



AGENDA

City Council Regular Meeting

Monday, January 30, 2023 - 7:00 p.m.

Join virtually via Zoom: <https://bit.ly/2LAgoW0>

Join at Burien City Hall: 400 SW 152nd St (1st Floor), Burien, WA

View-only options: Channel 21 or Livestream at <https://bit.ly/3LD9yxa>

HYBRID COUNCIL MEETING ACCESS

Community members may join City Council Meetings virtually via Zoom or in-person at City Hall. Additionally, community members may participate remotely by viewing live City Council Meeting proceedings on Channel 21 or by streaming online. The virtual meeting access link, physical meeting location address, and view-only options are provided in the header of this Agenda.

LANGUAGE ACCESS

The City of Burien offers Spanish interpretation at City Council meetings, which is accessible via Zoom. Upon joining the Webinar, click on the "Interpretation" button at the bottom of your Zoom window screen or mobile app. For interpretation in another language, please contact the City Clerk at CityClerk@burienwa.gov at least two business days prior to the meeting date.



La Ciudad de Burien ofrece interpretación en español durante cada reunión virtual del Ayuntamiento. Cualquier asistente puede acceder a este servicio. Cuando haya iniciado sesión en la reunión, haga clic en el enlace "Interpretación" en la parte inferior de la pantalla. Si necesita un intérprete para otro idioma, comuníquese con el Secretario de la Ciudad en CityClerk@burienwa.gov al menos dos días hábiles antes de la fecha de la reunión.

PUBLIC COMMENT GUIDELINES

To facilitate an efficient public comment period, community members shall sign-up to speak.

- **Sign up to speak:** community members, who would like to provide public comment, shall sign-up to indicate their name and method of attendance (i.e., Zoom or in-person).
- **Deadline:** community members who would like to sign-up to comment, or submit a written comment, shall do so by 6:45 p.m. on the date of the meeting.
- **Public Comment form:** <https://citydocs.burienwa.gov/Forms/PublicComments>.

Community members shall abide by public comment rules:

- Limit remarks to two minutes or less.
- The time allotted for the comment period is 30 minutes (at maximum).

MEETING AGENDA

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **NATIVE LAND AND PEOPLES ACKNOWLEDGEMENT**
4. **ROLL CALL**
5. **AGENDA CONFIRMATION**
6. **PRESENTATIONS AND PROCLAMATIONS**
 - a) **Lunar New Year Proclamation** 5
Councilmember Jimmy Matta
[Proclamation](#)
 - b) **Public Health Presentation related to Airport/Aircraft Exposure**
Dr. Kris Johnson, PhD, Public Health - Seattle and King County
7. **COUNCIL REPORTS**
8. **CITY MANAGER'S REPORT**
9. **PUBLIC COMMENT**
10. **CONSENT AGENDA**
 - a) **Voucher Report** 7 - 34
 - **Check Register Approval** for payment on January 30, 2023: Check Nos. 61864-62039 in the amount of \$938,978.96
 - **Payroll Salaries and Benefits Approval** for January 1-15, 2023 paid on January 25, 2023: Check Nos. 8226-8229 for direct deposits and wire transfer in the amount of \$487,460.97

Approve Voucher Report
[Voucher Report 01.30.23](#)
 - b) **Approval of Minutes** of the January 23, 2023 City Council Regular Meeting 35 - 40

Approve Minutes
[RM Draft Minutes 01.23.23](#)

- c) **Adoption of Ordinance No. 768, Amending BMC Chapter 2.35** 41 - 44
Garmon Newsom II, City Attorney

Adopt

[Agenda Bill - Pdf](#)

- d) **Adoption of Ordinance No. 762, Amending BMC 1.15.120(5) – Transfer of Ownership** 45 - 48
Garmon Newsom II, City Attorney

Adopt

[Agenda Bill - Pdf](#)

11. BUSINESS AGENDA

- a) **Ambaum Boulevard Park Draft Plan Update** 49
Alex Hunt, Planner
Susan McLain, Community Development Director

Update

[Agenda Bill - Pdf](#)

- b) **Advisory Body Applicant Update** 51 - 55
Heather Dumlao, City Clerk
Jen Ivins, Deputy City Clerk

Update and Discussion

[Agenda Bill - Pdf](#)

- c) **Adoption of Ordinance No. 811 - Amending BMC 5.63.070(1) to Remove an Unconstitutional Provision** 57 - 71
Garmon Newsom II, City Attorney

Discussion and Potential Action

[Agenda Bill - Pdf](#)

- d) **City Council Planning Calendar** 73 - 76
Adolfo Bailon, City Manager

Review

[Planning Calendar as of 01.24.23](#)

12. ADJOURNMENT



Proclamation

WHEREAS, the Lunar New Year is celebrated each year on the second new moon after winter solstice on the lunisolar calendar in many parts of Asia and in Asian communities around the world; and

WHEREAS, the Lunar New Year is observed on January 22, 2023, ushering in the Year of the Rabbit, and in Vietnam, the Year of the Cat; and

WHEREAS, Burien is home to more than 5,000 residents of Asian descent; and

WHEREAS, Burien Community Connector Elly Trinh installed a commemorative Lunar New Year display at the Burien Community Center in January 2023, making it the first Lunar New Year display ever installed in a City of Burien-owned facility; and

WHEREAS, while different cultures may have their own unique celebrations, the Lunar New Year is widely observed as a time for family, traditions, reflection, and hope for the future.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON DOES HEREBY ASK ALL BURIEN COMMUNITY MEMBERS TO JOIN TOGETHER TO PROCLAIM JANUARY 22, 2023 AS

LUNAR NEW YEAR

IN THE CITY OF BURIEN AND URGES ALL COMMUNITY MEMBERS TO CELEBRATE THE MANY CONTRIBUTIONS OF ASIAN AMERICANS TO THE BURIEN COMMUNITY.

Dated this 30th day of January 2023.

Deputy Mayor Kevin Schilling
Councilmember Jimmy Matta

Councilmember Hugo Garcia
Councilmember Sarah Moore

Councilmember Cydney Moore
Councilmember Stephanie Mora


Mayor Sofia Aragón



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 January 30, 2023, THE FOLLOWING:

CHECK NOS. 61864- 62039

IN THE AMOUNT OF \$938,978.96

PAYROLL SALARIES AND BENEFITS APPROVAL

FOR January 1 – 15 PAID ON January 25, 2023

CHECK NOS. 8226-8229

DIRECT DEPOSITS AND WIRE TRANSFER IN THE AMOUNT OF \$487,460.97



A/P CASH DISBURSEMENTS JOURNAL

CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	INVTY	INVTY	INVTY	INV DATE	PO	CHECK RUN	NET
61864	01/25/2023	PRTD	12 ACE HARDWARE	235.53	01857550	310000		01/03/2023		012523	235.53
								Office and Operating Supplies			
			ACE HARDWARE	20.34	01857550	310000		01/04/2023		012523	20.34
								Office and Operating Supplies			
			ACE HARDWARE	47.83	01954230	310000		01/04/2023		012523	47.83
								Office and Operating Supplies			
			ACE HARDWARE	97.78	01857550	310000		01/04/2023		012523	97.78
								Office and Operating Supplies			
			ACE HARDWARE	44.83	01954230	310000		01/05/2023		012523	89.68
				44.85	02053100	310000		Office and Operating Supplies			
			ACE HARDWARE	32.95	01857550	310000		01/05/2023		012523	32.95
								Office and Operating Supplies			
			ACE HARDWARE	67.14	01954230	310000		01/09/2023		012523	67.14
								Office and Operating Supplies			
			ACE HARDWARE	4.59	01857550	310000		01/10/2023		012523	4.59
								Office and Operating Supplies			
			ACE HARDWARE	31.02	01954230	310000		01/10/2023		012523	31.02
								Office and Operating Supplies			
			ACE HARDWARE	14.30	01954230	310000		01/10/2023		012523	28.61
				14.31	02053100	310000		Office and Operating Supplies			
			ACE HARDWARE	15.15	01857550	310000		01/11/2023		012523	15.15
								Office and Operating Supplies			
			ACE HARDWARE	54.85	01857550	310000		01/11/2023		012523	54.85
								Office and Operating Supplies			
								CHECK	61864	TOTAL:	725.47
61865	01/25/2023	PRTD	44 ALPINE PRODUCTS INC	289.87	01954230	310000		01/09/2023		012523	289.87
								Office and Operating Supplies			
								CHECK	61865	TOTAL:	289.87
61866	01/25/2023	PRTD	1529 AMAZON CAPITAL SERVICES INC	9.89	00551420	310000		01/08/2023		012523	9.89
								Office and Operating Supplies			
			AMAZON CAPITAL SERVICES INC	70.28	01555860	310000		01/05/2023		012523	70.28
								Office and Operating Supplies			



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CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	INV DATE	PO	CHECK RUN	NET
			AMAZON CAPITAL SERVICES INC 64.90 01757100 310000	01/05/2023		012523 office and Operating Supplies	64.90
			AMAZON CAPITAL SERVICES INC 190.80 01857550 310000	01/02/2023		012523 office and Operating Supplies	190.80
			AMAZON CAPITAL SERVICES INC 31.21 01657100 310000	01/09/2023		012523 office and Operating Supplies	31.21
			AMAZON CAPITAL SERVICES INC 18.97 01657100 310000	01/04/2023		012523 office and Operating Supplies	18.97
			AMAZON CAPITAL SERVICES INC 72.62 01857550 310000	01/16/2023		012523 office and Operating Supplies	72.62
			AMAZON CAPITAL SERVICES INC 23.98 01657100 310000	01/15/2023		012523 office and Operating Supplies	23.98
			AMAZON CAPITAL SERVICES INC 12.02 01857550 310000	01/03/2023		012523 office and Operating Supplies	12.02
			AMAZON CAPITAL SERVICES INC 44.03 01857550 310000	12/23/2022		012523 office and Operating Supplies	44.03
			AMAZON CAPITAL SERVICES INC -41.83 01657100 310000	01/06/2023		012523 office and Operating Supplies	-41.83
			AMAZON CAPITAL SERVICES INC 31.92 00551420 310000	01/04/2023		012523 office and Operating Supplies	31.92
				CHECK		61866 TOTAL:	528.79
61867	01/25/2023	PRTD	65 ARAMARK UNIFORM SERVICES 41.50 01857550 310000	01/05/2023		012523 office and Operating Supplies	41.50
				CHECK		61867 TOTAL:	41.50
61868	01/25/2023	PRTD	91 ASSOCIATION OF WASHINGTON CITIES 1,165.00 00651810 494910	01/01/2023		012523 Memberships and Dues	1,165.00
				CHECK		61868 TOTAL:	1,165.00
61869	01/25/2023	PRTD	153 BRYANT'S TRACTOR & MOWER INC 431.03 01857680 310000	01/09/2023		012523 office and Operating Supplies	431.03
				CHECK		61869 TOTAL:	431.03



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 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	INVOICE NO	INVOICE DATE	PO	CHECK RUN	NET
61870	01/25/2023	PRTD	157 BURIEN BARK LLC	37.43	01857680 310000	01/05/2023		012523	37.43
			BURIEN BARK LLC	62.76	01857680 310000	01/10/2023		012523	62.76
CHECK 61870 TOTAL:									100.19
61871	01/25/2023	PRTD	269 CULLIGAN SEATTLE WA	22.57	01954230 450000	12/31/2022		012523	45.15
				22.58	02053100 450000				
CHECK 61871 TOTAL:									45.15
61872	01/25/2023	PRTD	317 DUNN LUMBER CO.	57.48	01954230 310000	01/05/2023		012523	57.48
CHECK 61872 TOTAL:									57.48
61873	01/25/2023	PRTD	1548 DYNAMIC LANGUAGE CENTER LTD	170.00	00351310 410000	01/12/2023		012523	170.00
			DYNAMIC LANGUAGE CENTER LTD	63.60	00351310 410000	01/13/2023		012523	63.60
			DYNAMIC LANGUAGE CENTER LTD	285.00	00551420 410000	01/13/2023		012523	285.00
			DYNAMIC LANGUAGE CENTER LTD	285.00	00551420 410000	01/13/2023		012523	285.00
CHECK 61873 TOTAL:									803.60
61874	01/25/2023	PRTD	392 GLENDALE HEATING	1,910.11	01857550 320000	01/03/2023		012523	1,910.11
CHECK 61874 TOTAL:									1,910.11
61875	01/25/2023	PRTD	1569 LOL DUDEZ LLC	175.00	00551420 411550	01/13/2023		012523	175.00
CHECK 61875 TOTAL:									175.00



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 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	INV DATE	PO	CHECK RUN	NET
61876	01/25/2023	PRTD	623 MCLENDON HARDWARE	01/06/2023		012523	407.90
			203.95 01954230 310000 203.95 02053100 310000			Office and Operating Supplies Office and Operating Supplies	
				CHECK		61876 TOTAL:	407.90
61877	01/25/2023	PRTD	1579 MGRE 15811 AMBAUM LLC	01/12/2023		012523	778.00
			778.00 01354190 450000			Operating Rentals and Leases	
				CHECK		61877 TOTAL:	778.00
61878	01/25/2023	PRTD	1561 HONEY BUCKET	12/30/2022		012523	159.95
			69.97 01954230 450000 69.98 02053100 450000 10.00 02053100 310000 10.00 01954230 310000			Operating Rentals and Leases Operating Rentals and Leases Office and Operating Supplies Office and Operating Supplies	
				CHECK		61878 TOTAL:	159.95
61879	01/25/2023	PRTD	999001 ROSA NICOLAS	01/17/2023		012523	100.00
			100.00 00100000 245900			Refund Clearing Acct - Parks	
				CHECK		61879 TOTAL:	100.00
61880	01/25/2023	PRTD	774 PORT OF SEATTLE	01/12/2023		012523	8,537.70
			4,268.85 01954230 450000 4,268.85 02053100 450000			Operating Rentals and Leases Operating Rentals and Leases	
				CHECK		61880 TOTAL:	8,537.70
61881	01/25/2023	PRTD	2237 PRO-VAC	01/04/2023		012523	3,838.35
			3,838.35 02053100 410000			Professional Services	
				CHECK		61881 TOTAL:	3,838.35
61882	01/25/2023	PRTD	2393 PUGET SOUND PLANTS, INC	01/05/2023		012523	87.53
			87.53 01954230 310000			Office and Operating Supplies	
				CHECK		61882 TOTAL:	87.53
61883	01/25/2023	PRTD	325 PURCOR PEST SOLUTIONS OF WASHINGTON	01/10/2023		012523	202.14
			101.07 01857680 410000 101.07 01857550 410000			Professional Services Professional Services	



