



Burien
WASHINGTON

CITY COUNCIL MEETING AGENDA

October 5, 2009

7:00 p.m.

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

PAGE NO.

1. CALL TO ORDER

2. EXECUTIVE SESSION

3. PLEDGE OF ALLEGIANCE

4. ROLL CALL

5. AGENDA CONFIRMATION

6. PUBLIC COMMENT

To receive comments on *topics other than public hearing topics*. Individual will please limit their comments to three minutes, and groups to five minutes.

7. CORRESPONDENCE FOR THE RECORD

- a. Letter Dated September 6, 2009, from Randy Ingersoll Regarding Two Construction Projects with Response from Scott Greenberg, Community Development Director. 3.
- b. Letter Dated September 21, 2009, from Rachael Lenine, President White Center library Guild, Regarding Strengthening Library Services. 5.
- c. Email Dated September 28, 2009, from Joe Fitzgibbon, Regarding Initiative 1033. 7.

8. PRESENTATIONS

9. CONSENT AGENDA

- a. Approval of Vouchers: Numbers 23236 - 23303 in the Amount of \$387,189.82. 9.
- b. Approval of Minutes: Special Meeting, September 23, 2009; Council Meeting, September 28, 2009. 19.

COUNCILMEMBERS

Joan McGilton, Mayor
Kathy Keene

Sue Blazak, Deputy Mayor
Lucy Krakowiak Sally Nelson

Rose Clark
Gordon Shaw

CITY COUNCIL MEETING AGENDA

October 5, 2009

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| | | |
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| 9. CONSENT AGENDA (cont'd.) | c. Motion to Adopt Ordinance No. 520, Amending Section 2.15.070 BMC (Duties of the Hearings Examiner). | 27. |
| | d. Motion to Adopt Ordinance No. 521, Amending Chapter 15.05.032 BMC (Electrical Code Adoption) and Chapter 15.30 (Electrical Code). | 33. |
| | e. Motion to Adopt Resolution No. 302, Approving Fee Schedule for Public Records Requests. | 41. |
| 10. BUSINESS AGENDA | a. City Manager's Report. | 47. |
| | b. Motion to Adopt Proposed Resolution No. 305, Opposing Initiative Measure No. 1033 Concerns State, County and City Revenue. | 75. |
| | c. Discussion on Proposed Ordinance No. 523, Regarding 2009 Zoning Code Amendments. | 95. |
| | d. Update on Northeast Redevelopment Area (NERA) Redevelopment Strategy and Implementation Plan. | 107. |
| 11. COUNCIL REPORTS | | |
| 12. ADJOURNMENT | | |

City of Burien
Dept of Community Development
Scott Greenberg, Director

September 6, 2009

Dear Mr. Greenberg;

I am writing regarding two related projects that are currently under construction within 120 feet of my residence.

The first project being constructed under permit # 08-1875 is a newly constructed garage. This garage is only 12 feet from the property line, which is a clear violation of city codes. City staff has told me that a mistake was made. Both you and the City attorney have apparently reviewed this mistake, but I see no attempt to remedy the situation.

I was told that because there was an old garage, a new garage would be allowed in the same location, but the codes relating to non-conforming structures clearly state that if a structure is voluntarily demolished, there is no exception. (19.55.030 para. 3B). In this instance, the old garage was voluntarily demolished and a completely new structure was built.

I am requesting that the property owner be required to file for a variance to allow this structure to be built closer to the property line than required by the Burien Municipal code.

The second project is currently in the early stages of construction on the same property but under permit#09-0835. My concern with this project is that no critical area review was required, although the property is clearly in a critical area.

The city staff's explanation is that the project was exempted from critical area review by virtue of an exception granted under BMC 19.40.070 para 2 F.

I interpret this section to say that accessory structures under limited conditions are exempt, and ADDITIONS to (EXISTING) STRUCTURES may also be exempt. Once again, it is clear that the exemption is intended for additions, not newly constructed structures. In this instance, the existing home (structure) was completely removed and a brand new structure is being constructed.

It is imperative that this project is halted immediately, and the required critical area review is commenced, including the required postings on site and public comment periods.

I find it incredible that the professional staff at the City of Burien would make two serious errors related to this one piece of property, and I expect a response to my concerns in a very timely manner.

Sincerely;

Randy Ingersoll
12133 Shorewood Dr. SW.
Burien, WA.

- CC: Mike Martin
- Sue Blazak
- Rose Clark
- Kathy Keene
- Lucy Krakowiak
- Joan McGilton ✓
- Sally Nelson
- Gordon Shaw
- Mr. David Enghahl
- Mr. Greg Kaminski

CFTR: 10/5/09



Burien

Washington, USA

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

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

www.burienwa.gov

September 23, 2009

Randy Ingersoll
Choice Homes, Inc.
12133 Shorewood Dr. SW
Seattle, WA 98146

RE: Raines Detached Garage

Mr. Ingersoll:

I am writing you in regard to the building permit that was issued for the Raines detached garage located at 12153 Shorewood Dr. SW (BLD 08-1875). You brought to the City's attention that according to Burien Municipal Code (BMC 19.55.030),

3. If the structure is damaged or destroyed, it may be reconstructed or repaired provided that:...

B. The damage or destruction was not due to abatement or voluntary demolition of the nonconforming structure; ...,

the building permit for the detached garage should not have been issued. However, because the error resulting in issuance of the permit was not discovered until after demolition, the City will consider the garage a legal nonconforming structure, and any future improvements shall comply with nonconforming structure requirements found in BMC 19.55. We apologize for any inconvenience this has caused.

Sincerely,

Scott Greenberg, AICP
Community Development Director

Seattle, Washington
September 21, 2009

RECEIVED
SEP 23 2009
CITY OF BURIEN

Burien City Council
400 SW152nd St.
Burien, WA 98166

Dear Burien City Council,

As members of the White Center Library Guild, we welcomed voter approval of the North Highline annexation measure. Along with the fine new library in the center of Burien, this meant a continuation of the White Center Library as part of the King County Library System. We look forward to working with the Burien Friends of the Library in strengthening library services throughout our community.

In addition to founding the library in 1943, the advocacy of the White Center Library Guild resulted in the library becoming part of the King County Library System in 1946. The present White Center Library opened its doors in August, 1976. The Guild continues to provide support for programs that supplement those provided by KCLS, with which we work cooperatively, as well as with our librarians.

We recognize and honor the diversity of the White Center area by funding story times for children and their parents in Vietnamese and Spanish. Activities, books, and prizes are part of how we encourage reading throughout the year. At the end of the summer, we hold an "ice cream social" for children and their families. Our Library Guild founded "Books for Babies", that is now a county-wide KCLS program. In this program, board books and information about early literacy are provided to new parents. Every year we also recognize in some way, the dedication of our fine library staff. Our program contributions are made possible through book sales, a Holiday bazaar, a garage sale, and private donations.

The White Center Library Guild is a 501c 3 non-profit organization. Our Board is made up of fifteen volunteer members from the community and is insured by liability insurance we purchase through the Friends of Libraries, U.S.A , of which we are a member. Our five annual meetings are held in the White Center Library and are open to the public.

In response to the invitation of the Burien City Council to participate in City government, we would very much like to share some of our perspectives on the role of libraries in our community, as well as enlist your support in realizing long-awaited improvements for the White Center Library, as provided in the passage of the King County 2004 library replacement bond measure. Now that we are securely under the jurisdiction of the King County Library System, we look forward to begin planning for the replacement of the old and overcrowded 6,370 sq.ft. library with a 10,000 sq.ft. new library.

Our congratulations on your successful efforts to bring our community together. The White Center Library Guild hopes to support, build and strengthen our library system, an essential part of our community infrastructure.

Sincerely,

White Center Library Guild
by Rachael Lenine, President

cc Joan McGillton, Mayor
Mike Martin, City Manager
Bill Ptacek, Director King County Library System

QTR: 10/5/09

Dear Councilmembers,

Thank you for the opportunity to comment on the merits of proposed Initiative 1033 on behalf of the "No on I-1033" campaign. I am convinced that the passage of Initiative 1033 would seriously impair the ability of the City of Burien, as well as Highline School District, King County, the State of Washington and other governments throughout our state, to meet citizens' basic needs and to keep us economically competitive with other states.

Initiative 1033 would establish 2009 as the baseline for revenue collections by the state and by local governments, including Burien, and would not allow revenue to exceed the rate of inflation plus population growth without voter approval. This inflexible formula would prevent governments from providing services above the bare minimum to which they have been stripped amidst their worst budget years in decades, and in some cases, such as Burien and King County, in their histories.

Staff estimates that the passage of Initiative 1033's revenue cap would reduce the City of Burien's allowable revenue collections by \$170,000 in 2011, \$231,000 in 2012, \$497,000 in 2013, \$728,000 in 2014, and \$926,000 in 2015. \$926,000 is the equivalent of more than one fifth of the city's expenditures on public works and more than a third of our expenditures on parks and recreation. The cap would seriously impair the city's ability to undertake projects such as incentivizing economic activity in the Northeast Redevelopment Area and continued investments in downtown, and it would cripple ongoing investments in public safety, parks, and transportation.

Colorado approved a similar initiative in 1992 known as the Taxpayers' Bill of Rights, or TABOR. In the years following TABOR's passage, Colorado's per capita investments in education fell to 49th in the nation, and investments in transportation fell to 44th in the nation. The impacts of TABOR were so severe in Colorado that the state's Republican governor proposed a new voters' initiative in 2005 to suspend TABOR, which passed.

State and local governments need flexibility to help get our state's economy moving again. Programs ranging from the University of Washington to Washington Basic Health and Apple Health for Kids to grants and loans for local governments will be at risk of further cuts should it pass. In addition, Initiative 1033 would have a "ratcheting down" effect by ensuring that future recessions further reduce the allowed level of revenue collection, while not raising the allowed level during better economic times.

Initiative 1033 is opposed by an astoundingly broad array of advocacy groups across our state, including such disparate advocates as Washington Conservation Voters, the Washington Realtors, the Greater Seattle Chamber of Commerce, the Suburban Cities Association, and the Municipal League. Likewise, many local governments in our state have adopted or are considering resolutions opposing Initiative 1033, including Redmond, Renton, Bothell, and Everett. I urge the Burien City Council to join these organizations and governments in adopting Draft Resolution No. 305 urging the voters of Burien and of Washington to reject Initiative 1033.

Thank you for your consideration.

Joe Fitzgibbon

CFTR: 10/5/09

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 5TH Day of October, 2009 the FOLLOWING:

