.85 | \$ 32.39 | \$ 34.01 | \$ 35.71 | \$ 37.50 |
| I262 | Pavement Inventory Intern | \$ 13.00 | \$ 13.66 | \$ 14.34 | \$ 15.05 | \$ 15.80 |
| I262 | PW Maintenance Assistant | \$ 13.00 | \$ 13.66 | \$ 14.34 | \$ 15.05 | \$ 15.80 |
| I130 | Recreation Leader I | \$ 9.27 | \$ 9.73 | \$ 10.22 | \$ 10.73 | \$ 11.27 |
| I201 | Recreation Leader II | \$ 11.05 | \$ 11.61 | \$ 12.19 | \$ 12.80 | \$ 13.44 |
| I261 | Recreation Leader III | \$ 12.89 | \$ 13.53 | \$ 14.21 | \$ 14.92 | \$ 15.66 |
| I361 | Scanner | \$ 16.53 | \$ 17.36 | \$ 18.23 | \$ 19.14 | \$ 20.09 |

CITY OF BURIEN FINANCIAL POLICIES

The City's Financial Policies are intended to serve as a Council-approved set of values and expectations for Council Members, City staff, citizens and other interested parties who may do business with the City. The use of the term "City" refers to all City officials and staff who are responsible for the activities to carry out these policies. The policies describe expectations for financial planning, budgeting, accounting, reporting and other management practices. They have been prepared to assure prudent financial management and responsible stewardship of the City's financial and physical resources.

A. City Funds

The City shall utilize "governmental fund accounting" as the organizational structure for its financial activities. The following funds have been established for budgeting, accounting and reporting.

OPERATING FUNDS

1. The *General Fund* is the general operating fund of the City. It accounts for all financial resources and transactions except those required to be accounted for in another fund.
2. The *Street Fund* is required by state law to account for dedicated state-shared gas tax revenue. The City's business license fee revenue, solid waste franchise fees and solid waste utility taxes are also deposited in this fund. Monies in the Street Fund are used for street maintenance and transportation capital projects.
3. The *Surface Water Management Fund* accounts for the maintenance and capital improvements to the City's storm and surface water drainage system. Revenues come from fees collected from residential and commercial property owners.

RESERVE FUNDS

1. The *Equipment Replacement Reserve Fund* provides monies for the orderly replacement of City assets with a value over \$1,000 and with an estimated service life of three or more years. All monies come from the City's Operating Funds (General, Street, and Surface Water Management).
2. The *Public Works Reserve Fund* is utilized to accumulate monies for future Capital Improvement Program projects. Funding sources include the Real Estate Excise Tax (REET), Park Mitigation Fees, and transfers from the General Fund.
3. The *Capital Project Reserve* was established to accumulate monies from the City's annual property tax levy for future Capital Improvement Program projects.

4. The *Art in Public Places Fund* accounts for contributions, donations and commissions on sales of art displayed in public places along with 1% of construction contracts for City owned buildings, transit centers and parks.
5. The *Local Improvement District (LID) Guaranty Fund* is required by State law to maintain a balance of not less than 10% of the City's outstanding LID assessments. All monies in the Fund come from the Street Fund; any monies in excess of the needs of the LID Guaranty Fund are returned to the Street Fund.

DEBT SERVICE FUND

1. The City maintains a single *Debt Service Fund* to account for the resources necessary to pay principal and interest when due on the City's outstanding General Obligation Bonds, Local Improvement District Bonds, and Public Works Trust Fund Loans.

CAPITAL IMPROVEMENT PROGRAM FUNDS

Four Capital Improvement Program Funds have been established to account for the revenues and expenditures associated with the following Capital Improvement Program project areas:

1. Parks and General Government;
2. Town Square;
3. Transportation; and
4. Surface Water Management.

B. Resource Planning

1. To assure stability and continuity in City services, the City will prepare and update on a biennial basis a six-year Financial Forecast for all City Operating and Reserve Funds. This biennial planning process will enable citizens, staff, advisory committees, and the City Council to discuss current and future programs, service levels, and capital facility needs.
2. The relationship between the Operating and Capital Budgets will be incorporated into the Financial Forecasts and Budgets. Maintenance and operating costs associated with new Capital Improvement Program projects shall be disclosed in the Capital Budget when projects are being considered and included in the Operating Budget when the projects are complete.
3. The City Manager shall develop on a biennial basis a Financial Planning calendar that will provide for the timely update of the six-year Financial Forecasts for all City Operating and Reserve Funds along with the biennial process to develop, review, and adopt the City's Operating and Capital Budgets.

4. The City's Operating and Capital Budgets will implement City Council adopted goals and policies, long-range plans, and service choices for the community.
5. The City will use "prudent revenue and expenditure assumptions" in the development of the six-year Financial Forecasts, and Operating and Capital Budgets. Revenue and expenditure estimates shall be conservative to generally produce variances from budget estimates in the 3% to 5% range for overall fund revenues and 3% to 5% range for overall fund expenditures.
6. One-time resources shall be identified and shall be used to support one-time expenditures. Ongoing expenditure programs shall only be supported by ongoing resources.
7. Where estimated expenditures and fund balances exceed estimated resources for any Financial Forecast, potential options to bring the six-year Financial Forecasts into balance shall be included as an integral part of the Budget process.

C. Fund Balance and Reserve Levels

Budgeted fund balances shall be established at a minimum of ~~40~~15% of budgeted recurring revenue for the General Fund and 5% of budgeted recurring revenues for the Street and Surface Water Management Funds. The City's General Fund Reserve shall be increased to 20% by 2022. The City hereby establishes and will maintain reservations of Fund Balance, as defined in accordance with Governmental Accounting and Financial Standards Board Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions*. This policy shall only apply to the City's governmental funds. Fund Balance shall be composed of the following five categories:

1. Non-Spendable Fund Balance – Amounts that are not in a spendable form (such as inventory) or are required to be maintained intact (such as the principal of an endowment fund).
2. Restricted Fund Balance – Amounts that can be spent only for the specific purposes stipulated by external resource providers (such as grantors), constitutionally, or through enabling legislation (that is, legislation that creates a new revenue source and restricts its use). Restrictions may only be changed or lifted with the consent of the resource providers.
3. Committed Fund Balance – Amounts that can be used only for the specific purposes determined by formal action of the City Council. Commitments may be changed or lifted only by the City Council taking the same formal action that imposed the constraint originally.
4. Assigned Fund Balance – Amounts the City intends to use for a specific purpose.
5. Unassigned Fund Balance – The residual classification for the General Fund and includes all amounts not contained in the other classifications. Unassigned amounts are the portion

of fund balance that is not obligated or specifically designated and is available for any purpose.

The Finance Director shall have the authority to assign amounts of fund balance to a specific purpose; however, before expenditure, amounts must be appropriated by the City Council.

When expenditures are incurred for purposes for which both restricted and unrestricted fund balance is available, restricted fund balance is considered to have been spent first.

When expenditures are incurred for purposes for which amounts in any of unrestricted fund balance classifications can be used, committed amounts shall be reduced first, followed by assigned amounts and then unassigned amounts.

D. Resource Allocation

The City Council has established the following allocations for designated revenues:

1. Not less than 1% of annual General Fund expenditures will be for Human Services programs.
2. Solid Waste franchise revenues are allocated 100% to the Street Fund for street maintenance activities.
3. Solid Waste Utility Tax revenues are allocated 100% to the Street Fund for street maintenance activities.
4. The City shall increase the electric utility tax (Puget Sound Energy) from 3% to 6%. This revenue will be allocated 100% to the General Fund.

E. Accounting, Budget, and Financial Practice Policies

1. The City will maintain an accounting and financial reporting system that fully meets professional standards, state accounting requirements, and standards used by debt rating agencies.
2. Financial procedures shall be developed to assure appropriate controls are in place to protect City assets and to provide for the development of timely financial reporting.
3. Procurement policies and procedures shall be developed and periodically updated as needed to meet legal requirements and assure effective and competitive purchasing practices.
4. The City will strive to maintain at least an "A1" bond rating from Moody's Investor Services.

5. The Finance Director shall provide to the City Council not less than quarterly a Financial Status Report for all City Funds. This Report will include comparisons of actual revenue and expenditure performance to the respective Budget estimates. Where revenue collections are, or are anticipated to be significantly less than Budget estimates, and/or, where expenditures are, or are anticipated to be significantly greater than Budget estimates, the Finance Director shall include recommendations for possible adjustments or actions.
6. In accordance with state law, the City Manager is authorized to transfer budgeted amounts within any fund; however, any revisions that alter the total expenditure authority (appropriation) of a fund, that increase the total number of authorized employee positions, or that change any salary rate within the pay classification system in the budget by more than 5% must be approved by the City Council.

F. Revenue Policies

1. To minimize the impact of cyclical economic downturns on General Fund revenues and services, the City will attempt to diversify its economic base.
2. Where the City has authority to establish and change fees and charges, all such fees and charges shall be adjusted annually for inflation, based on the change in the Implicit Price Deflator (IPD) for State and Local Government Consumption Expenditures and Gross Investment for the twelve month period ending June 30, or other applicable index or measure.
3. The City will establish cost recovery policies for fee supported services which consider the relative public/private benefits received from the services being provided and/or the desirability of providing access to services for specialized populations. These policies will determine the percentage of full service costs to be recovered through fees. The level of cost recovery may be adjusted to ensure that rates are current, equitable, and competitive and cover that percentage of the total cost deemed appropriate. Staff shall submit periodic financial reports to the Council on the progress in meeting the policies.
4. Grant revenue will be included in the City's Financial Forecasts and Budgets when it is probable the City will receive the grant award.
5. Property taxes levied for general government operations will be at least 1% more than levied in the prior year plus the amount received as a result of new construction. Effective with the 2012 Property Tax Levy, 90% of the Property Taxes will be allocated to the General Fund and 10% will be allocated to the Capital Projects Reserve Fund. Property taxes set aside in the Capital Projects Reserve Fund will grow at 1% per year beginning in 2013, contingent upon a minimum of 1% growth in total Property Tax revenue.

G. Capital Improvement Program Policies

1. The City will plan for capital improvements over a multi-year period. The Capital Improvement Program will directly relate to the City's long-range plans and policies. When capital improvements are being planned, maintenance & operating costs will be estimated and identified within the City's Financial Forecasts. When the capital projects are complete, monies will be included in the City's Operating Budget to provide for maintenance and operating costs.
2. To plan for replacement of the City's physical assets, the City shall maintain a current inventory of all of the City assets, their condition, and estimated replacement costs. The City shall maintain an Equipment Replacement Reserve Fund consisting of cash reserves set aside each year to provide for the timely and orderly replacement of assets. The Equipment Replacement Reserve Fund shall be included in the update of the City's Financial Forecasts.
3. The City will maintain an "Art in Public Places Fund" for the purpose of providing funds for art in capital improvement projects funded wholly or in part by the City of Burien for construction or remodeling of government owned public buildings, transit centers and parks.
4. A capital project is defined as a project of a nonrecurring nature with a cost of \$25,000 or more and estimated service life of at least 10 years including major renovations of existing facilities. Routine maintenance of existing facilities, however, should not be included in capital requests.
5. The Adopted Capital Facilities Element of the Burien Comprehensive Plan provides guidance regarding the development of the City's Capital Improvement Program.
6. For each Fund included in the Capital Improvement Program (Parks and General Government, Town Square, Transportation, and Surface Water Management), funding sources will be identified so that it will be clear what local funds, grant funds, and other revenue sources are supporting each program.
7. The City will use Community Development Block Grant capital funds for eligible capital projects that are included in the City's adopted Capital Improvement Program. The funds will only be spent on eligible projects that benefit low and moderate income individuals as defined in the Community Development Block Grant regulations.

H. Debt Policies

1. When evaluating the use of councilmanic debt and the associated debt service obligations, a financial feasibility analysis will be performed including the City's ability

to make debt service payments, taking into account revenue fluctuations associated with periodic economic cycles.

2. Voted and councilmanic debt will be used prudently in a manner to avoid any adverse impact on the City's credit rating.
3. The City will establish appropriate procedures to assure compliance with its bond covenants and all other applicable federal, state, and local laws, policies or regulations.
4. Debt may be used on a limited basis for specific short-term cash flow needs. Debt will not be used to fund long-term revenue shortages. For major capital projects with long-term useful lives (normally 20 years or more) and where costs exceed short-term cash flows, debt may be used provided there is sufficient discretionary revenue within the Financial Forecasts Plan to service the debt without disrupting the City's existing service delivery programs.

I. Investment Policies

1. The City will follow state law and the following criteria in priority order when investing City monies:
 - a. Preserve capital through prudent financial investments;
 - b. Maintain sufficient liquidity so that monies are available when needed; and
 - c. Achieve the best available rate of return.
2. The City will provide the appropriate accounting and reporting for any private donations or monies held in trust by the City.

J. Financial Management and Organizational Review Policies

1. The City Manager will periodically review the City's organizational structure to assure that it is responsive to current conditions; and to eliminate service duplication within the organization and with other local government jurisdictions. Periodic performance audits may be used to assess organizational costs and effectiveness. Periodic budget reviews shall be made to examine departmental and/or program line-item costs.
2. The City Manager will periodically evaluate the City's administrative and direct service delivery systems to determine whether a service should be provided by the City, by agreement with a qualified and or competitively priced private or public contractor, or eliminated due to changes in community needs and expectations.
3. The City Council will adopt, through the biennial Budget, service levels, a work program, and performance standards that reflect City revenues, community expectations and legal requirements. The City is committed to examining how it provides services so that

service levels and performance standards are met or exceeded at the least cost to the public.

4. The City's compensation structure (salaries and benefits) will be reviewed at least every three years. The City's compensation structure shall be competitive with that of comparable public sector employers in the relevant recruiting or market area; however, no adjustments shall be made if it is determined the City does not have the ability to pay. The criteria for reviewing employee salaries and benefits will also include internal comparability for similar jobs. If relevant private sector comparisons are available, they will be considered.
5. The City will, within available resources, maintain the productivity of staff through a supportive working environment, which includes appropriate equipment, supplies, materials, and professional staff development.
6. The City will evaluate its use of intergovernmental service contracts to prevent duplication of services and to assure an effective and efficient service delivery system to the community.
7. The City adopts biennial budgets at the start of every odd-numbered year. The biennial budget provides a two-year expenditure appropriation with side-by-side one-year budget displays. To avoid overspending the two-year appropriation too quickly, departments are held to single-year budgets and are generally not able to commit funds from the second year of the biennium before it begins. The City Manager may approve the carryover of unspent funds from the first year to the second year if it is determined that a program and/or project was not complete at the end of the year and funds are available.

K. Contract Approval Authority

The approval authority for execution of City contracts is as follows:

1. The City Manager will have authority to sign contracts up to \$25,000.
2. The City Manager will have authority to sign contracts over \$25,000 for equipment, goods, and services that are included in the Adopted Budget.
3. Contracts that exceed Adopted Budget spending authority must be placed on the Council agenda for discussion and approval.
4. Contracts over \$25,000 for initiatives not included in the Adopted Budget must be placed on the Council agenda for discussion and approval.
5. All capital projects in which there is a material change in scope must be placed on the Council agenda for discussion and approval.

**CITY OF BURIEN
AGENDA BILL**

| | | |
|---|--|--|
| Agenda Subject: Motion to Adopt Proposed Resolution No. 352, Entering Findings of Fact and Conclusions of Law Regarding Preliminary Approval of the Westview Subdivision | | Meeting Date: December 2, 2013 |
| Department: Community Development | Attachments: 1. Proposed Resolution No. 352, with Exhibit A - Hearing Examiner's Findings, Conclusions and Recommendation 2. Westview Subdivision Preliminary Plat Approval PowerPoint Slides | Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A |
| Contact: Charles W. "Chip" Davis, Community Development Director | | |
| Telephone: (206) 248-5501 | | |
| Adopted Initiative Priority: Yes No <input checked="" type="checkbox"/> | Initiative Description: N/A | |
| <p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the Council to review the Hearing Examiner's Findings, Conclusions and Recommendation and consider adopting a resolution granting approval of the Westview preliminary plat application.</p> <p>BACKGROUND (Include prior Council action & discussion): The proposal is to subdivide 1.14 acres into five (5) single-family lots. The site is bordered on the north, east and south by single family homes and Occidental Avenue South to the west. The lots are proposed to gain access to Occidental Avenue South from an improved private road with a hammer head turn-around and stormwater facilities are proposed in Tract A.</p> <p>The Hearing Examiner conducted an open record public hearing on November 5, 2013. On November 18, 2013, the Hearing Examiner issued findings, conclusions, and a recommendation to the City Council to approve the preliminary subdivision with conditions outlined in the staff report (see Exhibit A of proposed Resolution No. 352). The Council's role in all Type 3 decisions is to review and take action on the Hearing Examiner's recommendation.</p> <p>The City Council's decision on a preliminary subdivision application must be based on the record developed by the Hearing Examiner, which includes her recommendation. By passing proposed Resolution No. 352, the City Council will grant preliminary approval for the Westview Subdivision with recommended conditions. The resolution will also adopt the findings of fact and conclusions as set forth by the Hearing Examiner.</p> <p>Following approval of the preliminary plat the applicant will be required to satisfy all required conditions of approval, including installation of infrastructure, prior to presenting the plat for final adoption by the City Council.</p> <p>OPTIONS (Including fiscal impacts):</p> <ol style="list-style-type: none"> 1. Approve the application (Adopt proposed Resolution No. 352). 2. Approve the application with modifications (Adopt proposed Resolution No. 352 with modifications). 3. Deny the application. 4. Remand the application to the Hearing Examiner for an additional hearing on specific issues. <p>For options 2 or 3, the Council must also adopt written findings of fact and conclusions that support its decision.</p> | | |
| Administrative Recommendation: Adopt Proposed Resolution No. 352, Entering Findings of Fact and Conclusions of Law and Granting Preliminary Approval of the Westview Subdivision. | | |
| Committee Recommendation: N/A | | |
| Advisory Board Recommendation: N/A | | |
| Suggested Motion: Move to Adopt Resolution No. 352, Granting Preliminary Plat Approval of the Westview Subdivision, and Adopting Findings of Fact, Conclusions and Conditions as Set Forth by the Hearing Examiner. | | |
| Submitted by: Charles W. "Chip" Davis | | |
| Administration _____ | | Interim City Manager _____ |
| Today's Date: November 25, 2013 | File Code: R:\CC\Agenda Bill 2013\120213cd-1 Westview Preliminary Subdivision.docx | |

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 352

**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON,
CONDITIONALLY APPROVING THE WESTVIEW SUBDIVISION
PRELIMINARY PLAT AND ADOPTING THE HEARING
EXAMINER'S FINDINGS OF FACT AND CONCLUSIONS IN
SUPPORT OF SAID APPROVAL**

WHEREAS, the City of Burien Hearing Examiner conducted an open record public hearing on November 5, 2013 at which testimony from city staff, the applicant and public was heard regarding preliminary plat approval of the Westview Subdivision; and

WHEREAS, on November 18, 2013 the Hearing Examiner issued a recommendation to the City Council.

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

Section 1. The City Council, having considered the Westview Subdivision preliminary plat application and the Hearing Examiner's recommendation, conditionally approves the Westview subdivision and adopts the Hearing Examiner's findings and conclusions attached as Exhibit "A", as fully incorporated herein as if fully set forth.

PASSED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON,
WASHINGTON, AT A REGULAR MEETING THEREOF THIS 2nd DAY OF DECEMBER,
2013.

CITY OF BURIEN, WASHINGTON

Brian Bennett, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Ann Marie Soto, Acting City Attorney

Filed with the City Clerk: December ____, 2013
Passed by the City Council: December ____, 2013
Resolution No. 352

**BEFORE THE HEARING EXAMINER
FOR THE CITY OF BURIEN**

| | | |
|-------------------------------------|---|--|
| In the Matter of the Application of |) | No. PLA 13-0135 |
| |) | |
| Mike Lierman, on behalf of |) | Westview Subdivision |
| Smackdab Realty, LLC |) | |
| |) | |
| <u>For a Preliminary Plat</u> |) | FINDINGS, CONCLUSIONS, AND RECOMMENDATION |

SUMMARY OF RECOMMENDATION

The Hearing Examiner recommends that the request for a preliminary plat to subdivide 1.14 acres into five, single-family residential lots at 18052 Occidental Avenue S, Burien, Washington, be **APPROVED**, with conditions. Conditions are necessary to comply with City code and mitigate specific impacts of the proposal.

SUMMARY OF RECORD

Hearing:

The Hearing Examiner held an open record hearing on the request on November 5, 2013.

Testimony:

The following individuals testified under oath at the open record hearing:

Stephanie Jewett, City Planner
Ramesh Davad, City Development Review Engineer
Heungkook Lim, City Surface Water Management Engineer
Harold Duncanson, Duncanson Company, Inc., Applicant Representative
Yvonne Moore
Shirley Rousell
Mike Lierman, Applicant

Exhibits:

1. Staff Report, dated October 16, 2013, with the following attachments:
 1. Vicinity Map
 2. Residential Subdivision Development Regulations
 3. Preliminary Plat
 4. Conceptual Road and Utility Plan
 5. Tree Retention Plan
 6. Preliminary Technical Information Report, Duncanson Company, Inc., dated January 15, 2010
 7. Updated to Section 4 of the Preliminary Technical Information Report, Duncanson Company, Inc., dated March 12, 2013
 8. Road Standards Variance, dated March 15, 2013

*Findings, Conclusions, and Recommendation
City of Burien Hearing Examiner
Westview Preliminary Plat, No. PLA 13-0135*

9. Public Works Recommended Conditions of Land Use Approval, dated October 7, 2013
10. Public Works Stormwater Conditions of Land Use Approval, dated October 7, 2013
11. Certificate of Water Availability, Highline Water District, dated December 21, 2012
12. Certificate of Sewer Availability, Southwest Suburban Sewer District, dated January 3, 2013
13. Certificate of Fire Hydrant Availability, King County Fire District #2, dated January 9, 2013
14. Westview PLA 13-0135 School Walkway Conditions
15. Email from Sandra Coulter, dated April 2, 2013
16. Email from Colleen Phillips, dated April 17, 2013
17. Email from Sandra Galbraith, dated April 23, 2013
18. Email from Nathan Enns, dated April 26, 2013
19. Email from Shirley Rousell, dated April 27, 2013
20. Email from Danelle Bautista, dated April 28, 2013
21. Email from Debbie Jurasek, dated April 29, 2013
22. Email from Lloyd Whisman, dated April 30, 2013
23. Email from Bonnie White, dated May 1, 2013
24. Email from Daniel Sevin, dated May 1, 2013
25. Response to Public Comments, Harold Duncanson, Duncanson Company, Inc., dated October 4, 2013
26. Preliminary Subdivision Application, dated January 15, 2013
27. Notice of Application, dated April 2, 2013
28. Email from Jason R. Richardson, Utility Inspector, Southwest Suburban Utility District, dated October 15, 2013
29. Public Hearing Notice, dated October 21, 2013
30. Email from Shirley Rousell, dated October 28, 2013, with attached photographs
31. Email from Daniel Sevin, dated October 24, 2013
32. Email from Danelle Bautista, dated November 4, 2013

Based upon the testimony and documents submitted at the open record hearing, the Hearings Examiner enters the following findings, conclusions, and recommendation:

FINDINGS

Application and Notice

1. Mike Lierman, on behalf of Smackdab Realty, LLC, (Applicant) requests a preliminary plat to subdivide 1.14 acres into five, single-family residential lots, at 18052 Occidental Avenue S, Burien, Washington.¹ *Exhibit 1, Attachment 26.*
2. The City of Burien (City) determined the application was complete on March 21, 2013. The City mailed notice of the application to owners of property within 500 feet of the

¹ The property is identified by Tax Assessor Parcel No. 3223049127. A legal description of the property is included with the proposed preliminary plat map. *Exhibit 1, Attachment 3; Exhibit 1, Attachment 26.*

subject property on March 29, 2013. On April 2, 2013, the City posted notice on the property and published notice in the local newspaper of record. City Planner Stephanie Jewett testified that the City mailed notice of the open record hearing to owners of surrounding property in accord with City ordinances. *Exhibit 1, Staff Report, page 1; Exhibit 29; Testimony of Ms. Jewett.*

State Environmental Policy Act

3. The City determined that the proposal is exempt from review under the State Environmental Policy Act (SEPA), chapter 43.21C Revised Code of Washington (RCW), in accord with Burien Municipal Code (BMC) 14.10.040(1). *Exhibit 1, Staff Report, page 10.*

Comprehensive Plan and Zoning

4. The property is designated Moderate Density Residential Neighborhood under the City Comprehensive Plan. The designation provides for primarily single-family residential uses in neighborhoods suited for this type of development, where community improvements and facilities that are normally necessary for development can be provided. Development within this designation includes existing neighborhoods that have been platted at more than four dwelling units per acre. *Exhibit 1, Staff Report, page 18.*
5. The property is located in the City's RS 7200 zoning district. *Exhibit 1, Staff Report, page 6.* The zone implements the Moderate Density Residential Neighborhood designation under the City Comprehensive Plan, and establishes areas in which a wide range of single-family housing opportunities can be provided while preserving the character of the surrounding neighborhood and protecting environmentally sensitive areas. The intent is to provide a variety of attractive, well-designed housing choices that meet the needs of existing and future city residents. *BMC 19.15.005.*
6. Single-family residential development is allowed within the RS 7200 zone. *BMC 19.15.005.2.* Lots must be at least 7,200 square feet in size within the RS 7200 zoning district unless lot averaging² is implemented, but no lot is permitted within the zone with an area less than 90 percent of the minimum lot size. *BMC 19.15.005.2.* Ms. Jewett testified that the preliminary plat proposal includes lot averaging; lots would range from approximately 6,882 square feet to approximately 8,769 square feet. The lot size average would be 7,610 square feet. Ms. Jewett testified that, with lot averaging, proposed lots meet the City's minimum lot size requirements. *Exhibit 1, Staff Report, page 12; Testimony of Ms. Jewett.*
7. Development on lots within the RS 7200 zone must provide a 20-foot minimum front setback and a 5-foot minimum interior setback. Buildings may be no more than 35 feet

² Lot averaging is the numerical averaging of lot areas to determine compliance with the minimum lot area requirements of Burien Municipal Code (BMC) Title 19. *BMC 19.10.327.*

tall, and two off-street parking spaces must be provided for each dwelling unit. Lots may contain no more than 35 percent building coverage and 70 percent impervious surface coverage. *BMC 19.15.005.2.*

Existing Site and Surrounding Property

8. The property contains an existing house, outbuilding, and access driveway. The property also contains landscaped lawn and scattered trees. There are 16 significant trees³ on the property. As proposed, four significant trees would be retained following development, including one evergreen tree more than 24 inches in diameter. Under City Landscape Category A, at least 30 percent of the significant trees on the property must be retained. *BMC 19.25.120.2.* As proposed, the Applicant would receive a total tree retention credit of 5 trees, or 30 percent. The property slopes gradually from east to west at five percent average grade. Ms. Jewett testified that the property is currently vacant and that the house and outbuilding are proposed to be demolished. *Exhibit 1, Staff Report, page 3; Exhibit 1, Attachment 1; Testimony of Ms. Jewett.*
9. Surrounding property in all directions is located in the City's RS 7200 zoning district and contains single-family residential development. Occidental Avenue S is located adjacent to the west of the property. With single-family residential development, S 182nd Street is located to the south, and, with single-family residential development, 1st Avenue S is located to the west. The intersection at Occidental Avenue S/S182nd Street is located to the southwest, and 2nd Place S is located to the northeast. There is no existing or proposed road connection between the property and 2nd Place S. *Exhibit 1, Staff Report, pages 4 and 8; Exhibit 1, Attachment 1; Exhibit 1, Attachment 3.*

Access and Traffic Impacts

10. As proposed, a private access tract, Tract B, would provide access to proposed lots from Occidental Avenue S. The access tract would include a hammerhead for emergency vehicle turn-around access. The City approved a road-standards variance that allows a 3.5-foot-wide asphalt shoulder along the south side of the access tract. A five-foot-wide sidewalk, curb, and gutter would be constructed along the north side. Frontage improvements along Occidental Avenue S, consisting of curb, gutter, five-foot-wide sidewalk, ADA ramps, pavement widening, storm drain system, and full overlay, would also be constructed. Frontage improvements would result in sidewalks, or at least four-foot-wide shoulders, extending south from the property to the nearest school bus stop, located on S 183rd Street. Sidewalks or paved shoulders would also extend northwest from the property to 1st Avenue S. *Exhibit 1, Staff Report, pages 5 and 12 to 13; Exhibit 1, Attachment 3; Exhibit 1, Attachment 8; Exhibit 1, Attachment 9.*

³ A significant tree is a healthy tree that has a minimum eight-inch diameter for evergreen trees or 12 inches for deciduous trees, when each are measured four feet above grade. *BMC 19.10.493.* Each significant tree retained may be credited as two trees for complying with retention requirements if it exceeds 24 inches in diameter for evergreen trees or is located in a group of at least five trees with canopies that touch or overlap. *BMC 19.25.140.*

Stormwater

11. Stormwater runoff currently sheet flows west across the property until intercepted by a ditch along Occidental Avenue S. Runoff from surrounding residential property currently flows north and west away from the property. Proposed development includes a stormwater control structure, wet vault, and infiltration/detention pond within Tract A, which would be located in the northwest corner of the subdivision. Stormwater runoff would be collected and managed through a combination of infiltration and detention within the proposed pond. Individual lots would incorporate infiltration best management practices in accord with the 2009 King County Surface Water Design Manual (KCSWDM). *Exhibit 1, Attachment 4; Exhibit 1, Attachment 6; Exhibit 1, Attachment 7.*

Utilities and Services

12. The proposed plat would obtain water service from the Highline Water District and sewer service from the Southwest Suburban Sewer District. All utilities would be established underground within the proposed development. A sewer main would be constructed within Occidental Avenue S, and would extend east within proposed private access Tract B. Sewer would not be extended to 2nd Place S as part of proposed development. Homes off 2nd Place S would eventually be served from the east. A new water main would be constructed to connect to the existing public main in Occidental Avenue S. The new water main would run east through the proposed subdivision, and then connect to the existing public water main in 2nd Place S. *Exhibit 1, Staff Report, pages 4, 6 to 7, and 14; Exhibit 1, Attachment 4; Exhibit 1, Attachment 11; Exhibit 1, Attachment 12; Exhibit 1, Attachment 25.*
13. The property would obtain fire protection services from Fire District #2. Fire Marshal conditions require that the proposed private access tract to be marked as a fire lane on both sides, with no parking allowed; that fire land and maintenance provisions be recorded on the face of the final plat; and that future homes on Lots 2, 3, and 4 may require residential sprinklers if any portion of the homes is located over 350 feet from an existing hydrant. *Exhibit 1, Staff Report, page 14; Exhibit 1, Attachment 13.*
14. BMC 19.17.013 requires that residential developments provide on-site recreational areas of 390 square feet for each lot created, or pay a fee-in-lieu of actual recreational space when the space is not provided. No on-site recreation space is proposed. A payment for 1,560 square feet, multiplied by the current assessed value per square foot of the property, is due. *Exhibit 1, Staff Report, page 17; Exhibit 1, Attachment 3.*

Public Comment

15. Sandra Coulter expressed concern in an email, dated April 2, 2013, that development of the proposed subdivision would impact how her home on Occidental Avenue S accesses utilities from a pole, owned by Puget Sound Energy, located on Lot 2 within the proposed subdivision. According to a letter from the Applicant, dated October 4, 2013, the existing

pole and overhead services to the Coulter residence would be retained in its current or similar configuration, and the owner would not have any obligations as a result of development. *Exhibit 1, Attachment 15; Exhibit 1, Attachment 25.*

16. Additional emails and letters express concern about the following issues: connection to the proposed sewer line within Occidental Avenue S; traffic impacts of proposed development on pedestrians; tree impacts of proposed development; noise impacts of construction and potential risk of damage to surrounding property; zoning code compliance and compatibility with surrounding development; parking impacts on surrounding property; possible sewer connection requirement for existing homes on 2nd Place S served by private septic systems; reduced water pressure within 2nd Place S; drainage; size, height, and setback requirements for future homes; length of construction; and impact on views to the west. An email from Shirley Rousell, dated October 28, 2013, expresses concern about a tree proposed for retention that is close to her property and has damaged the brick paver walkway on her property. The email also expresses concern about the stability of the tree. *Exhibit 1, Attachments 16 to 24; Exhibit 1, Attachment 25; Exhibit 1, Attachments 30 to 32.*
17. An email from Dan Sevin, dated October 24, 2013, states opposition to the proposal due to the following: increased traffic and congestion; risk of liability for Occidental Avenue S property owners for damage to cars parked along Occidental Avenue S; visibility hazards to cars making a right turn from S 182nd Street to Occidental Avenue S when cars are parked along that side of the street; possible requirement to move a fence along his property line if the sidewalk is constructed down Occidental Avenue S to 183rd Street; possible requirement for homes served by private septic to connect to sewer; and compatibility with the style and appearance of homes in the surrounding neighborhood. An email from Danelle Bautista, dated November 4, 2013, inquires whether a back yard will separate proposed homes from existing homes along the property boundary. *Exhibit 1, Attachment 31; Exhibit 1, Attachment 32.*
18. Yvonne Moore testified to inquire whether sewer would connect to 2nd Place S, whether the proposed retaining pond would be open or closed, whether rainwater draining from Occidental Avenue S would drain onto her property, and how long construction would take. Shirley Rousell testified to inquire about a tree proposed for retention near her home, whether there will be any additional grading on the property, whether there would be fencing between her property and proposed development, and about the size and location of individual homes. *Testimony of Ms. Moore; Testimony of Ms. Rousell.*

Staff Comment and Applicant Response

19. Ms. Jewett testified that City staff recommends approval of the request with six conditions. Proposed conditions concern compliance with applicable ordinances and standards; submittal of detailed plans and updated Technical Information Report and Engineering Plans; submittal of an Erosion and Sediment Control Plan; protection of significant trees proposed to be retained; installation of all street, stormwater, and utility

improvements; payment of a fee-in-lieu of providing recreation spaces; recording a Declaration of Covenant that all drainage facilities shall be privately maintained and operated; payment of a transportation impact fee; receipt of a right-of-way use construction permit and a clearing and grading permit; and receipt of a Construction Stormwater General Permit, if required. *Exhibit 1, Staff Report, pages 2 to 3; Testimony of Ms. Jewett.*

20. Heungkook Lim, City Surface Water Management Engineer, testified that on-site soils are suitable for the type of infiltration proposed. Construction must comply with City noise ordinances. Site development and home construction may be completed within 9 to 12 months, depending on weather and home sales. City ordinances do not regulate exiting views. Harold Duncanson, Applicant Representative, testified that the Applicant has read, understands, and agrees to comply with conditions proposed by City staff. Mr. Duncanson responded that: the proposed water system would improve water pressure; a pedestrian cross-walk would be established across the proposed private access road; proposed frontage improvements to Occidental Avenue S would address stormwater runoff from the street; and the Applicant would meet with Ms. Rousell to discuss options for the tree near her property. Mike Lierman, Applicant, testified that some proposed improvements can be bonded for later completion, including the final road lift, stormwater pond completion, and landscaping. Ramesh Davad, City Development Review Engineer, testified that complete improvements, completely bonded improvements, or a cash security is required. *Exhibit 1, Staff Report, page 8; Testimony of Mr. Lim; Testimony of Mr. Duncanson; Testimony of Mr. Lierman; Testimony of Mr. Davad.*
21. Mr. Duncanson responded that catch basins would collect stormwater runoff from the street and route the runoff into the proposed detention/infiltration pond, which would be open. The proposed pond would be mostly dry and would only contain water during storm events. The street would be crowned to divert stormwater runoff to the catch basins. There are no specific home plans at this time, and there would be no additional grading on the property except for a four to five-foot cut to install the proposed road on the property. Mr. Duncanson also responded that a variety of fencing currently exists along the property boundary and that maintenance of existing fencing would be determined on a case-by-case basis. The Applicant would make every effort to coordinate with exiting fencing, and surrounding property owners are free to install fencing at their option. Ms. Jewett added that there is no landscape buffer requirement for the proposed development. *Testimony of Mr. Duncanson; Testimony of Ms. Jewett.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction to receive and examine available information on a preliminary plat application; conduct a public hearing on the application; prepare a record of the hearing; enter findings of fact and conclusions; and, based upon those facts, make a

recommendation to the City Council to grant the application, grant the application with conditions, or deny the application. *BMC 2.15.070 (2) (a); BMC 2.15.080; BMC 17.55.040.*

Criteria for Review

The Hearing Examiner's decision must be supported by the evidence presented and must be consistent with the objectives and goals of the comprehensive plan, zoning code, subdivision code, and other City codes and ordinances. *BMC 2.15.070 (2); BMC 2.15.080 (1); BMC 17.55.040(3).*

The preliminary plat application review standards and criteria are found in Title 17 BMC and chapter 58.17 RCW. Subdivisions shall conform to chapter 17.15 BMC and chapter 17.20 BMC.

- A. Pursuant to chapter 17.15 BMC:
- a. The proposed subdivision and its ultimate use shall be in the best interests of the public welfare and the neighborhood development of the area and the subdivider shall present evidence to this effort when requested by the city of Burien;
 - b. Subdivision streets shall conform in effect to the master plan as adopted and/or to the general pattern of the highway system of the city of Burien;
 - c. The tract to be subdivided shall not be part of or encroach on an area or areas designated in the master plan for future public facilities;
 - d. No plan for the replatting, subdivision or dedication of any area shall be approved by the city of Burien unless the streets shown therein are connected by a surfaced road or street (according to city specifications) to an existing dedicated highway of the city;
 - e. Sidewalks or walkways shall be required for all existing and proposed streets including perimeter streets in business and residential subdivisions as specified in Chapter 17.20 BMC;
 - f. No lot or portion of a lot in this plat shall be divided and sold or resold or ownership changed or transferred whereby the ownership of any portion of this plat shall be less than the area required for the use (zone) district in which located;
 - g. All lots must be served by or provision made for an adequate public sewage disposal system; and
 - h. All lots must have an adequate water supply before the plat may be recorded.

Pursuant to chapter 17.20 BMC, the minimum dimensions for lots shall conform to the dimensions established in the zoning code and shall not be less than the requirements for the use district in which located. *BMC 17.20.010.*

The criteria and standards set forth in Title 17 BMC are essentially identical to those in chapter 58.17 of the Revised Code of Washington (RCW). The application must meet the RCW criteria before a decision of approval may be made. *BMC 17.10.310.* RCW 58.17.110 requires that:

Appropriate provisions must be made for the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and the public interest must be served by the subdivision.

The criteria for review adopted by the Burien City Council are designed to implement the requirement of chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusions Based on Findings

- 1. With conditions, the proposed development is consistent with Title 17 BMC provisions and chapter 58.17 RCW.** The City provided adequate notice and opportunity to comment on the proposed subdivision. The Applicant presented evidence that the proposed development would be in the best interests of the public welfare because the development would provide single-family residences compatible with surrounding single-family residential development and consistent with the Comprehensive Plan designation for the property. The access to the proposed subdivision would be located on Occidental Avenue S. Single-family residential development is an allowed use within the City's RS 7200 zoning district. Lots would conform to the minimum lot size required within the zones through lot averaging. Setbacks are required on subdivision lots under City code. Existing trees would be retained in accord with City ordinances. Adequate sewer and water would be provided to the proposed subdivision. Conditions are necessary to ensure that proposed development complies with Fire Marshal requirements. The proposed on-site detention vault within Tract A would provide adequate stormwater drainage of the proposed subdivision site and adequate water quality treatment. A fee-in-lieu of providing on-site recreational space would be paid. With proposed internal and frontage improvements, sidewalks or paved shoulders would offer safe walking conditions to the nearest transit stop. Conditions are necessary to ensure compliance with applicable ordinances and standards; submittal of detailed plans and updated Technical Information Report and Engineering Plans; submittal of an Erosion and Sediment Control Plan; protection of significant trees proposed to be retained; installation of all street, stormwater, and utility improvements;

payment of a fee-in-lieu of providing recreation spaces; recording of a Declaration of Covenant that all drainage facilities shall be privately maintained and operated; payment of a transportation impact fee; receipt of a right-of-way use construction permit and a clearing and grading permit; and receipt of a Construction Stormwater General Permit, if required. *Findings 1 – 21.*

RECOMMENDATION

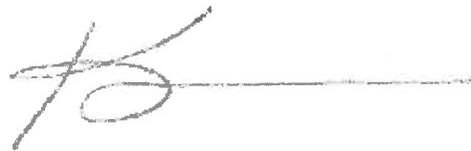
Based on the preceding Findings and Conclusions, the Hearing Examiner recommends that the City Council **GRANT** the request for a preliminary plat to subdivide 1.14 acres into five, single-family residential lots, at 18052 Occidental Avenue S, Burien, Washington, with the following conditions:⁴

1. This application is subject to the applicable requirements contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2009 King County Surface Water Design Manual and the 2009 Stormwater Pollution Prevention Manual as adopted by the city of Burien, and the 2008 Burien Road Standards. It is the responsibility of the Applicant to ensure compliance with the various provisions contained in these documents.
2. Prior to the issuance of development permits for any construction activities on-site the Applicant shall:
 - a. Submit detailed on-site street improvement plans for review and approval by the Development Review Engineer. The Plans shall be in accordance with the requirements of the 2008 Burien Road Standards and address the issues expressed in the Development Review Engineer's memorandum, dated October 7, 2013 (Attachment 9) and the Fire Marshal's Certificate of Fire Hydrant Availability (Attachment 13). The plans shall include an illumination plan for the proposed street and a channelization and signing plan.
 - b. Submit an updated Technical Information Report (TIR) and Engineering Plans to apply Level 2 flow control standards and provide conveyance system analysis for review and approval by the Surface Water Management Engineer. The Report and Plans shall be in accordance with the 2009 King County Surface Water Design Manual and address the issues expressed in the Surface Water Management Engineer's memorandum, dated October 7, 2013 (Attachment 10). Specifically, Page 3 of the TIR shall be updated to show the flow control standards checked as Level 2 and the maintenance and operation of all drainage facilities will be "Private".

⁴ Conditions are necessary to mitigate specific impacts of proposed development and comply with City Code.

- c. Submit an Erosion and Sediment Control plan prepared by a Washington State Licensed engineer in accordance with the KCSWDM, Appendix C and D for review and approval by the Surface Water Management Engineer.
 - d. Protect the significant trees proposed for retention consistent with the requirements of BMC 19.25.
3. Prior to recording the final subdivision, the Applicant shall:
 - a. Install all street, stormwater, and utility improvements per the approved plans and provide appropriate performance and maintenance bonds to the Development Review Engineer.
 - b. Pay a fee-in-lieu of providing 390 square feet of recreation space on the property for each of the 4 additional lots created. The fee shall be 1,560 square feet multiplied by the current assessed value per square foot of the property.
 4. Prior to issuance of building permits for future development of single-family homes on each of the new lots, the Applicant shall:
 - a. Record a Declaration of Covenant, provided by the city of Burien, per page 1-46 of the King County Surface Water Design Manual declaring that all drainage facilities on site shall be privately maintained and operated.
 - b. Pay a Transportation Impact Fee as set forth in BMC 19.35.
 5. Prior to beginning any work in the public right-of-way or on-site, the Applicant shall apply for and obtain a right-of-way use construction permit and a clearing and grading permit.
 6. If the project disturbs more than 1 acre, a Construction Stormwater General Permit (also known as "NPDES" permit) is required from the Washington State Department of Ecology prior to discharging stormwater from construction activities.

RECOMMENDED this 18th day of November 2013.



KRISTEN J. LARSON
Hearing Examiner
Sound Law Center



CITY OF BURIEN, WASHINGTON

Department of Community Development

400 SW 152nd St., Suite 300, Burien, Washington 98166

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

TYPE 3 LAND USE REVIEW STAFF RECOMMENDATION TO THE HEARING EXAMINER

DATE: October 16, 2013

FILE NO.: PLA 13-0135

APPLICANT: Mike Lierman, Smackdab Realty LLC

REQUEST: Subdivide one (1) existing 1.14 acre residential lot into five (5) single-family residential lots in the RS 7200 zone

LOCATION: 18052 Occidental Avenue South, Burien, WA (see Attachment 1)

PARCEL: 3223049127

APPLICATION SUBMITTED: January 17, 2013

APPLICATION COMPLETE: March 21, 2013

RECOMMENDATION: Approval with conditions

DECISION MAKER: City Council

HEARING EXAMINER DATE: November 4, 2013

PROJECT PLANNER: Stephanie Jewett, AICP, Project Planner

I. INTRODUCTION

A. PROJECT SUMMARY

The applicant is proposing a 5-lot single-family residential subdivision. The lots are proposed to gain access to Occidental Avenue South from an improved private access street with a 5 foot sidewalk along the northern side of the street and a 3.5 foot paved shoulder on the south side. Frontage improvements consisting of curb, gutter and sidewalk are proposed along Occidental Avenue South. Tract A, located in the northwest portion of the site, is proposed for onsite stormwater facilities including a wet vault for water quality treatment and an infiltration/detention pond for flow control (see Attachments 3 & 4).

