

CITY COUNCIL AGENDA
City Hall, 833 South Spruce Street
7:00 p.m. November 20, 2018

CALL TO ORDER:

Mayor Sexton

Council Members: Aslett, J. DeGloria, R. DeGloria, Edmundson, Loving, Montgomery, and Stavig
Staff: Berner, Blaine, Dempsey, Erickson, Hampton, Harrison, Hawes, Brad Johnson, Brittany Johnson, L. Johnson, Jongsma, Luvera, Morrison, Moser, Peterson, Pulst, Rabenstein, Schwetz, Sinclair, Toth, Ward, Yengoyan

MINUTES:

[City Council Meeting November 8, 2018](#)

AUDIT OF BILLS:

PUBLIC COMMENTS:

COUNCIL COMMENTS:

MAYOR'S UPDATE:

PROCLAMATION:

SPECIAL PRESENTATION:

COMMITTEE & BOARD REPORTS:

OFFICERS REPORTS:

UNFINISHED BUSINESS:

- 1) [Public Hearing: Six Month Extension to Moratorium for Day Center Human Services Facility](#)
- 2) [Public Hearing: Revenue Sources—Property Tax](#)

CONSENT AGENDA:

NEW BUSINESS:

- 1) [Public Hearing: Proposed 2019 Budget](#)
- 2) [Public Hearing: Ordinance Regarding BMC Chapter 5.12.0470: 2% Water Utility Tax Levy on Water Sales](#)
- 3) [Permit Fees—Licensing Background Checks](#)
- 4) [Interlocal agreement between Skagit County and City of Burlington for Library Services Allocation](#)
- 5) [Skagit River Park Irrigation Alternatives Analysis](#)
- 6) [Council Chamber AV Electronics Upgrade](#)
- 7) [Interlocal Agreement with Central Valley Ambulance Authority for Reserve Ambulance](#)
- 8) [Interlocal Agreement for 2018 Assistance to Firefighters Grant \(AFG\) Application](#)
- 9) [Contract for Permitting Software for Building, Planning, Public Works, and Fire Marshal's Office](#)
- 10) [Request by St. Charles Catholic Church for Annual Our Lady of Guadalupe Procession](#)

FUTURE WORKSHOP:

EXECUTIVE SESSION:

- An Executive Session may be held to discuss Personnel, Litigation, and/or Land Acquisition.

ADJOURNMENT:

MEETINGS:

- 1) PUBLIC WORKS COMMITTEE: Tuesday **November 20, 2018** 4:00 p.m.
City Hall, 833 S Spruce Street
- 2) AUDIT & FINANCE COMMITTEE: Tuesday, **November 20, 2018** 4:00 p.m.
City Hall, 833 S Spruce Street
- 3) DOWNTOWN BURLINGTON ASSOCIATION: Wednesday **November 28, 2018** 9:00 a.m.
Chamber of Commerce, 520 E Fairhaven Ave.



Annual Tree Lighting – 6:00 p.m. Thursday, December 6th, 2018 at Alpha Park

City offices will be closed November 22nd & 23rd and December 24th & 25th, 2018 for the Holidays

November 2018

November 2018						December 2018							
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
				1	2	3							1
4	5	6	7	8	9	10	2	3	4	5	6	7	8
11	12	13	14	15	16	17	9	10	11	12	13	14	15
18	19	20	21	22	23	24	16	17	18	19	20	21	22
25	26	27	28	29	30		23	24	25	26	27	28	29
							30	31					

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Oct 28	29	30	31	Nov 1	2	3
Oct 28 - Nov 3							
	4	5	6	7	8	9	10
Nov 4 - 10		5:30pm Parks Board (Parks & Rec Dept) - Judy Sheahan	6:00pm Library Board (Library)	5:30pm 7:00pm Planning Commission (Council Chambers)	6:00pm 7:00pm Council Budget Workshop (Council Chambers) 7:00pm Council Meeting		
	11	12	13	14	15	16	17
Nov 11 - 17			4:00pm Public Safety Committee (Public Safety Building)		6:00pm 9:00pm Budget & Finance Council Workshop (Council Chambers)		
	18	19	20	21	22	23	24
Nov 18 - 24			4:00pm Audit & Finance Committee (4:00pm Public Works Committee (Engineer 7:00pm Council Meeting	1:00pm CANCELLED: SKAT Board (Burlington City Hall) 5:30pm 7:00pm Planning Commission (Counci	CITY HALL CLOSED	CITY HALL CLOSED	
	25	26	27	28	29	30	Dec 1
Nov 25 - Dec 1				9:00am 10:00am Downtown Burlington Association (Visitor Information Center/Chamber of			

December 2018

December 2018							January 2019						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
2	3	4	5	6	7	1	6	7	8	2	3	4	5
9	10	11	12	13	14	8	13	14	15	9	10	11	12
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30	31		
30	31												