CHECK NOS. 23236-23303

IN THE AMOUNTS OF \$387,189.82

WITH VOIDED CHECK NOS. _____

Accounts Payable
Checks for Approval



User: liliac
Printed: 09/30/2009 - 7:57 AM

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Void | Amount |
|--------------|------------|--------------|--------------------------------|-----------------|------|--------|
| 23236 | 09/24/2009 | General Fund | Professional Services | Peter S. Cicero | | 200.00 |
| Check Total: | | | | | | 200.00 |
| 23237 | 09/24/2009 | General Fund | Office And Operating Supplies | CITI BANK | | 182.64 |
| 23237 | 09/24/2009 | General Fund | Admission and Entrance Fees | CITI BANK | | 561.00 |
| 23237 | 09/24/2009 | General Fund | Office And Operating Supplies | CITI BANK | | 553.97 |
| 23237 | 09/24/2009 | General Fund | Admission and Entrance Fees | CITI BANK | | 837.40 |
| 23237 | 09/24/2009 | General Fund | Burien Marketing Strategy | CITI BANK | | 145.67 |
| 23237 | 09/24/2009 | General Fund | Office And Operating Supplies | CITI BANK | | 295.73 |
| 23237 | 09/24/2009 | General Fund | Office And Operating Supplies | CITI BANK | | 176.71 |
| 23237 | 09/24/2009 | General Fund | Office And Operating Supplies | CITI BANK | | 17.74 |
| 23237 | 09/24/2009 | General Fund | Office And Operating Supplies | CITI BANK | | 17.73 |
| 23237 | 09/24/2009 | General Fund | Admission and Entrance Fees | CITI BANK | | 893.50 |
| 23237 | 09/24/2009 | General Fund | Meals | CITI BANK | | 13.96 |
| 23237 | 09/24/2009 | General Fund | Office/operating Supplies | CITI BANK | | 8.00 |
| 23237 | 09/24/2009 | General Fund | Computer Related Supplies | CITI BANK | | 19.06 |
| 23237 | 09/24/2009 | General Fund | Postage | CITI BANK | | 88.00 |
| 23237 | 09/24/2009 | General Fund | Registration - Trainng/workshp | CITI BANK | | 350.00 |
| 23237 | 09/24/2009 | General Fund | Registration - Trainng/workshp | CITI BANK | | 180.00 |
| 23237 | 09/24/2009 | General Fund | Miscellaneous | CITI BANK | | 30.00 |
| 23237 | 09/24/2009 | General Fund | Office And Operating Supplies | CITI BANK | | 79.78 |
| 23237 | 09/24/2009 | General Fund | Office/operating Supplies | CITI BANK | | 24.74 |
| 23237 | 09/24/2009 | General Fund | Miscellaneous | CITI BANK | | 59.95 |
| 23237 | 09/24/2009 | General Fund | Office And Operating Supplies | CITI BANK | | 3.01 |
| 23237 | 09/24/2009 | General Fund | Office And Operating Supplies | CITI BANK | | 13.53 |
| 23237 | 09/24/2009 | General Fund | Office And Operating Supplies | CITI BANK | | 13.53 |
| 23237 | 09/24/2009 | General Fund | Office And Operating Supplies | CITI BANK | | 223.89 |
| 23237 | 09/24/2009 | General Fund | Office And Operating Supplies | CITI BANK | | 54.28 |
| 23237 | 09/24/2009 | General Fund | Operating Rentals And Leases | CITI BANK | | 153.64 |
| 23237 | 09/24/2009 | General Fund | Office And Operating Supplies | CITI BANK | | 389.00 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Void | Amount |
|--------------|------------|-----------------------|--------------------------------|------------------------------|--------------|-----------|
| 23238 | 09/24/2009 | Town Square CIP | Office Furniture and Equipment | Tri-Tec | Check Total: | 5,386.46 |
| | | | | | | 1,000.00 |
| 23239 | 10/05/2009 | General Fund | Repairs And Maintenance | ADT Security Services | Check Total: | 1,000.00 |
| | | | | | | 88.88 |
| 23240 | 10/05/2009 | Parks & Gen Gov't CIP | Pre-Design Engineering | Anchor Environmental, L.L.C. | Check Total: | 88.88 |
| | | | | | | 30,877.71 |
| 23241 | 10/05/2009 | General Fund | Federal Lobbying Services | Ball Janik LLP | Check Total: | 30,877.71 |
| | | | | | | 3,833.33 |
| 23242 | 10/05/2009 | General Fund | Quarterly Newsletter | Kenneth Barger | Check Total: | 3,833.33 |
| | | | | | | 100.00 |
| 23243 | 10/05/2009 | General Fund | Mis Plan Implementation | Paul Trevor Graham Barton | Check Total: | 100.00 |
| | | | | | | 1,309.50 |
| 23244 | 10/05/2009 | General Fund | Telephone | SUE BLAZAK | Check Total: | 1,309.50 |
| | | | | | | 54.95 |
| 23245 | 10/05/2009 | Parks & Gen Gov't CIP | Project Development | James Cary | Check Total: | 54.95 |
| 23245 | 10/05/2009 | Parks & Gen Gov't CIP | Project Development | James Cary | | 4,576.47 |
| | | | | | | 9,811.48 |
| | | | | | Check Total: | 14,387.95 |
| 23246 | 10/05/2009 | General Fund | Registration - Trainng/workshp | CITI BANK | | 40.00 |
| 23246 | 10/05/2009 | General Fund | Travel | CITI BANK | | 11.50 |
| | | | | | Check Total: | 51.50 |
| 23247 | 10/05/2009 | General Fund | Channel 21 Video Production | COMCAST | | 57.70 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Void | Amount |
|--------------|------------|-------------------------------|------------------------------|-------------------------------|--------------|-----------|
| | | | | | | 5 |
| | | | | | Check Total: | 57.70 |
| 23248 | 10/05/2009 | General Fund | Nuisance Abatement Costs | Clean Property Services, Inc. | | 492.75 |
| | | | | | Check Total: | 492.75 |
| 23249 | 10/05/2009 | Surface Water Management Fund | Land | CITY OF BURIEN | | 507.38 |
| | | | | | Check Total: | 507.38 |
| 23250 | 10/05/2009 | Street Fund | Utilities - Traffic Signals | City of Seattle | | 570.87 |
| 23250 | 10/05/2009 | General Fund | Utilities | City of Seattle | | 350.86 |
| 23250 | 10/05/2009 | General Fund | Utilities | City of Seattle | | 685.29 |
| 23250 | 10/05/2009 | General Fund | Utilities | City of Seattle | | 1,518.24 |
| 23250 | 10/05/2009 | General Fund | Utilities | City of Seattle | | 7.76 |
| 23250 | 10/05/2009 | General Fund | Utilities | City of Seattle | | 347.31 |
| 23250 | 10/05/2009 | General Fund | Utilities | City of Seattle | | 347.31 |
| 23250 | 10/05/2009 | General Fund | Utilities | City of Seattle | | 77.18 |
| | | | | | Check Total: | 3,904.82 |
| 23251 | 10/05/2009 | Surface Water Management Fund | Professional services | Azteca Systems, Inc. | | 218.75 |
| | | | | | Check Total: | 218.75 |
| 23252 | 10/05/2009 | Town Square CIP | Construction | DPK Inc. | | 91,017.25 |
| | | | | | Check Total: | 91,017.25 |
| 23253 | 10/05/2009 | General Fund | Office/operating Supplies | Express Business Systems | | 258.58 |
| | | | | | Check Total: | 258.58 |
| 23254 | 10/05/2009 | General Fund | Repair/maint-vehicle | Elephant Car Wash | | 13.69 |
| 23254 | 10/05/2009 | General Fund | Repairs And Maintenance | Elephant Car Wash | | 39.21 |
| | | | | | Check Total: | 52.90 |
| 23255 | 10/05/2009 | General Fund | Operating Rentals And Leases | Fun Rentals | | 383.25 |
| | | | | | Check Total: | 383.25 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Void | Amount |
|--------------|------------|-----------------|-------------------------------|--------------------------------|------|-----------|
| 23256 | 10/05/2009 | General Fund | Office And Operating Supplies | Ecolab Equipment Care | | 15.97 |
| 23256 | 10/05/2009 | General Fund | Office And Operating Supplies | Ecolab Equipment Care | | 71.87 |
| 23256 | 10/05/2009 | General Fund | Office And Operating Supplies | Ecolab Equipment Care | | 71.87 |
| Check Total: | | | | | | 159.71 |
| 23257 | 10/05/2009 | Street Fund | Street Maintenance-non-county | Brian Gilles | | 685.20 |
| Check Total: | | | | | | 685.20 |
| 23258 | 10/05/2009 | Town Square CIP | Construction Inspection | Harris & Associates | | 7,426.98 |
| 23258 | 10/05/2009 | Town Square CIP | Construction Inspection | Harris & Associates | | 7,426.97 |
| Check Total: | | | | | | 14,853.95 |
| 23259 | 10/05/2009 | General Fund | Operating Rentals And Leases | HASLER, INC. | | 238.71 |
| Check Total: | | | | | | 238.71 |
| 23260 | 10/05/2009 | General Fund | Professional Services | Healthforce Occupational Medic | | 39.00 |
| Check Total: | | | | | | 39.00 |
| 23261 | 10/05/2009 | General Fund | Operating Rentals And Leases | IKON Office Solutions | | 455.54 |
| 23261 | 10/05/2009 | General Fund | Operating Rentals And Leases | IKON Office Solutions | | 321.93 |
| Check Total: | | | | | | 777.47 |
| 23262 | 10/05/2009 | General Fund | Operating Rentals And Leases | Ikon Office Solutions | | 33.12 |
| 23262 | 10/05/2009 | General Fund | Operating Rentals And Leases | Ikon Office Solutions | | 33.10 |
| 23262 | 10/05/2009 | General Fund | Operating Rentals And Leases | Ikon Office Solutions | | 33.10 |
| 23262 | 10/05/2009 | General Fund | Operating Rentals And Leases | Ikon Office Solutions | | 33.10 |
| Check Total: | | | | | | 132.42 |
| 23263 | 10/05/2009 | General Fund | Telephone | Integra Telecom | | 544.69 |
| 23263 | 10/05/2009 | General Fund | Telephone | Integra Telecom | | 104.16 |
| 23263 | 10/05/2009 | General Fund | Telephone | Integra Telecom | | 156.25 |
| 23263 | 10/05/2009 | General Fund | Telephone | Integra Telecom | | 130.21 |
| 23263 | 10/05/2009 | General Fund | Telephone | Integra Telecom | | 52.08 |
| 23263 | 10/05/2009 | General Fund | Telephone | Integra Telecom | | 260.41 |
| 23263 | 10/05/2009 | General Fund | Telephone | Integra Telecom | | 130.21 |
| 23263 | 10/05/2009 | General Fund | Telephone | Integra Telecom | | 156.25 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Void | Amount |
|--------------|------------|-------------------------------|--------------------------------|-------------------------------|------|----------|
| 23263 | 10/05/2009 | General Fund | Telephone | Integra Telecom | | 78.12 |
| 23263 | 10/05/2009 | General Fund | Telephone | Integra Telecom | | 78.12 |
| 23263 | 10/05/2009 | General Fund | Telephone | Integra Telecom | | 78.12 |
| 23263 | 10/05/2009 | General Fund | Telephone | Integra Telecom | | 78.12 |
| Check Total: | | | | | | 1,846.74 |
| 23264 | 10/05/2009 | General Fund | Repairs And Maintenance | KING COUNTY FINANCE | | 17.25 |
| Check Total: | | | | | | 17.25 |
| 23265 | 10/05/2009 | General Fund | King Co Pet License Trust Acct | King County Pet License | | 1,045.00 |
| Check Total: | | | | | | 1,045.00 |
| 23266 | 10/05/2009 | General Fund | Drug seizure proceeds KCSO | King County Sheriff, Pcnt. #4 | | 100.00 |
| Check Total: | | | | | | 100.00 |
| 23267 | 10/05/2009 | Surface Water Management Fund | Swm Assessment/tax | King County Treasury | | 106.48 |
| Check Total: | | | | | | 106.48 |
| 23268 | 10/05/2009 | General Fund | Meals | RICHARD F. LOMAN | | 49.67 |
| Check Total: | | | | | | 49.67 |
| 23269 | 10/05/2009 | General Fund | Repairs And Maintenance | Les Schwab | | 505.24 |
| 23269 | 10/05/2009 | General Fund | Repairs And Maintenance | Les Schwab | | 505.24 |
| Check Total: | | | | | | 1,010.48 |
| 23270 | 10/05/2009 | General Fund | Office/operating Supplies | MONICA LUSK | | 75.76 |
| Check Total: | | | | | | 75.76 |
| 23271 | 10/05/2009 | Town Square CIP | Office Furniture and Equipment | MBI Systems, Inc. | | 2,840.03 |
| 23271 | 10/05/2009 | Town Square CIP | Office Furniture and Equipment | MBI Systems, Inc. | | 5,456.45 |
| Check Total: | | | | | | 8,296.48 |
| 23272 | 10/05/2009 | General Fund | Nuisance Abatement Costs | Miller Paint Co. | | 85.47 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Void | Amount |
|--------------|------------|-----------------------|-------------------------------|-------------------------------|--------------|-----------|
| | | | | | Check Total: | 85.47 |
| 23273 | 10/05/2009 | Parks & Gen Gov't CIP | Construction-Engineering | Mayes Testing Engineers, Inc. | | 652.00 |
| | | | | | Check Total: | 652.00 |
| 23274 | 10/05/2009 | General Fund | Office And Operating Supplies | National Maintenance | | 428.51 |
| 23274 | 10/05/2009 | General Fund | City Hall Custodial | National Maintenance | | 1,032.29 |
| | | | | | Check Total: | 1,460.80 |
| 23275 | 10/05/2009 | General Fund | Printing/binding/copying | Northwest Publishing Center | | 1,706.25 |
| 23275 | 10/05/2009 | General Fund | Printing/binding/copying | Northwest Publishing Center | | 568.75 |
| 23275 | 10/05/2009 | General Fund | Printing/binding/copying | Northwest Publishing Center | | 4,550.01 |
| 23275 | 10/05/2009 | General Fund | Printing/binding/copying | Northwest Publishing Center | | 4,550.01 |
| | | | | | Check Total: | 11,375.02 |
| 23276 | 10/05/2009 | General Fund | Dues/memberships | National Recreation & Park | | 35.00 |
| 23276 | 10/05/2009 | General Fund | Dues/memberships | National Recreation & Park | | 35.00 |
| 23276 | 10/05/2009 | General Fund | Dues/memberships | National Recreation & Park | | 35.00 |
| 23276 | 10/05/2009 | General Fund | Dues/memberships | National Recreation & Park | | 35.00 |
| | | | | | Check Total: | 140.00 |
| 23277 | 10/05/2009 | Transportation CIP | design engineering | Perteet Inc. | | 48,754.62 |
| | | | | | Check Total: | 48,754.62 |
| 23278 | 10/05/2009 | General Fund | Postage | Pitney Bowes Postage By Phone | | 500.00 |
| | | | | | Check Total: | 500.00 |
| 23279 | 10/05/2009 | General Fund | Burien Marketing Strategy | Puget Sound Business Journal | | 603.00 |
| | | | | | Check Total: | 603.00 |
| 23280 | 10/05/2009 | General Fund | Telephone | QWEST | | 8.71 |
| 23280 | 10/05/2009 | General Fund | Telephone | QWEST | | 39.20 |
| 23280 | 10/05/2009 | General Fund | Telephone | QWEST | | 39.20 |
| 23280 | 10/05/2009 | General Fund | Telephone | QWEST | | 160.52 |
| 23280 | 10/05/2009 | General Fund | Telephone | QWEST | | 43.17 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Void | Amount |
|--------------|------------|-----------------------|--------------------------------|-------------------------------|--------------|-----------|
| | | | | | | 9 |
| 23280 | 10/05/2009 | General Fund | Telephone | QWEST | | 61.11 |
| 23280 | 10/05/2009 | General Fund | Telephone | QWEST | | 42.03 |
| | | | | | Check Total: | 393.94 |
| 23281 | 10/05/2009 | Street Fund | RedFlex Red Light Cameras | Redflex Traffic Systems | | 19,400.00 |
| | | | | | Check Total: | 19,400.00 |
| 23282 | 10/05/2009 | General Fund | Refund Clearing Account -Parks | Milagros Cruz | | 100.00 |
| | | | | | Check Total: | 100.00 |
| 23283 | 10/05/2009 | General Fund | Refund Clearing Account -Parks | Cynthia Quackenbush | | 12.00 |
| | | | | | Check Total: | 12.00 |
| 23284 | 10/05/2009 | Street Fund | Business Licenses | Sound Development Enterprises | | 45.00 |
| | | | | | Check Total: | 45.00 |
| 23285 | 10/05/2009 | Street Fund | Business Licenses | Williams Scotsman Inc. | | 45.00 |
| | | | | | Check Total: | 45.00 |
| 23286 | 10/05/2009 | General Fund | Contributions - Wlnss Cluster | Randy Olson, DDS | | 50.00 |
| | | | | | Check Total: | 50.00 |
| 23287 | 10/05/2009 | General Fund | Advertising | Robinson Newspapers | | 49.00 |
| | | | | | Check Total: | 49.00 |
| 23288 | 10/05/2009 | General Fund | Citizens Patrol/ Crime Prevent | Safeway | | 33.74 |
| | | | | | Check Total: | 33.74 |
| 23289 | 10/05/2009 | General Fund | Operating Rentals And Leases | SECAP Finance | | 755.55 |
| | | | | | Check Total: | 755.55 |
| 23290 | 10/05/2009 | Parks & Gen Gov't CIP | Project Development | Shiels Obletz Johnsen | | 2,454.77 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Void | Amount |
|--------------|------------|-----------------------|----------------------------|-----------------------------|--------------|-----------|
| 23291 | 10/05/2009 | General Fund | Telephone | SPRINT | Check Total: | 2,454.77 |
| | | | | | | 99.98 |
| 23292 | 10/05/2009 | Parks & Gen Gov't CIP | Construction | Sterling Savings Bank | Check Total: | 99.98 |
| | | | | | | 3,332.40 |
| 23293 | 10/05/2009 | General Fund | Professional Services | State Auditor's Office | Check Total: | 3,332.40 |
| | | | | | | 255.60 |
| 23294 | 10/05/2009 | General Fund | Drug seizure proceeds KCSO | TACTICAL TAYLOR | Check Total: | 255.60 |
| | | | | | | 244.53 |
| 23295 | 10/05/2009 | Parks & Gen Gov't CIP | Construction | TF Sahli Construction | Check Total: | 244.53 |
| | | | | | | 69,647.21 |
| 23296 | 10/05/2009 | General Fund | Repairs And Maintenance | Tri-Tec | Check Total: | 69,647.21 |
| | | | | | | 228.86 |
| 23297 | 10/05/2009 | General Fund | Parks Maintenance | Trugreen-landcare/NW Region | Check Total: | 228.86 |
| | | | | | | 36,826.08 |
| 23298 | 10/05/2009 | General Fund | Drug seizure proceeds KCSO | The Tint Xxperts | Check Total: | 36,826.08 |
| | | | | | | 228.86 |
| 23299 | 10/05/2009 | General Fund | Jail Contract | WASPC-Regional Cities EHM | Check Total: | 228.86 |
| | | | | | | 288.00 |
| 23300 | 10/05/2009 | General Fund | Jury & Witness Fees | Rick B. Rovergno | Check Total: | 288.00 |
| | | | | | | 11.10 |

| Check Number | Check Date | Fund Name | Account Name | Vendor Name | Void | Amount |
|--------------|------------|-------------------------------|-------------------------------|--------------------------|---------------|------------|
| | | | | | | 11.10 |
| | | | | | Check Total: | 11.10 |
| 23301 | 10/05/2009 | General Fund | Office And Operating Supplies | Walter E. Nelson Co. | | 15.26 |
| 23301 | 10/05/2009 | General Fund | Office And Operating Supplies | Walter E. Nelson Co. | | 68.68 |
| 23301 | 10/05/2009 | General Fund | Office And Operating Supplies | Walter E. Nelson Co. | | 68.68 |
| 23301 | 10/05/2009 | General Fund | Office And Operating Supplies | Walter E. Nelson Co. | | 38.16 |
| | | | | | Check Total: | 190.78 |
| 23302 | 10/05/2009 | General Fund | Jail Contract | Yakima County Department | | 3,812.84 |
| | | | | | Check Total: | 3,812.84 |
| 23303 | 10/05/2009 | Surface Water Management Fund | Storm Water Facility Maint | Yardsmen Company | | 1,495.69 |
| | | | | | Check Total: | 1,495.69 |
| | | | | | Report Total: | 387,189.82 |



Burien
WASHINGTON

CITY COUNCIL SPECIAL MEETING MINUTES

September 23, 2009, 7:00 p.m.

Burien City Hall, Miller Creek Conference Room

400 SW 152nd Street, 3rd Floor

Burien, Washington 98166

SPECIAL MEETING

Mayor McGilton called the Special Meeting of the Burien City Council to order at 7:00 p.m. for the purpose of holding an Executive Session to discuss real estate per RCW 42.30.110(1b).

Present: Mayor Joan McGilton, Deputy Mayor Rose Clark, Councilmembers Sue Blazak, Kathy Keene, Lucy Krakowiak, Sally Nelson and Gordon Shaw.

Administrative staff present: Mike Martin, City Manager and Dick Loman, Economic Development Manager.

No action was taken.

SPECIAL MEETING ADJOURNMENT

The Special Meeting was adjourned at 8:35 p.m.

Joan McGilton, Mayor

Monica Lusk, City Clerk

CITY COUNCIL MEETING MINUTES

September 28, 2009

SPECIAL MEETING, Miller Creek Conference Room, 3rd Floor

For the purpose of holding an Executive Session to discuss real estate and potential litigation per RCW 42.30.110(1b&i)

6:00 p.m.

and

Council Meeting, 1st Floor

7:00 p.m.

Burien City Hall, Council Chambers
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
- Order a DVD of the meeting from the City Clerk, (206) 241-4647

SPECIAL MEETING

Mayor McGilton called the Special Meeting of the Burien City Council to order at 6:00 p.m. for the purpose of holding an Executive Session to discuss real estate and potential litigation per RCW 42.30.110(1b&i).

Present: Mayor Joan McGilton, Councilmembers Rose Clark, Kathy Keene, Lucy Krakowiak, Sally Nelson, and Gordon Shaw. Deputy Mayor Sue Blazak was excused.

Administrative staff present: Mike Martin, City Manager, Dick Loman, Economic Development Manager, and Christopher Bacha, Interim City Attorney.

No action was taken.

SPECIAL MEETING ADJOURNMENT TO COUNCIL MEETING

The Special Meeting was adjourned at 6:55 p.m.

CALL TO ORDER

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

EXECUTIVE SESSION

An Executive Session was held prior to the meeting as noted above.

PLEDGE OF ALLEGIANCE

Mayor McGilton led the Pledge of Allegiance.

ROLL CALL

Present: Mayor Joan McGilton, Councilmembers Rose Clark, Kathy Keene, Lucy Krakowiak, Sally Nelson, and Gordon Shaw. Deputy Mayor Sue Blazak was excused.

Administrative staff present: Mike Martin, City Manager; Jenn Rameriz Robson, Management Analyst; Lisa Clausen, Government Relations Specialist; Tabatha Miller, Finance Director; Jan Vogee, Building Official; Dan Cruz, Electrical Inspector, and Monica Lusk, City Clerk.

AGENDA CONFIRMATION

Direction/Action

Motion was made by Councilmember Nelson, seconded by Councilmember Krakowiak and passed unanimously to affirm the September 28, 2009, Agenda.

PUBLIC COMMENT

Ed Dacy, 2016 SW 146th Street, Burien

Mr. Dacy suggested that Council discuss economic development in the downtown Boulevard Park area.

Bill Opfermann, 15227 26th Avenue SW, Burien

Mr. Opfermann, on behalf of Sustainable Burien, spoke in support of an Energy Efficiency and Conservation Block grant proposal available from the Department of Ecology that could be taken on by City with the Environmental Outreach and Stewardship (EOS) Alliance and Sustainable Burien.

Eric Dickman, Burien Little Theatre

Mr. Dickman spoke to Burien Little Theatre's upcoming 29th season.

Mick Purdy and Trish Robles, 435 SW 152nd Street (Mick Kelly Irish Pub), Burien

Mr. Purdy and Ms. Robles encouraged all to come to an upcoming fundraising event for a Burien family with seven children whose father has died. The event occurs this Friday at the Glen Acres Golf Club.

CORRESPONDENCE FOR THE RECORD

- a. Email Dated July 11, 2009, from Judith McDonald Regarding Median Plantings at the 148th Street/518 Exit with Response from Valerie Stuart, Public Works Department Assistant.
- b. Email Dated September 11, 2009, from Marco Milanese, Port of Seattle, Regarding Last Weekend's Stormwater Incident at Sea-Tac Airport.
- c. Email Dated September 12, 2009, from Erik Utter Regarding Lantern Glow Event with Response from Lisa Clausen, Government Relations Specialist.

PRESENTATIONS

No presentations were given.

CONSENT AGENDA

- a. Approval of Vouchers: Numbers 23122 - 23235 in the Amount of \$1,176,978.62.

- b. Approval of Council Meeting Minutes: September 14, 2009.
- c. Motion to Adopt Resolution No. 304, Authorizing an Amendment to the SCORE Interlocal Agreement.

Direction/Action

Motion was made by Councilmember Nelson, seconded by Councilmember Krakowiak, and passed unanimously to approve the September 28, 2009, Consent Agenda.

BUSINESS AGENDA

City Manager's Report`

Follow-up

Staff will provide an update on the frequency of Bus Route 140, and follow up on the letter sent relating to the Police Department's 5-year contract.

Review of Council Proposed Agenda Schedule. 85

Follow-up

Staff will involve the Business and Economic Development Partnership in the discussion of SW 153rd Street's path forward, and look into cancelling the October 12 Council meeting.

Motion to Approve 2010 Key Legislative Policies and 2010 Legislative Priorities

Direction/Action

Motion was made by Councilmember Nelson, seconded by Councilmember Krakowiak, and passed unanimously to approve the 2010 Key Legislative Policies and the 2010 Legislative Priorities.

Motion to Adopt Proposed Ordinance No. 517, Amending the Burien Municipal Code (BMC) Relating to the Disclosure of Public Records

Direction/Action

Motion was made by Councilmember Nelson, seconded by Councilmember Krakowiak, and passed unanimously to adopt Ordinance No. 517, amending the Burien Municipal Code relating to the disclosure of public records.

Discussion on Proposed Resolution No. 302, Approving the Fee Schedule for Public Records Requests

Direction/Action

Councilmembers requested placing Resolution No. 302 on the October 5, 2009, Consent Agenda for approval.

Discussion on Proposed Ordinance 520, Amending Section 2.15.070 BMC (Duties of the Hearings Examiner)

Direction/Action

Councilmembers requested placing Ordinance No. 520 on the October 5, 2009, Consent Agenda for approval.

Discussion on Proposed Ordinance 521, Amending Chapter 15.05.032 BMC (Electrical Code Adoption) and Chapter 15.30 (Electrical Code)

Direction/Action

Councilmembers requested placing Ordinance No. 521 on the October 5, 2009, Consent Agenda for approval.

Discussion of Draft Resolution No. 305, Relating to "Initiative Measure No. 1033 Concerns State, County and City Revenue"

Direction/Action

Councilmembers requested placing Resolution No. 305 on the October 5, 2009, Business Agenda for consideration.

Discussion regarding Proposed Tenant Protection Program

Follow-up

Staff will place the Landlord Tenant Law information, in various languages, on the City's website, in the lobby, at the Parks Department and in the Library; and, schedule a Crime Free Rental Housing update in January.

COUNCIL REPORTS

Direction/Action

Councilmembers reached consensus to not move forward with Sustainable Burien's request for the City to submit an Energy Efficiency and Conservation Block grant available from the Department of Ecology due to lack of information about the Environmental Outreach and Stewardship (EOS) Alliance with whom the City would contract with to administer the grant, lack of clarity on the City's responsibilities, and, lack of information about the grant.

Bill Opfermann, 15227 26th Avenue SW, Burien

Mr. Opfermann, member of Sustainable Burien, spoke to EOS's expertise in administering grants, the benefits of the educational component, and noted that Sustainable Burien would not accept the liability associated with the grant.

Ed Dacy, 2016 SW 146th Street, Burien

Mr. Dacy noted that the contract has not been reviewed by the City attorney.

Annie Phillips, 17600 Sylvester Road, Burien

Ms. Phillips, member of Sustainable Burien, noted that the City's signature is all that would be required of the City and that matching funds would be received from Seattle City Light and Puget Sound Power.

ADJOURNMENT

Direction/Action

MOTION was made by Councilmember Nelson, seconded by Councilmember Krakowiak, and passed unanimously to adjourn the meeting at 9:23 p.m.