EXHIBIT 1

B. RECOMMENDATION

Based on the Findings of Fact and Conclusions (Section II) and Attachments to this report, it is recommended that the application be approved subject to the following conditions:

1. This application is subject to the applicable requirements contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), the 2009 King County Surface Water Design Manual and the 2009 Stormwater Pollution Prevention Manual as adopted by the City of Burien, and the 2008 Burien Road Standards. It is the responsibility of the applicant to ensure compliance with the various provisions contained in these documents. Attachment 2, Residential Subdivision Development Regulations, is provided in this report to familiarize the applicant with some of the additional requirements that may apply to the project. This attachment does not include all of the additional requirements (see Conclusion II.E.1).
2. Prior to the issuance of development permits for any construction activities on-site the applicant shall:
 - a. Submit detailed on-site street improvement plans for review and approval by the Development Review Engineer. The Plans shall be in accordance with the requirements of the 2008 Burien Road Standards and address the issues expressed in the Development Review Engineer's memorandum dated October 7, 2013 (Attachment 9) and the Fire Marshal's Certificate of Fire Hydrant Availability (Attachment 13). The plans shall include an illumination plan for the proposed street and a channelization and signing plan (see Conclusions II.E.3 and II.E.4).
 - b. Submit an updated Technical Information Report (TIR) and Engineering Plans to apply Level 2 flow control standards and provide conveyance system analysis for review and approval by the Surface Water Management Engineer. The Report and Plans shall be in accordance with the 2009 King County Surface Water Design Manual and address the issues expressed in the Surface Water Management Engineer's memorandum dated October 7, 2013 (Attachment 10). Specifically, Page 3 of the TIR shall be updated to show the flow control standards checked as Level 2 and the maintenance and operation of all drainage facilities will be "Private"(see Conclusion II.E.5).
 - c. Submit an Erosion and Sediment Control plan prepared by a Washington State Licensed engineer in accordance with the KCSWDM, Appendix C and D for review and approval by the Surface Water Management Engineer (see Conclusion II.E.5).
 - d. Protect the significant trees proposed for retention consistent with the requirements of BMC 19.25 (see Conclusion II.E.7).

3. Prior to recording the final subdivision, the applicant shall:
 - a. Install all street, stormwater and utility improvements per the approved plans and provide appropriate performance and maintenance bonds to the Development Review Engineer (see Conclusions II.E.3, 4 and 5).
 - b. Pay a fee-in-lieu of providing 390 square feet of recreation space on the property for each of the 4 additional lots created. The fee shall be 1,560 square feet multiplied by the current assessed value per square foot of the property (see Conclusion II.E.6).
4. Prior to issuance of building permits for future development of single-family homes on each of the new lots, the applicant shall:
 - a. Record a Declaration of Covenant, provided by the City of Burien, per page 1-46 of the King County Surface Water Design Manual declaring that all drainage facilities on site shall be privately maintained and operated (see Conclusion II.E.5).
 - b. Pay a Transportation Impact Fee as set forth in BMC 19.35 (see Conclusion II.E.8).
5. Prior to beginning any work in the public right-of-way or on-site, the applicant shall apply for and obtain a right-of-way use construction permit and a clearing & grading permit (see Conclusion II.E.3 & II.E.5).
6. If the project disturbs more than 1 acre, a Construction Stormwater General Permit (also known as "NPDES" permit) is required from the Washington State Department of Ecology prior to discharging stormwater from construction activities (see conclusion II.E.5).

II. FINDINGS OF FACT AND CONCLUSIONS

A. SITE DESCRIPTION

1. Facts:
 - a. Size: 49,658 square feet (1.14 acres)
 - b. Land Use: single family residence
 - c. Terrain: The site slopes gradually down from east to west with an average slope of approximately 5%.
 - d. Vegetation: A landscaped lawn and scattered trees are located on the site. See Section II.E.7 for further analysis of trees located on site.
 - e. Bulk Regulations: For future development of single detached dwelling units, the proposed development standards are:

Front Setback: 20 feet minimum
Interior Setback: 5 feet minimum
Building Coverage: 35% maximum
Impervious Surface Coverage: 70% maximum
Height: 35' maximum
Minimum Parking Required: 2 off-street spaces per dwelling unit

- f. Neighboring Development and Zoning: The subject site is bordered to the North, South, East and West by single family development that is zoned for single-family residential use (RS 7200).
2. Conclusions: Size, land use, terrain, and vegetation are not constraining factors in the consideration of this application. Site specific requirements including, but not limited to, building height, setback, impervious surface coverage and building coverage will be reviewed when building permits are filed for each new lot. This application is consistent with neighboring single-family development.

B. PUBLIC & AGENCY COMMENT

1. Public Comments

- a. Facts: Public notice of this application was posted on the site and published in the newspaper April 2, 2013 and mailed to all property owners within 500 feet of the site on March 29, 2013. See attachment 27 for a copy of the Notice of Application. Ten public comment letters/emails were received during the 30-day comment period, which ended on May 2, 2013. The Applicant submitted a Response to Public Comments letter on October 4, 2013 (Attachment 25). The public comment letters have been summarized and addressed below.

Sandra Coulter (see Attachment 15)

States that her home located at 18036 Occidental Avenue South accesses its power, cable, and phone from a pole owned by Puget Sound Energy currently located on proposed Lot 2 and asks if the proposed subdivision will affect how her home receives these utilities.

City's Response: The Applicant has stated in Attachment 25 that utilities for the new single-family homes will be installed underground within the development and that the existing pole and overhead services to 18036 will be retained in its current or similar configuration and that the owner will not have any obligations as a result of the development.

Asks if the properties bordering the proposed development will have the opportunity to connect to the sewer line proposed on Occidental Avenue South and what the terms, conditions and associated costs would be.

City's Response: Southwest Suburban Sewer District has stated that once the sewer main has been constructed by the developer and accepted by the District, 18036 Occidental Avenue South will have an opportunity to connect. The

Connection charge will be determined by the overall cost of sewer construction and will be determined at the end of the project (see Attachment 28).

Colleen J. Phillips (see Attachment 16)

Expresses concern with how increased traffic from the proposed development might impact pedestrians in the neighborhood, especially students walking to and from school bus stops, given the lack of sidewalks in the neighborhood.

City's Response: As noted in the Applicant's submitted Response to Public Comments (Attachment 25) and School Walkway Conditions Memorandum (Attachment 14), the proposal will include the installation of sidewalks along the property frontage which will result in sidewalks and/or shoulders (4 feet wide or greater) extending south from the project site to the nearest school bus stop located on South 183rd Street and extending northwest from the project site to 1st Avenue South.

Expresses concern over the proposed development's impacts to existing trees on the site.

City's Response: The proposed development will be required to retain 30 percent of the existing significant trees located on the site consistent with the City's tree retention regulations. See section II.D.7 Tree Retention and Protection for additional details.

Sandra Galbraith (see Attachment 17)

Expresses concern over the proposed development's impacts to existing trees and vegetation on the site.

City's Response: The proposed development will be required to retain 30 percent of the existing significant trees located on the site consistent with the City's tree retention regulations. See section II.D.7 Tree Retention and Protection for additional details.

Expresses concern with how the increased traffic from the proposed development might impact pedestrians in the neighborhood.

City's Response: As noted in the Applicant's submitted Response to Public Comments (Attachment 25) and School Walkway Conditions Memorandum (Attachment 14), the proposal will include the installation of sidewalks along the property frontage which will result in sidewalks and/or shoulders (4 feet wide or greater) extending south from the project site to the nearest school bus stop located on South 183rd Street and extending northwest from the project site to 1st Avenue South.

Nathan Enns (see Attachment 18)

Expresses concern about possible noise impacts from future construction of the development.

City's Response: Construction hours will be required to comply with BMC 9.105.400, which limits noise on construction sites between 10 pm and 7am weekdays and between 10 pm and 9 am weekends.

Believes the project will require a rezone and that the proposed development will be out of character with the surrounding existing development in the neighborhood.

City's Response: The proposed development is required to comply with the existing zoning restrictions in the area. See Section II.E.2 Lot Size and Layout, for additional detail. A rezone of the property has not been proposed. The subject site currently zoned for single-family residential use with a minimum lot size of 7200 square feet (RS 7200) and is bordered to the North, South, East and West by single family development that is zoned for single-family residential use (RS 7200).

Expresses concern with the potential for damage to their property during the construction of the proposed development. Especially in regards to the cutting of existing trees on the site.

City's Response: The proposed development will be required to retain 30 percent of the existing significant trees located on the site consistent with the City's tree retention regulations. See section II.D.7 Tree Retention and Protection for additional details. In addition, as noted in the Applicant's Response to Public Comments (Attachment 25), tree removal will be performed by licensed, bonded and insured contractors.

Expresses concern with possible increased parking impacts to the neighborhood.

City's Response: Each single family home that is developed in the City of Burien is required to provide space for two vehicles to park on-site. Compliance with this requirement is reviewed at the time of building permit submittal for each of the single-family homes.

Shirley Rousell (Attachment 19)

Asks if the proposed development will require the existing homes on 2nd Place South that are currently on private septic systems to connect to the sewer.

City's Response: As noted in the Applicant's submitted Response to Public Comments (Attachment 25), sewer will not be extended to 2nd Place South as part of the proposed development and Southwest Suburban Sewer District's Comprehensive Sewer Plan indicates that the homes off of 2nd Place South will eventually be served from the east.

Asks if the proposed development will reduce the current water pressure on 2nd Place South.

City's Response: As noted in the Applicant's submitted Response to Public Comments (Attachment 25), a new water main will connect to the existing public main in Occidental Avenue South, run east through the new development, and then connect to the existing public main in 2nd Place South. This will improve system flow, circulation and reliability.

Asks how drainage will be addressed and expresses concern that changes to the drainage patterns as a result of the development will negatively impact her property.

City's Response: The proposal is required to comply with the 2009 King County Surface Water Design Manual. Surface Water is proposed to be infiltrated on site consistent with these regulations. See section II.E.5 Surface Water Management for additional details.

Asks what the tree retention requirements are for the development and if studies are required to identify impacts to wildlife in the area.

City's Response: The proposed development will be required to retain 30 percent of the existing significant trees located on the site consistent with the City's tree retention regulations. See section II.E.7 Tree Retention and Protection for additional details.

Given the site is not located within an identified critical area (stream, wetland, floodplain or fish & wildlife conservation area) and the proposal is exempt from the City's adopted regulations related to the State Environmental Policy Act (SEPA), as noted in section II.C, the Applicant is not required to generate studies identifying impacts to wildlife in the area.

Asks if there are size, height and setback requirements for the future single-family homes and expresses concern that the future development will not fit in with the existing development patterns in the neighborhood and believes the site would be better suited for 4 lots instead of 5.

City's Response: As noted in the Applicant's submitted Response to Public Comments (Attachment 25), no specific home plans have been developed for the site at this time. The subject site is currently zoned for single-family residential use with a minimum lot size of 7,200 square feet (RS 7200) and is bordered to the North, South, East and West by single family development that is zoned for single-family residential use (RS 7200). Future development on the proposed single family lots will be required to comply with the following bulk standards for the RS 7200 zone:

Front Setback: 20 feet minimum
Interior Setback: 5 feet minimum
Building Coverage: 35% maximum
Impervious Surface Coverage: 70% maximum
Height: 35' maximum

Expresses concern about possible noise impacts from future construction of the development.

City's Response: Construction hours will be required to comply with BMC 9.105.400, which limits noise on construction sites between 10 pm and 7am weekdays and between 10 pm and 9 am weekends.

Asks when construction might start and how long it will last.

City's Response: As noted in the Applicant's submitted Response to Public Comments (Attachment 25) site development and home construction is anticipated to be completed within 9 to 12 months, depending on weather and sales.

Danelle Garcia (Attachment 20)

Expresses concern with how location of the future homes on lots 2, 3 and 4 might affect existing views to the west from 18064 2nd Place South.

City's Response: The City of Burien does not regulate existing views. As noted in the Applicant's submitted Response to Public Comments, specific home plans have not been developed at this time.

Asks if they will be able to access the proposed sewer line.

City's Response: As noted in the Applicant's submitted Response to Public Comments (Attachment 25), sewer will not be extended to 2nd Place South and Southwest Suburban Sewer District's Comprehensive Sewer Plan indicates that the homes off of 2nd Place South will eventually be served from the east.

States that the new homes should not be able to access 2nd Place South.

City's Response: Access to the subdivision is proposed from Occidental Avenue South. No access is proposed to 2nd Place South.

Debbie Jurasek (Attachment 21)

Expresses concerns about traffic impacts to 2nd Place South.

City's Response: Access to the subdivision is proposed from Occidental Avenue South. No access is proposed to 2nd Place South.

Lloyd Whisman (Attachment 22)

Asks about water and sewer service to the proposal and expresses concern about traffic impacts to 2nd Place South.

City's Response: As noted in the Applicant's submitted Response to Public Comments (Attachment 25), a new water main will connect to the existing public main in Occidental Avenue South; run east through the new development and

then connect to the existing public main in 2nd Place South. This will improve system flow, circulation and reliability.

As also noted in the Applicant's submitted Response to Public Comments (Attachment 25) sewer will not be extended to 2nd Place South as part of this proposal and Southwest Suburban Sewer District's Comprehensive Sewer Plan indicates that the homes off of 2nd Place South will eventually be served from the east.

Access to the subdivision is proposed from Occidental Avenue South. No access is proposed to 2nd Place South.

Bonnie White (Attachment 23)

Asks about water and sewer service to the proposal and expresses concern about traffic impacts to 2nd Place South.

City's Response: As noted in the Applicant's submitted Response to Public Comments (Attachment 25), a new water main will connect to the existing public main in Occidental Avenue South, run east through the new development and then connect to the existing public main in 2nd Place South. This will improve system flow, circulation and reliability.

As also noted in the Applicant's submitted Response to Public Comments (Attachment 25) sewer will not be extended to 2nd Place South as part of this proposal and Southwest Suburban Sewer District's Comprehensive Sewer Plan indicates that the homes off of 2nd Place South will eventually be served from the east.

Access to the subdivision is proposed from Occidental Avenue South. No access is proposed to 2nd Place South.

Daniel Sevin (Attachment 24)

Asks how the proposal will be served by sewer.

City's Response: As noted in the Applicant's submitted Response to Public Comments (Attachment 25), the new homes will be served by public sewer from Occidental Avenue South, which will be extended from the new fire station.

- b. Conclusions: The public comment requirement has been addressed for the proposal.

2. Agency Comments

- a. Facts: On March 29, 2013, notice of this application was distributed to Puget Sound Energy, Highline Water District, King County Fire District # 2, SW Suburban Sewer District, Highline School District and Burien Police Services. The water, sewer and fire districts have completed availability forms with comments and requirements (see Section II.E.4). No responses were received from Puget Sound Energy, Highline School District or Burien Police Services.
- b. Conclusions: The agency comment requirement has been addressed for the proposal.

C. STATE ENVIRONMENTAL POLICY ACT (SEPA)

1. Facts: The City's adopted regulations related to the State Environmental Policy Act (SEPA), requires a SEPA Checklist and SEPA determination for all proposed subdivisions of more than twenty (20) dwelling units (BMC 14.10.040 (1)). Therefore, the proposed subdivision of five (5) residential lots is exempt from SEPA.
2. Conclusions: The proposed five (5) lot subdivision is exempt from SEPA requirements.

D. APPROVAL CRITERIA

1. Subdivision Code Compliance

- a. Facts: The Burien Subdivision Code outlines various standards which are to be met when creating a subdivision. The purpose of the City of Burien's subdivision regulations is to:
 - (1) Set forth the rules and regulations for the division of real property into subdivisions;
 - (2) Provide for the proper location and width of streets, building lines; open spaces, safety and recreation facilities, utilities, and drainage;
 - (3) Provide for the avoidance of congestion of population through requirements of minimum lot area and compatibility of design;
 - (4) Require and fix the extent to which and the manner in which streets shall be graded and improved, and water, sewer, drainage, and other utility mains and piping or connections of other physical improvements shall be installed; and
 - (5) Provide for and secure the actual construction of such physical improvements.
- b. Conclusions: The application, as conditioned, meets the subdivision standards (see Section II.E).

2. Revised Code of Washington Section 58.17.110

a. Facts:

(1) RCW 58.17.110, as amended, states that "A proposed subdivision shall not be approved unless the city... makes written findings that:

- i) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts...; and
- ii) The public use and interest will be served by the platting of such subdivision and dedication."

(2) Pursuant to BMC 17.35.120.2 the preliminary plat decision shall be based on conformance to adopted city rules and regulations and RCW 58.17.110 states that prior to approval of the subdivision the city must find that the public use and interest must be served by the platting of such subdivision.

b. Conclusions: The proposal, as conditioned, complies with RCW 58.17.110. As conditioned, it will serve the public use and interest and is consistent with the public health, safety, and general welfare because it will contribute to the community's ability to provide additional single-family residential units and additional home ownership opportunities within the community. The property will develop in accordance with the Comprehensive Plan for this area (see Section II.F).

E. DEVELOPMENT REGULATIONS

1. General Compliance

- a. Fact: 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 and the 2009 Stormwater Pollution Prevention Manual as adopted by the City of Burien, and the City of Burien 2008 adopted Road Design and Construction Standards.
- b. Conclusion: It is the responsibility of the applicant to ensure compliance with the various provisions contained in the Burien Municipal Code (including but not limited to the Zoning Code, Building Code and Fire Code), 2009 King County Surface Water Design Manual and the 2009 Stormwater Pollution Prevention Manual as adopted by the City of Burien, and the City of Burien 2008 adopted Road Design and Construction Standards. Attachment 2, Residential Subdivision Development Requirements, is provided to familiarize the applicant with some of the additional requirements that may apply to the project. This attachment does not include all of the additional requirements.

2. Lot Size and Layout

- a. **Facts:** The site is zoned RS 7200 Single-Family Residential. The minimum lot area per each single-family dwelling unit for this zone is 7,200 square feet. No lot may be created less than the minimum lot area except through the application of lot averaging (BMC 19.15.005.2). Lot averaging allows for lots to be created that are 90 percent of the minimum lot area, or 6,480 square feet in the RS 7200 zone, as long as the overall average lot size of the development remains at or greater than 7,200 square feet. The proposal for 5 lots (Attachment 3) meets the minimum lot size requirement through the use of lot averaging. Proposed lot sizes and overall lot average are as follows:

| Lot No. | Square Feet |
|-------------------------|-------------|
| 1 | 7,299 |
| 2 | 8,769 |
| 3 | 6,882 |
| 4 | 7,886 |
| 5 | 7,214 |
| Lot Size Average | |
| 38,050/5 = 7,610 | |

- b. **Conclusion:** The proposed preliminary plat satisfies the minimum lot area requirements for the RS 7200 zone as outlined in BMC 19.15.005.2.

3. Street Improvements & Access

- a. **Facts:** City of Burien Municipal Code section 17.35.120 requires that access and street improvements comply with the 2008 Burien Road Standards. The Applicant submitted a road standards variance approved by the City's Public Works Director (Attachment 8) for the allowance of a 5 foot sidewalk along the northern side of the proposed access street and a 3.5 foot asphalt shoulder in place of a 5 foot sidewalk along the southern side of the access road. The City of Burien Development Review Engineer reviewed the proposed development for compliance with the 2008 Burien Road Standards and provided comments in a memorandum dated October 7, 2013 (Attachment 9) including the following:

- (1) The proposed new street shall be designed as a Private Access Tract and meet the geometric design criteria for minor access streets in accordance with 2008 Burien Road Standards (BRS). This includes a minimum tract width of 26 feet, minimum pavement width of 20 feet and pedestrian connection to the public right-of-way.

- (2) Frontage improvements along Occidental Avenue South shall consist of curb, gutter, five foot wide sidewalk, ADA ramps and pavement widening, storm drain system and full overlay in accordance with the 2008 Burien Road Standards.
- (3) All required utilities, drainage and street improvement plans shall be designed by a Washington State Licensed Civil Engineer in accordance with the 2008 Burien Road Standards and 2009 King County Surface Water Design Manual.
- (4) All utilities serving the property shall be placed underground.
- (5) A channelization and signing plan shall be submitted for review and approval by the Public Works Department prior to issuance of construction permits.
- (6) Prior to issue of clear and grade permit, the applicant shall submit approved utility plans for the various underground utilities serving or proposed to serve the site.
- (7) A Right-of-way use permit will be required for all work performed in the public right-of-way, as required by BMC 12.17 and 12.18.
- (8) A Clearing & Grading permit will be required for all on-site work, including installation of on-site drainage and street improvements, prior to beginning any construction.
- (9) An illumination plan for the proposed private street shall be submitted to the Public Works Department for review and approval prior to issuance of construction permits. Any required pole installation (or relocations) shall be coordinated with Puget Sound Energy (PSE), and meet applicable City of Burien and PSE Standards. Applicant shall design minimum 25 feet steel post street light with LED fixture to meet the 2008 BRS foot candle requirements, Section 5.05. Developer shall provide assurance to collect street light billing either through Water District or Home Owners Association. Lights shall be designed in accordance with the 2008 Burien Road Standards, Section 5.05. The Applicant shall coordinate with Puget Sound Energy for street illumination design, standards and maintenance requirements.
- (10) Restoration, Performance and maintenance security bonds are required for site and right-of-way improvements.
- (11) As-Built drawings shall be prepared by professional surveyor in accordance with City of Burien checklist or 2008 Burien Road Standards and 2009 King County Surface Water Design Manual.

- b. Conclusions: Prior to issuance of development permits for any construction activities on-site, the applicant shall submit for review and approval to the Development Review Engineer final engineered drawings for all required street improvements consistent with the Development Review Engineer's comments dated October 7, 2013 (see Attachment 9). The plans shall include an illumination plan for the proposed street and a channelization and signing plan. Prior to recording the final subdivision the applicant shall install all required street improvements per the approved plans and provide appropriate performance and maintenance bonds to the Development Review Engineer. A right-of-way construction permit is required prior to any work performed in the public right-of-way and a clearing & grading permit is required for all on-site work, including on-site drainage and street improvements.

4. Utilities

a. Facts:

- (1) The site is located within Highline Water District. Highline Water District approved the development for public water service based on the findings that the nearest fire hydrant is located approximately 15 feet from the site with a flow rate of 1000 gallons per minute for a duration of 2 hours or more and with the condition that the project will require the developer to connect to the 8 inch diameter water main in Occidental Avenue South and extend and connect to the 6 inch water main at the NE corner of the property (see Attachment 11).
 - (2) The site is located within the Southwest Suburban Sewer District. Southwest Suburban Sewer District issued a certificate of sewer availability to serve the proposed development based on the satisfactory completion of 360 feet of sanitary sewer trunkline or lateral to reach the site, the recording of a sewer easement and the payment of connection charges (see Attachment 12).
 - (3) Fire District #2 provides fire protection to the area. The Fire Marshal approved the development for water flow, hydrant spacing and access with the following conditions: 1) The private street shall be marked fire lane on both sides with no parking allowed; 2) The fire lane and maintenance provisions shall be recorded on the face of the final plat; and 3) future homes on Lots 2, 3 and 4 may require residential sprinklers if any portion is located over 350 feet from existing hydrant (see Attachment 13).
- b. Conclusion: Prior to recording the Final Subdivision, water and sewer service shall be provided to each lot, or a bond submitted, consistent with the requirements of the serving utility and the Subdivision Code. The applicant shall show any utility easements or reference documents pertaining to sewer and water utility easements, which are necessary to provide service to the lots. Prior to issuance of development permits for any lots, the applicant shall demonstrate conformance with all requirements of the Fire Marshal.

5. Surface Water Management

a. Facts:

- (1) The City of Burien adopted the 2009 King County Surface Water Design Manual (KCSWDM) and 2009 Stormwater Pollution Prevention Manual (SPPM) as the City's drainage control regulations (BMC 13.10).
- (2) The applicant submitted a Preliminary Technical Information Report (TIR) for storm drainage by Duncanson Company, Inc (see Attachment 6) and a subsequent update to Section 4 of the TIR (see Attachment 7) addressing surface water management facilities for the proposed development.
- (3) The City of Burien Public Works Surface Water Management Engineer reviewed the proposed development for compliance with the 2009 KCSWDM and 2009 SPPM and provided comments in a memorandum dated October 7, 2013 (see Attachment 9), including the following:
 - i) In general, the proposed wet vault for water quality treatment and infiltration/detention pond for flow control appears reasonable. Refinement of the final design of water quality treatment, flow control facilities, and conveyance system will be required prior to issuance of development permits for any construction activities on-site.
 - ii) The submitted TIR shall be updated to apply "Level 2" Flow Control and check as level 2 in the TIR (page 3) and provide conveyance system analysis details including pipe flow tables, flow profile computation tables, monographs, charts, graphs, detail drawings, and other tabular and graphic aides used to design and confirm performance of the conveyance system. Conveyance system analysis shall include existing conveyance systems, and the design of the proposed system. Verify the capacity and performance of each element of conveyance system. Backwater analysis might be needed to verify existing and new drainage system can handle additional runoff from the development.
 - iii) In computing runoff from the site, the assumed impervious coverage shall not be less than 4,000 square feet per lot or the maximum impervious coverage permitted by city code (BMC 19.15.005), whichever is less.
 - iv) Maintenance and operation of all drainage facilities will be the responsibility of the applicant or property owner. Mark as "Private" Maintenance and Operation Responsibility in the TIR (page 3).
 - v) All drainage facilities on site shall be private. The facilities shall be owned and maintained by a Homeowner's Association. All privately maintained facilities must be maintained as specified in the site/lot's declaration of covenant and grant of easement per Section 5.2.1. of the KCSWDM.
 - vi) At least three ESC inspections are required i.e., prior to clearing and construction, during construction, upon completion of construction.

- vii) A Declaration of Covenant must be recorded prior to engineering plan approval per page 1-46 of the KCSWDM. The form and the instruction of the covenant will be provided during building permit process.
- viii) If the project disturbs more than 1 acre, the Department of Ecology's Construction Stormwater General Permit (also known as the "NPDES" permit) shall be required. The Applicant must submit the Notice of Intent (NOI) to Ecology at least 60 days before discharging stormwater from construction activities. More detail about the permit can be found at [-http://www.ecy.wa.gov/programs/wq/stormwater/construction/](http://www.ecy.wa.gov/programs/wq/stormwater/construction/)

b. Conclusions:

- (1) Prior to issuance of development permits for any construction activities on-site, the applicant shall:
 - i) Submit an updated Technical Information Report (TIR) and Engineering Plans to apply Level 2 flow control standards and provide conveyance system analysis for review and approval by the Surface Water Management Engineer.
 - ii) Submit an Erosion and Sediment Control (ESC) plan prepared by a Washington State Licensed engineer in accordance with the KCSWDM, Appendix C and D for review and approval by the Surface Water Management Engineer.
- (2) Prior to recording the final subdivision, the applicant shall:
 - i) Install approved stormwater improvements and provide restoration, performance and maintenance security bonds or other security methods as required by the Surface Water Management Engineer.
- (3) Prior to issuance of building permits for future single-family home development on each of the new lots, the applicant shall:
 - i) Record a Declaration of Covenant, provided by the City of Burien, per page 1-46 of the King County Surface Water Design Manual declaring that all drainage facilities on site shall be privately maintained and operated.
- (4) An engineer licensed in the State of Washington shall prepare all plans for storm water improvements.
- (5) A right-of-way construction permit is required prior to any work in the right-of-way and a grading and clearing permit is required for all on-site drainage and access improvements.

- (6) A Construction Stormwater General Permit (also known as “NPDES” permit) is required from the Washington State Department of Ecology prior to discharging stormwater from construction activities.

6. Fee-In-Lieu of Recreation Space

- a. Facts: The Burien Zoning Code requires residential developments to provide on-site recreational areas or pay a fee-in-lieu of actual recreational space when the space is not provided (BMC 19.17.013). Since no on-site recreation space meeting the Code requirements has been provided, a fee-in-lieu of recreation space will be required. The applicant shall pay for 390 square feet of recreation space for each additional lot being created. For the proposed subdivision 4 additional lots are being created (credit is received for the one existing lot). This fee shall be based on the assessed value per square foot of the land at the time of recording.
- b. Conclusions: To comply with the requirements of BMC 19.17.013, the Applicant shall pay a fee in lieu of providing 390 square feet of recreation space on the property for each of the 4 additional lots created. The fee shall be 1,560 square feet multiplied by the current assessed value per square foot of the property. The fee shall be paid prior to recording the final plat.

7. Tree Retention and Protection

- a. Facts: Single Detached Dwelling Units in the RS 7200 zone are required to comply with Landscape Category A (BMC 19.15.005.2). Landscape Category A requires 30% of the significant trees located on site to be retained (BMC 19.25.120.2). A significant tree is defined as a healthy tree, which when measured four feet above grade, has a minimum diameter of 8 inches for evergreen trees or 12 inches for deciduous trees (BMC 19.10.493). Each significant tree that is retained may be credited as two trees for complying with the retention requirements if it exceeds 24 inches in diameter for evergreen trees or is located in a grouping of at least five trees with canopies that touch or overlap (BMC 19.25.140).

The submitted tree retention plan (Attachment 5) shows that 16 significant trees are located on the site and of these 16 significant trees, 4 significant trees will be retained, including one evergreen tree greater than 24 inches in diameter for a total significant tree retention credit of 5 trees (30%).

- b. Conclusions: The significant tree retention plan meets the City’s significant tree retention requirements. Prior to or in conjunction with any development activity, the applicant shall protect the significant trees proposed for retention located on the site. Protective measures shall comply with the requirements of BMC 19.25 (see Residential Subdivision Development Regulations, Attachment 2).

8. Transportation Impact Fee

- a. Facts: Any person who receives a building permit or any other construction permit for any development activity or who undertakes any development activity within the City's corporate limits for which a building permit or other construction permit is not required, shall pay a transportation impact fee as set forth in Table 19.35-2 at the time of issuance of the permit (BMC 19.35.060).
- b. Conclusions: Prior to issuance of building permits for future development on each of the new lots, the applicant shall pay a Transportation Impact Fee as set forth in Table 19.35-2.

F. COMPREHENSIVE PLAN

1. Facts: The subject property is designated Moderate Density Residential Neighborhood. Burien Comprehensive Plan Policy RE 1.6 indicates that the Moderate Density Residential Neighborhood designation should provide primarily single-family residential uses in neighborhoods suitable for this type of development, where community improvements and facilities that are normally necessary for development can be provided. Development within this designation includes existing neighborhoods that have been platted at greater than four units per acre.
2. Conclusions: The proposed subdivision is consistent with the Moderate Density Residential Neighborhood land use designation. As conditioned, the proposal complies with the Comprehensive Plan.

III. APPEALS AND JUDICIAL REVIEW

State law allows the city's final decision to be appealed by a party of record with standing by filing a land use petition in King County superior court. Such petition must be filed within 21 days after issuance of the decision, as provided in RCW 36.70C.

IV. LAPSE OF APPROVAL

Under BMC 17.40.140(3)(a), subdivision preliminary approvals shall be valid for seven (7) years. If any condition is not satisfied and the final plat is not recorded within the 7-year period the preliminary subdivision approval shall be null and void. If all conditions have been satisfied and all required documents have been submitted within the 7-year period, the city may grant a single extension of up to 90 days to obtain additional information or for the processing and recording of final plat documents. Applicants will have a maximum of 30 days to comply with requests for additional information made within the extension period.

V. ATTACHMENTS

1. Vicinity Map
2. Residential Subdivision Development Regulations
3. Preliminary Plat
4. Conceptual Road & Utility Plan
5. Tree Retention Plan
6. Preliminary Technical Information Report, Duncanson Company, Inc., January 15, 2010
7. March 12, 2013 update to Section 4 of the Preliminary Technical Information Report, Duncanson Company, Inc., January 15, 2010
8. Road Standards Variance, granted March 15, 2013
9. Public Works Recommended Conditions of Land Use Approval, dated October 7, 2013, Ramesh Davad, Development Review Engineer
10. Public Works Stormwater Conditions of Land Use Approval, dated October 7, 2013, Huengkook Lim, Surface Water Management Engineer
11. Certificate of Water Availability, Highline Water District, December 21, 2012
12. Certificate of Sewer Availability, Southwest Suburban Sewer District, January 3, 2013
13. Certificate of Fire Hydrant Availability, King County Fire District #2, dated January 9, 2013
14. WestView PLA 13-0135 School Walkway Conditions
15. Comment email, Sandra Coulter, received April 2, 2013
16. Comment Letter, Colleen Phillips, received April 17, 2013
17. Comment Letter, Sandra Gaebraith, received April 23, 2013
18. Comment email, Nathan Enns, received April 26, 2013
19. Comment email, Shirley Rousell, received April 27, 2013
20. Comment email, Danelle Bautista, received April 28, 2013
21. Comment email, Debbie Jurasek, received April 29, 2013
22. Comment email, Lloyd Whisman, received April 30, 2013
23. Comment email, Bonnie White, received May 1, 2013
24. Comment email, Daniel Sevin, received May 1, 2013
25. Response to Public Comments, Harold Duncanson, P.E., October 4, 2013
26. Preliminary Subdivision Application
27. Notice of Application
28. Email from Jason R. Richardson, Utility Inspector, Southwest Suburban Sewer District, October 15, 2013

VI. PARTIES OF RECORD

| Name | Address |
|---------------------------------------|--|
| Mike Lierman, Smackdab Realty LLC | 26108 SE 27 th Street Sammamish, WA 98075 |
| Harold Duncanson, Duncanson Co., Inc. | 145 SW 155 th Street, Suite 102 Burien, WA 98166 |
| Sandra Coulter | 18036 Occidental Avenue South Burien, WA 98148 |
| Colleen Phillips | 18107 Occidental Avenue South Burien, WA 98148 |
| Sandra Galbraith | 3937 South 293 rd Street Auburn, WA 98001 |
| Nathan Enns | 18060 Occidental Avenue South Burien, WA 98148 |
| Shirley Rousell | 18053 2 nd Place South Burien, WA 98148 |
| Danelle Garcia | 18064 2 nd Place South Burien, WA 98148 |
| Debbie Jurasek | 18056 2 nd Place South Burien, WA 98148 |
| Lloyd Whisman | 19025 2 nd Place South Burien, WA 98148 |
| Bonnie White | 18041 2 nd Place South Burien, WA 98148 |
| Daniel Sevin | 104 South 182 nd Street Burien, WA 98148 |
| Bob Searing | 18032 2 nd Place South Burien, WA 98148 |

Dated this 16th day of October, 2013

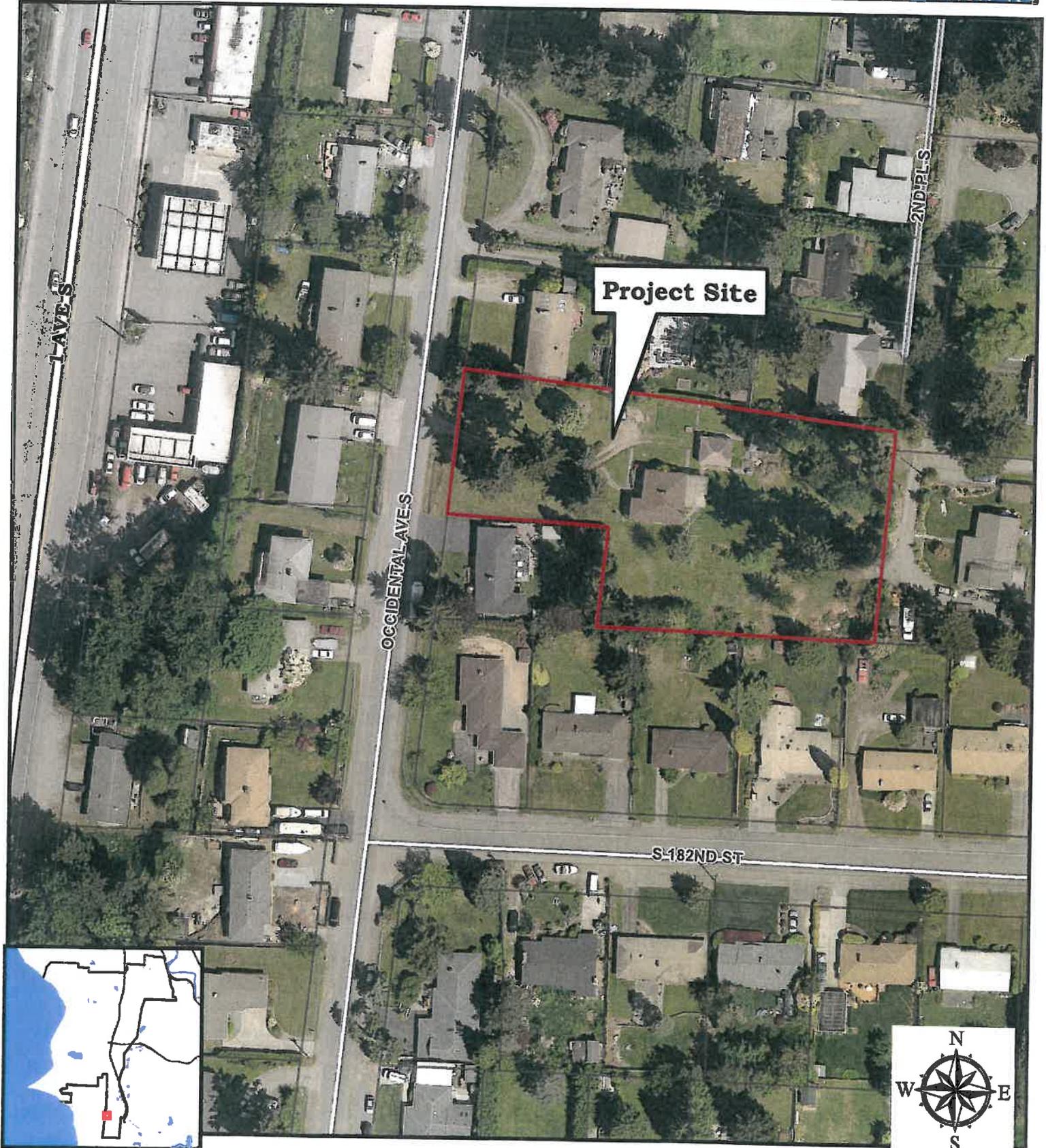


Charles W. "Chip" Davis, AICP
Community Development Director

Vicinity Map

File: PLA 13-0135 (Westview Subdivision)

Address: 18052 Occidental Avenue South



RESIDENTIAL SUBDIVISION DEVELOPMENT REGULATIONS
For Subdivisions and Consequent Building Permits

In addition to the standards addressed in the staff report, the City of Burien and other agencies will review the Final Plat and the Building Permits to ensure compliance with all applicable city, county, and state codes and policies. At a minimum, the following sections of the Burien Municipal Code (BMC), King County Code (KCC), and state laws will be analyzed during those reviews.

BMC 13.10 Surface Water Management

BMC 12.05 Road Design and Construction Standards

BMC 12.40.070 Undergrounding of Utilities

This section applies to new construction on an undeveloped site, to any substantial improvement on a developed site and any new or altered service. All utility lines on a site must be undergrounded. All existing overhead utility lines in the right of way adjacent to the site must be undergrounded unless the Public Works Director determines that this is infeasible. The Public Works Director may require the applicant to submit a statement from all utility companies with existing overhead lines indicating if undergrounding in the right-of-way is feasible. If the Public Works Director determines that undergrounding in the right of way is not feasible, the property owner must sign a concomitant agreement for future undergrounding.

BMC Title 17 Subdivision Code

17.15.280 Sewage disposal.

Prior to recording the final plat, either the approved public sewage system shall be installed to serve each lot, or a bond or similar security shall be deposited with the city of Burien and may be assigned to a purveyor to assure the construction of such facilities within two years of the date of plat recording.

17.15.290 Water supply.

Prior to recording the final plat, the approved public water system shall be installed to serve each lot unless a bond or similar security has been deposited with the city of Burien in a form and amount, and with conditions satisfactory to the city of Burien to provide for the construction of required water facilities in Group A systems as defined by board of health regulations, within two years of the date of plat recording.

17.25.010 Site Improvements.

Prior to approval of the final plat, all streets shall be improved in full compliance with and pursuant to a construction permit issued by the city of Burien. In lieu of the full compliance herewith, the plattor may deposit a performance bond with the city in an amount equal to the cost as a guarantee that the plattor will, within one year from the date of acceptance of the plat, fully comply with all the requirements set forth to the satisfaction of the development engineer.

17.40.040.3 Qualifications governing preliminary plat approval.

Prior to approval of the final plat, engineering details of the proposed streets, storm drainage, sanitary sewer and water systems and other proposed public facilities shall be approved by the city engineer and the King County department of public health.

17.45.030 Monuments.

All monuments shall be set after the grading of the streets. In case the plat is approved before the grading is complete, the grading shall be done and the monuments shall be set before the release of the road guarantee bond.

17.55.070 Performance Bond.

A performance bond or other satisfactory security shall be submitted to secure the successful operation of improvements for a period of 12 months in an amount and form satisfactory to the city. Such bond or security shall cover workmanship and materials, damage from reasonable expected usage and damage due to construction activities.

BMC Title 19 Zoning Code

19.10.265 Structure height.

Structure height is the vertical distance measured from average natural grade to the highest point of the structure. Natural grade is the topography of the lot immediately prior to any site preparation or grading, including excavation or filling. Prior to issuance of any development permits for the site, the city must have on file a topographic survey showing natural grade of the site prior to any development activity.

19.20.100.10 Parking for single detached dwelling units.

All vehicle parking and storage must be in a garage, carport or on an approved impervious surface. Any impervious surface used for vehicle parking or storage must have direct and unobstructed driveway access. Parking spaces shall be adequately sized and located to accommodate a standard-sized vehicle without the vehicle extending into the public right-of-way or vehicular access easement or tract.

19.35 Transportation Impact Fees.

19.35.060 Imposition of transportation impact fees.

Any person who receives a building permit or other construction permit for any development activity or who undertakes any development activity within the city's corporate limits for which a building permit, or other construction permit if a building permit is not required, shall pay the transportation impact fees as set forth in this chapter to the city. The impact fees shall be paid at the time of issuance of the permit.

19.17.013 Residential Recreation Space.

19.17.013 Fee in lieu of on-site recreation space.

In lieu of providing 390 square feet of on-site recreation space for each new lot created, the applicant shall pay a fee in lieu.

19.17.240 Sight Distance Requirements.

A sight distance triangle area shall contain no fence, berm, vegetation, on-site vehicle parking area, signs or other physical obstruction between 42 inches and eight feet above the existing street grade. The sight distance triangle at a site access point (driveway) is determined by measuring 15 feet along the street line and 15 feet along the edges of the driveway starting at the point of intersection. The third side of each triangle shall be a line connecting the endpoints of the first two sides of each triangle.

19.17.290 (1) Fences.

Fences exceeding a height of six feet shall comply with the applicable street and interior setbacks of the zone in which the property is located.

19.25.120 Significant trees - Retention required.

Significant trees shall be retained as follows:

Landscape Category A: Thirty percent (30%) of the *significant trees* located on the *site*, excluding *critical areas* or their *buffers*.

19.25.150 Significant trees - Protection.

To provide the best protection for *significant trees*:

1. No clearing shall be allowed on a *site* until approval of tree retention and landscape plans;
2. An area of prohibited disturbance, generally corresponding to the drip line of the *significant tree* shall be protected during construction with a temporary five-foot-high chain link or plastic net *fence*. The fencing shall be installed prior to issuance of development permits for the *site*;
3. No *impervious surfaces*, fill, excavation, or storage of construction materials shall be permitted within the area defined by such *fencing*;
4. A rock well shall be constructed if the grade level around the tree is to be raised by more than one foot. The inside diameter of the well shall be equal to the diameter of the drip line of the tree;
5. The grade level shall not be lowered within the larger of the two areas defined as follows:
 - A. The drip line of the tree(s); or
 - B. An area around the tree equal to one foot diameter for each inch of tree trunk diameter measured four feet above the ground; and
6. Alternative protection methods may be used if determined by the *Director* to provide equal or greater tree protection. [Ord. 293 § 1, 2000]

19.70.050 Surface Water Management.

All new development shall be served by an adequate surface water management system approved by the department as being consistent with the design, operating and procedural requirements of the 2009 Surface Water Design Manual and KCC Title 9.

19.70.100 Adequate Vehicular access.

All new development shall be served by adequate vehicular access meeting the standards of this section.

19.70.110 Adequate Fire Protection.

All new development shall be served by adequate fire protection. The water supply system must provide at least minimum fire flow and the road system must provide life safety/rescue access. Other fire protection requirements for buildings must be met as required by the fire code and IBC, and building and construction standards.

SW 1/4 of NW 1/4, S. 32 T. 23 N., R. 04 E., W.M.

**PRELIMINARY FLAT
OF
WESTVIEW**

TOPOGRAPHY NOTE
1. TOPOGRAPHY BASED ON FIELD SURVEY PERFORMED BY SHROETER LAND SURVEYING.

DEMOLITION NOTE
1. EXISTING STRUCTURES AND IMPROVEMENTS TO BE REMOVED.

LEGAL DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 32, TOWNSHIP 23 NORTH, RANGE 4 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:
BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 32; THENCE NORTH 4°42'58" EAST ALONG THE WEST LINE OF SAID SECTION 32, 673.25 FEET;
THENCE NORTH 89°44'38" EAST 228.02 FEET TO THE CENTER LINE OF OCCIDENTAL AVENUE 18878;
THENCE NORTHERLY ALONG SAID CENTER LINE NORTH 4°40'38" EAST 188.26 FEET;
THENCE SOUTH 89°19'21" EAST 20.00 FEET TO THE EASTERLY MARION OF SAID OCCIDENTAL AVENUE SOUTH AND THE TRUE POINT OF BEGINNING;
THENCE CONTINUING SOUTH 89°19'21" EAST 342.20 FEET TO THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 32;
THENCE SOUTHERLY ALONG SAID WEST LINE SOUTH 41°01'13" WEST 164.00 FEET TO THE NORTH LINE OF MANHATTAN VILLAGE, AS PER FLAT RECORDED IN VOLUME 50 OF PLATS, PAGE 24, RECORDS OF KING COUNTY AUDITOR;
THENCE ALONG SAID NORTH LINE SOUTH 89°44'38" WEST 688.11 FEET TO THE SOUTHEAST CORNER OF PARCEL DECEDED TO MARCEL A. CRANE ON JANUARY 8, 1984 AND RECORDED UNDER AUDITOR'S FILE NO. 441000, RECORDS OF KING COUNTY AUDITOR;
THENCE ALONG THE EASTERLY AND NORTHERLY BOUNDARY OF SAID PARCEL NORTH 4°40'30" EAST 80.00 FEET;
THENCE SOUTH 89°44'38" WEST 128.00 FEET TO THE EASTERLY MARION OF OCCIDENTAL AVENUE SOUTH;
THENCE NORTHERLY ALONG SAID EASTERLY MARION NORTH 4°40'38" EAST 118.25 FEET TO THE TRUE POINT OF BEGINNING; SITUATE IN THE CITY OF BURIED, COUNTY OF KING, STATE OF WASHINGTON.

