

CITY COUNCIL AGENDA
City Hall, 833 South Spruce Street
7:00 p.m. June 27, 2019

CALL TO ORDER:

Mayor Sexton
Council Members: Aslett, J. DeGloria, R. DeGloria, Edmundson, Loving, and Stavig
Staff: Berner, Blaine, Dempsey, Erickson, Ganz, Hampton, Harrison, Hawes, Brad Johnson,
L. Johnson, Jongsma, Luvera, Morrison, Moser, Nelson, Peterson, Pulst, Rabenstein,
Schwetz, Stewart, Toth, Ward, and Young.

MINUTES:

[City Council Meeting June 13, 2019](#)

AUDIT OF BILLS:

PUBLIC COMMENTS:

COUNCIL COMMENTS:

MAYOR'S UPDATE:

PROCLAMATION:

SPECIAL PRESENTATION:

COMMITTEE & BOARD REPORTS:

OFFICERS REPORTS: TBD

UNFINISHED BUSINESS:

CONSENT AGENDA:

NEW BUSINESS:

- 1) [Appointment to Open Council Seat](#)
- 2) **PUBLIC HEARING:** [Six Year Transportation Improvement Program](#)
- 3) [Canton Parking Lot Lease](#)

FUTURE WORKSHOP:

- 1) **BUDGET WORKSHOP** Thursday **July 11, 2019** 6:00 p.m.
City Hall, 833 S Spruce Street

EXECUTIVE SESSION:

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

ADJOURNMENT:

MEETINGS:

- 1) **DOWNTOWN BURLINGTON ASSOCIATION:** Wednesday **June 26, 2019** 9:00 a.m.
Chamber of Commerce, 520 E Fairhaven Ave
- 2) **AUDIT & FINANCE COMMITTEE:** Thursday **June 27, 2019** 4:00 p.m.
City Hall, 833 S Spruce Street
- 3) **LIBRARY BOARD:** Tuesday **July 2, 2019** 6:00 p.m.
Burlington Public Library, 820 E Washington Ave
- 4) **HISTORICAL PRESERVATION BOARD:** Tuesday **July 9, 2019** 2:00 p.m.
Parks & Recreation, 900 E Fairhaven Ave
- 5) **PUBLIC SAFETY COMMITTEE:** Tuesday **July 9, 2019** 4:00 p.m.
Public Safety Building, 311 Cedar Street
- 6) **PARKS ADVISORY BOARD:** Tuesday **July 9, 2019** 5:30 p.m.
Parks & Recreation, 900 E Fairhaven Ave
- 7) **AUDIT & FINANCE COMMITTEE:** Thursday **July 11, 2019** 4:00 p.m.
City Hall, 833 S Spruce Street



FUTURE COUNCIL AGENDA

City Council Meeting of July 11, 2019 – SPECIAL START TIME 6PM

6PM to 7PM – Presentation of Options for New/Enhanced Revenue Sources Available to City

Swearing In of New Police Officers

Ordinance Amending 2019 Budget

EMS Hub District Interlocal with Skagit County

Resolution Regarding Implementation Element of Comprehensive Plan

Resolution Regarding Housing Element of Comprehensive Plan

Wastewater Treatment Plant – Sharon Avenue Cured-In-Place Pipe Contract

Resolution of Sole Source Vendor – Bioxide (calcium nitrate) for Wastewater Treatment Plant

Medical Stretcher Maintenance Agreement

- **2020 Budget SPECIAL Council Workshop July 18, 2019 – 6PM**

Presentation of Non-Represented Employee Compensation Survey Results

City Council Meeting of July 25, 2019

Sewer Line Replacement Contract – Burlington Blvd/Oak Street

Approval of Purchase – Large Diameter Fire Supply Hose

June 2019

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

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	May 26	27	28	29	30	31	Jun 1
5/26 - 31							
	2	3	4	5	6	7	8
6/2 - 7			5:30pm Parks Board (Parks & Rec Dept) - Judy Sheahan 6:00pm Library Board (Library)		6:00pm 9:00pm Council Workshop (Council Chambers)		
	9	10	11	12	13	14	15
6/9 - 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
6/16 - 21			4:00pm Public Works Committee (Engineering Conf R) 6:00pm 8:30pm Council Workshop (Council	1:00pm SKAT Board (Burlington City Hall) 5:30pm 7:00pm Planning Commission (Counci			
	23	24	25	26	27	28	29
6/23 - 28				9:00am 10:00am Downtown Burlington Association (Visitor Information Center/	4:00pm Audit & Finance (City Hall) 7:00pm Council Meeting		
	30	Jul 1	2	3	4	5	6
6/30 - 7/5							

July 2019

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

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Jun 30 - Jul 6	Jun 30	Jul 1	2	3	4	5	6
			6:00pm Library Board (Library)				
Jul 7 - 13	7	8	9	10	11	12	13
			2:00pm 3:00pm Historical Preservati 4:00pm Public Safety Committee (Public 5:30pm Parks Board (Parks & Rec Dept)		4:00pm Audit & Finance Committee (6:00pm 7:00pm Council Workshop (Council 7:00pm Council Meeting		
Jul 14 - 20	14	15	16	17	18	19	20
			4:00pm Public Works Committee (Engineering Conf Room)	1:00pm SKAT Board (Burlington City Hall) 5:30pm 7:00pm Planning Commission (Council Chambers)	5:30pm 8:00pm Council Workshop (Council Chambers)		
Jul 21 - 27	21	22	23	24	25	26	27
				9:00am 10:00am Downtown Burlington Association (Visitor Information Center/Chamber of	4:00pm Audit & Finance (City Hall) 7:00pm Council Meeting		
Jul 28 - Aug 3	28	29	30	31	Aug 1	2	3



ITEM #: 1

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: June 27, 2019 Subject: [Appointment to Open Council Seat](#)

Submitted By: Greg Young, Interim City Administrator

Attachments: Ward One Open Council Seat Interview Questions Public Hearing Required: YES () NO (X)

HISTORY AND SUMMARY

As you are aware, there is an open Council seat. The City has received two (2) applications from interested citizens and Thursday night you will have the opportunity to interview each candidate and potentially make a selection for one of them to serve out the remainder of the term.