Joan McGilton, Mayor

Monica Lusk, City Clerk

**CITY OF BURIEN
AGENDA BILL**

| | | |
|--|---|--|
| Agenda Subject: Motion to adopt Ordinance 520, amending Section 2.15.070 BMC (Duties of the Hearings Examiner). | | Meeting Date: October 5, 2009 |
| Department: Community Development | Attachments: 1. <u>Proposed Ord. 520</u> | Fund Source: N/A |
| Contact: Jan Vogee | | Activity Cost: N/A |
| Telephone: (206) 248-5523 | | Amount Budgeted: N/A Unencumbered Budget Authority: N/A |
| Adopted Work Plan Priority: Yes X No | Work Plan Item Description: Review Development Codes | |
| <p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the Council to consider proposed Ordinance 520, amending Section 2.15.070 BMC (Duties of the Hearings Examiner) to include acting as the board of appeals for the purposes of the Building and Construction Codes adopted in Title 15 of the Burien Municipal Code;</p> <p>BACKGROUND (Include prior Council action & discussion): Section 2.15.070 of the Burien Municipal Code designates the Hearings Examiner to to act as the board of appeals for the purposes of the Uniform Building Code, however, the Uniform Building Code has not been published since 1997 and was replaced with the International Building, Residential, Mechanical, and other construction codes. In addition to the International Codes, the city also adopts and administers the Uniform Plumbing Code and National Electrical Code.</p> <p>This ordinance would update the Municipal code by authorizing the Hearings Examiner to act as the board of appeals for all Building and Construction Codes adopted in Title 15.</p> <p>At the September 28, 2009 Council meeting, Council discussed the proposed ordinance and requested that it be placed on the October 5, 2009 Consent Agenda for adoption.</p> | | |
| OPTIONS (Including fiscal impacts): N/A | | |
| Administrative Recommendation: Adopt Ordinance No. 520 amending Section 2.15.070 BMC (Duties of the Hearings Examiner). | | |
| Committee Recommendation: N/A | | |
| Advisory Board Recommendation: N/A | | |
| Suggested Motion: Motion to approve the consent agenda adopts Ordinance No. 520, | | |
| Submitted by: Jan Vogee, Building Official | | |
| Administration  | City Manager  | |
| Today's Date: September 30, 2009 | File Code: \\File01\records\CC\Agenda Bill 2009\100509cd-2 Amend BMC 2.15.070 Duties of the Hearings Examiner.docx | |

CITY OF BURIEN, WASHINGTON**ORDINANCE NO. 520**

**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON,
RELATING TO THE DUTIES OF THE HEARING EXAMINER TO
INCLUDE ACTING AS THE BOARD OF APPEALS FOR THE
BUILDING AND CONSTRUCTION CODES ADOPTED IN TITLE 15 ;
AMENDING SECTION 2.15.070 OF THE BURIEN MUNICIPAL
CODE, PROVIDING FOR SEVERABILITY, AND ESTABLISHING
AN EFFECTIVE DATE**

WHEREAS, Section 2.15.070 of the Burien Municipal Code provides for the duties of the Hearing examiner; and

WHEREAS, the foregoing section includes provisions for the Hearing Examiner to act as the board of appeals for the purposes of the Uniform Building Code; and

WHEREAS, the Uniform Building Code is no longer in effect in the state of Washington; and

WHEREAS, the City Council of the City of Burien finds that it would be in the best interests of the City to amend Section 2.15.070 to establish and clarify the Hearing Examiners duties to include acting as the board of appeals for the purposes of the Building and Construction Codes adopted in Title 15 of the Burien Municipal Code;

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

Section 1. Amending Section 2.15.070 BMC (Duties of the examiner). Section 2.15.070(3) of the Burien Municipal Code is hereby amended (amendments shown in legislative revisions marks) to read as follows:

2.15.070 Duties of the examiner.

The examiner shall consider the matters set forth below.

(1) Applications and Appeals – Final Decision. The examiner shall receive and examine available information, conduct public hearings, prepare a record thereof, and enter findings of fact and conclusions based upon those facts, which conclusions shall represent the final action on the application, unless appealed, as specified herein, for the following type of applications and appeals.

(a) Applications.

- (i) Applications for residential condominium binding site plan;
- (ii) Applications for shoreline substantial development permits when combined with other land use applications pursuant to KCC 25.32.080.

(b) Appeals.

- (i) Appeals from the decision of the director regarding short subdivisions;
- (ii) Appeal of administrative decision on building permits, grading permits and temporary use permit pursuant to review of the zoning code;
- (iii) Appeals from notices and orders issued pursuant to KCC Title 23 as adopted by reference;
- (iv) Appeal from decisions of the director on requests for rate adjustments to surface and storm water management rates and charges.

(2) Applications – Recommendation to Council. Until such time as the planning commission is created and its duties and procedures are adopted, the examiner shall receive and examine available information, conduct public hearings, prepare a record thereof and enter findings of fact and conclusions, based upon those facts, together with a recommendation to the city council, for the following applications:

- (a) Applications for preliminary plats;
- (b) Applications for shoreline environment redesignation.

(3) The examiner shall act as the board of appeals for the purposes of the ~~Uniform Building Code~~. Building and Construction Codes adopted in BMC Title 15.

(4) Other applications or appeals which the council may prescribe by 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 AT A REGULAR MEETING THEREOF ON THE ____ DAY OF _____, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ____ DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher Bacha, Interim City Attorney
Kenyon Disend, PLLC

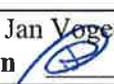
Filed with the City Clerk: September 21, 2009

Passed by the City Council:

Ordinance No.: 520

Date of Publication:

**CITY OF BURIEN
AGENDA BILL**

| | | |
|---|--|--------------------------------------|
| Agenda Subject: Motion to adopt Ordinance 521, amending Chapter 15.05.032 BMC (Electrical code Adoption) and Chapter 15.30 (Electrical Code) | | Meeting Date: October 5, 2009 |
| Department: Community Development | Attachments: 1. <u>Proposed Ord. 521</u> | Fund Source: N/A |
| Contact: Jan Vogee | | Activity Cost: N/A |
| Telephone: (206) 248-5523 | | Amount Budgeted: N/A |
| Adopted Work Plan Priority: Yes X No | Work Plan Item Description: Review Development Codes | |
| <p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the Council to consider proposed Ordinance 521, amending Chapter 15.05.032 BMC (Electrical Code Adoption) and Chapter 15.30 (Electrical Code).</p> <p>BACKGROUND (Include prior Council action & discussion): Every three years the National Electrical Code is updated and a new edition is published by the National Fire Protection Association (NFPA), which is amended and adopted by the State of Washington. RCW 19.28 requires cities that enforce the electrical code to adopt a code the is equal, higher or better than the state electrical code. The Burien Municipal Code establishes the adoption of the Burien Electrical Code.</p> <p>MyBuildingPermit.com and the Washington Association of Building Officials' formed a committee to review the changes in the 2008 National Electrical Code as well as the state amendments. The Electrical committee had participation for Bellevue, Bellingham, Burien, Des Moines, Kirkland, King County, Lacey, Longview, Marysville, Mercer Island, Olympia, Redmond, Renton, Sea Tac, Seattle and Vancouver. The committee compared the 2008 NEC to the most current State rules and to any regional concerns. Through this effort, "The Washington Cities Electrical Code" was created.</p> <p>This ordinance modifies the existing Burien Municipal Code to adopt "The Washington Cities Electrical Code" along with a couple of amendments to the administrative provisions so as to be consistent with other construction code administrative provisions currently adopted by the City.</p> <p>At the September 28, 2009 Council meeting, Council discussed the proposed ordinance and requested that it be placed on the October 5, 2009 Consent Agenda for adoption.</p> <p>OPTIONS (Including fiscal impacts): N/A</p> | | |
| Administrative Recommendation: Adopt Ordinance No. 521 amending Chapter 15.05.032 BMC (Electrical code Adoption) and Chapter 15.30 (Electrical Code) | | |
| Committee Recommendation: N/A | | |
| Advisory Board Recommendation: N/A | | |
| Suggested Motion: Motion to approve the consent agenda adopts Ordinance No. 521. | | |
| Submitted by: Jan Vogee, Building Official | | |
| Administration  | City Manager  | |
| Today's Date: September 30, 2009 | File Code: \\File01\records\CC\Agenda Bill 2009\100509cd-3 Amend BMC Title 15 to Adopt Electrical Code.docx | |

CITY OF BURIEN, WASHINGTON**ORDINANCE NO. 521**

**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON
AMENDING BURIEN MUNICIPAL CODE TITLE 15 (BUILDINGS
AND CONSTRUCTION) RELATING TO THE ELECTRICAL CODE
AND RELATED ADMINISTRATIVE PROVISIONS, PROVIDING
FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, the Burien Municipal Code establishes the adoption of the Burien Electrical Code; and

WHEREAS, the state has adopted and amended the 2008 National Electrical Code (NEC); and

WHEREAS, RCW 19.28 requires cities that enforce the electrical code to adopt a code that is equal, higher or better than the state electrical code; and

WHEREAS, the MyBuildingPermit.com and the Washington Association of Building Officials' electrical committee has created the Washington Cities Electrical Code which adopts and amends the 2008 National Electrical Code in a manner consistent with Ch. 19.28 RCW; and

WHEREAS, it would be in the best interests of the public health, safety and welfare to amend Title 15 of the Burien Municipal Code to provide for the adoption of the Washington Cities Electrical Code, as amended herein, as the City of Burien Electrical Code, in conformance with Ch. 19.28 RCW;

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

Section 1. Amendment of Section 15.05.032 BMC (Electrical Code – Adoption).
Section 15.05.032 of the Burien Municipal Code is hereby amended (amendments shown in legislative revision marks) to read as follows:

15.05.032 Electrical Code – Adoption

The city of Burien adopts the following codes, as amended, added to, or excepted herein, together with all amendments and additions provided in this title:

(1) The June 22, 2009 edition of "The Washington Cities Electrical Code" as published and printed by the Washington Association of Building Officials and amended in BMC Chapter 15.30.~~The National Electrical Code and the Uniform Administrative Code Provisions as printed by the National Fire Protection~~

~~Association (NFPA) and adopted by the state of Washington in Chapter 296 46B WAC. References to the International Electrical Code within the codes adopted or referenced by this title shall be amended to read National Electrical Code.~~

~~(2) Laws, Rules and Regulations for Installing Electric Wiring and Equipment, issued pursuant to Chapter 19.28 RCW.~~

~~(3) National Electrical Code Article 80 (Administration and Enforcement) is specifically adopted by the city of Burien.~~

~~The city of Burien shall automatically adopt by reference these codes and their respective amendments as they are implemented and as they may be subsequently amended by the state of Washington. . [Ord. 408 § 1, 2004]~~

Section 2. Chapter 15.30 BMC (Electrical Code) Amended. Chapter 15.30 of the Burien Municipal Code is hereby amended (amendments shown in legislative revision marks) to read as follows:

Chapter 15.30

ELECTRICAL CODE

Sections:

- 15.30.010 Short title.
- 15.30.020 Adoption of ~~National~~ The Washington Cities Electrical Code..
- 15.30.030 ~~Article 80.15 not adopted~~ Electrical Board. Repealed
- 15.30.040 ~~Article 80.23 amended~~ Notice of Violations, Penalties- Article 85.25 Violations - Amended
- 15.30.050 ~~Appeals~~ Article 85.27 Means of Appeal - Amended
- 15.30.060 Fee schedule.

15.30.010 Short title.

This chapter is known as and may be referred to as the “city of Burien electrical code.” [Ord. 250 § 1, 1999]

15.30.020 Adoption of ~~National~~ The Washington Cities Electrical Code.
 The terms “National Electrical Code” and “NEC” shall refer to the adoption of this code by reference in BMC 15.05.032.

The City of Burien adopts the June 22, 2009 edition of the Washington Cities Electrical Code, as published by the Washington Association of Building Official together with all amendments and additions provided in this title.

15.30.030 ~~Article 80.15 not adopted~~ Electrical Board. Article 80.15 of the National Electrical Code is not adopted. (Repealed)

15.30.040 ~~Article 80.23 amended~~ Notice of Violations, Penalties- Article

85.25 Violations - Amended

~~Article 80.23 of the National Electrical Code, as adopted by this chapter, is not adopted and is replaced with the following:~~

~~Article 80.23 Violations. Violations of this code shall be subject to BMC 15.05.110.~~

(1) Article 85.25 of The Washington Cities Electrical Code is amended and supplemented by amending Article 85.25 (A) Unlawful acts to read as follows:

Article 85.25 Violations.

(A) Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any system or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code, or fail to comply with a lawful order issued pursuant to this code.

(2) Article 85.25 of The Washington Cities Electrical Code is amended and supplemented by amending Article 85.25 (C) Penalties to read as follows:

85.25(C) Penalties. Any person who fails to comply with the provisions of this code or who fails to carry out an order made pursuant of this code or violates any condition attached to a permit, approval or certificate shall be subject to the penalties as prescribed ~~by law. in BMC 15.05.110(3) through (6).~~

The imposition of the penalties herein described shall not prevent the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

~~15.30.050 Appeals. Article 85.27 Means of Appeal - Amended
Appeals shall be heard by the Hearing Examiner pursuant to BMC 15.05.120.~~

Article 85.27 of The Washington Cities Electrical Code is amended to read as follows:

85.27 Means of Appeal.

A person shall have the right to appeal a decision of the code official. An application for appeal shall be based on a claim that

the true intent of this code or the rules legally adopted hereunder, have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed.

Appeals shall be heard by the hearing examiner pursuant to ~~the applicable chapters of the City's Municipal Code.~~ BMC 15.05.120.

15.30.060 Fee schedule.

Fees shall be in accordance with fee schedules adopted by resolution of the city council. [~~Ord. 335 § 4, 2001; Ord. 250 § 1, 1999~~]

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

Section 4. Effective Date. This ordinance shall 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 _____, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ____ DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher Bacha, Interim City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk: September 21, 2009
Passed by the City Council:
Ordinance No.: 521
Date of Publication:

**CITY OF BURIEN
AGENDA BILL**

| | | |
|--|--|--|
| Agenda Subject: Motion to Adopt Resolution No. 302, Approving the Fee Schedule for Public Records Requests | | Meeting Date: October 5, 2009 |
| Department: City Manager | Attachments: <u>Proposed Resolution No. 302</u> | Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A |
| Contact: Monica Lusk, City Clerk | | |
| Telephone: (206) 248-5517 | | |
| Adopted Initiative: Yes No <input checked="" type="checkbox"/> | Initiative Description: | |
| <p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to consider Resolution No. 302, approving the fee schedule for public records requests.</p> <p>BACKGROUND (Include prior Council action & discussion):</p> <p>The City is dedicated to open government and compliance with the requirements of the State Public Records Act to make records open and accessible to the public. The Act authorizes cities to recoup the costs of providing copies of public records (15¢ per page, conversion of paper to pdf, postage, and the costs of supplies).</p> <p>At the September 28 Meeting, Council discussed the proposed resolution and requested that it be placed on the October 5 Consent Agenda to approval.</p> <p>OPTIONS (Including fiscal impacts): N/A</p> | | |
| Administrative Recommendation: Adopt Resolution No. 302, approving the fee schedule for public records requests. | | |
| Committee Recommendation: N/A | | |
| Advisory Board Recommendation: N/A | | |
| Suggested Motion: Motion to Approve the Consent Agenda adopts Resolution No. 302. | | |
| Submitted by: <u>Monica Lusk</u> Administration | <u>Mike Martin</u> City Manager | |
| Today's Date: September 30, 2009 | File Code: R:/CC/AgendaBill2009/100509cm-1 fees publ recds reqs | |

CITY OF BURIEN, WASHINGTON

RESOLUTION NO. 302

**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON,
APPROVING THE FEE SCHEDULE FOR PUBLIC RECORDS
REQUESTS.**

WHEREAS, the City of Burien is dedicated to open government and compliance with the requirements of the State Public Records Act to make public records open and accessible to the public; and

WHEREAS, the Public Records Act authorizes cities to recoup the costs of preparing copies of public records in response to request for public records; and

WHEREAS, the City desires to adopt a fee schedule that will apply to public records requests;

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

Section 1. Adoption of Fee Schedule. The City of Burien hereby adopts the public records fee schedule attached hereto as Exhibit "A".

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

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS ___ DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher Bacha, Interim, City Attorney
Kenyon Disend, PLLC

Filed with the City Clerk: September 17, 2009
Passed by the City Council:
Resolution No. 302

EXHIBIT A

Fee Schedule for Public Records Requests Fees

Effective October 5, 2009

| PUBLIC RECORDS REQUESTS FEE SCHEDULE | |
|---|--------------------------------------|
| Item | Fees |
| CD / DVD | \$2.00 |
| Certified Copy | \$5.00 |
| Conversion of Paper to Electronic Format | \$.15 / page (after first 10 pages) |
| Copies (Black and White) | After first 10 pages |
| • 8 ½ x 11 | \$.15 / page |
| • 8 ½ x 14 | \$.15 / page |
| • 11 x 17 | \$.20 / page |
| • Large Format | Vendor Invoice |
| Copies (Color) | After first 10 pages |
| • 8 ½ x 11 | \$.20 / page |
| • 8 ½ x 14 | \$.20 / page |
| • 11 x 17 | \$.35 / page |
| • Large Format | Vendor Invoice |
| Postage | Actual Rate |



Burien

47

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: Mike Martin, City Manager
DATE: October 5, 2009
SUBJECT: City Manager's Report

I. INTERNAL CITY INFORMATION

A. City Receives Thank You Letter for Successful Annexation of North Highline (Pg. 51)

The City has received a letter from State Representative Ross Hunter, thanking us for our successful annexation of North Highline. A copy of the letter is attached.

B. Red Light Camera Traffic Enforcement Program Data

The red light camera traffic enforcement program has been up and running for about four months. There are four red light cameras located at the following three intersections:

- 148th St & 1st Ave S - westbound and eastbound
- 152nd St & 1st Ave S - westbound
- 160th St & 1st Ave S - eastbound

The number of red light infractions mailed each month is steady at about 540, with the 148th St & 1st Ave S westbound camera generating about 35% of the total infractions (almost double the other locations). The gross revenue received from the red light camera traffic enforcement program is steady at about \$23,000 a month, offset by the \$19,400 monthly cost of the cameras.

C. Urban Partners Suggests Change

Because of the very slow residential market, Urban Partners has asked that the City consider an amendment to the Town Square Development Agreement (DDA) that would provide for the building of a 10 screen feature theater, together with retail, on Parcel V (currently temporary Art Park) instead of the residential component earlier approved for this parcel by Council. Staff has asked for more detailed information that would support the request.

D. 2009 Fall Recycling Event Successful (Pg. 53)

Attached is the report from Olympic Environmental Resources of the collection of 423 carloads of recyclable materials at the Burien/Normandy Park Fall Recycling Collection Event.

E. Public Comment Sought on Funding for Local Transportation Projects

The Puget Sound Regional Council (PSRC) is seeking public comment on local and regional transportation projects proposed to receive federal funding in the next two years. Burien projects on this list include 1st Avenue South Phase 2, proposed to receive \$2.5 million, and the King County Metro Transit Oriented Development (TOD) Park-and-Ride garage, slated to receive \$5.6 million in federal funds. More information on all of the proposed projects can be found at www.psrc.org, under the heading "PSRC Seeking Public Comment...."

Anyone wishing to submit comments in writing should send them by October 22 to PSRC, Attn: K. McGourty, 1011 Western Ave, Suite 500, Seattle, WA 98104, or via email to kmcgourty@psrc.org. The public may also comment in person at PSRC Board meetings on October 8 at 9:30 a.m. or October 22 at 10:00 a.m.

F. Computer Network Changes Save Energy and Storage

While it is wonderful how computer storage space has gotten so incredibly cheap lately... at the same time it is very much a mixed blessing. The more ROT (redundant, obsolete and trivial) we store on our network drives...

- the harder it becomes to find things,
- the harder it is (and the more it costs) to keep backing it all up, and
- the more we unnecessarily expose ourselves to disclosure requests.

