

CITY COUNCIL AGENDA
City Hall, 833 South Spruce Street
7:00 p.m. December 12, 2019

CALL TO ORDER:

Mayor Sexton

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

MINUTES:

[City Council Meeting November 26, 2019](#)

AUDIT OF BILLS:

PUBLIC COMMENTS:

COUNCIL COMMENTS:

MAYOR'S UPDATE:

PROCLAMATION:

SPECIAL PRESENTATION:

- 1) Ronda DeGloria
- 2) Swearing in of Police Officers

COMMITTEE & BOARD REPORTS:

OFFICERS REPORTS: TBD

UNFINISHED BUSINESS:

CONSENT AGENDA:

NEW BUSINESS:

- 1) [Ordinance Adopting the 2020 Budget](#)
- 2) [Ordinance Deferring the 2% Water Utility Tax for the Year 2020](#)
- 3) [Ordinance Raising the Gas and Electric Utility Tax by 1% in 2020 and Establishing a 6% Cable TV Utility Tax](#)
- 4) [2019 Budget Amendment](#)
- 5) Request for Confirmation of City Administrator Position Appointment
- 6) [Administrative Services Agreement – ICMA-RC](#)
- 7) [Resolution Declaring a Legal Publisher for all Legal Notices in 2020](#)
- 8) [Intergovernmental Coordination – Countywide Planning Policies Update](#)
- 9) [Confirmation of Appointment to Planning Commission](#)
- 10) [Internet Service Provider \(ISP\) Fiber Agreement](#)
- 11) [Skagit River Park Irrigation Project Phase III](#)
- 12) [Contract for Indigent Defense Services – with Mountain Law for Year 2020 through 2022](#)
- 13) [Agreement with Skagit Conservation District for Stormwater NPDES Education Activities](#)
- 14) [2020 Council Committee Assignments and Recommendations](#)
- 15) Proposed Cancellation of Second Council Meeting in December

FUTURE WORKSHOP:

EXECUTIVE SESSION:

ADJOURNMENT:



City offices will be closed December 24th & 25th, 2019 for the Holidays



FUTURE COUNCIL AGENDA

City Council Meeting of December 26, 2019

(proposed) CANCELLED

City Council Meeting of January 9, 2020

6PM Workshop – PROS (Parks, Recreation, and Open Space) Plan Presentation

Interlocal Agreement with Skagit County for Operation of Burlington Senior Center

Ordinance Establishing a B&O Tax for Retail Commercial

Resolution Surplusing Fire Equipment

City Council Meeting of January 23, 2020

EMS Hub District Interlocal with Skagit County

Agreement with Skagit Valley College – EMT Student Ride-Alongs

PROS Plan Public Hearing and Adoption

Ordinance Revising Fee Code

Ordinance Amending the 2020 Budget

City Council Meeting of February 14, 2020

6PM Workshop – Department Head 2020 Work Plans

Ordinance Revising Park Impact Fees

Custodial Supply Bid Award

City Council Meeting of February 28, 2020

Ordinance Revising the 2020 Budget – Actual Beginning Fund Balances

Engineering Contract – Costco/Hopper New Freeway On-Ramp Lane Design

Ordinance Amending the 2020 Budget

City Council Meeting of March 12, 2020

6PM Workshop - Overview of Code Enforcement – Police/Legal/Community Development

City Council Meeting of March 26, 2020

December 2019

December 2019							January 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
1	2	3	4	5	6	7	5	6	7	1	2	3	4
8	9	10	11	12	13	14	12	13	14	15	16	17	18
15	16	17	18	19	20	21	19	20	21	22	23	24	25
22	23	24	25	26	27	28	26	27	28	29	30	31	
29	30	31											