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CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	TRAILER	TRAILER	INV DATE	PO	CHECK RUN	NET
									CHECK 61883 TOTAL:	202.14
61884	01/25/2023	PRTD	2109 SBI BURIEN LLC	1,250.00	01354190	450000	01/12/2023		012523	1,250.00
							Operating Rentals and Leases			
									CHECK 61884 TOTAL:	1,250.00
61885	01/25/2023	PRTD	1236 SCORE	79,062.00	00952360	415000	01/09/2023		012523	79,062.00
							Jail Contracts			
									CHECK 61885 TOTAL:	79,062.00
61886	01/25/2023	PRTD	1264 SHERWIN-WILLIAMS CO.	57.10	01051530	414200	01/06/2023		012523	57.10
							Nuisance and Abatement Costs			
			SHERWIN-WILLIAMS CO.	22.82	01051530	414200	01/12/2023		012523	22.82
							Nuisance and Abatement Costs			
			SHERWIN-WILLIAMS CO.	97.55	01051530	414200	01/10/2023		012523	97.55
							Nuisance and Abatement Costs			
									CHECK 61886 TOTAL:	177.47
61887	01/25/2023	PRTD	2041 SUMNER LAWN 'N SAW	73.68	01954230	310000	01/12/2023		012523	147.35
				73.67	02053100	310000	Office and Operating Supplies			
							Office and Operating Supplies			
									CHECK 61887 TOTAL:	147.35
61888	01/25/2023	PRTD	1416 WASHINGTON WORKWEAR STORES, INC.	107.60	01954230	310000	01/03/2023		012523	107.60
							Office and Operating Supplies			
									CHECK 61888 TOTAL:	107.60
61889	01/25/2023	PRTD	2545 WASHINGTON CITY/COUNTY MANAGEMENT A	315.00	00251310	494910	01/05/2023		012523	315.00
							Memberships and Dues			
									CHECK 61889 TOTAL:	315.00
61890	01/25/2023	PRTD	2354 WELCOMING AMERICA	500.00	00251310	494910	01/10/2023		012523	500.00
							Memberships and Dues			
									CHECK 61890 TOTAL:	500.00



A/P CASH DISBURSEMENTS JOURNAL

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 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	INV DATE	PO	CHECK RUN	NET
61891	01/25/2023	PRTD	1513 WSU CONFERENCE MANAGEMENT	01/04/2023		012523	3,225.00
			3,225.00 00551420 494930	Registration-Training/Workshop			
				CHECK	61891	TOTAL:	3,225.00
NUMBER OF CHECKS				28	*** CASH ACCOUNT TOTAL ***		105,169.18
TOTAL PRINTED CHECKS				COUNT	AMOUNT		
				28	105,169.18		
						*** GRAND TOTAL ***	105,169.18



A/P CASH DISBURSEMENTS JOURNAL

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 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	INV DATE	PO	CHECK RUN	NET
61892	01/25/2023	PRTD	1910 2 WATCH MONITORING INC 1,116.00 00952360 415000	11/01/2022		123122B	1,116.00
			Jail Contracts				
			2 WATCH MONITORING INC 1,408.25 00952360 415000	11/01/2022		123122B	1,408.25
			Jail Contracts				
			2 WATCH MONITORING INC 1,645.00 00952360 415000	12/01/2022		123122B	1,645.00
			Jail Contracts				
			2 WATCH MONITORING INC 1,158.25 00952360 415000	01/01/2023		123122B	1,158.25
			Jail Contracts				
				CHECK		61892 TOTAL:	5,327.50
61893	01/25/2023	PRTD	12 ACE HARDWARE 28.60 01857550 310000	12/28/2022		123122B	28.60
			Office and Operating Supplies				
			ACE HARDWARE 71.08 01857680 310000	12/29/2022		123122B	71.08
			Office and Operating Supplies				
			ACE HARDWARE 49.59 01857550 310000	12/29/2022		123122B	49.59
			Office and Operating Supplies				
				CHECK		61893 TOTAL:	149.27
61894	01/25/2023	PRTD	2501 ADELINA MARTICIO 90.00 00100000 316401	01/10/2023		123122B	90.00
			Utility Tax Low Income Refund				
				CHECK		61894 TOTAL:	90.00
61895	01/25/2023	PRTD	2502 ANDREW T WAHTO 80.00 00100000 316401	01/10/2023		123122B	80.00
			Utility Tax Low Income Refund				
				CHECK		61895 TOTAL:	80.00
61896	01/25/2023	PRTD	891 RITA ASKAY 37.50 00100000 316401	01/10/2023		123122B	37.50
			Utility Tax Low Income Refund				
				CHECK		61896 TOTAL:	37.50
61897	01/25/2023	PRTD	892 EDUARD BABAYAN 55.00 00100000 316401	01/10/2023		123122B	55.00
			Utility Tax Low Income Refund				
				CHECK		61897 TOTAL:	55.00



A/P CASH DISBURSEMENTS JOURNAL

CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	ACCOUNT	INV DATE	PO	CHECK RUN	NET
61898	01/25/2023	PRTD	1941 SCOTT BARTZ	55.00	00100000 316401	01/10/2023		123122B	55.00
						Utility Tax Low Income Refund			
						CHECK		61898 TOTAL:	55.00
61899	01/25/2023	PRTD	2404 BDS PLANNING & URBAN DESIGN, INC.	6,597.50	00151160 410000	01/04/2023		123122B	6,597.50
						Professional Services			
						CHECK		61899 TOTAL:	6,597.50
61900	01/25/2023	PRTD	1738 DOUGLAS BINGHAM	17.50	00100000 316401	01/10/2023		123122B	17.50
						Utility Tax Low Income Refund			
						CHECK		61900 TOTAL:	17.50
61901	01/25/2023	PRTD	145 NORMAN BRAXTON	55.00	00100000 316401	01/10/2023		123122B	55.00
						Utility Tax Low Income Refund			
						CHECK		61901 TOTAL:	55.00
61902	01/25/2023	PRTD	2512 JEFFREY C BROWN	60.00	00100000 316401	01/10/2023		123122B	60.00
						Utility Tax Low Income Refund			
						CHECK		61902 TOTAL:	60.00
61903	01/25/2023	PRTD	2224 BRUCE ANDERSON	55.00	00100000 316401	01/10/2023		123122B	55.00
						Utility Tax Low Income Refund			
						CHECK		61903 TOTAL:	55.00
61904	01/25/2023	PRTD	153 BRYANT'S TRACTOR & MOWER INC	363.92	01857680 350000	12/30/2022		123122B	1,169.79
				805.87	01857680 310000	Small Tools & Minor Equipment			
						Office and Operating Supplies			
						CHECK		61904 TOTAL:	1,169.79
61905	01/25/2023	PRTD	262 CITY OF RENTON	2,380.00	00952360 415000	11/04/2022		123122B	2,380.00
						Jail Contracts			
			CITY OF RENTON	2,914.00	00952360 415000	12/08/2022		123122B	2,914.00
						Jail Contracts			
			CITY OF RENTON	2,702.00	00952360 415000	12/31/2022		123122B	2,702.00
						Jail Contracts			



A/P CASH DISBURSEMENTS JOURNAL

CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	INV DATE	PO	CHECK RUN	NET
							CHECK 61905 TOTAL:	7,996.00
61906	01/25/2023	PRTD	2205 WASHINGTON MBDA BUSINESS CENTER 1,875.00 00455870 410000		12/20/2022		123122B Professional Services	1,875.00
							CHECK 61906 TOTAL:	1,875.00
61907	01/25/2023	PRTD	226 COMPLETE OFFICE LLC 189.22 01657100 310000		01/02/2023		123122B Office and Operating Supplies	189.22
			COMPLETE OFFICE LLC		01/02/2023		123122B	783.03
			11.03 00251310 310000				Office and Operating Supplies	
			16.55 00351310 310000				Office and Operating Supplies	
			22.06 00455870 310000				Office and Operating Supplies	
			55.16 00551420 310000				Office and Operating Supplies	
			22.06 00651810 310000				Office and Operating Supplies	
			66.19 00751420 310000				Office and Operating Supplies	
			44.13 00851880 310000				Office and Operating Supplies	
			44.13 01051530 310000				Office and Operating Supplies	
			75.01 01354190 310000				Office and Operating Supplies	
			228.15 01455850 310000				Office and Operating Supplies	
			66.19 01555860 310000				Office and Operating Supplies	
			11.03 02955720 310000				Office and Operating Supplies	
			38.61 01954230 310000				Office and Operating Supplies	
			82.73 02053100 310000				Office and Operating Supplies	
							CHECK 61907 TOTAL:	972.25
61908	01/25/2023	PRTD	893 ALICE CRAWFORD 90.00 00100000 316401		01/10/2023		123122B Utility Tax Low Income Refund	90.00
							CHECK 61908 TOTAL:	90.00
61909	01/25/2023	PRTD	1100 KIRK CULVER 55.00 00100000 316401		01/10/2023		123122B Utility Tax Low Income Refund	55.00
							CHECK 61909 TOTAL:	55.00
61910	01/25/2023	PRTD	2226 CYNTHIA MILLS 55.00 00100000 316401		01/10/2023		123122B Utility Tax Low Income Refund	55.00
							CHECK 61910 TOTAL:	55.00



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CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	INVT	PO	CHECK RUN	NET
61911	01/25/2023	PRTD	1711 DUSTIN DACUAN	1,487.02	01757100	410850	01/05/2023 Instructors Prof Svcs	123122B 1,487.02
							CHECK 61911 TOTAL:	1,487.02
61912	01/25/2023	PRTD	2122 DANIEL CASSIN	70.00	00100000	316401	01/10/2023 Utility Tax Low Income Refund	123122B 70.00
							CHECK 61912 TOTAL:	70.00
61913	01/25/2023	PRTD	2363 DANIEL ROBBEN	52.53	01657100	434330	01/04/2023 Mileage	123122B 52.53
							CHECK 61913 TOTAL:	52.53
61914	01/25/2023	PRTD	1943 CARLENE DAY	90.00	00100000	316401	01/10/2023 Utility Tax Low Income Refund	123122B 90.00
							CHECK 61914 TOTAL:	90.00
61915	01/25/2023	PRTD	297 DISCOVER BURIEN ASSOCIATION	8,850.00	00455870	410450	12/01/2022 Discover Burien	123122B 8,850.00
							CHECK 61915 TOTAL:	8,850.00
61916	01/25/2023	PRTD	2346 THUYEN N. DO	35.00	00100000	316401	01/10/2023 Utility Tax Low Income Refund	123122B 35.00
							CHECK 61916 TOTAL:	35.00
61917	01/25/2023	PRTD	2121 DORENE CARREL	55.00	00100000	316401	01/10/2023 Utility Tax Low Income Refund	123122B 55.00
							CHECK 61917 TOTAL:	55.00
61918	01/25/2023	PRTD	1741 SHELBY DUNCAN	55.00	00100000	316401	01/10/2023 Utility Tax Low Income Refund	123122B 55.00
							CHECK 61918 TOTAL:	55.00
61919	01/25/2023	PRTD	2128 EILENE STAIGER	90.00	00100000	316401	01/10/2023 Utility Tax Low Income Refund	123122B 90.00



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CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	INVOICE NO	INVOICE DATE	PO	CHECK RUN	NET
								CHECK 61919 TOTAL:	90.00
61920	01/25/2023	PRTD	2503 CALLA JO MILLER ELLIOTT			01/10/2023		123122B	105.00
			105.00 00100000 316401			Utility Tax Low Income Refund			
								CHECK 61920 TOTAL:	105.00
61921	01/25/2023	PRTD	814 TANYA ENGESET			01/10/2023		123122B	55.00
			55.00 00100000 316401			Utility Tax Low Income Refund			
								CHECK 61921 TOTAL:	55.00
61922	01/25/2023	PRTD	342 ENVIROISSUES INC			01/05/2023		123122B	2,298.86
			2,298.86 02053100 410000			Professional Services			
								CHECK 61922 TOTAL:	2,298.86
61923	01/25/2023	PRTD	345 ENVIRONMENTAL SCIENCE CENTER			01/09/2023		123122B	515.00
			515.00 02053100 411050			NPDES Phase II			
			ENVIRONMENTAL SCIENCE CENTER			01/06/2023		123122B	1,175.50
			1,175.50 02053100 410000			Professional Services			
								CHECK 61923 TOTAL:	1,690.50
61924	01/25/2023	PRTD	1694 JUDITH EVANS			01/10/2023		123122B	70.00
			70.00 00100000 316401			Utility Tax Low Income Refund			
								CHECK 61924 TOTAL:	70.00
61925	01/25/2023	PRTD	1101 KIMLY FERNANDEZ			01/10/2023		123122B	17.50
			17.50 00100000 316401			Utility Tax Low Income Refund			
								CHECK 61925 TOTAL:	17.50
61926	01/25/2023	PRTD	1102 LINDA FITCH			01/10/2023		123122B	37.50
			37.50 00100000 316401			Utility Tax Low Income Refund			
								CHECK 61926 TOTAL:	37.50
61927	01/25/2023	PRTD	999003 JP MORGAN SECURITIES LLC			11/28/2022		123122B	927.13
			927.13 00100000 316100			Business & Occupation Tax			



