

CITY COUNCIL AGENDA
City Hall, 833 South Spruce Street
7:00 p.m. October 24, 2019

CALL TO ORDER:

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

MINUTES:

[City Council Meeting October 10, 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) [Public Hearing: Resolution Re: SHB 1406](#)
- 2) [Street Closure for 2019 Veterans Day Parade](#)
- 3) [HIPAA Hybrid Agency Resolution](#)
- 4) [St. Charles Church Annual Our Lady Guadalupe Procession](#)

FUTURE WORKSHOP:

- 1) WORKSHOP Thursday **November 7, 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 **October 23, 2019** 9:00 a.m.
Chamber of Commerce, 520 E Fairhaven Ave
- 2) AUDIT & FINANCE COMMITTEE: Thursday **October 24, 2019** 4:00 p.m.
City Hall, 833 S Spruce Street
- 3) PARKS ADVISORY BOARD: Monday **November 4, 2019** 5:30 p.m.
Parks & Recreation, 900 E Fairhaven Ave
- 4) LIBRARY BOARD: Tuesday **November 5, 2019** 6:00 p.m.
Burlington Public Library, 820 E Washington Ave
- 5) PUBLIC SAFETY COMMITTEE: Tuesday **November 12, 2019** 4:00 p.m.
Public Safety Building, 311 Cedar Street



FUTURE COUNCIL AGENDA

- **2020 Budget SPECIAL Council Workshop November 7 – 6PM**

Review and Final Alterations to Proposed 2020 Budget

Presentation of Parks, Recreation, and Open Space (PROS) plan

City Council Meeting of November 14, 2019

Ordinance Setting the 2020 Property Tax Levy

1st Public Hearing – 2020 Budget

Ordinance Revising Planning and Permitting Fees

Overview of Code Enforcement in Burlington – Police/Legal/Community Development

Bid Award – Electric Panel for Wastewater Treatment Plant

City Council Meeting of November 26 (TUESDAY), 2019

Final Public Hearing – 2020 Budget

Ordinance Adopting Year 2020 Budget

Authorization for City Participation in Ground Emergency Medical Transportation (GEMT) Program

EMS Hub District Interlocal with Skagit County

Agreement with Skagit Valley College – EMT Student Ride-Alongs

City Council Meeting of December 12, 2019

Ordinance Revising Park Impact Fees

PROS (Parks, Recreation, and Open Space) Plan 1st Hearing

City Council Meeting of December 26, 2019

CANCELLED

City Council Meeting of January 9, 2020

PROS Plan 2nd Hearing and Adoption

City Council Meeting of January 23, 2020

October 2019

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

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

November 2019

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

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



ITEM #: 1

CHECK ONE:

NEW BUS. _____

OLD BUS. _____

AGENDA ITEM

Council Date: October 24, 2019 Subject: [Resolution Re: SHB 1406](#)

Submitted By: Leif Johnson, City Attorney

Attachments: PROPOSED RESOLUTION Public Hearing Required: YES (X) NO ()

HISTORY AND SUMMARY

The State Legislature recently approved SHB 1406, which creates a revenue sharing program for local governments to use tax credited against the state sales tax for housing investments. The revenue may be used for acquiring, rehabilitating or constructing affordable housing; operations and maintenance of new affordable or supportive housing facilities, or, for Cities the size of Burlington, rental assistance.

It is noteworthy that if Council were to adopt the provisions of SHB 1406, no new tax would be imposed. The revenue would simply be directed to the City, rather than to the State. In other words: local jurisdictions retain a portion of the sales and use taxes already paid.

If the attached resolution of *intent* is passed, the City will then need to pass an ordinance formally adopting this legislation on or before July 27, 2020.

Skagit County has passed a similar resolution already. It is likely that the County and Cities of Skagit County will evaluate a cooperative plan to pool resources under SHB 1406, which is allowed under the statute. Those pooled resources could allow for larger projects than any one City could accomplish on its own. DOR has estimated a maximum of approximately \$74,000 in City revenue and approximately \$466,000 in revenue across the County, depending on several factors. The revenue is bondable, and limited to a maximum of 20 years.

The tax credit to the City would likely be 0.0073% at this time. Cities with qualifying local taxes may receive up to 0.0146%. A qualifying local tax is one that addresses housing, chemical dependency or mental health, among a few other closely related topics. Staff is only aware of around 10 cities in the State that have such a tax. Burlington does not have such a qualifying local tax at this time; thus, the lower percentage applies.

If the City were interested in passing such a qualifying local tax, that would need to occur on or before July 31, 2020. If Council desires such a proposal, work would need to begin on that soon, in order to meet that deadline. Such a tax would almost certainly require voter approval, so inclusion on one of the normal ballots before July 2020 would be desirable.

ALTERNATIVES CONSIDERED

The City is not required to pass the resolution of intent now or in the future. Taking no action means that the City will not directly receive funds under this resolution. That may result in the City's portion being directed to the County. There is time to consider the adoption of this Resolution – it must be passed on or before January 28, 2020 to be effective. Therefore, if Council has further questions, this item may be continued to a future Council date.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

The City would receive funding that may be used for the specific items as identified under SHB 1406. It is likely that a cooperative proposal between the County and local Cities will be presented to Council for consideration, once such a plan is drafted.

LEGAL ASPECTS – LEGAL REVIEW

The City is authorized to pass the attached resolution. There is no legal requirement to do so, however. If the City desires to pass the resolution, it must comply with the deadlines outlined in this agenda item.

STAFF RECOMMENDATION

Pass the attached resolution and direct staff to begin work on a plan for the anticipated revenue.