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

January 2020

January 2020							February 2020						
Su	Mo	Tu	We	Th	Fr	Sa	Su	Mo	Tu	We	Th	Fr	Sa
			1	2	3	4							1
5	6	7	8	9	10	11	2	3	4	5	6	7	8
12	13	14	15	16	17	18	9	10	11	12	13	14	15
19	20	21	22	23	24	25	16	17	18	19	20	21	22
26	27	28	29	30	31		23	24	25	26	27	28	29

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



ITEM #: 1

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 12, 2019 Subject: [Ordinance Adopting the 2020 Budget](#)

Submitted By: Greg Young – Interim City Administrator

Attachments: 2020 City-Wide Budget Public Hearing Required: YES () NO (X)

Adopting Ordinance

HISTORY AND SUMMARY

Washington State establishes the timelines relating for the annual adoption of the City's budget. Following this guidance, the City is required to hold various Public Hearings related to the budget. Having completed these required public hearings, the City is now in the position to adopt the year 2020 city-wide budget

ALTERNATIVES CONSIDERED

State law requires that the City adopt the next year's budget prior to the end of the year. Therefore, should the budget not be adopted tonight, it will need to be done at the next meeting in December.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

As the Council is well aware, the 2020 budget, while balanced, is not sustainable in future years and the Council will need to adopt other revenue/expenditure plans.

LEGAL ASPECTS – LEGAL REVIEW

None identified

STAFF RECOMMENDATION

Staff recommends that we adopt the attached 2020 budget

SUGGESTED COUNCIL MOTION LANGUAGE

“I move to adopt the 2020 budget and authorize the mayor to sign the ordinance.”



ITEM #: 2

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 12, 2019 Subject: [Ordinance Deferring the 2% Water Utility Tax for the Year 2020](#)

Submitted By: Greg Young – Interim City Administrator

Attachments: 2% Water Utility Tax Deferral Ordinance Public Hearing Required: YES () NO (X)

HISTORY AND SUMMARY

A past City Council authorized a 2% water utility tax that would be collected by the PUD and remitted to the City. While this utility tax is authorized and contained in the City’s municipal code, recent Councils have annually determined to defer its collection. The attached ordinance would again defer the collection for the year 2020.

ALTERNATIVES CONSIDERED

Since this City Council has been discussing utility taxes in regards to our 2020 budget and understands the need to diversify the City’s revenue streams, an alternative to this deferral ordinance is to take no action on its adoption which would mean that, commencing in January of 2020, the 2% utility tax would go into effect.

As noted on our 2020 budget formation documents, a 2% water utility tax would generate approximately \$40,000 annually for the City and would cost the average homeowner about \$10.00 per year.

So, an alternative is to let the 2% water utility tax go into effect as of January 1st.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

As the Council is well aware, the 2020 budget, while balanced, is not sustainable and in future years, the Council will need to adopt other revenue/expenditure models. This modest utility tax would add about \$40,000 to the city budget every year and would contribute to the future financial health of Burlington.

LEGAL ASPECTS – LEGAL REVIEW

None identified

STAFF RECOMMENDATION

Staff would suggest that the 2% water utility tax be allowed to go into effect as envisioned by the prior Council that originally adopted the fee.

SUGGESTED COUNCIL MOTION LANGUAGE

If you want the previously approved 2% water utility tax to take effect as of the New Year:

“I move to not defer this utility tax effective January of 2020”

If you want to again defer this utility tax:

“I move to adopt the ordinance as written and authorize the Mayor to sign”



ITEM #: 3

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 12, 2019 Subject: [Ordinance Raising the Gas and Electric Utility Tax by 1% in 2020 and Establishing a 6% Cable TV Utility Tax](#)
Submitted By: Greg Young – Interim City Administrator

Attachments: Gas, Electric, and Cable TV Utility Tax Ordinance Public Hearing Required: YES () NO (X)

HISTORY AND SUMMARY

Burlington currently levies both Natural Gas and Electricity utility taxes in the amount of 3%. This proposed ordinance would increase these two existing utility tax rates from 3% to 4% and institute a new Cable TV utility tax in the amount of 6%. In addition, this ordinance would establish a utility tax rebate program wherein certain individuals who qualify as to age and income, would receive an annual rebate of a portion of the utility taxes paid in the prior year.