SHEET INDEX

PP1 COVER SHEET
PP2 CONCEPTUAL ROAD AND UTILITY PLAN
PP3 TREE RETENTION PLAN

ZONING/DENSITY INFORMATION

TAX LOT 322304-8127
TOTAL AREA: 1.14 AC (49,458 SF)
ZONING: R57-7200
PROPOSED USE: SINGLE FAMILY RESIDENCES
PROPOSED UNITS: 5 UNITS
MINIMUM LOT SIZE: 6,882 SF
AVERAGE LOT SIZE: 7,610 SF

TRACT TABLE

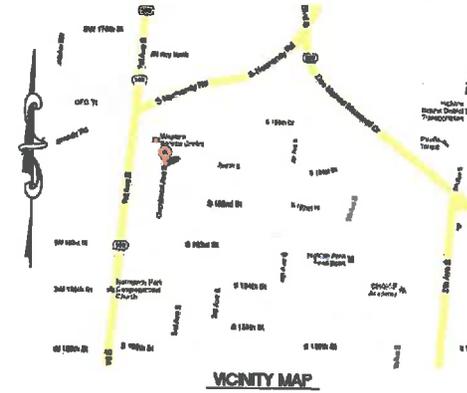
| TRACT | USE | AREA |
|-------|-------------------|----------|
| A | INFILTRATION POND | 3,994 SF |
| B | PRIVATE ROAD | 9,208 SF |

CONTACT INFORMATION

SITE: 18052 OCCIDENTAL AVENUE SOUTH
BURIED, WA 98148
OWNER/APPLICANT: SMACKDAB REALTY, LLC
C/O TODD MCKITTRICK
28108 SE 27TH ST
SAMMAMISH, WA 98075
360-350-4848
ENGINEER/SURVEYOR: DUNCANSON COMPANY, INC.
145 SOUTHWEST 159TH STREET, #102
SEATTLE, WA 98188
HAROLD DUNCANSON, PE
JONATHAN BECKER, PLS
206-244-4141

UTILITY INFORMATION

WATER SERVICE: HIGHLINE WATER DISTRICT
32859 30TH AVENUE SOUTH
RENT, WA 98034
(206)324-0373
SEWER SERVICE: SOUTHWEST SUBURBAN SEWER DISTRICT
431 SW AUBURN BLVD.
BURIED, WA 98165-2462
(206)244-9675
FIRE SERVICE: KING COUNTY FIRE DISTRICT NO. 2
13910 30TH AVENUE SW
BURIED, WA 98165
(206)242-2040
SCHOOL DISTRICT: HIGHLINE SCHOOL DISTRICT
18075 AUBURN BLVD. SW
SEATTLE, WA 98188
(206) 433-3217
TELEPHONE: CENTURYLINK
POWER: PUGET SOUND ENERGY
1-800-862-1181
GAS: PUGET SOUND ENERGY
1-800-862-1181



SMACKDAB REALTY, LLC
C/O TODD MCKITTRICK
28108 SE 27TH ST
SAMMAMISH, WA 98075

| NO. | DATE | DESCRIPTION | BY |
|-----|---------|----------------------|-----|
| 1 | 2/15/13 | ADD ASPHALT DRIVEWAY | MCH |

**WESTVIEW
PRELIMINARY FLAT**

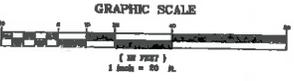
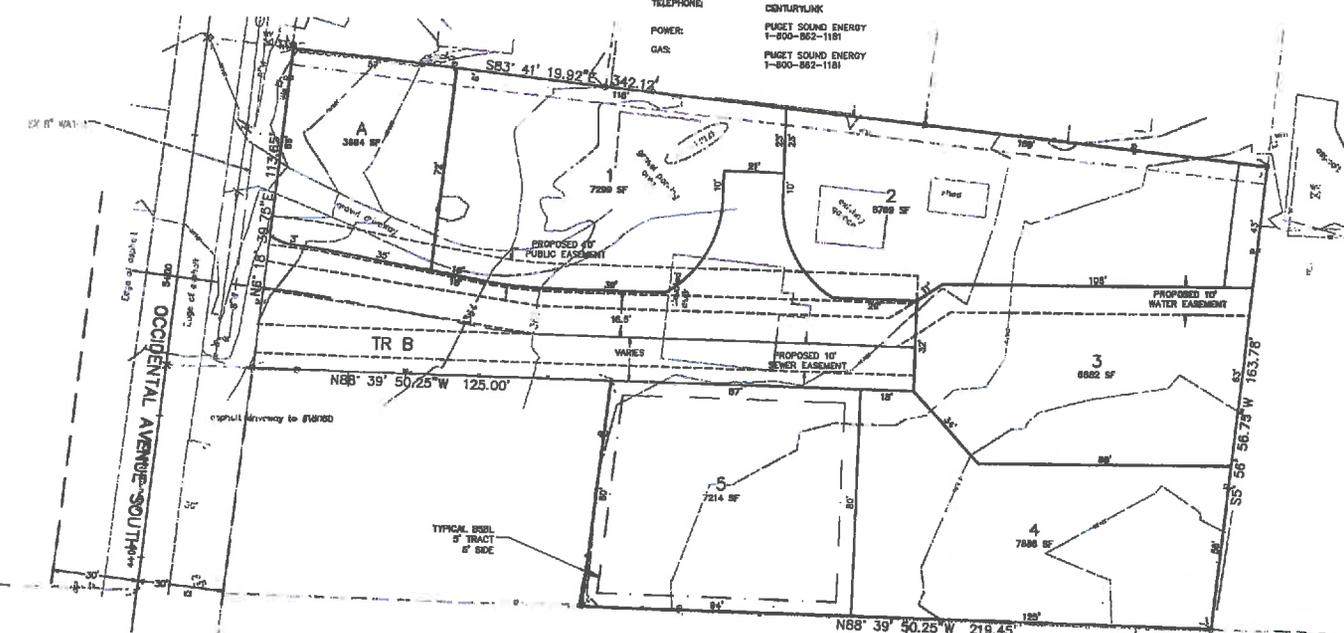
DRAWN: MCH
DWG NO: 12118
DATE: 1/15/2013



PP1

1 OF 3 SHEETS

ATTACHMENT 3

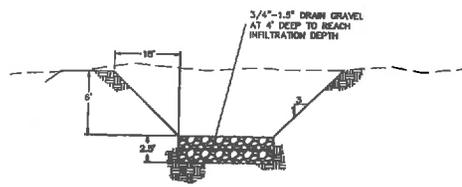
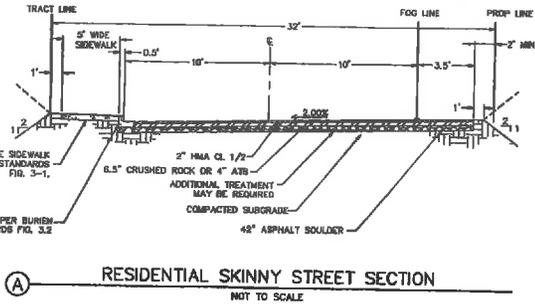
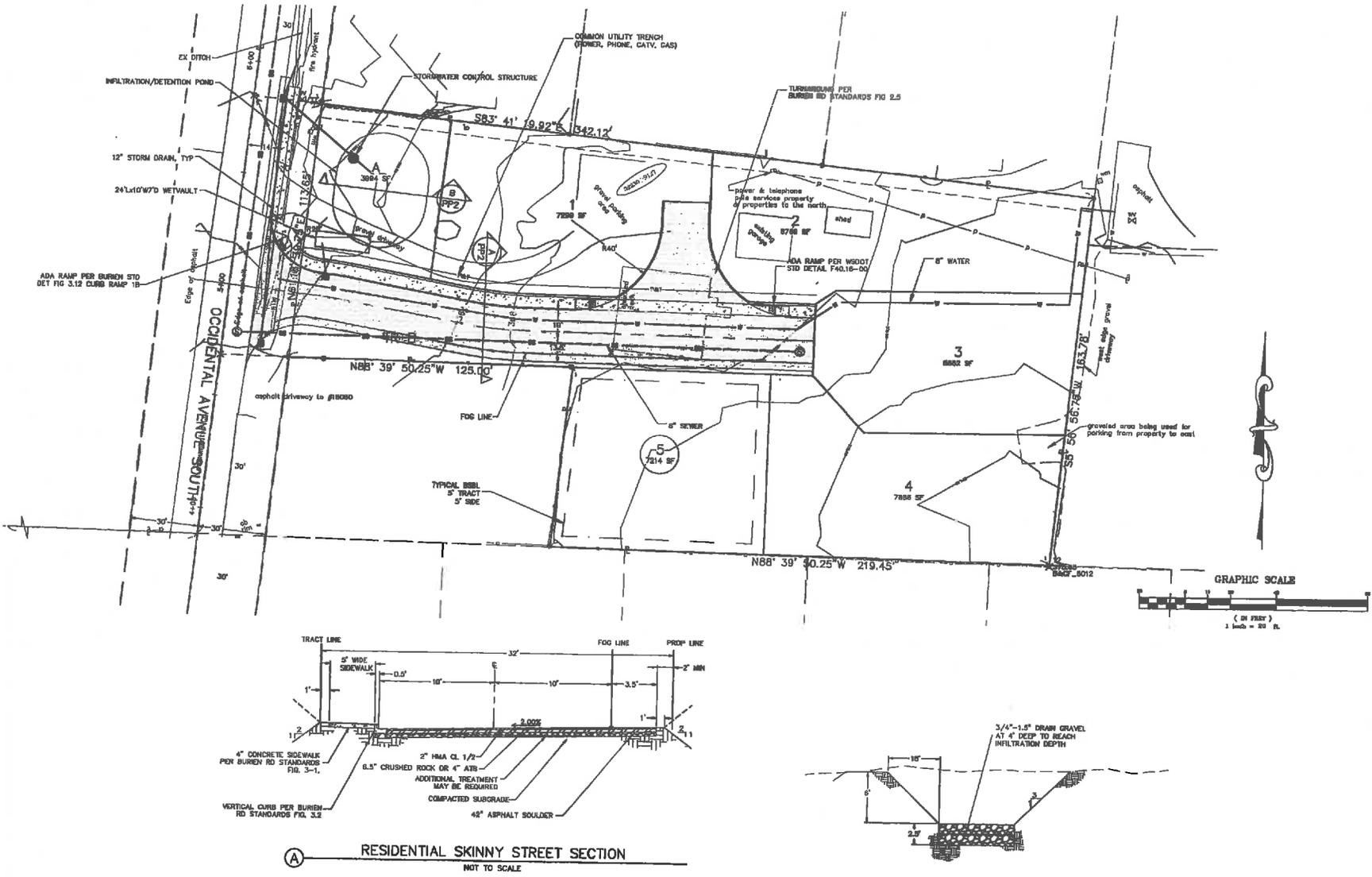


ELEVATION DATUM PER WASHINGTON STATE DOT; DESIGNATION: GPS17506-187; MONUMENT IS 2435; BRASS DISK IN TOP CONCRETE CURBING OR 506; ELEVATION = 63.643 METERS (208.80 FEET) NAVD83



Know what's below. Call 48 hours before you dig.





SMACKDAB REALTY, LLC
 C/O TODD MCKITTRICK
 2608 BE 27th St
 SAMMAMISH, WA 98075

| REV. | DATE | DESCRIPTION | BY | CHKD. |
|------|---------|----------------------|----|-------|
| 1 | 2/19/13 | ADD ASPHALT SHOULDER | | MCH |

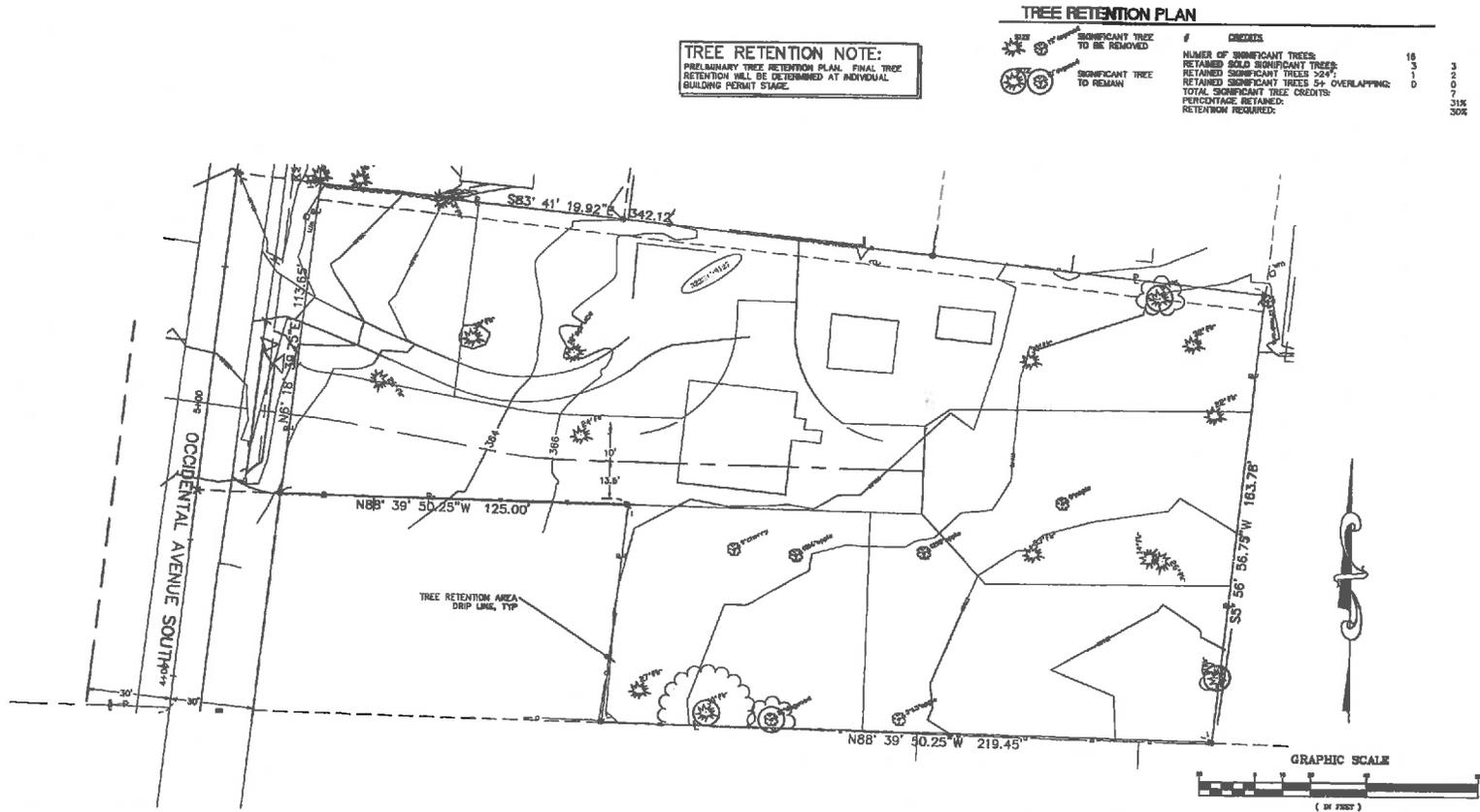
WESTVIEW
 CONCEPTUAL ROAD
 AND UTILITY PLAN

DRAWN: MCH
 DCI NO: 12116
 DATE: 1/15/2013



PP2
 2 OF 3 SHEETS



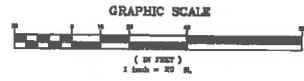


TREE RETENTION NOTE:
 PRELIMINARY TREE RETENTION PLAN. FINAL TREE RETENTION WILL BE DETERMINED AT INDIVIDUAL BUILDING PERMIT STAGE.

TREE RETENTION PLAN

| SYMBOL | DESCRIPTION | # | CREDITS |
|--------|--------------------------------|----|---------|
| | SIGNIFICANT TREE TO BE REMOVED | 18 | 3 |
| | SIGNIFICANT TREE TO REMAIN | 1 | 0 |

| | |
|---|-----|
| NUMBER OF SIGNIFICANT TREES: | 18 |
| RETAINED SIGNIFICANT TREES: | 1 |
| RETAINED SIGNIFICANT TREES 200%: | 0 |
| RETAINED SIGNIFICANT TREES 50+ OVERLAPPING: | 0 |
| TOTAL SIGNIFICANT TREE CREDITS: | 3 |
| PERCENTAGE RETAINED: | 21% |
| RETENTION REQUIRED: | 30% |



SMACKDAB REALTY, LLC
 C/O TODD MCKITTRICK
 26108 SE 27th St
 SAMMAMISH, WA 98075

| NO. | DATE | DESCRIPTION | BY |
|-----|---------|----------------------|-----|
| 1 | 2/15/13 | ADD ASPHALT SHOULDER | MCH |

WESTVIEW
 PRELIMINARY
 TREE RETENTION PLAN

DRAWN: MCH
 DCI NO: 1211B
 DATE: 1/15/2013



PP3
 3 OF 3 SHEETS



Preliminary Technical Information Report

WestView Subdivision



Prepared: January 15, 2010

DCI Project: 12118



Duncanson Company, Inc.
145 SW 155th Street, Suite 102
Seattle, Washington 98166
(206) 244-4141

RECEIVED

JAN 17 2013

CITY OF BURIEN

Table Of Contents

- 1. Project Overview**
 - Figure 1.1 – Technical Information Report Worksheet
 - Figure 1.2 – Vicinity Map
 - Figure 1.3 – Onsite Basin Map
 - Figure 1.4 – USGS Soils Survey Map
- 2. Preliminary Conditions and Requirements Summary**
- 3. Offsite Analysis**
 - Figure 3.1 – Sensitive Areas Map
 - Figure 3.2 – Offsite Analysis Map
 - Figure 3.2B – Offsite Analysis Drainage System Table
- 4. Flow Control and Water Quality Facility Analysis and Design**
 - Infiltration Rate Calculations
 - Wet Vault Calculations
 - Duration Curve Comparison Plot
- 5. Conveyance System Analysis and Design**
- 6. Special Reports and Studies**
- 7. Other Permits**
- 8. CSWPPP Analysis and Design**
- 9. Bond Quantities, Facility Summaries, and Declaration of Covenant**
- 10. Operations and Maintenance Manual**

RECEIVED

JAN 17 2013

CITY OF BURIEN

1. Project Overview

1. Project Overview

WestView is a proposed 5-lot single-family residential subdivision located at 18052 Occidental Avenue South in Burien, Washington. The Site includes tax parcel 322304-9127 (approximately 1.14 acres total). The Project Site includes the Site area with a portion of the right-of-way of Occidental Avenue South for a street connection and frontage improvements. The Project Area is approximately 1.26 acres. In its predeveloped condition the site has a gravel driveway, a house and a few outbuildings. The remainder of the Site consists of a landscaped lawn with some scattered trees.

The site slopes gradually down from east to west with an average slope of approximately 5%. Predeveloped runoff from the site sheet flows west until it is intercepted by a ditch alongside Occidental Avenue South. Runoff from adjacent residential properties flows to the north and west, away from the Site. No concentrated flow paths were observed. There is only one threshold Discharge Area (TDA) that flows north from the northwest corner of the site in the above mentioned ditch.

Site soils consist of predominantly till near the surface with medium to coarse advance outwash sands at a depth of 3.5'-8' throughout the site. Refer to the Infiltration Evaluation by Earth Solutions NW (ES 2610, dated January 15, 2013).

Development will include removal of existing buildings and driveway, and clearing for the new private street, home sites, stormwater facilities and frontage improvements. This results in a disturbed area of approximately 1.26 acres. The new road, sidewalks, frontage improvements and roof areas will result in approximately 28,740 SF of new/replaced impervious area (including 4,000 SF impervious/lot).

Included are Figures 1.1 – Technical Information Report Worksheet, 1.2 – Vicinity Map, 1.3 – Basin Map and 1.4 – Soils Map for reference.

TECHNICAL INFORMATION REPORT (TIR) WORKSHEET

Part 1 PROJECT OWNER AND PROJECT ENGINEER

Project Owner SmackDab Realty, LLC

Phone _____

Address 26108 SE 27th St
Sammamish, WA 98075

Project Engineer Harold M. Duncanson, PE

Company Duncanson Company, Inc

Phone (206) 244-4141

Part 2 PROJECT LOCATION AND DESCRIPTION

Project Name WestView

DDES Permit # _____

Location Township 23 N
 Range 4 E
 Section 32

Site Address 18052 Occidental Ave S
Burien, WA 98166

Part 3 TYPE OF PERMIT APPLICATION

Landuse Services
 Subdivison / Short Subd. / UPD

Building Services
 M/F / Commerical / SFR

Clearing and Grading

Right-of-Way Use

Other _____

Part 4 OTHER REVIEWS AND PERMITS

DFW HPA Shoreline Management

COE 404 Structural Rookery/Vault

DOE Dam Safety ESA Section 7

FEMA Floodplain

COE Wetlands

Other _____

Part 5 PLAN AND REPORT INFORMATION

| Technical Information Report | Site Improvement Plan (Engr. Plans) |
|--|---|
| Type of Drainage Review (circle): <input checked="" type="checkbox"/> Full / Targeted / Large Site | Type (circle one): <input checked="" type="checkbox"/> Full / Modified / Small Site |
| Date (include revision dates): _____ | Date (include revision dates): _____ |
| Date of Final: _____ | Date of Final: _____ |

Part 6 ADJUSTMENT APPROVALS

Type (circle one): Standard / Complex / Preapplication / Experimental / Blanket

Description: (include conditions in TIR Section 2)
N/A

Date of Approval: _____

TECHNICAL INFORMATION REPORT (TIR) WORKSHEET

Part 7 MONITORING REQUIREMENTS

| | |
|---|-----------------|
| Monitoring Required: Yes / <input checked="" type="checkbox"/> No | Describe: _____ |
| Start Date: N/A <input checked="" type="checkbox"/> | _____ |
| Completion Date: N/A <input checked="" type="checkbox"/> | _____ |

Part 8 SITE COMMUNITY AND DRAINAGE BASIN

| |
|--|
| Community Plan: Burien <input checked="" type="checkbox"/> |
| Special District Overlays: N/A <input checked="" type="checkbox"/> |
| Drainage Basin: Miller Creek <input checked="" type="checkbox"/> |
| Stormwater Requirements: Conservation Flow Control and Basic Water Quality <input checked="" type="checkbox"/> |

Part 9 ONSITE AND / OR OFFSITE HAZARDS

| | |
|--|---|
| <input type="checkbox"/> River/Stream _____ | <input type="checkbox"/> Steep Slope _____ |
| <input type="checkbox"/> Lake _____ | <input type="checkbox"/> Erosion Hazard _____ |
| <input type="checkbox"/> Wetlands _____ | <input type="checkbox"/> Landslide Hazard _____ |
| <input type="checkbox"/> Closed Depression _____ | <input type="checkbox"/> Coal Mine Hazard _____ |
| <input type="checkbox"/> Floodplain _____ | <input type="checkbox"/> Seismic Hazard _____ |
| <input checked="" type="checkbox"/> Other City of Burien Aquifer Recharge Area <input checked="" type="checkbox"/> | <input type="checkbox"/> Habitat Protection _____ |
| _____ | <input type="checkbox"/> _____ |

Part 10 SOILS

| Soil Type | Slopes | Erosion Potential |
|---|--|-------------------|
| Qvt: Vashon | 0%-20% <input checked="" type="checkbox"/> | _____ |
| Subglacial Till <input checked="" type="checkbox"/> | _____ | _____ |
| Qva: Vashon <input checked="" type="checkbox"/> | _____ | _____ |
| Advanced Outwash | _____ | _____ |

High Groundwater Table (within 5 feet) Sole Source Aquifer
 Other _____ Seeps/Springs

Additional Sheets Attached

TECHNICAL INFORMATION REPORT (TIR) WORKSHEET

| Part 11 DRAINAGE DESIGN LIMITATIONS | |
|---|--------------------------------|
| REFERENCE | LIMITATION / SITE CONSTRAINT |
| <input checked="" type="checkbox"/> Core 2 – Offsite Analysis | None. <input type="checkbox"/> |
| <input type="checkbox"/> Sensitive/Critical Areas | |
| <input type="checkbox"/> SEPA | |
| <input type="checkbox"/> Other | |
| <input type="checkbox"/> | |
| <input type="checkbox"/> Additional Sheets Attached | |

| Part 12 TIR SUMMARY SHEET (provide one TIR summary sheet per site, including all discharge areas) | |
|---|--|
| Threshold Discharge Area: (name or description) | 1 <input type="checkbox"/> |
| Core Requirements (all 8 apply) | |
| Discharge at Natural Location | Number of Natural Discharge Locations: 1 <input type="checkbox"/> |
| Offsite Analysis | Level: <input checked="" type="checkbox"/> 2 / 3 dated: 11/12/12 <input type="checkbox"/> |
| Flow Control (incl. facility summary sheet) | Level: <input checked="" type="checkbox"/> 2 / 3 or Exemption Number 2 <input type="checkbox"/> Small Site LMPs Infiltration Trench's and Infiltration Pond <input type="checkbox"/> |
| Conveyance System | Spill containment located at: N/A <input type="checkbox"/> |
| Erosion and Sediment Control | ESC Site Supervisor: TBD <input type="checkbox"/> Contact Phone: After Hours Phone: |
| Maintenance and Operation | Responsibility: Private / <input checked="" type="checkbox"/> Public <input type="checkbox"/> If Private, Maintenance Log Required: Yes / No |
| Financial Guarantees and Liability | Provided: Yes / No |
| Water Quality (include facility summary sheet) | Type: <input checked="" type="checkbox"/> Basic / Sens. Lake / Enhanced Basicm / Bog or Exemption No. _____ Landscape Management Plan: Yes / No |
| Special Requirements (as applicable) | |
| Area Specific Drainage Requirements | Type: CDA / SDO / MDP / BP / LMP / Shared Fac. <input checked="" type="checkbox"/> None <input type="checkbox"/> Name: N/A <input type="checkbox"/> |
| Floodplain/Floodway Delineation | Type: Major / Minor / Exemption / <input checked="" type="checkbox"/> None <input type="checkbox"/> 100-year Base Flood Elevation (or range): N/A <input type="checkbox"/> Datum: N/A <input type="checkbox"/> |
| Flood Protection Facilities | Describe: N/A <input type="checkbox"/> |
| Source Control (comm./industrial landuse) | Describe landuse: Single-family residential. <input type="checkbox"/> Describe any structural controls: |

TECHNICAL INFORMATION REPORT (TIR) WORKSHEET

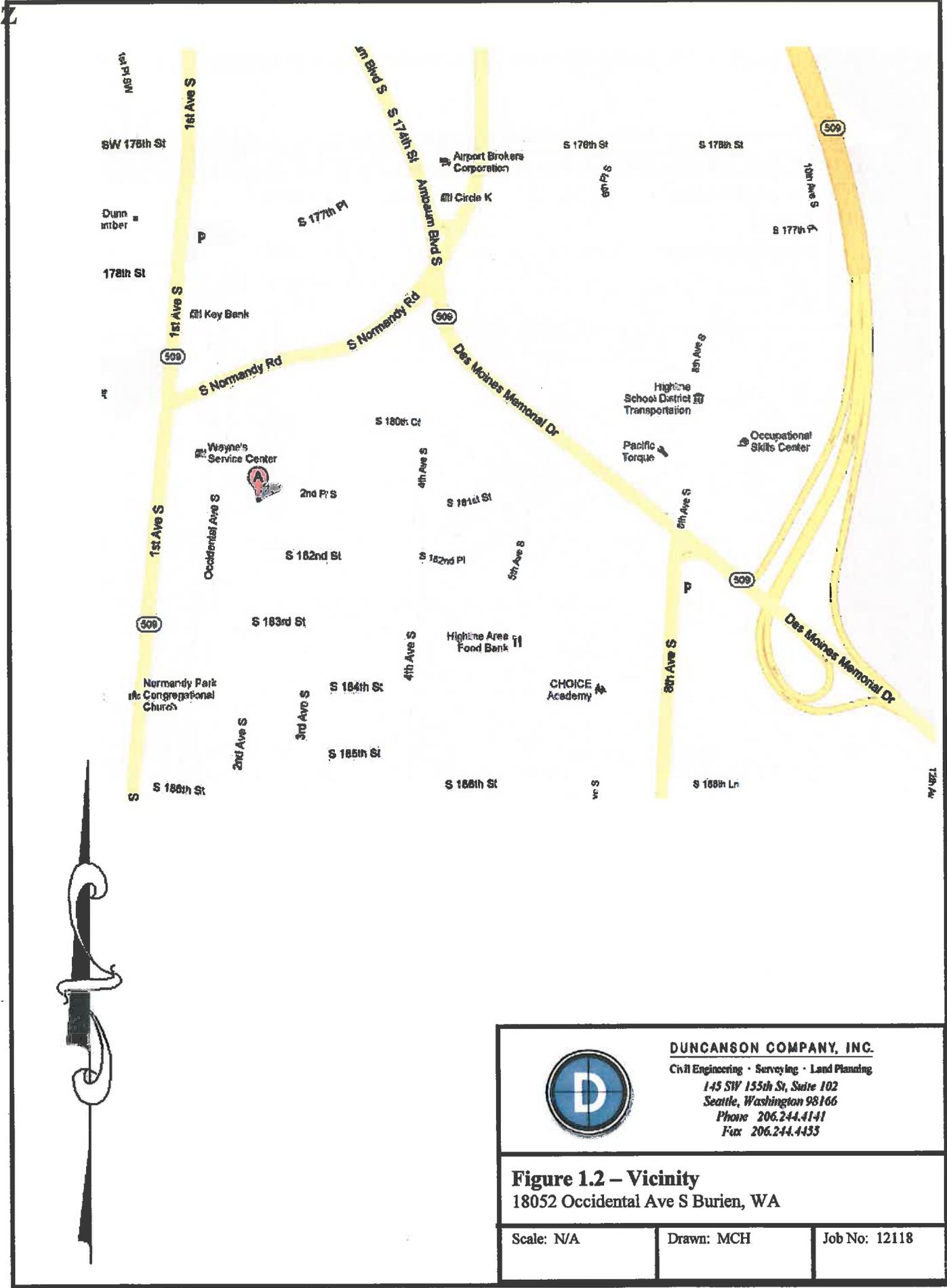
| | |
|----------------------------------|---|
| Oil Control | High-use Site: Yes / <input checked="" type="checkbox"/> No |
| | Treatment BMP: N/A |
| | Maintenance Agreement: Yes / <input checked="" type="checkbox"/> No |
| | with whom? N/A |
| Other Drainage Structures | |
| Describe: N/A | |

| MINIMUM ESC REQUIREMENTS DURING CONSTRUCTION | MINIMUM ESC REQUIREMENTS AFTER CONSTRUCTION |
|--|--|
| <input checked="" type="checkbox"/> Clearing Limits | <input checked="" type="checkbox"/> Stabilize Exposed Surfaces |
| <input checked="" type="checkbox"/> Cover Measures | <input checked="" type="checkbox"/> Remove and Restore Temporary ESC Facilities |
| <input checked="" type="checkbox"/> Perimeter Protection | <input checked="" type="checkbox"/> Clean and Remove All Silt and Debris, Ensure Operation of Permanent Facilities |
| <input checked="" type="checkbox"/> Traffic Area Stabilization | <input type="checkbox"/> Flag Limits of SAO and open space preservation areas |
| <input checked="" type="checkbox"/> Sediment Retention | <input type="checkbox"/> Other _____ |
| <input checked="" type="checkbox"/> Surface Water Collection | |
| <input checked="" type="checkbox"/> Dewatering Control | |
| <input checked="" type="checkbox"/> Dust Control | |
| <input checked="" type="checkbox"/> Flow Control | |

| Flow Control | Type/Description | Water Quality | Type/Description |
|---|-----------------------|---|------------------|
| <input type="checkbox"/> Detention | _____ | <input type="checkbox"/> Biofiltration | _____ |
| <input checked="" type="checkbox"/> Infiltration | Pond | <input checked="" type="checkbox"/> Wetpool | Wetvault |
| <input type="checkbox"/> Regional Facility | _____ | <input type="checkbox"/> Media Filtration | _____ |
| <input type="checkbox"/> Shared Facility | _____ | <input type="checkbox"/> Oil Control | _____ |
| <input checked="" type="checkbox"/> Flow Control BMPs | Infiltration Drywells | <input type="checkbox"/> Spill Control | _____ |
| <input type="checkbox"/> Other | _____ | <input type="checkbox"/> Flow Control BMPs | _____ |
| | | <input type="checkbox"/> Other | _____ |

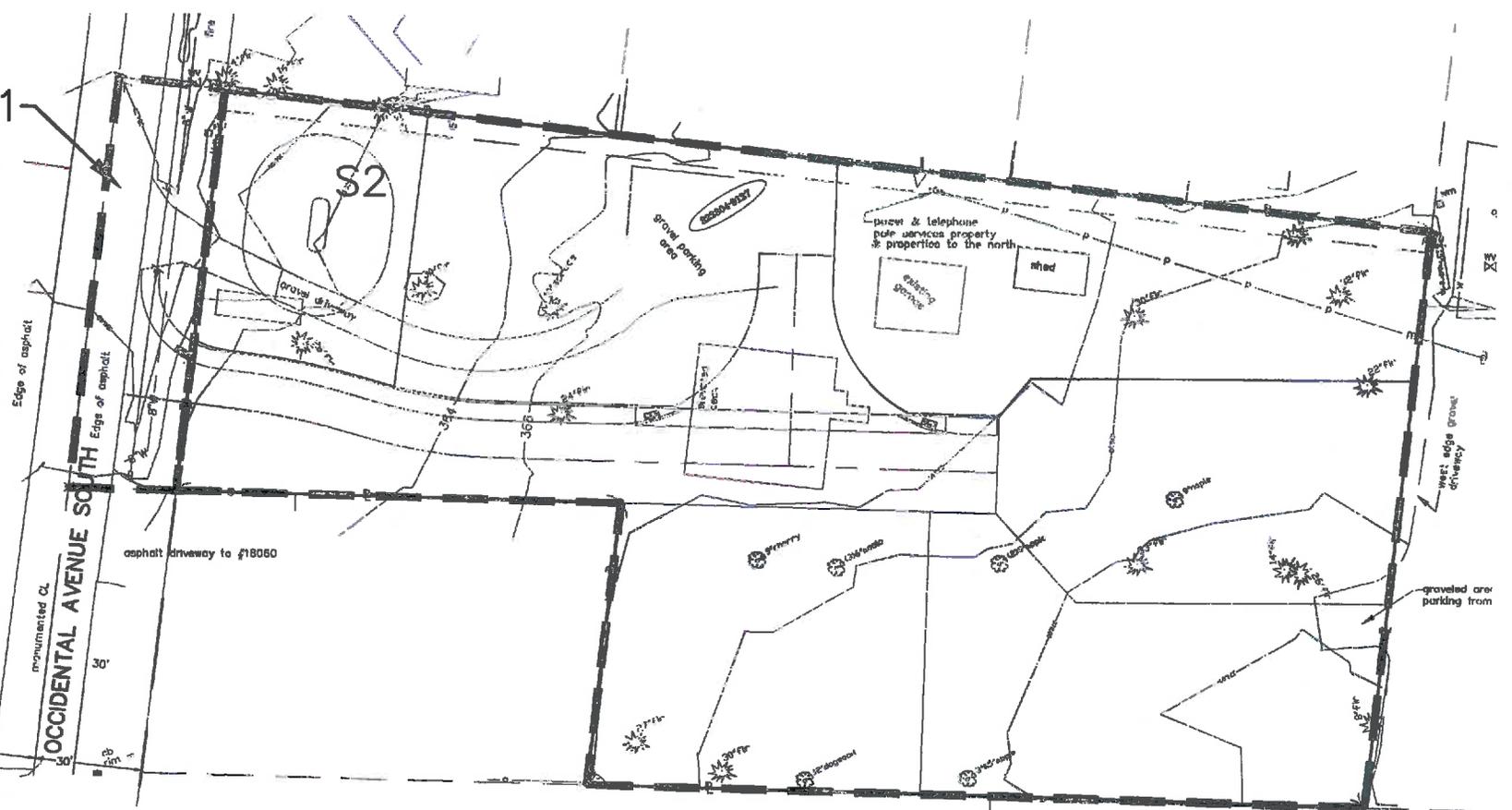
TECHNICAL INFORMATION REPORT (TIR) WORKSHEET

| Part 15 EASEMENTS/TRACTS | Part 16 STRUCTURAL ANALYSIS |
|--|---|
| <input checked="" type="checkbox"/> Drainage Easement <input checked="" type="checkbox"/> Covenant <input type="checkbox"/> Native Growth Protection Covenant <input checked="" type="checkbox"/> Tract <input type="checkbox"/> Other | <input type="checkbox"/> Cast In Place Vault <input type="checkbox"/> Retaining Wall <input type="checkbox"/> Rockery > 4' High <input type="checkbox"/> Structural on Steep Slope <input type="checkbox"/> Other |



| | | |
|--|--|---------------|
|  | DUNCANSON COMPANY, INC. Civil Engineering · Surveying · Land Planning 145 SW 155th St, Suite 102 Seattle, Washington 98166 Phone 206.244.4141 Fax 206.244.4453 | |
| | Figure 1.2 – Vicinity 18052 Occidental Ave S Burien, WA | |
| Scale: N/A | Drawn: MCH | Job No: 12118 |

BPB1

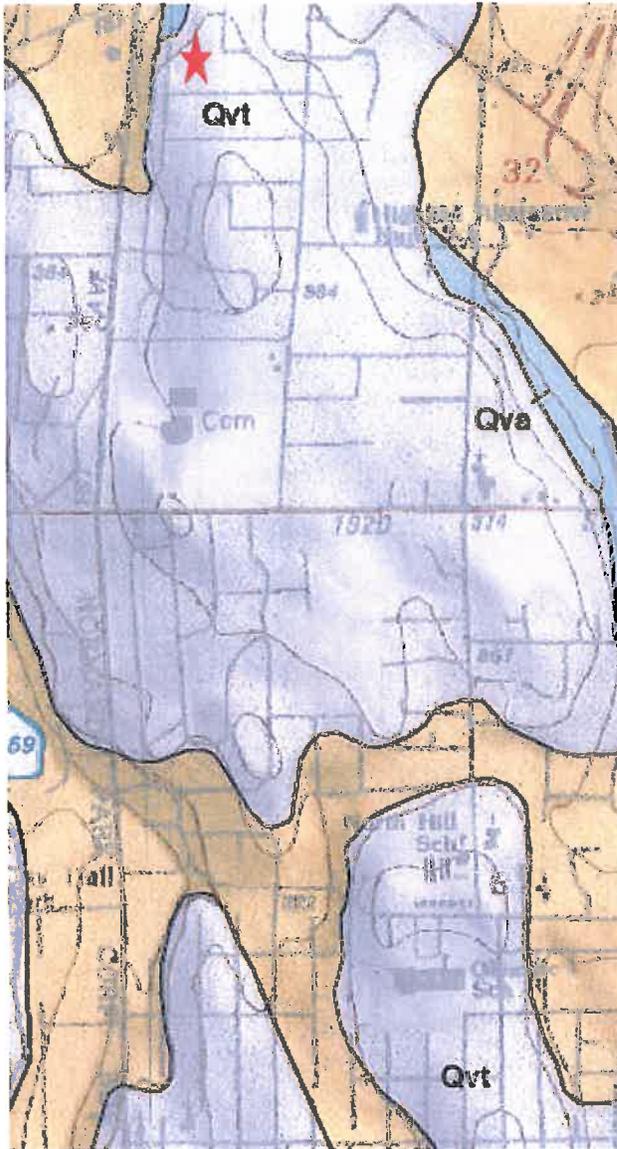


DUNCANSON COMPANY, INC.
 Civil Engineering · Surveying · Land Planning
 145 SW 155th Street, Suite 102
 Seattle, Washington 98166
 Phone 206.244.4141
 Fax 206.244.4455

Figure 1.3 - Basin Map

| | | |
|-----------------|------------|---------------|
| Scale: 1" = 50' | Drawn: MCH | Job No. 12118 |
|-----------------|------------|---------------|

Z



YOUNGER GLACIAL DEPOSITS

Deposits of the Vashon stage of Fraser glaciation of Armstrong and others (1965) (Pleistocene)—Consists of:



Recessional outwash deposits—Stratified sand and gravel, moderately well sorted to well sorted; less common silty sand and silt. Deposited in broad anastomosing outwash channels that carried south-draining glacial meltwater away from ice margin during ice retreat. Typically slightly oxidized. Deposits that are less than about 1 m thick not shown on map. Locally subdivided into:



Recessional lacustrine deposits—Very fine-grained sand, silt, and clay deposited in small lakes during ice recession



Ice-contact deposits—Deposits that are similar in texture to unit Qvr but commonly are less well sorted and have silt-rich matrix. Contains lenses and pods of till. Deposits are present in northernmost part of quadrangle and along Duwamish River and Green River valleys. From Tukwila south to edge of quadrangle, they form a kame terrace that was built against late-recessional ice tongue in Green River valley



Till—Compact diamict containing subrounded to well-rounded clasts in massive, silt- or sand-rich matrix. Glacially transported and deposited.

Generally a few meters to a few tens of meters thick, forming an undulatory surface. Also found sporadically within areas mapped as unit Qvt



Advance outwash deposits—Well-bedded sand and gravel deposited subaqueously or by streams and rivers in front of advancing ice sheet. Almost devoid of silt or clay, except near base of unit. Generally unoxidized



Site



DUNCANSON COMPANY, INC.

Civil Engineering • Surveying • Land Planning

145 SW 155th St, Suite 102

Seattle, Washington 98166

Phone 206.244.4141

Fax 206.244.4433

Figure 1.4 – USGS Soils Survey

Scale: N/A

Drawn: MCH

Job No: 12118

2. Preliminary Conditions and Requirements Summary

2. Preliminary Conditions and Requirements Summary

The City of Burien requires compliance with the 2009 King County Surface Water Design Manual (KCSWDM). This report follows the format specified in the manual. This section describes how the project will meet the Manual's Core and Special Requirements.

King County Surface Water Design Manual Core Requirements:

1. Discharge at the Natural Location

Presently site runoff sheet flows west into a roadside ditch on the east side of Occidental Ave S. The ditch runs for about 90 feet offsite before entering a pipe system. Project development will include Lot Infiltration BMPs and an infiltration/detention pond that will release into the public drainage system, thereby maintaining the natural discharge location.

2. Offsite Analysis

A Level 1 offsite analysis has been performed for this project. See Section 3 for more information.

3. Flow Control

Based on the amount of new impervious area and the increase in peak flow rates, a flow control facility will be required. Onsite stormwater management BMPs will also be applied to the individual future lots. This Site is in a location requiring Conservation Flow Control (formerly Level 2 FC with fully forested predeveloped condition assumption). See Section 4 for more information.

4. Conveyance System

Anticipated Site flows are relatively small compared to the nominal capacity of 12-inch minimum pipe size; see Section 5 for further analysis.

5. Erosion and Sediment Control

ESC measures will conform to the 2009 KCSWDM. See Section 8.

6. Maintenance and Operations

Upon acceptance, the City of Burien will assume maintenance responsibility for the stormwater Facilities such as catch basins, pipes, and the infiltration pond.

The property owners will be responsible for maintenance of the individual lot bmps. Site/lot specific BMP maintenance instructions will be included with the individual building permits.

7. Financial Guarantees and Liability

The project owner will provide financial guarantees and liability insurance for construction of the improvements.

8. Water Quality

This project is subject to Basic Water Quality treatment, which will be provided through the use of a wet vault. Basic Water Quality treatment also provides the required pre-settling prior to infiltration. See Section 4 for further analysis.

King County Surface Water Design Manual Special Requirements:

1. Other Adopted Area-Specific Requirements

This project is located within the Miller Creek Drainage Basin. The basin plan does not contain any specific restrictions or requirements that would apply to this project. Conservation Flow Control, Basic Water Quality Control and on-site infiltration all help to further the Plan's goals of reducing stream erosion, improving water quality and supplementing summer flows in nearby streams.

This project is located within an Aquifer Recharge Area as mapped by the City of Burien. It is not within a Critical Aquifer Recharge Area as mapped by King County iMap. No other specific requirements apply.

2. Flood Hazard Area Delineation

This site does not contain and is not adjacent to a flood hazard area; therefore, this requirement does not apply.

3. Flood Protection Facilities

This project does not rely on and does not propose to modify or construct a flood protection facility; therefore, this requirement does not apply.

4. Source Control

This project is a residential subdivision; therefore, this requirement does not apply. A detailed Construction Stormwater Pollution Prevention Plan, including appropriate source controls will be prepared for initial site development activity in accordance with the 2009 KCSWDM. CSWPPPs will also be part of the building permits for each lot.

5. Oil Control

This project is not a high use site; therefore, this requirement does not apply.

3. Offsite Analysis

3. Offsite Analysis

Task 1 - Study Area Definition & Maps

The Study area for this analysis was identified as the Site and the downstream conveyance system. Surrounding property to the north slope generally north to northeast. Surrounding property to the north and south of the Site generally slopes west toward Occidental Avenue South. Therefore, this site has negligible amount of “run on” or upstream contributory area.

For Task 2, the study area was defined as the downstream flow path extending one mile downstream from the site. For Tasks 3, 4, and 5, the study area was defined as the downstream flow path extending ¼ mile from the site. The site comprises much less than 15% of the basin area at the ¼ mile point.