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CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	INVTY	PO	CHECK RUN	NET
							CHECK 61927 TOTAL:	927.13
61928	01/25/2023	PRTD	999003 MANUELA FIGUEROA	64.80	01455850	322102	01/09/2023 Mechanical Permit 123122B	64.80
							CHECK 61928 TOTAL:	64.80
61929	01/25/2023	PRTD	999003 ROCK ELECTRIC LLC	177.60	01455850	322106	01/09/2023 Electrical Permit 123122B	177.60
							CHECK 61929 TOTAL:	177.60
61930	01/25/2023	PRTD	2125 GENNELL HUNTER	55.00	00100000	316401	01/10/2023 Utility Tax Low Income Refund 123122B	55.00
							CHECK 61930 TOTAL:	55.00
61931	01/25/2023	PRTD	1743 JANET GENTRY	55.00	00100000	316401	01/10/2023 Utility Tax Low Income Refund 123122B	55.00
							CHECK 61931 TOTAL:	55.00
61932	01/25/2023	PRTD	384 GEOENGINEERS	1,270.00	01555860	410200	01/13/2023 Engr Fees-Reimbursable 123122B	1,270.00
							CHECK 61932 TOTAL:	1,270.00
61933	01/25/2023	PRTD	387 DONNA GIBSON	90.00	00100000	316401	01/10/2023 Utility Tax Low Income Refund 123122B	90.00
							CHECK 61933 TOTAL:	90.00
61934	01/25/2023	PRTD	392 GLENDALE HEATING	669.02	01857550	320000	12/30/2022 Fuel Consumed 123122B	669.02
							CHECK 61934 TOTAL:	669.02
61935	01/25/2023	PRTD	2241 GOLDEN SHOVEL AGENCY LLC	17,350.00	00455870	411100	12/06/2022 Burien Marketing Strategy 123122B	17,350.00
							CHECK 61935 TOTAL:	17,350.00



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CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	INV DATE	PO	CHECK RUN	NET
61936	01/25/2023	PRTD	2337 CYNTHIA HABER 90.00 00100000 316401	01/10/2023		123122B Utility Tax Low Income Refund	90.00
						CHECK 61936 TOTAL:	90.00
61937	01/25/2023	PRTD	2511 JEANETTE HARRIS 82.50 00100000 316401	01/10/2023		123122B Utility Tax Low Income Refund	82.50
						CHECK 61937 TOTAL:	82.50
61938	01/25/2023	PRTD	426 HD FOWLER COMPANY 762.44 01857680 310000	12/29/2022		123122B Office and Operating Supplies	762.44
						CHECK 61938 TOTAL:	762.44
61939	01/25/2023	PRTD	2506 DORA HEISTAND 72.50 00100000 316401	01/10/2023		123122B Utility Tax Low Income Refund	72.50
						CHECK 61939 TOTAL:	72.50
61940	01/25/2023	PRTD	2227 RICHARD & THERESA HERR 90.00 00100000 316401	01/10/2023		123122B Utility Tax Low Income Refund	90.00
						CHECK 61940 TOTAL:	90.00
61941	01/25/2023	PRTD	2142 HIGHLINE METHODIST CHURCH 33,352.37 02955720 410951	12/30/2022		123122B Emergency Shelters	33,352.37
						CHECK 61941 TOTAL:	33,352.37
61942	01/25/2023	PRTD	443 MICHAEL JOHN SEEKINS 70.86 01354190 480200	12/16/2022		123122B Repairs and Maint - Fleet	70.86
						CHECK 61942 TOTAL:	70.86
61943	01/25/2023	PRTD	2475 INTERFACE SERVICES INC. 2,201.76 01857550 410000 21,882.22 01857550 480000	01/12/2023	2226	123122B Professional Services Repairs and Maintenance	24,083.98
						CHECK 61943 TOTAL:	24,083.98



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CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	INVOICE NO	INVOICE DATE	PO	CHECK RUN	NET
61944	01/25/2023	PRTD	482 IRON MOUNTAIN	677.39	00551420 410000	12/31/2022		123122B	677.39
						Professional Services			
						CHECK	61944	TOTAL:	677.39
61945	01/25/2023	PRTD	2505 DON & JOSIE JACKSON	125.00	00100000 316401	01/10/2023		123122B	125.00
						Utility Tax Low Income Refund			
						CHECK	61945	TOTAL:	125.00
61946	01/25/2023	PRTD	2513 JING RUI	90.00	00100000 316401	01/10/2023		123122B	90.00
						Utility Tax Low Income Refund			
						CHECK	61946	TOTAL:	90.00
61947	01/25/2023	PRTD	2514 JOANNE PATTERSON	125.00	00100000 316401	01/10/2023		123122B	125.00
						Utility Tax Low Income Refund			
						CHECK	61947	TOTAL:	125.00
61948	01/25/2023	PRTD	2515 JOHN STARIKA	105.00	00100000 316401	01/10/2023		123122B	105.00
						Utility Tax Low Income Refund			
						CHECK	61948	TOTAL:	105.00
61949	01/25/2023	PRTD	2516 JON ORWIG	82.50	00100000 316401	01/10/2023		123122B	82.50
						Utility Tax Low Income Refund			
						CHECK	61949	TOTAL:	82.50
61950	01/25/2023	PRTD	2517 JULIE A. JONES	72.50	00100000 316401	01/10/2023		123122B	72.50
						Utility Tax Low Income Refund			
						CHECK	61950	TOTAL:	72.50
61951	01/25/2023	PRTD	2520 KAREN BRANDT	90.00	00100000 316401	01/10/2023		123122B	90.00
						Utility Tax Low Income Refund			
						CHECK	61951	TOTAL:	90.00
61952	01/25/2023	PRTD	2519 KAREN TRENT	65.00	00100000 316401	01/10/2023		123122B	65.00
						Utility Tax Low Income Refund			



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CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	INVTY	PO	CHECK RUN	NET
							CHECK 61952 TOTAL:	65.00
61953	01/25/2023	PRTD	1103 NELLI KASPAROVA	90.00	00100000	316401	01/10/2023 Utility Tax Low Income Refund	90.00
							CHECK 61953 TOTAL:	90.00
61954	01/25/2023	PRTD	536 KC SHERIFF DET. BRETT DAVIS	301.00	03052120	494990	01/05/2023 Investigative Funds	301.00
			KC SHERIFF DET. BRETT DAVIS	300.00	03052120	494990	01/05/2023 Investigative Funds	300.00
							CHECK 61954 TOTAL:	601.00
61955	01/25/2023	PRTD	1745 KAREN KELLOGG	55.00	00100000	316401	01/10/2023 Utility Tax Low Income Refund	55.00
							CHECK 61955 TOTAL:	55.00
61956	01/25/2023	PRTD	2521 KENNETH O BEAGLE	125.00	00100000	316401	01/10/2023 Utility Tax Low Income Refund	125.00
							CHECK 61956 TOTAL:	125.00
61957	01/25/2023	PRTD	543 KENYON DISEND, PLLC	373.55	01051530	410250	01/05/2023 Litigation-Consulting Services	373.55
							CHECK 61957 TOTAL:	373.55
61958	01/25/2023	PRTD	2522 KEVIN & LINDA HUDDLESTON	105.00	00100000	316401	01/10/2023 Utility Tax Low Income Refund	105.00
							CHECK 61958 TOTAL:	105.00
61959	01/25/2023	PRTD	2523 KIET QUOC PHAM	90.00	00100000	316401	01/10/2023 Utility Tax Low Income Refund	90.00
							CHECK 61959 TOTAL:	90.00
61960	01/25/2023	PRTD	526 KING COUNTY FINANCE	16,457.58	02053100	410600	12/30/2022 Miller Walker Basin Stewardship	16,457.58
			KING COUNTY FINANCE				09/30/2022 123122B	451.16



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CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	INV DATE	PO	CHECK RUN	NET
				451.16	01954230	410000	Professional Services
			KING COUNTY FINANCE				
				213.16	02053100	414310	12/31/2022 123122B TV Inspection and Vactoring
			KING COUNTY FINANCE				
				344.93	01954230	310000	01/09/2023 123122B Office and Operating Supplies
						CHECK 61960 TOTAL:	17,466.83
61961	01/25/2023	PRTD	550 KIRSHENBAUM & GOSS INC. PS				
				16,000.00	01151593	414160	01/03/2023 123122B Public Defender
				1,765.00	01151593	414150	Public Defender Investigations
						CHECK 61961 TOTAL:	17,765.00
61962	01/25/2023	PRTD	1891 DON KUSLER				
				39.61	01954230	310000	12/28/2022 123122B office and Operating Supplies
				39.61	02053100	310000	Office and Operating Supplies
						CHECK 61962 TOTAL:	79.22
61963	01/25/2023	PRTD	2524 KWANG & SANG KO				
				87.50	00100000	316401	01/10/2023 123122B Utility Tax Low Income Refund
						CHECK 61963 TOTAL:	87.50
61964	01/25/2023	PRTD	815 RICHARD LIMMER				
				72.50	00100000	316401	01/10/2023 123122B Utility Tax Low Income Refund
						CHECK 61964 TOTAL:	72.50
61965	01/25/2023	PRTD	2525 LINDA MELGOZA-URIBE				
				17.50	00100000	316401	01/10/2023 123122B Utility Tax Low Income Refund
						CHECK 61965 TOTAL:	17.50
61966	01/25/2023	PRTD	2526 LINDA PRESLEIGH				
				72.50	00100000	316401	01/10/2023 123122B Utility Tax Low Income Refund
						CHECK 61966 TOTAL:	72.50
61967	01/25/2023	PRTD	592 BONNIE LLOYD				
				55.00	00100000	316401	01/10/2023 123122B Utility Tax Low Income Refund



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CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	INVOICE NO	INVOICE DATE	PO	CHECK RUN	NET
									CHECK 61967 TOTAL: 55.00
61968	01/25/2023	PRTD	1569 LOL DUDEZ LLC	1,981.00	00455870 411100	01/02/2023		123122B	1,981.00
						Burien Marketing Strategy			
									CHECK 61968 TOTAL: 1,981.00
61969	01/25/2023	PRTD	2330 KATY JEAN LYNCH	115.00	00100000 316401	01/10/2023		123122B	115.00
						Utility Tax Low Income Refund			
									CHECK 61969 TOTAL: 115.00
61970	01/25/2023	PRTD	2362 MADRONA LAW GROUP PLLC	112.00	01051530 410250	01/05/2023		123122B	112.00
						Litigation-Consulting Services			
			MADRONA LAW GROUP PLLC	766.49	01051530 410250	01/05/2023		123122B	766.49
						Litigation-Consulting Services			
			MADRONA LAW GROUP PLLC	971.00	01051530 410250	01/05/2023		123122B	971.00
						Litigation-Consulting Services			
			MADRONA LAW GROUP PLLC	2,005.00	01051530 410250	01/05/2023		123122B	2,005.00
						Litigation-Consulting Services			
			MADRONA LAW GROUP PLLC	225.00	01051530 410250	01/05/2023		123122B	225.00
						Litigation-Consulting Services			
			MADRONA LAW GROUP PLLC	1,036.00	01051530 410250	01/05/2023		123122B	1,036.00
						Litigation-Consulting Services			
			MADRONA LAW GROUP PLLC	168.00	01051530 410250	01/05/2023		123122B	168.00
						Litigation-Consulting Services			
			MADRONA LAW GROUP PLLC	364.00	01051530 410250	01/05/2023		123122B	364.00
						Litigation-Consulting Services			
									CHECK 61970 TOTAL: 5,647.49
61971	01/25/2023	PRTD	996 JACK & JOANN MALLOCK	90.00	00100000 316401	01/10/2023		123122B	90.00
						Utility Tax Low Income Refund			
									CHECK 61971 TOTAL: 90.00
61972	01/25/2023	PRTD	867 PEGGY MALLORY	20.00	00100000 316401	01/10/2023		123122B	20.00
						Utility Tax Low Income Refund			



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CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	ACCOUNT	INVOICE	INVOICE DATE	PO	CHECK RUN	NET
									CHECK 61972 TOTAL:	20.00
61973	01/25/2023	PRTD	805 ELEANOR MANNION	90.00	00100000 316401	01/10/2023 Utility Tax Low Income Refund	01/10/2023		123122B	90.00
									CHECK 61973 TOTAL:	90.00
61974	01/25/2023	PRTD	2527 MARGARET E. DONOVAN	125.00	00100000 316401	01/10/2023 Utility Tax Low Income Refund	01/10/2023		123122B	125.00
									CHECK 61974 TOTAL:	125.00
61975	01/25/2023	PRTD	605 MARINE VACUUM	904.00	02053100 410000	12/16/2022 Professional Services	12/16/2022		123122B	904.00
									CHECK 61975 TOTAL:	904.00
61976	01/25/2023	PRTD	2528 MARJORIE LANDON	107.50	00100000 316401	01/10/2023 Utility Tax Low Income Refund	01/10/2023		123122B	107.50
									CHECK 61976 TOTAL:	107.50
61977	01/25/2023	PRTD	2529 MARLENE MOWRY	70.00	00100000 316401	01/10/2023 Utility Tax Low Income Refund	01/10/2023		123122B	70.00
									CHECK 61977 TOTAL:	70.00
61978	01/25/2023	PRTD	2530 MARVA J. DAVIS	115.00	00100000 316401	01/10/2023 Utility Tax Low Income Refund	01/10/2023		123122B	115.00
									CHECK 61978 TOTAL:	115.00
61979	01/25/2023	PRTD	2531 MAUREEN SASONOFF	65.00	00100000 316401	01/10/2023 Utility Tax Low Income Refund	01/10/2023		123122B	65.00
									CHECK 61979 TOTAL:	65.00
61980	01/25/2023	PRTD	2483 MCKINSTRY ESSENTION LLC	237,965.60	11559476 630000	12/21/2022 Other Improvements	12/21/2022		123122B	237,965.60
			MCKINSTRY ESSENTION LLC	139,546.48	11559476 630000	12/21/2022 Other Improvements	12/21/2022		123122B	139,546.48