SUGGESTED COUNCIL MOTION LANGUAGE

“I hereby move to pass the resolution declaring the intent of the City of Burlington to adopt legislation to authorize a sales and use tax for affordable and supportive housing in accordance with substitute house bill 1406, chapter 338, laws of 2019, and authorize the Mayor's signature.”



ITEM #: 2

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: October 26, 2019 Subject: [Street Closures for 2019 Veterans Day Parade](#)
Jennifer Berner,
Parks & Recreation Director

Attachments: Street Closure Request for Skagit Valley Veterans Public Hearing Required: YES () NO (**X**)
Parade

HISTORY AND SUMMARY

Skagit Valley's 24th annual Veterans Day Parade is scheduled to take place on Saturday, November 9, 2019. The parade will begin at 11:00AM; street closures will begin at 8:30AM for staging and reopen by 12:30PM. The parade routes along E. Fairhaven Avenue from its intersection with Walnut Street heading east to its intersection with Skagit Street.

STREET TO BE CLOSED	FROM STREET/INTERSECTION	TO STREET/INTERSECTION	CLOSE BY TIME	REOPEN AT TIME
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For Parade Route:

8:30AM 12:30PM

- **E. Fairhaven Avenue** Alder Street, east corner Skagit Street, east corner
(and all side streets leading onto Fairhaven Avenue between the closure)
- **S. Spruce Street** Greenleaf Ave, north corner Fairhaven Ave, south corner
(northbound lane only) (double barricade)
- **S. Skagit Street** Montero Lane, north corner Fairhaven Ave, north corner
(northbound lane only)

For Staging Area:

8:00AM 12:00PM

- **Washington Avenue** Burlington Blvd, east corner Spruce Street, west corner
- **S. Walnut Street** Fairhaven Ave, north corner Orange Ave, north corner
- **Alder Street** Fairhaven Ave, south corner
- **Greenleaf Ave** Spruce Street, west corner

ALTERNATIVES CONSIDERED

No alternatives were considered. The event was without any issues in 2018.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

There are no current or future budget ramifications. Funds to support this event were approved by council with the City's 2019 Festival Budget.

LEGAL ASPECTS – LEGAL REVIEW

The event & its street closure were reviewed by the Special Event Review Committee; Legal is part of this review process.

STAFF RECOMMENDATION

Staff recommends approval of the proposed Veterans Day Parade street closure.

RECOMMENDATION

Council Motion to approve the street closure for the 2019 Skagit Valley Veterans Day Parade and authorize Mayor's signature on appropriate documents.



ITEM #: 3

CHECK ONE:

NEW BUS. _____

OLD BUS. _____

AGENDA ITEM

Council Date: October 24, 2019 Subject: [HIPAA Hybrid Agency Resolution](#)

Submitted By: Fire Chief Mike Ganz, City Attorney Leif
Johnson

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

HISTORY AND SUMMARY

The City of Burlington is now responsible for enhanced EMS services, as administered through the Fire Department, with support from the City Attorney, finance and other City departments. As part of that change, the City now has a heightened exposure to protected health information (“PHI”).

Under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), it is possible to establish the City as a “Hybrid Entity”, whereby only those departments of the City that handle PHI are required to meet the heightened administrative requirements, or “covered functions” of HIPAA.

Although the City has handled PHI before the EMS service enhancement, it is advisable to re-establish which departments are performing covered functions under HIPAA, and therefore require training, certifications or other necessary steps. The other, non-covered, City departments would still generally be required to comply with HIPAA, but would not be subject to the heightened requirements of the covered departments.

ALTERNATIVES CONSIDERED

It is not necessary to establish the City as a hybrid entity. However, if the City does not do so, it will be necessary to provide HIPAA training and support to all departments as though they are performing covered functions under HIPAA. There will be added expense and time commitments in order to do so.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

Proper HIPAA training and support for departments that perform covered functions is necessary already, and there are associated costs. Passage of this resolution will help to limit costs by excluding those departments that do not perform covered functions.

LEGAL ASPECTS – LEGAL REVIEW

The City Attorney's office recommends this action from both liability and risk management perspectives.

STAFF RECOMMENDATION

Staff recommends approval of this resolution. The hybrid entity designation exists precisely for entities like Burlington that perform other functions beyond healthcare; there is no reasonable basis staff is aware of for not adopting the Resolution.

SUGGESTED COUNCIL MOTION LANGUAGE

"I move to adopt the Resolution establishing the City of Burlington as a hybrid entity under HIPAA and authorize the Mayor's signature."



ITEM #: 4

CHECK ONE:

NEW BUS. _____

OLD BUS. _____

AGENDA ITEM

Council Date: October 24, 2019 Subject: [Request by St. Charles Church to hold their annual Our Lady Guadalupe procession on Sunday, December 8, 2019 beginning at 11:30 a.m.](#)
Submitted By: Brad Johnson, Community Dev Director

Attachments: Temporary Use Permit application Public Hearing Required: YES () NO (X)
Procession map

HISTORY AND 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 procession has taken place last several years without incident. The church has met with the Police Department and worked out logistics for the event.

ALTERNATIVES CONSIDERED

None

CURRENT AND FUTURE BUDGET RAMIFICATIONS

LEGAL ASPECTS – LEGAL REVIEW

STAFF RECOMMENDATION

Planning Department recommends approval of the Temporary Use Permit to allow procession subject to working out logistics with the Police Department.

SUGGESTED COUNCIL MOTION LANGUAGE

Motion to approve the procession on December 8, 2019.