Task 2 - Resource Review

1. *Adopted Basin Plan, Basin Reconnaissance Summary Reports*

The Site lies within the Walker Creek basin. The Miller and Walker Creeks Basin Plan states that the biggest problem in the basin is lack of flow control leading to high erosive flows that prevent an optimal gravel stream-bed habitat for fish. Much of the basin was developed prior to any regulation of drainage or flow control. The purpose of the Conservation Flow Control standard is to mitigate erosive flows to enhance stream-bed habitat. No specific restrictions or requirements apply.

2. *FEMA Maps*

The Site is entirely within Zone X. The FEMA map did not reveal any problems.

3. *Offsite Analysis Reports Finalized Drainage Studies*

Two projects were known to have been developed in the study area within the last 10 years. The TIRs from the Burien/Normandy Park Fire Station (Warner 2012) and from the Garvey/Olson Commercial Site (Duncanson Co 2004) were screened for problems. Neither report identified any problems in the downstream system. .

4. *Sensitive Area Folio*

The relevant section of the Burien Critical Areas Map is included as Figure 3.1. It shows that there is an aquifer recharge area that covers the western portion of the Site. No special requirements were identified for this project. No other critical/sensitive areas were observed within the study area. See Figure 3.1 – Sensitive Areas Map.

5. *Drainage Complaints and Studies*

King County iMap was accessed on 11/29/2012 and it showed no relevant drainage complaints within the last 10 years within a mile downstream of our site.

6. *Road Drainage Problems*

Dan O'Brian from the City of Burien Road Maintenance Department was contacted and he reported on 11/27/2012 that there were no road drainage problems reported in the study area.

7. *King County Soils Survey*

The Site and surrounding area are not mapped by the USDA/SCS/NRCS Soil Survey. The USGS Geologic Map of the Des Moines Quadrangle mapped the site as Till Soils (Qvt). See Figure 1.4.

8. *Wetlands Inventory*

King County iMap and the Burien Critical Area map were accessed 11/29/2012 and they show no wetlands within the study area.

9. *Migrating River Studies*

King County iMap was accessed 11/12/2012 and it shows no channel migration hazard areas within a mile downstream of our site.

10. *WSDOE Clean Water Act Section 303d*

WSDOE Water Quality Assessment for Washington map was accessed on 11/21/2012 and it shows no Section 303d listed waters within the study area.

11. *King County Designated Water Quality Problems*

As of 11/12/2012, there are no King County identified water quality problems listed in the 2009 KCSWDM Reference Section 10 posted on King County's Surface Water Design Manual website.

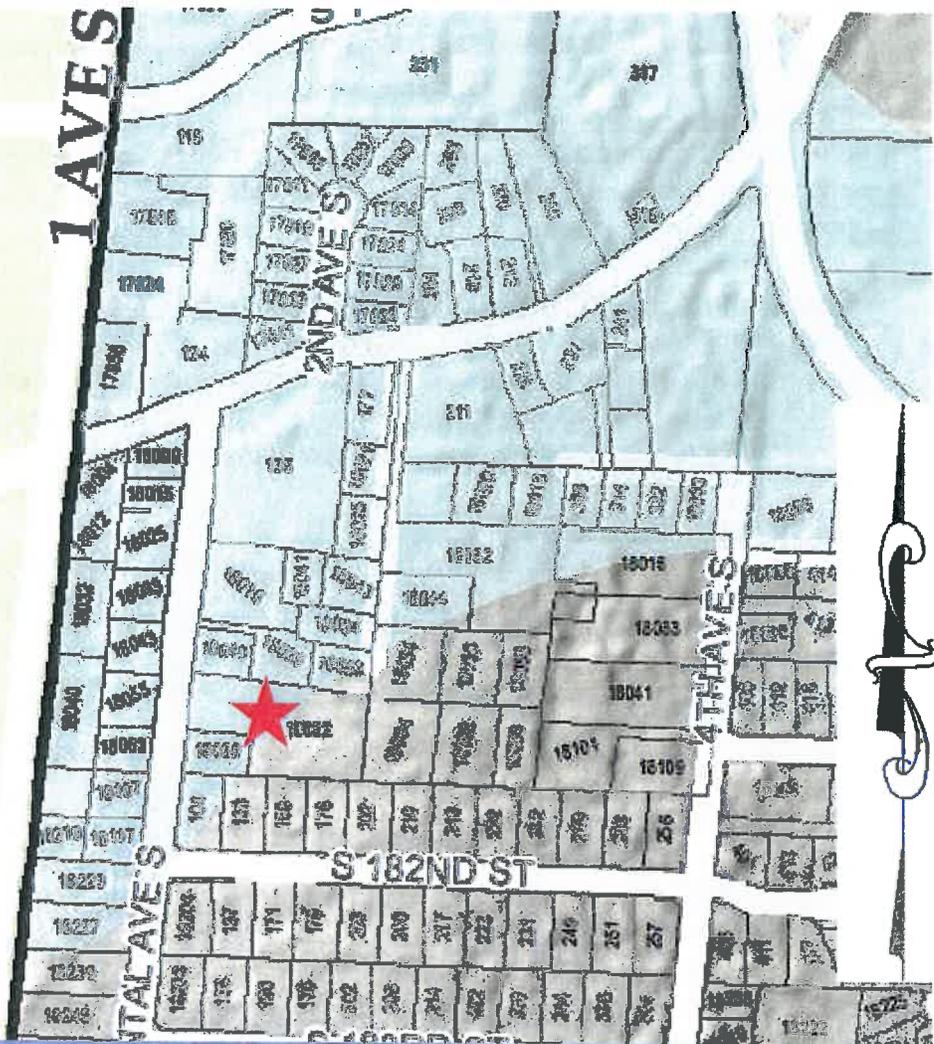
12. *Stormwater Compliance Plans*

DNRP Water and Land Resources Division had no applicable plans or requirements for the Study area.

Task 3 - Field Reconnaissance

A field reconnaissance was conducted on November 13, 2012 (weather conditions were cloudy and wet) and on November 19, 2012 (weather conditions were cloudy and very wet). No flooding or erosion problems were observed. The resource review did not identify any conditions that warranted extended field review.

SW 178 ST



SITE



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Figure 3.1 – Sensitive Areas Map

Scale: N/A

Drawn: MCH

Job No: 12118

Task 4 - Drainage System Description And Problem Screening

See Figure 3.3 – Offsite Analysis Map, and Figure 3.4, Offsite Analysis Table.

Component 1 ~ Ditch (0' – 90')

Site runoff flows westerly overland into a ditch alongside Occidental Avenue South. The ditch runs north for about 90 feet before entering a pipe. No existing or potential problems were observed.

Component 2 ~ 12" Pipe & Catch Basin System (90' – 560')

This component of the system, Occidental Avenue South to South Normandy Road, consist of a 12-inch pipe run with 5 Type1 catch basins. Pipe materials include concrete, CMP and LCPE (polyethylene). The flow of this component is north. The pipes appeared clean. No existing or potential problems were observed.

Component 3 ~ 12" PVC Pipe (560' – 800')

This component runs west in South Normandy Road from Occidental Avenue South to 1st Avenue South. The pipe consists of 12-inch PVC with 4 Type 1 catch basins.

Component 4 ~ 12"&18" Concrete Pipe (800' – 1,312'+)

This component of the system runs north in the east margin of 1st Avenue South. The first 220 feet consist of 12-inch concrete pipe, then it continues as 18-inch concrete pipe beyond the study area. Pipe runs are connected with Type 1 catch basins. No existing or potential problems were observed.

Task 5 – Mitigation of Existing or Potential Problems

The project will provide Conservation Flow Control and Basic Water Quality Treatment. No problems were identified that would warrant a higher level of flow control or treatment.

It is Duncanson Company's opinion from the available information that the developed site will not create or aggravate any downstream problems.



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Figure 3.2 – Offsite Analysis Map

Scale: Shown Above

Drawn: MCH

Job No: 12118

FIGURE 3.2B
OFF-SITE ANALYSIS DRAINAGE SYSTEM TABLE
SURFACE WATER DESIGN MANUAL, CORE REQUIREMENT #2

Basin: Miller Creek

Subbasin Name: Occidental Ave. ¼ Mile Downstream

Subbasin Number: 1/1

| Symbol | Drainage Component Type, Name, and Size | Drainage Component Description | Slope | Distance from site discharge | Existing Problems | Potential Problems | Observations of field inspector, resource reviewer, or resident |
|----------|--|---|---------|------------------------------|---|--------------------|---|
| See map. | Type: sheet flow, swale, stream, channel, pipe, pond. Size: diameter, surface area. | Drainage basin, vegetation, cover, depth, type of sensitive area, volume. | % | ¼ ml = 1,320 ft. | Constrictions, under capacity, ponding, overtopping, flooding, habitat or organism destruction, scouring, bank sloughing, sedimentation, incision, other erosion. | | Tributary area, likelihood of problem, overflow pathways, potential impacts. |
| 1 | Ditch | 0'-3' Deep | 0%-5% | 0'-90' | None observed | None anticipated | Site runoff sheet flows ditch alongside Occidental Ave |
| 2 | 12" Concrete Pipe 12" CMP Pipe 12" LCPE Pipe | 2'-5' Deep Type1 Catch Basins | 0%-5% | 90'-560' | None observed | None Anticipated | Type1 Catch Basins with Filter Fabric Protection(offsite construction) alongside Occidental Avenue South |
| 3 | 12" Smooth PVC Pipe | 2'-5' Deep Type1 Catch Basins | 0%-5% | 560' – 800' | None observed. | None anticipated. | Pipe extends from the previous Type1 catch basins out to a Type1 catch basin alongside north side of S Normandy Rd. |
| 4 | 12" Concrete Pipe 18" Concrete Pipe | 2'-3' Deep Type1 Catch Basins | 0% - 5% | 8000' – 1,312+' | None observed. | None anticipated. | Type1 catch basins alongside 1 st Ave E. One CB in traveled way other CB are in curb flow path. |

4. Flow Control and Water Quality Facility Analysis and Design

4. Flow Control and Water Quality Facility Analysis and Design

Part A – Existing Site Hydrology

Site

The Site presently includes a house, garage, shed, driveway and grass/landscape areas. The soil survey, field observations and the geotech report revealed soils to be predominantly till near the surface with medium to coarse advance outwash sands at a depth of 3.5 to 8-feet below ground surface. Since development will include new or replaced impervious surfaces and will disturb most of the landscape area, the entire Site is considered a Target Surface. Pursuant to the Conservation Flow Control Standard, the existing Site (subbasin S2) was modeled as its historic, fully forested condition—Till Forest. This subbasin is approximately 1.14 acres in size.

Bypass

Frontage improvements are anticipated along Occidental Avenue South. Runoff from these improvements will not be able to be collected and routed to the stormwater facility due to topography. Therefore, the Site runoff will be over-mitigated to account for these “bypass” flows. This bypass area (subbasin BPB1) includes the east half of the existing road surface and the shoulder/ditch area. The existing pavement on the east half of Occidental Avenue South will be overlaid only and is therefore not a Target Surface. It is modeled in its existing impervious condition. The portion of the frontage that will be improved with new sidewalk and re-graded shoulder are Target Surfaces and are therefore modeled as Till Forest in the predeveloped condition. This subbasin is approximately 0.08 acres in size.

Results

A detail tabulation of the various land cover types and areas for the predeveloped Site and Bypass subbasins are summarized in the following page. Also, refer to Figure 1.3—Basin Map for the *BPB1* and *S2* delineation.

Both a BPB1 time series file and an S2 time series file were generated for the predeveloped conditions stated above, using Seatac Region, scale factor 1.01, full historical record and hourly time steps. The time series files for the two predeveloped basins were added together to create a combined predeveloped time series file (predev combo) with the following peaks:

| | | | | | | |
|-------------------------------|-------|-----------------------------------|--------------|--------|--------------|-------|
| Time Series File:precombo.tsf | Mean= | -1.473 | StdDev= | 0.230 | | |
| Project Location:Sea-Tac | | | Skew= | -0.335 | | |
| ---Annual Peak Flow Rates--- | | -----Flow Frequency Analysis----- | | | | |
| Flow Rate | Rank | Time of Peak | Peaks | Rank | Return | Prob |
| (CFS) | | | | | Period | |
| Computed Peaks | | | 0.101 | | 100.00 | 0.990 |
| Computed Peaks | | | 0.090 | | 50.00 | 0.980 |
| Computed Peaks | | | 0.080 | | 25.00 | 0.960 |
| Computed Peaks | | | 0.065 | | 10.00 | 0.900 |
| Computed Peaks | | | 0.062 | | 8.00 | 0.875 |
| Computed Peaks | | | 0.053 | | 5.00 | 0.800 |
| Computed Peaks | | | 0.035 | | 2.00 | 0.500 |
| Computed Peaks | | | 0.023 | | 1.30 | 0.231 |

Predeveloped Conditions

| | SF | Ac | |
|---------------------------|--------|--------------|--|
| <u>Site S2</u> | 49,658 | 1.140 | Total Basin Area from plan |
| Till Forest | 49,658 | 1.140 | |
| | | | |
| <u>Bypass BPB1</u> | 3,480 | 0.080 | Total Basin Area from plan |
| Impervious | 1,390 | 0.032 | Existing road 12' x 116 overlay only, non-target |
| Total Impervious | 1,390 | 0.032 | |
| | | | |
| Till Forest | 2,090 | 0.048 | Exist rd shoulder that will be paved (target) |
| | | | |
| Area Check | 3,480 | 0.080 | |

Bold figures used to create time series files

Part B – Developed Site Hydrology

The WestView development will include construction of a private “skinny street”, sidewalk, an infiltration pond, and construction of 5 single family homes with driveways, Full Infiltration Drywell BMP’s and landscaping. There will also be frontage improvements on Occidental Avenue.

Site

The developed site conditions for S2 will have approximately 28,740 SF of impervious surfaces. This assumes the lots to have 4,000 SF of impervious surface each. It is anticipated that all 5 individual building lots will provide Full Infiltration BMPs for their impervious surfaces per the 2009 KCSWDM. For a discussion on BMP selection please see Part D.

The remaining basin area will include yard areas (Till Grass) and the new private street and sidewalk (Impervious).

Bypass

The developed condition for the bypass area BPB1 will add approximately 1,263 SF of impervious surface for the new sidewalk and intersection connection (Impervious). The remaining shoulder area grass shoulder area will be disturbed by regarding (Till Grass)

Results

A detail tabulation of the various land cover types and areas for the postdeveloped Site and Bypass subbasins are summarized in the following page. Also, refer to Figure 1.3—Basin Map for the *BPB1* and *S2* delineation.

Both an S2 time series file and an BPB1 time series file were generated for the postdeveloped conditions conditions stated above, using Seatac Region, scale factor 1.01, full historical record and hourly time steps. The Site (S2) runoff will be routed through the infiltration detention facility. The Bypass (BPB1) runoff will be combined with the flow released from the pond and then compared to the overall predeveloped flows to verify compliance (see Part D below). The undetained, postdeveloped peak flows are summarized in the following output:

| Flow Frequency Analysis | | | | LogPearson III Coefficients | | | |
|---------------------------------------|------|--------------|-------|-----------------------------------|--------|--------|------|
| Time Series File: postsite.tsf | | | | Mean= -1.085 StdDev= 0.139 | | | |
| Project Location: Sea-Tac | | | | Skew= 0.426 | | | |
| ---Annual Peak Flow Rates--- | | | | -----Flow Frequency Analysis----- | | | |
| Flow Rate | Rank | Time of Peak | (CFS) | - - Peaks - - | Rank | Return | Prob |
| Computed Peaks | | | 0.190 | (CFS) | | Period | |
| Computed Peaks | | | 0.170 | | 100.00 | 0.990 | |
| Computed Peaks | | | 0.150 | | 50.00 | 0.980 | |
| Computed Peaks | | | 0.125 | | 25.00 | 0.960 | |
| Computed Peaks | | | 0.120 | | 10.00 | 0.900 | |
| Computed Peaks | | | 0.107 | | 8.00 | 0.875 | |
| Computed Peaks | | | 0.080 | | 5.00 | 0.800 | |
| Computed Peaks | | | 0.064 | | 2.00 | 0.500 | |
| | | | | | 1.30 | 0.231 | |

Postdeveloped Conditions

| | SF | Ac |
|-----------------------------|--------------|--|
| <u>Site S2</u> | 49,658 | 1.140 |
| Impervious | 8,740 | 0.201 |
| | 20,000 | 0.459 |
| Total Impervious | 28,740 | 0.660 |
| Total Contrib Imperv | 8,740 | 0.201 |
| | | Total - Lot Infiltration Lots 1-5 |
| Till Grass | 20,918 | 0.480 |
| Area Check | 49,658 | 1.140 |
| | | |
| <u>Bypass BPB1</u> | 3,480 | 0.080 |
| Impervious | 2,653 | 0.061 |
| | | Existing + widening and new sidewalk |
| Till Grass | 834 | 0.019 |
| | | Regraded shoulder = target, model as grass |
| Area Check | 3,487 | 0.080 |

Bold figures used to create time series files

Flow Frequency Analysis
 Time Series File: **postbypass.tsf**
 Project Location: Sea-Tac

LogPearson III Coefficients
 Mean= -1.770 StdDev= 0.103
 Skew= 0.462

---Annual Peak Flow Rates---
 Flow Rate Rank Time of Peak
 (CFS)
 Computed Peaks
 Computed Peaks

-----Flow Frequency Analysis-----
 - - Peaks - - Rank Return Prob
 (CFS) Period
 0.032 100.00 0.990
 0.029 50.00 0.980
 0.027 25.00 0.960
 0.023 10.00 0.900
 0.023 8.00 0.875
 0.021 5.00 0.800
 0.017 2.00 0.500
 0.014 1.30 0.231

Flow Frequency Analysis
 Time Series File: **postcombo.tsf**
 Project Location: Sea-Tac

LogPearson III Coefficients
 Mean= -1.005 StdDev= 0.133
 Skew= 0.392

---Annual Peak Flow Rates---
 Flow Rate Rank Time of Peak
 (CFS)
 Computed Peaks
 Computed Peaks

-----Flow Frequency Analysis-----
 - - Peaks - - Rank Return Prob
 (CFS) Period
 0.220 100.00 0.990
 0.197 50.00 0.980
 0.176 25.00 0.960
 0.148 10.00 0.900
 0.142 8.00 0.875
 0.127 5.00 0.800
 0.097 2.00 0.500
 0.078 1.30 0.231

Part C – Performance Standards

The City of Burien specifies Conservation Flow Control and Basic Water Quality treatment as the required performance standards.

Part D – Flow Control Systems

BMPs

Per the KCSWDM, the individual lots are required to have Flow Control BMP's. To determine the lot BMP requirements, KCSWDM Figure 5.2.1.A was used. Full Dispersal was determined unfeasible due to the small lot sizes and lack of available flow path distances. Based on the presence of outwash sands below the relatively shallow layer of till soils, it was determined that the individual lots will support Full Infiltration Drywell BMP's. Earth Solutions NW recommended the following design parameters:

- Depth of Trenches must be >3' Ft below grade.
- Trenches must be filled with 90 CF of gravel per 1,000 SF of impervious area mitigated by trench..

Infiltration/Detention Facility

Runoff from the yard areas and on-site impervious road and sidewalk areas will need to be mitigated with a formal facility. The infiltration rate at the facility location was based on a Pilot Infiltration Test performed by Earth Solutions NW. Their report gave the measured infiltration rate (6.29 in/hr), testing factor (0.5) and plugging factor (0.9). Evidence of a seasonal high water table or a restrictive layer was not found in the soil investigation, which extended up to 14.5 feet below grade. Therefore, to be conservative, the maximum depth of investigation was assumed to be the restrictive layer for the purpose of determining the geometry factor. The pond infiltration surface is tentatively planned to be 5 feet wide and 8.5 feet below grade. This places the pond infiltration surface at least 6 feet above the assumed restrictive layer. Therefore, the geometry factor is 1.00. The design Infiltration Rate is 2.83 inches per hour. See attached page for calculations.

KCRTS was used to size a detention/infiltration pond to meet the Conservation Flow Control standard through a combination of infiltration as well as storage and controlled release to the downstream system. Undetained flows in the bypass subbasin BPB1 are added to the pond release flows to determine downstream flows. These downstream flows (dsout.tsf) are compared with the historic flows to verify compliance with the Conservation Flow Control standard.

WestView Infiltration Rate Calculations

$$I_{\text{design}} = I_{\text{measured}} \times F_{\text{testing}} \times F_{\text{plugging}} \times F_{\text{geometry}}$$

| | |
|-------------------------|---------------------------|
| $I_{\text{measured}} =$ | 6.29 (inches per hour) |
| $F_{\text{testing}} =$ | 0.5 (Large Scale Testing) |
| $F_{\text{plugging}} =$ | 0.9 (Medium Sands) |
| $F_{\text{geometry}} =$ | $4 D/W + 0.05$ |

D= depth from the bottom of the proposed facility to the maximum wet-season water table or nearest impervious layer, whichever is less

W= width of final pond

Excavation without evidence of a water table to 14.5'.
 Conservative water table depth = 14.5' below grade
 Infiltration Tests/ Bottom of Pond = 8.5' below grade

$$D = 14.5' - 8.5' = 6'$$

$$W = 5'$$

$$F_{\text{geometry}} = 4(6)/5 + 0.05$$

$$F_{\text{geometry}} = 4.85$$

$0.25 < F_{\text{geometry, design}} < 1$ Per 2009 KCSWDM page 5-59

| |
|-----------------------------------|
| $F_{\text{geometry, design}} = 1$ |
|-----------------------------------|

$$I_{\text{design}} = 6.29 * 0.5 * 0.9 * 1$$

| | |
|-----------------------|------------------------|
| $I_{\text{design}} =$ | 2.83 (inches per hour) |
| $I_{\text{design}} =$ | 21.2 minutes/inch |

| | | | | | | |
|------|--------|-------|-------|-------|------|-------|
| 1.55 | 351.05 | 305. | 0.007 | 0.008 | 0.00 | 347. |
| 1.65 | 351.15 | 341. | 0.008 | 0.009 | 0.00 | 371. |
| 1.75 | 351.25 | 379. | 0.009 | 0.009 | 0.00 | 395. |
| 1.85 | 351.35 | 420. | 0.010 | 0.009 | 0.00 | 420. |
| 1.95 | 351.45 | 463. | 0.011 | 0.009 | 0.00 | 446. |
| 2.05 | 351.55 | 509. | 0.012 | 0.010 | 0.00 | 472. |
| 2.15 | 351.65 | 558. | 0.013 | 0.010 | 0.00 | 499. |
| 2.25 | 351.75 | 609. | 0.014 | 0.010 | 0.00 | 527. |
| 2.35 | 351.85 | 663. | 0.015 | 0.010 | 0.00 | 556. |
| 2.45 | 351.95 | 720. | 0.017 | 0.011 | 0.00 | 585. |
| 2.55 | 352.05 | 780. | 0.018 | 0.011 | 0.00 | 615. |
| 2.65 | 352.15 | 843. | 0.019 | 0.011 | 0.00 | 646. |
| 2.75 | 352.25 | 910. | 0.021 | 0.011 | 0.00 | 677. |
| 2.85 | 352.35 | 979. | 0.022 | 0.011 | 0.00 | 709. |
| 2.95 | 352.45 | 1052. | 0.024 | 0.012 | 0.00 | 742. |
| 3.05 | 352.55 | 1127. | 0.026 | 0.012 | 0.00 | 776. |
| 3.15 | 352.65 | 1207. | 0.028 | 0.012 | 0.00 | 810. |
| 3.25 | 352.75 | 1289. | 0.030 | 0.012 | 0.00 | 845. |
| 3.35 | 352.85 | 1376. | 0.032 | 0.012 | 0.00 | 881. |
| 3.45 | 352.95 | 1466. | 0.034 | 0.013 | 0.00 | 917. |
| 3.55 | 353.05 | 1559. | 0.036 | 0.013 | 0.00 | 955. |
| 3.65 | 353.15 | 1657. | 0.038 | 0.013 | 0.00 | 993. |
| 3.75 | 353.25 | 1758. | 0.040 | 0.013 | 0.00 | 1031. |
| 3.85 | 353.35 | 1863. | 0.043 | 0.013 | 0.00 | 1071. |
| 3.95 | 353.45 | 1972. | 0.045 | 0.013 | 0.00 | 1111. |
| 4.05 | 353.55 | 2085. | 0.048 | 0.014 | 0.00 | 1151. |
| 4.15 | 353.65 | 2202. | 0.051 | 0.014 | 0.00 | 1193. |
| 4.25 | 353.75 | 2324. | 0.053 | 0.014 | 0.00 | 1235. |
| 4.35 | 353.85 | 2449. | 0.056 | 0.014 | 0.00 | 1278. |
| 4.45 | 353.95 | 2579. | 0.059 | 0.014 | 0.00 | 1322. |
| 4.55 | 354.05 | 2714. | 0.062 | 0.014 | 0.00 | 1366. |
| 4.65 | 354.15 | 2853. | 0.065 | 0.015 | 0.00 | 1411. |
| 4.75 | 354.25 | 2996. | 0.069 | 0.015 | 0.00 | 1457. |
| 4.85 | 354.35 | 3144. | 0.072 | 0.015 | 0.00 | 1504. |
| 4.95 | 354.45 | 3297. | 0.076 | 0.015 | 0.00 | 1551. |
| 5.00 | 354.50 | 3375. | 0.077 | 0.015 | 0.00 | 1575. |
| 5.10 | 354.60 | 3535. | 0.081 | 0.323 | 0.00 | 1623. |
| 5.20 | 354.70 | 3700. | 0.085 | 0.887 | 0.00 | 1672. |

The above pond configuration and inflow time series yields the following pond release rates:

Flow Frequency Analysis
Time Series File: **rdout.tsf**
Project Location: Sea-Tac

LogPearson III Coefficients
Mean= -1.842 StdDev= 0.223
Skew= 2.279

---Annual Peak Flow Rates---
Flow Rate Rank Time of Peak
(CFS)

| | | |
|----------------|--|--|
| Computed Peaks | | |

-----Flow Frequency Analysis-----
- - Peaks - - Rank Return Prob
(CFS) (ft) Period

| | | | |
|-------|------|--------|-------|
| 0.098 | 5.03 | 100.00 | 0.990 |
| 0.067 | 5.02 | 50.00 | 0.980 |
| 0.046 | 5.01 | 25.00 | 0.960 |
| 0.028 | 5.00 | 10.00 | 0.900 |
| 0.025 | 5.00 | 8.00 | 0.875 |
| 0.019 | 5.00 | 5.00 | 0.800 |
| 0.012 | 3.36 | 2.00 | 0.500 |
| 0.010 | 2.35 | 1.30 | 0.231 |

Flows released from the pond were added by KCRTS with the undetained "bypass" flows to create the following downstream point of compliance flows (dsout):

| | |
|---|---|
| <pre> Flow Frequency Analysis Time Series File: dsout.tsf Project Location: Sea-Tac </pre> | <pre> LogPearson III Coefficients Mean= -1.553 StdDev= 0.156 Skew= 1.805 </pre> |
| <pre> ---Annual Peak Flow Rates--- Flow Rate Rank Time of Peak (CFS) Computed Peaks </pre> | <pre> -----Flow Frequency Analysis----- -- Peaks -- Rank Return Prob (CFS) Period 0.099 100.00 0.990 0.078 50.00 0.980 0.062 25.00 0.960 0.045 10.00 0.900 0.042 8.00 0.875 0.035 5.00 0.800 0.025 2.00 0.500 0.021 1.30 0.231 </pre> |

Following is a comparison of durations for historic condition flows and downstream point of compliance/release flows from the KCRTS analysis:

```

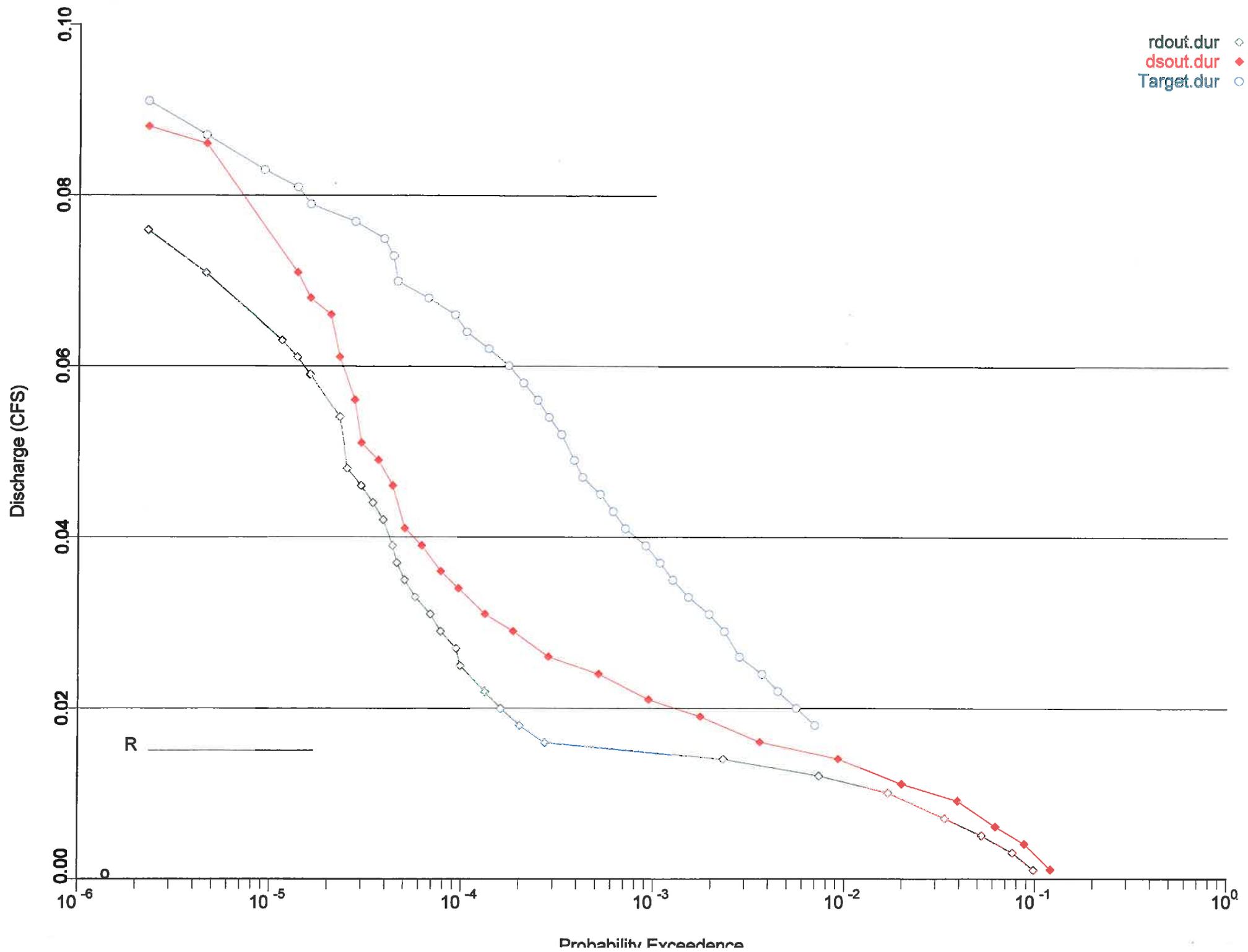
Duration Comparison Analysis
Base File: precombo.tsf
New File: dsout.tsf
Cutoff Units: Discharge in CFS
    
```

| Cutoff | -----Fraction of Time----- | | | -----Check of Tolerance----- | | | |
|--------|----------------------------|----------|---------|------------------------------|-------|-------|---------|
| | Base | New | %Change | Probability | Base | New | %Change |
| 0.018 | 0.77E-02 | 0.22E-02 | -71.1 | 0.77E-02 | 0.018 | 0.014 | -20.0 |
| 0.024 | 0.40E-02 | 0.54E-03 | -86.4 | 0.40E-02 | 0.024 | 0.016 | -31.8 |
| 0.029 | 0.22E-02 | 0.18E-03 | -91.8 | 0.22E-02 | 0.029 | 0.018 | -38.7 |
| 0.035 | 0.13E-02 | 0.82E-04 | -93.5 | 0.13E-02 | 0.035 | 0.020 | -42.3 |
| 0.040 | 0.75E-03 | 0.53E-04 | -93.0 | 0.75E-03 | 0.040 | 0.022 | -45.5 |
| 0.046 | 0.48E-03 | 0.43E-04 | -91.0 | 0.48E-03 | 0.046 | 0.024 | -48.1 |
| 0.052 | 0.33E-03 | 0.27E-04 | -91.7 | 0.33E-03 | 0.052 | 0.025 | -51.0 |
| 0.057 | 0.22E-03 | 0.23E-04 | -89.7 | 0.22E-03 | 0.057 | 0.028 | -51.9 |
| 0.063 | 0.13E-03 | 0.23E-04 | -82.1 | 0.13E-03 | 0.063 | 0.031 | -50.3 |
| 0.069 | 0.62E-04 | 0.16E-04 | -74.1 | 0.62E-04 | 0.069 | 0.039 | -43.7 |
| 0.074 | 0.39E-04 | 0.46E-05 | -88.2 | 0.39E-04 | 0.074 | 0.048 | -35.2 |
| 0.080 | 0.14E-04 | 0.46E-05 | -66.7 | 0.14E-04 | 0.080 | 0.071 | -10.8 |
| 0.086 | 0.46E-05 | 0.46E-05 | 0.0 | 0.46E-05 | 0.086 | 0.087 | 1.4 |
| 0.091 | 0.23E-05 | 0.00E+00 | -100.0 | 0.23E-05 | 0.091 | 0.089 | -2.3 |

Maximum positive excursion = 0.002 cfs (2.7%)
 occurring at 0.085 cfs on the Base Data:precombo.tsf
 and at 0.087 cfs on the New Data:dsout.tsf

Maximum negative excursion = 0.030 cfs (-52.3%)
 occurring at 0.057 cfs on the Base Data:precombo.tsf
 and at 0.027 cfs on the New Data:dsout.tsf

As shown in the previous table, the first cutoff has a percent change less than zero; no excursions exceed 10%; and over half (13/14) of the excursions are less than zero. A comparison plot showing the pond outlet and target durations curves are included for a visual comparison.



In addition, the following table shows that the 2 and 10-year peak pond release rates are below the corresponding predeveloped peaks flows, which is also required for Conservation Flow Control:

| Return Period (year) | Predeveloped Release Rate (cfs) | Pond/Bypass PoC Release Rate (cfs) |
|-------------------------|------------------------------------|---------------------------------------|
| 2 | 0.035 | 0.025 |
| 10 | 0.065 | 0.045 |

Part E – Water Quality System

A wetvault is tentatively planned to provide the required Basic Water Quality treatment and infiltration pre-settling requirements.

A basic wetpool requires a volume factor (*f*) of 3. From Figure 6.4.1.A of the 2009 KCSWDM a mean annual storm rainfall (*R*) of 0.04' was determined for the Site location. Next the runoff from the mean annual storm was determined for the Site using the equation:

$$V_r = (0.9A_i + 0.25A_{tg} + 0.10A_{tf} + 0.01A_o) \times (R)$$

Where:

V_r = volume of runoff from mean annual storm (cfs)

A_i = area of impervious surface (sf)

A_{tg} = area of till soil covered with grass (sf)

A_{tf} = area of till soil covered with forest (sf)

A_o = area of outwash soil covered with grass or forest (sf)

R = rainfall from mean annual storm (ft)

For this project the variables are:

$$A_i = 8,710 \text{ SF}$$

$$A_{tg} = 22,740 \text{ SF}$$

$$A_{tf} = 0 \text{ SF}$$

$$A_o = 0 \text{ SF}$$

$$R = 0.04 \text{ FT}$$

This resulted in a Runoff volume, *V_r* = 541 CFS. With a wetpool volume factor of 3, the wetvault size will need to hold 1,623 CF of water.

With the access and maintenance requirements of a wetvault and with site conditions considered a 7'H x 24'L x 10'W wetvault was chosen for this project.

5. Conveyance System Analysis and Design

5. Conveyance System Analysis and Design

Site flows are very small relative to the capacity of the minimum required 12-inch pipe size. A more detailed conveyance system design will be prepared for the site engineering/construction plan stage.

6. Special Reports and Studies

6. Special Reports and Studies

The following special reports and studies have been prepared for this Project:

**Infiltration Evaluation
Proposed Occidental Avenue
Residential Development**
Earth Solutions NW, ES-2610
January 15, 2013

A copy of this report is included for reference.



Geotechnical Engineering
Geology
Environmental Scientists
Construction Monitoring

A large yellow CAT excavator is the central focus of the photograph, positioned on a dirt and gravel construction site. The excavator's arm is extended, and it appears to be in the process of working on a stone wall that runs along the left side of the frame. The background is filled with dense green trees and foliage, suggesting a wooded or rural setting. The overall scene is one of active construction work.

**INFILTRATION EVALUATION
PROPOSED OCCIDENTAL AVENUE
RESIDENTIAL DEVELOPMENT
18052 - OCCIDENTAL AVENUE SOUTH
BURIEN, WASHINGTON**

ES-2610

1805 - 136th Place N.E., Suite 201 - Bellevue, WA 98005
(425) 449-4704 Fax (425) 449-4711
www.earth-solutionsnw.com

**PREPARED FOR
MILLENNIAL BUILDERS**

January 15, 2013

**INFILTRATION EVALUATION
PROPOSED OCCIDENTAL AVENUE
RESIDENTIAL DEVELOPMENT
18052 – OCCIDENTAL AVENUE SOUTH
BURIEN, WASHINGTON**

ES-2610

**Earth Solutions NW, LLC
1805 – 136th Place Northeast, Suite 201, Bellevue, Washington 98005
Ph: 425-449-4704 Fax: 425-449-4711
1-866-336-8710**

Important Information About Your Geotechnical Engineering Report

Subsurface problems are a principal cause of construction delays, cost overruns, claims, and disputes.

The following information is provided to help you manage your risks.

Geotechnical Services Are Performed for Specific Purposes, Persons, and Projects

Geotechnical engineers structure their services to meet the specific needs of their clients. A geotechnical engineering study conducted for a civil engineer may not fulfill the needs of a construction contractor or even another civil engineer. Because each geotechnical engineering study is unique, each geotechnical engineering report is unique, prepared *solely* for the client. No one except you should rely on your geotechnical engineering report without first conferring with the geotechnical engineer who prepared it. *And no one — not even you — should apply the report for any purpose or project except the one originally contemplated.*

Read the Full Report

Serious problems have occurred because those relying on a geotechnical engineering report did not read it all. Do not rely on an executive summary. Do not read selected elements only.

A Geotechnical Engineering Report Is Based on A Unique Set of Project-Specific Factors

Geotechnical engineers consider a number of unique, project-specific factors when establishing the scope of a study. Typical factors include: the client's goals, objectives, and risk management preferences; the general nature of the structure involved, its size, and configuration; the location of the structure on the site; and other planned or existing site improvements, such as access roads, parking lots, and underground utilities. Unless the geotechnical engineer who conducted the study specifically indicates otherwise, do not rely on a geotechnical engineering report that was:

- not prepared for you,
- not prepared for your project,
- not prepared for the specific site explored, or
- completed before important project changes were made.

Typical changes that can erode the reliability of an existing geotechnical engineering report include those that affect:

- the function of the proposed structure, as when it's changed from a parking garage to an office building, or from a light industrial plant to a refrigerated warehouse,

- elevation, configuration, location, orientation, or weight of the proposed structure,
- composition of the design team, or
- project ownership.

As a general rule, *always* inform your geotechnical engineer of project changes—even minor ones—and request an assessment of their impact. *Geotechnical engineers cannot accept responsibility or liability for problems that occur because their reports do not consider developments of which they were not informed.*

Subsurface Conditions Can Change

A geotechnical engineering report is based on conditions that existed at the time the study was performed. *Do not rely on a geotechnical engineering report* whose adequacy may have been affected by: the passage of time; by man-made events, such as construction on or adjacent to the site; or by natural events, such as floods, earthquakes, or groundwater fluctuations. *Always* contact the geotechnical engineer before applying the report to determine if it is still reliable. A minor amount of additional testing or analysis could prevent major problems.

Most Geotechnical Findings Are Professional Opinions

Site exploration identifies subsurface conditions only at those points where subsurface tests are conducted or samples are taken. Geotechnical engineers review field and laboratory data and then apply their professional judgment to render an opinion about subsurface conditions throughout the site. Actual subsurface conditions may differ—sometimes significantly—from those indicated in your report. Retaining the geotechnical engineer who developed your report to provide construction observation is the most effective method of managing the risks associated with unanticipated conditions.

A Report's Recommendations Are *Not* Final

Do not overrely on the construction recommendations included in your report. *Those recommendations are not final*, because geotechnical engineers develop them principally from judgment and opinion. Geotechnical engineers can finalize their recommendations only by observing actual

subsurface conditions revealed during construction. *The geotechnical engineer who developed your report cannot assume responsibility or liability for the report's recommendations if that engineer does not perform construction observation.*

A Geotechnical Engineering Report Is Subject to Misinterpretation

Other design team members' misinterpretation of geotechnical engineering reports has resulted in costly problems. Lower that risk by having your geotechnical engineer confer with appropriate members of the design team after submitting the report. Also retain your geotechnical engineer to review pertinent elements of the design team's plans and specifications. Contractors can also misinterpret a geotechnical engineering report. Reduce that risk by having your geotechnical engineer participate in prebid and preconstruction conferences, and by providing construction observation.

Do Not Redraw the Engineer's Logs

Geotechnical engineers prepare final boring and testing logs based upon their interpretation of field logs and laboratory data. To prevent errors or omissions, the logs included in a geotechnical engineering report should *never* be redrawn for inclusion in architectural or other design drawings. Only photographic or electronic reproduction is acceptable, *but recognize that separating logs from the report can elevate risk.*

Give Contractors a Complete Report and Guidance

Some owners and design professionals mistakenly believe they can make contractors liable for unanticipated subsurface conditions by limiting what they provide for bid preparation. To help prevent costly problems, give contractors the complete geotechnical engineering report, *but* preface it with a clearly written letter of transmittal. In that letter, advise contractors that the report was not prepared for purposes of bid development and that the report's accuracy is limited; encourage them to confer with the geotechnical engineer who prepared the report (a modest fee may be required) and/or to conduct additional study to obtain the specific types of information they need or prefer. A prebid conference can also be valuable. *Be sure contractors have sufficient time* to perform additional study. Only then might you be in a position to give contractors the best information available to you, while requiring them to at least share some of the financial responsibilities stemming from unanticipated conditions.

Read Responsibility Provisions Closely

Some clients, design professionals, and contractors do not recognize that geotechnical engineering is far less exact than other engineering disciplines. This lack of understanding has created unrealistic expectations that

have led to disappointments, claims, and disputes. To help reduce the risk of such outcomes, geotechnical engineers commonly include a variety of explanatory provisions in their reports. Sometimes labeled "limitations" many of these provisions indicate where geotechnical engineers' responsibilities begin and end, to help others recognize their own responsibilities and risks. *Read these provisions closely.* Ask questions. Your geotechnical engineer should respond fully and frankly.

Geoenvironmental Concerns Are Not Covered

The equipment, techniques, and personnel used to perform a *geoenvironmental* study differ significantly from those used to perform a *geotechnical* study. For that reason, a geotechnical engineering report does not usually relate any geoenvironmental findings, conclusions, or recommendations; e.g., about the likelihood of encountering underground storage tanks or regulated contaminants. *Unanticipated environmental problems have led to numerous project failures.* If you have not yet obtained your own geoenvironmental information, ask your geotechnical consultant for risk management guidance. *Do not rely on an environmental report prepared for someone else.*

Obtain Professional Assistance To Deal with Mold

Diverse strategies can be applied during building design, construction, operation, and maintenance to prevent significant amounts of mold from growing on indoor surfaces. To be effective, all such strategies should be devised for the *express purpose* of mold prevention, integrated into a comprehensive plan, and executed with diligent oversight by a professional mold prevention consultant. Because just a small amount of water or moisture can lead to the development of severe mold infestations, a number of mold prevention strategies focus on keeping building surfaces dry. While groundwater, water infiltration, and similar issues may have been addressed as part of the geotechnical engineering study whose findings are conveyed in this report, the geotechnical engineer in charge of this project is not a mold prevention consultant; *none of the services performed in connection with the geotechnical engineer's study were designed or conducted for the purpose of mold prevention. Proper implementation of the recommendations conveyed in this report will not of itself be sufficient to prevent mold from growing in or on the structure involved.*

Rely on Your ASFE-Member Geotechnical Engineer for Additional Assistance

Membership in ASFE/The Best People on Earth exposes geotechnical engineers to a wide array of risk management techniques that can be of genuine benefit for everyone involved with a construction project. Confer with your ASFE-member geotechnical engineer for more information.



8811 Colesville Road/Suite G106, Silver Spring, MD 20910
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January 15, 2013
ES-2610

Earth Solutions NW LLC

- Geotechnical Engineering
- Construction Monitoring
- Environmental Sciences

Millenial Builders
17837 1st Avenue South
PMB # 2
Normandy Park, Washington 98148

Attention: Mr. Todd McKittrick

**Subject: Infiltration Evaluation
Proposed Occidental Avenue
Residential Development
18052 - Occidental Avenue South
Burien, Washington**

Reference: Preliminary Plat Layout
Duncanson Company, Inc.
Sheet PP2, Dated December 2012

King County 2009 Surface Water Design Manual
Chapter 5.4 Infiltration Facilities and,
Appendix C: Small Project Drainage Requirements

Geologic Map of King County
Troost, Booth, et al.
Dated May 2006

Dear Mr. Mckittrick:

In accordance with your request, Earth Solutions NW, LLC (ESNW) has prepared this report summarizing our evaluation of infiltration characteristics for the proposed Occidental Avenue residential development. A representative of ESNW was on-site November 13, 2012 and December 5, 2012 to observe a series of test pits excavated throughout the planned development areas. As part of the subsurface investigation, large scale constant head and falling head infiltration testing was performed at the location of the proposed stormwater pond facility. Representative soil samples were also collected at the test pit locations for grain size analysis and interpretation of soil infiltration capacity.

