



## CITY COUNCIL SPECIAL MEETING MINUTES

July 19, 2010

**SPECIAL MEETING, Miller Creek Conference Room, 3<sup>rd</sup> Floor**  
**For the purpose of holding an Executive Session to discuss litigation**

6:00 p.m.

**SPECIAL MEETING, Council Chambers**

6:15 p.m.

**REGULAR MEETING**

7:00 p.m.

&

**TRANSPORTATION BENEFIT DISTRICT BOARD MEETING**

7:30 p.m.

**(or as soon thereafter as the Council meeting adjourns)**

400 SW 152<sup>nd</sup> Street  
Burien, Washington 98166

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

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

### **SPECIAL MEETING**

Mayor 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 litigation.

Present: Mayor Joan McGilton, Deputy Mayor Rose Clark, Councilmembers Brian Bennett, Jack Block, Jr., Kathy Keene, Lucy Krakowiak and Gordon Shaw.

Administrative staff present: Mike Martin, City Manager; Craig Knutson, City Attorney.

No action was taken.

### **ADJOURNMENT TO COUNCIL SPECIAL MEETING**

The Special Meeting to hold an Executive Session was adjourned at 6:10 p.m.

### **CALL TO ORDER**

Mayor McGilton called the Special Meeting of the Burien City Council to order at 6:15 p.m.

### **PLEDGE OF ALLEGIANCE**

Mayor McGilton led the Pledge of Allegiance.

### **ROLL CALL**

Present: Mayor Joan McGilton, Deputy Mayor Rose Clark, Councilmembers Brian Bennett, Kathy Keene, and Lucy Krakowiak. Councilmembers Jack Block, Jr. and Gordon Shaw arrived at 6:18 p.m.

Administrative staff present: Mike Martin, City Manager; Craig Knutson, City Attorney; Richard Loman, Economic Development Manager; Gary Coleman, Acting Finance Director; Scott Greenberg, Community Development Director; David Johanson, Senior Planner; Chip Davis, Planner; Steve Roemer, Parks Development and Operations Manager; Debbie Zemke, Recreation Supervisor; Larry Blanchard, Public Works Director; Ramesh Davad, Project Manager; and Monica Lusk, City Clerk.

## **AGENDA CONFIRMATION**

### **Direction/Action**

**Motion** was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, to affirm the July 19, 2010, Agenda. **Motion** passed 6-1. Opposed, Councilmember Krakowiak.

## **PUBLIC COMMENT**

Terri Anderson, Mayor, City of SeaTac

SeaTac Mayor Anderson presented a framed photograph to the City of a girl playing in the stream at Seahurst Park that she obtained from the City of SeaTac's annual photo exhibit.

Ed Dacy, 20116 SW 146<sup>th</sup> Street, Burien

Mr. Dacy provided suggestions to the Shoreline Master Program requirements for setbacks and buffers.

Andy Ryan, 16525 Maplewild Avenue SW, Burien

Mr. Ryan requested a response from staff to his email listed under Correspondence for the Record related to Shoreline Master Program Update Chapter 20.30.095, Residential Development.

John Upthegrove, 1808 SW 156<sup>th</sup> Street, Burien

Mr. Upthegrove spoke against public access to Lake Burien.

Chuck Johnson, 3725 SW 171<sup>st</sup> Street, Burien

Mr. Johnson stated he would have no objection to public access at Three Tree Point if there was police presence.

Michael Noakes, 16409 Maplewild Avenue SW, Burien

Mr. Noakes, Burien Marine Homeowners Association President, provided copies of a completed inventory of the City's shoreline.

Don Warren, 15702 13<sup>th</sup> Avenue SW, Burien

Mr. Warren stated the Council has not addressed the issues raised by the Lake Burien Shore Club and spoke against public access to Lake Burien.

Kathi Skarbo, 1621 SW 152<sup>nd</sup> Street, Burien

Ms. Skarbo spoke against public access to Lake Burien.

Sean Whitmer, 3328 SW 172<sup>nd</sup> Street, Burien

Mr. Whitmer commended the Police Department, which found his stolen vehicle with the help of the Canine Unit. If the Canine Unit's are certified to track somebody from a crime scene, it should be enough probable cause for the officers to make an arrest.