So the IT department has come up with new naming and filing conventions that should help keep our City networks running clean and lean. This undertaking has been a long time coming but what finally made it happen was the need to retire a number of old, dying servers which we are replacing with a 5 TB (one terabyte = 1000 gigabytes) storage device (SAN) and VMWare. This newer technology not only reduces the number of physical servers that we need but also reduces their energy costs by up to 80%.

G. Seniors Enjoy Camp Wrinkle Ranch

Eighteen (18) participants from Burien's Senior Program recently participated in the South King County's annual "Wrinkle Ranch" event at Fall Creek Retreat Center in Raymond, Washington. This annual trip provides a unique overnight recreational experience with numerous other participants from Renton, Tukwila, Federal Way, Des Moines and SeaTac's senior programs. Activities included hiking, line dancing, nature walks, outdoor games, a campfire, and sing-a-longs, along with general socialization and relaxation. Burien's seniors won the Gold Medal trophy following their participation in the event's competitive games, aptly named "Wrinklympics".

H. City Receives 4Culture Arts Education Grant

4Culture has awarded the PaRCS Department \$2500 to continue its in-school arts education program for students at one of Highline School District's elementary schools in the Burien. The Department had eliminated the program as part of the mandated 2010 budget reductions, so Cultural Arts Supervisor Gina Kallman applied for this grant shortly thereafter. Funding from 4Culture comes from a portion of the federal stimulus

package, which was allocated to King County for the sole purpose of sustaining already-existing programs that would have otherwise been eliminated due to budget cuts. The PaRCS Department partners with Arts Corps to provide curriculum design and instruction for this program that's conveniently held in one of the local schools.

I. New Moshier Park Restroom Murals

Beautiful new murals created by Highline High School artists and "Art Escape" program participants were installed on the park's restroom walls. The "Art Escape" program is the Dept's popular year-round program for both beginning and experienced visual artists with "disAbilities". The facility will now be more inviting for park patrons, especially with other recently-completed facility improvements. The murals may be viewed online at <http://tr.im/A1py>.

II. COUNCIL UPDATES/REPORTS

A. Regional Leaders Hear Updates on Swine Flu and Transportation Plan (Pg. 55)

Councilmember Nelson and other members of the Puget Sound Regional Council (PSRC) Executive Board received an extensive report on preparations for a potential H1N1 (swine flu) pandemic in the four-county region (King, Pierce, Snohomish and Kitsap counties). The H1N1 is expected to hit our region before the vaccine is ready in October, and more cases are already being seen, according to the Seattle-King County Public Health department. Pregnant women, children and young adults are most at risk of serious illness from this flu strain and are urged to get vaccinated. Employers are urged to develop a plan to cope when a large number of employees need to stay home due to the flu. (Important information from the Public Health presentation is attached.)

The PSRC Executive Board also heard an in-depth update on the agency's work to develop the region's new plan for transportation investments over the next 30 years, known as "Transportation 2040." A regional staff committee is developing a "preferred alternative" plan to be considered by the Board later this year. A key question being looked at is how to pay for the region's future transportation and transit improvements, since the current primary state funding source for roads, the gas tax, is not keeping up with the need (people are using less gasoline, with more fuel-efficient cars or by driving less), and the main funding source for transit, the sales tax, shrinks when the economy slows.

B. Sales Tax Update (Pg. 57)

Attached is the July 2009 Sales Tax Report and Revenue Comparison by Category.

C. Major Projects Status Report (Pg. 59)

Staff has provided Council with a Major Projects Status Report dated September 28, 2009, attached.

D. Advisory Board Meeting Minutes (Pg. 61)

Copies of approved minutes from the following Advisory Board Meetings are attached:

- June 12, 2009 – Business & Economic Development Partnership
- July 10, 2009 – Business & Economic Development Partnership
- August 14, 2009 – Business & Economic Development Partnership

E. Notices (Pg. 71)

- Notice of Burien Planning Commission holding a public hearing on October 13, 2009 at 7 pm to receive public comments on the following applications:
 - City of Burien – Comprehensive Plan text amendments regarding economic development, sustainability and capital improvement program.
 - Terry Wilson, Cramer NW for Larry and Carla Ohrt (property owners) – Change Comprehensive Plan map designation from Moderate Density Single-family to Intersection Commercial and change zoning designation from RS-7,200 to Intersection Commercial.
 - Genevieve Theriault, Broderick Architects for Ambaum Partners, LLC (property owners) – Change zoning designation from O (office) to RM-18 Residential Multi-family.

STATE REPRESENTATIVE
48th DISTRICT
ROSS HUNTER

State of
Washington
House of
Representatives

EDUCATION APPROPRIATIONS

WAYS & MEANS
51
FINANCE
CHAIR



RECEIVED

SEP 24 2009

CITY OF BURIEN

September 18, 2009

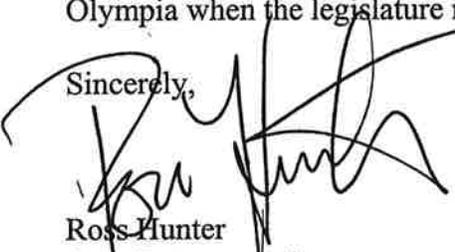
Mayor Joan McGilton
City of Burien
400 SW 152nd St, Suite 300
Burien, WA 98166

Dear Mayor McGilton,

Thank you for your successful annexation of North Highline. This action removes one of the largest unincorporated areas in King County and will result in more efficient service delivery for one of the most ethnically diverse populations in the county. I know that this annexation is the result of several years of feasibility studies and civic engagement.

As chairman of the House Finance committee, I look forward to working with you to ensure you have the appropriate resources necessary to provide optimal services to your expanded population. Please do not hesitate to contact me at either my district office in Bellevue or in Olympia when the legislature is in session.

Sincerely,


Ross Hunter
State Representative
48th Legislative District

LEGISLATIVE OFFICE: 330 JOHN L. O'BRIEN BUILDING, PO BOX 40600, OLYMPIA, WA 98504-0600 • 360-786-7936
DISTRICT OFFICE: 1611 116th AVENUE NE, SUITE 206, BELLEVUE, WA 98004 • 425-453-3064 • FAX: 425-671-0615
E-MAIL: hunter.ross@leg.wa.gov

TOLL-FREE LEGISLATIVE HOTLINE: 1-800-562-6000 • TDD: 1-800-635-9993

PRINTED ON RECYCLED PAPER





Olympic Environmental Resources

4715 SW Walker Street Seattle WA 98116

Tel. 206 938-8262 Fax (206) 938-9873

Email: pauldevine@msn.com

TO: City of Normandy Park, City of Burien
FROM: Olympic Environmental Resources (OER)
DATE: 9/23/2009
RE: 2009 Fall Recycling Collection Event Results

We had a busy day for the Normandy Park and Burien Fall Recycling Collection Event. Four hundred and twenty-three (423) carloads of recyclable material arrived. The total amount of material collected was 55,210 pounds or 28.6 tons. The total averages out to 130.5 pounds of material per vehicle. The event also included a rain barrel/compost bin sale for distribution of rain barrels and compost bins to Normandy Park and Burien residents.

The event included the collection of:

- 32,900 pounds of scrap metal, appliances, computers, and electronic equipment. The material will be sorted and recycled by Seattle Iron and Metals in Seattle.
- 12 used refrigerators and freezers. The ozone depleting chemicals and gas will be removed from these units and disposed of properly by Total Reclaim in Seattle (4,200 pounds).
- 20 propane tanks. The tanks will be reused through Blue Rhino Cylinder Exchange Service or the tanks will be recycled as scrap metal through Seattle Iron and Metals (1,000 pounds).
- 4,300 pounds of reusable household goods. This material was collected by the Seattle Goodwill for resale through their retail outlets with the proceeds going to Goodwill charity programs.
- 275 gallons of used motor oil and petroleum based products. This will be re-refined into new motor oil or reused as bunker fuel (2,035 pounds).
- 40 gallons of used antifreeze. This toxic liquid will be recycled into new anti-freeze (320 pounds).
- 18 used oil filters. These will be drained of oil and the scrap metal will be recycled (50 pounds).
- 83 used tires. These tires will be re-used if in good condition, if not, chipped and made into such products as garden hoses, playground mats, road bedding, and burned as fuel (2,075 pounds).

-26 lead acid batteries. The batteries will be dismantled, the acid disposed of properly, and the cores recycled into new batteries (934 pounds).

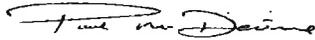
-3810 alkaline batteries. The batteries will be dismantled, the hazardous material disposed of properly, and the cores recycled into new batteries through All Battery (381 pounds).

-26 toilets and sinks. The porcelain material will be processed by Stoneway Concrete and Recycling into concrete material (1,955 pounds).

-5,060 pounds of cardboard. The cardboard will be recycled by Sonoco in Sumner.

Overall we were happy with the way the event went and the amount of material collected. We appreciate the opportunity to work with the City of Normandy Park and the City of Burien. OER looks forward to working on future events in 2010. Thank you.

Sincerely,



**Paul M. Devine
General Manager
Olympic Environmental Resources**

What is H1N1 flu (swine flu)?

H1N1 influenza, also known as "swine flu," is a newly-identified flu virus that can spread from people who are infected to others through coughs and sneezes. When people cough or sneeze, they spread germs through the air or onto surfaces that other people may touch. H1N1 influenza is not transmitted from pigs to humans or from eating pork products.

How can I protect myself from getting the H1N1 influenza?

1) Get the H1N1 vaccine when it becomes available, 2) wash your hands often, and 3) avoid close contact with people who are sick.

What are the symptoms of H1N1 influenza?

The symptoms of H1N1 influenza are similar to seasonal flu: fever, cough, sore throat, body aches, headache, chills and fatigue. Sometimes people also have diarrhea and vomiting.

Is there a vaccine for H1N1 influenza?

A vaccine for H1N1 influenza is being developed, and vaccine manufacturers expect to have it ready in October 2009. Initial supplies of vaccines will go to those at highest risk, including:

- Pregnant women
- Children and young adults 6 months to 24 years of age
- Persons ages 25-64 years old with health conditions that could make them dangerously ill from the flu (such as those with heart disease, diabetes, asthma, or anyone with a lowered immunity)
- Household members and caregivers of children younger than 6 months in age; and
- Healthcare workers and emergency medical service providers

What should I do if I am sick?

- **Stay home** from work or school. Remain home for at least 24 hours after you are free of fever without the use of fever-reducing medications.
- **Cover your coughs and sneezes** with a tissue or your inner elbow.
- **Wash your hands often with soap and water**, especially after you cough or sneeze. If you don't have access to soap and water, use an alcohol-based hand sanitizer.

How do I decide whether to seek medical care?

Make decisions about when to seek medical care as you would under normal circumstances. Consult with a health care provider for the following symptoms:

- Chest pain or trouble breathing
- Rapidly worsening illness
- If the ill person is unresponsive or won't make eye contact
- Severe sore throat (unable to swallow) or severe cough
- Fever for more than three days

If you need medical care and don't have a medical provider or health insurance, call the Community Health Access Program at 800-756-5437. You will not be asked to provide proof of immigration status.

For more information and on-going updates: www.kingcounty.gov/health/H1N1
Flu Hotline, 877-903-5464, 24 hours/day (English and Spanish)

July 2009 Sales Tax Detail

- Year-to-Date 2008 to 2009 ↓ 16.2%
- July 2008 to July 2009 ↓ 19.7%
 - Retail Trade (54.5%) ↓ 14.3%
 - Motor Vehicle & Parts Dealers (24% of total) ↓ 25%
 - » New Car Dealers (19.7% of total) ↓ 28.2%
 - General Merchandise Stores (8.4% of total) ↓ 5.3%
 - Food & Beverage Stores (7.1% of total) ↓ 2.1%
 - Building Material & Garden (2% of total) ↑ 46.2%
 - Electronics and Appliances (1% of total) ↓ 11.3%
 - Construction (14.1%) ↓ 47%
 - Accommodations & Food Service (10.8 %) ↓ 10.6%

City of Burien

July 2009 Sales Tax Revenue Comparison by Category

| | % of Total | | Difference | | |
|---------------------------------|-------------------|---------|-------------------|--------------------|---------------|
| | July-09 | Revenue | July-08 | 2008 to 2009 | % Change |
| Unknown | \$ 352 | 0.1% | \$ 953 | \$ (601) | -63.1% |
| Agriculture, Forestry, Fishing | \$ 12 | 0.0% | \$ 57 | \$ (45) | N/A |
| Mining | \$ 135 | 0.0% | \$ 266 | \$ (131) | -49.2% |
| Construction | \$ 46,305 | 14.1% | \$ 87,300 | \$ (40,995) | -47.0% |
| Manufacturing | \$ 5,165 | 1.6% | \$ 8,607 | \$ (3,442) | -40.0% |
| Wholesale Trade | \$ 8,965 | 2.7% | \$ 11,206 | \$ (2,241) | -20.0% |
| Retail Trade | \$ 179,297 | 54.5% | \$ 209,189 | \$ (29,892) | -14.3% |
| Transportation and Warehousing | \$ 638 | 0.2% | \$ (224) | \$ 862 | -384.8% |
| Information | \$ 13,843 | 4.2% | \$ 14,058 | \$ (215) | -1.5% |
| Finance & Insurance | \$ 820 | 0.2% | \$ 709 | \$ 111 | 15.7% |
| Real Estate, Rental, Leasing | \$ 7,237 | 2.2% | \$ 7,010 | \$ 227 | 3.2% |
| Prof, Sci, Technical Services | \$ 1,242 | 0.4% | \$ 1,895 | \$ (653) | -34.5% |
| Admin, Support, Remedy Services | \$ 2,635 | 0.8% | \$ 4,438 | \$ (1,803) | -40.6% |
| Educational Services | \$ 545 | 0.2% | \$ 682 | \$ (137) | -20.1% |
| Health Care Social Assistance | \$ 4,267 | 1.3% | \$ 3,749 | \$ 518 | 13.8% |
| Arts, Entertainment, Recreation | \$ 2,063 | 0.6% | \$ 2,288 | \$ (225) | -9.8% |
| Accommodation and Food Services | \$ 35,415 | 10.8% | \$ 39,632 | \$ (4,217) | -10.6% |
| Other Services | \$ 20,269 | 6.2% | \$ 18,210 | \$ 2,059 | 11.3% |
| | <u>\$ 329,205</u> | | <u>\$ 410,025</u> | <u>\$ (80,820)</u> | <u>-19.7%</u> |

Major Projects Status

Project

| | | | |
|-------------------------|---|-------------|---|
| Address | Highline Christian Church 114 SW 150th Street | Date | Status (BLD 05-0078 & BLD 06-0676) |
| Zone | CR | 25-Sep | Education wing interior work underway |
| Site Size | 1.45 Acres | 25-Oct | Education wing 1st floor final approved |
| Project Lead | KG | 25-Nov | 2nd floor finish work underway |
| Building Sq Ft | 63,000 | 25-Dec | No Status Change |
| Building Stories | 2 | 25-Jan | No Status Change |
| | | 25-Feb | Limited occupancy granted for Ed wing |
| | | 25-Mar | No Status Change |
| | | 25-Apr | No Status Change |
| | | 25-May | No Status Change |
| | | 25-Jun | No Status Change |
| | | 25-Jul | No Status Change |
| | | 25-Aug | Permit extension granted |
| | | 25-Sep | No Status Change |
| Address | Nugyen Townhomes 10XX SW 130th Street | Date | Status (BLD 05-1387-1391) |
| Zone | RM-24 | 25-Sep | #1 bldg interior work underway, 2 & 3 footing work continuing |
| Site Size | 14,337 sq. ft. (0.33 Acres) | 25-Oct | Building 1 (Units 7 & 8) final occupancy approved |
| Project Lead | SB/CD | 25-Nov | Buildings 2 & 3 foundation work complete |
| Units | 8 | 25-Dec | No Status Change |
| Building Stories | 3 | 25-Jan | No Status Change (Extensions granted for units 1-6) |
| | | 25-Feb | No Status Change |
| | | 25-Mar | No Status Change |
| | | 25-Apr | No Status Change |
| | | 25-May | No Status Change |
| | | 25-Jun | No Status Change |
| | | 25-Jul | Extension granted |
| | | 25-Aug | No Status Change |
| | | 25-Sep | No Status Change |
| Address | Shorewood Subdivision (19-lots) Vacant Lot 15XX SW 124th Street | Date | Status (BLD 05-1683 & PLA 04-0228) |
| Zone | RS-12,000 | 25-Sep | 12 permits issued, 5 finalized |
| Site Size | 7.07 Acres | 25-Oct | 12 permits issued, 6 finalized |
| Project Lead | SB/CD | 25-Nov | 12 permits issued, 7 finalized |
| Lots | 19 | 25-Dec | 12 permits issued, 8 finalized |
| | | 25-Jan | 12 permits issued, 8 finalized |
| | | 25-Feb | No Status Change |
| | | 25-Mar | No Status Change |
| | | 25-Apr | No Status Change |
| | | 25-May | No Status Change |
| | | 25-Jun | No Status Change |
| | | 25-Jul | No Status Change |
| | | 25-Aug | No Status Change |
| | | 25-Sep | No Status Change |
| Address | Sunset Townhomes 148 & S 152nd Street | Date | Status (BLD 08-0362 & 0363) |
| Zone | RM-24 | 25-Sep | Interior work underway |
| Site Size | 15,077 sq. ft. (0.35 Acres) | 25-Oct | Interior work continuing |
| Project Lead | KG/SJ | 25-Nov | No Status Change |
| Units | 6 | 25-Dec | No Status Change |
| | | 25-Jan | SW 152nd Street sidewalks poured |
| | | 25-Feb | Interior finish work underway |
| | | 25-Mar | No Status Change |
| | | 25-Apr | Landscaping installed |
| | | 25-May | Interior work continuing |
| | | 25-Jun | No Status Change |
| | | 25-Jul | No Status Change |
| | | 25-Aug | No Status Change |
| | | 25-Sep | No Status Change |

| | | | |
|-------------------------|---|-------------|--|
| Address 60 | Moen Townhomes (Powell Homes) | Date | Status (BLD 07-2328 & 2329) |
| Zone | 213 SW 154th Street | 5-Mar | Permit read to issue |
| Site Size | RM-24 | 25-Jun | Permit extension granted |
| Project Lead | 15,000 sq. ft. (0.34 Acres) | 25-Nov | Permit extension granted |
| Units | KG/SJ | 25-Apr | No activity to date |
| Building Stories | 6 | 25-May | No activity to date |
| | 3 | 25-Jun | No activity to date |
| | | 25-Jul | No activity to date |
| | | 25-Aug | No activity to date |
| | | 25-Sep | No activity to date |
| Address | Highline Medical Center (Birch Wing) | Date | Status (BLD 08-0690 & 0695) |
| Zone | 16251 Sylvester Rd SW | 25-Sep | Foundation work underway |
| Site Size | O | 25-Oct | Foundation work continuing |
| Project Lead | 5.62 Acres | 25-Nov | No Status Change |
| Building Sq Ft | KG/DJ | 25-Dec | Floor construction underway |
| Building Stories | 79,607 sq. ft. | 25-Jan | Pouring 3rd story floor |
| | 3 | 25-Feb | Roof framed, interior framing underway |
| | | 25-Mar | Interior framing continuing |
| | | 25-Apr | Interior work underway |
| | | 25-May | No Status Change |
| | | 25-Jun | Exterior finishes nearing completion, interior work cont. |
| | | 25-Jul | Interior work continuing |
| | | 25-Aug | No Status Change |
| | | 25-Sep | No Status Change |
| Address | Environmental Learning Center | Date | Status (BLD 08-1969) |
| Zone | 1600 SW Seahurst Park Road | 25-May | Permit ready to issue on 5/20/09 |
| Site Size | RS-12,000 | 25-Jun | Permit issued 6/2/09 |
| Project Lead | 75.82 Acres | 25-Jul | Installing foundation forms |
| Building Sq Ft | KG/SJ | 25-Aug | Framing underway |
| Building Stories | 2,105 sq. ft. | 25-Sep | No Status Change |
| | 2 | | |
| Address | Miller Creek Junction | Date | Status (BLD 08-0857 - 0871) |
| Zone | 215 S 160th Street | 25-May | Site grading underway |
| Site Size | CC-2 | 25-Jun | Foundation & framing work underway on 27 of 46 units |
| Project Lead | 3.16 Acres | 25-Jul | Foundation work complete on 39 of 46 units, framing continuing |
| Units/Commercial | SB/CD | 25-Aug | Framing continuing on all units |
| Building Stories | 46 units & 16,651 s.f. commercial | 25-Sep | No Status Change |
| | 2 | | |

**BURIEN BUSINESS AND
ECONOMIC DEVELOPMENT PARTNERSHIP (BEDP)
STUDY SESSION**

Date: June 12, 2009

Time: 7:00 -- 9:00 a.m.