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CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	ACCOUNT	INVOICE	INVOICE DATE	PO	CHECK RUN	NET
CHECK 61980 TOTAL: 377,512.08										
61981	01/25/2023	PRTD	2532 MICHAEL PERRY	47.50	00100000 316401	01/10/2023	123122B		Utility Tax Low Income Refund	47.50
CHECK 61981 TOTAL: 47.50										
61982	01/25/2023	PRTD	2533 MICHELLE A STILES	90.00	00100000 316401	01/10/2023	123122B		Utility Tax Low Income Refund	90.00
CHECK 61982 TOTAL: 90.00										
61983	01/25/2023	PRTD	1950 PAMELA MILES	90.00	00100000 316401	01/10/2023	123122B		Utility Tax Low Income Refund	90.00
CHECK 61983 TOTAL: 90.00										
61984	01/25/2023	PRTD	1748 DORIS MOCIULSKI	90.00	00100000 316401	01/10/2023	123122B		Utility Tax Low Income Refund	90.00
CHECK 61984 TOTAL: 90.00										
61985	01/25/2023	PRTD	625 MOMENTUM DANCE ENSEMBLE	112.00	01757100 410850	12/26/2022	123122B		Instructors Prof Svcs	112.00
CHECK 61985 TOTAL: 112.00										
61986	01/25/2023	PRTD	1927 MSNW GROUP LLC	6,985.00	01857550 414190	12/31/2022	123122B		Janitorial	6,985.00
			MSNW GROUP LLC	4,585.00	01351830 414190	12/31/2022	123122B		Janitorial	4,585.00
CHECK 61986 TOTAL: 11,570.00										
61987	01/25/2023	PRTD	655 MULTI-SERVICE CENTER	56,644.03	02955720 410950	01/03/2023	123122B		Human Svc-Family/Youth	56,644.03
CHECK 61987 TOTAL: 56,644.03										
61988	01/25/2023	PRTD	1750 KENNETH NAKATA	90.00	00100000 316401	01/10/2023	123122B		Utility Tax Low Income Refund	90.00



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CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	INVOICE NO	INVOICE DATE	PO	CHECK RUN	NET
CHECK 61988 TOTAL:									90.00
61989	01/25/2023	PRTD	1705 NIX TREE CARE LLC	5,202.23	01857680 410000	12/08/2022		123122B	5,202.23
						Professional Services			
			NIX TREE CARE LLC	10,217.28	01954230 410000	11/30/2022		123122B	10,217.28
						Professional Services			
CHECK 61989 TOTAL:									15,419.51
61990	01/25/2023	PRTD	2534 NORMA JEAN DAILEY	20.00	00100000 316401	01/10/2023		123122B	20.00
						Utility Tax Low Income Refund			
CHECK 61990 TOTAL:									20.00
61991	01/25/2023	PRTD	722 OREILLY AUTO PARTS	201.45	01455850 480200	11/29/2022		123122B	201.45
						Repairs and Maint - Fleet			
			OREILLY AUTO PARTS	-24.22	01455850 480200	11/29/2022		123122B	-24.22
						Repairs and Maint - Fleet			
			OREILLY AUTO PARTS	100.22	01954230 310000	12/19/2022		123122B	200.45
				100.23	02053100 310000	Office and Operating Supplies			
			OREILLY AUTO PARTS	26.58	02053100 480200	12/29/2022		123122B	53.15
				26.57	02053100 480200	Repairs and Maint - Fleet			
CHECK 61991 TOTAL:									430.83
61992	01/25/2023	PRTD	724 OTAK, INC	6,982.89	71359540 630000	01/09/2023		123122B	6,982.89
						Other Improvements			
			OTAK, INC	383.16	71459540 630000	01/09/2023		123122B	383.16
						Other Improvements			
			OTAK, INC	154.50	10759476 410000	01/10/2023		123122B	154.50
						Professional Services			
			OTAK, INC	199.82	71559540 630000	01/09/2023		123122B	199.82
						Other Improvements			
CHECK 61992 TOTAL:									7,720.37



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CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	INVOICE NO	INVOICE DATE	PO	CHECK RUN	NET
61993	01/25/2023	PRTD	727 PACIFIC OFFICE AUTOMATION INC	154.66	01657100 450000	12/27/2022		123122B	154.66
						Operating Rentals and Leases			
						CHECK	61993	TOTAL:	154.66
61994	01/25/2023	PRTD	1970 PARTNER IN EMPLOYMENT	16,313.45	02955720 410950	01/06/2023		123122B	16,313.45
						Human Svc-Family/Youth			
			PARTNER IN EMPLOYMENT	34,923.07	02955720 410950	01/06/2023		123122B	34,923.07
						Human Svc-Family/Youth			
						CHECK	61994	TOTAL:	51,236.52
61995	01/25/2023	PRTD	2535 PATRICIA WORTHINGTON	100.00	00100000 316401	01/10/2023		123122B	100.00
						Utility Tax Low Income Refund			
						CHECK	61995	TOTAL:	100.00
61996	01/25/2023	PRTD	2129 PEARL THOMAS	55.00	00100000 316401	01/10/2023		123122B	55.00
						Utility Tax Low Income Refund			
						CHECK	61996	TOTAL:	55.00
61997	01/25/2023	PRTD	806 BEVERLY PEDERSEN	90.00	00100000 316401	01/10/2023		123122B	90.00
						Utility Tax Low Income Refund			
						CHECK	61997	TOTAL:	90.00
61998	01/25/2023	PRTD	2536 PEGGY BOTELLO	107.50	00100000 316401	01/10/2023		123122B	107.50
						Utility Tax Low Income Refund			
						CHECK	61998	TOTAL:	107.50
61999	01/25/2023	PRTD	1104 SUSAN PEREZ	72.50	00100000 316401	01/10/2023		123122B	72.50
						Utility Tax Low Income Refund			
						CHECK	61999	TOTAL:	72.50
62000	01/25/2023	PRTD	753 SHARON PIKE	55.00	00100000 316401	01/10/2023		123122B	55.00
						Utility Tax Low Income Refund			
						CHECK	62000	TOTAL:	55.00



A/P CASH DISBURSEMENTS JOURNAL

CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	INVOICE NO	INVOICE DATE	PO	CHECK RUN	NET
62001	01/25/2023	PRTD	2510 JANET POND	125.00	00100000 316401	01/10/2023		123122B	125.00
						Utility Tax Low Income Refund			
						CHECK		62001 TOTAL:	125.00
62002	01/25/2023	PRTD	2463 PROJEX CORP	14,530.54	01657100 310000	01/04/2023	2223	123122B	42,812.17
				28,281.63	01657100 350000				
						Office and Operating Supplies			
						Small Tools & Minor Equipment			
						CHECK		62002 TOTAL:	42,812.17
62003	01/25/2023	PRTD	788 PUGET SOUND ENERGY	54.55	01954263 470001	01/06/2023		123122B	1,650.05
				169.36	01954263 470001	Electricity			
				138.36	01954263 470001	Electricity			
				18.06	01954263 470001	Electricity			
				331.54	01954263 470001	Electricity			
				86.97	01954263 470001	Electricity			
				32.03	01954263 470001	Electricity			
				337.61	01954263 470001	Electricity			
				469.14	01954263 470001	Electricity			
				12.43	01954263 470001	Electricity			
						CHECK		62003 TOTAL:	1,650.05
62004	01/25/2023	PRTD	146 BARBARA REAMER	90.00	00100000 316401	01/10/2023		123122B	90.00
						Utility Tax Low Income Refund			
						CHECK		62004 TOTAL:	90.00
62005	01/25/2023	PRTD	801 RECOLOGY KING COUNTY	835.51	01051530 414200	11/30/2022		123122B	835.51
						Nuisance and Abatement Costs			
						CHECK		62005 TOTAL:	835.51
62006	01/25/2023	PRTD	2537 RITA GOLDEN	107.50	00100000 316401	01/10/2023		123122B	107.50
						Utility Tax Low Income Refund			
						CHECK		62006 TOTAL:	107.50
62007	01/25/2023	PRTD	898 LAVERNE T RITCHIE	55.00	00100000 316401	01/10/2023		123122B	55.00
						Utility Tax Low Income Refund			



A/P CASH DISBURSEMENTS JOURNAL

CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	INVTY	PO	CHECK RUN	NET
							CHECK 62007 TOTAL:	55.00
62008	01/25/2023	PRTD	1193 RIVER OAKS COMMUNICATIONS CORPORATI 1,416.00 01354190 410000	1,416.00			01/09/2023 Professional Services 123122B	1,416.00
							CHECK 62008 TOTAL:	1,416.00
62009	01/25/2023	PRTD	2538 RONDA PETTIT 100.00 00100000 316401	100.00			01/10/2023 Utility Tax Low Income Refund 123122B	100.00
							CHECK 62009 TOTAL:	100.00
62010	01/25/2023	PRTD	2539 RUSSELL NELSON 100.00 00100000 316401	100.00			01/10/2023 Utility Tax Low Income Refund 123122B	100.00
							CHECK 62010 TOTAL:	100.00
62011	01/25/2023	PRTD	2540 RUTH ROSS 100.00 00100000 316401	100.00			01/10/2023 Utility Tax Low Income Refund 123122B	100.00
							CHECK 62011 TOTAL:	100.00
62012	01/25/2023	PRTD	2504 CHARLIE RUTTO 25.00 00100000 316401	25.00			01/10/2023 Utility Tax Low Income Refund 123122B	25.00
							CHECK 62012 TOTAL:	25.00
62013	01/25/2023	PRTD	1954 KIYO SCOTT 72.50 00100000 316401	72.50			01/10/2023 Utility Tax Low Income Refund 123122B	72.50
							CHECK 62013 TOTAL:	72.50
62014	01/25/2023	PRTD	1247 SEATOWN LOCKSMITH INC 2,608.26 01857550 480000	2,608.26			12/30/2022 Repairs and Maintenance 123122B	2,608.26
							CHECK 62014 TOTAL:	2,608.26
62015	01/25/2023	PRTD	2225 SHARON LARSON 70.00 00100000 316401	70.00			01/10/2023 Utility Tax Low Income Refund 123122B	70.00
							CHECK 62015 TOTAL:	70.00



A/P CASH DISBURSEMENTS JOURNAL

CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	INVOICE NO	INVOICE DATE	PO	CHECK RUN	NET
62016	01/25/2023	PRTD	2541 SHARON MCCANDLISS	100.00	00100000 316401	01/10/2023		123122B	100.00
						Utility Tax Low Income Refund			
						CHECK		62016 TOTAL:	100.00
62017	01/25/2023	PRTD	2542 SHELLEY HANECK	107.50	00100000 316401	01/10/2023		123122B	107.50
						Utility Tax Low Income Refund			
						CHECK		62017 TOTAL:	107.50
62018	01/25/2023	PRTD	2508 FRANCES SHREVE	90.00	00100000 316401	01/10/2023		123122B	90.00
						Utility Tax Low Income Refund			
						CHECK		62018 TOTAL:	90.00
62019	01/25/2023	PRTD	1731 SMARSH INC	2.33	00851880 414100	12/31/2022		123122B	2.33
						Software Licensing Fees			
						CHECK		62019 TOTAL:	2.33
62020	01/25/2023	PRTD	2094 SMART CHOICE TIRES INC	508.54	01954230 310000	12/22/2022		123122B	1,017.09
				508.55	02053100 310000	Office and Operating Supplies			
						Office and Operating Supplies			
						CHECK		62020 TOTAL:	1,017.09
62021	01/25/2023	PRTD	2338 RAMIRO & BERTHA SOLIS	35.00	00100000 316401	01/10/2023		123122B	35.00
						Utility Tax Low Income Refund			
						CHECK		62021 TOTAL:	35.00
62022	01/25/2023	PRTD	807 ROBERT H STOFFEL	90.00	00100000 316401	01/10/2023		123122B	90.00
						Utility Tax Low Income Refund			
						CHECK		62022 TOTAL:	90.00
62023	01/25/2023	PRTD	1327 SOUTHWEST SUBURBAN SEWER DIST.	47.90	01954230 470003	01/01/2023		123122B	95.81
				47.91	02053100 470003	Sewer			
						Sewer			
			SOUTHWEST SUBURBAN SEWER DIST.	257.48	01857550 470003	01/01/2023		123122B	257.48
						Sewer			
			SOUTHWEST SUBURBAN SEWER DIST.			01/01/2023		123122B	95.81



A/P CASH DISBURSEMENTS JOURNAL

CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	INVTY	INVTY DATE	PO	CHECK RUN	NET	
				95.81	01857550	470003				
								Sewer		
			SOUTHWEST SUBURBAN SEWER DIST.	88.00	01857550	470003		01/01/2023	123122B	88.00
								Sewer		
			SOUTHWEST SUBURBAN SEWER DIST.	95.81	01857550	470003		01/01/2023	123122B	95.81
								Sewer		
			SOUTHWEST SUBURBAN SEWER DIST.	1,544.87	01857550	470003		01/01/2023	123122B	1,544.87
								Sewer		
			SOUTHWEST SUBURBAN SEWER DIST.	346.71	01857550	470003		01/01/2023	123122B	346.71
								Sewer		
			SOUTHWEST SUBURBAN SEWER DIST.	95.81	01857550	470003		01/01/2023	123122B	95.81
								Sewer		
								CHECK	62023 TOTAL:	2,620.30
62024	01/25/2023	PRTD	2472 SWENSON SAY FAGET INC	4,250.00	10957100	410000		12/16/2022	123122B	4,250.00
								Professional Services		
			SWENSON SAY FAGET INC	4,356.00	10957100	410000		12/16/2022	123122B	4,356.00
								Professional Services		
			SWENSON SAY FAGET INC	7,480.00	10957100	410000		12/16/2022	123122B	7,480.00
								Professional Services		
								CHECK	62024 TOTAL:	16,086.00
62025	01/25/2023	PRTD	2154 TAN MATS, LLC	2,386.42	00851880	410000		12/31/2022	123122B	2,386.42
								Professional Services		
			TAN MATS, LLC	42.50	11559476	410000		12/31/2022	123122B	42.50
								Professional Services		
								CHECK	62025 TOTAL:	2,428.92
62026	01/25/2023	PRTD	2079 THE FAB SHOP LLC	10,297.93	01857680	640000		12/29/2022 2224	123122B	10,297.93
								Machinery And Equipment		
								CHECK	62026 TOTAL:	10,297.93
62027	01/25/2023	PRTD	1405 WALLS LAW FIRM INC	18,333.00	01051530	414180		01/06/2023	123122B	18,333.00
								Criminal Prosecution Services		