ALTERNATIVES CONSIDERED

As noted, Burlington currently levies certain utility taxes. In our on-going effort to bring financial stability to the City, staff has been suggesting that the city increase some existing utility taxes and institute new utility taxes. These taxes would serve to broaden the financial resources of the city to act as a buffer against future economic downturns that might reduce the amount of sales tax the city enjoys.

If the alternative is to not increase or institute these new utility taxes, this will have the effect of continuing our reliance on sales tax to fund the essential services of the city.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

As the Council is well aware, the 2020 budget, while balanced, is not sustainable and in future years, the Council will need to adopt other revenue/expenditure models. This modest utility tax increase, if enacted as proposed, would add about \$300,000 to the city budget every year and would contribute to the future financial health of Burlington.

LEGAL ASPECTS – LEGAL REVIEW

None identified

STAFF RECOMMENDATION

Staff would recommend that the ordinance increasing these utility taxes, instituting new utility taxes, and adopting the senior citizen/low income rebate program be adopted.

It should also be noted that for the Gas and Electric Utility Taxes, state law requires us to give the utility companies 60 days' notice so for these two utility tax increases, they would go into effect as of March 1, 2020.

SUGGESTED COUNCIL MOTION LANGUAGE

"I move to approve the ordinance as presented and authorize the Mayor to sign."



ITEM #: 4

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 12, 2019 Subject: [2019 Budget Amendment](#)

Submitted By: Joe Stewart, Finance Director

Attachments: Ordinance Amending the 2019 Budget

Public Hearing Required: YES () NO (X)

HISTORY AND SUMMARY

The City adopted the 2019 budget in December of 2018 and amended said budget in January and July of 2019 through ordinance No. 1870 and 1878. Upon reconciliation of the July 25 amendment and all supporting documentation, further budget adjustments are necessary to reflect all the changes that were detailed in budget amendment #1 and #2. Some of the approved transfers out/in, did not have corresponding transfers from the other funds. This budget amendment updates those funds/balances. This amendment also adjusts the beginning fund balances to the “audited” beginning fund balances.

ALTERNATIVES CONSIDERED

None

CURRENT AND FUTURE BUDGET RAMIFICATIONS

This budget amendment will more accurately reflect 2019 revenues and expenses in all funds.

LEGAL ASPECTS – LEGAL REVIEW

Questions regarding legal review may be directed to the City Attorney at the Council’s discretion.

STAFF RECOMMENDATION

After review of the recommended budget amendment, adopt the Ordinance amending the 2019 budget.

SUGGESTED COUNCIL MOTION LANGUAGE

“I move to approve to approve the Ordinance amending the 2019 budget as presented by staff.”



ITEM #: 5

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 12, 2019 Subject: Request for Confirmation of City Administrator Position Appointment
Submitted By: Steve Sexton, Mayor

Attachments: none Public Hearing Required: YES () NO (X)

HISTORY AND SUMMARY

Following Interim City Administrator Greg Young’s consulting services to the City for the past seven months, Mayor Sexton is recommending Young for the position of City Administrator and requests the City Council to confirm his selection per Burlington Municipal Code Chapter 2, Section 2.08.020 effective January 1, 2020.

ALTERNATIVES CONSIDERED

While continuing on with Mr. Young’s services through the consulting firm is an alternative, bringing him on board as a full-time employee is the preferred choice.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

The position of City Administrator has been included in prior budgets and with the adoption of the new Non-Represented Employee Salary Grid, these costs will be known and included in future annual budgets.