Members Present: Judy Coovert, Bob Ewing, Geri Fain, Kevin Fitz, Michael Goldsmith, Nancy Hinthorne, Renée Klein, Alice Madsen, Mark Minium, Carmen Moore, Doug Moreland

Excused Absentees: Dave Elliott, Jim Hughes, Jane Voget

Staff: Mike Martin, City Manager; Dick Loman, Economic Development Manager; Janet Stallman, Department Assistant

Guests: Mayor Joan McGilton, Councilmembers Kathy Keene and Gordon Shaw, Patty Sader, Executive Director, Discover Burien; Shelley Brittingham, Burien Arts Commission, Debbie Zemke, Recreation Manager

Call to Order: Meeting opened at 7:00 a.m. by Michael Goldsmith, Chair

Approval of Minutes from May 8, 2009.

Chair's Report

Michael invited BEDP members to support the new coffee shop on 152nd -- Burien Press. Michael had spoken with the new owners and they had mentioned experiencing a bit of a "feet" with the permitting process. Michael wondered whether we have a list for small businesses so that they can anticipate everything that they'll need to do to get their permits. He mentioned the process did not seem "streamlined." The owners would be willing to talk about their experience at a future BEDP meeting, should the group wish.

Michael wondered whether as part of the visioning process, any thought to identifying businesses as amenities we'd like to have in Burien and recruiting those businesses to Burien has been considered.

Michael announced that Geri Fain had received the Lifetime Achievement Award from the Highline Schools Foundation at their recent luncheon. Congratulations, Geri. Mike had Mayor McGilton mention the July 2nd event with Thomas Seiverts. The Mayor asked Janet to forward to the Partnership, a list of possible places to visit on a downtown walking tour. The Visioning Subcommittee will take a look and provide feedback to Janet regarding the Mayor's list.

City Manager Report

Mike welcomed everyone to City Hall, and informed us that we will plan to meet upstairs in the Miller Creek Conference Room for our meetings. He mentioned that people should park on the north side of the building in the parking lot, and come in the north doors, and take the elevator up to the third floor.

This Saturday is the big Grand Opening of Town Square, which includes the Library, City Hall, Town Square Park, the Condominiums, and Transit Center. The Ribbon-cutting ceremony begins at 10:00 a.m.

We are in the process of making budget cuts and this will be discussed at Monday night's meeting. Annexation is going well and the vote in North Highline will occur on August 18th. We will be taking possession of the old Library building this month and it will undergo a \$1 million remodel to serve as the Interim Community/Senior Center.

The Environmental Science Center will be breaking ground this summer. It appears that Phase 2 of First Avenue S. will be funded.

Economic Development Report

Dick announced that the last \$5.5 million has been secured for the Transit Oriented Development. The hope is to break ground on the garage in January. We have been working with the developer for the last three or four months. This is an important project to continue the momentum of redevelopment in Burien with a new project.

Discover Burien

Art will begin being displayed in empty storefronts on 152nd Street. Jorstad Jewelers will be the first business to have art displayed in the windows.

The Father's Day Car Show will be next Sunday – June 21st.

Dr. Allan Spicciati, Chief Accountability Officer – Highline School District

Dr. Spicciati gave an overview of the Burien schools (which comprise approximately 28% of the overall district) in the Highline School District. Members were surprised to see that our statistics are much better when separated out from the entire District. Attached is a PowerPoint that accompanied his presentation.

Arts Commission Recommendations for Economic Element of Comprehensive Plan

Based on a request from the Visioning Subcommittee, four people from the Arts Commission went through the goals in the Economic Element of the Comprehensive Plan, and brought recommendations back to the full Arts Commission, who discussed and agreed to the suggestions on the document sent to BEDP via email (copy attached).

Shelley Brittingham gave a brief outline of the highlights of the Arts Commission's recommendations. BEDP members had an opportunity to ask questions and have them answered by Shelley.

Round the Table

Renée Klein mentioned that the Highline Hospital Foundation is hosting a golf tournament on July 15th. She also stated they are looking for Board Members for the Foundation, and they'd like to have more diversity and more young professionals become involved on the Board.

Renée offered that BEDP could meet at the hospital, and that we could also get a hard hat tour.

Nancy Hinthorne: Randy Dorn, new Superintendent of Public Instruction is speaking today at the membership luncheon.

Doug Moreland: Want to acknowledge the culmination of the Town Square and how all the years of hard work have come together.

Geri Fain: Thanks for allowing Dr. Spicciati to present.

Judy Coovert: If you need information on changes in the Department of Revenue, Judy will be happy to give you additional details.

Mayor McGilton: Acknowledged Kevin Fitz's contribution to our being in this City Hall.

Gordon Shaw: If you see any original members of our Burien City Council on Saturday, please thank them for having the foresight to set aside money to purchase property for this purpose.

**BURIEN BUSINESS AND
ECONOMIC DEVELOPMENT PARTNERSHIP (BEDP)
STUDY SESSION**

Date: July 10, 2009

Time: 7-8:30 a.m.

Members Present: Alice Madsen, Bob Ewing, Kevin Fitz, Dave Elliott , Renée Klein, Michael Goldsmith, Mark Minium, Doug Moreland, Nancy Hinthorne, Rick Cosgrave, Judy Coovert, Jane Voget

Excused Absentees: Geri Fain, Jim Hughes

Staff: Mike Martin, City Manager; Dick Loman, Economic Development Manager; Janet Stallman, Department Assistant

Guests: Councilmembers Gordon Shaw and Kathy Keene

Call to Order: Meeting opened at 7:00 a.m. by Michael Goldsmith, Chair

The Minutes of the June 12, 2009 meeting were approved as written.

Chair's Report

Michael spoke briefly about Thomas Sieverts' visit. He mentioned the Southwest King County Chamber Golf Tournament on July 30th at Rainier Golf Club.

City Manager Report – Mike Martin

Mike Martin gave a brief overview of current business:

- The City is having active discussions with the Fire Department to locate the new Fire Station.
- Burien received \$5.5 million in stimulus funding for the Transit Oriented Development (TOD); we expect to break ground in January. It will consist of 503 parking stalls; 2nd phase will be low-income housing for seniors & teachers.
- We have made real progress in the NERA. The SEPA environmental document will soon be done.
- The full directional interchange process is coming along.
- City Hall is working well. We are seeing 1,000 people a week that weren't here before due to Library traffic.
- The Community Center is coming along very nicely. Tenant Improvements should begin in the next 4 or 5 months. We're pursuing grants for HVAC systems.
- Environmental Science Center is under construction at Seahurst Park. The 1st floor is scheduled to be complete in October.
- We have a low-watt radio station, AM 540. It is mainly for communicating with our residents during emergencies. Renée Klein & Alice Madsen offered to put information in their employee newsletters regarding listening to AM 540.

Mark Minium commented that after the Grand Opening event he has heard several remarks from people about the Town Square Condos and that 90% of the people think the prices are out of line. He wonders what the cost is to have them empty. Mike responded that the City cannot set the prices for the Condos.

Economic Manager Report – Dick Loman

The TOD & Fire Station represent about \$50 million that will be invested in the downtown core in Burien. The Wellness Cluster (now referred to as “Burien Wellness”) will be holding a Wellness Fair in September. It will be the first joint-promotion of the group. Most medical providers are expanding in Burien.

Discover Burien Report – Doug Moreland

Doug Moreland reported on Discover Burien. Since our last meeting, DB had a successful Father’s Day car show in the downtown. The Town Square Grand Opening here was a big success. There will be a new executive director that will take over the middle of this month. We hope to be able to introduce our new Executive Director at the next meeting. Oktoberfest will be happening at the end of September.

Mark Kearns, Burien Press

Michael Goldsmith introduced Mark Kearns of the Burien Press and invited him to explain the experience he had in getting his building permit for the new store. Mark was particularly frustrated by the fact that there wasn’t a handout or list of items of what needed to happen before a permit would be issued. He had received some general information, and believed that the process might take up to six weeks, but it ended up taking 12, and he didn’t find it efficient. Mark felt that information was provided on a “here’s the next thing” basis, rather than the whole picture up front. Mark’s impression is that the system is not business-friendly.

Judy Coover told of a frustrating experience getting a permit to change out the racking system in her shop. She said that our staff is very nice, but they don’t seem to understand that for businesses time is money; they don’t seem to understand that there is a sense of urgency involved.

The idea of providing help in navigating the process was brought up again. BEDP mentioned that they have discussed this before, but haven’t taken any action. Because of the competition to lure businesses to cities, BEDP members felt it was important not to be just as good as other cities, but to be better in this area.

Mike Martin responded that he would look into what happened and that if we have a problem, we will fix it.

Marketing Burien to Businesses

Judy Coover proposed that a subcommittee be formed to market Burien to new and existing businesses. She felt it could identify what is business-friendly about Burien and aggressively market those attributes to businesses potentially looking to relocate. She asked what we are currently doing to attract businesses. She wondered who is marketing Burien to businesses. She proposed finding out what services or businesses we lack that we’d like to have in Burien? What can be done short and long-term to attract them? Renée Klein suggested the subcommittee do a gap analysis to see what’s already in place and what might be needed. Volunteers to participate included: Dave Elliott, Judy Coover, Renée Klein, Dick Loman and Bob Ewing.

Round The Table

Renée Klein: ER expansion: tower crane's going away; work moving inside. State budget cuts for hospitals are impacting Highline about \$200,000/month. Employee pay increases (SEIU) are also costing an additional \$70,000/month. Decisions will be need to be made to deal with these cost impacts. Highline Medical Center Foundation is having a Golf Tournament at Washington National – everyone invited.

Nancy Hinthorne mentioned that the Chamber's Membership Luncheon is today and that the Mayors from SeaTac, Burien & Tukwila would be there.

Kathy Keene mentioned that the Department of Commerce is going to be at SeaTac City Hall next Tuesday and they are having a session for businesses with fewer than 200 employees that people are welcome to attend.

Mark Minium announced that the Olde Burien Block Party will be this Saturday, noon to 10:00PM.

**BURIEN BUSINESS AND
ECONOMIC DEVELOPMENT PARTNERSHIP (BEDP)
STUDY SESSION**

Date: August 14, 2009

Time: 7-9:00 a.m.

Members Present: Alice Madsen, Kevin Fitz, Dave Elliott , Renée Klein, Michael Goldsmith, Mark Minium, Nancy Hinthorne, Judy Coovert, Jane Voget, Geri Fain, Jim Hughes, Doug Moreland

Excused Absentees: Bob Ewing, Carmen Moore

Staff: Mike Martin, City Manager; Dick Loman, Economic Development Manager; Chip Davis, Community Development Department

Guests: Councilmember Rose Clark, Mayor Joan McGilton; Steve Nolan, Transportation Solutions, Inc.

Call to Order: Meeting opened at 7:00 a.m. by Michael Goldsmith, Chair

The Minutes of the July 10, 2009 meeting were approved as written.

Chair's Report

Chair passed.

City Manager Report

Mike Martin gave a brief update on the progress being made on the TOD project as well as a brief rundown on some of the points discussed at the Leadership Team retreat which was held on July 29 at the Tibbetts Creek Manor in Issaquah.

Economic Manager Report

Dick Loman reported continuing work on the TOD, especially the obtaining of temporary parking for approximately 400 vehicles during the 10-12 months during construction of the garage.

Discover Burien Report

Doug Moreland reported that with the help of Angie Chaufy, City of Burien's HR Manager, the search for a new Executive Director will be continuing. Temporary help are assisting in the office and of course Debra George is continuing to plan and oversee all the scheduled events..

Downtown Parking Study

Chip Davis from the Community Development Department introduced Steve Nolan from Transportation Solutions, Inc. (TSI) who made a PowerPoint presentation based on the July 2009 draft report dealing with the proposed Fee-in-Lieu of Parking program. There was a brief question and answer period.

Changes in Economic Element of Comprehensive Plan

The members present voted unanimously to approve the draft submitted by the subcommittee chaired by Bob Ewing, subject to committee approval of the "housekeeping" policies. Dick Loman is adding to Goal ED 9 and Goal ED10.

Marketing Subcommittee

Judy Covert reported that the committee would meet as soon as the Executive Director's position is filled at Discover Burien.

Round The Table

Kevin Fitz brought up the subject of locating the new Burien Fire Station in downtown Burien. A long discussion with wide participation followed. The members felt that perhaps the Fire Commissioners should be invited to a future BEDP meeting.

Meeting adjourned at 9:05 a.m.

Next Meeting: September 11, 2009



Public Hearing Notice ⁷¹

City of Burien

400 SW 152nd Street Ambaum
(Suite 300)

Burien, Washington 98166

Hearing Information

The City of Burien Planning Commission will hold a public hearing on October 13, 2009 at 7:00 pm at 400 SW 152nd Street (Suite 300) to receive public comments on the following application:

Applicant

City of Burien

Proposals

Change Comprehensive Plan text amendments regarding, economic development, sustainability and capital improvement program.

Comprehensive Plan Amendment Ref Nos.

2009-1, 2009-2, and 2009-4

Files are available for viewing at Burien City Hall during regular business hours.

Location

City wide

Tax Parcel Nos.

Not applicable

Current Zoning

Not applicable

How to Comment

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

Project Planner (for submittal of written comments or for more information)

David Johanson, AICP, Senior Planner
Department of Community Development
City of Burien
400 SW 152nd Street (Suite 300)
Burien, WA 98166
Phone: (206) 248-5522 E-Mail: DavidJ@burienwa.gov

Published in the Seattle Times

Date of Notice: September 29, 2009

cc: Burien City Council
Burien Staff
B-Town Blog
Discover Burien
Highline Times

King County/Burien Public Library
Seahurst Post Office
Web site: www.burienwa.gov
White Center Now



Public Hearing Notice

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

| | |
|--|---|
| Hearing Information | The City of Burien Planning Commission will hold a public hearing on October 13, 2009 at 7:00 pm at 400 SW 152 nd Street (Suite 300) to receive public comments on the following application: |
| Applicant | Terry Wilson, Cramer NW for Larry and Carla Ohrt (property owners) |
| Proposal | Change Comprehensive Plan map designation from Moderate Density Single-family to Intersection Commercial. and Change zoning designation from RS-7,200 to Intersection Commercial. |
| Comprehensive Plan Amendment Ref No. | 2009-6 File is available for viewing at Burien City Hall during regular business hours. |
| Location | 640 South 160 th Street, Burien WA 98166 |
| Tax Parcel No. | 2023049139 |
| Current Zoning | RS-7,200 Residential Single-family |
| How to Comment | Any person may submit written or oral comments or testimony at the public hearing, or may submit written comments prior to the hearing. Written comments may be submitted in person, via mail, e-mail or by facsimile. All documents submitted or requested as part of this application, including the City staff report are available for review at City Hall during regular business hours. |
| Project Planner (for submittal of written comments or for more information) | Stephanie Jewett, AICP, Planner 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 |
| Published in the Seattle Times | Date of Notice: September 29, 2009 |

cc: Burien City Council
Burien Staff
B-Town Blog
Discover Burien
Highline Times

King County/Burien Public Library
Seahurst Post Office
Web site: www.burienwa.gov
White Center Now



Public Hearing Notice³

City of Burien

400 SW 152nd Street (Suite 300)

Burien, Washington 98166

Hearing Information

The City of Burien Planning Commission will hold a public hearing on October 13, 2009 at 7:00 pm at 400 SW 152nd Street (Suite 300) to receive public comments on the following application:

Applicant

Genevieve Theriault, Broderick Architects for Ambaum Partners, LLC (property owners)

Proposal

Change Comprehensive Plan map designation from Office to High Density Multi-family Neighborhood.

and

Change zoning designation from O (Office) to RM-18 Residential Multi-family.

**Comprehensive Plan
Amendment Ref No.**

2009-5

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

Location

14001 Ambaum Blvd. SW, Burien WA 98166

Tax Parcel No.

4331400125

Current Zoning

Office (O)

How to Comment

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

Project Planner

Stephanie Jewett, AICP, Planner

(for submittal of
written comments or
for more information)

Department of Community Development

City of Burien

400 SW 152nd Street (Suite 300)

Burien, WA 98166

Phone: (206) 439-3152 E-Mail: StephanieJ@burienwa.gov

Published in the
Seattle Times

Date of Notice: September 29, 2009

cc: Burien City Council
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White Center Now

**CITY OF BURIEN
AGENDA BILL**

| | | |
|--|--|--|
| Agenda Subject: Motion to Adopt Resolution No. 305, Opposing Initiative Measure No. 1033 Concerns State, County and City Revenue | | Meeting Date: October 5, 2009 |
| Department: Finance | Attachment: 1. <u>Impact to City of Burien Presentation</u> 2. <u>Potential Effects of I-1033 on Burien excluding Annexation</u> 3. <u>Potential Effects of I-1033 on Burien w/ Annexation</u> 4. <u>Resolution No. 305</u> 5. <u>RCW 42.17.130</u> 6. <u>Initiative 1033</u> | Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A |
| Contact: Tabatha Miller, Director | | |
| Telephone: (206) 439-3150 | | |
| Adopted Work Plan Priority: Yes No X | Work Plan Item Description: N/A | |
| PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for Council to adopt Resolution No. 305 opposing Citizen Initiative No. 1033 (I-1033), which is on the ballot for the November 3, 2009, election. | | |
| BACKGROUND (Include prior Council action & discussion): On September 14, 2009, the City Council provided an opportunity for interested parties to offer comments (“pro” or “con”) concerning I-1033. On September 28, 2009 the Council indicated that it would support a resolution opposing I-1033 and directed staff to place the resolution on the October 5, 2009 Business Agenda. I-1033 requires the State, county and city governments to limit their general fund revenues to the amount resulting from inflation, based on the implicit price deflator (IPD) for the U.S., and population growth. Any revenue exceeding that formula must be used to reduce property taxes. I-1033 excludes voter-approved revenue increases but makes no accommodation for commercial growth or annexation within the jurisdiction. This is problematic for Burien, in that the formula established by I-1033 does not take into account commercial growth like that envisioned in the Northeast Development Area (NERA). The IPD is a national indicator of inflation on consumer goods but does not reflect commercial growth at the local level. In essence, any commercial growth in the NERA or elsewhere which increased the City’s revenues could not be used to provide the supporting city services, but instead would decrease the next year’s property taxes. Nor does the I-1033 formula adjust so that general fund annexation revenues and the increased population correspond to ensure that additional revenue from the annexation area can be used for city services in the annexation area. Instead, under I-1033 a portion of the annexation revenue will be used to lower property taxes. This also has the effect of state and local governments providing a benefit only to property owners rather than spending general fund revenues on services to benefit the entire community. Services such as education, economic development, transportation, parks, and public safety that have been adversely affected by recent revenue shortfalls are at risk of never recovering under I-1033. Under I-1033, 2009 is the base year to which the growth/inflation formula is applied. This means that long-term state and local revenues are tied to revenue levels in a year in which revenue shortfalls caused service reductions, furloughs, layoffs, and discontinued programs in many jurisdictions. Moreover, it is not likely that federal economic stimulus money or one-time fund balances will be available to bridge shortfalls, as they were in 2009. After budget cuts, Burien closed its 2009 general fund revenue shortfall with \$900,000 in one-time fund balance. This means that if I-1033 passes, Burien would have to cut an additional \$900,000 from its general fund going forward. | | |
| Administrative Recommendation: | | |
| Committee Recommendation: N/A | | |
| Advisory Board Recommendation: N/A | | |
| Suggested Motion: Motion to Adopt Resolution No. 305, Opposing Initiative No. 1033 | | |
| Submitted by: Tabatha Miller Administration  | | |
| | | City Manager  |
| Today’s Date: September 29, 2009 | File Code: R:\CC\Agenda Bill 2009\100509cm- I1033Reso.docx | |