A/P CASH DISBURSEMENTS JOURNAL

CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	INVOICE NO	INVOICE DATE	PO	CHECK RUN	NET
								CHECK 62027 TOTAL:	18,333.00
62028	01/25/2023	PRTD	2543 THOMAS & DONNA BURRIS			01/10/2023		123122B	105.00
			105.00 00100000 316401			Utility Tax Low Income Refund			
								CHECK 62028 TOTAL:	105.00
62029	01/25/2023	PRTD	2272 TIMMONS GROUP INC			01/10/2023		123122B	9,022.50
			3,609.00 01857680 410000			Professional Services			
			1,804.50 01954230 410000			Professional Services			
			1,804.50 02053100 410000			Professional Services			
			1,804.50 00851880 410000			Professional Services			
			TIMMONS GROUP INC			01/10/2023		123122B	7,521.30
			7,521.30 01455850 640000			Machinery And Equipment			
								CHECK 62029 TOTAL:	16,543.80
62030	01/25/2023	PRTD	2509 GERD H KRISITNA TOMMOS			01/10/2023		123122B	55.00
			55.00 00100000 316401			Utility Tax Low Income Refund			
								CHECK 62030 TOTAL:	55.00
62031	01/25/2023	PRTD	1754 KY TRAN			01/10/2023		123122B	35.00
			35.00 00100000 316401			Utility Tax Low Income Refund			
								CHECK 62031 TOTAL:	35.00
62032	01/25/2023	PRTD	2437 URBAN LEAGUE OF METROPOLITAN SEATTL			09/30/2022		123122B	25,350.70
			25,350.70 00455870 410000			Professional Services			
								CHECK 62032 TOTAL:	25,350.70
62033	01/25/2023	PRTD	2507 EMILIA & JOZEF VARGA			01/10/2023		123122B	65.00
			65.00 00100000 316401			Utility Tax Low Income Refund			
								CHECK 62033 TOTAL:	65.00
62034	01/25/2023	PRTD	1390 MARIA VERGARA			01/10/2023		123122B	90.00
			90.00 00100000 316401			Utility Tax Low Income Refund			
								CHECK 62034 TOTAL:	90.00



A/P CASH DISBURSEMENTS JOURNAL

CASH ACCOUNT: 99900000 111100 Cash
 CHECK NO CHK DATE TYPE VENDOR NAME

CHECK NO	CHK DATE	TYPE	VENDOR NAME	AMOUNT	INVOICE NO	INVOICE DATE	PO	CHECK RUN	NET
62035	01/25/2023	PRTD	2544 VICKY HARTLEY	72.50	00100000 316401	01/10/2023		123122B	72.50
						Utility Tax Low Income Refund			
						CHECK	62035	TOTAL:	72.50
62036	01/25/2023	PRTD	1423 WATER DISTRICT 49	315.36	01857680 470004	01/10/2023		123122B	315.36
						Water			
			WATER DISTRICT 49	95.43	01954230 470004	01/10/2023		123122B	95.43
						Water			
			WATER DISTRICT 49	95.43	01954230 470004	01/06/2023		123122B	95.43
						Water			
						CHECK	62036	TOTAL:	506.22
62037	01/25/2023	PRTD	2270 WILLIAMS, KASTNER & GIBBS, PLLC	130.10	01051530 410250	12/26/2022		123122B	130.10
						Litigation-Consulting Services			
			WILLIAMS, KASTNER & GIBBS, PLLC	731.50	01051530 410250	12/26/2022		123122B	731.50
						Litigation-Consulting Services			
						CHECK	62037	TOTAL:	861.60
62038	01/25/2023	PRTD	868 LANETTE WOEHL	55.00	00100000 316401	01/10/2023		123122B	55.00
						Utility Tax Low Income Refund			
						CHECK	62038	TOTAL:	55.00
62039	01/25/2023	PRTD	2323 BONNIE WOODCOCK	55.00	00100000 316401	01/10/2023		123122B	55.00
						Utility Tax Low Income Refund			
						CHECK	62039	TOTAL:	55.00
				NUMBER OF CHECKS	148	*** CASH ACCOUNT TOTAL ***			833,809.78
				TOTAL PRINTED CHECKS		COUNT	AMOUNT		
						148	833,809.78		
						*** GRAND TOTAL ***			833,809.78



DRAFT MINUTES

City Council Regular Meeting

Monday, January 23, 2023
Zoom and City Hall, 400 SW 152nd St, Burien, WA

To hear Council's full discussion of a specific topic, or the complete meeting, watch the video-stream available on the City website, <https://cloud.castus.tv/vod/burien>.

In an effort to encourage the community to continue to view and participate in City Council Meetings, community members are requested to visit the city website for more information regarding [City Council Meeting Access](#).

1. CALL TO ORDER

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

2. PLEDGE OF ALLEGIANCE

Mayor Sofia Aragon led the Pledge of Allegiance.

3. NATIVE LAND AND PEOPLES ACKNOWLEDGEMENT

Deputy Mayor Kevin Schilling led the Native Land and Peoples Acknowledgement.

4. ROLL CALL

Councilmembers Present:

Mayor Sofia Aragon
Deputy Mayor Kevin Schilling
Councilmember Hugo Garcia
Councilmember Jimmy Matta
Councilmember Cydney Moore
Councilmember Sarah Moore
Councilmember Stephanie Mora

5. AGENDA CONFIRMATION

A motion was made by Deputy Mayor Kevin Schilling, seconded by Councilmember Sarah Moore, to affirm the January 23, 2023 Agenda. Motion passed unanimously.

6. PRESENTATIONS AND PROCLAMATIONS

a) **Introduction of Community Response Team (CRT) – Co Response with Police**

Police Chief Ted Boe provided a brief update about what the Community Response Team is responsible for. It was noted that the goal is to reduce 911 calls and to provide the community with the best response.

Chief Boe introduced his team:

- Detective Scott Mandela
- Mental Health Professional Daisy Espinoza

7. COUNCIL REPORTS

a) **Deputy Mayor Kevin Schilling**

Deputy Mayor provided a brief report of his attendance at the U.S. Conference of Mayors in Washington D.C.

b) **Mayor Sofia Aragon**

Mayor Aragon provided a brief report of her attendance at the U.S. Conference of Mayors in Washington D.C. Additionally, it was noted that she testified for SB-5120 regarding 24-hour crisis centers.

c) **Councilmember Jimmy Matta**

Councilmember Matta shared that he testified for SB-5268 to support small businesses.

d) **Councilmember Hugo Garcia**

Councilmember Garcia reported that he testified on SB-1110 and will testify on an Accessory Dwelling Unit (ADU) bill to support housing goals. Also, it was noted that he invited Councilmembers Jimmy Matta and Stephanie Mora to attend as panelists for a renter protection workshop with Para Los Niños.

e) **Councilmember Sarah Moore**

Councilmember Moore shared that she will be volunteering at Empty Bowls at Moshier Art Center on February 27. It was noted that volunteers are still needed for the event.

8. CITY MANAGER'S REPORT

a) **City Manager's Report**

City Manager Adolfo Bailon provided a brief report of the following:

- There was a Measles exposure at SeaTac Airport and Providence Swedish.
- Community Development is working on a "Know Before You Cut" campaign.

- Reminded City Council of the City's obligation to fulfill public records requests.
- Shared about the recruitment for advisory boards and committees.
- Asked for volunteers and participants for the Empty Bowls event.
- Regarding the 2022 Utility Tax Relief Program, 93 people received assistance.

9. PUBLIC COMMENT

The following community members shared comments:

- John Kannin shared concerns about the Downtown Emergency Services Center.
- Ginele M Lee shared a comment regarding the Boulevard Park flooding reduction efforts.
- Linda Akey submitted a written comment regarding crime and safety.
- Anna Denton submitted a written comment regarding zoning changes.

The following community members shared their frustration and voiced a lack of support and attention to local businesses and the Latino community.

- Javier Silva
- Jose Garcia

The following community members shared about Eagle Landing Park/Stairs:

- Gregory F Rehmke
- John White

It was noted that at 7:53 p.m., Council recessed for 10 minutes. Council reconvened at 8:03 p.m.

10. CONSENT AGENDA

- a) **Voucher Report:** Check Register Approval for payment on January 23, 2023: Check Nos. 61676-61863 in the amount of \$2,429,261.19 with voided Check No. 61404; direct disbursement in the amount of \$25,940.10; Payroll Salaries and Benefits Approval for December 1-15, 2022 paid on December 22, 2022: Check Nos. 8212-8215 for direct deposits and wire transfer in the amount of \$466,772.17; for December 16-31, 2022 paid on January 10, 2023: Check Nos. 8216-8225 for direct deposits and wire transfer in the amount of \$604,812.30.
- b) **Approval of Minutes** of the January 9, 2023 City Council Regular Meeting.
- c) **Authorization of the City Manager to Execute Amendment No. 1 to Interlocal Joint Use Agreement between Highline School District No. 401 and the Cities of Burien, Des Moines, Normandy Park, and SeaTac.**
- d) **Approval of Annual Waste Reduction and Recycling Grant Agreement.**

***A motion was made by Councilmember Sarah Moore, seconded by Councilmember Cydney Moore, to approve the Consent Agenda.
Motion passed unanimously.***

11. BUSINESS AGENDA

a) **Advancing Racial Equity Program Briefing**

City Manager Adolfo Bailon, PaRCS Director Carolyn Hope, and Administrative Services Director Cathy Schrock provided an update regarding the Advancing Racial Equity Program (an internal city staff committee). Recent work and accomplishments of the committee were shared.

In the next two years, the committee's goals include the following:

1. Finalize the Charter for Advancing Racial Equity (ARE) Committee to provide clarity about the goals and roles and responsibilities of the committee.
2. Develop an equity impact tool for all departments and the Council to identify, evaluate, and communicate the potential impact, both positive and negative, of a policy, plan, or program on equity. The use of this toolkit will reduce harm to community members.
3. Create a training program for the city for a common understanding of anti-racism work.
4. Develop an ARE Action Plan with metrics. This will provide the city with clarity about the vision and action steps for the next biennium.

b) **Authorization of Staff to Advocate for SB-5257, Ensuring Elementary School Students Receive Sufficient Daily Recess**

PaRCS Director Carolyn Hope presented this item. It was noted that the state legislature is considering a bill to require daily recess for students in grades K-5 for a minimum of 45 minutes a day.

Contrary to the prepared agenda bill and administrative recommendation, it was noted that a slight shift was made after a discussion with the Highline School District Superintendent. It was noted that the school district is generally supportive of providing recess/physical activity, but there was concern about supporting the bill due to the broadness in scope.

It was noted that additional research would be conducted by the city in collaboration with the school district. No action was taken.

c) **Levy Lid Lift Committee Update**

City Manager Adolfo Bailon provided an update of the Levy Lid Lift Committee (an internal city staff committee). It was noted that the committee will work to perform the following:

1. Work with Burien Police Department personnel to identify appropriate levels of service and associated costs.
2. Work with Department Directors to identify existing programs and services - focused on public safety - that need additional financial support.
3. Work with Department Directors to identify potential existing inefficiencies in existing operations.
4. Work with regional and statewide organizations to identify trends in levy lid lifts.
5. Work with other municipalities to learn more about their respective recent efforts in a lid lift process.
6. Work with City's financial consultants to identify long-term financial trends.
7. Manage overall lid lift process.

d) **Introduction to Ordinance No. 768, Amending BMC Chapter 2.35**

City Attorney Garmon Newsom introduced the proposed Ordinance No. 768, to amend BMC Chapter 2.35. It was noted that this ordinance is a housekeeping item to amend the auditing officer to the Finance Director from the Administrative Services Director, and to update the code to the current address of City Hall in BMC 2.35.020.

A motion was made by Deputy Mayor Kevin Schilling, seconded by Councilmember Jimmy Matta, to place this item on the Consent Agenda of the next Regular Meeting. [Motion passed unanimously.](#)

e) **Introduction to Ordinance No. 762, Amending BMC 1.15.120(5) – Transfer of Ownership**

City Attorney Garmon Newsom introduced Ordinance No. 762, to amend BMC 1.15.120(5) regarding the transfer of ownership. It was noted that the proposed amendment extends the coverage of the code section to real property, judgments against a person or real property, and deems the filing of a judgment or court order as notice of the judgment or violation to any potential purchaser.

A motion was made by Councilmember Hugo Garcia, seconded by Deputy Mayor Kevin Schilling, to place this item on the Consent Agenda of the next Regular Meeting. [Motion passed unanimously.](#)

f) **City Council Planning Calendar**

City Manager Adolfo Bailon led Council in a brief review of the City Council Planning Calendar.

COUNCIL DIRECTION

- Include an update in the City Manager's Report regarding flooding efforts in Boulevard Park.
- Provide an update and history of the Eagle Landing Park/Stairs matter.
- Discuss and develop a plan to implement a Sister City by the end of the year.
- Provide a briefing of the Black Home Initiative.

- Discuss to move the Police Department from the King County Sherriff's Office to the City of Burien.
- Provide a presentation on the opioid prevention programs.

12. ADJOURNMENT

Without objection, City Council closed the Regular Meeting at 9:03 p.m.

Heather Dumlao, City Clerk

Approved January 30, 2023



Agenda Bill

City Council Regular Meeting - 30 Jan 2023

Department

Legal

Staff Contact

Garmon Newsom II, City Attorney

Agenda Placement

Consent Agenda

Agenda Bill Title

Adoption of Ordinance No. 768, Amending BMC Chapter 2.35

Summary

BMC Chapter 2.35 governs claims against Burien.

BMC 2.35.010 makes the auditing officer the Director of Administrative Services. After speaking with the Administrative Services Director, it is clear that the director does not conduct audits as required by BMC 2.35.010 and as directed by RCW 42.24.080. The more appropriate person to be the auditing officer is the Director of Finance. This amendment changes the auditing officer to the Finance Director from the Administrative Services Director.

BMC 2.35.020 makes the city clerk the agent for receiving claims and states that Burien City Hall is at 415 S.W. 150th Street. Ordinance No. 768 updates the address of Burien City Hall to its current address.

Options

1. Adopt the amendments of BMC Chapter 2.35.
 2. Do not adopt the amendments of BMC Chapter 2.35.
-

Administrative Recommendation

Approve the amendments to BMC Chapter 2.35.

Suggested Motion

I move to adopt Ordinance No. 768, amending BMC Chapter 2.35.

Fiscal Impact

None.