LEGAL ASPECTS – LEGAL REVIEW

Burlington Municipal Code, Chapter 2, Section 2.08.020 states “The city administrator shall be appointed by the mayor, subject to the approval by majority vote of the city council.” The purpose of this request is to fulfill the requirement of a majority vote of Council to confirm the Mayor’s recommendation for the position of City Administrator.

STAFF RECOMMENDATION

SUGGESTED COUNCIL MOTION LANGUAGE

"I move to approve the Mayor's recommendation of Greg Young for the position of City Administrator beginning with the year 2020."



ITEM #: 6

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 12, 2019 Subject: [Administrative Services Agreement – ICMA-RC](#)

Submitted By: Greg Young – Interim City Administrator

Attachments: ICMA-RC Administrative Services Agreement Public Hearing Required: YES () NO (X)

HISTORY AND SUMMARY

As City Administrator, Greg Young is a member of the International City Managers Association (ICMA). With City Administrators typically working for numerous cities during their careers in possibly different states, ICMA offers a retirement plan that is portable and serves as a replacement for the Washington State Public Employee’s Retirement System (PERS). The attached Administrative Services Agreement with ICMA-RC will activate Mr. Young’s participation in this retirement plan as he assumes his role as the Burlington City Administrator. The contributions from the City and Mr. Young will mirror that would have been paid into the PERS system and will not carry any additional cost to the city.

ALTERNATIVES CONSIDERED

Again, since this type of position sometimes involve the individual working in different states and for different public jurisdictions during their career, this retirement plan serves to replace the Washington State PERS system. The other alternative is for the individual to participate in possibly numerous state and locally sponsored retirement plans which would divide their retirement contributions amongst different plans.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

As noted, the contributions made by the employee and the employer will match that which would have been paid into the State PERs system so there is no adverse budget ramifications.

LEGAL ASPECTS – LEGAL REVIEW

None identified

STAFF RECOMMENDATION

Staff would recommend that the City adopt the ICMA-RC Administrative Services Agreement

SUGGESTED COUNCIL MOTION LANGUAGE

“I move to adopt the Administrative Services Agreement between the ICMA Retirement Corporation and the City of Burlington and authorize the Mayor to sign.”



ITEM #: 7

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 12, 2019 Subject: [Resolution Designating a Legal Publisher for all Legal Notices in 2020](#)

Submitted By: Greg Young, Interim City Administrator

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

Bid Response

HISTORY AND SUMMARY

The City is required to publish a call for bids for legal publisher for 2020, and did so on November 22, 2019. The City received one bid from Skagit Publishing, which meets the requirements of the laws set out in RCW 35A.21.230 and chapter 65.16 RCW. Skagit Publishing, owner of the Skagit Valley Herald, the Argus, Courier Times, and the Anacortes American, may be properly designated as the official newspaper of the City of Burlington.

ALTERNATIVES CONSIDERED

none

CURRENT AND FUTURE BUDGET RAMIFICATIONS

Publishing rates remain unchanged from 2019: the rate for 2020 is \$10.76 per column inch.

LEGAL ASPECTS – LEGAL REVIEW

State law requires the City to designate an official legal publisher.

STAFF RECOMMENDATION

Approve the resolution designating Skagit Publishing as the Legal Publisher for all City Legal notices in 2020.

SUGGESTED COUNCIL MOTION LANGUAGE

I move to approve the resolution designating Skagit Publishing as the Legal Publisher for all legal notices in 2020 and authorize the Mayor's signature.



ITEM #: 8

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 12, 2019 Subject: [Intergovernmental Coordination – Countywide Planning Policies Update](#)

Submitted By: Brad Johnson, Community Development
Director _____

Attachments: 1) Skagit Council of Governments Memo
2) Skagit Council of Governments Presentation
3) Proposed Countywide Planning Policies Revisions

Public Hearing Required: YES () NO (X)

HISTORY AND SUMMARY

The Washington State Growth Management Act (GMA) requires that Counties adopt Countywide Planning Policies (CWPPs) (RCW 36.70A.210 & WAC 365-196-305). CWPPs are intended to ensure consistency between the comprehensive plans of the County and the cities within the County. Although the County is ultimately responsible for adopting the CWPPs, they must be developed in coordination with the cities and towns.