INITIATIVE 1033

September 28, 2009

City of Burien

INITIATIVE 1033 OVERVIEW

- Beginning in 2010
- State, Counties and Cities in Washington limited to annual growth in their General Fund Revenue, equal to Inflation + Increase in Population
- Base Year for calculation is 2009
- Revenue base for future years is the lesser of current year's actual revenue or current year's I-1033 revenue limit
- Revenue collected over the growth formula deposited into "Lower Property Tax Account"

I-1033 ANNUAL FORMULA



I-1033 FORMULA COMPARISON

Burien's Estimated I-1033 Formula 2010



Burien's Average Annual Growth (Last 10 years)

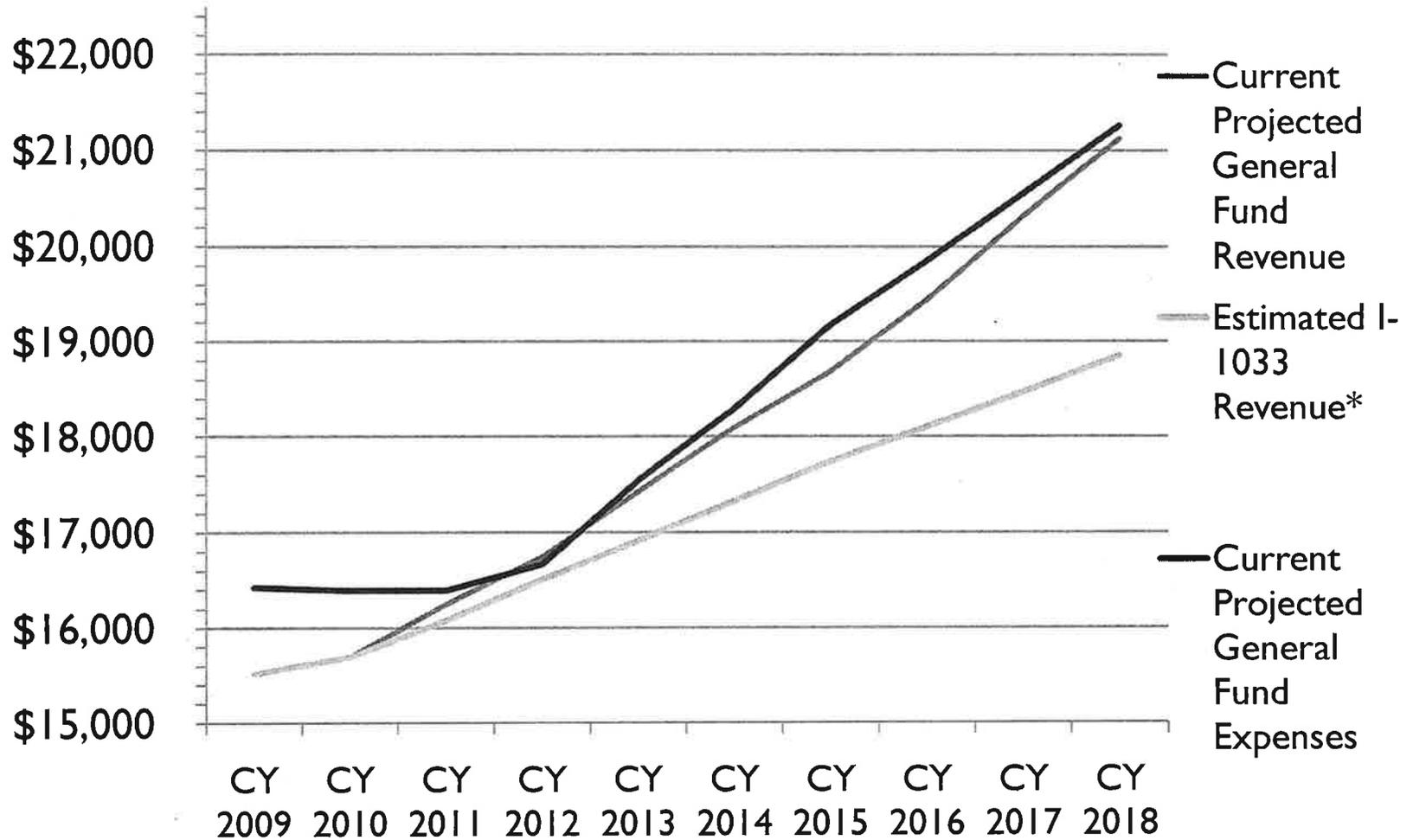


IMPACTS OF I-1033

- Disincentive for commercial growth and economic development.
 - *IPD measures inflation on national level for consumer goods and is not tied to local commercial growth*
- Residential Growth may not be captured in I-1033 formula
 - *Revenue not received in the same year as the population increase is measured maybe subject to “Ratchet Effect”*
- Revenue impacted in 2009 by recession may never recover
 - *Budget reductions implemented in 2009 would be permanent and fixes such as federal stimulus funds and 1-time fund balance will need to be replaced by further reductions for future years.*

IMPACT TO BURIEN

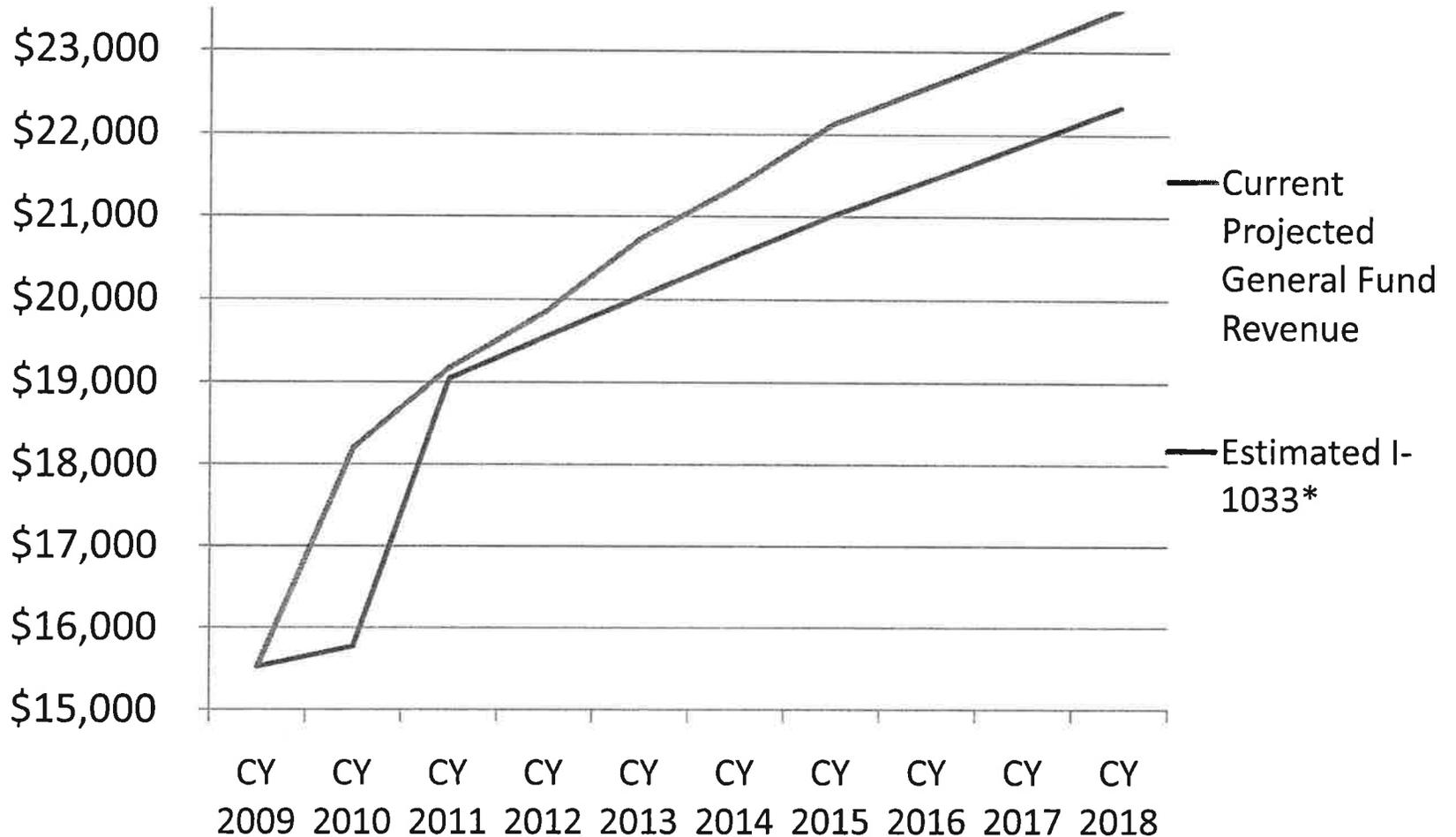
Excluding Annexation (in 1,000s)



* Estimated I-1033 Revenues based on Association of Washington Cities (AWC) template projections.

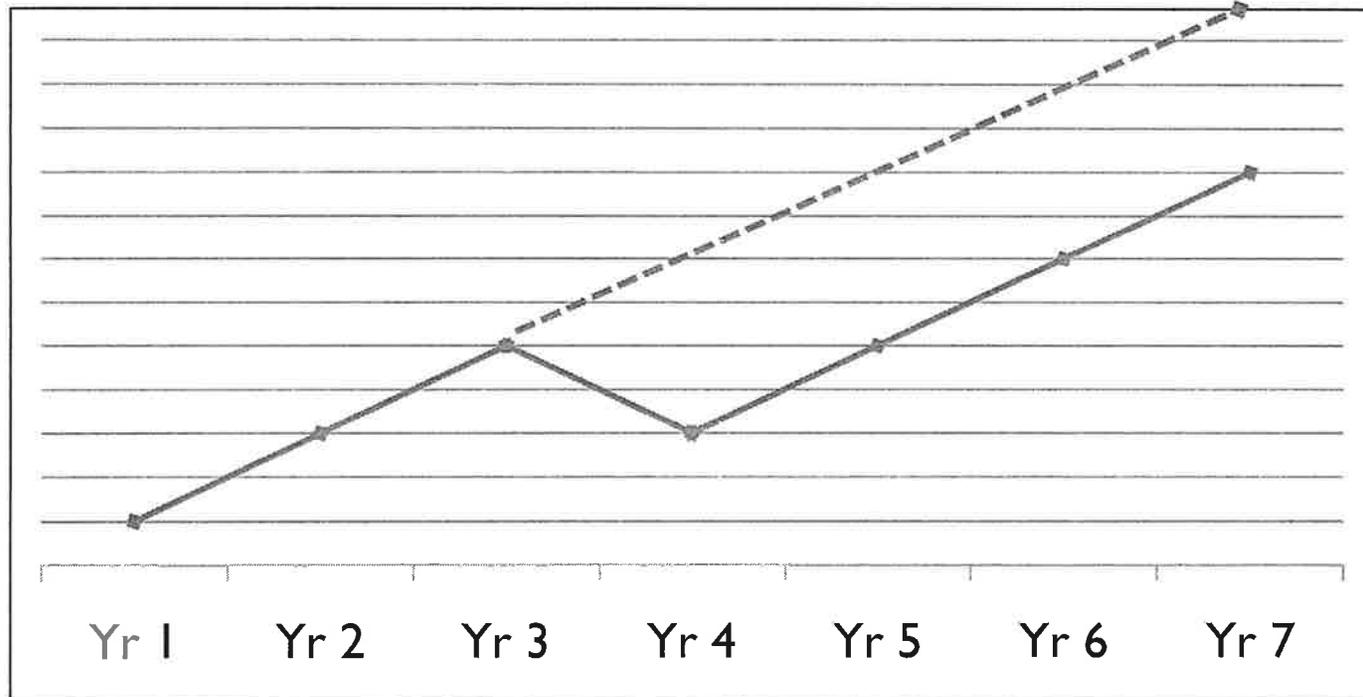
IMPACT TO BURIEN

Including Annexation (in 1000's)



* Estimated I-1033 Revenues based on Association of Washington Cities (AWC) template projections.

I-1033 RATCHET EFFECT



Assuming that revenue grows for first 3 years at level that meets or exceeds I-1033 formula, then in year 4 a recession resets the revenue base.* Future allowable revenue is permanently “ratcheted” down or in other words a recovery (dash line) will never be realized by the jurisdiction. Future recessions will further increase the gap.

*Current revenue base for formula is the lesser of prior year actual revenue or prior year’s I-1033 Limit

ESTIMATING IMPACTS OF INITIATIVE 1033

Assumptions outlined by the Association of Washington Cities (see more on assumptions below)
 Updated by City of Burien September 21, 2009 - excluding impacts from annexation area

* Shaded cells should be filled out by jurisdiction depending upon local conditions and forecasts

| | IPD (March to March) (Note 1) | Population Growth Estimate* (Note 2) | GF Forecast w/out I-1033 (Note 3) | Forecasted Growth in GF Revenues* (Note 3) | Levy w/out "Lower City Property Tax Account" Transfer* (Note 4) | Growth in Prop Tax w/out "Lower City Property Tax Account" Estimated* (Note 4) | Estimated Actual GF Revenues w/out Limit (Note 5) | Gen Fund Revenue w/ Limit (Note 6) | Lesser of GF Revenue Limit (J) or GF Actuals growing at rate in column F (I) (I-J) | % Increase in Gen Fund Limit or Actual Revenues (Column K) | Amount Over/Under Revenue Limit (I-J) | Transfer to "Lower City Property Taxes Account" | Property Tax After "Lower City Property Tax Account" Transfer (Note 7) |
|---------|----------------------------------|---|--------------------------------------|---|--|---|--|---------------------------------------|---|---|--|---|--|
| CY 2009 | 0.50% | 1.11% | 15,516,098 | -10.60% | 5,399,539 | 15,516,098 | 15,516,098 | 15,516,098 | | | | | 5,399,539 |
| CY 2010 | 1.60% | 0.65% | 15,692,982 | 1.14% | 5,467,033 | 15,692,982 | 15,766,768 | 15,692,982 | 1.14% | -73,787 | 0 | 0 | 5,467,033 |
| CY 2011 | 2.00% | 0.65% | 16,250,082 | 3.55% | 5,540,838 | 16,250,082 | 16,079,296 | 16,079,296 | 2.46% | 170,787 | 0 | 0 | 5,540,838 |
| CY 2012 | 1.80% | 0.65% | 16,744,085 | 3.04% | 5,621,180 | 16,738,893 | 16,507,487 | 16,507,487 | 2.66% | 231,406 | 170,787 | 170,787 | 5,450,394 |
| CY 2013 | 1.80% | 0.65% | 17,425,569 | 4.07% | 5,702,687 | 17,410,748 | 16,913,852 | 16,913,852 | 2.46% | 496,896 | 231,406 | 231,406 | 5,471,282 |
| CY 2014 | 1.70% | 0.65% | 18,092,968 | 3.83% | 5,785,376 | 18,058,548 | 17,330,220 | 17,330,220 | 2.46% | 728,328 | 496,896 | 496,896 | 5,288,481 |
| CY 2015 | 1.70% | 0.65% | 18,726,222 | 3.50% | 5,869,264 | 18,665,106 | 17,739,396 | 17,739,396 | 2.36% | 925,710 | 728,328 | 728,328 | 5,140,937 |

- NOTES:**
- (1) IPD estimates for CY 2009-CY 2011 are from the June 2009 Washington State Economic and revenue Forecast. Inflation estimates for CYs 2012-15 are from the June 2009 HIS Global Insight forecast (OFM)
 - (2) Population growth estimates provided are based on OFM's forecasted population increases for cities in urban counties; cities should replace with own estimates
 - (3) General fund revenues and revenue growth should reflect current forecasts without I-1033
 - (4) Growth should reflect anticipated councilmanic increases plus increases due to new construction/improvements, annexation, electric generation wind turbine facilities and state-assessed property
 - (5) CY 2010 revenue calculated as: (CY 2009 GF REV X GF forecasted growth) + CY 2009 GF REV; CY 2011 and subsequent years calculated as ((CY 2010 GF REV - transfer to Lower City Property Tax Account) X % GF forecasted growth) + CY 2010 GF REV; For simplicity the same forecasted growth rate is assumed with or without passage of I-1033.
 - (6) CY 2010 revenue limit calculated as: CY 2009 GF REV X (1 + 2009 % Change Pop) X (1 + 2009 % Change IPD); CY 2011 and subsequent years limit calculated as: CY 2010 GF REV - transfer X (1 + 2010 % Change Pop) X (1 + 2010 % Change IPD)
 - (7) Lower City Property Taxes Account is applied to previous year's full levy, reflecting any limit factor increase (plus new construction/improvements, annexation, electric generation wind turbine facilities and state-assessed property). Reflects the amount of the levy set for collection in following year

OFM GENERAL ASSUMPTIONS

CY 2010 revenue limit calculated as: CY 2009 GF REV X (1 + 2009 % Change Pop) X (1 + 2009 % Change IPD)
 CY 2010 GF revenues exceeding CY 2010 revenue limit are transferred into "Lower City Property Tax Account"
 First transfer to the "Lower City Property Tax Account" takes place in CY 2011
 First property tax levy to be reduced is levy set in CY 2011 for CY 2012 collection
 General fund revenues defined as taxes, fees and other governmental charges. Revenues coded for the general fund in the BARS chart of account included, excluding the following categories:
 Federal and state direct and indirect grants
 State shared taxes or revenues
 Charges for contracted services performed
 Charges for enterprise activities or charges that are not governmental in nature
 Inter-fund and inter-department charges
 Interest and investment earnings

AWC ADDITIONAL INFORMATION

Using the assumptions outlined in Office of Financial Management's fiscal impact statement, in addition to some of our own, AWC has developed this spreadsheet that cities can use to estimate their individual jurisdiction's impacts. In building this spreadsheet, AWC worked with a group of finance directors to interpret the language in I-1033 and test the model.

Cities should note that neither OFM nor AWC is a regulatory agency, and this impact model outlines assumptions for estimating fiscal impacts only. It does not serve as an implementation guide should the Initiative pass. The impact model is intended to provide cities with an idea of the magnitude of change under the initiative, rather than a specific dollar amount.

Once your city has estimated the impacts of I-1033, please forward this spreadsheet to Alicia Seegers Martinelli, aliciam@awcnet.org, to be included on our website.