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Nov 25	26	27	28	29	30	Dec 1
11/25 - 30							
	2	3	4	5	6	7	8
12/2 - 7		5:30pm Parks Board (Parks & Rec Dept) - Judy Sheahan	6:00pm Library Board (Library)	5:30pm 7:00pm Planning Commission (Council Chambers)			
	9	10	11	12	13	14	15
12/9 - 14			4:00pm Public Safety Committee (Public Safety Building)		4:00pm Audit & Finance Committee (City Hall) 7:00pm Council Meeting		
	16	17	18	19	20	21	22
12/16 - 21			4:00pm Public Works Committee (Engineering Conf Room)	1:00pm SKAT Board (Burlington City Hall) 5:30pm 7:00pm Planning Commission (Counci			
	23	24	25	26	27	28	29
12/23 - 28		CITY HALL CLOSED	CITY HALL CLOSED	9:00am 10:00am Downtown Burlington Association (Visitor Information Center/	4:00pm Audit & Finance (City Hall) 7:00pm Council Meeting		
	30	31	Jan 1, 19	2	3	4	5
12/30 - 1/4							



ITEM #: 1

CHECK ONE:

NEW BUS. _____

OLD BUS. X

AGENDA ITEM

Council Date: November 20, 2018 Subject: [Six Month Extension to Moratorium For Day Center Human Services Facilities](#)
Bryan Harrison, City Administrator

Attachments: Proposed Ordinance Public Hearing Required: YES (X) NO ()

SUMMARY

Council passed an initial six month moratorium on this matter, which will expire after November 20. This six month extension of the moratorium ordinance is necessary to complete a work plan for related studies that may be needed to set permanent regulations in place, protect property rights and ensure that the public interest is protected. The City of Burlington is currently developing regulations to address Day Center Human Services Facilities as part of the City's comprehensive plan update, currently expected to be complete on or around the end of 2018. Once those items are complete, it should be possible to rescind this moratorium, likely before the entire six month extension period is complete.

City staff has been in contact with Community Action of Skagit County regarding this potential extension, based on their concerns during the initial public hearing for this matter. This extension will not impact or change the prior code interpretation received by Community Action or their ability to locate within the City of Burlington under the terms of that code interpretation. In other words, should Council approve this extension, the status quo will be maintained with respect to Community Action's proposed move to Burlington.

RECOMMENDATION

Move to approve the proposed ordinance approving the six month extension of the Day Center Human Services Facilities Moratorium, and authorize the Mayor to sign.



ITEM #: 2

CHECK ONE:

NEW BUS. _____

OLD BUS. X

AGENDA ITEM

Council Date: November 20, 2018 Subject: [Public Hearing: 2019 Revenue sources](#)
Renee Sinclair, Director of Budget & [and consideration of possible property tax](#)
Accounting [revenues](#)

Attachments: Proposed Levy Ordinance Public Hearing Required: YES (X) NO ()

SUMMARY

In Washington, the state constitution, statutory levy limits set by the legislature, and excess levies approved by the voters are used to calculate the total property tax levy for all taxing districts. The tax rate on individual properties is the figure resulting from dividing the dollar amount required for the taxing district by the total value of property within the district. For cities and towns, the legislative body (i.e. the City Council) is directed by statute to establish the total amount to be derived from property taxes to help fund city operations. Although the state legislature has limited cities to collecting 101% of the amount established for collection in the previous year, for many years cities have been allowed to establish a levy amount less than the maximum percentage allowed by statute and “bank” the percentage not taken for future use. Burlington has taken less than the maximum amount allowed in the past, and banked that percentage.

Attached is a spreadsheet with multiple property tax options for Council review along with the preliminary assessed value provided by Skagit County and a draft ordinance.

RECOMMENDATION

1. If decision: Motion to adopt ordinance raising the property levy rate by __%, for 2018, for 2019 collection.
2. If no decision: We can bring this item back to the next regular City Council meeting for a decision.



ITEM #: 1

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: November 20, 2018 Subject: [Public Hearing: Proposed 2019 Budget](#)

Renee Sinclair, Director of Budget &

Accounting

Attachments: Proposed Budget Ordinance Public Hearing Required: YES (X) NO ()

SUMMARY

This is the first reading and Public Hearing to consider the 2019 Budget.

RECOMMENDATION

1. Motion to approve the proposed 2019 budget ordinance and adopt the 2018 budget and authorize the Mayor's signature on the budget ordinance; – or –
2. Take no action on the proposed 2019 budget ordinance and request a continuation of the public hearing to the next regular City Council meeting on Thursday, December 13, 2018.