In Skagit County, the process of adopting and amending CWPPs is guided by a “Framework Agreement”. The Framework Agreement is a binding document jointly adopted by Skagit County and the various cities and towns within the County. The framework agreement was first adopted in 1992 and was most recently updated in 2002. Importantly, the Framework Agreement empowers a “Growth Management Act Steering Committee” to develop and evaluate amendments to the CWPPs. The Framework Agreement also specifies that proposed revisions to the CWPPs shall be presented directly to the legislative bodies of each town and city for comment prior to adoption.

The CWPPs have only been amended four times since 1992 and contain outdated language, incorrect legal citations, and language that is no longer relevant. Over the past year, the GMA steering committee has identified a number of minor, non-substantive, changes which should be made to the CWPPs to reflect current legal requirements, correct out-of-date or incorrect references, and to improve the organization and structure of the document. The changes developed by the Steering Committee are *not* intended to substantively change how countywide planning is conducted in Skagit County.

In order to ensure compliance with the requirements of the Framework Agreement, the Skagit Council of Governments asked the City's Community Development Department to present the proposed changes to the City Council for comment. No formal action is required.

ALTERNATIVES CONSIDERED

None; no formal action is required. The attached CWPP revisions were developed by the Skagit Council of Governments and GMA Steering Committee. By law the proposed changes must be submitted to the City Council for comment.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

None; the proposed changes are non-substantive and will have no impact on countywide planning activities or the City's financial obligations.

LEGAL ASPECTS – LEGAL REVIEW

STAFF RECOMMENDATION

Staff recommends that Council support the proposed changes.

SUGGESTED COUNCIL MOTION LANGUAGE

Support:

"I make a motion to direct staff to convey the Council's support for the draft changes to the Countywide Planning Policies".

Identify Concerns:

"I make a motion to direct staff to convey the following comments to the Skagit Council of Governments...."

If Council selects this option they will need to identify the specific concerns or changes they would like the Planning Commission to address.



ITEM #: 9

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 12, 2019 Subject: [Confirmation of Appointment to Planning Commission](#)

Submitted By: Brad Johnson, Community Development
Director _____

Attachments: 1) Letter of interest

Public Hearing Required: YES () NO (X)

HISTORY AND SUMMARY

The City's Planning Commission is comprised of seven volunteer members. The Planning Commission reviews amendments to the City's zoning regulations and comprehensive plan.

A member of the Planning Commission, Keith Chaplin, has been elected to the City Council and will be vacating his Planning Commission seat on January 1, 2020. In order to ensure the Planning Commission has a quorum and can function effectively it is vital to ensure all seven seats are filled.

Pursuant to Burlington Municipal Code 17.115.050 Planning Commission members are appointed by the Mayor and confirmed by the City Council. Tana Wood, a Burlington resident, has submitted a letter of interest and been nominated for the position by the Mayor. Tana has significant public sector and volunteer experience, regularly attends City Council meetings, and serves on the Civil Service Commission.

ALTERNATIVES CONSIDERED

N/A

CURRENT AND FUTURE BUDGET RAMIFICATIONS

None; the Planning Commission is comprised of volunteers and is supported by staff from the Community Development Department.

LEGAL ASPECTS – LEGAL REVIEW

STAFF RECOMMENDATION

Staff recommends that Council confirm the Mayor's appointment of Tana Wood to the Planning Commission.

SUGGESTED COUNCIL MOTION LANGUAGE

Support:

"I make a motion to confirm the Mayor's appointment of Tana Wood to the Burlington Planning Commission".