Attachments

[Draft Ordinance No. 768 - Amending BMC Chapter 2.35](#)

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 768

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING BMC CHAPTER 2.35, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, BMC Chapter 2.35 identifies the auditing officer and the location for receiving claims against the City of Burien;

WHEREAS, BMC 2.35.010, entitled *Auditing officer*, identifies the “director of the department of administrative services” or the City Manager’s designee as the person responsible for pre-payment auditing of service, labor, materials, and contractual claims;

WHEREAS, the Director of Finance is the more appropriate person to conduct that audit;

WHEREAS, BMC 2.35.020, entitled Agent for receiving claims, provides the former address for City Hall, 415 S.W. 150th Street, Burien, Washington 98166-1973;

WHEREAS, the address is now 400 SW 152nd Street, Third Floor, Burien, Washington 98166; and

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

Section One. Chapter 2.35, entitled **Claims Against The City**, of the Burien Municipal Code, is amended as follows.

2.35.010 Auditing officer.

Pursuant to RCW 42.24.080, the director of the department of Finance ~~[administrative services]~~, or such other person that the City Manager may appoint ~~[as may be appointed by the city manager,]~~ shall serve as the auditing officer responsible for ensuring that all claims by persons furnishing materials, rendering services, performing labor, or for any other contractual purpose presented to the city are audited ~~[prior to]~~ before payment.

2.35.020 Agent for receiving claims.

The city clerk ~~[is hereby appointed to]~~ shall be the city agent responsible ~~[to receive]~~ for receiving claims for damages made under Chapter 4.96 RCW. The city clerk shall be available to receive claims for damages during ~~[normal]~~ regular City Hall business hours at Burien City Hall, ~~[415 S.W. 150th Street]~~ 400 SW 152nd Street,

Third Floor, Burien, Washington 98166-1973.

Section Two. Severability. Should a court of competent jurisdiction find any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, 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 parts of this ordinance or its application to other persons or circumstances.

Section Three. Edits. For purposes of this ordinance, additions are underlined, and deletions are stricken with brackets around the deleted language.

Section Four. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section Five. Effective Date. This ordinance shall be published in Burien’s official newspaper and take effect five (5) calendar days after publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR BUSINESS MEETING THEREOF THIS 30th DAY OF JANUARY, 2023.


CITY OF BURIEN

Sofia Aragon, Mayor

ATTEST/AUTHENTICATED:

Heather Dumlao, City Clerk

Approved as to form:



Garmon Newsom II, City Attorney

Filed with the City Clerk: January 18, 2023
Passed by the City Council: January 30, 2023
Ordinance No.: 768
Date of Publication: February 3, 2023



Agenda Bill

City Council Regular Meeting - 30 Jan 2023

Department

Community Development

Staff Contact

Garmon Newsom II, City Attorney

Agenda Placement

Consent Agenda

Agenda Bill Title

Adoption of Ordinance No. 762, Amending BMC 1.15.120(5) – Transfer of Ownership

Summary

The proposed amendment to BMC 1.15.120(5) extends the coverage of this code section to real property (rather than just dwelling units and structures), judgments against a person or real property (rather than only notices of violation), and deems the filing of a judgment or court order as notice of the judgment or violation to any potential purchaser.

Options

1. Adopt Ordinance No. 762 amending BMC 1.15.120(5)
2. Do not adopt Ordinance No. 762 amending BMC 1.15.120(5)

Suggested Motion

I move to adopt Ordinance No. 762, amending BMC 1.15.120(5).

Fiscal Impact

No additional expense, but it may reduce litigation expenses and the use of staff time for enforcement.

Attachments

[Draft Ordinance No. 762 - Amendment of BMC 1.15.120\(5\) - Transfer of Ownership with Existing Violation](#)

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 762

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING BMC 1.15.120(5), ENTITLED *TRANSFER OF OWNERSHIP*, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, when property owners permit or maintain code violations on their property, the City of Burien issues a Notice of Civil Violation (NOV) and/or obtains a judgment or court against the property owner and/or the property;

WHEREAS, BMC 1.15.120(5) does not account for the fact that a judgment filed in the King County Recorder's Office suffices as adequate notice to an owner or potential property owner of the judgment or court order and the violation on the property;

WHEREAS, only enforcing transfer of ownership of properties with code violations with NOV's results in unresolved code violations, properties conveyed with code violations which requires the code enforcement process or litigation to be initiated again, and additional expenses and fees;

WHEREAS, the proposed amendment to BMC 1.15.120(5) extends the coverage of this code section to real property, judgments against the person or real property, and deems the filing of a judgment or court order as notice of the judgment or violation to any potential purchaser; and

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

Section One. Section 1.15.120(5), entitled **Transfer of Ownership**, of the Burien Municipal Code, is amended as follows, with the remaining portion of this section remaining the same.

(5) (a) Transfer of Ownership. It shall be unlawful for the owner of any real property [~~dwelling unit, or structure~~] who has received a [~~notice of civil violation~~] judgment or order regarding the owner's real property to sell, transfer, mortgage, lease, or otherwise dispose of such real property [~~dwelling unit or structure~~] to another until the provisions of the [~~compliance order or notice of civil~~] judgment or order have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of any judgment or order [~~compliance order, or notice of civil violation~~] issued by [~~the code enforcement officer~~] a court of competent jurisdiction, and shall furnish to the code enforcement officer a signed and notarized statement from the grantee, transferee, mortgagee, or lessee, acknowledging the receipt of such judgment or order [~~compliance order or notice of civil violation~~] and fully accepting the responsibility without condition for making the corrections or repairs required by such judgment or order [~~compliance order or notice of violation~~]. Such repairs must be completed within thirty (30) calendar days unless the code enforcement officer permits more time in writing before the expiration of the aforementioned thirty (30) calendar days.

(b) This provision shall not apply to the following types of transfers of real property: a gift or other transfer to a parent, spouse, domestic partner, or child of a transferor or child of any parent, spouse, or domestic partner of a transferor; a transfer between spouses or between domestic partners in connection with a marital dissolution or dissolution of a state registered domestic partnership; a transfer made by the personal representative of the estate of the decedent or by a trustee in bankruptcy; and a tax-deferred exchange to an intermediary or facilitator.

(c) The filing of a judgment or order in the King County Recorder’s Office shall be adequate notice to any potential or existing owner, grantee, transferee, mortgagee, or lessee.

(d) Subject to subsection (5)(b), a purchaser, grantee, transferee, mortgagee, or lessee that does not sign a notarized statement as mentioned in subsection (5)(a) shall be liable in law or equity for criminal or civil remedies, fees, or penalties if that person(s) acquires the real property after the filing or being informed of the judgment or order.

(e) In BMC 1.15.120(5), “judgment or order” shall mean any or all of the following: a judgment, a civil violation, a compliance order, a court order, a notice of civil violation, or any equivalent.

(f) In BMC 1.15.120(5), “real property” shall mean all or any part of real property, including but not limited to structures, units, and developed, undeveloped, and regulated portions of that real property.

Section Two. Severability. Should a court of competent jurisdiction find any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, 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 parts of this ordinance or its application to other persons or circumstances.

Section Three. Edits. For purposes of this ordinance, additions are underlined, and deletions are stricken with brackets around the deleted language.

Section Four. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section Five. Effective Date. This ordinance shall be published in Burien’s official newspaper and take effect five (5) calendar days after publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR BUSINESS MEETING THEREOF THIS 9th DAY OF JANUARY 2023.

CITY OF BURIEN

Sofia Aragon, Mayor

ATTEST/AUTHENTICATED:

Heather Dumlao, City Clerk

Approved as to form:



Garmon Newsom II, City Attorney

Filed with the City Clerk: December 27, 2022
Passed by the City Council: January 9, 2023
Ordinance No.: 762
Date of Publication: January 13, 2023



Agenda Bill

City Council Regular Meeting - 30 Jan 2023

Department

Community Development

Staff Contact

Alex Hunt, Planner, Susan McLain, Community Development Director

Agenda Placement

Business Agenda

Agenda Bill Title

Ambaum Boulevard Park Draft Plan Update

Summary

The Draft Ambaum and Boulevard Park Subarea Plan and associated Draft Environmental Impact Statement (EIS) were published on December 15, 2022 for public review. Community Development staff will provide an update on the Ambaum and Boulevard Park Plan, including the following topics:

- Community engagement
- Summary of Subarea Plan document
- Alternatives under review
- Next steps and questions for City Council



Agenda Bill

City Council Regular Meeting - 30 Jan 2023

Department

Administrative Services

Staff Contact

Heather Dumlao, City Clerk, Jen Ivins, Deputy City Clerk

Agenda Placement

Business Agenda

Agenda Bill Title

Advisory Body Applicant Update

Summary

Background:

- There are a total of 26 advisory body vacancies due to expiring terms and recent resignations (Attachment A).
- The current application period began on December 16, 2022 and closes on January 27, 2023 at 5:00 p.m.
- The online application was made available in English and Spanish and was advertised on the city's website, Facebook, Instagram, and The Burien Blog.
- As of January 26th at 2:30 p.m., the city received a total of 26 applications; Attachment B illustrates the number of applicants for each advisory body, to date.

For further details, regarding advisory body duties/responsibilities, etc., please refer to Burien Municipal Code [Chapter 2.50](#).

Items of Consideration:

1. A number of candidates have reapplied for another term. To be more efficient, Council may want to consider re-appointing current members (without conducting their interviews) to fulfill another term to continue current efforts.
2. This year, the Burien Airport Committee has less applicants than vacancies. City Council may want to consider staggering term lengths and decreasing the number of committee members (both community members and councilmembers).

Next Steps:

- The Clerk's Office will provide candidate applications to City Council for review no later than February 3, 2023.
- At the February 6th Council Meeting, City Council will select candidates to interview (or re-appoint, as in Item of Consideration No. 1, above).

- Following council direction, the Clerk's Office will contact selected candidates to schedule interviews.
- City Council will conduct candidate interviews at scheduled special meetings; refer to the current Council Planning Calendar.
- After the special meeting/interviews, City Council will officially appoint candidates, by roll-call vote, during the Business Agenda of the Regular Meeting.
- All terms must be filled by March 31, 2023; new terms begin on April 1, 2023.

Attachments

[A. 2023 Advisory Body Open and Vacated Positions](#)

[B. 2023 Final Application Count as of 01.26.23](#)

Commission	Position Number	Open/Vacated	Term Expiration
Arts Commission	2	Open	3/31/2027
Arts Commission	4	Open	3/31/2027
Arts Commission	5	Open	3/31/2027
Arts Commission	7	Open	3/31/2027
BEDP	1	Open	3/31/2027
BEDP	3	Open	3/31/2027
BEDP	5	Open	3/31/2027
BEDP	7	Open	3/31/2027
BEDP	8	Open	3/31/2027
BEDP	9	Open	3/31/2027
Burien Airport Committee	4	Open	3/31/2027
Burien Airport Committee	5	Open	3/31/2027
Burien Airport Committee	6	Vacated	3/31/2027
Burien Airport Committee	7	Open	3/31/2027
Burien Airport Committee	8	Open	3/31/2027
Burien Airport Committee	9	Open	3/31/2027
Human Services	1	Open	3/31/2027
Human Services	3	Open	3/31/2027
Human Services	5	Open	3/31/2027
Human Services	7	Vacated	3/31/2027
Human Services	4	Vacated	3/31/2026
Parks & Recreation Advisory Board	2	Vacated	3/31/2027

Parks & Recreation Advisory Board	3	Open	3/31/2027
Parks & Recreation Advisory Board	4	Open	3/31/2027
Parks & Recreation Advisory Board	Alternate	Vacated	3/31/2027
Planning Commission	5	Vacated	3/31/2024

2023 Application Count as of January 26, 2023, 2:00 p.m.



BOARD/COMMISSION	# OF VACANCIES	# OF APPLICANTS
Arts Commission	4	8
Burien Airport Committee (BAC)	6	5
Business & Economic Development Partnership (BEDP)	6	9
Human Services Commission (HSC)	5	5
Parks and Recreation Advisory Board (PRAB)	4	5
Planning Commission (PC)	1	2
Total	26	34



Agenda Bill

City Council Regular Meeting - 30 Jan 2023

Department

Legal

Staff Contact

Garmon Newsom II, City Attorney

Agenda Placement

Business Agenda

Agenda Bill Title

Adoption of Ordinance No. 811 - Amending BMC 5.63.070(1) to Remove an Unconstitutional Provision

Summary

The first paragraph of BMC 5.63.070(1), Burien’s “Just Cause” ordinance, states, “Owners of housing units shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant, or refuse to renew or continue the rental agreement after the expiration of the rental agreement unless the owner can prove in court that just cause exists.” This language is inconsistent with BMC Chapter 59.12 and 59.18 which permit an owner to not renew a rental agreement after the expiration of the lease without just cause or cause. As a result, this language also violates Washington Constitution, Art. XI, Section 11, which state in pertinent part that municipalities may “make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.” (A general law is a law that applies to all persons or things of a class).

Because Burien's ordinance prohibits what the state law that applies to everyone similarly situated permits, the Court of Appeals, Division I, affirmed the trial court decision and concluded that BMC 5.63.070(1) is preempted to the extent that it conflicts with the RCW. Stated differently, BMC 5.63.070(1) conflicts with the general laws as prohibited under Washington Constitution, Art. XI, Section 11.

Options

1. Adopt Ordinance No. 811 - Amending BMC 5.63.070(1) to remove an unconstitutional provision from BMC 5.63.070(1).
2. Do not adopt Ordinance No. 811 - Amending BMC 5.63.070(1) to remove an unconstitutional provision from BMC 5.63.070(1).

Administrative Recommendation

Approve the proposed Ordinance No. 811 - amending BMC 5.63.070(1) to remove an unconstitutional provision from BMC 5.63.070(1).

Suggested Motion

Move to place this item on the Consent Agenda of the next Regular Business Meeting.

Fiscal Impact

No cost to remove this provision. Litigation, attorneys' fees, and related expenses to defend litigation and pay for damages regarding this unconstitutional and provision.

Attachments

[Ordinance No. 811 - Amending BMC 5.63 - Removing an Unconstitutional Provision](#)
[RHA v. Burien Decision - 82782-1-I Opinion](#)

CITY OF BURIEN, WASHINGTON

ORDINANCE NO. 811

AN ORDINANCE OF THE CITY OF BURIEN, WASHINGTON, AMENDING BMC 5.63.070(1) TO REMOVE AN UNCONSTITUTIONAL PROVISION FROM THE FIRST PARAGRAPH, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, under Washington Constitution, Art. XI, Section 11, municipalities may “make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.”