Project Description

The site is located at 18052 - Occidental Avenue South in Burien, Washington, as illustrated on the Vicinity Map (Plate 1). We understand the subject property will be developed with five single-family residential building lots, access roadways, and associated improvements. Stormwater infiltration systems will be utilized to accommodate surface water runoff from the new access roadway and building structures. We understand roof runoff at several individual lots will be accommodated through the use of dry wells. Stormwater runoff from the new access roadway will be directed to an infiltration pond proposed for the northwest corner of the property. The attached Test Pit Location Plan (Plate 2) illustrates the approximate layout of the proposed development, and the approximate locations of the test pit excavations.

Site Conditions (Surface and Subsurface)

The site is located along the east side of Occidental Avenue South located south of Southwest Normandy Road in Burien, Washington. The subject property is roughly rectangular in shape and is bordered to the west by Occidental Avenue South and to the north, south and east by residential parcels. Site topography descends gradually to the northwest property corner with an overall topographic relief on the order of 16 feet or less. No critical areas were identified and/or mapped on the subject property.

Evidence of existing fill was encountered to a depth of one and one-half to three and one-half feet below current grades at TP-1 and TP-2 located at the western portion of the property. Existing fill was observed to primarily consist of a loose to medium dense silty sand with gravel soil. Based on the subsurface exploration, ESNW does not anticipate extensive and wide spread existing fill to be encountered onsite. However, shallow existing fill may be encountered adjacent to the existing residential structures and access roadway.

The referenced geologic map of the area identifies Vashon subglacial till (Qvt) deposits throughout the site and the adjacent surrounding areas. The geologic map of the area also identifies the contact between the Vashon subglacial till (Qvt) and Vashon advanced outwash (Qva) soils deposits immediately northwest of the project location. The contact between these soil units may be transitional depending on location. The King County Soil Survey (SCS) does not provide mapping within this project area.

Vashon subglacial till (Qvt) deposits generally consist of a dense to very dense silty sand, sandy silt, and well-graded sand with silt soil deposits. Vashon advanced outwash (Qva) soils are generally dense consisting of medium to coarse grained deposits, due to fluctuations in depositional energy, fine grained sands and silts are relatively common. In general, soil conditions encountered during excavations within the proposed development areas are consistent with the referenced geologic map, consisting of both the Vashon subglacial till (Qvt) and the Vashon advanced outwash (Qva) soil deposit designations. Soils were observed to consist of a relatively thin three and one-half to 8 foot "cap" of silty sand glacial till deposit overlying advanced outwash sand deposits. Laboratory analysis of the glacial till and the upper transitional outwash soils grain size distributions indicates onsite soils to be within the gravelly loamy sand and very gravelly sand categories. Cleaner sand (and some gravel) deposits of varying thickness are present below the fine grain silty sands (roughly below depths of three and one-half to 8 feet). The outwash sand deposits onsite were observed to consist primarily of medium to coarse grain sand. Laboratory analysis of the outwash sand encountered below the upper till "cap" indicates the lower sand deposits consist primarily of gravelly sand, and very gravelly sand. The test pit locations are illustrated on the attached Test Pit Location Plan (Plate 2). Soil logs and related sieve analysis data are also provided as an attachment to this report.

Groundwater

Evidence of a seasonal high groundwater table was not observed within the test excavations at the time of our field exploration (November 2012 and December 2012). No significant signs of seasonal high groundwater such as oxide staining or mottling were noted. The maximum test pit excavation depth of the location of the proposed infiltration facility was 14.0 feet. Based on our observations, and the above normal rainfall (October / November) rainfall that preceded the site investigation, groundwater impacts to the proposed infiltration facility (northwest corner of site) are not expected. In our opinion, it is reasonable to assume seasonal high groundwater table is at least 14 feet below current grade. The absence of groundwater at the test pit locations (14 foot max. depth), and the relatively free draining characteristics of the underlying outwash sands, are the primary basis for this conclusion.

Infiltration Evaluation

The infiltration evaluation consisted of large scale infiltration testing and sieve analysis of representative soil samples collected within the underlying outwash sand deposit. The United States Department of Agriculture (USDA) classifications of the soils exposed at the estimated infiltration elevations are sand, gravelly sand, and very gravelly sand. The sieve analysis data is provided as an attachment to this report.

Large Scale Infiltration Testing – Pond Location

The large scale infiltration testing conducted at the proposed pond location utilized a six foot diameter ring for purposes of conducting constant head and falling head testing. The large scale infiltration test was conducted within the footprint area of the proposed pond location (Test Pit TP-101) at a depth of eight and one-half feet below existing grade. Following a saturation period, a constant head was maintained within the test ring for purposes of deriving a representative field measured infiltration rate. Based on the results of the large scale infiltration testing, the following field measured infiltration test was derived:

Measured Infiltration Rate

6.29 in./hr. *

*Large scale Infiltration test conducted 8.25 feet below preconstruction grade at TP-101

Following the infiltration testing, the test pits were advanced an additional six feet below the assumed infiltration elevations of the proposed pond (and an additional four to 8 feet below the estimated bottom of drywell facilities) to confirm the absence of a confining layer or groundwater. Confining layers or groundwater were not encountered within the excavations.

Based on review of Chapter 5.4 of the referenced surface water design manual, the large scale infiltration testing is an acceptable method for deriving a long term infiltration rate. With respect to the proposed development and stormwater pond design, a reduction factor of the measured infiltration rate should be applied for purposes of determining the design infiltration rate. The King County Surface Water Design Manual provides an equation that accounts for the pond geometry and other factors in calculating the design infiltration rate (I_{design}). The equation used to determine the design infiltration rate is provided below:

$$I_{design} = I_{measured} \times F_{testing} \times F_{plugging} \times F_{geometry}$$

Based on the results of the large scale infiltration testing, the following parameters can be used with respect to the above equation in determining the design infiltration rate:

$$I_{measured} = 6.29 \text{ (inches per hour)}$$

$$F_{testing} = 0.5 \text{ (Large Scale Testing)}$$

$$F_{plugging} = 0.9 \text{ (medium sand)}$$

$$F_{geometry} = 4 D/W + 0.05 \text{ (to be calculated by civil based on final pond geometry)}$$

Use D = 5 feet (conservative)

Where D= depth from the bottom of the proposed facility to the maximum wet-season water table or nearest impervious layer, whichever is less.
W= width of facility

As described above, the clean sand and gravelly deposits suitable for infiltration of the stormwater pond facility are located below a relatively shallow silty sand with gravel deposit at a depth of approximately eight feet below existing grades within the footprint area of the proposed pond facility. As such, excavations to expose the infiltrating soils at a minimum depth of eight feet below current grades will be required as part of the retention pond construction. Once excavations to expose the lower sands and gravels are complete, the excavation can be restored using drain rock to achieve the design bottom of pond elevation. In essence, the drain rock used to restore the excavation to final design grades will act as a conduit to the interface with the infiltrating soils.

Based on review of Chapter 5.4 of the referenced surface design manual and the results of laboratory analysis of the soil samples collected in the field, soils encountered at the proposed infiltration elevations meet the required cation exchange and pre-treatment criteria for groundwater protection areas. The measured infiltration rate observed onsite is less than or equal to nine inches per hour. Results from laboratory analysis of the soil samples collected onsite also indicate the first two or more feet beneath the proposed facility to have an organic content greater than 0.5 percent, a cation exchange capacity of greater than 5.0, and the textural analysis meets the required soil gradation criteria for groundwater protection areas.

Infiltration Dry Wells

To accommodate stormwater runoff from roof downspout drains, we understand dry well infiltration systems are proposed for individual lots where suitable soils were encountered. Based on the conditions observed during the subsurface exploration, soil conditions suitable to support long-term dry well infiltration were observed at test pit locations TP-2, TP-3, TP-4, and TP-5. In general, medium to coarse outwash sands were encountered at depths between 3.5 and 4 feet and extending to the maximum exploration depth of 14.5 feet below existing grades. In our opinion, infiltration of runoff from roof drain downspouts can be accommodated by individual lot dry well facilities. The following design parameters should be incorporated into the final dry well infiltration design.

- Minimum dry well depth should be 5 feet (bottom of dry well excavation must expose the suitable outwash sands).
- Minimum dry well diameter should be 4 feet.
- At least 90 cubic feet of gravel per 1,000 square feet of impervious surface (medium Sand condition) should be used per dry well facility.
- Dry well gravel should consist of 1-1/2 to 3 inch washed drain rock or suitable washed drain rock;
- Minimum spacing between dry wells should be 10 feet.
- Minimum setback of dry well from buildings with crawl spaces or basements should be 15 feet. In our opinion, further reduction of minimum dry well setbacks may be considered on a site by site or lot by lot basis provided an overflow provision below the adjacent crawlspace elevations is incorporated into the final design.

Dry wells should maintain a minimum of 12 inches of separation above any exposed hardpan soils or groundwater table elevations. ESNW should observe the dry well excavations to confirm conditions. Please refer to referenced surface water design manual Appendix C section 2.2.4 for any additional design requirements for individual dry wells.

Conclusion

Based on the large scale infiltration testing, textural analysis, and the soil conditions observed onsite, the use of stormwater pond and dry well facilities for infiltration is feasible from a geotechnical standpoint. Infiltration systems should be designed in accordance with the referenced surface water design manual and the recommendations provided in this report. Infiltration rates will always exhibit some level of variation due to the inherent non-homogeneous characteristics of native soil deposits. To a large degree, reduction factors used in determining the design rate account for these inherent variations. However, as with all infiltration facilities, a provision for overflow should be included as part of the final design.

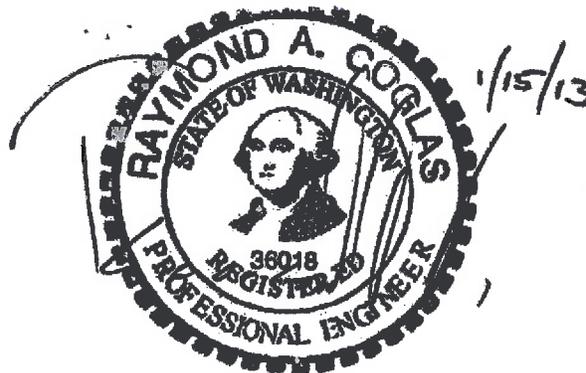
We trust this report meets your current needs. If you have any questions regarding the content of this document or require additional information, please call.

Sincerely,

EARTH SOLUTIONS NW, LLC

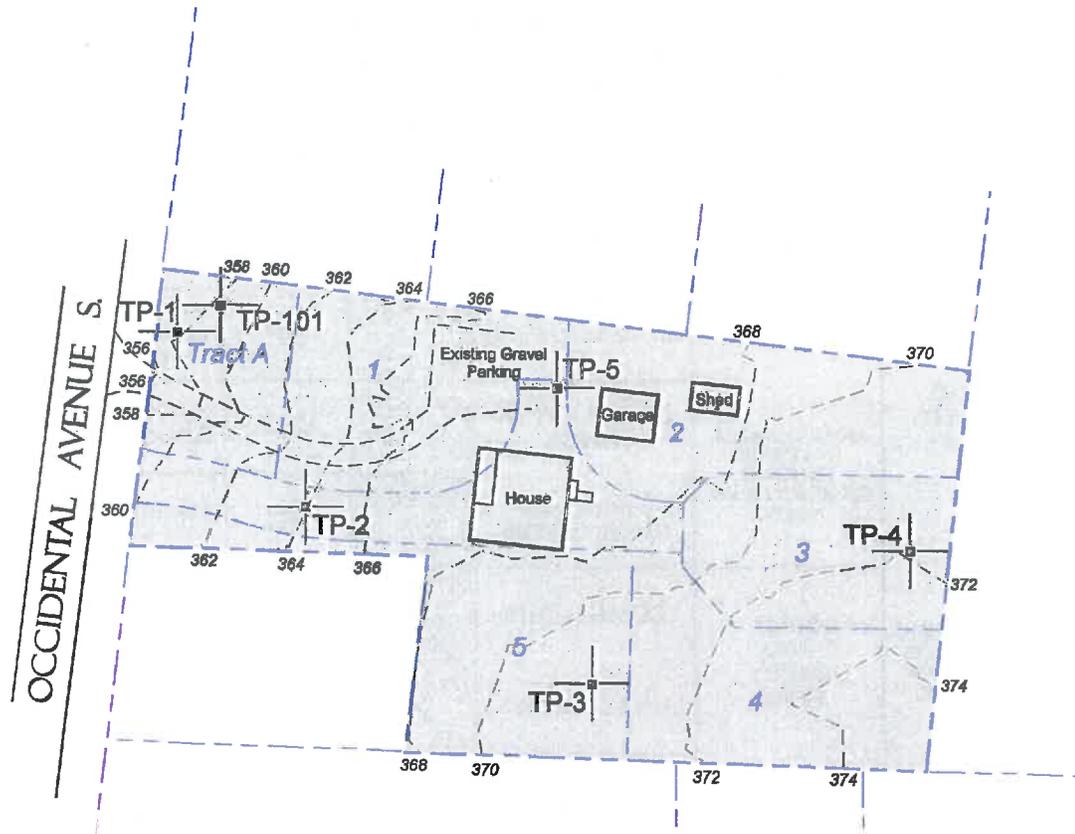


B. Tyler Scalise
Staff Geologist



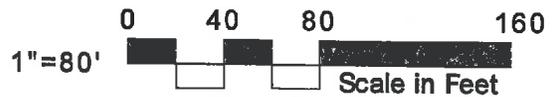
Raymond A. Coglas, P.E.
Principal

- Attachments: Plate 1 – Vicinity Map
Plate 2 – Test Pit Location Plan
Subsurface Exploration - Test Pit Logs
Laboratory Test Results - Sieve Analysis Results



LEGEND

- 
 TP-1 — Approximate Location of ESNW Test Pit, Proj. No. ES-2610, Nov. 2012
- 
 TP-101 — Approximate Location of ESNW Test Pit, Proj. N. ES-2610, Dec. 2012
- 
 Subject Site
- 
 Existing building
- 2 Proposed Lot Number



NOTE: The graphics shown on this plate are not intended for design purposes or precise scale measurements, but only to illustrate the approximate test locations relative to the approximate locations of existing and / or proposed site features. The information illustrated is largely based on data provided by the client at the time of our study. ESNW cannot be responsible for subsequent design changes or interpretation of the data by others.

NOTE: This plate may contain areas of color. ESNW cannot be responsible for any subsequent misinterpretation of the information resulting from black & white reproductions of this plate.



Earth Solutions NW LLC
Geotechnical Engineering, Construction Monitoring
 and Environmental Sciences

Test Pit Location Plan
Occidental Avenue Residential Development
Burien, Washington

| | | | |
|-------------|-----------------|----------------|--|
| Drwn. GLS | Date 12/06/2012 | Proj. No. 2610 | |
| Checked BTS | Date Dec. 2012 | Plate 2 | |

Earth Solutions NW_{LLC}

SOIL CLASSIFICATION CHART

| MAJOR DIVISIONS | | | SYMBOLS | | TYPICAL DESCRIPTIONS | |
|--|---|--|--|---|--|---|
| | | | GRAPH | LETTER | | |
| COARSE GRAINED SOILS MORE THAN 50% OF MATERIAL IS LARGER THAN NO. 200 SIEVE SIZE | GRAVEL AND GRAVELLY SOILS (LITTLE OR NO FINES) | CLEAN GRAVELS | | GW | WELL-GRADED GRAVELS, GRAVEL - SAND MIXTURES, LITTLE OR NO FINES | |
| | | (LITTLE OR NO FINES) | | GP | POORLY-GRADED GRAVELS, GRAVEL - SAND MIXTURES, LITTLE OR NO FINES | |
| | | GRAVELS WITH FINES (APPRECIABLE AMOUNT OF FINES) | | GM | SILTY GRAVELS, GRAVEL - SAND - SILT MIXTURES | |
| | SAND AND SANDY SOILS MORE THAN 50% OF COARSE FRACTION PASSING ON NO. 4 SIEVE | CLEAN SANDS (LITTLE OR NO FINES) | (APPRECIABLE AMOUNT OF FINES) | | GC | CLAYEY GRAVELS, GRAVEL - SAND - CLAY MIXTURES |
| | | | CLEAN SANDS (LITTLE OR NO FINES) | | SW | WELL-GRADED SANDS, GRAVELLY SANDS, LITTLE OR NO FINES |
| | | SANDS WITH FINES (APPRECIABLE AMOUNT OF FINES) | | SP | POORLY-GRADED SANDS, GRAVELLY SAND, LITTLE OR NO FINES | |
| | | | | SM | SILTY SANDS, SAND - SILT MIXTURES | |
| | FINE GRAINED SOILS MORE THAN 50% OF MATERIAL IS SMALLER THAN NO. 200 SIEVE SIZE | SILTS AND CLAYS LIQUID LIMIT LESS THAN 50 | | ML | INORGANIC SILTS AND VERY FINE SANDS, ROCK FLOUR, SILTY OR CLAYEY FINE SANDS OR CLAYEY SILTS WITH SLIGHT PLASTICITY | |
| | | | | CL | INORGANIC CLAYS OF LOW TO MEDIUM PLASTICITY, GRAVELLY CLAYS, SANDY CLAYS, SILTY CLAYS, LEAN CLAYS | |
| | | | | OL | ORGANIC SILTS AND ORGANIC SILTY CLAYS OF LOW PLASTICITY | |
| SILTS AND CLAYS LIQUID LIMIT GREATER THAN 50 | | | MH | INORGANIC SILTS, MICACEOUS OR DIATOMACEOUS FINE SAND OR SILTY SOILS | | |
| | | | CH | INORGANIC CLAYS OF HIGH PLASTICITY | | |
| | | | OH | ORGANIC CLAYS OF MEDIUM TO HIGH PLASTICITY, ORGANIC SILTS | | |
| HIGHLY ORGANIC SOILS | | | | PT | PEAT, HUMUS, SWAMP SOILS WITH HIGH ORGANIC CONTENTS | |

DUAL SYMBOLS are used to indicate borderline soil classifications.

The discussion in the text of this report is necessary for a proper understanding of the nature of the material presented in the attached logs.



Earth Solutions NW
 1805 136th Place N.E., Suite 201
 Bellevue, Washington 98005
 Telephone: 425-284-3300

TEST PIT NUMBER TP-1

| | |
|--|---|
| CLIENT <u>Millennial Builders</u> | PROJECT NAME <u>Occidental Avenue Residential Development</u> |
| PROJECT NUMBER <u>2810</u> | PROJECT LOCATION <u>Burien, Washington</u> |
| DATE STARTED <u>11/13/12</u> COMPLETED <u>11/13/12</u> | GROUND ELEVATION <u>358 ft</u> TEST PIT SIZE _____ |
| EXCAVATION CONTRACTOR <u>Big Mountain Enterprises</u> | GROUND WATER LEVELS: |
| EXCAVATION METHOD _____ | AT TIME OF EXCAVATION <u>---</u> |
| LOGGED BY <u>BTS</u> CHECKED BY <u>BTS</u> | AT END OF EXCAVATION <u>---</u> |
| NOTES <u>Depth of Topsoil & Sod 4"- 6": yard grass</u> | AFTER EXCAVATION <u>---</u> |

| DEPTH (ft) | SAMPLE TYPE NUMBER | TESTS | U.S.C.S. | GRAPHIC LOG | MATERIAL DESCRIPTION | ELEVATION |
|------------|--------------------|-----------------------------|----------|-------------|---|-----------|
| 0 | | | | | | |
| | | | SM | | Brown silty SAND with gravel, medium dense, moist (Fill) | |
| | | | | 1.5 | | 366.5 |
| | | MC = 9.00% | | | Brown silty SAND, medium dense to dense, moist (Weathered Till) | |
| 5 | | | SM | | -becomes gray, dense | |
| | | MC = 6.10% | | | -increased gravel and coarse sand | |
| | | MC = 6.20% | | | -becomes very dense | |
| | | | | 8.0 | | 350.0 |
| | | MC = 5.00% Fines = 5.40% | SP-SM | | Brownish gray poorly graded SAND with silt and gravel, very dense, moist to dry (Advanced Outwash) [USDA Classification: gravelly coarse SAND] | |
| 10 | | | | 10.5 | | 347.5 |
| | | MC = 6.00% | SP | | Grades to brown poorly graded SAND, dense to very dense, moist | |
| | | | | 14.0 | | 344.0 |
| | | MC = 7.70% | | | -increased silt and fine sand content | |
| | | | | | Test pit terminated at 14.0 feet below existing grade. No groundwater encountered during excavation. Bottom of test pit at 14.0 feet. | |

GENERAL BH / TP / WELL, 2010, SPJ, GINTUS, GDT, 12/12/12



Earth Solutions NW
 1805 136th Place N.E., Suite 201
 Bellevue, Washington 98005
 Telephone: 425-284-3300

TEST PIT NUMBER TP-2

CLIENT Millennial Builders PROJECT NAME Occidental Avenue Residential Development
 PROJECT NUMBER 2610 PROJECT LOCATION Burien, Washington
 DATE STARTED 11/13/12 COMPLETED 11/13/12 GROUND ELEVATION 364 ft TEST PIT SIZE _____
 EXCAVATION CONTRACTOR Big Mountain Enterprises GROUND WATER LEVELS:
 EXCAVATION METHOD _____ AT TIME OF EXCAVATION ---
 LOGGED BY BTS CHECKED BY BTS AT END OF EXCAVATION ---
 NOTES Depth of Topsoil & Sod 4"- 6": yard grass AFTER EXCAVATION ---

| DEPTH (ft) | SAMPLE TYPE NUMBER | TESTS | U.S.C.S. | GRAPHIC LOG | MATERIAL DESCRIPTION | |
|------------|--------------------|-----------------------------|----------|-------------|--|-------|
| 0 | | | | | | |
| | | | TPSL | | Brown to black TOPSOIL / SOD, loose, moist to wet | 363.5 |
| | | MC = 16.70% | SM | | Brown silty SAND with trace gravel, loose to medium dense, moist (Fill) | |
| | | | | | | 360.5 |
| 5 | | MC = 4.40% Fines = 6.40% | SP-SM | | Becomes gray poorly graded SAND with silt and gravel, dense, moist [USDA Classification: coarse SAND] -becomes very dense | |
| | | | | | | 357.0 |
| | | MC = 5.90% | | | Grades to poorly graded medium to coarse SAND, very dense, moist -becomes cemented | |
| 10 | | | SP | | -slightly bedded coarse sand layers | |
| | | MC = 3.70% | | | | |
| | | | | | Test pit terminated at 14.5 feet below existing grade. No groundwater encountered during excavation. Bottom of test pit at 14.5 feet. | 348.5 |

GENERAL_BH/TP/WELL_2610.GPJ GINT US.GDT 12/12/12



Earth Solutions NW
 1805 138th Place N.E., Suite 201
 Bellevue, Washington 98005
 Telephone: 425-284-3300

CLIENT Millennial Builders PROJECT NAME Occidental Avenue Residential Development
 PROJECT NUMBER 2610 PROJECT LOCATION Burien, Washington
 DATE STARTED 11/13/12 COMPLETED 11/13/12 GROUND ELEVATION 371 ft TEST PIT SIZE _____
 EXCAVATION CONTRACTOR Big Mountain Enterprises GROUND WATER LEVELS:
 EXCAVATION METHOD _____ AT TIME OF EXCAVATION ---
 LOGGED BY BTS CHECKED BY BTS AT END OF EXCAVATION ---
 NOTES Depth of Topsoil & Sod 6"- 8": yard grass AFTER EXCAVATION ---

| DEPTH (ft) | SAMPLE TYPE NUMBER | TESTS | U.S.C.S. | GRAPHIC LOG | MATERIAL DESCRIPTION | |
|------------|--------------------|-----------------------------|----------|-------------|---|-------|
| 0 | | | | | | |
| | | | TPSL | | Brown to black TOPSOIL / SOD, loose, moist to wet | 370.5 |
| | | MC = 11.90% | SM | | Brown silty SAND with gravel, medium dense, moist (Weathered Till) -becomes gray (unweathered till) | 367.5 |
| 5 | | MC = 7.20% Fines = 4.10% | SP | | Grades to poorly graded medium to coarse SAND with gravel, dense, moist (Advanced Outwash) [USDA Classification: very gravelly coarse SAND] -becomes very dense | 364.0 |
| | | MC = 7.60% | | | Test pit terminated at 7.0 feet below existing grade. No groundwater encountered during excavation. Bottom of test pit at 7.0 feet. | |

GENERAL BH / TP / WELL 2610.GPJ GINT US.GDT 12/12/12



Earth Solutions NW
 1805 136th Place N.E., Suite 201
 Bellevue, Washington 98005
 Telephone: 425-284-3300

| | |
|---|---|
| CLIENT <u>Millenial Builders</u> | PROJECT NAME <u>Occidental Avenue Residential Development</u> |
| PROJECT NUMBER <u>2610</u> | PROJECT LOCATION <u>Burien, Washington</u> |
| DATE STARTED <u>11/13/12</u> COMPLETED <u>11/13/12</u> | GROUND ELEVATION <u>372 ft</u> TEST PIT SIZE _____ |
| EXCAVATION CONTRACTOR <u>Big Mountain Enterprises</u> | GROUND WATER LEVELS: |
| EXCAVATION METHOD _____ | AT TIME OF EXCAVATION <u>---</u> |
| LOGGED BY <u>BTS</u> CHECKED BY <u>BTS</u> | AT END OF EXCAVATION <u>---</u> |
| NOTES <u>Depth of Topsoil & Sod 2"-4": yard grass</u> | AFTER EXCAVATION <u>---</u> |

| DEPTH (ft) | SAMPLE TYPE NUMBER | TESTS | U.S.C.S. | GRAPHIC LOG | MATERIAL DESCRIPTION |
|------------|--------------------|-----------------------------|----------|-------------|--|
| 0 | | | | | |
| | | MC = 13.00% | SM | | Brown silty SAND with gravel, loose to medium dense, moist (Weathered Till) |
| | | MC = 5.00% Fines = 5.70% | | | 3.5 368.5 |
| 5 | | | SP-SM | | Becomes gray poorly graded fine to medium SAND with silt, medium dense to dense, dry to moist [USDA Classification: SAND] |
| | | MC = 5.30% | | | 6.0 366.0 |
| | | MC = 4.90% | | | Grades to poorly graded medium to coarse SAND, very dense, moist |
| 10 | | MC = 6.30% | SP | | -slightly cemented -increased fine sand content -becomes moist |
| | | MC = 8.00% | | | 14.5 357.5 |
| | | | | | Test pit terminated at 14.5 feet below existing grade. No groundwater encountered during excavation. Bottom of test pit at 14.5 feet. |

GENERAL BH / TP / WELL 2610.GPJ GINT US.GDT 12/12/12



Earth Solutions NW
 1805 136th Place N.E., Suite 201
 Bellevue, Washington 98005
 Telephone: 425-284-3300

CLIENT Millenia Builders PROJECT NAME Occidental Avenue Residential Development
 PROJECT NUMBER 2610 PROJECT LOCATION Burien, Washington
 DATE STARTED 11/13/12 COMPLETED 11/13/12 GROUND ELEVATION 367 ft TEST PIT SIZE _____
 EXCAVATION CONTRACTOR Big Mountain Enterprises GROUND WATER LEVELS:
 EXCAVATION METHOD _____ AT TIME OF EXCAVATION ---
 LOGGED BY BTS CHECKED BY BTS AT END OF EXCAVATION ---
 NOTES Depth of Topsoil & Sod 6"- 8": yard grass AFTER EXCAVATION ---

| DEPTH (ft) | SAMPLE TYPE NUMBER | TESTS | U.S.C.S. | GRAPHIC LOG | MATERIAL DESCRIPTION | |
|------------|--------------------|-------------------------------|----------|-------------|--|-------|
| 0 | | | TPSL | | Brown to black TOPSOIL, loose, wet | 366.5 |
| | | MC = 13.10% Fines = 18.30% | SM | | Brown silty SAND, medium dense, moist [USDA Classification: very gravelly SAND] | |
| | | MC = 5.60% | SP | | Gray poorly graded medium SAND, medium dense, dry to moist | 363.5 |
| 5 | | MC = 7.20% | | | -becomes dense -increased gravel | |
| | | | | | Test pit terminated at 7.5 feet below existing grade. No groundwater encountered during excavation. Bottom of test pit at 7.5 feet. | 359.5 |

GENERAL BH / TP / WELL 2610.GPJ GINT US.GDT 12/12/12



Earth Solutions NW
 1805 136th Place N.E., Suite 201
 Bellevue, Washington 98005
 Telephone: 425-284-3300

TEST PIT NUMBER TP-101

CLIENT Millennial Builders PROJECT NAME Occidental Avenue Residential Development
 PROJECT NUMBER 2610 PROJECT LOCATION Burien, Washington
 DATE STARTED 12/5/12 COMPLETED 12/5/12 GROUND ELEVATION 358 ft TEST PIT SIZE _____
 EXCAVATION CONTRACTOR NW Excavating GROUND WATER LEVELS:
 EXCAVATION METHOD _____ AT TIME OF EXCAVATION ---
 LOGGED BY BTS CHECKED BY BTS AT END OF EXCAVATION ---
 NOTES Depth of Topsoil & Sod 4"- 6": grass AFTER EXCAVATION ---

| DEPTH (ft) | SAMPLE TYPE NUMBER | TESTS | U.S.C.S. | GRAPHIC LOG | MATERIAL DESCRIPTION | ELEVATION |
|------------|--------------------|--|----------|-------------|---|-----------|
| 0 | | | TPSL | 0.5 | Brown to black TOPSOIL / SOD, loose, wet | 357.5 |
| | | | SM | 4.0 | Brown silty SAND with gravel, medium dense, moist -becomes gray | 354.0 |
| 5 | | | SW-SM | 6.0 | Gray well graded SAND with silt, medium dense to dense, moist | 352.0 |
| | | MC = 7.00% | SP-SM | 9.0 | Grades to poorly graded SAND with silt, very dense, moist -increased fines, cemented -becomes clean and less cemented -infiltration testing with 6' diameter single ring @ 8.25' [USDA Classification: very gravelly coarse SAND] | 349.0 |
| 10 | | MC = 11.30% | SP | 13.0 | Grades to poorly graded medium to coarse SAND, dense, moist [USDA Classification: very gravelly coarse SAND] | 345.0 |
| | | MC = 8.60% Fines = 4.60% MC = 16.40% | SP-SM | 14.0 | Grades to poorly graded fine to medium SAND, very dense, moist | 344.0 |
| | | | | | Test pit terminated at 14.0 feet below existing grade. No groundwater encountered during excavation. Bottom of test pit at 14.0 feet. | |

GENERAL BH / TP / WELL / WELL 2610.GPJ ©INT US.GDT 12/12/12



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 Bellevue, WA 98005
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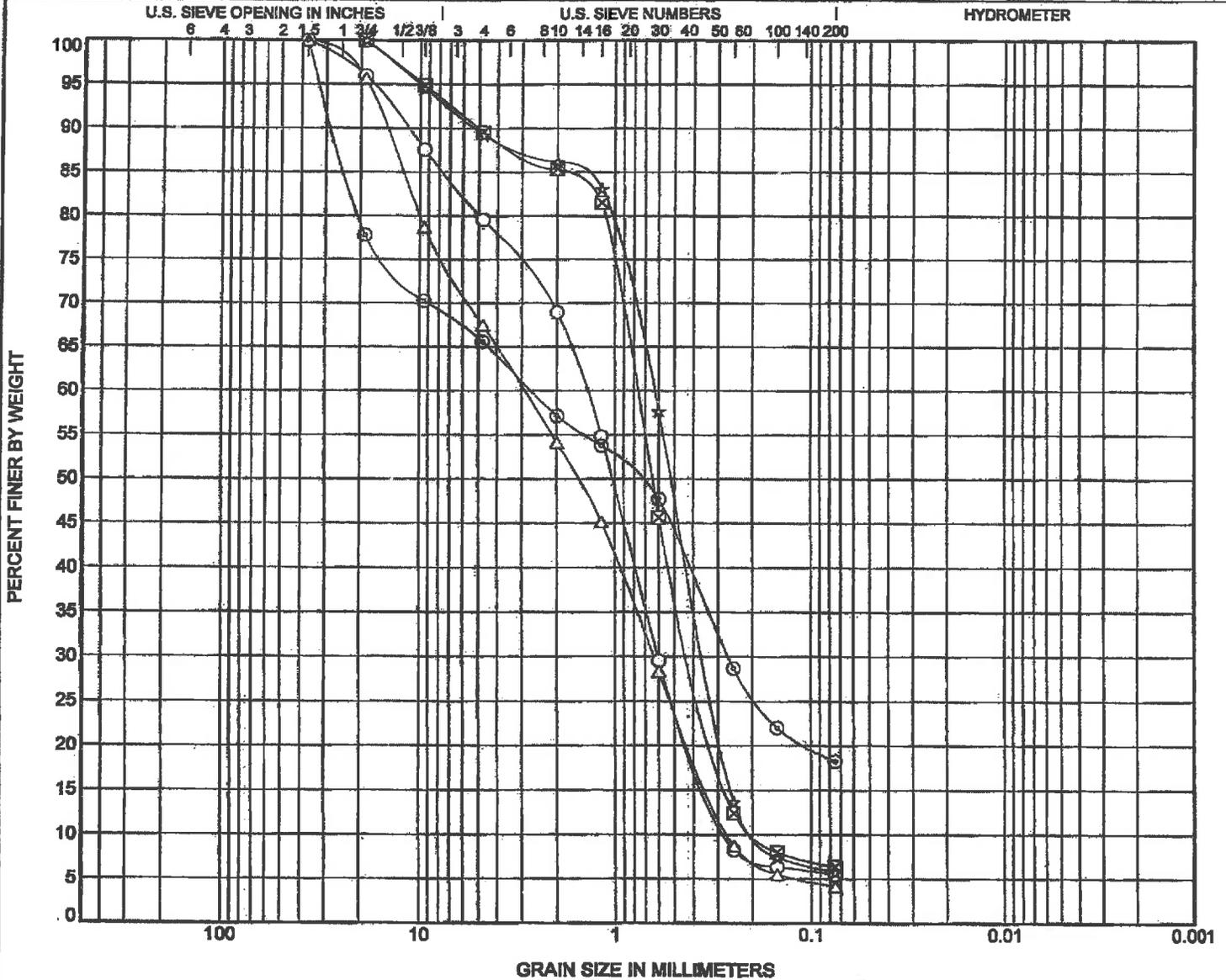
GRAIN SIZE DISTRIBUTION

CLIENT Millenai Builders

PROJECT NAME Occidental Ave Residential Development

PROJECT NUMBER ES-2610

PROJECT LOCATION Burien



| COBBLES | GRAVEL | | SAND | | | SILT OR CLAY |
|---------|--------|------|--------|--------|------|--------------|
| | coarse | fine | coarse | medium | fine | |

| Specimen Identification | Classification | LL | PL | PI | Cc | Cu |
|-------------------------|--|----|----|----|------|------|
| ○ TP-1 9.0ft. | USDA: Gray gravelly coarse sand, USCS: SP-SM | | | | 0.96 | 6.3 |
| ☒ TP-2 5.0ft. | USDA: Gray coarse sand, USCS: SP-SM | | | | 1.06 | 4.1 |
| △ TP-3 4.0ft. | USDA: Gray very gravelly coarse sand, USCS: SP | | | | 0.53 | 11.0 |
| ★ TP-4 3.5ft. | USDA: Gray sand, USCS: SP-SM | | | | 1.01 | 3.4 |
| ◎ TP-5 2.0ft. | USDA: Brown very gravelly sand, USCS: SM | | | | | |

| Specimen Identification | D100 | D60 | D30 | D10 | %Silt | %Clay |
|-------------------------|------|-------|-------|-------|-------|-------|
| ○ TP-1 9.0ft. | 37.5 | 1.431 | 0.608 | 0.269 | | 5.4 |
| ☒ TP-2 5.0ft. | 19 | 0.786 | 0.397 | 0.189 | | 6.4 |
| △ TP-3 4.0ft. | 37.5 | 2.927 | 0.642 | 0.265 | | 4.1 |
| ★ TP-4 3.5ft. | 19 | 0.638 | 0.346 | 0.185 | | 5.7 |
| ◎ TP-5 2.0ft. | 37.5 | 2.677 | 0.265 | | | 18.3 |

GRAIN SIZE: ES-2610.GPJ QINT US LAB GDT 1/25/12



Earth Solutions NW
 1805 - 136th Place N.E., Suite 201
 Bellevue, WA 98005
 Telephone: 425-284-3300

GRAIN SIZE DISTRIBUTION

CLIENT Millennial Builders

PROJECT NAME Occidental Ave Residential Development

PROJECT NUMBER ES-2610

PROJECT LOCATION Burien



| COBBLES | GRAVEL | | SAND | | | SILT OR CLAY |
|---------|--------|------|--------|--------|------|--------------|
| | coarse | fine | coarse | medium | fine | |

| Specimen Identification | | Classification | | | | LL | PL | PI | Cc | Cu |
|-------------------------------------|----------------|---|--|--|--|----|----|----|------|-------|
| <input type="radio"/> | TP-101 8.5ft. | USDA: Gray very gravelly coarse sand, USCS: SP-SM | | | | | | | 0.52 | 11.01 |
| <input checked="" type="checkbox"/> | TP-101 13.0ft. | USDA: Gray very gravelly coarse sand, USCS: SP | | | | | | | 0.48 | 12.43 |

| Specimen Identification | | D100 | D60 | D30 | D10 | %Silt | | %Clay |
|-------------------------------------|----------------|------|-------|-------|-------|-------|--|-------|
| <input type="radio"/> | TP-101 8.5ft. | 37.5 | 3.044 | 0.865 | 0.276 | 5.1 | | |
| <input checked="" type="checkbox"/> | TP-101 13.0ft. | 37.5 | 3.124 | 0.615 | 0.251 | 4.6 | | |

GRAIN SIZE ES-2610A.GPJ GINT US LAB.GDT 12/11/12

7. Other Permits

7. Other Permits

Grading and right of way use permits are anticipated for initial site development. Coverage under Washington Department of Ecology's NPDES Stormwater General permit will also be required. Building permits will be required for construction of the individual homes.

8. CSWPPP Analysis and Design

8. CSWPPP Analysis and Design

Part A – ESC Plan Analysis and Design

A detailed Erosion and Sediment Control (ESC) Plan and Construction Stormwater Pollution Prevention Plan (CSWPPP) addressing the following key elements will be prepared at the final engineering/construction plan stage:

1. Clearing Limits
2. Cover Measures
3. Perimeter Protection
4. Traffic Area Stabilization
5. Sediment Retention
6. Surface Water Collection
7. Dewatering Control
8. Dust Control
9. Flow Control

9. Bond Quantities, Facility Summaries, and Declaration of Covenant

9. Bond Quantities, Facility Summaries, and Declaration of Covenant

This section completed with the final engineering/construction plan stage.

10. Operations and Maintenance Manual

10. Operations and Maintenance Manual

this section completed with the final engineering/construction plan stage.



DUNCANSON

Company, Inc.

TRANSMITTAL LETTER

DATE: March 12, 2013

DCI 12118

TO: Ramesh Davad
City of Burien
400 SW 152nd St, Suite 300
Burien, WA 98166

RECEIVED

MAR 13 2013

CITY OF BURIEN

FROM: Michael Hager, EIT

RE: WestView Preliminary Plat Resubmittal

THE FOLLOWING DOCUMENTS ARE ENCLOSED:

| <u>Quantity</u> | <u>Description</u> |
|-----------------|------------------------------------|
| 5 | WestView Preliminary TIR Section 4 |
| 5 | WestView Preliminary Plat Plans |

NOTES:

The prior TIR Section 4 had included an overestimate of impervious surface area due to part of the grass RoW being considered as impervious surface area. Please call if you have any questions. Thanks... 206-244-4141.

MAR 13 2013

4. Flow Control and Water Quality Facility Analysis and Design

CITY OF BURIEN

Part A – Existing Site Hydrology

Site

The Site presently includes a house, garage, shed, driveway and grass/landscape areas. The soil survey, field observations and the geotech report revealed soils to be predominantly till near the surface with medium to coarse advance outwash sands at a depth of 3.5 to 8-feet below ground surface. Since development will include new or replaced impervious surfaces and will disturb most of the landscape area, the entire Site is considered a Target Surface. Pursuant to the Conservation Flow Control Standard, the existing Site (subbasin S2) was modeled as its historic, fully forested condition—Till Forest. This subbasin is approximately 1.14 acres in size.

Bypass

Frontage improvements are anticipated along Occidental Avenue South. Runoff from these improvements will not be able to be collected and routed to the stormwater facility due to topography. Therefore, the Site runoff will be over-mitigated to account for these “bypass” flows. This bypass area (subbasin BPB1) includes the east half of the existing road surface and the shoulder/ditch area. The existing pavement on the east half of Occidental Avenue South will be overlaid only and is therefore not a Target Surface. It is modeled in its existing impervious condition. The portion of the frontage that will be improved with new sidewalk and re-graded shoulder are Target Surfaces and are therefore modeled as Till Forest in the predeveloped condition. This subbasin is approximately 0.08 acres in size.

Results

A detail tabulation of the various land cover types and areas for the predeveloped Site and Bypass subbasins are summarized in the following page. Also, refer to Figure 1.3—Basin Map for the *BPB1* and *S2* delineation.

Both a BPB1 time series file and an S2 time series file were generated for the predeveloped conditions stated above, using Seatac Region, scale factor 1.01, full historical record and hourly time steps. The time series files for the two predeveloped basins were added together to create a combined predeveloped time series file (predev combo) with the following peaks:

| | |
|---|--|
| <p>Flow Frequency Analysis Time Series File:precombo.tsf Project Location:Sea-Tac</p> | <p>LogPearson III Coefficients Mean= -1.469 StdDev= 0.226 Skew= -0.270</p> |
| <p>---Annual Peak Flow Rates--- Flow Rate Rank Time of Peak (CFS)</p> | <p>-----Flow Frequency Analysis----- - - Peaks - - Rank Return Prob (CFS) Period</p> |
| <p>Computed Peaks 0.103</p> | <p>100.00 0.990</p> |
| <p>Computed Peaks 0.092</p> | <p>50.00 0.980</p> |
| <p>Computed Peaks 0.080</p> | <p>25.00 0.960</p> |
| <p>Computed Peaks 0.065</p> | <p>10.00 0.900</p> |
| <p>Computed Peaks 0.062</p> | <p>8.00 0.875</p> |
| <p>Computed Peaks 0.053</p> | <p>5.00 0.800</p> |
| <p>Computed Peaks 0.035</p> | <p>2.00 0.500</p> |
| <p>Computed Peaks 0.023</p> | <p>1.30 0.231</p> |

Predeveloped Conditions

| | SF | Ac |
|-------------------------|--------|---|
| Site S2 | 49,658 | 1.140 Total Basin Area from plan |
| Till Forest | 49,658 | 1.140 |
| | | |
| Bypass BPB1 | 3,480 | 0.080 Total Basin Area from plan |
| Impervious | 1,486 | 0.034 Existing road 12' x 116 overlay only, non-target |
| Total Impervious | 1,486 | 0.034 |
| | | |
| Till Forest | 1,994 | 0.046 Exist rd shoullder that will be paved (target) |
| | | |
| Area Check | 3,480 | 0.080 |

Bold figures used to create time series files

Part B - Developed Site Hydrology

The WestView development will include construction of a private "skinny street", sidewalk, an infiltration pond, and construction of 5 single family homes with driveways, Full Infiltration Drywell BMP's and landscaping. There will also be frontage improvements on Occidental Avenue.

Site

The developed site conditions for S2 will have approximately 27,928 SF of impervious surfaces. This assumes the lots to have 4,000 SF of impervious surface each. It is anticipated that all 5 individual building lots will provide Full Infiltration BMPs for their impervious surfaces per the 2009 KCSWDM. For a discussion on BMP selection please see Part D.

The remaining basin area will include yard areas (Till Grass) and the new private street and sidewalk (Impervious).

Bypass

The developed condition for the bypass area BPB1 will add approximately 1,160 SF of impervious surface for the new sidewalk and intersection connection (Impervious). The remaining shoulder area grass shoulder area will be disturbed by regarding (Till Grass)

Results

A detail tabulation of the various land cover types and areas for the postdeveloped Site and Bypass subbasins are summarized in the following page. Also, refer to Figure 1.3—Basin Map for the *BPB1* and *S2* delineation.