Clark Mounsey, 3721 SW 171<sup>st</sup> Street, Burien

Mr. Mounsey stated that consideration should also be given to how the homeowners are affected during the review of the Shoreline Master Program draft.

George Vermef, 2745 SW 156<sup>th</sup> Street, Burien

Regarding the Shoreline Master Program update and loss of property, Mr. Vermef asked the Council to consider using appraisals rather than assessments to determine structure values.

Greg Anderson, 15451 11<sup>th</sup> Avenue SW, Burien

Mr. Anderson asked the Council to consider the consequences of the regulation for rebuilding an existing family home: it is allowed if it is in the same footprint but it is a problem if you build further away from the water; and, undeveloped property owners are not exempt.

Sam Pace, 29839 154<sup>th</sup> Avenue SE, Kent

Mr. Pace, Association of Realtors, stated that the Association will submit comments this week on the draft Shoreline Master Program update.

Tim Fahey, 1020 South Thistle Street, Seattle

Mr. Fahey, an avid scuba diver, encouraged the Council to make the least restrictive regulations possible to the draft Shoreline Master Program update because the residents of Three Tree Point are better stewards of the underwater environment than the government.

John Hickman, 13671 18<sup>th</sup> Avenue SW, Burien

Mr. Hickman asked how it is fair and equitable for him to pay higher fees for the undergrounding on 1<sup>st</sup> Avenue South because he uses electric heat.

Dave McFarlane, 4125 SW 106<sup>th</sup> Street, Seattle

Mr. McFarlane, on behalf of the Burien Bearcat and Cheer Organization, spoke to the lack of fields available for practices and games, and noted that a multi-sport complex is needed.

Franchesca Naimi, 11825 25<sup>th</sup> Avenue NE, Seattle

Ms. Naimi, representing the LaRouche Political Action Committee, asked the Council to sign a resolution demanding that the Federal Government go with the Franklin Roosevelt's Glass-Steagall legislation to protect the people and banks.

Tamar Rosbrook aka Tammy Michaels, 2805 SW 171<sup>st</sup> Street, Burien

Ms. Rosbrook voiced her concern that the draft Shoreline Master Program update takes away property rights.

Hadiye Rafi, LaRouche Representative

Ms. Rafi, LaRouche Political Action Committee, spoke to the Glass-Steagall legislation.

#### **CORRESPONDENCE FOR THE RECORD**

- a. Response from Larry Blanchard, Public Works Director, to Email Dated June 6, 2010, from Annette Blayney Regarding 1<sup>st</sup> Avenue South Phase 2 Improvement Projects.
- b. Email Dated June 17, 2010, from Andy Ryan Regarding Burien SMP Conversation.

- c. Email Dated June 21, 2010, from Garrett Huffman, South King & Seattle Manager, Master Builders Association of King and Snohomish Counties, Regarding Burien Fire Sprinklers.
- d. Email Dated June 22, 2010, from Katie Knight, Washington Department of Fish and Wildlife, Regarding Lake Burien Wildlife.
- e. Email Dated June 22, 2010, from Andy Ryan Transmitting Comments Regarding June 21 Council SMP Meeting.
- f. Email Dated June 23, 2010, from Peter Eglick, Eglick Kiker Whited, Transmitting Lake Burien Shore Club Recommended Changes to Planning Commission SMP Draft.
- g. Letter Received June 25, 2010, from Lee Moyer, SMP Advisory Committee Member, Regarding Lake Burien Public Access.
- h. Letter Dated June 28, 2010, from Chestine Edgar Regarding Suggested Revisions to the March 2010 Shoreline Master Plan (SMP) Draft - Citizen Comments.
- i. Response from Monica Lusk, Special Event Liaison, to Email Dated July 4, 2010, from Sherilyn Jordan Regarding Noise Complaint.
- j. Letter Dated July 8, 2010, from Larry Moormeier, Standing Lane Homeowners Association, Regarding Proposed Shoreline Master Program (SMP).
- k. Written Public Comments for City Council Meeting of July 19, 2010, from Linda Plein Regarding EIS Update and Public Access to Lake Burien or Three Tree Point.

#### **CONSENT AGENDA**

- a. Approval of Vouchers: Numbers 25364 - 2561 in the Amounts of \$1,411,680.31 with Voided Check No. 25473.
- b. Approval of Minutes: Council Special & Regular Meeting, June 21, 2010; Special Meeting, June 28, 2010.