WHEREAS, a general law is a law that applies to all persons or things of a class.

WHEREAS, the City of Burien adopted BMC 5.63, its Rental Housing Policy, in October 2019;

WHEREAS, in 2021, Washington adopted RCW 59.18.650, which is more extensive than Burien’s BMC 5.63.070;

WHEREAS, the first paragraph of BMC 5.63.070(1), Burien’s “Just Cause” ordinance, states, “Owners of housing units shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant, or refuse to renew or continue the rental agreement after the expiration of the rental agreement unless the owner can prove in court that just cause exists;”

WHEREAS, shortly after Burien adopted its Rental Housing Policy, a party challenged the constitutionality of BMC 5.63.070(1);

WHEREAS, the trial court held that “BMC 5.63.070 was preempted to the extent it restricts a landlord’s prima facie case for eviction at the end of a lease term” under RCW Chapters 59.12 and 59.18;

WHEREAS, the Court of Appeals, Division I, applying the “conflict preemption” (when a state statute and a local ordinance cannot be harmonized) doctrine, reiterated that state law preempts a local ordinance when an ordinance forbids what state law permits;

WHEREAS, while the RCW permits “a landlord to commence an action to evict a tenant due to the tenant’s unlawful detainer, forcible entry, or forcible detainer,” BMC 5.63.070(1) does not permit a landlord to evict a tenant for unlawful detainer, forcible entry, or forcible detainer after the expiration of the rental term without the showing of “just cause;”

WHEREAS, the Court of Appeals, Division I, affirmed the trial court decision and concluded that BMC 5.63.070(1) is preempted to the extent that it conflicts with the RCW, or stated differently, BMC 5.63.070(1) conflicts with the general laws as prohibited under Washington Constitution, Art. XI, Section 11; and

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

Section One. Section 5.63.070, entitled **Just cause eviction**, of the Burien Municipal Code, subsection 1, first paragraph, is amended as follows, with the rest of the section remaining the same.

Pursuant to provisions of the Washington State Residential Landlord-Tenant Act (RCW 59.18.290), owners may not evict residential tenants without a court order, which can be issued by a court only after the tenant has an opportunity in a show cause hearing to contest the eviction (RCW 59.18.380). ~~[Owners of housing units shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant, or refuse to renew or continue the rental agreement after the expiration of the rental agreement unless the owner can prove in court that just cause exists.]~~ Owners may not evict residential tenants from rental housing units if the units are not licensed with the city of Burien or if the required rental housing inspection is not completed by the deadline as required by Chapter 5.62 BMC, regardless of whether just cause for eviction may exist. An owner is in compliance with licensing requirement if the rental housing unit is licensed with the city of Burien pursuant to Chapter 5.62 BMC before entry of a court order authorizing eviction or before a writ of restitution is granted. A court may grant a continuance in an eviction action in order to give the owner time to license the rental housing unit. The reasons for termination of tenancy listed below, and no others, shall constitute just cause under this section.

Section Two. Severability. Should a court of competent jurisdiction find any section, paragraph, sentence, clause, or phrase of this ordinance, or its application to any person or circumstance, 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 parts of this ordinance or its application to other persons or circumstances.

Section Three. Edits. For purposes of this ordinance, additions are underlined, and deletions are stricken with brackets around the deleted language.

Section Four. Corrections. The City Clerk and codifiers of the ordinance are authorized to make necessary corrections to this ordinance, including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section Five. Effective Date. This ordinance shall be published in Burien's official newspaper and take effect five (5) calendar days after publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF BURIEN, WASHINGTON, AT A REGULAR MEETING THEREOF THIS 6th DAY OF FEBRUARY, 2023.


CITY OF BURIEN

Sofia Aragon, Mayor

ATTEST/AUTHENTICATED:

Heather Dumlao, City Clerk

Approved as to form:



Garmon Newsom II, City Attorney

Filed with the City Clerk: January 25, 2023
Passed by the City Council: February 6, 2023
Ordinance No.: 811
Date of Publication: February 10, 2023

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

RENTAL HOUSING ASSOCIATION
OF WASHINGTON,

Appellant/Cross-Respondent,

v.

CITY OF BURIEN, a Washington
municipal corporation,

Respondent/Cross-Appellant.

No. 82782-1-I

DIVISION ONE

UNPUBLISHED OPINION

MANN, J. — In 2019, the City of Burien (City) adopted chapter 5.63 Burien Municipal Code (BMC) to establish new rental housing policies within the City. The Rental Housing Association of Washington (RHA) filed suit seeking declaratory relief to have provisions of chapter 5.63 BMC declared unconstitutional. After considering cross motions for summary judgment, the trial court dismissed RHA’s challenge to the requirement in BMC 5.63.040, that landlords accept security deposits and last month’s rent from prospective tenants by using installment payments, based on collateral estoppel. The trial court agreed with RHA that BMC 5.63.070 was preempted to the

No. 82782-1-I/2

extent it restricts a landlord's prima facie case for eviction at the end of a lease term under chapter 59.12 RCW or chapter 59.18 RCW.

RHA appeals and asks this court to affirm the trial court's decision, but reject its reliance on collateral estoppel. The City cross appeals, arguing that the trial court erred in determining BMC 5.63.070(1) is preempted by state law. We dismiss RHA's appeal as moot. We otherwise affirm.

FACTS

On October 7, 2019, the City adopted Ordinance 716, codifying chapter 5.63 BMC which declared as its purpose to "establish regulations supporting the topic of increasing housing security, and to establish standards and enforcement mechanisms as they relate to rental housing with the city limits of Burien." BMC 5.63.010.

Two sections of chapter 5.63 BMC are at issue in this appeal. BMC 5.63.040 allows residential tenants to pay security deposits, nonrefundable move-in fees, and the last month's rent in installments unless certain exceptions apply. BMC 5.63.070 prohibits landlords from evicting residential tenants under the Washington State Residential Landlord-Tenant Act, ch. 59.18 RCW unless the owner can prove just cause for the eviction. The statute provides an exclusive list of reasons that constitute just cause.

Chapter 5.63 BMC largely mirrors an ordinance adopted by the City of Seattle three years earlier (Seattle Ordinance). In particular, like BMC 5.63.040, the Seattle Ordinance allows residential tenants to pay security deposits, nonrefundable move-in fees, and last month's rent in installments. In 2017, RHA challenged the Seattle Ordinance, seeking declaratory judgment and injunctive relief. RHA claimed, in part,

No. 82782-1-I/3

that the provisions in the Seattle Ordinance that allow residential tenants to pay security deposits, nonrefundable move-in fees, and last month's rent in installments were preempted by state law and violated the Washington State Constitution. RHA's challenge to the Seattle Ordinance was dismissed on summary judgment. RHA appealed, but then voluntarily dismissed its appeal.

On November 5, 2019, RHA filed a complaint for declaratory relief challenging provisions of BMC chapter 5.63. Specific to this appeal, RHA's complaint alleged that the requirement in BMC 5.63.040—that landlords allow residential tenants to pay security deposits, nonrefundable move-in fees, and last month's rent in installments—was preempted by RCW 35.21.830 and unconstitutional under the Washington State Constitution and the United States Constitution. RHA also alleged that BMC 5.63.070's limitation on evicting residential tenants to a narrow list of just cause reasons was preempted by the Washington State Residential Landlord-Tenant Act, ch. 59.18 RCW.

After considering cross motions for summary judgment, followed by motions for reconsideration, on May 20, 2021, the trial court issued its second amended order on motions for summary judgment. The court held that RHA was collaterally estopped from challenging BMC 5.63.040 based on its previous challenge to the Seattle Ordinance. The trial court agreed with RHA that BMC 5.63.070(1) was preempted to the extent that it restricts an RHA member's prima facie case for eviction under chapter 59.12 RCW or chapter 59.18 RCW.

In 2020, and after the start of the litigation, the legislature amended the Residential-Landlord Tenant Act to allow for installment payments of residential security deposits, nonrefundable move-in fees, and last month's rent. RCW 59.18.610.

No. 82782-1-I/4

Both parties appeal.

ANALYSIS

A. Standard of Review

This court reviews summary judgment decisions de novo. Int'l Marine Underwriters v. ABCD Marine, LLC, 179 Wn.2d 274, 281, 313 P.3d 395 (2013).

“Summary judgment is proper only where there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law.” Int'l Marine Underwriters, 179 Wn.2d at 281.

B. RHA's Appeal

RHA appeals the trial court's dismissal of its challenge to BMC 5.63.040—the code provision that requires that landlords allow residential tenants to pay security deposits, nonrefundable move-in fees, and last month's rent in installments. The City argues that RHA's challenge is moot because of the legislature's enactment of RCW 58.18.610. We agree.

Appellate courts may dismiss a case if it is moot. RAP 18.9(c). “A case is moot when it involves only abstract propositions or questions, the substantial questions in the trial court no longer exist, or a court can no longer provide effective relief.” Spokane Research & Defense Fund v. City of Spokane, 155 Wn.2d 89, 99, 117 P.3d 1117 (2005). An appellate court may, however, at its discretion “retain and decide an appeal which has otherwise become moot when it can be said that matters of continuing and substantial public interest are involved.” Sorenson v. City of Bellingham, 80 Wn.2d 547, 558, 496 P.2d 512 (1972).

No. 82782-1-I/5

Here, the City asserts that RHA's appeal should be dismissed because RCW 59.18.610 effectively eliminated RHA's challenge to BMC 5.63.040. BMC 5.63.040 requires landlords allow residential tenants to pay security deposits, nonrefundable move-in fees, and last month's rent in installments:

(1) **Installment Payments, Generally.** Upon a tenant's written request, tenants may pay security deposits, nonrefundable move-in fees, and/or last month's rent in installments as provided herein; except that the tenant cannot elect to pay the security deposit and nonrefundable move-in fees in installments if (a) the total amount of the security deposit and nonrefundable move-in fees does not exceed 25 percent of the first full month's rent for the tenant's dwelling unit; and (b) payment of last month's rent is not required at the inception of the tenancy. Landlords may not impose any fee, charge any interest, or otherwise impose a cost on a tenant because a tenant elects to pay in installments. Installment payments are due at the same time as rent is due. All installment schedules must be in writing, signed by both parties.

(2) **Fixed-Term Tenancies for Three Months or Longer.** For any rental agreement term that establishes a tenancy for three months or longer, the tenant may elect to pay the security deposit, nonrefundable move-in fees, and last month's rent, excluding any payment made by a tenant to the landlord prior to the inception of tenancy to reimburse the landlord for the cost of obtaining a tenant screening report, in three consecutive, equal monthly installments that begin at the inception of the tenancy.

RCW 59.18.610 now similarly requires landlords allow residential tenants to pay security deposits, nonrefundable move in fees and last month's rent in installments:

(1)(a) Except as provided in (b) of this subsection, upon receipt of a tenant's written request, a landlord must permit the tenant to pay any deposits, nonrefundable fees, and last month's rent in installments.

(b) A landlord is not required to permit a tenant to pay in installments if the total amount of the deposits and nonrefundable fees do not exceed twenty-five percent of the first full month's rent and payment of the last month's rent is not required at the inception of the tenancy.

(2) In all cases where premises are rented for a specified time that is three months or longer, the tenant may elect to pay any deposits, nonrefundable fees, and last month's rent in three consecutive and equal monthly installments, beginning at the inception of the tenancy. In all other cases, the tenant may elect to pay any deposits, nonrefundable

No. 82782-1-I/6

fees, and last month's rent in two consecutive and equal monthly installments, beginning at the inception of the tenancy.

RHA's appeal is moot. RCW 59.18.610 now expressly requires the same of landlords as required by BMC 5.63.040. RHA admits as much. We can no longer provide the relief RHA seeks. Spokane Research & Defense Fund, 155 Wn.2d at 99. RHA's appeal and challenge to BMC 5.63.040 is moot.¹

C. City's Cross Appeal

On cross appeal, the City appeals the trial court's conclusion that BMC 5.63.070 is preempted by chapter 59.12 RCW or chapter 59.18 RCW. We agree with the trial court.

Local governments have the power under the Washington constitution to "make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws." WASH. CONST. art. XI, § 11. A local ordinance is valid under this provision unless it: (1) conflicts with state law, (2) is not reasonable, or (3) the subject matter is not local. Cannabis Action Coal. v. City of Kent, 183 Wn.2d 219, 225-26, 351 P.3d 151 (2015). A party challenging the constitutionality of a local ordinance carries a heavy burden and "every presumption will be in favor of constitutionality." Cannabis Action Coal., 183 Wn.2d at 226 (internal quotations omitted). Our review is de novo. Cannabis Action Coal., 183 Wn.2d at 226.

¹ RHA agrees that its challenge to BMC 5.63.070 is now untenable. RHA asks, however, that we determine the trial court's decision dismissing RHA's challenge based on collateral estoppel was erroneous. Because the RHA's challenge is moot, and the trial court's decision carries no precedence, we decline RHA's invitation to issue what would be, at best, nonbinding dicta.

No. 82782-1-I/7

Preemption takes two forms, field preemption, or conflict preemption. A local ordinance is preempted when a state statute either “occupies the field, leaving no room for concurrent jurisdiction,” or, “if a conflict exists such that the statute and the ordinance may not be harmonized.” Lawson v. City of Pasco, 168 Wn.2d 675, 679, 230 P.3d 1038 (2010). RHA argued below, and the trial court agreed, that BMC 5.63.070 was subject to conflict preemption.

Under conflict preemption, “a state law preempts a local ordinance ‘when an ordinance permits what state law forbids or forbids what state law permits.’” Cannabis Action Coal., 183 Wn.2d at 227 (quoting Lawson, 168 Wn.2d at 682). Conflict preemption is nuanced, and asks whether an irreconcilable conflict exists between a local ordinance and state law. HJS Dev., Inc., 148 Wn.2d at 482.