Both an S2 time series file and an BPB1 time series file were generated for the postdeveloped conditions conditions stated above, using Seatac Region, scale factor 1.01, full historical record and hourly time steps. The Site (S2) runoff will be routed through the infiltration detention facility. The Bypass (BPB1) runoff will be combined with the flow released from the pond and then compared to the overall predeveloped flows to verify compliance (see Part D below). The undetained, postdeveloped peak flows are summarized in the following output:

| Flow Frequency Analysis | | | LogPearson III Coefficients | | |
|---------------------------------------|------|--------------|-----------------------------------|--------|-------------|
| Time Series File: <i>postsite.tsf</i> | | | Mean= -1.104 StdDev= 0.142 | | |
| Project Location: Sea-Tac | | | Skew= 0.441 | | |
| ---Annual Peak Flow Rates--- | | | -----Flow Frequency Analysis----- | | |
| Flow Rate | Rank | Time of Peak | -- Peaks -- | Rank | Return Prob |
| (CFS) | | | (CFS) | | Period |
| Computed Peaks | | | 0.187 | 100.00 | 0.990 |
| Computed Peaks | | | 0.166 | 50.00 | 0.980 |
| Computed Peaks | | | 0.146 | 25.00 | 0.960 |
| Computed Peaks | | | 0.121 | 10.00 | 0.900 |
| Computed Peaks | | | 0.116 | 8.00 | 0.875 |
| Computed Peaks | | | 0.103 | 5.00 | 0.800 |
| Computed Peaks | | | 0.077 | 2.00 | 0.500 |
| Computed Peaks | | | 0.061 | 1.30 | 0.231 |

Postdeveloped Conditions

| | SF | Ac |
|-----------------------------|---------------|--|
| <u>Site S2</u> | 49,658 | 1.140 |
| Impervious | 7,928 | 0.182 |
| | 20,000 | 0.459 |
| Total Impervious | 27,928 | 0.641 |
| Total Contrib Imperv | 7,928 | 0.182 |
| | | Total - Lot Infiltration Lots 1-5 |
| Till Grass | 21,730 | 0.499 |
| Area Check | 49,658 | 1.140 |
| | | |
| <u>Bypass BPB1</u> | 3,480 | 0.080 |
| Impervious | 2,646 | 0.061 |
| | | Existing + widening and new sidewalk |
| Till Grass | 834 | 0.019 |
| | | Regraded shoulder = target, model as grass |
| Area Check | 3,480 | 0.080 |

Bold figures used to create time series files

Flow Frequency Analysis LogPearson III Coefficients
 Time Series File:postbypass.tsf Mean= -1.770 StdDev= 0.103
 Project Location:Sea-Tac Skew= 0.462

| ---Annual Peak Flow Rates--- | | | -----Flow Frequency Analysis----- | | | |
|------------------------------|------|--------------|-----------------------------------|----------|--------|-------|
| Flow Rate | Rank | Time of Peak | - - Peaks | - - Rank | Return | Prob |
| (CFS) | | | (CFS) | | Period | |
| Computed Peaks | | | 0.032 | | 100.00 | 0.990 |
| Computed Peaks | | | 0.029 | | 50.00 | 0.980 |
| Computed Peaks | | | 0.027 | | 25.00 | 0.960 |
| Computed Peaks | | | 0.023 | | 10.00 | 0.900 |
| Computed Peaks | | | 0.023 | | 8.00 | 0.875 |
| Computed Peaks | | | 0.021 | | 5.00 | 0.800 |
| Computed Peaks | | | 0.017 | | 2.00 | 0.500 |
| Computed Peaks | | | 0.014 | | 1.30 | 0.231 |

Flow Frequency Analysis LogPearson III Coefficients
 Time Series File:postcombo.tsf Mean= -1.021 StdDev= 0.136
 Project Location:Sea-Tac Skew= 0.395

| ---Annual Peak Flow Rates--- | | | -----Flow Frequency Analysis----- | | | |
|------------------------------|------|--------------|-----------------------------------|----------|--------|-------|
| Flow Rate | Rank | Time of Peak | - - Peaks | - - Rank | Return | Prob |
| (CFS) | | | (CFS) | | Period | |
| Computed Peaks | | | 0.216 | | 100.00 | 0.990 |
| Computed Peaks | | | 0.193 | | 50.00 | 0.980 |
| Computed Peaks | | | 0.172 | | 25.00 | 0.960 |
| Computed Peaks | | | 0.144 | | 10.00 | 0.900 |
| Computed Peaks | | | 0.138 | | 8.00 | 0.875 |
| Computed Peaks | | | 0.123 | | 5.00 | 0.800 |
| Computed Peaks | | | 0.093 | | 2.00 | 0.500 |
| Computed Peaks | | | 0.075 | | 1.30 | 0.231 |

Part C – Performance Standards

The City of Burien specifies Conservation Flow Control and Basic Water Quality treatment as the required performance standards.

Part D – Flow Control Systems

BMPs

Per the KCSWDM, the individual lots are required to have Flow Control BMP's. To determine the lot BMP requirements, KCSWDM Figure 5.2.1.A was used. Full Dispersal was determined unfeasible due to the small lot sizes and lack of available flow path distances. Based on the presence of outwash sands below the relatively shallow layer of till soils, it was determined that the individual lots will support Full Infiltration Drywell BMP's. Earth Solutions NW recommended the following design parameters:

- Depth of Trenches must be >3' Ft below grade.
- Trenches must be filled with 90 CF of gravel per 1,000 SF of impervious area mitigated by trench..

Infiltration/Detention Facility

Runoff from the yard areas and on-site impervious road and sidewalk areas will need to be mitigated with a formal facility. The infiltration rate at the facility location was based on a Pilot Infiltration Test performed by Earth Solutions NW. Their report gave the measured infiltration rate (6.29 in/hr), testing factor (0.5) and plugging factor (0.9). Evidence of a seasonal high water table or a restrictive layer was not found in the soil investigation, which extended up to 14.5 feet below grade. Therefore, to be conservative, the maximum depth of investigation was assumed to be the restrictive layer for the purpose of determining the geometry factor. The pond infiltration surface is tentatively planned to be 5 feet wide and 8.5 feet below grade. This places the pond infiltration surface at least 6 feet above the assumed restrictive layer. Therefore, the geometry factor is 1.00. The design Infiltration Rate is 2.83 inches per hour. See attached page for calculations.

KCRTS was used to size a detention/infiltration pond to meet the Conservation Flow Control standard through a combination of infiltration as well as storage and controlled release to the downstream system. Undetained flows in the bypass subbasin BPB1 are added to the pond release flows to determine downstream flows. These downstream flows (dsout.tsf) are compared with the historic flows to verify compliance with the Conservation Flow Control standard.

Since the upper soil stratum is silty and not suitable for infiltration, the pond will be excavated to a depth where it will reach the well-drained layer and then partially backfilled with ¾"-1.5" drain gravel to limit the pond footprint. Infiltration was modeled only through the bottom of the pond, not through the side slopes, again due to silty soils at shallower depths. A 15' long by 5' wide by 5.0' deep pond with 3:1 side slopes was found to achieve the desired performance. A conceptual pond layout and cross section are included on the preliminary plat plans. The KCRTS Infiltration Pond output is as follows:

Retention/Detention Facility

Type of Facility: Infiltration Pond
 Side Slope: 3.00 H:1V
 Pond Bottom Length: 15.00 ft
 Pond Bottom Width: 5.00 ft
 Pond Bottom Area: 75. sq. ft
 Top Area at 1 ft. FB: 2091. sq. ft
 0.048 acres
 Effective Storage Depth: 5.00 ft
 Stage 0 Elevation: 349.50 ft
 Storage Volume: 3375. cu. ft
 0.077 ac-ft
 Vertical Permeability: 21.20 min/in
 Permeable Surfaces: Bottom
 Riser Head: 5.00 ft
 Riser Diameter: 12.00 inches
 Number of orifices: 1

| Orifice # | Height (ft) | Diameter (in) | Full Head Discharge (CFS) | Pipe Diameter (in) |
|-----------|-------------|---------------|---------------------------|--------------------|
| 1 | 0.00 | 0.50 | 0.015 | |

Top Notch Weir: None
 Outflow Rating Curve: None

| Stage (ft) | Elevation (ft) | Storage (cu. ft) | (ac-ft) | Discharge (cfs) | Percolation (cfs) | Surf Area (sq. ft) |
|------------|----------------|------------------|---------|-----------------|-------------------|--------------------|
| 0.00 | 349.50 | 0. | 0.000 | 0.000 | 0.00 | 75. |
| 0.01 | 349.51 | 1. | 0.000 | 0.001 | 0.00 | 76. |
| 0.02 | 349.52 | 2. | 0.000 | 0.001 | 0.00 | 77. |
| 0.03 | 349.53 | 2. | 0.000 | 0.001 | 0.00 | 79. |
| 0.04 | 349.54 | 3. | 0.000 | 0.001 | 0.00 | 80. |
| 0.05 | 349.55 | 4. | 0.000 | 0.001 | 0.00 | 81. |
| 0.15 | 349.65 | 13. | 0.000 | 0.003 | 0.00 | 94. |
| 0.25 | 349.75 | 23. | 0.001 | 0.003 | 0.00 | 107. |
| 0.35 | 349.85 | 34. | 0.001 | 0.004 | 0.00 | 121. |
| 0.45 | 349.95 | 47. | 0.001 | 0.005 | 0.00 | 136. |
| 0.55 | 350.05 | 61. | 0.001 | 0.005 | 0.00 | 152. |
| 0.65 | 350.15 | 77. | 0.002 | 0.005 | 0.00 | 168. |
| 0.75 | 350.25 | 95. | 0.002 | 0.006 | 0.00 | 185. |
| 0.85 | 350.35 | 115. | 0.003 | 0.006 | 0.00 | 203. |
| 0.95 | 350.45 | 136. | 0.003 | 0.007 | 0.00 | 221. |
| 1.05 | 350.55 | 159. | 0.004 | 0.007 | 0.00 | 241. |
| 1.15 | 350.65 | 184. | 0.004 | 0.007 | 0.00 | 261. |
| 1.25 | 350.75 | 211. | 0.005 | 0.008 | 0.00 | 281. |
| 1.35 | 350.85 | 240. | 0.006 | 0.008 | 0.00 | 303. |
| 1.45 | 350.95 | 272. | 0.006 | 0.008 | 0.00 | 325. |
| 1.55 | 351.05 | 305. | 0.007 | 0.008 | 0.00 | 347. |
| 1.65 | 351.15 | 341. | 0.008 | 0.009 | 0.00 | 371. |
| 1.75 | 351.25 | 379. | 0.009 | 0.009 | 0.00 | 395. |
| 1.85 | 351.35 | 420. | 0.010 | 0.009 | 0.00 | 420. |

| | | | | | | |
|------|--------|-------|-------|-------|------|-------|
| 1.95 | 351.45 | 463. | 0.011 | 0.009 | 0.00 | 446. |
| 2.05 | 351.55 | 509. | 0.012 | 0.010 | 0.00 | 472. |
| 2.15 | 351.65 | 558. | 0.013 | 0.010 | 0.00 | 499. |
| 2.25 | 351.75 | 609. | 0.014 | 0.010 | 0.00 | 527. |
| 2.35 | 351.85 | 663. | 0.015 | 0.010 | 0.00 | 556. |
| 2.45 | 351.95 | 720. | 0.017 | 0.011 | 0.00 | 585. |
| 2.55 | 352.05 | 780. | 0.018 | 0.011 | 0.00 | 615. |
| 2.65 | 352.15 | 843. | 0.019 | 0.011 | 0.00 | 646. |
| 2.75 | 352.25 | 910. | 0.021 | 0.011 | 0.00 | 677. |
| 2.85 | 352.35 | 979. | 0.022 | 0.011 | 0.00 | 709. |
| 2.95 | 352.45 | 1052. | 0.024 | 0.012 | 0.00 | 742. |
| 3.05 | 352.55 | 1127. | 0.026 | 0.012 | 0.00 | 776. |
| 3.15 | 352.65 | 1207. | 0.028 | 0.012 | 0.00 | 810. |
| 3.25 | 352.75 | 1289. | 0.030 | 0.012 | 0.00 | 845. |
| 3.35 | 352.85 | 1376. | 0.032 | 0.012 | 0.00 | 881. |
| 3.45 | 352.95 | 1466. | 0.034 | 0.013 | 0.00 | 917. |
| 3.55 | 353.05 | 1559. | 0.036 | 0.013 | 0.00 | 955. |
| 3.65 | 353.15 | 1657. | 0.038 | 0.013 | 0.00 | 993. |
| 3.75 | 353.25 | 1758. | 0.040 | 0.013 | 0.00 | 1031. |
| 3.85 | 353.35 | 1863. | 0.043 | 0.013 | 0.00 | 1071. |
| 3.95 | 353.45 | 1972. | 0.045 | 0.013 | 0.00 | 1111. |
| 4.05 | 353.55 | 2085. | 0.048 | 0.014 | 0.00 | 1151. |
| 4.15 | 353.65 | 2202. | 0.051 | 0.014 | 0.00 | 1193. |
| 4.25 | 353.75 | 2324. | 0.053 | 0.014 | 0.00 | 1235. |
| 4.35 | 353.85 | 2449. | 0.056 | 0.014 | 0.00 | 1278. |
| 4.45 | 353.95 | 2579. | 0.059 | 0.014 | 0.00 | 1322. |
| 4.55 | 354.05 | 2714. | 0.062 | 0.014 | 0.00 | 1366. |
| 4.65 | 354.15 | 2853. | 0.065 | 0.015 | 0.00 | 1411. |
| 4.75 | 354.25 | 2996. | 0.069 | 0.015 | 0.00 | 1457. |
| 4.85 | 354.35 | 3144. | 0.072 | 0.015 | 0.00 | 1504. |
| 4.95 | 354.45 | 3297. | 0.076 | 0.015 | 0.00 | 1551. |
| 5.00 | 354.50 | 3375. | 0.077 | 0.015 | 0.00 | 1575. |
| 5.10 | 354.60 | 3535. | 0.081 | 0.323 | 0.00 | 1623. |
| 5.20 | 354.70 | 3700. | 0.085 | 0.887 | 0.00 | 1672. |

The above pond configuration and inflow time series yields the following pond release rates:

Flow Frequency Analysis
Time Series File:irdout.tsf
Project Location:Sea-Tac

LogPearson III Coefficients
Mean= -1.855 StdDev= 0.213
Skew= 2.434

---Annual Peak Flow Rates---
Flow Rate Rank Time of Peak
(CFS)

| | | |
|----------------|--|--|
| Computed Peaks | | |

-----Flow Frequency Analysis-----
- - Peaks - - Rank Return Prob
(CFS) (ft) Period

| | | | |
|-------|------|--------|-------|
| 0.091 | 5.02 | 100.00 | 0.990 |
| 0.062 | 5.02 | 50.00 | 0.980 |
| 0.042 | 5.01 | 25.00 | 0.960 |
| 0.026 | 5.00 | 10.00 | 0.900 |
| 0.024 | 5.00 | 8.00 | 0.875 |
| 0.018 | 5.00 | 5.00 | 0.800 |
| 0.012 | 2.92 | 2.00 | 0.500 |
| 0.010 | 2.05 | 1.30 | 0.231 |

Flows released from the pond were added by KCRTS with the undetained "bypass" flows to create the following downstream point of compliance flows (dsout):

| | | | | | |
|------------------------------|------|--------------|-----------------------------------|------|--------------|
| Flow Frequency Analysis | | | LogPearson III Coefficients | | |
| Time Series File:idsout.tsf | | | Mean= -1.563 StdDev= 0.151 | | |
| Project Location:Sea-Tac | | | Skew= 1.886 | | |
| ---Annual Peak Flow Rates--- | | | -----Flow Frequency Analysis----- | | |
| Flow Rate | Rank | Time of Peak | - - Peaks - - | Rank | Return Prob |
| (CFS) | | | (CFS) | | Period |
| Computed Peaks | | | 0.094 | | 100.00 0.990 |
| Computed Peaks | | | 0.074 | | 50.00 0.980 |
| Computed Peaks | | | 0.059 | | 25.00 0.960 |
| Computed Peaks | | | 0.043 | | 10.00 0.900 |
| Computed Peaks | | | 0.041 | | 8.00 0.875 |
| Computed Peaks | | | 0.034 | | 5.00 0.800 |
| Computed Peaks | | | 0.025 | | 2.00 0.500 |
| Computed Peaks | | | 0.021 | | 1.30 0.231 |

Following is a comparison of durations for historic condition flows and downstream point of compliance/release flows from the KCRTS analysis:

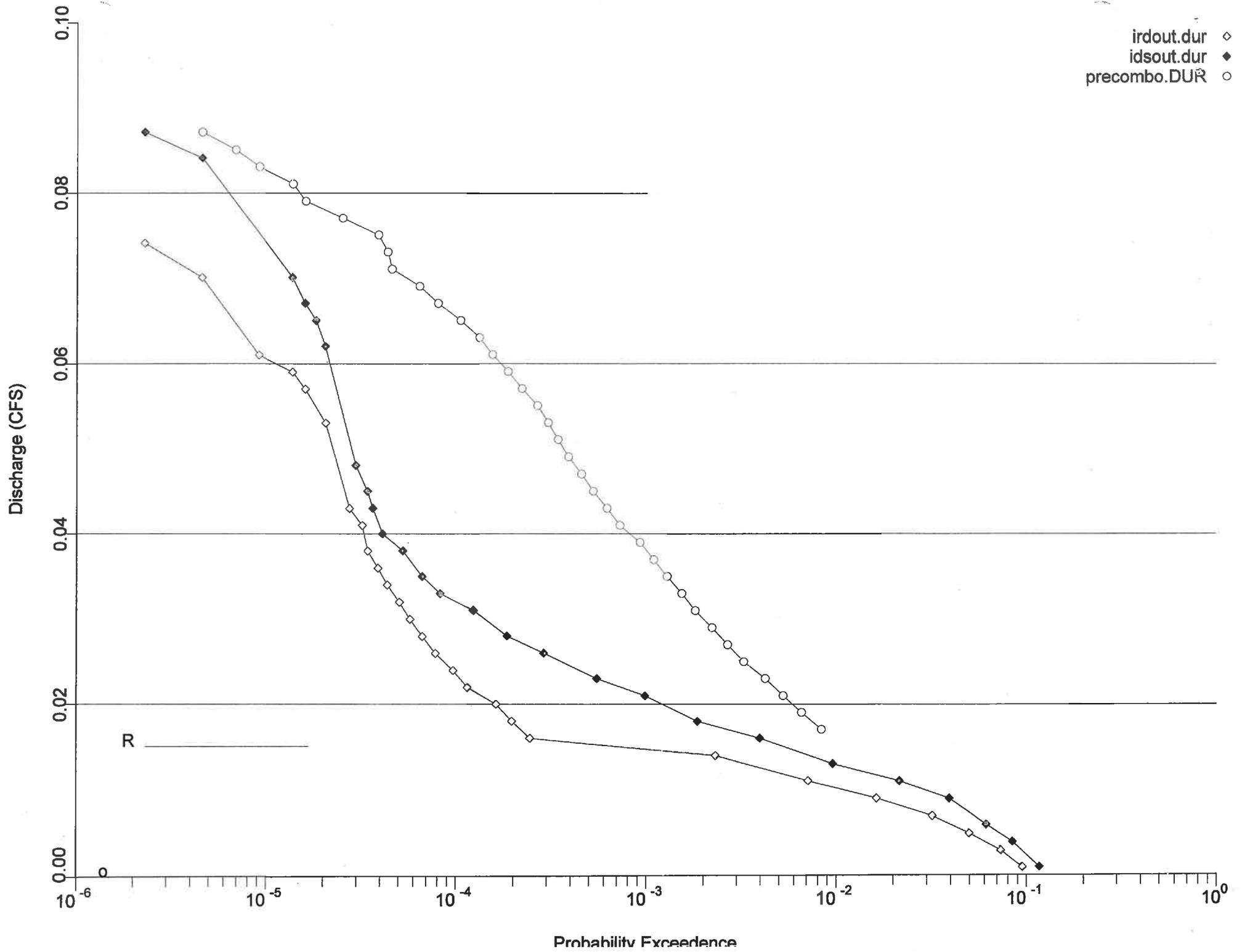
Duration Comparison Analysis
 Base File: precombo.tsf
 New File: idsout.tsf
 Cutoff Units: Discharge in CFS

| Cutoff | -----Fraction of Time----- | | | -----Check of Tolerance----- | | | |
|--------|----------------------------|----------|---------|------------------------------|-------|-------|---------|
| | Base | New | %Change | Probability | Base | New | %Change |
| 0.017 | 0.83E-02 | 0.28E-02 | -66.2 | 0.83E-02 | 0.017 | 0.014 | -18.0 |
| 0.023 | 0.42E-02 | 0.61E-03 | -85.4 | 0.42E-02 | 0.023 | 0.016 | -30.8 |
| 0.029 | 0.23E-02 | 0.18E-03 | -92.4 | 0.23E-02 | 0.029 | 0.018 | -38.7 |
| 0.034 | 0.14E-02 | 0.73E-04 | -94.6 | 0.14E-02 | 0.034 | 0.020 | -43.1 |
| 0.040 | 0.79E-03 | 0.41E-04 | -94.8 | 0.79E-03 | 0.040 | 0.022 | -46.0 |
| 0.046 | 0.51E-03 | 0.32E-04 | -93.7 | 0.51E-03 | 0.046 | 0.024 | -48.8 |
| 0.052 | 0.33E-03 | 0.21E-04 | -93.8 | 0.33E-03 | 0.052 | 0.025 | -51.6 |
| 0.057 | 0.22E-03 | 0.21E-04 | -90.7 | 0.22E-03 | 0.057 | 0.027 | -52.9 |
| 0.063 | 0.13E-03 | 0.18E-04 | -86.2 | 0.13E-03 | 0.063 | 0.030 | -52.1 |
| 0.069 | 0.64E-04 | 0.14E-04 | -78.6 | 0.64E-04 | 0.069 | 0.036 | -47.1 |
| 0.075 | 0.39E-04 | 0.46E-05 | -88.2 | 0.39E-04 | 0.075 | 0.041 | -44.9 |
| 0.081 | 0.14E-04 | 0.46E-05 | -66.7 | 0.14E-04 | 0.081 | 0.070 | -13.5 |
| 0.086 | 0.46E-05 | 0.23E-05 | -50.0 | 0.46E-05 | 0.086 | 0.085 | -2.1 |
| 0.092 | 0.23E-05 | 0.00E+00 | -100.0 | 0.23E-05 | 0.092 | 0.087 | -5.1 |

There is no positive excursion

Maximum negative excursion = 0.032 cfs (-53.2%)
 occurring at 0.059 cfs on the Base Data:precombo.tsf
 and at 0.028 cfs on the New Data:idsout.tsf

As shown in the previous table, the first cutoff has a percent change less than zero; no excursions exceed 10%; and over half (14/14) of the excursions are less than zero. A comparison plot showing the pond outlet and target durations curves are included for a visual comparison.



In addition, the following table shows that the 2 and 10-year peak pond release rates are below the corresponding predeveloped peaks flows, which is also required for Conservation Flow Control:

| Return Period (year) | Predeveloped Release Rate (cfs) | Pond/Bypass PoC Release Rate (cfs) |
|-------------------------|------------------------------------|---------------------------------------|
| 2 | 0.035 | 0.025 |
| 10 | 0.065 | 0.043 |

Part E – Water Quality System

A wetvault is tentatively planned to provide the required Basic Water Quality treatment and infiltration pre-settling requirements.

A basic wetpool requires a volume factor (f) of 3. From Figure 6.4.1.A of the 2009 KCSWDM a mean annual storm rainfall (R) of 0.04' was determined for the Site location. Next the runoff from the mean annual storm was determined for the Site using the equation:

$$V_r = (0.9A_i + 0.25A_{ig} + 0.10A_{yf} + 0.01A_o) \times (R)$$

Where:

V_r = volume of runoff from mean annual storm (cfs)

A_i = area of impervious surface (sf)

A_{ig} = area of till soil covered with grass (sf)

A_{yf} = area of till soil covered with forest (sf)

A_o = area of outwash soil covered with grass or forest (sf)

R = rainfall from mean annual storm (ft)

For this project the variables are:

$A_i = 7,928$ SF

$A_{ig} = 21,730$ SF

$A_{yf} = 0$ SF

$A_o = 0$ SF

$R = 0.04$ FT

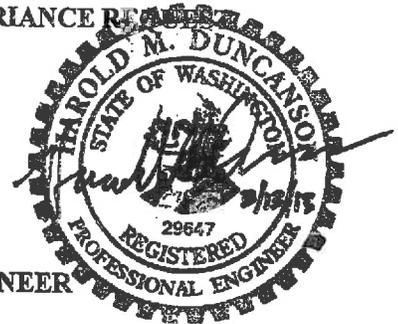
This resulted in a Runoff volume, $V_r = 503$ CFS. With a wetpool volume factor of 3, the wetvault size will need to hold 1,508 CF of water.

With the access and maintenance requirements of a wetvault and with site conditions considered a 7'H x 22'L x 10'W wetvault was chosen for this project.

City of Burien
PUBLIC WORKS DEPARTMENT
400 SW 152nd Street, Suite 300
Burien, WA 98166
(206)248-5521



ROAD STANDARDS
VARIANCE REQUEST



Application Number: _____

Received By: _____ Date: _____

TO BE COMPLETED BY APPLICANT'S TRAFFIC ENGINEER

PROJECT NAME: Westview Subdivision

PROJECT ADDRESS: 18052 Occidental Avenue South Burien, WA 98148

APPLICANT/DESIGN ENGINEER NAME: Engineer: Harold Duncanson, PE; Duncanson Company, Inc

NAME: Applicant: Smackdab Realty, LLC c/o Mike Lierman

ADDRESS: 26108 SE 27th Street

Sammamish, WA 98075

SIGNATURE: _____ DATE: _____ PHONE: _____

The City of Burien has adopted the 2007 *King County Road Standards* or 2008 *Burien Road Standards*. Please provide a complete description of the variance request, cite specific sections of the Road Standards and provide justification for the request. Include all plans, sketches, photos and maps that may assist in complete review and consideration of your variance request. Failure to provide all pertinent information may result in delayed processing or denial of your request.

DESCRIPTION OF VARIANCE REQUEST:

Requesting allowance of sidewalk on only one side of private minor access road (Skinny Street), which is approximately 230 feet long. A 42" (3.5') asphalt shoulder is proposed in place of the 5' sidewalk on the opposite side.

APPLICABLE SECTION(S) OF STANDARDS:

Burien Road Design and Construction Standards—3.02 C—Sidewalks.

JUSTIFICATION:

See attached Engineer Report form.

RECOMMENDATION:

Received by Public Works Engineer (Signature): [Signature] DATE: 3/14/13

DECISION: Approve Deny above recommendation.

Public Works Director (Signature): [Signature] DATE: 3/15/13

CONDITIONS:

**PROFESSIONAL ENGINEER REPORT FOR ROAD
STANDARDS VARIANCE REQUEST**

Project Description Application No.: _____

Requestor's Name: Harold Duncanson

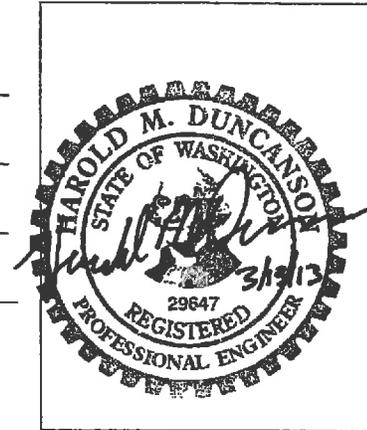
Company Name: Duncanson Company, Inc.

Address 145 SW 155th St Suite 102

City Burien State WA Zip 98166

Phone # (206)244-4141 Fax # () _____

Project Name Westview Subdivision



1. Please list the relevant standard (S) at issue:

3.02 C –Sidewalks. Requesting allowance of sidewalk on only one side of private minor access road, which is approximately 230 feet long. A 3.5' asphalt shoulder is proposed in place of the 5' sidewalk on the opposite (south) side.

2. Please describe the proposed alternative design (attach separate sheet if necessary):

This 5-lot subdivision proposes an internal private minor access road in accordance with Burien's Skinny Street standard. The proposal is to provide curb, gutter and sidewalk along the north side of the road, where it will be adjacent to most of the new home sites and also be continuous with proposed frontage improvement sidewalk. The road would be widened to provide a 42" (3.5') shoulder/ pedestrian walkway outside 20-foot travel way on the south edge of the road.

3. A. Is the variance necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity but which because of special circumstances is denied to the property in question?

Most of surrounding properties were developed to full zoning potential at a time when there were no sidewalk requirements. Few parcels remain in the nearby vicinity that could be subdivided to the extent any additional sidewalks would be required. Furthermore, the City has no plan to construct sidewalks in the vicinity.

Requiring sidewalks on both sides of this short, internal private access road is not a reasonable requirement, in our opinion given the above considerations.

3. B. Describe how the granting of such variance will not be materially detrimental to the public welfare or injurious or improvements, environmental, affect in such vicinity in which the subject property is located.

This is a road limited to serving only 5 lots. Half of the south side of the road adjoins a separate residential parcel that would not use or benefit from the sidewalk. Only residents and guests from Lots 4 and 5 would have any benefit from a sidewalk on the south side of the private road. To accommodate these pedestrians a 42" (3.5') shoulder/walkway is proposed outside and delineated from the travel lane.

3. C. How is this variance based on sound engineering judgment, and requirements for safety, function, and maintainability? The City of Burien may grant a variance only upon submittal of additional information, plans and/or design data by a license engineer showing that the requested variance is safe, in the best interest of the public, and will not impose undo maintenance cost to the City of Burien, if applicable.

As discussed above, due to the small size of this project (only 5 lots) it is our opinion that a single sidewalk on the north side of the road together with a paved shoulder/pedestrian walkway on the south side of the road will provide a safe pedestrian route for the future residents and guests. The best interest of the public is maintained because sidewalk frontage improvements along Occidental Avenue S will be provided. The public interest is also served by reducing unnecessary impervious surface. The requested variance will not pose any maintenance obligations to the City as the road and sidewalk will be private. In fact, a single sidewalk will be less work to maintain (for the common private owners) than would be two sidewalks.

4. Please provide any other comments of relevance:

5. List of attachments:

Refer to the preliminary plat conceptual road and utility plan, PP2.

City of Burien

MEMORANDUM

Date: October 7, 2013
To: Stephanie Jewett, Project Planner
From: Ramesh Davad, Development Review Engineer
Re: PROJECT REVIEW FOR FILE # PLA 13-0135 (Westview 5 lot preliminary
Subdivision)
Public Works Recommended Conditions of Land Use Approval

I have completed a review of the above mentioned preliminary project. This included review of the following documents:

- Preliminary Technical Information Report (TIR), Road and Drainage drawing prepared by Duncanson Company, Inc, dated 1/15/2010
- Preliminary TIR Section 4, prepared by Duncanson Company, Inc. dated March 12,
- 2013 Preliminary Plat Map and Preliminary Road and Utility Plan, prepared by Duncanson Company, Inc. dated 1/15/2013 and revised 02/18/13, sealed by Harold Duncanson, P.E.

It is noted that we did not review construction plans for water, sanitary sewer, or utilities (gas, phone, power, cable), which are reviewed and permitted by local purveyors.

Based on review of the documents and close coordination with City staff, approval of the proposed land use application is recommended subject to the following Public Works conditions.

General

1. The applicant shall submit a channelization and signing plan prior to issuance of construction permits.
2. The applicant shall submit approved utility plans for the various underground utilities serving or proposed to serve the site.
3. The applicant shall submit an illumination plan for proposed Private Street (Road "Tract B"), for review prior to issuance of construction permits. Any required pole installation (or relocations) shall be coordinated with the Puget Sound Energy (PSE), and meet applicable City of Burien and PSE Standards. Applicant shall design minimum 25 feet steel post street light with LED fixture to meet 2008 BRS foot candle requirements, Section 5.05. Developer shall provide assurance to collect street light billing either through Water District or Home Owner Association.

4. The applicant shall obtain a Right-of-Way use permit from City of Burien regarding drainage connection and any work with the right-of-way.

Streets

1. Full urban frontage improvements shall consist of curb, gutter, five feet sidewalk, ADA ramps and pavement widening, storm drain system and full overlay will be required along the project frontage on Occidental Ave South in accordance with 2008 Burien Road Standards.
2. The proposed new street (for use for five lots), shall be designed as a Private access tract, it shall meet the geometric design criteria for minor access streets in the 2008 Burien Road Standards including:
 - Minimum tract width of 26 feet
 - Pavement width shall be a minimum of 20 feet.
 - Pedestrian connection from the public sidewalk within the public right of way will be required within the private access tract.
3. When the short plat access street extends more than 150 feet measured from the centerline of the nearest street intersection and serves or will serve more than two lots a turnaround shall be provided. Based on the Fire Marshal's requirements and general traffic operations, the turnaround may be a cul-de-sac or a hammerhead as shown in 2008 BRS, fig# 2.3, 2.4 and 2.5. Applicant shall coordinate with Fire Department for proposed access, hammerhead and width.
4. Maintenance and operation of all drainage facilities will be the responsibility of the applicant or property owner. A Declaration of Covenant must be recorded prior to engineering plan approval per page 1-45 of the KCSWDM.
5. Drainage improvement plans shall be designed by a Washington State Licensed Civil Engineer (ref. BRS, p. 1, Statement of Purpose) and per 2009 KCSWDM.
6. A full width overlay of the existing pavement is required for all street widening projects including paved shoulder (BRS 4.03.(1)) along Occidental Avenue South. The limits of the overlay will be based on the conditions of the existing pavement at the time of construction as determined by Right-of-Way inspector.
7. All required utilities, drainage and street improvement plans shall be designed by a Washington State Licensed Engineer in accordance with City of Burien standards, 2008 BRS and 2009 KCSWDM.
8. All utilities serving the property shall be placed underground unless exempt per BMC § 12.40. All new electrical, phone, water, sewer and cable services to the site must be underground. Construction of these facilities must be inspected and approved by the City of Burien Public Works Inspector.
9. The applicant shall coordinate with various underground utilities serving or

proposed to serve the site. Prior to issue clear & grade permit, the applicant shall submit approved utility plans for the various underground utilities serving or proposed to serve the site.

10. The applicant shall design and construct all street improvements within the City of Burien, in accordance with the 2008 Burien Road Standards (Standards), as adopted by the City of Burien
11. Street light shall be design in accordance with 2008 Burien Road Standards, Section 5.05. Applicant shall coordinate with Puget Sound Energy for street illumination design, standards and maintenance requirements. It shall be owned and maintained by Home Owner Association.
12. A Right of Way Use Permit will be required for any construction or utility work within the street right of way or proposed ROW street (ref. BMC § 12.17 and 12.18).
13. A clearing and grading permit will be required for all onsite work, including installation of on-site drainage and street improvements, prior to beginning any construction.
14. Restoration, performance, and maintenance security bonds, in forms acceptable to the City, must be posted for required site and right of way improvements. (ref. BMC §17.35.130(1)(e), and per Section 1.2.7 KCSWDM, KCC Title 9, KCC.
15. As-Built drawings shall be prepared by professional surveyor in accordance with City of Burien checklist or 2008 BRS and 2009 KCSWDM.
16. Final Corrected Plans/As-Built Drawings: Final corrected plans for archiving shall be original documents on mylar and are produced in a manner that ensures durability, resistance to damage from use or exposure to water or light and allows for the detection of any alternation. The plans shall be of suitable quality for producing legible prints through reductions, scanning, microfilming or other standard copying procedure. Electronic copies of the final corrected plans shall be submitted in PDF and Auto CADD format. As-built drawings shall be signed and stamped by the responsible professional engineer and surveyor prior to submittal to the Review Agency.

MEMORANDUM

Date: October 7, 2013

To: Stephanie Jewett, Planner

From: Heungkook Lim, Surface Water Management Engineer

Re: PROJECT REVIEW FOR FILE # PLA 13-0135 (WestView Subdivision)
Public Works Stormwater Conditions of Land Use Approval

I have completed a drainage review of the above mentioned project. This review is mainly for the proposed land use application but also contains drainage requirements for the future building permit application. Further drainage requirements and review will be provided during the building permit process. I reviewed following documents;

- Preliminary Technical Information Report, prepared by Duncanson Company, Inc., dated January 15, 2010.
- Preliminary TIR Section 4, prepared by Duncanson Company, Inc., dated March 12, 2013
- Preliminary Plat Map and Preliminary Road and Utility Plan, Duncanson Company, Inc., dated January 15, 2013 and revised February 18, 2013.

Below are Public Works Stormwater conditions.

1. Storm water facilities and the drainage site plan for the project shall be in accordance with the 2009 King County Surface Water Design Manual (KCSWDM), the 2009 the Stormwater Pollution Prevention Manual (SPPM) as adopted by the City of Burien (ref. BMC § 13.10.020), and the Burien Municipal Code (BMC), Chapter 13.10.
2. In general, the proposed wetvault for water quality treatment and infiltration/detention pond for flow control appear reasonable. Refinement of the final design of water quality, flow control facilities, and conveyance system will be required. Prior to issuance of development permits for any construction activities on-site, the submitted TIR and Engineering plans shall be updated to apply Level 2 flow control standard and check as level 2 in the TIR (page 3). TIR must be evaluated and approved by a licensed civil engineer.
3. . Mark as "Private" Maintenance and Operation Responsibility on page 3 of TIR. Maintenance and operation of all drainage facilities will be the responsibility of the applicant or property owner.
4. The location, condition, and size of existing drainage systems and drainage easements, if any shall be verified. The existing drainage systems on the proposed excavation area shall be removed, relocated, or appropriately treated.
5. Any offsite conveyance system element shall be located in a drainage easement or Right of Way.
6. Provide conveyance system analysis details in update TIR; pipe flow tables, flow

- profile computation tables, monographs, charts, graphs, detail drawings, and other tabular or graphic aides used to design and confirm performance of the conveyance system.
7. Conveyance system analysis shall include existing conveyance systems, and the design of the proposed system. Verify the capacity and performance of each element of conveyance system. Backwater analysis might be needed to verify existing and new drainage system can handle additional runoff from the development.
 8. In computing runoff from the site, the assumed impervious coverage shall not be less than 4,000 square feet per lot in urban residential development, or the maximum impervious coverage permitted by city code (BMC 19.15.005), whichever is less.
 9. Submit an Erosion and Sediment Control (ESC) plan prepared by a Washington State licensed engineer in accordance with the KCSWDM, Appendix C and D for review and approval by the Surface Water Management Engineer.
 10. At least three ESC inspections are required i.e., prior to clearing and construction, during construction, upon completion of construction.
 11. All drainage facilities on site shall be private. The facilities shall be owned and maintained by a Home Owner's Association. All privately maintained facilities must be maintained as specified in the site/lot's declaration of covenant and grant of easement per Section 5.2.1. of the KCSWDM.
 12. A Declaration of Covenant must be recorded prior to engineering plan approval per page 1-46 of the KCSWDM. The form and the instruction of the covenant will be provided during building permit process.
 13. If the project disturbs more than 1 acre, the Department of Ecology's 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 before discharging stormwater from construction activities. More detail about the permit can be found at <http://www.ecy.wa.gov/programs/wq/stormwater/construction/>

Heungkook (HK) Lim
Public Works Surface Water Management Engineer
Email: heungkook1@burienwa.gov
Telephone #: 206-248-5516

This certificate provides the Department of Health and Environmental Services with the information necessary to evaluate development proposals.

BURIEN CERTIFICATE OF WATER AVAILABILITY

| | | |
|---------------------------------|---------|--|
| DO NOT WRITE IN THIS BOX | NUMBER: | |
| | NAME: | |

- BUILDING PERMIT
- SHORT SUBDIVISION
- COMMERCIAL INDUSTRIAL
- PRELIMINARY PLAT
- REZONE
- OTHER

Applicant Name: Millennial Builders s/o Todd McKittrick Phone: 360-350-4848

Proposed Use: 5 New SFR

Location: 18052 1st Pl S *See attached map for property and hydrant location.*

LOT # 127 BLOCK # 2

WATER PURVEYOR INFORMATION

1. a) Water will be provided by service connection only to an existing 8" DI size water main 10'+/- See attached map for water main location

- or b) Water service will require an improvement to the water system of:
- (1) _____ feet of water main to reach the site; and/or
 - (2) the construction of a distribution system on the site; and/or
 - (3) other (describe) See conditions

THIS SECTION MUST BE COMPLETED IF 1. (b) ABOVE IS CHECKED

2. a) The water service is in conformance with a County-approved water comprehensive plan.
- or b) The water system improvement will require a water comprehensive plan amendment.
3. a) The proposed project is within the corporate limits of the district, or has been granted Boundary Review Board (BRB) approval for extension of service outside the district or city, or is within the County - approved service area of a private water purveyor.
- or b) Annexation or BRB approval will be necessary to provide service.
4. a) Water is/or will be available at the rate of flow and duration indicated below at no less than 20 psi measured at the nearest fire hydrant 15'+/- See attached map for hydrant location

See attached map for hydrant location

RATE OF FLOW

DURATION

- less than 500 gpm (approx. _____ gpm)
- 500 to 999 gpm
- 1000 gpm or more
- flow test of _____ gpm
- calculation of _____ gpm
- less than (1) hour
- (1) hour to (2) hours
- (2) hours or more
- other

(Commercial Building Permits require flow test or calculation)

or b) Water system is not capable of providing fire flow.

Conditions Project requires a water main extension connecting to the 8" DI water main in 1st Pl South, extending and connecting to the 6" AC water main at the NE corner of the property. Engineered plans including Fire Marshal approval required. Project is a Developer Extension.

Statement of charges will be prepared when meter sizes are provided.

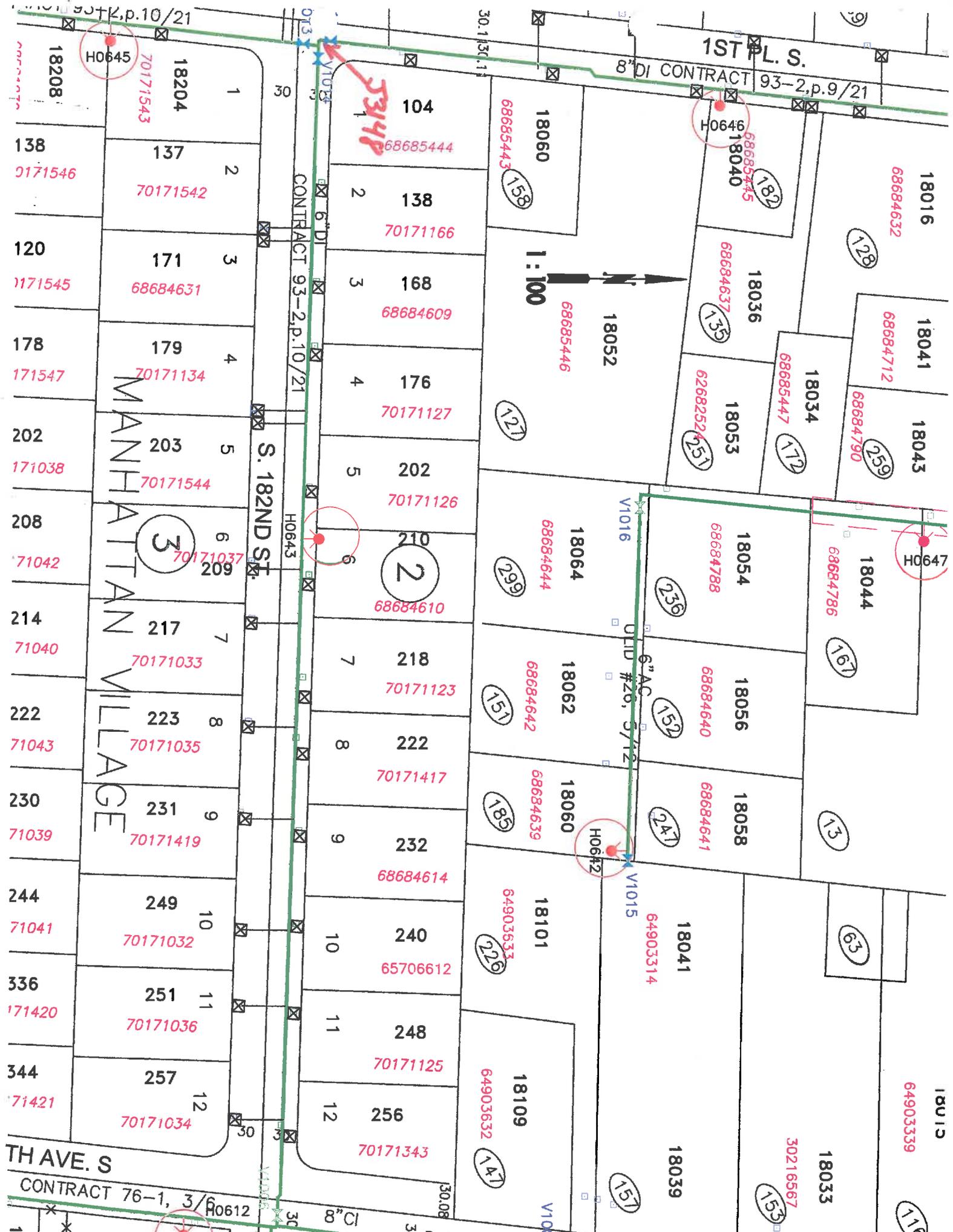
Customer recognizes that the water pressure/fire flow information provided pursuant to this request is general in nature and may not be accurate for any specific location at any specific time. Customer remains solely responsible for determining the specific water pressure/flow information available for Customer's intended use. The general information provided by the District is not intended for and should not be relied upon to design a water system or fire suppression system for a specific location. Customer is responsible to field verify the specific water pressure at the meter at Customer's specific location for Customer's specific needs.

I hereby certify that the above water purveyor information is true based on the best available information. This certification shall be valid for one year from date of signature.

| | | |
|-------------------------|---|------------|
| AGENCY NAME | SIGNATORY NAME | |
| HIGHLINE WATER DISTRICT | JEREMY DELMAR | |
| TITLE | SIGNATURE | DATE |
| DISTRICT ENGINEER |  | 12/21/2012 |

PLA 13-0135

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CITY OF BURIEN



1ST PL. S.

8" DI CONTRACT 93-2, p.9/21



MANHATTAN VILLAGE

S. 182ND ST.

TH AVE. S.