#### **Direction/Action**

**Motion** was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to approve the July 19, 2010, Consent Agenda.

#### **BUSINESS AGENDA**

##### **City Business**

#### **Direction/Action**

There being no questions or comments related to the item, Councilmembers moved to the next item on the agenda.

#### **Motion to Approve an Agreement with the Washington Cities Insurance Authority Regarding Insurance Coverage for the Westmark v. Burien Litigation**

#### **Direction/Action**

**Motion** was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to approve the agreement with the Washington Cities Insurance Authority regarding insurance coverage for the Westmark v. Burien litigation and authorize the City Manager to sign the agreement.

Councilmember Block left the dais at 7:16 p.m. and returned at 7:18 p.m.

**Presentations of Annual Reports from the Arts Commission and Parks, Recreation & Cultural Services Advisory Board**

Donna DiFiore, Arts Commission Vice-Chair, noted the 2009 accomplishments that included the visual and performing arts, and special projects. The 2010 Work Plan was reviewed.

**Follow-up**

Staff will report on guest artists displaying their work in the lobby at City Hall.

Ted Fosberg, Parks Board Chair, noted the 2009 accomplishments that included planning and activities, improvements and construction, volunteer activities, naming and dedications, and grant funding. The 2010 Work Plan was reviewed.

**Presentation and Motion to Adopt Ordinance No. 544, Providing for the Issuance of Bonds to Finance a Portion of the Costs of Street Overlay Improvements**

**Direction/Action**

**Motion** was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, to Adopt Ordinance No. 544, providing for the issuance of bonds to finance a portion of the costs of street overlay improvements. **Motion** passed 5-2. Opposed Councilmembers Bennett and Krakowiak.

**Presentation and Motion to Approve Post Issuance Compliance Policy for Securities.**

**Direction/Action**

**Motion** was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to approve the Post Issuance Compliance Policy for Securities.

**Discussion on 2011 – 2016 Financial Forecast and Policies**

**Direction/Action**

Councilmembers rescheduled the discussion to August 2, 2010, due to the full agenda.

**Discussion on and Motion to Adopt Resolution No. 314, Establishing a Date and Time for a Public Hearing to Receive Comments on the 2011-2017 Transportation Improvement Program**

**Direction/Action**

**Motion** was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to approve Resolution No. 314, establishing a date and time for a public hearing to receive comments on the 2011-2016 Six-Year Transportation Improvement Program.

**Motion to Approve an Interlocal Agreement Between the City of Burien and TBD No. 1**

**Direction/Action**

**Motion** was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, to approve the Interlocal Agreement between the City of Burien and TBD No. 1. **Motion** passed 6-1. Opposed, Councilmember Krakowiak.

**Motion to Adopt Resolution No. 315, Establishing the 2010 Comprehensive Plan Amendment Docket**

**Direction/Action**

**Motion** was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak, and passed unanimously to approve Resolution No. 315, establishing the 2010 Comprehensive Plan Docket.

**Discussion of Draft Ordinance 545, Relating to Merging Burien Zoning Codes (Municipal Code Titles 18 and 19)**

**Direction/Action**

Councilmembers requested placing Ordinance No. 545 on the August 2, 2010, Consent Agenda for approval.

**Review of Council Proposed Agenda Schedule**

**Follow-up**

Staff will add the August 2, 2010, public hearing on the Transportation Improvement Program.

**DISCUSSION**

**Discussion of Draft Shoreline Master Program**

**Follow-up**

Staff will provide a matrix summarizing the Council's comments and questions beginning with the July 19, 2010, meeting and include staff recommendations.

Councilmember Bennett left the dais at 7:44 p.m. and returned at 7:46 p.m.

Councilmember Block left the dais at 8:53 p.m. and returned at 8:55 p.m.

**COUNCIL REPORTS**

No reports were given.

**ADJOURNMENT**

**Direction/Action**

**MOTION** was made by Deputy Mayor Clark, seconded by Councilmember Krakowiak and passed unanimously to adjourn the meeting at 9:13 p.m.

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Joan McGilton, Mayor

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Monica Lusk, City Clerk