ATTACHMENT 2

ESTIMATING IMPACTS OF INITIATIVE 1033

Assumptions outlined by the Association of Washington Cities (see more on assumptions below)
 Updated by City of Burien September 21, 2009 - Including impacts from annexation area

* Shaded cells should be filled out by Jurisdiction depending upon local conditions and forecasts

| | IPD (March to March) (Note 1) | Population Growth Estimate* (Note 2) | GF Forecast w/out I-1033 (Note 3) | Forecasted Growth In GF Revenues* (Note 3) | Levy w/out "Lower City Property Tax Account" Transfer* (Note 4) | Growth in Prop Tax w/out "Lower City Property Tax Account" Transfer* (Note 4) | Estimated Actual GF Revenues w/out Limit (Note 5) | Gen Fund Revenue w/ Limit (Note 6) | Lesser of GF Revenue Limit (J) or GF Actuals growing at rate in column F (I) (Column K) | % Increase In Gen Fund Limit or Actual Revenues (Column K) | Amount Over/Under Revenue Limit (I-J) | Transfer to "Lower City Property Taxes Account" | Property Tax After "Lower City Property Tax Account" Transfer (Note 7) |
|---------|----------------------------------|---|--------------------------------------|---|--|--|--|---------------------------------------|--|---|--|---|--|
| CY 2009 | 0.50% | 1.11% | 15,516,098 | -10.60% | 5,399,539 | | 15,516,098 | 15,516,098 | 15,516,098 | | | | 5,399,539 |
| CY 2010 | 1.80% | 45.65% | 18,206,589 | 17.34% | 5,464,333 | 1.20% | 18,206,589 | 15,766,768 | 15,766,768 | 1.62% | 2,439,821 | 0 | 5,464,333 |
| CY 2011 | 2.00% | 0.65% | 19,175,160 | 5.32% | 5,532,638 | 1.25% | 19,045,381 | 23,377,655 | 19,045,381 | 20.79% | -4,332,274 | 2,439,821 | 3,092,817 |
| CY 2012 | 1.80% | 0.65% | 19,846,311 | 3.50% | 6,868,770 | 24.15% | 19,711,970 | 19,552,560 | 19,552,560 | 2.66% | 159,410 | 0 | 6,868,770 |
| CY 2013 | 1.80% | 0.65% | 20,731,457 | 4.46% | 6,868,367 | 1.45% | 20,584,014 | 20,033,885 | 20,033,885 | 2.46% | 550,129 | 159,410 | 6,808,957 |
| CY 2014 | 1.70% | 0.65% | 21,374,132 | 3.10% | 7,069,408 | 1.45% | 21,205,064 | 20,527,060 | 20,527,060 | 2.46% | 678,005 | 550,129 | 6,519,279 |
| CY 2015 | 1.70% | 0.55% | 22,122,227 | 3.50% | 7,171,915 | 1.45% | 21,923,512 | 21,011,714 | 21,011,714 | 2.36% | 911,798 | 678,005 | 6,493,910 |

NOTES

- (1) IPD estimates for CY 2009-CY 2011 are from the June 2009 Washington State Economic and revenue Forecast. Inflation estimates for CYs 2012-15 are from the June 2009 HIS Global Insight forecast (OFM)
- (2) Population growth estimates provided are based on OFM's forecasted population increases for cities in urban counties; cities should replace with own estimates
- (3) General fund revenues and revenue growth should reflect current forecasts without I-1033
- (4) Growth should reflect anticipated councilmanic increases plus increases due to new construction/improvements, annexation, electric generation wind turbine facilities and state-assessed property
- (5) CY 2010 revenue calculated as: (CY 2009 GF REV X GF forecasted growth) + CY 2009 GF REV; CY 2011 and subsequent years calculated as ((CY 2010 GF REV - transfer to Lower City Property Tax Account) X % GF forecasted growth) + CY 2010 GF REV; For simplicity the same forecasted growth rate is assumed with or without passage of I-1033.
- (6) CY 2010 revenue limit calculated as: CY 2009 GF REV X (1+ 2009 % Change Pop) X (1+ 2009 % Change IPD); CY 2011 and subsequent years limit calculated as: CY 2010 GF REV - transfer X (1 + 2010 % Change Pop) X (1 + 2010 % Change IPD)
- (7) Lower City Property Taxes Account is applied to previous year's full levy, reflecting any limit factor increase (plus new construction/improvements, annexation, electric generation wind turbine facilities and state-assessed property). Reflects the amount of the levy set for collection in following year

OFM GENERAL ASSUMPTIONS

CY 2010 revenue limit calculated as: CY 2009 GF REV X (1+ 2009 % Change Pop) X (1+ 2009 % Change IPD)
 CY 2010 GF revenues exceeding CY 2010 revenue limit are transferred into "Lower City Property Tax Account"
 First transfer to the "Lower City Property Tax Account" takes place in CY 2011
 First property tax levy to be reduced is levy set in CY 2011 for CY 2012 collection
 General fund revenues defined as taxes, fees and other governmental charges. Revenues coded for the general fund in the BARS chart of account included, excluding the following categories:
 Federal and state direct and indirect grants
 State shared taxes or revenues
 Charges for contracted services performed
 Charges for enterprise activities or charges that are not governmental in nature
 Inter-fund and inter-department charges
 Interest and investment earnings

AWC ADDITIONAL INFORMATION

Using the assumptions outlined in Office of Financial Management's fiscal impact statement, in addition to some of our own, AWC has developed this spreadsheet that cities can use to estimate their individual jurisdiction's impacts. In building this spreadsheet, AWC worked with a group of finance directors to interpret the language in I-1033 and test the model.
 Cities should note that neither OFM nor AWC is a regulatory agency, and this impact model outlines assumptions for estimating fiscal impacts only. It does not serve as an implementation guide should the initiative pass. The impact model is intended to provide cities with an idea of the magnitude of change under the initiative, rather than a specific dollar amount.
 Once your city has estimated the impacts of I-1033, please forward this spreadsheet to Alicia Seegers Martinelli, aliciam@awcnet.org, to be included on our website.

ATTACHMENT 3

CITY OF BURIEN, WASHINGTON
RESOLUTION NO. 305

**A RESOLUTION OF THE CITY OF BURIEN, WASHINGTON,
OPPOSING “INITIATIVE MEASURE NO. 1033 CONCERNS
STATE, COUNTY AND CITY REVENUE”**

WHEREAS, Initiative 1033 qualified for the November 2009 ballot and would require the state, counties and cities to limit the annual growth of their general fund revenue to the rate of inflation and population growth, not including voter-approved revenue increases. Revenue collected above the limit would reduce property tax levies; and

WHEREAS, Initiative 1033 would make 2009 the year for calculating the general fund revenue base, above which 2010 revenues would be transferred into a new “Lower Property tax Account”; and

WHEREAS, the national and local recession has caused the state and local governments to significantly reduce their budgets in 2009; and

WHEREAS, Initiative 1033 defines “general fund revenues” as revenue from taxes, fees and other governmental charges; and

WHEREAS, the City of Burien depends upon general fund revenues in order to provide governmental services such as recreational programming, human service and arts funding, parks maintenance and public safety; and

WHEREAS, according to the State Office of Financial Management, Initiative 1033 would result in state revenue transfer to the Lower Property Tax Account of \$676 Million in 2011, increasing to more than \$1.8 Billion by 2015; and

WHEREAS, the use of these funds to lower property taxes would benefit only property owners and not other residents of the State, and would establish that the funding of this benefit for property owners would be of greater importance than the funding of state and local government services that could be provided with those diverted revenues, such as education, economic development, transportation, parks, public safety and numerous other services needed by our residents and businesses; and

WHEREAS, by limiting revenue that may be obtained by city government through economic development and related growth in commercial activities, Initiative 1033 could undermine such growth by creating a disincentive for the city to support economic development such as efforts to revitalize the downtown and Northeast Redevelopment Area adjacent to the Sea-Tac Airport third runway; and

WHEREAS, passage of Initiative 1033 will significantly limit the ability of the City of Burien to

fund general governmental services and would likely result in layoffs of employees and budget reductions that would reduce service levels to the community; and

WHEREAS, the Suburban Cities Association of King County (SCA) Board has voted to oppose Initiative 1033.

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

Section 1. The City Council of the City of Burien hereby declares its opposition to Initiative Measure No. 1033, appearing on the ballot for the November 3, 2009, State General Election.

Section 2. The City Council of the City of Burien urges the voters in Burien and throughout the State of Washington to reject Initiative Measure No. 1033.

Section 3. Effective Date. This resolution shall take effect immediately upon approval.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS ___ DAY OF _____, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Christopher Bacha
Interim City Attorney

Filed with the City Clerk: September __, 2009
Passed by the City Council:
Resolution No.

RCW 42.17.130**Use of public office or agency facilities in campaigns -- Prohibition -- Exceptions.**

91

No elective official nor any employee of his [or her] office nor any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition. Facilities of a public office or agency include, but are not limited to, use of stationery, postage, machines, and equipment, use of employees of the office or agency during working hours, vehicles, office space, publications of the office or agency, and clientele lists of persons served by the office or agency. However, this does not apply to the following activities:

(1) Action taken at an open public meeting by members of an elected legislative body or by an elected board, council, or commission of a special purpose district including, but not limited to, fire districts, public hospital districts, library districts, park districts, port districts, public utility districts, school districts, sewer districts, and water districts, to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body, members of the board, council, or commission of the special purpose district, or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(2) A statement by an elected official in support of or in opposition to any ballot proposition at an open press conference or in response to a specific inquiry;

(3) Activities which are part of the normal and regular conduct of the office or agency.

[2006 c 215 § 2; 1979 ex.s. c 265 § 2; 1975-'76 2nd ex.s. c 112 § 6; 1973 c 1 § 13 (Initiative Measure No. 276, approved November 7, 1972).]

NOTES:

Finding -- Intent -- 2006 c 215: "(1) The legislature finds that the public benefits from an open and inclusive discussion of proposed ballot measures by local elected leaders, and that for twenty-five years these discussions have included the opportunity for elected boards, councils, and commissions of special purpose districts to vote in open public meetings in order to express their support of, or opposition to, ballot propositions affecting their jurisdictions.

(2) The legislature intends to affirm and clarify the state's long-standing policy of promoting informed public discussion and understanding of ballot propositions by allowing elected boards, councils, and commissions of special purpose districts to adopt resolutions supporting or opposing ballot propositions." [2006 c 215 § 1.]

Disposition of violations before January 1, 1995: "Any violations occurring prior to January 1, 1995, of any of the following laws shall be disposed of as if chapter 154, Laws of 1994 were not enacted and such laws continued in full force and effect: RCW 42.17.130, chapter 42.18 RCW, chapter 42.21 RCW, and chapter 42.22 RCW." [1994 c 154 § 226.]

ATTACHMENT 5

Assigned Number: 1033

Filed: 01/05/2009

Sponsor

Mr. Tim Eyman

Mr. Leo Fagan

Mr. M.J. Fagan

PO Box 18250

Spokane, WA 99228

425-493-8707

Fax: 425-493-1027

jakatak@comcast.net

Ballot Title

Initiative Measure No. 1033 concerns state, county and city revenue.

This measure would limit growth of certain state, county and city revenue to annual inflation and population growth, not including voter-approved revenue increases. Revenue collected above the limit would reduce property tax levies.

Should this measure be enacted into law? Yes [] No []

Ballot Measure Summary

This measure would limit growth in state revenues deposited in funds subject to the state expenditure limit, and limit growth in county and city revenues deposited into the county and city current expense funds. The limit would be adjusted based on annual growth in inflation and population. The limit also would apply to revenues transferred out of these funds. The limit would exclude voter-approved revenue increases. Revenues above the limit would reduce property tax levies.

315,444 signatures were turned in on July 2, 2009. A random check was performed and the initiative was statistically found to have sufficient signatures.

***Certified to Ballot on July 15, 2009**

**CITY OF BURIEN
AGENDA BILL**

| | | |
|--|--|---|
| Agenda Subject: Discussion on Proposed Ordinance 523, regarding 2009 Zoning Code Amendments. | | Meeting Date: October 5, 2009 |
| Department: Community Development | Attachments: 1. <u>Proposed Ordinance No. 523</u> 2. <u>Planning Commission Minutes – 8/25/09</u> 3. <u>Planning Commission Minutes – 9/8/09</u> | Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A |
| Contact: Liz Ockwell, Assistant Planner | | |
| Telephone: (206) 812-7575 | | |
| Adopted Work Plan Priority: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> | Work Plan Item Description: Amend various sections of the zoning code as needed. | |
| <p>PURPOSE/REQUIRED ACTION: The purpose of this agenda item is for the City Council to discuss approval of fifteen (15) Zoning Code amendments. No action is necessary at this time.</p> <p>BACKGROUND (Include prior Council action & discussion): The proposed zoning code amendments will revise and add new definitions relating to use, garages, and slope, and correct errors in the Zoning Code relating to parking, landscaping, and interim zoning code references. The proposed amendments will also clarify the master sign plan process, thresholds for nonconforming structures and sizes of residential accessory structures. Finally, the proposed amendments will correct typographical errors in the sign and critical areas code.</p> <p>The Planning Commission discussed the proposed amendments at two public meetings on August 25 and September 8, 2009, and unanimously recommended approval of the proposed amendments following their public hearing on September 22, 2009.</p> <p>OPTIONS (Including fiscal impacts): N/A</p> | | |
| Administrative Recommendation: Hold a discussion and consider placing proposed Ordinance No. 523 on consent agenda for adoption on October 26, 2009. | | |
| Committee Recommendation: N/A | | |
| Advisory Board Recommendation: The Planning Commission unanimously recommended approval of all amendments on September 22, 2009. | | |
| Suggested Motion: None Required | | |
| Submitted by: Liz Ockwell, Assistant Planner Administration  | | Mike Martin City Manager  |
| Today's Date: September 30, 2009 | | File Code: R:\CC\Agenda Bill 2009\100509- ZonCode Amend.doc |

CITY OF BURIEN, WASHINGTON**ORDINANCE NO. 523**

**AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON,
AMENDING TITLE 19 OF THE BURIEN MUNICIPAL CODE
RELATED TO ZONING, PROVIDING FOR SEVERABILITY, AND
ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, in June, 1999, the City of Burien adopted a new zoning code establishing zoning regulations for the City of Burien; and

WHEREAS, the need to correct typographical errors, add new definitions, and clarify sections of the code have led to the proposed amendments; and

WHEREAS, the Planning Commission held two public meetings on August 25, 2009 and September 8, 2009, to discuss amendments to the zoning code; and

WHEREAS, the Planning Commission held a public hearing on September 22, 2008 to receive citizens' comments on the proposed amendments; and

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

WHEREAS, the City Council held a public meeting on October 5, 2009 to review and discuss the proposed amendments.

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

Section 1: Amendments to BMC Title 19. The City Council of the City of Burien hereby amends BMC Title 19 as shown on Exhibit A incorporated by 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: Savings. The enactments of this ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this ordinance.

Section 4: 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 THIS ___ DAY OF ___, 2009, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS ___ DAY OF ___, 2009.

CITY OF BURIEN

Joan McGilton, Mayor

ATTEST/AUTHENTICATED:

Monica Lusk, City Clerk

Approved as to form:

Chris Bacha, Interim City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No. 523
Date of Publication:

City of Burien

BURIEN PLANNING COMMISSION MEETING
 August 25, 2009
 7:00 p.m.
 City Council Chamber, Burien City Hall
 MINUTES

Planning Commission Members Present:

Janet Shull, Jim Clingan, Brian Bennett, Rachel Pizarro, Joe Fitzgibbon, Stacie Grage, Rebecca McInteer

Absent:

None

Others Present:

Elizabeth Ockwell, assistant planner; Chip Davis, planner

Roll Call

Chair Shull called the meeting to order at 7:10 p.m. At the call of the roll all commissioners were present.

Agenda Confirmation

Motion to approve the agenda as presented was made by Commissioner Clingan. Second was by Commissioner Grage and the motion carried unanimously.

Approval of Minutes

Motion to approve the minutes of July 28, 2009, was made by Commissioner Clingan; second was by Commissioner Grage. The motion carried unanimously.

Election of Chair and Vice-Chair

Commissioner Bennett nominated Commissioner Fitzgibbon as chair; Commissioner Pizarro seconded the nomination. Commissioner Fitzgibbon was elected chair by a unanimous vote. Commissioner Clingan nominated Commissioner McInteer as vice chair; Commissioner Grage seconded the nomination. Commissioner McInteer declined the nomination because of her work schedule. The commissioners then withdrew their nomination. Commissioner Fitzgibbon nominated Commissioner Clingan; second was by Commissioner Grage. Commissioner Clingan was elected vice chair by a unanimous vote. Commissioner Shull then handed the gavel over to newly elected Chair Fitzgibbon.

New Business

Elizabeth Ockwell, assistant planner, introduced 14 proposed zoning code amendments, noting that 11 of the proposed amendments would correct typographical errors in the Zoning Code and three provide clarification of code sections. She then reviewed the proposed amendments with the commissioners.

Chair Fitzgibbon asked what the timetable is for the commission to review the amendments and make a recommendation to the City Council. Ms. Ockwell said she hoped to have a public hearing on Sept. 8th, but that could be pushed back to Sept. 22nd, if necessary; the commission's recommendation should be going to the City Council in October.

Commissioner Shull voiced concern that while the first amendment loosens present code that is probably too restrictive, it does not set an upper limit on the size of a detached single-family garage. She said perhaps the code moves from too restrictive to too lenient. Ms. Ockwell noted that in Zoning Code Chapter 19.17 Miscellaneous there is a section on residential accessory structures stating that residential structures need to be subordinate and incidental to the main use on the site. Staff interprets that as limiting the size of a garage to something smaller than a single-family residence, the main use, even with an accessory dwelling unit included over the garage.

Commissioner Shull expressed concern that by removing the maximum square footage allowed it opened up the possibility of huge garages inappropriate for a single-family neighborhood. Ms. Ockwell explained that Zoning Code Chapter 19.17 Miscellaneous states that residential accessory structures must be subordinate and incidental to the main use on the site, the single-family residence. Also, height, building coverage, impervious surface and setback requirements also will limit the size of an accessory structure. Commissioner McInteer agreed with Commissioner Shull's concern and wondered if there isn't some more specific way of limiting the size of an accessory structure, such as a garage, rather than leaving it open to interpretation.

Mr. Davis said it's difficult to come up with a standard that will fit every situation. Staff works with applicants to come up with a reasonable solution to their garage needs; there have been only a couple of instances of property owners pushing the limits by constructing large buildings. He also noted that the size of accessory dwelling units is limited by code, so a very large garage probably could not include the equivalent-size living space above.

Mr. Davis volunteered that staff could return to the Planning Commission after researching how other cities are handling it. The commissioners agreed. Chair Fitzgibbon asked if saying a garage cannot exceed a certain percentage of the size of the house on the lot would be more restrictive than the proposed amendment; Mr. Davis answered yes.

Commissioner Shull questioned the language of the 14th proposed amendment, concerning nonconforming structures, that defines the extent of "voluntary demolition" when determining whether or not a nonconforming structure can be rebuilt if it is damaged or destroyed. Staff explained that the amendment was triggered by a property owner taking a nonconforming structure to the foundation to rebuild it and a neighbor pointing out to the City that the code does not allow replacement if the structure is removed by voluntary demolition.

Commissioner Shull then asked if the code would apply in areas under shoreline jurisdiction. Mr. Davis answered that the current shoreline code doesn't deal with it, but the new shoreline code that is being created by David Johanson and the Shoreline Advisory Committee will be more specific. Mr. Davis said he assumed that once the new shoreline code is adopted that will be the controlling document in the shoreline areas, regardless of what the City's other regulations say.

Ms. Ockwell explained that she had researched nonconforming code in other jurisdictions and found that the 50 percent value cutoff was the middle of the road between the cities researched. Commissioner Fitzgibbon asked for staff to bring examples of other cities using the 50 percent assessed value cutoff. Ms. Ockwell agreed to bring a list to the next Planning Commission meeting.

Old Business

Chip Davis, planner, presented a follow-up regarding the fee-in-lieu of parking program presentation that the commission received at its July 28th meeting. Three handouts were distributed to the commission. The first was a copy of the fee-in-lieu of parking program draft report, which was distributed at the last meeting, for those members who may have forgotten their copy at home.

The second handout was a letter from the consultant, Steve Nolen with Transportation Solutions, summarizing the reaction of the Burien Business & Economic Development Partnership (BEDP) to his

August 14th presentation. In the letter, Mr. Nolen responded to two questions raised by the BEDP regarding composition of the Public Development Authority Board (PDA) and regarding the current utilization level of parking in Downtown Burien (see handout for details). Mr. Nolen indicated that there were no negative comments regarding the proposed fee-in-lieu of parking program and several of the BEDP members expressed strong support for the program.