CONTRACT 76-1, 3/6 R0612

CONTRACT 93-2, p.10/21

V1016 6" AC DUID #26, 5/12

V1015

CONTRACT 93-2, p.10/21

H0643

H0642

H0645

H0646

H0647

334P

18208

70171543

18204

1

138

0171546

137

70171542

2

120

0171545

171

68684631

3

178

171547

179

70171134

4

202

171038

203

70171544

5

208

71042

209

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70171035

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70171419

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70171032

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336

171420

251

70171036

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71421

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70171034

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68685444

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70171166

168

68684609

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70171127

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70171126

210

68684610

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70171123

222

70171417

232

68684614

240

65706612

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70171125

256

70171343

18060

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18052

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18064

68684644

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18060

68684639

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18101

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226

18109

64903632

147

18016

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18056

68684640

18058

68684641

18041

64903314

18033

30216567

18039

64903339

116

3

2

236

152

241

13

63

153

157

110

Test Report Print Title 18052 1st PI S

| | ID | Static Demand (gpm) | Static Pressure (psi) | Static Head (ft) | Fire-Flow Demand (gpm) | Residual Pressure (psi) | Available Flow at Hydrant (gpm) |
|---|-------------------------------|------------------------|--------------------------|---------------------|---------------------------|----------------------------|------------------------------------|
| 1 | <input type="checkbox"/> 3148 | 2.35 | 53.58 | 485.66 | 1,000.00 | 48.93 | 3,501.45 |

| | ID | Static Pressure (psi) | Fire-Flow Demand (gpm) | Residual Pressure (psi) | Available Flow at Hydrant (gpm) | Available Flow Pressure (psi) |
|---|-------------------------------|--------------------------|---------------------------|----------------------------|------------------------------------|----------------------------------|
| 1 | <input type="checkbox"/> 3148 | 53.58 | 1,000.00 | 48.93 | 3,501.45 | 20.12 |

Test Report Print Title 18052 1st PIS

| ID | Available Flow Pressure (psi) |
|---------------------------------|----------------------------------|
| 1 <input type="checkbox"/> 3148 | 20.12 |

PLA 13-0135

Southwest Suburban Sewer District - Certificate of Sewer Availability

431 SW Ambaum Boulevard - Burien, WA 98166-2497 Phone 206-244-9575 E-mail: info@swssd.com

Date of application: **January 3, 2013** Certificate of Sewer Availability Certificate of Sewer Non-Availability

This certificate provides the information necessary to evaluate a development proposal

Building Permit Short Plat Lot Line Adjustment Other: _____

| | |
|--|---|
| Applicant's Name: Mattis Consulting Group & Millenial Builders | Phone number, including Area Code: 206-429-3884 |
| Location of proposed Sanitary Sewer Service: 18052 Occidental Avenue South, Normandy Park WA 98148 | |
| Parcel Number: 332304 9127 | Legal Description: See attached legal description. |
| Proposed Use: <input checked="" type="checkbox"/> Single Family Residential Unit <input type="checkbox"/> Multi Family Residential Units <input type="checkbox"/> Commercial Units | |

1. a. The Southwest Suburban Sewer District has provided a side sewer stub connection to an existing 8" main OR main with a 6" sewer stub zero 0 feet from the site. The Sanitary Sewer System has the capacity to serve the proposed use per the District and WA State Standards.

Or b. Sanitary Sewer Service will require an improvement to the sewer system of:
 (1) 360 feet of sanitary sewer trunk line or lateral to reach the site; and/or
 (2) The construction of a collection system on the site; and/or
 (3) Other - describe: _____

2. a. The proposed Sanitary Sewer System improvements are in conformance with a City approved Sanitary Sewer Comprehensive Plan.

b. The sewer system improvement will require a sewer comprehensive plan amendment.

3. a. The proposed project is within the corporate limits of the district, or has been granted Boundary Review Board (BRB) approval for extension of service outside the district or city.

Or b. Annexation or Boundary Review Board approval will be necessary prior to providing service.

4. A sanitary sewer easement encumbers this property. No Yes

5. This property is subject to Shoreline approval. No Yes

6. The Service is subject to the following:

| | | |
|--|---|---|
| a. <input type="checkbox"/> Easements are NOT required | <input checked="" type="checkbox"/> Easements MAY BE required | <input type="checkbox"/> Easements ARE required |
| b. General Facility Charge for a Single Family Residential Unit at the rate of \$2,975.00 | | \$14,875.00 |
| c. General Facility Charge for Multi Family Residential Unit of \$1,874.00 X the number of units = | | |
| d. Side Sewer Permit Fee due prior to connection | | \$600.00 |
| e. Local Facility charges due prior to connection:..... | | |
| f. Other: | | |
| Total Amount Due | | \$15,475.00 |

I hereby certify that the Southwest Suburban Sewer District information is True and Correct. This certification shall be valid for one year from the date the Certificate was signed by the District.

Southwest Suburban Sewer District Signed by: *Jodi Lu Baker* 1-3-2013
 Applicant's Signature _____ Date _____

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JAN 17 2013

CITY OF BURIEN

Additional Terms And Conditions To This Certificate Are Found On The Reverse Side

ATTACHMENT 12

ADDITIONAL TERMS AND CONDITIONS

1. This Certificate of Sewer Availability is valid only for the real property referenced herein for the sole purpose of submission to the appropriate building, engineering and/or health departments of other governmental agencies. This Certificate is between the District and the Applicant only, and cannot be assigned or transferred by any party. Further, no third party shall have any rights hereunder, whether by agency, as a third party beneficiary or otherwise.
2. The District makes no representations, express or implied, that the Applicant will be able to obtain the necessary permits, approvals, and authorizations from any governmental agency necessary before Applicant can utilize the utility service which is the subject of this Certificate.
3. The District reserves the right to change the rate or amount for District imposed service charges for connection to the sewer utility at any time before it receives the applicant's payment for such charges.

FIRE HYDRANT AVAILABILITY

City of Burien

PLA 13-0135

This form must be completed and signed by the Fire Marshal. The form must be returned to the City of Burien Department of Community Development prior to issuance of a building permit or plat approval. The following must accompany this form to King County Fire District #2:

- Certificate of WATER AVAILABILITY completed by Water District
- A plot plan showing lot dimensions, building dimensions, placement of existing structures and streets *Plan Must be Drawn to Scale).*
- For projects involving Construction Review, a complete set of building plans are required.

PLAN REVIEW #: _____ BLDG. PERMIT #: _____
 APPLICATION DATE: ___/___/____ DATE RECEIVED FD: ___/___/____

Submit application to: **King County Fire District #2**
15100 8th Ave SW
Burien, WA 98166-2244
206 242-2040 / Fax: 206 433-6042

Complete The Following For Proper Routing and Determinations:

Property Address: 18052 1st PL S (Occidental)
BURIEN

Legal Description: APN# 3223049127

Contact Person: JOHN EVERETT Phone: (206) 915-3095

Approximate Total Square Footage of Bldg.: 5 - 2400 SF AWK
(Total of all floors, add attached garage for residential occupancies)

Specific Bldg. Use: SINGLE FAMILY

Bldg. Occupancy Classification: _____

Type of Bldg. Construction: _____

If you have trouble determining these items, ask for assistance.

- Please Check One:**
- Water Dist Serving Property**
- Water Dist. #20
 - Water Dist. #49
 - Water Dist. #125
 - Highline Water Dist.
 - City of Seattle

- Please Check One:**
- New Construction
 - Addition or Alteration
 - Short Subdivision
 - PUD

FIRE DEPARTMENT USE ONLY

DATE 1/9/13

WATER FLOW Gallons Per Minute Required: 1000 Gallons Per Minute Available 1000
 Approved Not Approved Approved w/conditions

HYDRANT SPACING Distance to Nearest Hydrant: VARIES ft.
 Approved Not Approved Approved w/conditions

**350 feet maximum Travel Distance for Residential uses, 150 feet maximum travel distance for Commercial uses.*

FIRE DEPARTMENT ACCESS

Approved Not Approved Approved w/conditions

****Fire Department Access and Turn Around Required if Over 150 Feet From the Main Roadway.**
(See Fire Department for details)

Fire Department Comments/Conditions:
① Private street to be marked firelane on both sides, no parking allowed. ② FIRELANE & MAINTENANCE PROVISIONS TO BE RECORDED W/ PLAT. FUTURE HOMES ON LOTS 2,3,4,4 MAY REQUIRE RES SPRINKLERS IF ANY RATION IS LOCATED OVER 350 FEET FROM 2nd ST. HYDRANT. SEE SITE PLAN PP 2 APPROVED 1/19/13.

APPROVED BY: [Signature] NOT APPROVED BY: _____
 King County Fire District #2 Fire Marshal/Plans Examiner King County Fire District #2 Fire Marshal/Plans Examiner

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JAN 17 2013

CITY OF BURIEN



DUNCANSON
Company, Inc.

MEMORANDUM

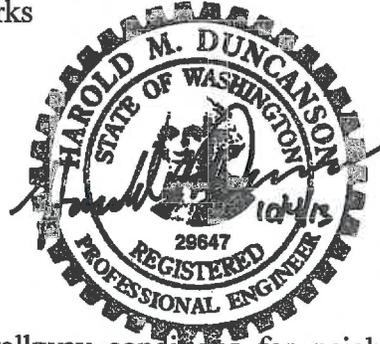
DCI 12118

To: Stephanie Jewett, City of Burien Community Development
Ramesh Davad, City of Burien Public Works

From: Harold Duncanson

Date: 10/4/2013

Subject: **WestView PLA13-0135**
School Walkway Conditions



This memo presents information concerning walkway conditions for neighborhood school children.

According to Highline School District Transportation Staff, children in this neighborhood are bussed to school. The bus stop is located at 208 South 183rd Street. Another bus stop is designated at 18245 Occidental Avenue South, although that is presently not used. To reach either of these bus stops from the WestView subdivision, a person would walk south on Occidental Avenue and then east on South 183rd Street as needed.

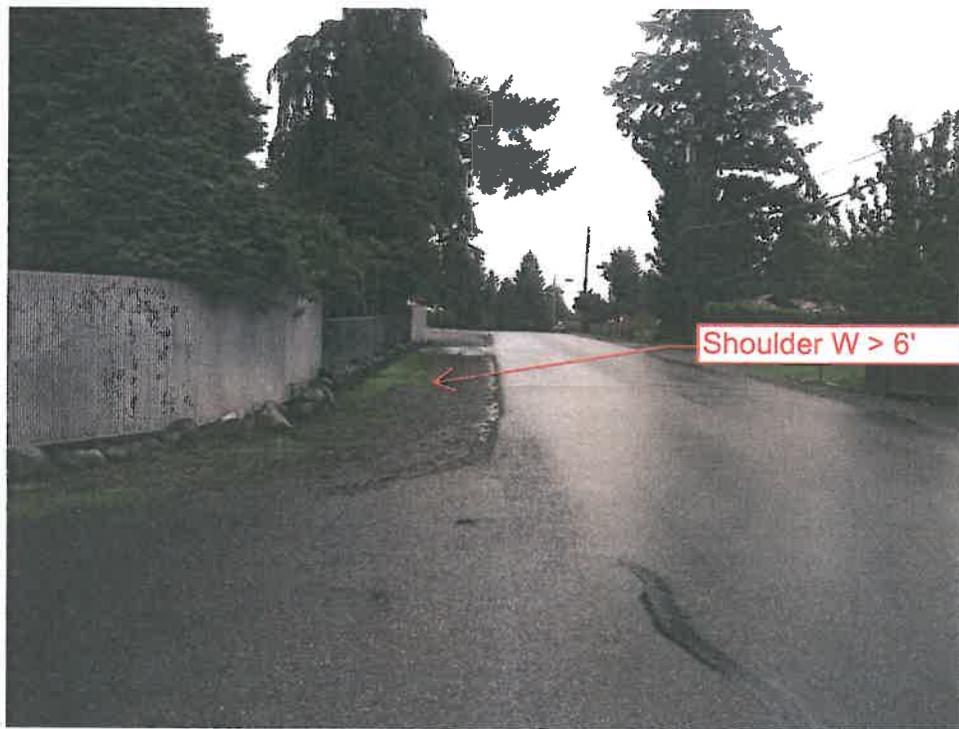
The WestView site and the property immediately to the north have road side ditches with little room to walk next to the vehicle lane. However, project development will provide curb, gutter and sidewalk along the street frontage. The ditch to the north will also be filled in and finished with a 5-foot shoulder.

Between the development site and this bus stop there are shoulders at least 4 feet wide outside the travelled way. The attached photographs were taken mid-week at approximately 8:30 a.m. This time is after high school pick up and before elementary school pick up. The photographs are representative of the shoulders in the neighborhood.

Please call if you have any questions.



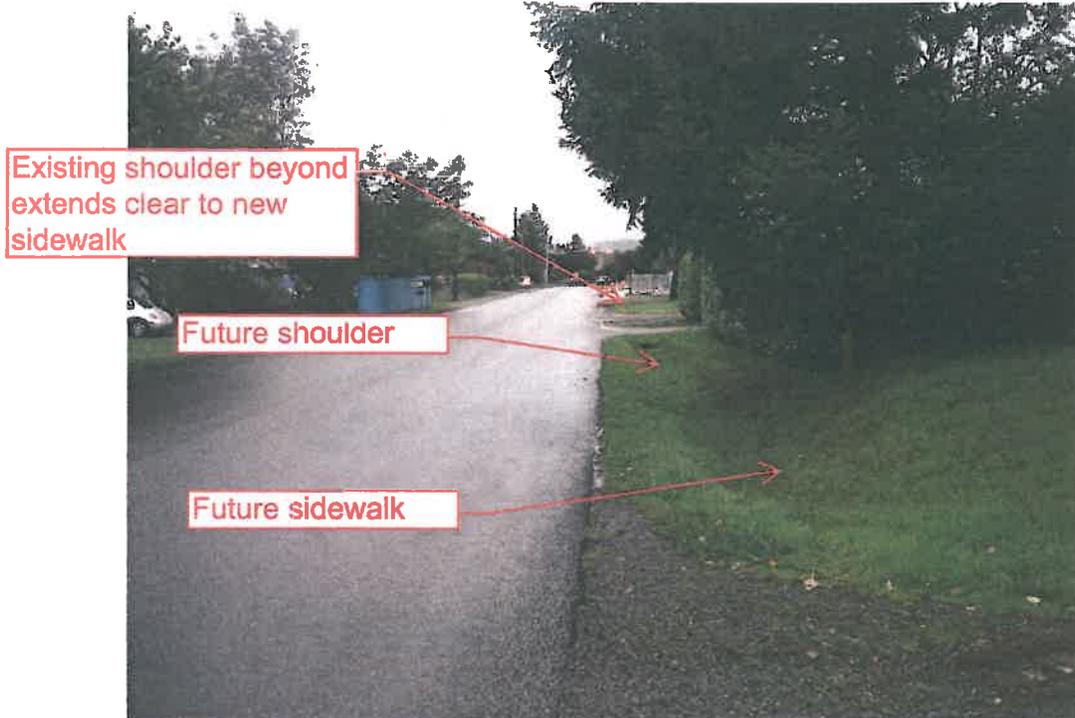
Looking south on Occidental across site frontage and beyond



Looking south on Occidental between S 182nd St and S 183rd St



Looking east on S 183rd St from Occidental Ave S



Existing shoulder beyond extends clear to new sidewalk

Future shoulder

Future sidewalk

Looking North on Occidental Ave S across site frontage and beyond.



Looking north on Occidental Ave S toward new sidewalk at fire station.

Stephanie Jewett

From: Sandra Coulter [sjcoulter@att.net]
Sent: Tuesday, April 02, 2013 6:05 PM
To: Stephanie Jewett
Subject: Questions File # PLA 13-0135

Stephanie:

Following up on our conversation today, I have the following questions:

- (1) Power – 18036 Occidental Ave S gets its power ,cable, phone etc off a pole owned by Puget Sound Energy, which is located on site #2 of the proposed subdivision. Will this proposed subdivision affect how 18036 Occidental receives these utilities? And, if so, how and what, if any, obligations will I have?
- (2) Sewer – The proposed subdivision includes running a sewer line to the subdivision south on Occidental Ave S. Will bordering properties have an ability to connect to this sewer line and, if so, what are the terms, conditions and associated costs?

Thank you in advance for any information you can provide me on these two issues.

Regards,

Sandy Coulter
206-459-3145

RECEIVED
APR 17 2013
CITY OF BURIEN

April 15, 2013

Stephanie Jewett, AICP
Department of Community Development
City of Burien
400 SW 152nd St, Suite 300
Burien, Wa 98166

To Whom It May Concern:

In response to the Notice of Application letter dated April 2, 2013 I am strongly against the proposed plan to build five single family residences on Occidental Av. So. In Burien. File #PLA 13-0135

I have lived on Occidental for nearly forty years and have witnessed the steady rise in the number of vehicles traveling on this street. I firmly believe that with the addition of any new homes it will only increase that number a substantial amount. With the lack of sidewalks on either side of the street and the necessity to walk in close proximity to these vehicles, there is a certain element of danger to pedestrians not only on Occidental, but throughout the neighborhood. Everyday people are traveling on foot and it is especially evident on weekday mornings and afternoons when children and young people are making their way to and from school bus connections, while at the same time people are driving their cars to get to and from work.

While I realize "progress" is inevitable, I am not convinced it is necessary to alter the natural landscape by cutting down trees, destroying natural habitats, and displacing animal life and forcing them to find homes in alternate locations, all for the financial gain of a select few. And while I'm not blind to the fact that it will provide work for builders and craftsmen, it would be for a short term. In the long run, however, it will add five more houses to stand vacant in a neighborhood where there are several already established houses that are also vacant and offering the possible problems of vagrancy, illegal tenancy (squatters), vandalism, theft, drug use, and other related criminal activity. And not to be discounted, I am fortunate to receive a Senior Citizens Exemption on my property taxes but a tax increase of any amount would be very unwelcome to me, as I'm sure it would be to all other property owners living in the project area.

As a concerned citizen, I ask that you give this matter your most serious and thorough consideration of all aspects and most importantly, all the possible consequences of your actions before arriving at your final decision.



Colleen J. Phillips
18107 Occidental Av. So.
Burien, Wa. 98148-1873

ATTACHMENT 16

EARTH DAY

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APR 23 2013

4-22-13

To Whom it may Concern,

CITY OF BURIEN

Absolutely not! I am totally against the proposal to develop 5 single family residential lots at 18052 Occidental Ave So in Burien. Why?

Reason # 1

Why does every piece of ground have to be developed for this or that? I don't want to see more trees cut down and the natural landscape destroyed so that a select few can have the financial benefit.

Reason # 2

Not to mention the fact that there are already so many, new and old, empty houses and buildings for business, that have been vacant for months, even years. Look around, they're everywhere. Burien Town Center is an example. Why chance the possibility that those homes might become the target of squatters, crime situations and/or vandalism?

Reason # 3

Additional traffic. There's enough cars racing up and down Occidental already. There are too many people who walk on that street.

And Reason # 4

property taxes will probably go up. And who wants that? NOT me and I'm sure, everyone else in the neighborhood.

So, please, reconsider this idea and just say no. We don't need it or want it!

Thank you

Sandra Salbath
(240 S 182nd St)
3937 S 293rd St
Auburn, 98001

File No. PLA 13-0135

Stephanie Jewett

From: nathan.enns@gmail.com
Sent: Friday, April 26, 2013 6:23 AM
To: Stephanie Jewett
Subject: RE: Question About Submitting Written Comments for File No. PLA 13-0135
Attachments: Submission of Written Comments Regarding File No. PLA 13-0135.pdf

The document is attached to this email. If you could let me know that you received it okay I would appreciate it.

Thanks,

-- Nathan Enns
nathan.enns@gmail.com

From: Stephanie Jewett [<mailto:StephanieJ@burienwa.gov>]
Sent: Thursday, April 25, 2013 8:48 AM
To: 'nathan.enns@gmail.com'
Subject: RE: Question About Submitting Written Comments for File No. PLA 13-0135

Nathan, you can email it to me, no problem. Thank you for asking,

Stephanie Jewett, AICP
Planner
City of Burien
206-439-3152
Email: stephaniej@burienwa.gov
Web: www.burienwa.gov

From: nathan.enns@gmail.com [<mailto:nathan.enns@gmail.com>]
Sent: Thursday, April 25, 2013 4:53 AM
To: Stephanie Jewett
Subject: Question About Submitting Written Comments for File No. PLA 13-0135

To Stephanie Jewett,

I received a notice of application regarding File No. PLA 13-0135 and would like to submit written comments. Can I email the letter I wrote or do I need to mail it for it to be accepted and considered as part of the staff report?

Thanks for your help,

-- Nathan Enns
nathan.enns@gmail.com

Nathan Enns
18060 Occidental AVE S
Burien, WA 98148
206-856-0101
April 23rd 2013
CC: Ziontz, Chestnut, Varnell, Berley & Slonim

Stephanie Jewett, ACIP
Department of Community Development
Project Planner
City of Burien
400 SW 152nd Street, Suite 300
Burien, WA 98166

File No. PLA 13-0135

Dear Stephanie Jewett,

My name is Nathan Enns and I am writing to you on behalf of my wife Stephanie Enns and myself regarding the proposal by Mike Lieberman of Smackdab Reality LLC to subdivide one existing 1.14 acre residential lot into five single-family residential lots at the address of 18052 Occidental AVE S filed under PLA 13-0135.

We appreciate your consideration and review of our comments regarding this matter. The project site is both to the north and east sides of our property and as such has the potential to affect us significantly.

Our concerns are as follows:

1. Construction noise level. The construction required to develop five houses on the property is much more extensive than to reconstruct the one house that the property is currently zoned for. This will produce many more disturbances that will disrupt the use of our property. This is compounded by the night hours my wife frequently works that require her to sleep during the day, which will be nearly impossible with the ongoing construction on two sides of our house. I also work from home which will become difficult with the noise from the construction.
2. Neighborhood atmosphere. One factor that we considered when moving here two and a half years ago was that the neighborhood is relatively peaceful, there is decent space between houses and each house has its privacy. The rezoning will reduce the distance between houses and force more people into less space. More people in the same space and less distance between houses are not upgrades for any community.
3. Danger during construction. There are several large trees the removal of which poses a threat to our property and house. Even with professionals accidents can happen and we would rather not be the primary targets in such an event. It should be noted that we have much more to lose if the trees are cut improperly seeing as the property they are located on would already be under construction. Trees are a big concern but not the only one. There is also the possibility of interfering with underground pipes that could cause harm to our property as well the equipment itself possibly malfunctioning or being operated in such a way that could damage our property.

4. Parking. Another reason we liked the house we purchased has to do with the parking spaces we have available. We have a driveway parking and off the street parking that is more likely to be occupied by any one of the five new neighbors when they run out of parking. We understand they will probably have their own spots but any time they have guests over our parking spaces will likely be up for grabs. Another parking issue that will most likely come up during development is the unauthorized use of our property by construction vehicles which is not only an eyesore but could also result in us being unable to easily enter or leave our own property, even in the case of an emergency.

Thank you again for accepting and reviewing our concerns. I hope I have explained them well and that they will be taken into serious consideration during your oversight of this project in the case that it does move forward.

Sincerely,

Nathan Enns

Stephanie Jewett

From: sarous@comcast.net
Sent: Saturday, April 27, 2013 8:24 PM
To: Stephanie Jewett
Cc: sarous@comcast.net
Subject: File No. PLA 13-0135 18052 Occidental Ave S

Hello Stephanie Jewett,

I am Shirley Rousell, owner of the property at 18053 2nd Pl. South - on the northeast corner of the property File # PLA 13-0135 (18052 Occidental Ave South, Burien). Thank you for the copy of the Notice of application on the property on Occidental Ave, the subdivision proposal for 5 single family lots.

Here are my questions/concerns:

The map shows sewer from Occidental - will this affect any of the properties on 2nd Ave South (ie if approved will our street be required to connect in as well)? where is the current sewer line that they will be connecting to?

The plan shows the lots connecting into a water line from the 2nd Pl. S. side of the property, right at the SE corner of my property. What assurance is Highline Water able to provide that there will not be any reduction in our current water pressure due to the addition of this 8" line to service the additional properties?

The property is higher on the east end (2nd Pl. S. end) than at the west end (Occidental) so there is a substantial East to West slope, as well as about a 5 - 6 foot south to north slope on the NE corner that intersects my property, will any grading be done or how will any potential downslope drainage issues be addressed? My concern is that any construction may affect the current vegetation that currently helps with this issue.

The owner previously constructed a fence across the entire east side of the property. Will he be required to fence in any of the remaining unfenced property line? My concern is if he does so on the northside next to my property, will I have any say in current or future issues with the structure or do you suggest I replace the fence I previously had in place to retain control?

Will any additional trees be allowed to be removed? Is any study required to see if there is any impact on possible wildlife (birds, raccoons, etc) on the property.

Will the homes have any size or height restrictions? What are their proposed size and will one company be building them at one time or will the individual owners build their own? I'm concerned that my currently private back yard will have neighbors that can see down into it dependent on how the house is situated on the property. It seems to me that the 3 proposed lots on the east side (2, 3, and 4) are rather oddly sized in order to accommodate houses and seems like they will be quite crowded in together. If you look at my standard size Rambler (1500 sq ft) on the vicinity map and attempt to situate 3 of them across the east side, I just don't see how it will work. I'd like to see rambles on the property in keeping with the current structures in the surrounding neighborhood vs any of the new tall and skinny homes that it would take to squeeze 3 of them in at that end. Once the

road in put in, it looks to me like the property would be better suited to a limit of 4 subdivided properties.

What are the current regulations as to how close to the property lines a house can be built?

Does Burien have any noise regulations in place that defines the hours that construction can take place? My bedroom is just feet from the property line and I'm concerned what time construction will be allowed. I work a later shift and have concerns about what time noise will begin. Currently work on the new Occidental Ave S. Fire station begins before I get up. I'm not sure if there is a regulation that as a city/county related project the fire station construction may be exempt from the regulation or if there just isn't any regulation.

Is there any ETA on the possible construction? My property is currently open to all 5 proposed lots, so the demolition of the current structures and the construction on all 5 lots will substantially affect me. I am concerned about the timing and overall time frame of start to finish for this project should the proposal be approved.

Are the immediate neighboring property owners allowed to contact the applicant for answers to any of these questions?

My bottom line is that I believe the property would be better suited to 4 rather than 5 lots, with rambler type homes on them. Thank you for your time and attention to my concerns and questions.

Kind regards,
Shirley Rousell
206-241-8415

Stephanie Jewett

From: Danelle Bautista [danellebautista@hotmail.com]
Sent: Sunday, April 28, 2013 4:27 PM
To: Stephanie Jewett
Subject: PLA 13-0135
Attachments: I am writing regarding file no.docx

Is the meeting May 2 at 5:00 p.m.?

I am writing regarding file no. PLA 13-0135. I live in the house on 2nd pl so that covers the entire eastside of the property on file no. PLA 13-0135. My concerns are first how close to the fence line the houses are going to sit and secondly how many feet across will they cover my concern is that if they go across the whole backside in a row we are going to lose our view, and the sunsets. It is hard to determine from the map. The northeast side of the property is where we get our view of the mountains and the sunset. Next will we be able to access the sewer line that is going in as we are on septic here. Lastly, the private road on 2nd pl. so needs to stay our private road with no access to the new houses, which I have already spoken to the owner about so I don't think it will be an issue.

Thank you,

Danelle Garcia

18064 2nd pl so

206 496-6598.

Stephanie Jewett

From: Debbie Jurasek [kd7lay@gmail.com]
Sent: Monday, April 29, 2013 3:05 PM
To: Stephanie Jewett
Subject: Construction Permit, Right of way Use Permit

Hi Stephanie,

I am writing concerning Tax Parcel No. 3223049127, 18052 Occidental Ave S, Burien, WA, File No. PLA 13-0135. I received a notice about a right of way use permit which looks to be for the road that we live on, 2nd Pl S. This road is a private road and I have concerns about possible impact on how construction will affect our being able to get into and out of our road. Also I want to be sure that it be noted that we in no way would want people from these 5 houses that are being built to be able to access our road in any way. Because our road is private, each person on our road that folks will need to cross will have to get direct permission from every household. Our street is an easement.

Thank you for your help on this.

Debbie Jurasek
18056 2nd Pl S
Burien, WA 98148
File #PLA 13-0135

Stephanie Jewett

From: LLOYD WHISMAN [lgwhisman@msn.com]
Sent: Tuesday, April 30, 2013 9:40 PM
To: Stephanie Jewett
Cc: Lloyd Whisman
Subject: PLA 13-0135

Hello Stephanie,

I have been looking at the Notice of Application again. I have questions for the Applicant.

1. Why not run the water from Occidental Ave along with the street into the residential lots?
2. Are these homes on sewer or are they on septic tanks? If Septic will this be a problem for us already on septic?

The people on 2nd Place South don't feel our driveways can take any more traffic. So we would not permit the residents to use our driveways.

Thank you for your time.

Lloyd Whisman
18025 2nd Pl. So.
Burien, WA 98148

Telephone 206 246 4491

Stephanie Jewett

From: Bonnie White [tootsiewhite@hotmail.com]
Sent: Wednesday, May 01, 2013 8:24 PM
To: Stephanie Jewett
Subject: Concerns Regarding File No PLA 13-0135

Stephanie Jewett, AICP
Department of Community Development

From: Bonnie White
18041 2nd Pl. S.
Burien, Wa. 98148

Dear Stephanie,

Subdividing 5 single-family residential lots on what was one will put an added pressure on the water system of the area possibly affecting the existing water pressure. I'm also concerned about the possible exit to our private road on 2nd Pl. S. for some of the new housing and would like assurance that this will not be the case. Lastly please supply information about using septic or sewer for these new houses.

Thank you for allowing me to air my concerns. Hopefully you will inform me on these issues.

Sincerely,

Bonnie White

Stephanie Jewett

From: Dan Sevin [danandfran@hotmail.com]
Sent: Wednesday, May 01, 2013 3:43 PM
To: Stephanie Jewett
Subject: Re: File No PLA 13-0135

Dear Stephanie,

Hello, my name is Daniel Sevin.

I live at: 104 South 182nd Street Burien WA 98148

Phone No: 206 832 6401

E Mail: danandfran@hotmail.com

I received a notice of application for a property on Occidental Ave which is being subdivided into 5 lots.

I do have a couple of questions.

First, how will these properties be connected to the sewer, or will they have septic drain fields?

If they are to be connected to the sewer how will the pipes be directed? (up Occidental Ave, or connecting to Normandy down 2nd Pl South?)

I know that for a long time the owners wanted to develop the property but were unable to proceed due to drain field issues. My house is on septic system.

Could you provide me with information regarding this issue? Thank You.

Sincerely, Daniel Sevin



DUNCANSON

Company, Inc.

October 4, 2013

DCI 12118

Ms. Stephanie Jewett, AICP
Department of Community Development
City of Burien
400 SW 152nd St, Suite 300
Burien, WA 98166

Subject: WestView PLA13-0135
Response to Public Comments

Dear Stephanie:

Below we respond to each of the letters that were received during the public comment period for this project. The following 7 information points address a majority of the comments and questions that were raised. Below this list we have identified which points address which of the letters or emails.

1. A new water main will be "looped" between Occidental Avenue South and 2nd Place S. In other words, a new water main will connect to the existing public main in Occidental Avenue South; run east through the new development and then connect to the existing public main in 2nd Place South. This will improve system flow, circulation and reliability. Water meters for the new homes will connect to this new main.
2. No access is proposed to 2nd Place South. All new homes will access Occidental Avenue S through the new private road.
3. The new homes will be served by public sewer, which will be extended up Occidental Avenue South from near the new fire station. Sewer will not extend to 2nd Place South. The comprehensive sewer plan for 2nd Place South is for those properties to be served from the east.
4. No specific home plans have been developed. Burien Municipal Code (BMC) requires 10' minimum between the buildings (5 feet on each parcel). The setback from the northeast corner will be at least 15 feet because of the easement for the proposed water line. Home size, height and lot coverage will be limited by BMC. The project conforms to the current zoning code and comprehensive plan. Parking will be provided as required by BMC.

145 SW 155th Street • Suite 102 • Seattle, Washington 98166
Phone 206.244.4141 • Fax 206.244.4455 • Web www.duncansonco.com

5. Construction hours are restricted by BMC. Currently, construction is anticipated to begin late 2013 to early 2014. Site development and home construction is anticipated to be completed within 9 to 12 months, depending on weather and sales.
6. A supplemental memo is included with this letter concerning walking conditions in the neighborhood. In short, with completion of this project and the fire station currently nearing completion, there will be sidewalks and/or wide shoulders extending south from the project site to the nearest school bus stop and northwest to 1st Avenue South and the Manhattan shopping center.
7. Several trees will be removed and several will be retained. The site was historically cleared. A significant tree retention plan has been prepared and will be implemented per BMC. Tree removal will be performed by licensed, bonded and insured contractors.

Following is a list of comments provided with cross reference to the information points above:

- Email from Bonnie White—See information points 1, 2 and 3.
- Email from Dan Sevin—See information point 3.
- Email from Lloyd Whisman—See information point 1 and 3.
- Email from Debbie Jurasek—See information point 2.
- Letter from Nathan Enns—See information point 5, 4, and 7..
- Note from Danelle Garcia—See information point 2, 3 and 4.
- Email from Shirley Rousell—See information point 3, 1, 4, 7 and 5. Also, no substantive re-grading is proposed adjacent to the Rousell property. A new waterline will be installed approximately 7.5 feet from the property line. Vegetation in this area consists of grass and a few trees. Runoff from the new impervious surfaces will be infiltrated on the development site. Future landscaping of the residential lots will mimic existing conditions. The applicant has not made a decision regarding fencing.
- Letter from Sandra Galbraith—See information point 6 and 7
- Letter from Colleen Phillips—See information point 6
- Email from Sandra Coulter—See information point 3. Also, “dry” utilities will be installed underground within the new development. The existing pole and overhead services to 18036 will likely be retained in its current or similar configuration. The owner will not have any obligations as a result of this development.

Ms. Jewett
10/4/2013
Page 3

WestView

Please call if you have any questions.

Sincerely,

Duncanson Company, Inc.

Harold M. Duncanson, P.E.
President

Enclosure



WestView
Subdivision



Burien

Washington, USA

Preliminary Subdivision Application (Five or more lots)

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

| |
|-----------------------------------|
| File Number PLA 13-0135 |
|-----------------------------------|

| APPLICANT INFORMATION | | |
|--|---|--------------------------------------|
| Name: MIKE LIERMAN | Company: SMACKDAB REALTY LLC | Daytime Phone: (206) 396-9350 |
| Mailing Address: 2610 SE 27TH ST, SAMMAMISH, WA 98075 | | E-Mail: MIKE@INTRA-CORP.COM |
| Contact person: JENNI EVERETT | E-Mail: JENNER@MILLENNIAL-RE.COM | Daytime Phone: (206) 715-3075 |
| Property owner: SMACKDAB REALTY LLC | | Daytime Phone: (206) 396-9352 |
| Mailing Address: 2610 SE 27TH ST, SAMMAMISH, WA 98075 | | E-Mail: MIKE@INTRA-CORP.COM |

| PROJECT INFORMATION | | |
|---|--|---------------------|
| Site Address: 18052 OCCIDENTAL AVE S | Parcel Number: 3223049127 | |
| Zoning District: RS 7200 | Comprehensive Plan designation: Density Residential | Neighborhood |
| Number of Acres: 1.14 ac | Number of Lots: 5 PROPOSED | Number of Units: |
| Legal description of property: P1N SEC 32 TWP 23N RGE 4E NW QTR, KING COUNTY | | |
| Review Process: <input type="checkbox"/> Type 1 <input type="checkbox"/> Type 2 <input checked="" type="checkbox"/> Type 3 | | |
| Affected critical areas: <input type="checkbox"/> Wetlands <input type="checkbox"/> Streams <input type="checkbox"/> Critical Aquifer <input type="checkbox"/> Landslide Hazard Area <input type="checkbox"/> Fish & Wildlife | | |
| Description of proposal (attach additional sheets if necessary): SUBDIVISION OF 1 PARCEL INTO 5 SINGLE FAMILY LOTS. | | |

SIGNATURE

I, **MIKE LIERMAN (SMACKDAB REALTY LLC)**, declare that I am the owner of the property involved in this application, and that the foregoing statements and answers herein contained and the information herewith submitted are in all respects true and correct to the best of my knowledge and belief. I designate **MATTIS CONSULTING GROUP** to act as my agent with respect to this application. I agree to reimburse the City of Burien for the costs of professional Engineers and other Consultants hired by the City to review and inspect this proposal when the City is unable to do so with existing in-house staff.

Dated: **1/15/2013**

Signature: **Michael Lierman, Managing Member**

Please see the attached checklist(s) for a list of plans and other information that must be submitted with this application and for other important information. The checklist(s) must be submitted with the application and the required submittals.

RECEIVED

JAN 17 2013

CITY OF BURIEN

ATTACHMENT 26



Notice of Application

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

| | |
|---|---|
| Date | April 2, 2013 |
| Applicant | Mike Lierman, Smackdab Realty LLC |
| Proposal | Subdivide one (1) existing 1.14 acre residential lot into five (5) single-family residential lots |
| File No. | PLA 13-0135 File is available for viewing at Burien City Hall during regular business hours. |
| Location | 18052 Occidental Avenue South, Burien, Washington |
| Tax Parcel No. | 3223049127 |
| Current Zoning | RS 7200 (Residential Single-family) |
| Application Submitted/Complete | Submitted: January 17, 2013 Complete: March 21, 2013 |
| Other Permits Needed | Construction Permit, Right-of-Way Use Permit |
| Existing Environmental Info. | Preliminary Technical Information Report |
| Review Process and Public Comment | The decision on this application will be made by the City Council following a public hearing and recommendation by the Hearing Examiner. Prior to preparation of the Dept. of Community Development staff recommendation to the Hearing Examiner, there is an opportunity for the public to submit written comments. To be considered as part of the staff report, written comments must be received prior to 5:00 p.m. on May 2, 2013. Send written comments to the project planner (see below). Please indicate your name and address and refer to the file indicated above. In addition, anyone may submit written or oral comments to the Hearing Examiner at the public hearing. Only people who submitted comments as indicated above may appeal the decision on this application. |
| Project Planner (for written comments and more information) | Stephanie Jewett, AICP Department of Community Development City of Burien 400 SW 152 nd Street, Suite 300 Burien, WA 98166 Phone: (206) 439-3152 E-Mail: stephaniej@burienwa.gov |

Stephanie Jewett

From: Jason Richardson [jason.richardson@swssd.com]
Sent: Tuesday, October 15, 2013 9:05 AM
To: Stephanie Jewett
Cc: Laura Gallez
Subject: RE: 18052 Occidental Avenue South

Stephanie,

The developer will be required to serve the properties along Occidental from their project to the existing manhole near the fire station which will include the lot at 18036. The connection charge for 18036 will be determined by the overall cost of sewer construction and will be determined at the end of the project. Once the sewer main has been accepted by the sewer district 18036 would have the opportunity to connect.

Jason R. Richardson
Utility Inspector
Southwest Suburban Sewer District
Direct: 206-432-3507
Cell: 206-310-8192

From: Laura Gallez
Sent: Monday, October 14, 2013 3:50 PM
To: Jason Richardson
Subject: FW: 18052 Occidental Avenue South

Jason,
Can you answer this question?

Laura

Laura C Gallez
Development and Emergency Management Supervisor
Southwest Suburban Sewer District
431 SW Ambaum Blvd
Burien, WA 98166
Desk 206.432.3513 Cell 206.310.2191 FAX 206.433.8546

From: Stephanie Jewett [mailto:StephanieJ@burienwa.gov]
Sent: Monday, October 14, 2013 3:39 PM
To: Jodie Baker
Subject: 18052 Occidental Avenue South

Hi Jodie:

The City is processing an application for a 5 lot subdivision located at 18052 Occidental Avenue South. To serve the future development on the five new lots, the proposal includes the extension of the sewer down Occidental (from where the Fire Station). The Applicant received a certificate of sewer availability from you for this back in January of this year.

During the public comment period I received a question from the neighbor located at 18036 Occidental Avenue South asking if the properties bordering the proposed development will have the opportunity to connect to the sewer line proposed on Occidental Avenue South and if so what terms, conditions and costs are associated.

Do you have any information that might help me answer her question?

Thanks for your time,

Stephanie Jewett, AICP
Planner

City of Burien

206-439-3152

Email: stephaniej@burienwa.gov

Web: 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 152 nd 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 (for submittal of written comments or for more information) | Stephanie Jewett, AICP Department of Community Development City of Burien 400 SW 152 nd 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

Discover Burien
Highline Times
Seahurst Post Office
White Center Now
Web site: www.burienwa.gov

From: sarous@comcast.net
Sent: Monday, October 28, 2013 8:27 PM
To: Stephanie Jewett
Subject: Fwd: Public Hearing Notice for 18052 Occidental Ave S.
Attachments: DSCF1754.JPG; DSCF1756.JPG; DSCF1758.JPG; DSCF1761.JPG

Sending again as I'm not sure it went through. I've removed 3 of the photos and will send them separately.

From: sarous@comcast.net
To: stephaniej@burienwa.gov
Sent: Monday, October 28, 2013 8:19:13 PM
Subject: Public Hearing Notice for 18052 Occidental Ave S.

Hello Stephanie,

I received the package of the land use review for the above location and I intend to be at the hearing on the 5th. My main concern at this point is the tree retention plan as shown on attachment 5 (in the package). From what I can tell one of the few trees targeted for retention is very close to my property and house. The tree is located on a bit of a slope just above the South East corner of my house. You can see in the photos that some of the roots are exposed on the slope side facing my house and they have already created damage to my brick paver walkway which was added in 2004. The damage started in the last couple of years and so I believe it will only get worse as the tree continues to grow. The tree was quite small at the time my house was built. I'm also concerned about the stability of the tree based on the slope and possible future erosion on the area around the roots. I hope that all of this is clearly shown in the photos attached.

I would like to know what options there are to address the concerns about the tree retention plan.

Kind regards,

Shirley Rousell
18053 2nd Pl. S.
Burien, WA 98148

ATTACHMENT 30















From: Dan Sevin [danandfran@hotmail.com]
Sent: Thursday, October 24, 2013 9:34 PM
To: Stephanie Jewett
Subject: RE: File No PLA 13-0135

Dear Stephanie,

My property is on the corner of Occidental and S 182nd Street.

I have received a copy of the staff recommendation report to the Hearing Examiner regarding this five lot subdivision project.

I see that the staff recommendation is to ACCEPT the project with conditions.

I will be unable to attend the hearing scheduled for Tues Nov 5 2013 at 9:30 AM, so I would like this opportunity to respond.

I am OPPOSED to this project for several reasons:

First, increased traffic usage on Occidental Ave 500 feet or less from where Fire and Emergency vehicles need to come out of the new expanded fire station - I see potential for increased traffic problems and congestion.

Second, people visiting residents of the new houses will park along Occidental Ave in front of my neighbor's house, or farther South on Occidental Ave next to my fence and yard. I do not want the increased risk of liability if any damage / problem happens to their vehicles. (i.e. tree branches or debris falling on cars, vandalism, etc.).

I also feel that It would be a visibility hazard to cars making a right turn from S 182nd St onto Occidental Ave.

If cars are being parked along that section of the street, it will be much more difficult to see vehicles coming from the right - increasing the potential for traffic accidents.

Third, I see that a condition of the project includes the construction of a sidewalk all the way down the Occidental side of my property (South towards 183rd Street).

I am concerned that I might be told that my fence will have to be moved. The present fence was built 10+ years ago along the Occidental Ave side of the property in the same location as the previous fence (which was there 20+ years).

There has never been an issue with the fence location before with the city or King County. I do not want to be told that now the fence would have to be moved, and be expected to pay the expense. Since I will receive no benefit from the development of the sub division project, I strongly oppose any expense to me if told to move the fence!

Fourth, I am concerned that the homes that would be built on the property would not be a good fit with the style and appearance of the other homes in the surrounding neighborhood. Most of the current structures are rambler style homes (or appear that way from Occidental Ave). According to the Duncanson Co Inc letter (attachment 25) which states that "no specific home plans have been developed", but in order to fit five houses into the assigned lot spaces, it appears to me that they would be jammed very close together and certainly require the "tall and skinny" floor plans. I feel that this would make the area (1.14 acres) look cramped and unattractive. Also, since building the five houses will require the removal of 11 of the 16 significant trees, the orientation of the new houses would drastically reduce the privacy of the surrounding older homes.

The homes to the East of the property would certainly lose any views of the Olympic Mountains, possibly making the property less desirable if trying to sell in the future.

ATTACHMENT 31

Fifth, I do not want this project to be used as a maneuver by the sewer district to impose a sewer service on the neighborhood homes that are on septic systems. Most of the homes (including mine) in the area have had the drain fields replaced within the last 15 years and do NOT want an additional sewer bill, or be forced to go on sewer with the costs "to be determined at the end of the project". I am concerned that the sewer district will attempt to expand the sewer system further and demand that homeowners take out loans (from the sewer district!) to pay the huge expense of constructing and connecting to the sewer.

In conclusion, I am OPPOSED to this five lot sub division project due to:
Increased traffic usage / congestion, the potential parking issues with decreased driver visibility from S 182nd St, possibly having to move my fence, poor style fit of new houses with drastically reduced privacy for surrounding homes, and being forced to go on an expanded sewer system in the future.

I request that this sub division project be re-examined and REJECTED by the City of Burien. Thank you for your attention to this matter.

Sincerely, Daniel / Fran Sevin

From: Danelle Bautista [danellebautista@hotmail.com]
Sent: Monday, November 04, 2013 7:55 AM
To: Stephanie Jewett
Subject: Mike Lieberman

Hi my name is Danelle Garcia I live at 18064 2nd pl so. I was wondering if Mr. Leiberman has decided on how close to the fence he is actually going to build the houses. We are directly behind this. I know it is a

5 feet code. I was just hoping that he is going to give the houses a back yard.