ITEM #: 2

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: November 20, 2018 Subject: [Public Hearing: Ordinance regarding BMC Chapter 5.12.0470: 2% Water Utility Tax Levy on Water Sales](#)
Renee Sinclair, Director of Budget & Accounting _____

Attachments: Ordinance 1847 Public Hearing Required: YES (X) NO ()
Proposed Ordinance

SUMMARY

Pursuant to the court decision issued in City of Wenatchee vs. Chelan County PUD No. 1 in which the state court of appeals decided that a code city has the legal authority to impose a utility tax on the revenues of a public utility district's provision of water service to customers within City limits, council previously adopted Ordinance No. 1847 thereby suspending the 2% utility tax on water sales on November 20th, 2018.

RECOMMENDATION

1. Motion to approve the attached proposed ordinance suspending the 2% utility tax on water sales through December 31st, 2019 and authorize the Mayor's signature.

- OR -

2. Take no action on the proposed ordinance which would then take effect BMC 5.12.070 and the 2% water utility tax on water sales would be imposed to customers within the City limits of Burlington effective January 1st, 2019.



ITEM #: 3

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: November 20, 2018 Subject: [Permit Fees – Licensing Background Checks](#)

Renee Sinclair, Director of Budget &

Accounting

Attachments: Proposed Resolution Public Hearing Required: YES () NO (**X**)

SUMMARY

Due to the implementation of the State of Washington Business Licensing System procedures the City must separate the background check fees from the business license fee. There is no change in the fee amount, simply a change in the collection of the fee.

Staff recommends revising the Fee resolution #17-2018 adopted on November 8, 2018 to include this fee.

RECOMMENDATION

Move to approve the proposed resolution with the revision to include the State of Washington Business License System requirements and authorize the Mayor to sign.



ITEM #: 4

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: 11/20/2018 Subject: [Interlocal agreement between Skagit County and City of Burlington for Library Services Allocation.](#)

Attachments: Interlocal agreement from Skagit County for Library Services Allocation Public Hearing Required: YES () NO ()

SUMMARY

This interlocal agreement is for an allocation of funds in the amount of \$9,176 in recognition of the services that the Burlington Public Library provides for all residents of Skagit County.

RECOMMENDATION

Move to approve the Mayor's signature for the interlocal agreement from Skagit County for Library Service Allocation.



ITEM #: 5

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: November 20, 2018 Subject: [Skagit River Park Irrigation Alternatives Analysis](#)
Jennifer Berner,
Parks and Recreation Director

Attachments: Agreement with RH2 Engineering and Scope of Work Public Hearing Required: YES () NO (**X**)
RH2 Engineering Submittal
Statement of Qualifications

SUMMARY

The City of Burlington advertised a Statement of Qualifications for consulting services to evaluate the irrigation alternatives for Skagit River Park on August 6, 2018. Submittals were due on August 27, 2018 with 5 firms responding. Parks and Recreation and Engineering Staff reviewed and ranked the five firms and interviewed the top three candidates, Gray and Osborne Engineers, RH2 Engineering, and Coffman Engineers. Staff is recommending RH2 Engineering for the project.

The Statement of Qualifications (SOQ) asked firms to demonstrate their resources, experience and qualifications in evaluating irrigation alternatives and providing recommendations and design plans for the irrigation alternatives for Skagit River Park. The firm will work with City staff to provide research, recommendations and design services.

Due to the complexity of the project, staff has divided the project into two (2) phases. The main tasks associated with Phase 1 of the project are to determine the irrigation demand for Skagit River Park and analyze different sources of water to determine their feasibility to meet all or a portion of the identified demand. RH2 will then prepare planning-level cost estimates for alternatives identified by the city. Sources of water being evaluated include:

- Skagit PUD water existing and additional
- Review of extent and validity of existing water rights
- Evaluate the feasibility of using reclaimed water
- Examine the feasibility of obtaining a new interruptible surface water right

RECOMMENDATION

Move to award the Skagit River Park Irrigation Alternatives Analysis, Phase 1 contract to RH2 Engineering Consulting Firm and authorize the Mayor to sign.



ITEM #: 6

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: November 20, 2018 Subject: [Council chamber AV electronics upgrade](#)
Geoff Hawes, IT Manager

Attachments:

2018-10-30 Council Chambers AV Digital Refresh rev.3 (002).pdf

Public Hearing Required: YES () NO (**X**)

SUMMARY

The Council chamber audio video electronics was installed 11 years ago when the new city hall was built in 2007. There have been a number of audio and video recording equipment failures, that have been recoverable but attributed to running the equipment 24x7 nonstop for 11 years. The operator touch panel is becoming difficult to operate, often it does not turn on the audio and video recording functions. It has old functions that are never used.

AV technology has also changed, the current projector is not capable of high definition display and is not compatible with most of the computers and computer media available today. The CD player and the tape player will be removed, and a permanent laptop installed at the podium. The overhead projector will be replaced with a newer full high definition system with a larger 16x9 format screen. The projector will also have a LASER lighting system, vs the traditional Halogen system which provides instant on-off capabilities with lower power consumption and longer life.