RCW 59.12.070 allows a landlord to commence an action to evict a tenant due to the tenant’s unlawful detainer, forcible entry, or forcible detainer. RCW 59.12.030 defines seven bases for finding that a tenant is in “unlawful detainer.” Of particular relevance here, RCW 59.12.130(1) and (2) define where a tenant is in unlawful detainer and therefore subject to removal at the end of the lease term:

Except as limited under RCW 59.18.650 relating to tenancies under chapter 59.18 RCW, a tenant of real property for a term less than life is liable for unlawful detainer either:

(1) When he or she holds over or continues in possession, in person or by subtenant, of the property or any part thereof after the expiration of the term for which it is let to him or her. When real property is leased for a specified term or period by express or implied contract, whether written or oral, the tenancy shall end without notice at the expiration of the specified term or period;

(2) when he or she, having leased property for an indefinite time with monthly or other periodic rent reserved, continues in possession thereof, in person or by subtenant, after the end of any such month or period, when the landlord, more than 20 days prior to the end of such

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month or period, has served notice (in manner in RCW 59.12.040 provided) requiring him or her to quit the premises at the expiration of such month or period.

Similarly, under RCW 59.18.290(2), it is unlawful for a residential tenant to hold over after the termination of a rental agreement:

It is unlawful for the tenant to hold over in the premises or exclude the landlord therefrom after the termination of the rental agreement except under a valid court order so authorizing. Any landlord so deprived of possession of premises in violation of this section may recover possession of the property and damages sustained by him or her, and the prevailing party may recover his or her costs of suit or arbitration and reasonable attorneys' fees subject to subsections (3) and (4) of this section.

Neither RCW 59.12.030, nor RCW 59.18.290 require cause or just cause for the eviction other than the expiration of the rental term.

In contrast, BMC 5.63.070(1) limits the ability of landlords to evict residential tenants unless there is "just cause" and then defines a narrow list of just cause reasons:

Pursuant to provisions of the Washington State Residential Landlord-Tenant Act (RCW 59.18.290), owners may not evict residential tenants without a court order, which can be issued by a court only after the tenant has an opportunity in a show cause hearing to contest the eviction (RCW 59.18.380). Owners of housing units shall not evict or attempt to evict any tenant, or otherwise terminate or attempt to terminate the tenancy of any tenant unless the owner can prove in court that just cause exists . . . the reasons for termination of tenancy listed below, and no others, shall constitute just cause under this section.

(Emphasis added).

BMC 5.63.070(1)'s exclusive list of just cause reasons for eviction includes some, but not all, of the state statute's definition of unlawful detainer. For example, BMC 5.63.070(1)(a) defines a just cause reason as failing to pay rent or vacate, failing to comply or vacate, failing to cure waste or nuisance, or maintenance of an unlawful business consistent with RCW 59.12.030(3), (4), and (5). But noticeably missing from

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the City's list of "just cause" reasons defined in BMC 5.63.070(1) is the expiration of the rental term consistent with RCW 59.12.030(1) or (2). Thus, on its face, Burien's ordinance prohibits what state statute allows: eviction at the end of a lease term.

The City cites Margola Assoc. v. City of Seattle, 121 Wn.2d 625, 854 P.2d 23 (1993) abrogated on other grounds by Yim v. City of Seattle, 194 Wn.2d 682, 451 P.3d 694 (2019), in support. In Margola, building owners challenged Seattle's registration ordinance which prohibited a landlord from evicting a tenant unless the landlord had obtained a rental housing registration for that property. Margola, 121 Wn.2d at 651. Relying largely on what appear to be dicta in Kennedy v. City of Seattle, 94 Wn.2d 376, 617 P.2d 713 (1980),² the Margola court held that Seattle's registration requirement was not preempted by the chapter 59.18 RCW because it only created another affirmative defense for the tenant—the tenant could be evicted only if the landlord registered their property. Margola, 121 Wn.2d at 652.

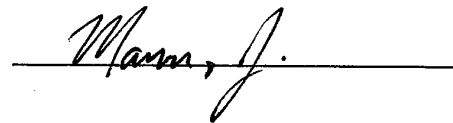
The City argues that its ordinance is nearly identical to that in Margola and only creates a new affirmative defense. While the City is correct that like in Margola, its ordinance also requires landlords to register their properties, BMC 6.53.070(1) goes far beyond creating an affirmative defense. Instead, on its face, the City's ordinance prohibits landlords from evicting tenants at the end of their lease term as expressly allowed by RCW 59.12.030(1) and (2), and RCW 59.18.290(2). The ordinance does not

² In Kennedy, Seattle enacted an ordinance that, in part, made it unlawful to evict the owner of a floating home but for six specific reasons. Kennedy, 94 Wn.2d at 379-80. In analyzing the ordinance, the court held that "there [was] no preemption [by RCW 59.12] expressly or by implication, nor [was] there an irreconcilable conflict between the statutes and the ordinance. A defendant in an unlawful detainer action may assert any defenses available." Kennedy, 94 Wn.2d at 384-85 (citing RCW 59.16.030; RCW 59.18.380). The court nonetheless invalidated the ordinance as an unconstitutional taking. Kennedy, 94 Wn.2d at 385.

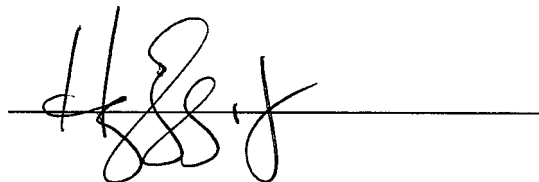
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merely create an affirmative defense, it eliminates a landlord’s prima facie cause of action. BMC 5.63.070(1) prohibits the initiation of unlawful detainer actions within the scope of RCW 59.12.030(1) and (2) unless the additional just cause requirements under the BMC are met. BMC 5.63.070(1) is preempted to the extent that it conflicts with RCW 59.12.030(1) and (2).³

RHA’s appeal and challenge to BMC 5.63.040 is moot. We dismiss RHA’s appeal as moot. The trial court’s decision is otherwise affirmed.



WE CONCUR:




³ In deciding this cross appeal, we note our court’s decision in Rental Hous. Ass’n v. City of Seattle, No. 82469-4-I, slip op. at 4-6 (Wash. Ct. App. June 21, 2022), <https://www.courts.wa.gov/opinions/pdf/824694.pdf>. There, we examined a preemption challenge to the Seattle Ordinance’s provisions banning eviction in winter and implementing a six-month eviction ban. Rental Hous. Ass’n v. City of Seattle, No. 82469-4-I, slip op. at 4-6. After analyzing Kennedy and Margola, we concluded that “because the ordinances do not erect new procedural barriers to unlawful detainer but merely determine the timing of the issuance of writs of restitution. . . the defenses provided in the ordinances do not irreconcilably conflict with state law. Rental Hous. Ass’n v. City of Seattle, No. 82469-4-I, slip op. at 6.

Here, unlike the ordinances in Margola and Rental Hous. Ass’n, the Burien Ordinance does not offer a tenant additional affirmative defenses. Rather, the ordinance erects procedural barriers for initiating an unlawful detainer action, limiting the conditions under which a landlord may evict and terminate a tenancy.

Council Agenda Planning Calendar | Updated 01.24.2023



First Quarter 2023

January '23							February '23							March '23						
S	M	T	W	T	F	S	S	M	T	W	T	F	S	S	M	T	W	T	F	S
1	2	3	4	5	6	7				1	2	3	4				1	2	3	4
8	9	10	11	12	13	14	5	6	7	8	9	10	11	5	6	7	8	9	10	11
15	16	17	18	19	20	21	12	13	14	15	16	17	18	12	13	14	15	16	17	18
22	23	24	25	26	27	28	19	20	21	22	23	24	25	19	20	21	22	23	24	25
29	30	31					26	27	28					26	27	28	29	30	31	

 City Council Regular Meetings occur on the indicated Mondays of each month at 7:00 p.m.
 City Holiday (closed)

February 6, 2023, 7 p.m. | City Council Regular Meeting

PLACEMENT	ACTION	TOPIC/TITLE	ASSIGNED TO	NOTE
Presentations & Proclamations	Proclamation	a) Black History Month Proclamation	Councilmember Jimmy Matta	
	Proclamation	b) 30th Anniversary of Incorporation	Councilmember Kevin Schilling	
	Presentation	c) Community Connectors Introduction	Carolyn Hope, PaRCS Director and Emily Inlow-Hood, Communications Officer	
Emerging Issues		a) Emerging Issue Topic		
Consent Agenda		a) Topic/Title		
Business Agenda	Discussion and Potential Action	a) Approve Resolution No. XXX, SKHHP Housing Capital Fund Allocations	Colleen Brandt-Schluter, Human Services Manager and Claire Goodwin, SKHHP Executive Manager	
	Presentation	b) Shape Your City – Phase I Data and Phase II Outreach Plan Presentation	Carolyn Hope, PaRCS Director, Susan McLain, CD Director, Maiya Andrews, PW Director, and Emily Inlow-Hood, Communications Officer	
	Discussion and Potential Action	c) Council Selection of Advisory Body Applicants to be Interviewed	Heather Dumlao, City Clerk	

	Review	d) Council Agenda Planning Calendar	Adolfo Bailon, City Manager	
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February 13, 2023 | Special Meeting, Time TBD

PLACEMENT	ACTION	TOPIC/TITLE	ASSIGNED TO	NOTE
Special Meeting	Conduct Interviews	a) Conduct Human Services Commission Candidate Interviews	Jennifer Ivins, Deputy City Clerk	
	Conduct Interviews	b) Conduct Planning Commission Candidate Interviews	Jennifer Ivins, Deputy City Clerk	

February 13, 2023, 7 p.m. | City Council Regular Meeting

PLACEMENT	ACTION	TOPIC/TITLE	ASSIGNED TO	NOTE
Presentations & Proclamations		a) Topic/Title		
Emerging Issues		a) Emerging Issue Topic		
Consent Agenda		a) Topic/Title		
Business Agenda	Appoint	a) Appoint Human Services Commission and Planning Commission Positions	Jennifer Ivins, Deputy City Clerk	
	Update and Presentation	b) Presentation of the BEDP Annual Report and Proposed Work Plan	Chris Craig, Economic Development Manager	
	Discussion	c) Discussion of the City Manager Evaluation and DEI	City Council	
	Review	d) Council Agenda Planning Calendar	Adolfo Bailon, City Manager	

February 20, 2023 | Presidents Day Holiday

February 27, 2023 | Special Meeting, Time TBD

PLACEMENT	ACTION	TOPIC/TITLE	ASSIGNED TO	NOTE
Special Meeting	Conduct Interviews	a) Conduct Business and Economic Development Partnership (BEDP) Candidate Interviews	Jennifer Ivins, Deputy City Clerk	

February 27, 2023, 7 p.m. | City Council Regular Meeting

PLACEMENT	ACTION	TOPIC/TITLE	ASSIGNED TO	NOTE
Presentations & Proclamations		a) Topic/Title		
Emerging Issues		a) Emerging Issue Topic		
Consent Agenda		a) Topic/Title		
Business Agenda	Appoint	a) Appoint Business and Economic Development Partnership (BEDP) Positions	Jennifer Ivins, Deputy City Clerk	
	Introduction and Discussion	b) Introduction to Ordinance No. 812, Building Code Amendments	Joe Stapleton, Building Official and Susan McLain, CD Director	
	Review	c) Council Agenda Planning Calendar	Adolfo Bailon, City Manager	

March 6, 2023 | Special Meeting, Time TBD

PLACEMENT	ACTION	TOPIC/TITLE	ASSIGNED TO	NOTE
Special Meeting	Conduct Interviews	a) Conduct Burien Airport Committee Candidate Interviews	Jennifer Ivins, Deputy City Clerk	

March 6, 2023, 7 p.m. | City Council Regular Meeting

PLACEMENT	ACTION	TOPIC/TITLE	ASSIGNED TO	NOTE
Presentations & Proclamations	Proclamation	a) Women’s History Month Proclamation	Mayor Sofia Aragon	
Emerging Issues		a) Emerging Issue Topic		
Consent Agenda	Adopt	a) Adoption of Ordinance No. 812, Building Code Amendments	Joe Stapleton, Building Official and Susan McLain, CD Director	Previously discussed 02.27.23
Business Agenda	Introduction and Discussion	a) Introduction to Ordinance No. 812, Building Code Amendments	Joe Stapleton, Building Official and Susan McLain, CD Director	
	Appoint	b) Appoint Burien Airport Committee Positions	Jennifer Ivins, Deputy City Clerk	
	Review	c) Council Agenda Planning Calendar	Adolfo Bailon, City Manager	

March 20, 2023 | Special Meeting, Time TBD

PLACEMENT	ACTION	TOPIC/TITLE	ASSIGNED TO	NOTE
Special Meeting	Conduct Interviews	a) Conduct Parks and Recreation Advisory Board Candidate Interviews	Jennifer Ivins, Deputy City Clerk	

March 20, 2023, 7 p.m. | City Council Regular Meeting

PLACEMENT	ACTION	TOPIC/TITLE	ASSIGNED TO	NOTE
Presentations & Proclamations	Proclamation	a) Sexual Assault Awareness Month Proclamation	Councilmember Cydney Moore	
Emerging Issues		a) Emerging Issue Topic		
Consent Agenda		a) Topic/Title		
Business Agenda	Appoint	a) Appoint Parks and Recreation Advisory Board Positions	Jennifer Ivins, Deputy City Clerk	
	Presentation and Update	b) King County Regional Homelessness Authority (KCRHA) Update	Colleen Brandt-Schluter, Human Services Manager	
	Review	c) Council Agenda Planning Calendar	Adolfo Bailon, City Manager	

March 27, 2023 | Special Meeting, Time TBD

PLACEMENT	ACTION	TOPIC/TITLE	ASSIGNED TO	NOTE
Special Meeting	Conduct Interviews	a) Conduct Arts Commission Candidate Interviews	Jennifer Ivins, Deputy City Clerk	

March 27, 2023, 7 p.m. | City Council Regular Meeting

PLACEMENT	ACTION	TOPIC/TITLE	ASSIGNED TO	NOTE
Emerging Issues		a) Emerging Issue Topic		
Consent Agenda		a) Topic/Title		
Business Agenda	Appoint	a) Appoint Arts Commission Candidate Positions	Jennifer Ivins, Deputy City Clerk	
	Review	b) Council Agenda Planning Calendar	Adolfo Bailon, City Manager	