ALTERNATIVES CONSIDERED

You have basically three options – 1) interview and select one of the applicants, 2) interview and decline to appoint either one to the position opting to open the city to further applicants or 3) decide to not fill the open seat. This last option has a time limit however that is discussed in the Legal Review section of this report.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

Since the annual budget anticipated and funded all of the Council positions, there are no additional current or future budget ramifications.

LEGAL ASPECTS – LEGAL REVIEW

Statewide, open council positions are a common occurrence – this can be for reasons of resignation, death, or someone moving and no longer being qualified to hold office in the city. As a result, the legal process of filling an open Council seat is well established. Within 90 days of the vacancy, the City Council needs to solicit and appoint a successor who then serves for

the remainder of the unexpired term. Should the Council decide to not fill the position within the 90 day timeline, they lose the authority to do so and this appointing responsibility moves to the County Council who has an additional 180 days to appoint an individual. Should they fail to act, the Governor makes an appointment. State law also requires that whoever is appointed to the position, must obtain open government training within 90 days of assuming office.

STAFF RECOMMENDATION

The Council has some latitude as to how they go about deciding on their preferred candidate. The interview/debate/vote must be in open session but if you prefer, you can; a) ask each individual the questions, b) after you have interviewed each person, you may adjourn to Executive Session to “evaluate the qualifications for a candidate for appointment to elective office” and then, c) return to open session to make your decision.

So the choice to include an Executive Session is yours to make – if you want, you can forego the Executive Session and simply vote to choose the successor following the interviews.

One last suggestion, even though the chosen person could immediately take their seat on the dais, they may not have had an opportunity to review the council meeting materials so they might feel somewhat unprepared. Also, it is not uncommon for family members to want to be present for their oath office.

As a result, it might be appropriate to appoint the person effective as of the next Council meeting. The suggested Council motion below would accomplish this outcome.

SUGGESTED COUNCIL MOTION LANGUAGE

“I move to appoint _____ to the open Council seat effective July 11, 2019”



ITEM #: 2

CHECK ONE:

NEW BUS. _____

OLD BUS. _____

AGENDA ITEM

Council Date: June 27, 2019 Subject: [6-Year Transportation Improvement Program](#)

Submitted By: Marv Pulst, Public Works Director

Attachments: Program Public Hearing Required: YES (X) NO ()

Resolution

HISTORY AND SUMMARY

This is a public hearing to adopt “a perpetual six-year plan for coordinated transportation program expenditures” (RCW 35.77.010). This plan is utilized as a programming tool by local government and planning organizations. The Federal Highway Administration uses this to authorize federally funded projects.

ALTERNATIVES CONSIDERED

This program can be revised at any time, following a public hearing, by a majority of the Council. Maintenance projects may be added, but program is typically used for selecting projects for grant opportunities.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

Currently budgeted this year is the design phase of the E-W connector road. Next year, George Hopper Signal Enhancements will be constructed.

LEGAL ASPECTS – LEGAL REVIEW

Cities are required annually to submit plan to WSDOT for federally funded projects to be included on State Transportation Plan.

STAFF RECOMMENDATION

Approve resolution approving 2020 – 2025 Transportation Improvement Program.

SUGGESTED COUNCIL MOTION LANGUAGE

Motion to approve the proposed resolution approving the 2020 – 2025 Transportation Improvement Program and authorize Mayor’s signature.



ITEM #: 3

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: June 27, 2019 Subject: [Canton Parking Lot Lease](#)

Submitted By: Greg Young, Interim City Administrator

Attachments: DRAFT Lease Public Hearing Required: YES () NO (X)

HISTORY AND SUMMARY

For several years, the City has leased parking space in the parking lot of the former Canton Restaurant in downtown Burlington. The City's current lease is due to expire in July of this year. City staff has negotiated with the property owners regarding a new lease; a draft is attached. It is for an additional 12 months with an increase in the lease payment.

ALTERNATIVES CONSIDERED

If the lease is not renewed, the City's existing lease becomes "month to month", and may be terminated at any time. If that happens, the City will not be able to use the parking lot for any purpose.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

The City's most recent lease for the parking lot is at the rate of \$1,500.00 per month. The draft lease, attached, is at the rate of \$1,650.00 per month. The City incurs costs for improvements that may be needed to maintain the parking lot for safe public use.

LEGAL ASPECTS – LEGAL REVIEW

The attached lease is for one year, but upon notice, may be terminated between 14 and 90 days during the lease period, depending on the circumstances. The City's rights are those of a tenant, and therefore are subject to the property owner's rights.

STAFF RECOMMENDATION

Staff reached out to a commercial real estate agent to ascertain the current commercial land lease rates in Burlington and investigated the current property tax assessments for this property as well as the percentage of property taxes associated with the land (vs. building). Following this analysis, staff believes that the proposed lease amount can be supported by the market rates achieved by comparable commercial land leases and an amount sufficient to cover the property taxes associated with the land. Staff supports a motion to approve the renewed lease.

SUGGESTED COUNCIL MOTION LANGUAGE

“I move to approve the lease agreement for the parking lot at 423 Fairhaven Street in Burlington, and authorize the Mayor’s signature.”