The clerk will be able to present AV directly as well and the capability to wirelessly project (casting from phones, tablets etc) will be added in 2019.

All the old RGB cables will be removed and newer CAT6A high bandwidth cables installed.

RECOMMENDATION

Motion to approve the Council AV upgrade project and authorize the Mayor to sign the "Council Chambers Digital AV System Update" proposal from Dimensional Communications.



ITEM #: 7

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: November 20, 2018 Subject: [Interlocal Agreement with CVAA for Reserve Ambulance](#)
Levon Yengoyan, Fire Chief

Attachments: Interlocal Agreement for use of Reserve Ambulance Public Hearing Required: YES () NO (**X**)

SUMMARY

As part of the EMS transition in 2019, the City of Burlington will be receiving three (3) ambulances from Central Valley Ambulance Authority (CVAA). In order to facilitate the City's preparation for the assumption of these services, CVAA has agreed to transfer one of these ambulances to the City prior to the beginning of the year. Because this ambulance is used as a reserve unit, CVAA needs the ability to use the vehicle in case of a mechanical issue with a front line unit. Usage of this vehicle by CVAA will be in accordance with the attached Interlocal Agreement.

RECOMMENDATION

Move to approve the Interlocal Agreement with CVAA for use of a reserve ambulance and authorize the Mayor to sign.



ITEM #: 8

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: November 20, 2018 Subject: [Interlocal Agreement for 2018 Assistance to Firefighters Grant \(AFG\) Application](#)
Levon Yengoyan, Fire Chief

Attachments: Interlocal Cooperative Purchase Agreement Public Hearing Required: YES () NO (X)

SUMMARY

The Burlington Fire Department (BFD) is seeking to continue the application process to the 2018 Assistance to Firefighters Federal Grant program with funding award scheduled in 2019. The fire department is seeking to participate in a regional grant for replacement of soon to be outdated self-contained breathing apparatus (SCBA). The fire department's current SCBAs will become outdated in 2020. Regional grants promote inter-operability between emergency response partners and are generally looked upon favorably by granting agencies. Skagit County Fire District 14 is serving as the lead agency with participation from Fire Districts 2, 6, 12, and the City of Burlington. Participation in this regional grant application requires the approval of the attached Interlocal Cooperative Purchasing Agreement.

The Fire Department has historically participated in AFG grants that have resulted in the acquisition of equipment in the hundreds of thousands of dollars. The upcoming replacement of these SCBAs has been identified in the City's Capital Improvement Plan at an estimated cost of \$200,000 for SCBAs and \$75,000 for the needed filling equipment in 2020. Submittal of these grants for 2018 will continue the City's eligibility to receive Federal funds to purchase the needed SCBAs only. The total grant request for all agencies is \$992,417 of which \$214,679 would be allocated to the City. If awarded, the City's match is anticipated to be 5% of its portion of the grant award or \$10,733.

RECOMMENDATION

Move to approve the Burlington Fire Departments regional grant application and authorize the Mayor to sign the Interlocal Cooperative Purchasing Agreement.



ITEM #: 9

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: November 20, 2018 Subject: [Contract for Permitting Software for Building, Planning, Public Works and Fire Marshal's office.](#)
Brad Johnson, Senior Planner

Attachments: Contract
Subscription and Professional Service Agreement

Public Hearing Required: YES () NO (X)

SUMMARY

Our current permitting software is used to issue/track building permits only and does not provide the necessary tracking of projects for Building, Planning, Public Works and the Fire Marshal to work together. The new software will be utilized for all permits (building, land use, sewer, storm drain, right of way) and tracking of projects so various departments can communicate and see where the project is in the process.

A request for proposals was issued in 2017 and we received five proposals. After reviewing the proposals, interviews and product demonstrations we narrowed down the choice to SmartGOV. Several Washington state jurisdictions use this software and they have a good performance record.

RECOMMENDATION

Motion to approve the contract for new permitting software by SmartGOV.



ITEM #: 10

CHECK ONE:

NEW BUS. X

OLD BUS.

AGENDA ITEM

Council Date: November 20, 2018 Subject: [Request by St. Charles Catholic Church for their annual Our Lady Guadalupe procession on Sunday, December 9, 2018 beginning at 11:30 a.m.](#)
Bryan Harrison, City Administrator

Attachments: Permit
Map of Procession

Public Hearing Required: YES () NO (X)

SUMMARY

Request by St. Charles Catholic Church for their annual Our Lady Guadalupe procession from Maiben Park, west down Fairhaven Avenue, south on Norris, under I-5 to 935 Peterson Road. The church has met with the Police Department and worked out logistics for the day of the event.

RECOMMENDATION

Motion to approve the procession on December 9, 2018.