Thank you, Danelle Garcia

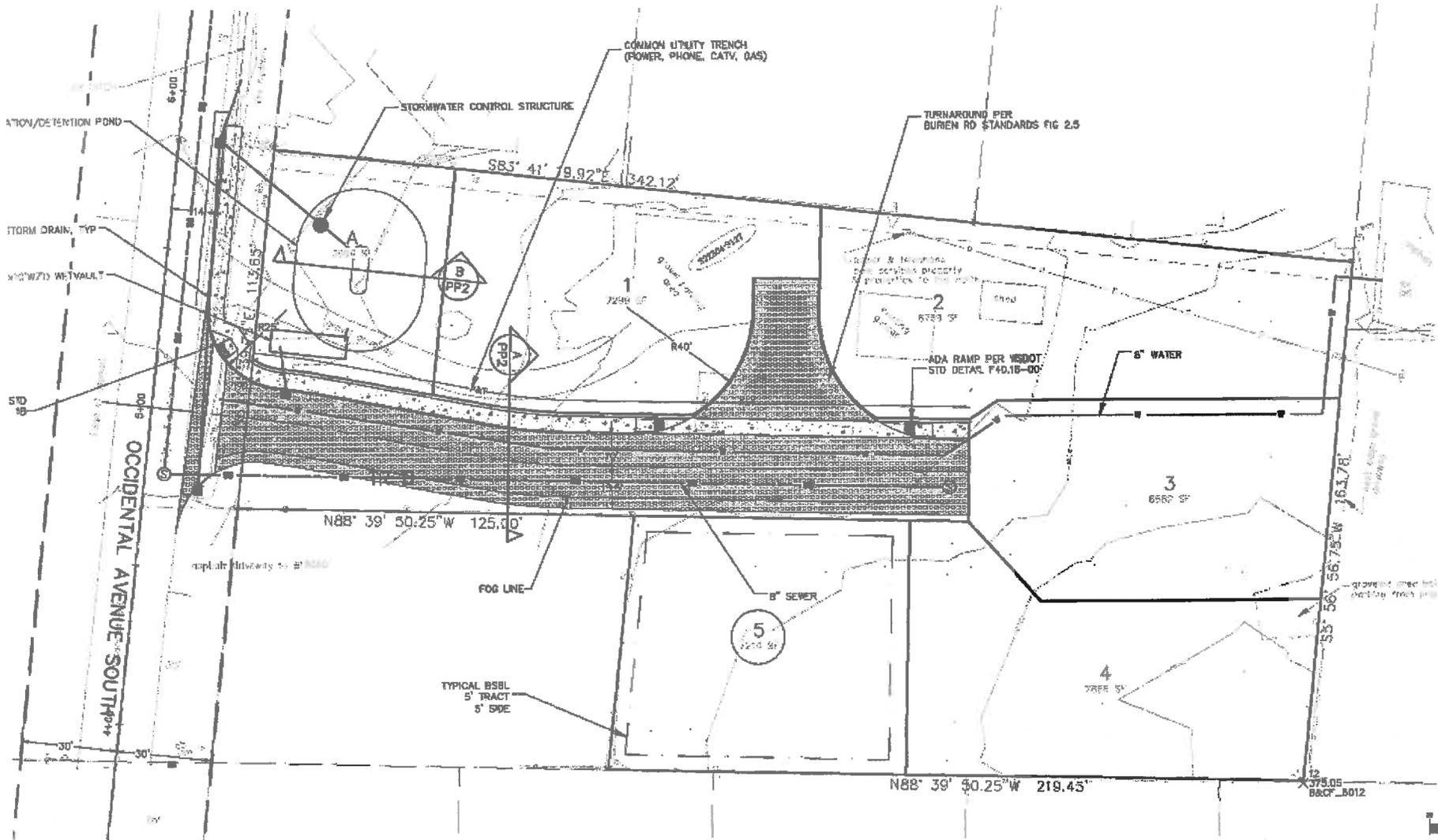


Burien
Washington, USA

PLA 13-0135
Westview Subdivision
Preliminary Plat Approval

December 2, 2013





STORMWATER CONTROL STRUCTURE

COMMON UTILITY TRENCH
(POWER, PHONE, CATV, GAS)

TURNAROUND PER
BUREN RD STANDARDS FIG 2.5

STORMWATER CONTROL STRUCTURE

583° 41' 19.92"E 342.12'

STORM DRAIN, TYP

6" (W/7) SETVAULT

STD

OCCIDENTAL AVENUE SOUTH

N88° 39' 50.25"W 125.10'

FOG LINE

TYPICAL BSBL
5' TRACT
5' SIDE

8" SEWER

ADA RAMP PER MSDOT
STD DETAIL F40.10-00

6" WATER

3
6562.5'

4
3288.5'

N88° 39' 50.25"W 219.45'

53° 56' 56.75"W 161.78'

375.05
B&CP_B012

**CITY OF BURIEN
AGENDA BILL**

| | | |
|---|--|--|
| Agenda Subject: Motion to Approve Appointment to the City of Burien Parks and Recreation Board | | Meeting Date: December 2, 2013 |
| Department: City Manager | Attachments: | Fund Source: N/A |
| Contact: Monica Lusk | | Activity Cost: N/A |
| Telephone: (206) 248-5517 | | Amount Budgeted: N/A |
| Adopted Work Plan Priority: Yes No <input checked="" type="checkbox"/> | | Work Plan Item Description: N/A |
| PURPOSE/REQUIRED ACTION: | | |
| <p>The purpose of this agenda item is for Council to make an appointment to the City of Burien Parks and Recreation Board. Council held an interview prior to the November 25 Council Study Session.</p> | | |
| Background (Include prior Council Action and Discussions): | | |
| <p>A call for volunteers to serve on the City of Burien's Parks and Recreation Board advisory board was placed in the Westside Weekly, Burien City News, on TBC21, and on the City's website. One application was received to fill one position with a term that expires on March 31, 2015.</p> | | |
| OPTIONS (Including fiscal impacts): | | |
| <ol style="list-style-type: none"> 1. Appoint an applicant to fill one vacancy for an unexpired term that will end on March 31, 2015. 2. Do not appoint the applicant and re-advertise. | | |
| Administrative Recommendation: Per Council direction. | | |
| Advisory Board Recommendation: N/A | | |
| Suggested Motions: | | |
| <p>Move to Appoint _____ to the City of Burien Parks and Recreation Board to an unexpired term beginning December 2, 2013, and ending on March 31, 2015.</p> | | |
| Submitted by: Monica Lusk, City Clerk | Craig Knutson | |
| Administration _____ | Interim City Manager _____ | |
| Today's Date: November 22, 2013 | File Code: R:/CC/Agenda Bills 2013/120213cm-3 pks bd appt | |

**CITY OF BURIEN
AGENDA BILL**

| | | |
|---|--|---------------------------------------|
| Agenda Subject: Discussion on a Motion to Approve an Interlocal Agreement Between Highline Public Schools and the Cities of Burien, Des Moines, Normandy Park and SeaTac | | Meeting Date: December 2, 2013 |
| Department: Parks, Recreation and Cultural Services (PaRCS) | Attachments: | Fund Source: N/A |
| Contact: Michael Lafreniere, Director of PaRCS | 1. Interlocal Agreement | Activity Cost: \$0 |
| Telephone: (206) 988-3703 | | Amount Budgeted: \$0 |
| Unencumbered Budget Authority: \$0 | | |
| Adopted Initiative: Yes <input checked="" type="checkbox"/> No | Initiative Description: Develop programmatic and capital facility improvement opportunities through partnerships with the Highline Public Schools | |
| PURPOSE/REQUIRED ACTION: To consider approval of an Interlocal Joint Use Agreement between Highline Public Schools and the Highline cities of Des Moines, SeaTac, Normandy Park and Burien. | | |
| BACKGROUND (Include prior Council action & discussion): One of the provisions and deliverables of the 2010 CPPW/HEAL (Communities Putting Prevention to Work/Healthy Eating Active Living) grant included the development of a joint use agreement between the Highline cities and Highline Public Schools. This agreement would be for the shared use of schools and recreational facilities to collaborate towards the efficient utilization of existing outdoor and indoor facilities and create opportunities to plan, develop, upgrade and build similar facilities. Some of the cities and the school district had agreed to enter into such an agreement back in 1998, however over the years, a subsequent formal joint use agreement was never realized. In December 2012, the Highline cities and Highline Schools approved a resolution calling for continued work towards development of a interlocal joint use agreement. A draft was circulated to the Council in March 2013; comments and suggestions were considered by the other parties. It should be noted that the proposed agreement also allows for the reciprocal shared use of facilities between the cities themselves. Discussions between the cities and the district have now been completed and the attached Interlocal Agreement is now ready for action by the Burien Council as well as the city councils of the other cities. The Highline Public Schools Superintendent has been authorized to approve the Agreement. | | |
| OPTIONS (Including fiscal impacts): | | |
| <ol style="list-style-type: none"> 1. Approve by placing a motion on the December 16 Agenda approving the Interlocal Agreement and authorizing the City Manager to sign the Agreement. 2. Do not approve the Interlocal Agreement. | | |
| Administrative Recommendation: Hold discussion and place the Interlocal Agreement on the 12/16 Agenda for for approval. | | |
| Committee Recommendation: N/A | | |
| Advisory Board Recommendation: N/A | | |
| Suggested Motion: None required. | | |
| Submitted by: Michael Lafreniere | Craig Knutson | |
| Administration: _____ | Interim City Manager _____ | |
| Today's Date: November 26, 2013 | File Code: R:\CC\Agenda Bill 2013\120213pks-1 Interlocal Joint Use Agreement.Docx | |

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

THIS INTERLOCAL AGREEMENT ("Agreement") is entered into this 1st day of January, 2014 by and between the Highline School District No. 401 and the Cities of Burien, Des Moines, Normandy Park and SeaTac, which are municipal corporations under the laws of the State of Washington, and hereinafter referred to as "HSD" and "City" or "Cities" respectively.

RECITALS

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

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

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

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

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

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

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

I. HSD Use of Cities' Facilities

- A. Upon request, HSD schools may have access and shared use privileges to certain facilities located in the Cities, including the Cities' parks, recreation areas and meeting spaces attached hereto as Exhibit A, for the purpose of public primary and secondary education and associated student programs sponsored and managed by HSD, on the terms and conditions as set forth in this Agreement.
- B. Facilities include, but are not limited to, playfields, athletic fields, outdoor basketball courts and tennis courts, as well as conference rooms, classrooms and recreational portions of the buildings, such as gymnasiums or classrooms that may be used for recreational or community education programs.

The use by HSD of Cities' facilities (except for those facilities covered under separate agreements between HSD and each City), including scheduling and reservations, shall be controlled by and subject to each City's designated procedures and subject to the principles of priority use as set forth in this Agreement. Per the terms of this Agreement, fees shall only be charged for direct costs that may be incurred.

II. Cities' Use of HSD Facilities

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

III. Cities' Use of Cities' Facilities

- A. Upon request, each City may have access to and shared use privileges to certain other Cities' facilities, attached hereto as Exhibit A, for the purpose of community recreation programs and City-sponsored community meetings and educational programs managed by the Cities, on the terms and conditions as set forth in this Agreement.
- B. Facilities include, but are not limited to, playfields, athletic fields, outdoor basketball courts and tennis courts, as well as conference rooms, classrooms and recreational portions of the

buildings, such as gymnasiums, or classrooms that may be used for recreational or community education programs.

- C. The use by a City of other Cities' facilities (except for those facilities covered under separate agreements between each City), including scheduling and reservations, shall be controlled by and subject to the Cities' designated procedures and subject to the principles of priority use as set forth in this Agreement. Per the terms of this Agreement, fees shall only be charged for direct costs that may be incurred.

IV. General Use of Facilities

- A. Use of all facilities shall be in accordance with the regular procedures of the agency owning the facility as provided for by the Laws of the State of Washington and the rules and regulations of the respective agencies, except as otherwise provided in this Agreement.
- B. Fees may be charged for direct costs incurred by a City or HSD as a result of a particular activity, such as when a given use results in non-scheduled labor costs or other direct costs are attributable to a specific use of a facility, or when in the view of the facility owner a facility was left unkempt or damaged. In this case, the Cities and HSD agree to reimburse one another for their share of expenses upon written invoice for direct costs that are a consequence of facility use. Fees for indirect costs shall not be reimbursed.
 - i. In accordance with generally accepted accounting principles, "Direct Costs" are those costs that are incurred directly as the result of a particular scheduled project, instructional or recreational activity, or any other institutional activity, or that can be directly assigned to such activities.
 - ii. "Indirect Costs" are those costs that are incurred for common or multiple objectives and therefore cannot be readily and specifically attributed to a particular sponsored project, instructional or recreational activity, or any other institutional activity such as depreciation, normal "wear and tear" of facilities, overhead or administrative expenses.
- C. Scheduling of dates for use of Cities' and HSD facilities shall be worked out in advance to avoid conflicts. Once a date is booked, the parties agree to honor the scheduled commitment. In cases of extreme unforeseen conflict requiring a reservation change, the facility owner, to the extent possible, is expected to offer access to an appropriate alternative facility. To ensure effective communication between Cities and HSD, each agency shall provide to one another a list of primary contact persons whose responsibilities are to schedule, maintain or program facilities.
- D. The Interagency Team established in Section X shall meet regularly to develop a master schedule for joint use of HSD and Cities' facilities to discuss and allocate facility use planned by the HSD, Cities, and third parties. The Interagency Team shall schedule quarterly meetings or at such other times as mutually agreed upon by the HSD and Cities. At these meetings, the HSD and Cities will review and evaluate the status and condition of jointly used properties and modify or confirm the upcoming seasonal schedule.

- E. Previously scheduled use of any facility shall supersede priority of use criteria in Article VI (Priority of Use).
- F. Parking is permitted in designated areas only. Vehicle parking on HSD playgrounds or City park or field areas is strictly prohibited and is grounds for denial of future use.
- G. Any party utilizing a facility under this agreement agrees to provide appropriate supervision of participants to monitor they remain in reserved areas and act appropriately. Repeated breach of this provision may result in denial of future use.

V. Indemnify and Hold Harmless

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

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

VI. Priority Use

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

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

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

- 1) Cities' use, Cities' functions, and Cities' sponsored events, including recreational and community programs provided by the Cities for or directly benefitting Cities' residents.
- 2) Programs for the purpose of public primary and secondary education and associated

student programs sponsored and managed by HSD.

- 3) Other Cities' community recreation programs and City-sponsored community meetings and educational programs managed by such other Cities.
- 4) All other uses as determined and prioritized by each City.

VII. Termination of Agreement

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

VIII. Periodic Reviews and Revisions to Agreement

The Cities and the HSD agree to meet jointly to review this Agreement after one year and then subsequently every three years. Revisions to the Agreement are valid only with the mutual written consent of all Parties.

IX. Term

Subject to Article VII of this Agreement (Termination of Agreement), the term of this Agreement shall be from January 1, 2014 through and including December 31, 2016. At the end of this three (3) year period, the Agreement shall automatically renew for periods of three (3) years, unless any Party gives the others written notice of its intent not to renew the Agreement at least ninety (90) days before the expiration of this Agreement.

X. Interagency Team

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

XI. Dispute Resolution

In the event of a dispute between the parties arising under this Agreement, the Directors of

Parks and Recreation of the Cities and the Chief Operations Officer of the HSD shall meet to attempt to resolve the dispute within thirty (30) days from notice. If they are unable to resolve the dispute within forty-five (45) days from notice, the City Managers of the Cities and the Superintendent of HSD shall meet to attempt to resolve the dispute within sixty (60) days from notice. If they are unable to resolve the dispute within ninety (90) days from notice, the parties shall submit the dispute to a mutually agreed upon private arbitrator for a binding resolution. In the event the parties cannot agree on an arbitrator, one will be appointed by the Presiding Judge of the King County Superior Court, with costs of arbitration borne equally. Each party will be responsible for their own attorneys' fees and costs related to said arbitration.

XII. Miscellaneous

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

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

With a Copy to:
Highline School District No. 401
ATTN: Chief Operations Officer
15675 Ambaum Blvd. SW
Burien, WA 98166

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

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

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

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

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

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

| | | |
|--|--|---|
| <p>HIGHLINE SCHOOL DISTRICT NO. 401</p> | <p>By: _____ Dr. Susan Enfield, Superintendent</p> <p>Date: _____</p> | |
| <p>CITY OF BURIEN</p> | <p>By: _____ Craig Knutson, Interim City Manager By Direction of the Burien City Council in Open Public Meeting on _____, 2013.</p> <p>Date: _____</p> | <p>Approved as to Form: _____ City Attorney</p> |
| <p>CITY OF DES MOINES</p> | <p>By: _____ Anthony A. Piasecki, City Manager By Direction of the Des Moines City Council in Open Public Meeting on _____, 2013.</p> <p>Date: _____</p> | <p>Approved as to Form: _____ City Attorney</p> |
| <p>CITY OF NORMANDY PARK</p> | <p>By: _____ Glenn Akramoff, City Manager By Direction of the Normandy Park City Council in Open Public Meeting on _____, 2013.</p> <p>Date: _____</p> | <p>Approved as to Form: _____ City Attorney</p> |
| <p>CITY OF SEATAC</p> | <p>By: _____ Todd Cutts, City Manager By Direction of the SeaTac City Council in Open Public Meeting on _____, 2013.</p> <p>Date: _____</p> | <p>Approved as to Form: _____ City Attorney</p> |

EXHIBIT A

HSD facilities available to Cities:

- Burien (Facilities available to City of Burien programs at no cost)
 - Gregory Heights Elementary School and campus
 - Hazel Valley Elementary School and campus
 - Highline High School
 - Hilltop Elementary School and campus
 - Seahurst Elementary School and campus
 - Shorewood Elementary School and campus
 - Southern Heights Elementary School and campus
 - Sylvester Middle School and campus

- Des Moines (Facilities available to City of Des Moines programs at no cost)
 - Des Moines Elementary School and campus
 - Marvista Elementary School and campus
 - Midway Elementary School and campus
 - Mt. Rainier High School and campus
 - Pacific Middle School and campus
 - Parkside Elementary School and campus
 - North Hill Elementary School and campus

- Normandy Park (Facilities available to City of Normandy Park programs at no cost)
 - Marvista Elementary School and campus

- SeaTac (Facilities available to City of SeaTac programs at no cost)
 - Bow Lake Elementary School and campus
 - Chinook Middle School and campus
 - Madrona Elementary School and campus
 - Tyee Educational Complex and campus
 - McMicken Elementary School and campus

Cities' facilities available to HSD and Cities:

- Burien (Facilities available to Burien schools and HSD Administration at no cost):
 - All City Parks
 - Burien Community Center
 - Burien Community Center Annex
 - Dottie Harper Park House
 - Burien City Hall Meeting Rooms
 - Burien City Hall North
 - Moshier Community Arts Center

- Des Moines (Facilities available to Des Moines schools and HSD Administration at no cost):
 - All City Parks
 - Des Moines City Hall Meeting Rooms
 - Des Moines Field House
 - Des Moines Activity Center

- Normandy Park (Facilities available to Normandy Park schools and HSD Administration at no cost):
 - All City Parks
 - Normandy Park City Hall Meeting Rooms
 - Normandy Park Recreation Center

- SeaTac (Facilities available to SeaTac schools and HSD Administration at no cost):
 - All City Parks
 - SeaTac City Hall Meeting Rooms
 - SeaTac Community Center
 - Highline SeaTac Botanical Garden
 - Sunset Playfields
 - Valley View Sports Park

**CITY OF BURIEN
AGENDA BILL**

| | | |
|--|---|---|
| Agenda Subject: Discussion of Draft Ordinance No. 594, relating to legal holidays. | | Meeting Date: December 2, 2013 |
| Departments: Human Resources | Attachments: 1. Draft Ordinance No. 594. | Fund Source: General Fund Activity Cost: Amount Budgeted: Unencumbered Budget Authority: |
| Contact: Angie Chaufy | | |
| Telephone: (206) 248-5504 | | |
| Adopted Work Plan Priority: Yes No X | Work Plan Item Description: | |
| PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to discuss and consider adding Christmas Eve to the legal holiday schedule. | | |
| BACKGROUND (Include prior Council action & discussion): Since 2011, City staff has sought to recommend employee benefit plan changes that promote financial sustainability, aid recruitment efforts, and encourage employee retention. The modification to the employee medical benefit package, the establishment of a high deductible health plan incentive, and the vacation cash out program are examples of 2012 benefit plan changes recommended by staff and adopted by Council toward this effort. In 2013, per Financial Policy J.4 of the 2013-2014 Adopted Budget, the City's compensation structure, including salaries and benefits, were reviewed for an evaluation of competitiveness with comparable public sector employers in the relevant recruiting or market areas. Based upon the results of the survey, staff is recommending the addition of Christmas Eve to the legal holiday schedule as it reflects the holiday schedules of 70% of our comparable cities and provides a more competitive benefit package and recruiting tool while minimizing the financial impact to the budget. The proposed ordinance would become effective January 1, 2014. | | |
| OPTIONS (Including fiscal impacts): 1. Consider approval of Draft Ordinance 594 and place on the Consent Agenda for adoption on December 16, 2013. 2. Do not place Draft Ordinance 594 on the Consent Agenda for December 16, 2013. | | |
| Administrative Recommendation: Discuss Draft Ordinance 594 and schedule for Consent Agenda adoption on December 16, 2013. | | |
| Advisory Board Recommendation: N/A | | |
| Suggested Motion: N/A | | |
| Submitted by: Angie Chaufy | | |
| Administration _____ | City Manager _____ | |
| Today's Date: November 22, 2013 | File Code: R:/CC/Agenda Bills 2013/1202cm-2 Legal Holidays | |

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 594

**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON,
AMENDING SECTION 2.05.010 OF THE BURIEN MUNICIPAL
CODE RELATING TO LEGAL HOLIDAYS**

WHEREAS, the 2013-2014 Adopted Budget provides that the City's compensation structure, including salaries and benefits, will be reviewed at least every three years for an evaluation of competitiveness with comparable public sector employers in the relevant recruiting or market area;

WHEREAS, a review of relevant public sector employers found most have an additional holiday to which their employees are entitled; and

WHEREAS, the City desires to provide Christmas Eve as an additional benefit to City employees to be competitive with other area public sector employers and such change requires an amendment to the Burien Municipal Code;

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

Section 1. BMC Section 2.05.010, Legal holidays, Amended. Section 2.05.010 of the Burien Municipal Code, Legal holidays, is hereby amended (with legislative revision marks) to read as follows:

2.05.010 Legal holidays.

The following days shall be recognized as legal holidays:

| | |
|-----------------------------|---------------------------|
| New Year's Day | January 1 |
| Martin Luther King, Jr. Day | Third Monday of January |
| Presidents' Day | Third Monday of February |
| Memorial Day | Last Monday of May |
| Independence Day | July 4 |
| Labor Day | First Monday of September |

| | |
|-------------------------------|--------------------------------------|
| Veterans' Day | November 11 |
| Thanksgiving Day | Fourth Thursday of November |
| Day after Thanksgiving Day | Fourth Friday of November |
| <u>Christmas Eve</u> | <u>December 24</u> |
| Christmas Day | December 25 |
| Floating Holiday | Provided by administrative policy |

Whenever any legal holiday set forth in this section falls upon a Sunday, the following Monday shall be a legal holiday. Whenever any legal holiday set forth in this section falls upon a Saturday, the preceding Friday shall be a legal holiday, with the exception of December 24th. When December 24th falls on a Sunday, it will be observed on the following Tuesday; and when December 24th falls on a Friday, it will be observed on the preceding Thursday.

The city manager shall have the authority to administer holidays, floating holidays, and holiday overtime schedules as provided in the city personnel policies or applicable collective bargaining agreements. [Ord. 507 § 1, 2009]

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 be published in the official newspaper of the City, and shall take effect and be in full force January 1, 2014.

ADOPTED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE ___ DAY OF _____ 2013, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 20TH 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 on Amending the Acknowledgement Policy | | Meeting Date: December 2, 2013 |
| Department: City Manager | Attachments: Draft Resolution No. 351 | Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A |
| Contact: Monica Lusk, City Clerk | | |
| Telephone: (206) 248-5515 | | |
| Adopted Initiative: Yes No X | Initiative Description: | |
| PURPOSE/REQUIRED ACTION: | | |
| The purpose of this agenda item is for Council to discuss amending the Acknowledgement Policy by revising the Citizen of the Year selection, acceptance and acknowledgement dates, and adding the Volunteer Recognition Plan. | | |
| BACKGROUND (Include prior Council action & discussion): | | |
| Staff suggests revising the dates for the selection, deadline for nominations, and the naming of the Citizen of the Year Award recipient to coincide with the recognition of outgoing advisory board members at the first Council meeting in April. | | |
| At its August 5 meeting, Council approved the Volunteer Recognition Plan. Staff recommends adding the Plan to the Acknowledgement Policy. | | |
| OPTIONS (Including fiscal impacts): N/A | | |
| Administrative Recommendation: Hold discussion and consider placing proposed Resolution No. 351 on the 12/16 Consent Agenda for approval. | | |
| Committee Recommendation: N/A | | |
| Advisory Board Recommendation: N/A | | |
| Suggested Motion: None required. | | |
| Submitted by: Administration _____ City Manager _____ | | |
| Today's Date: November 22, 2013 | File Code: R:/CC/AgendaBills2013/120213cm-1 Amend Acknowledgement Policy | |

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 351

A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON, AMENDING RESOLUTION 326 RELATING TO THE ACKNOWLEDGEMENT POLICY AWARD NAMING PROCEDURES.

WHEREAS, on December 12, 2011, the City Council approved Resolution 326 establishing an Acknowledgement Policy to acknowledge and officially recognize participation and commitment to the community by public, private and non-profit entities; and

WHEREAS, the Acknowledgement Policy provides that the “Citizen of the Year” award recipient will be named at a City Council meeting; and

WHEREAS, the City Council wishes to change the deadlines for the “Citizen of the Year” selection and award procedures; and

WHEREAS, the Council also desires to adopt a volunteer recognition plan that outlines the various tokens of appreciation to be provided to volunteers.

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

Section 1. Section 1(A) of Resolution 326, Amended. Section 1(A) of Resolution 326, Citizen of the Year, is hereby amended to read as follows:

A. Citizen of the Year.

1. Acknowledgement. The acknowledgement shall be made for one category, Citizen(s) of the Year.

2. Selection. Councilmembers may, in special session at the first meeting in ~~January~~March, indicate their preference for one or more of the candidates.

3. Criteria. The criteria qualifying a party or parties for this honor are intended to be subjective and broadly construed. It may be for a single contribution in a single calendar year or for a body of work over any period of time. Individuals may receive this honor once.

4. Source of Nominations. Nominations may come from any source. Council will accept nominations for Citizen of the Year at any time during the year but no later than ~~December 31~~the second Friday in February. In cases where no nomination is received by ~~December 31, said date~~, there will be no additional solicitation. Council is not obligated to select any candidate.

5. Naming Award Recipient. Staff will make necessary arrangements, including the presence of the individual(s) at the appropriate Council meeting. The individual(s) will be acknowledged at the ~~last Council meeting in February~~ first Council meeting in April. Council will convene in regular session then, as its first order of business, read a proclamation honoring the individual (s) and ask him/her for brief remarks. Council then will adjourn for an informal interaction with the candidate, friends, family and well wishers before reconvening to conduct regular business.

Section 2. New Section 1(C) of Resolution 326, Adopted. A new Section 1(C) to Resolution 326 entitled "Volunteer Recognition Plan" is hereby adopted as reflected in Exhibit A.

Section 3. 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 DECEMBER, 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. 351

VOLUNTEER RECOGNITION PLAN

07/17/13

Recommended by the Volunteer Appreciation Committee (Gina Kallman, Monica Lusk, Nhan Nguyen)

1. Commissions/Boards

- a. 37 members
- b. Recognize retiring members with a verbal thank-you from Council at the April Council meeting each year accompanied by a certificate and/or pin.
- c. Recognize members who are not able to finish term with a hand written than- you card from Mayor.
- d. Staff members who lead committee can recognize committee members with holiday cards and/or small tokens of appreciation.*

2. Ad Hoc Committees

- a. Recognize with a hand written thank you card from staff or council member who lead committee.

3. Long-Term Volunteers (volunteers who give weekly or monthly service)

- a. 50-60 (approximate amount of city-wide volunteers each year)
- b. Recognize with holiday cards and/or small tokens of appreciation.*

4. One-time event volunteers

- a. Recognize with thank-you cards or e-mails after the event.

ACTION ITEMS

- Print artist created thank-you cards and distribute to all departments
- Provide Appreciation Funds (\$1,000) for staff to use for tokens of appreciation*
- Schedule a yearly volunteer appreciation party (hearty appetizers, pizza, activities for kids, etc.) in April, 2014 during National Volunteer Week. All Commissioners and Board members and long term volunteers could be invited to perhaps include families.

*Parameters for Use of Appreciation Fund

- Staff who manages volunteer will have access to budget line item
- Staff can use up to \$10 per volunteer per year
- Alcohol cannot be gifted



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: December 2, 2013
SUBJECT: City Manager's Report

I. INTERNAL CITY INFORMATION

A. 2014 Arts and Culture Grant Allocations

The Arts and Culture Grant review panel at the November 14 meeting approved the following allocations for the 2014 grant cycle: Northwest Symphony Orchestra (\$4500); Northwest Associated Arts (\$4500); The Hi-Liners (\$2500); Highline Historical Society (\$3000); Highline Community Symphony Band (\$1000); Burien Little Theater (\$2000); Burien Arts Association (\$1200); B-Town Beat (\$1000); and the Bottle Cap Art Project (\$300).

B. Seahurst Project Demolition and Construction is Underway

With the start of demolition and construction associated with the Seahurst project, nearby residents can expect to hear a moderate amount of noise during times when low tides dictate the need for construction work. A temporary noise variance has been granted by the City to allow completion of portions of the shoreline work that are affected by tidal fluctuations, such as removal of rock material, beach sand, and riprap below the mean higher high water line beginning on Monday, November 18, and extending through Thursday, December 5, 2013. Additional dates and times will be required during the contractor's window of in-water work, which extends into February 2014. A variance to noise standards for construction projects may be issued if it is determined that the noise proposed to occur does not endanger health and safety of a substantial number of persons. The variance was requested by the contractor to allow construction work to occur during low tide events to minimize erosion effects and turbidity generation. There will be no delivery or off-haul of any material during the off-hour operations, unless previously arranged and lights will be positioned so as not to disrupt the neighboring community. All work performed in the shoreline area is being performed in conformance with the permits obtained from the City of Burien, Department of Ecology, Department of Fish and Wildlife, and U.S. Army Corps of Engineers. Updates on the night work hours will be posted at the adjacent neighborhood entrances; these and other project updates will continue to be posted at www.burienwa.gov/SeahurstProject.

C. King Conservation District Grant (KCD) to Fund Replacement of Eagle Landing Park Stairs

The KCD Board has approved a grant for \$12,300 to support the Parks, Recreation & Cultural Services (PaRCS) Department's replacement of the chronically storm-damaged stairs at the base of the Eagle Landing Park trail. The funds will be used in partnership with EarthCorps to abandon the lower stair segment that drops visitors onto the beach, and will replace it with a short gravel trail and boardwalk leading visitors to the upper beach, just to the north. This access will eliminate the need for stairs dropping off the steep, storm-prone bank, and will instead follow natural land contours for approximately 70 feet north, and onto the upper beach. Work is scheduled for spring 2014.

D. Public Art Plan Revised

At their September 24 meeting, the Arts Commission voted to adjust the Public Art Plan budget for 2014. The current balance left in the "Art in Public Places" account is approximately \$30,000. In the previous plan, Seahurst Park was allocated \$9,000 for new artwork. The Commission voted to increase the budget for new public art at Seahurst to \$20,000. Funds to make up the difference will be taken from the Ambaum Avenue project, which had been intended to create art for bus shelters.

E. Free Trial Week for Fitness Classes a Success

During a special "free trial" event, sixty new adults dropped in to try out fitness classes for free during the week of September 9-12. This special opportunity is available quarterly, and allows individuals to participate in Zumba, Kettlebell, Tai Chi, Yoga, and Pilates. Following the free trial period, twenty new participants registered for programs.

F. Arts-a-Glow Shines Again

Approximately 2,000 people gathered at Dottie Harper Park on the evening of September 7 to enjoy one of Burien's most highly anticipated and unique events. People of all ages created lanterns, danced to bluegrass and funk music, viewed artist-created lantern installations, and walked in the annual Lantern Procession. Food trucks were on-site to provide delicious treats. Once again, the event proved to be a magical experience "in the dark" for those attending. Lantern Procession participants have increased over the years and show up with ever more creative costumes. This year, one participant arrived wearing a lit-up, multi-colored dinosaur on wheels.

G. North Burien Summer Recreation Program Completed

The City funds this annual program to provide summer recreation for 1st through 6th grade students attending Hilltop Elementary School. The program's maximum enrollment limit is 100 children and runs two days/week for six weeks. There's no registration fee to participate in the program because all of the students' families are low-income. The program's overall goal is to promote healthy bodies and healthy minds during the summer months. Activities include swimming, dance, theater, art and sports. PaRCS contracts with Latinos for Community Transformation to provide this program.

H. Arts Crush Comes To Burien

“Arts Crush” is an annual series of cultural events during the month of October, featuring hundreds of performances throughout the region. The event is sponsored by Theater Puget Sound. Seattle’s Arouret Theater worked with Burien PaRCS and Burien Actors Theater to bring a free performance of “The Brick and the Rose” to Burien on October 8. Arouret Theater also brought the performance to five other King County cities, and reported that Burien had the largest audience.

I. Managing Snow and Ice

The City maintains about 140 linear miles of roadway (a little over 300 lane-miles). To manage snow and ice removal, we currently own two 5-yard dump trucks that are equipped with plows and sand spreaders, one 1-ton dump truck that has a smaller plow, and one 1.5-ton truck that has a 500 gallon sprayer and a plow. Liquid brine purchased from the City of SeaTac is used, and we also mix salt and sand in the spreaders depending on the need and conditions. During more intense events, there are other more expensive products that may be used. King County is still under contract for road maintenance services (although we did not use their services for snow and ice removal last year), and we would not get service this year unless they were not busy at other locations. The City’s new solid waste provider, CleanScapes, has indicated that they are available as a backup with a plow and spreader if needed.

Determining the amount of resources needed for snow and ice removal is a budget decision. Space and funds are not available for equipment that is only needed once every several years. The City can reasonably manage storms similar to those of the past few years with the equipment we currently have; however, each storm is unique in duration and intensity. The City has established priority routes for storms and maintaining arterials are the first order of business because without the arterials, there is no access for emergency service providers. When conditions allow, staff proceeds to secondary routes, and sometimes, but rarely, other City streets. At times storms are so intense that when staff plows an arterial they have to start over again as soon as they get to the end of that route. We get requests for plowing of residential streets, but we cannot serve them until we are confident that we have the arterials and key emergency access routes adequately clear.

To provide some context, the last moderate-to-heavy snow the City had was in early 2012. The crew managed to keep the arterials and many of the secondary routes in passable condition for about five days. They were not able to get to other streets until the very end of the storm. Prior to that there was a heavy snow in 2008. The 2008 snow volume would be taxing for the City’s current level of staffing and equipment. In a storm similar to the 2008 storm, service would be limited to clearing the priority routes and would not likely get to secondary routes for the life of the storm. Hiring staff and purchasing equipment for an event that may occur once every 3-5 years is a costly decision. If faced with a storm that is intense and long, staff will look to CleanScapes and other private companies for assistance. Efforts can also be

coordinated with neighboring cities as available. Staff feels that the City is appropriately prepared for storms. Managing expectations and communicating with the public is equally important in responding to storm events. The Public Works Department will work with staff to ensure that notifications about closures and other information is included on as many of the City's public outreach forums as possible, particularly the website, reader board, and radio.

J. CDBG Funding Award for South 132nd Street Pedestrian/Bicycle Trail

Earlier this year, the City of Burien applied for two FY2014 Community Development Block Grant (CDBG) projects as directed by Council. The higher priority project for the South 132nd Street Pedestrian/Bicycle Trail was awarded funding of \$195,000. This project is for the design and construction of a pervious pavement path for walking and bicycle use along South 132nd Street between 9th Ave S. and 10th Ave S. The lower priority project for Americans with Disabilities Act (ADA) Ramps along SW 116th Street between 14th Ave SW and 26th Ave SW for \$177,000 was not selected for award. The S. 132nd Street Pedestrian/Bicycle Trail project will begin in spring of 2014.

II. COUNCIL UPDATES/REPORTS

A. Surface Water Management Charges

At the November 18 Council meeting, Councilmember Robison asked if there were minimum Surface Water Management Service charges for all of the rate classifications – or just the Residential and Very Light. He expressed concern with regard to fairness if properties in the Light category are paying less than those in the Very Light or Residential categories. The code has established a minimum service charge for all of the classes – and that charge is the same as the Residential rate; therefore, under the newly adopted rates, the minimum charge is \$137.01 per year. This is the minimum that all developed parcels pay toward the operation and maintenance of our stormwater system.

B. Letter from Port of Seattle to Mayor Bennett (Page 451)

Mayor Bennett received a letter from Tom Albro, Port of Seattle Commission President, regarding the inclusion of a Ground run-up Enclosure (GRE) in the Port's Part 150 Noise Compatibility Study. The letter states that the GRE is included as a recommendation in the Study and that it will only be pursued if it can be done without creating more noise impact on the surrounding community.

C. Comment Letter to Department of Ecology Regarding Lora Lake Cleanup Project (Page 453)

Interim City Manager Craig Knutson sent a letter to David South, Site Manager for the Department of Ecology, in support of the Cleanup Action Plan at the former Lora Lake parcels in Burien and SeaTac.

D. October Permit Activity Report (Page 455)

Attached are the monthly reports for Construction Permits Issued and Construction Permit Applications Received during the month of October. The total number of construction permit applications received increased slightly, while the total valuation of construction permit applications decreased when compared with the month of September. The total number of construction permits issued in October increased, as did the total valuation of construction permits issued when compared with September results.

E. Online Permit Activity

Permits for 13 new single family residences in the Westwood Ridge subdivision were applied for, reviewed, and approved using MyBuildingPermit.com and electronic permit processing. The contractor for this development indicates that he is very pleased with the cost savings and ease of use of the paperless submittal and review process.

F. Notices: (Page 457)

The following (attached) Notice was published:

- The City of Burien will hold a public hearing on Monday, December 2, 2013, at 7:00 pm in the Council Chambers at 400 SW 152nd Street for the purpose of receiving public comments on the proposed cable television franchise renewal with Comcast of Washington IV, Inc.



RECEIVED

NOV 21 2013

November 20, 2013

City of Burien

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

The Honorable Dave Kaplan, Mayor
City of Des Moines
21630 11th Ave S
Des Moines, WA 98198

The Honorable Tony Anderson, Mayor
City of SeaTac
4800 South 188th Street
SeaTac, WA 98188

Dear Mayors Bennett, Kaplan and Anderson:

On behalf of the Port of Seattle Commission, thank you for your October 8, 2013 letter, regarding the inclusion of a Ground Run-up Enclosure (GRE) in the Port's Part 150 Noise Compatibility Study.

The Port appreciates your engagement and the input provided by you and residents of your communities during the study update process. Illustrated by the October 22 unanimous vote to submit the draft study for FAA review and approval, the Port Commission supports the noise mitigation recommendations developed during the study update and included in the final draft. This represents the Port's ongoing commitment to develop and implement programs that minimize the impact of aircraft noise on the Airport's neighboring communities.

As you are aware, the study does include a recommendation to construct a GRE on the airfield to minimize aircraft engine testing noise (Measure A-18). Input the Port received from the public during the study process was strongly in favor of constructing a GRE.

The next step in the study update process is review by the Federal Aviation Administration (FAA), which is underway. The Port expects the FAA to issue their decision (Record of Approval) by late spring of 2014. Concurrently, as part of Sea-Tac Airport's Sustainable Airport Master Plan (SAMP) process, potential locations for a GRE will be evaluated for compatibility

with projects identified as necessary to support passenger and cargo growth, planned to occur on the airfield over the coming years.

To be clear, the recommendation to construct a GRE does not include any operational or implementation assumptions. If the GRE is approved by the FAA as one of the study recommendations, it simply becomes eligible for federal funds. The Commission must then approve the GRE for implementation and, as a next step, the Port must apply and successfully secure FAA grant funding for its construction. Once these process steps are complete, then the timing is right to evaluate operating procedures for the GRE, including those defining when run-ups can and cannot occur. We will make sure you are aware of those conversations.

The Port of Seattle is committed to funding and implementing programs that decrease the impact of aircraft noise on the surrounding community. The ability of the GRE to deliver a significant noise improvement to the airport's neighboring communities is why the project is included as a recommendation within the Part 150 Study and we want to assure you that it will only be pursued if we can deliver on that promise.

If you have additional questions or need more information, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tom Albro', with a stylized flourish at the end.

Tom Albro
President
Port of Seattle Commission

Cc: Tay Yoshitani, Chief Executive Officer
Mark Reis, Managing Director, Aviation Division
Todd Cutts, SeaTac City Manager
Tony Piasecki, Des Moines City Manager
Craig Knutson, Interim Burien City Manager



Burien

Washington, USA

City of Burien

400 SW 152nd St., Suite 300, Burien, WA 98166-1911

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

www.burienwa.gov

November 22, 2013

David L. South
Department of Ecology
Ecology Site Manager
3190 160th Avenue SE
Bellevue, WA 98008

Re: Comment Letter – Lora Lake Contamination Site Cleanup Project

Dear David:

The City of Burien (City) is writing to express its support of the Department of Ecology's (Ecology) proposed Consent Decree and associated Cleanup Action Plan for the Port of Seattle's removal and containment of dioxin contaminated soil at the former Lora Lake parcels in Burien and SeaTac, Washington.

As with other concerned parties, the City wants and expects the proposed cleanup to be conducted to stringent environmental standards and, to the extent possible, to be a permanent solution to this historical problem. It appears to us that Ecology's proposed cleanup solution for this site provides just that. According to Ecology's fact sheet, the cleanup levels and proposed actions will not only provide adequate remediation for the environmental and health concerns attributed to these contaminants but will also provide a direct ecological benefit by restoring Lora Lake to a wetland condition, which it was prior to the peat mining operation in the 1940's. This in turn should provide water quality and hydrological benefits to Miller Creek, which is a highly sensitive urban stream.

Ecology states that urban background levels in Seattle range up to 100 parts per trillion (ppt) and that, after the proposed cleanup, average concentrations of dioxin in both the Lora Lake Apartments parcel and the Lora Lake parcel will be lower than the average background levels found in Seattle urban soils. These anticipated results reinforce Ecology's chosen levels of soil removal and containment. Additionally, through the proposed plan, all soils with dioxin concentrations between 11 ppt and 100 ppt will be contained with a clean barrier, preventing contact by humans and wildlife, and soils containing dioxin levels above 100 ppt will be excavated and removed for disposal. After the proposed remediation is complete, Ecology projects that the site will no longer contain any exposed, uncontained soils with dioxin concentrations above 11 ppt, which is below the average that Ecology found in Seattle urban

David L. South
Department of Ecology
November 22, 2013
Page 2 of 2

soils. As a result, it appears that the proposed cleanup will be a significant improvement to the sustained ecological health of the site and the surrounding area.

The City of Burien has a vested interest in the completion of this remediation process. The planned future development of the Lora Lake Apartments parcel is part of a larger redevelopment area that Burien is helping to bring to fruition. Burien is currently working on projects to install regional stormwater facilities in the area northwest of the SeaTac airport and to construct an adjacent SR 518 interchange. These projects will facilitate the creation of a 35-45 acre auto center, a significant linear park, and airport cargo facilities, on property that has been vacant and underutilized for more than a decade. Our expectation is that these projects will eventually produce jobs, environmental benefits, and recreation opportunities. Accordingly, we would like to see the cleanup proceed without unnecessary delays, so that the development and improvement of this area will be able to proceed in a timely manner.

In conclusion, the City of Burien feels that Ecology's proposed Consent Decree and Cleanup Action Plan will benefit both the City and the region as a whole, and the City is supportive of this course of action. Please contact me at (206) 248-5503, or Public Works Director Maiya Andrews at (206) 248-5514, if you have questions about the comments in this letter.

Sincerely,



Craig D. Knutson
Interim City Manager
City of Burien

Cc: Burien City Council
Maiya Andrews, Public Works Director

MA:ca



Burien

Washington, USA

Summary of Permits Issued – October 2013

| Type Permit | Count | Valuation |
|-----------------|------------|---------------------|
| Building | 39 | \$ 2,329,111 |
| Damage | 0 | |
| Demolition | 4 | \$ |
| Electrical | 85 | \$ 58,515 |
| Fire Protection | 10 | \$ 63,300 |
| Mechanical | 28 | \$ 3,500 |
| Plumbing | 14 | \$ 6,120 |
| Right of Way | 45 | |
| Sign | 10 | \$ 34,915 |
| Totals : | 235 | \$ 2,495,461 |



Burien

Washington, USA

Summary of Permits Applications Received – October 2013

| Type Permit | Count | Valuation |
|-----------------|-------|--------------|
| Building | 35 | \$ 3,258,331 |
| Damage | 0 | |
| Demolition | 2 | 5.000 |
| Electrical | 92 | \$ 72,762 |
| Fire Protection | 14 | \$ 161,493 |
| Mechanical | 31 | \$ 157,138 |
| Plumbing | 20 | 15,020 |
| Right of Way | 44 | |
| Sign | 16 | \$ 36,825 |
| Totals : | 254 | \$ 3,706,569 |



Burien

Washington, USA

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

DATE: November 19, 2013
FOR RELEASE: November 22 & 29, 2013
CONTACT: City Clerk's Office, (206) 248-5517

**CITY OF BURIEN
CABLE TELEVISION FRANCHISE RENEWAL
PUBLIC HEARING NOTICE**

The City of Burien will hold a public hearing on Monday, December 2, 2013, for the purpose of:

Receiving public comments on the proposed cable television franchise renewal with Comcast of Washington IV, Inc.

The hearing will be in the Council Chambers at 400 SW 152nd Street at approximately 7:00 p.m.

Published in The Seattle Times: November 22, 2013
The Westside Weekly: November 29, 2013

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The City of Burien strives to provide alternate communication opportunities. Please contact the City Clerk's office, 206/248-5517, twenty-four hours prior to the meeting, for assistance.

cc: Burien City Council
Burien Staff
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B-Town Blog

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