The third handout for the commission was a copy of the consultant's August 14th PowerPoint presentation to the BEDP. The presentation was very similar to the one given to the Planning Commission at its last meeting, but included some of the discussion points raised by the commission. Mr. Davis tabbed Page 11 of the handout to focus commission discussion on the consultant's recommendations, which will provide a framework for specific language to be inserted into the Zoning Code to implement Burien's fee-in-lieu of parking program.

Commissioners Bennett, Grage, Fitzgibbon and McInteer had questions regarding Table Appendix C Comparison Fee-in-Lieu of Parking Programs for other cities in the United States. There was some discussion regarding the comparability of various programs to Burien's Downtown and the level of overall success for other cities such as Kirkland, Washington, and Bend, Oregon. Following a brief discussion it was the consensus of the commission for the staff and consultant to use the recommendations on Page 11 of the handout as the basis for drafting specific language to amend the Zoning Code.

Mr. Davis indicated that drafting of code language will take some time and prior to any public consideration of the language it must undergo a 60-day state Department of Commerce (formerly CTED) review, so the earliest presentation would be at the November 10th commission meeting. At that meeting the staff will determine if the commission feels that it is on the right track and if so the commission can set November 24th for a public hearing and possible recommendation to the City Council on the amendments.

Planning Commission Communications

Commissioner Grage will not be attending the September 8th meeting. Commissioners Fitzgibbon and Pizarro will not be attending the September 22nd meeting. Commissioner Schull will not be attending the November 23rd meeting.

Director's Report

None

Adjournment

Motion to adjourn was made by Commissioner Schull; meeting adjourned at 8:00 p.m.

Approved: _____

Joe Fitzgibbon, chair
Planning Commission

City of Burien

BURIEN PLANNING COMMISSION MEETING

September 8, 2009

7:00 p.m.

Miller Creek Room, Burien City Hall

MINUTES

Planning Commission Members Present:

Janet Shull, Jim Clingan, Brian Bennett, Rachel Pizarro, Joe Fitzgibbon, Rebecca McInteer

Absent:

Stacie Grage

Others Present:

Elizabeth Ockwell, assistant planner; Scott Greenberg, Community Development Department director

Roll Call

Chair Fitzgibbon called the meeting to order at 7:00 p.m. At the call of the roll all commissioners were present except Commissioner Grage.

Agenda Confirmation

Motion to approve the agenda as presented was made by Commissioner Shull. Second was by Commissioner Clingan and the motion carried unanimously.

Public Comment

None

Approval of Minutes

It was noted that Commissioner Shull's name was misspelled twice in the August 25, 2009, draft minutes. Motion to approve the minutes as corrected was made by Commissioner Clingan; second was by Commissioner Shull. The motion carried unanimously.

Old Business

Elizabeth Ockwell, assistant planner, said she was returning to the commission with additional information answering questions the commissioners had at their last meeting regarding two of the proposed zoning code amendments.

The first concerns the proposed removal of the 500-square-foot and one-story limitation on detached residential garages. She noted the commissioners' concerns about the possibility of a detached garage being built so large that it dominates the lot and the existing house in scale and/or square footage. Ms. Ockwell said that based on research into how other cities treat the issue – in particular, Kirkland and Marysville -- language has been added regulating the size of residential accessory structures to either 15 percent of the lot area or 80 percent of the footprint of the primary residence, whichever is less, and a height restriction of not more than 10 feet above the existing height of the main residence, or the maximum height for the zone.

Commissioner Bennett said he felt the new language might penalize owners of smaller houses and wondered if there isn't a way to be less restrictive; Ms. Ockwell noted that the current code, BMC 19.17.060, already states that the accessory structure be "subordinate and incidental to the residential use of the property." She explained that regardless of the new language, someone with a smaller house or smaller lot will not be allowed to build as big an accessory building as someone with a larger house or larger lot. She called the commissioners' attention to a handout she supplied of examples of lots in the city and the calculation of the maximum size accessory structure that can be built on each lot. In most cases the size of the single family residence limits the size of the accessory structure, but in one of the examples the lot area was the limiting factor. Commissioner Bennett said he was still disturbed that the owner of a small house would be "penalized" in the size of a garage that could be built.

Commissioner McInteer pointed out that the garage is an accessory use to the single family residence and "penalty" is probably not the word to describe a limit on the size of the accessory use. She asked why they are even considering an amendment to the size limitation; Ms. Ockwell explained that the current trend is larger houses, with three car garages, many with accessory dwelling units above, and the current limitation of 500 sq. ft. and one story just doesn't accommodate people's needs. Mr. Greenberg added that the intent is to add flexibility based on the current market while avoiding construction of accessory buildings that are out of scale with the residence on the property.

Commissioner Shull thanked staff for the additional research and the improved amendment language. She then asked if the "Eighty percent of the footprint of the primary residential structure" meant it would be comparing the footprint of an accessory structure to the footprint of the primary structure and that a second story could be added, making the total square footage greater than the eighty percent footprint. Both Ms. Ockwell and Mr. Greenberg answered in the affirmative.

Mr. Greenberg told the commissioners they will be conducting a public hearing on the proposed amendments at their Sept. 22nd meeting, so they still have time to hear from the public and to deliberate again.

As requested by the commissioners at their Aug. 25th meeting, Ms. Ockwell then presented additional information on nonconforming structure demolition thresholds. Ms. Ockwell reminded the commissioners that the proposed amendment is intended to clarify BMC 19.55.030.3.B, which currently states that a nonconforming structure loses its nonconforming status when it is damaged or destroyed, without giving a threshold, which means that simply removing siding could trigger the requirement that a building be brought into conformance with current codes. The proposed language sets a demolition or destruction threshold of greater than 50 percent. Ms. Ockwell then presented a comparison of how other similarly sized jurisdictions address the issue.

New Business

Mr. Greenberg briefed the commissioners on the Northeast Redevelopment Area (NERA), why staff is bringing proposals to the commissioners and the schedule. The NERA is directly in the flight path of the third runway at SeaTac Airport and therefore is heavily impacted by aircraft operations.

The commissioners received handouts including a map of the natural features of the area, a map of property ownership in the area, a map of aviation-caused constraints on the land, and maps of NERA subareas and conceptual land uses. Mr. Greenberg then explained each map thoroughly.

Mr. Greenberg told the commissioners that beginning with their Oct. 13th meeting staff will be bringing proposed Comprehensive Plan policies and new Comprehensive Plan map and proposed Zoning Code provisions and new Zoning Code map before the commission for review. A joint Planning Commission/Hearing Examiner meeting on Oct. 20 will include a hearing on the NERA draft EIS and the proposed Zoning Code and Comprehensive Plan amendments for NERA. The Planning Commission then would make its recommendation to the City Council on either Oct. 27th or Nov. 10th.

The commissioners discussed the possibility of the local car dealerships moving to an "auto mall" arrangement in the NERA, which then opens the question of what to do on First Avenue South when the car dealerships move.

When asked if the Port of Seattle pays property tax on the parcels it owns, Mr. Greenberg stated no, it doesn't, but it would pay a leasehold tax to the City on any parcels it leases.

In response to a question from Commissioner Bennett, Mr. Greenberg said he would try to get at least one auto dealer to attend the Oct. 20th hearing.

Commissioners Fitzgibbon, Pizarro and Bennett will not be attending the Sept. 22nd meeting; the remaining four commissioners must attend to comprise the quorum necessary to conduct the scheduled public hearing on proposed Zoning Code amendments.

Planning Commission Communications

None

Director's Report

Mr. Greenberg announced that there is now a "How Are We Doing?" form available at the front counter and from the building and electrical inspectors and the City is getting great feedback through the use of the form. Commissioner Pizarro said she just had a central air conditioning unit installed and she was very pleased with her experience with the electrical inspector.

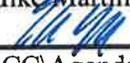
Adjournment

Motion to adjourn was made by Commissioner Schull; meeting adjourned at 8:18 p.m.

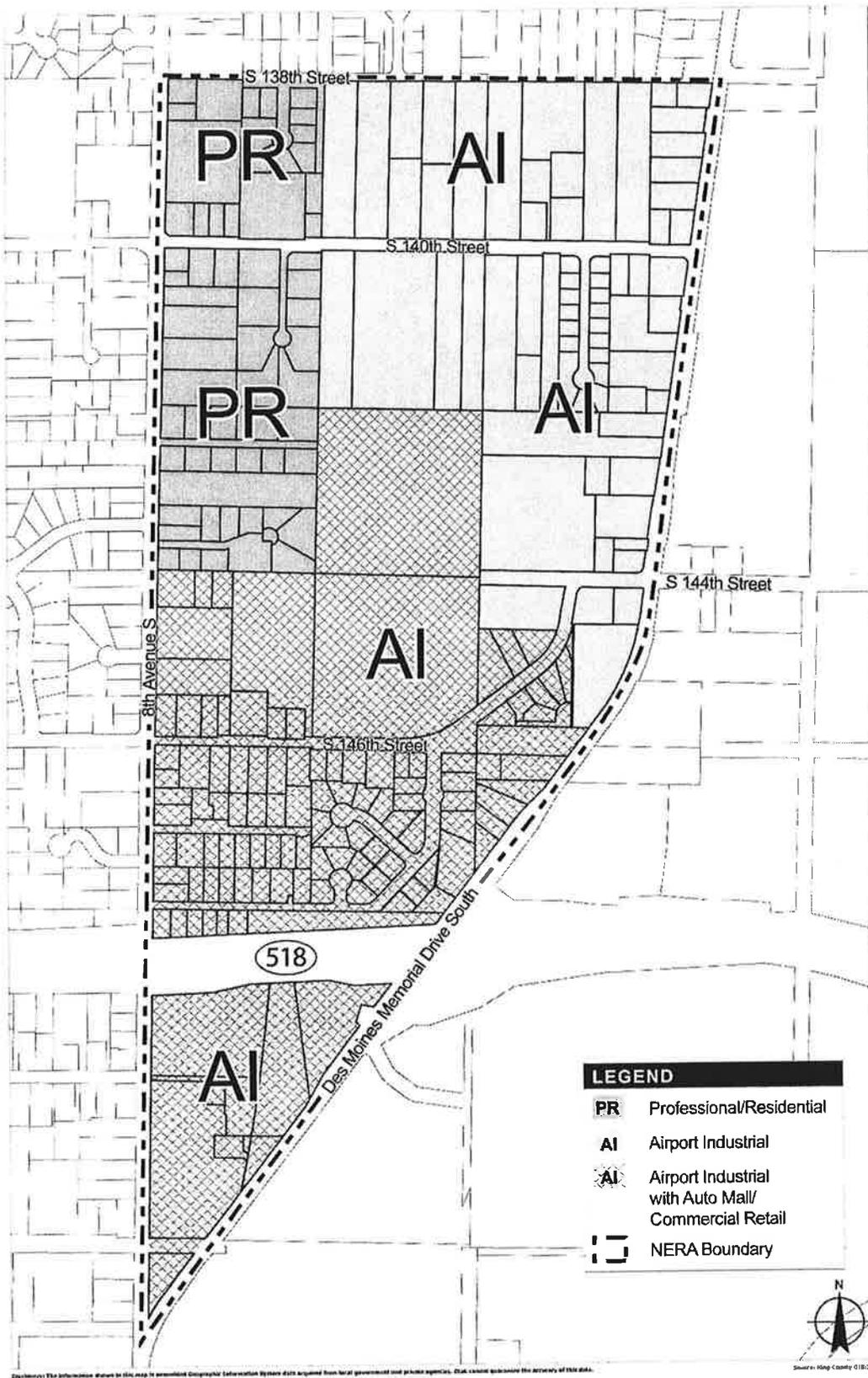
Approved: _____

 Joe Fitzgibbon, chair
 Planning Commission

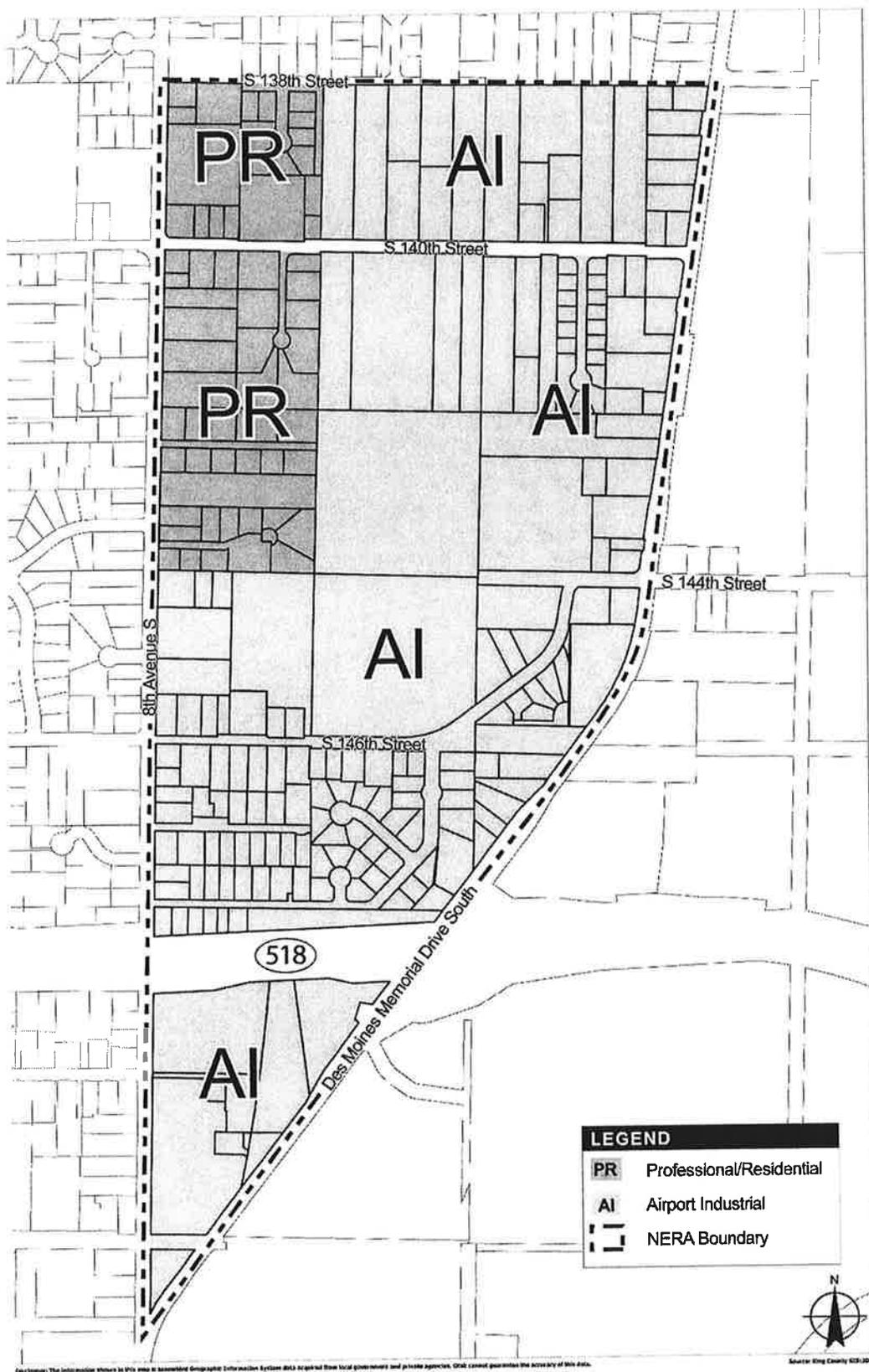
**CITY OF BURIEN
AGENDA BILL**

| | | | |
|---|---|--|-----|
| Agenda Subject: Update on Northeast Redevelopment Area (NERA) Redevelopment Strategy and Implementation Plan | | Meeting Date: October 5, 2009 | 107 |
| Department: Community Development | Attachments: <u>1-Alternative 1 (Auto Mall/Flex-Tech/Professional-Residential)</u> <u>2-Alternative 2 (Flex-Tech/Professional-Residential)</u> <u>3-Proposed Schedule</u> | Fund Source: N/A Activity Cost: N/A Amount Budgeted: N/A Unencumbered Budget Authority: N/A | |
| Contact: Scott Greenberg, Community Development Director | | | |
| Telephone: (206) 248-5519 | | | |
| Adopted Initiative: <input type="checkbox"/> Yes <input type="checkbox"/> No | Initiative Description: NE Redevelopment Area | | |
| <p>PURPOSE/REQUIRED ACTION: The purpose of this item is for staff to provide City Council and the community with an update on the Northeast Redevelopment Area (NERA) Redevelopment Strategy and Implementation Plan.</p> <p>BACKGROUND (Include prior Council action & discussion):</p> <p>The City has been working with the Port of Seattle on a Redevelopment Strategy and Implementation Plan for our NE Redevelopment Area since mid-2008. Since then, we have produced a detailed critical areas study, market analyses, land use options and preliminary strategy and implementation plans. This week we begin a new and final phase with the issuance of a Draft Supplemental Environmental Impact Statement analyzing the impacts of proposed Comprehensive Plan and zoning amendments to implement portions of the strategy and implementation plan.</p> <p>At your October 5th meeting, staff will present the two ‘action’ alternatives (Attachments 1 and 2). The schedule for completing this work by the end of 2009 is attached (Attachment 3). Council is scheduled to review the Planning Commission’s recommendations beginning on Nov. 23, with decision on the Comprehensive Plan and zoning amendments scheduled for Dec. 14.</p> <p>OPTIONS (Including fiscal impacts): N/A</p> | | | |
| Administrative Recommendation: Receive staff presentation | | | |
| Committee Recommendation: N/A | | | |
| Advisory Board Recommendation: N/A | | | |
| Suggested Motion: N/A | | | |
| Submitted by: Scott Greenberg Administration  | | Mike Martin City Manager  | |
| Today's Date: September 29, 2009 | | File Code: R:\CC\Agenda Bill 2009\100509cd-1 NERA Update.docx | |

Comprehensive Plan and Zoning Designations – Alternative 1



Comprehensive Plan and Zoning Designations – Alternative 2



Disclaimer: The information shown in this map is assembled Geographic Information System (GIS) digital data from local government and private agencies. GIS cannot guarantee the accuracy of GIS data.

Source: King County GIS 2005

NERA SCHEDULE--FALL 2009

UPDATED: 9/29/09

| DATE | DESCRIPTION | NOTES |
|---------|--|--|
| Oct. 6 | Issue Draft SEIS | Beginning of 30-day comment period. |
| Oct. 13 | Planning Commission Meeting | Introduction of proposed NERA Comp Plan and zoning code/map amendments |
| Oct. 20 | Hearing Examiner/Special Planning Commission Meeting | Joint hearing on Draft SEIS and Comp Plan/Zoning amendments |
| Oct. 27 | Planning Commission Meeting | Discussion and possible recommendation on proposed NERA Comp Plan and zoning code/map amendments |
| Nov. 6 | End of Draft SEIS 30-day public comment period | |
| Nov. 9 | City Council Meeting (possible) | Review and discussion of proposed NERA Comp Plan and zoning code/map amendments |
| Nov. 10 | Planning Commission Meeting | Recommendation to City Council on proposed NERA Comp Plan and zoning code/map amendments (if needed) |
| Nov. 23 | City Council Meeting | Review and discussion of proposed NERA Comp Plan and zoning code/map amendments |
| Dec. 3 | Final SEIS issuance date | 7-day waiting period after this date before Council can adopt amendments |
| Dec. 7 | City Council Meeting | Review and discussion of proposed NERA Comp Plan and zoning code/map amendments (if needed) |
| Dec. 14 | City Council Meeting | Adoption of proposed NERA Comp Plan and zoning code/map amendments |
| Future | Planned action ordinance, other NERA implementation | |