ITEM #: 10

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 12, 2019 Subject: [Internet Service Provider \(ISP\) Fiber Agreement](#)

Submitted By: Geoff Hawes, Information Services

Manager

Attachments: Burlington ISP License Agreement Public Hearing Required: YES () NO (**x**)

HISTORY AND SUMMARY

The current Fiber ISP agreement allows internet service providers to utilize unused city fiber to provide local businesses with access to high speed fiber communications, including digital internet phone services. This new ISP agreement addresses some issues that were not identified in the current agreement, such as sub-contracting to another ISP services provider and multiple unit buildings like apartment buildings, strip malls, shared facilities where multiple businesses are at a common location. It also identifies a situation where a contracted ISP can sell services to multiple customers with only one service connection and only one fee to the building.

ALTERNATIVES CONSIDERED

The new changes allow for a more fair use and distribution of city fiber between various providers and will cost the ISP's less money in fees which would inhibit ISP growth. The current ISP agreement does not address "sub-contracting" and multi-tenant use buildings.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

There are no expenditure budget impacts; the only impact is a reduction in revenue to the City.

LEGAL ASPECTS – LEGAL REVIEW

The changes in the ISP agreement have been reviewed by legal.

STAFF RECOMMENDATION

As we have evolved in our use of the city fiber system, we have discovered and will continue to discover new situations as the ISP's build out their systems. It is in my opinion better to allow the ISP's to manage their customers without our involvement of tracking what fees they charge etc. It is much easier to flat rate a fiber fee to multiple business unit buildings and allow them to charge whatever competitive fee structure they want. This will reduce our administrative overhead as the fiber system evolves to a much more complex system. It is also important to address the issue of a contracted ISP selling services to another business who then resells services using either direct connections or wireless to Burlington businesses which is outside of any legal agreement we have the reseller.

It is recommended that we update the ISP agreement and ask all ISP service providers to sign the updated agreement to help them reduce their costs.

SUGGESTED COUNCIL MOTION LANGUAGE

"I move to approve the revised Internet Service Provider License Agreement and authorize the Mayor to sign."



ITEM #: 11

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 12, 2019 Subject: [Skagit River Park Irrigation Project-Phase 3](#)
Jennifer Berner,
Parks and Recreation Director

Attachments: Contract with Scope of Work for RH2 Engineering - Phase 3 SRP Irrigation Project Public Hearing Required: YES () NO (**X**)

HISTORY AND SUMMARY

In November 2018 RH2 Engineering was awarded the Skagit River Park Irrigation Project. Due to the complexity of the project the scope of work was divided into phases. Phase 1 and Phase 2 have been completed.

Phase 1 was to determine the irrigation demand for Skagit River Park and analyze the different water sources, determine their feasibility to meet all or a portion of the identified demand and identify irrigation methods and application efficiency.

- Eliminated the use of reclaimed water due to costs of approximately \$14-\$24 million dollars and minimum instream flow restrictions.
- Researched 4 ground water certificates and recommended pursuing one ground water certificate that may offer irrigation for 29 acres with uninterrupted use of water during the irrigation season.
- Examined a new interruptible surface water right and recommended pursuing this alternative further.
- Evaluated and pursued using existing Skagit PUD water, the amount of use is undetermined at this time, depends on outcomes of the pending water right options.
- Irrigation methods were analyzed. Three systems (boom cart, pop-up sprinklers, water cannon) were examined and all three methods will most likely be used in different sections of the park.

Phase 2 focused on pursuing the possibility of an interruptible irrigation water right from Washington State Department of Ecology.

- Documented the interconnection of groundwater and the Skagit River, beneath Skagit River Park. This helped site potential new groundwater wells and provided data needed by the Dept. of Ecology. Staff submitted a pre-application for a new water right application requesting an interruptible groundwater right for irrigation of Skagit River Park. Staff participated in a pre-application consultation with Ecology on October 10, 2019. Ecology indicated that the City had supplied sufficient hydrogeological evidence and water level monitoring to support applying for an interruptible water right for surface water wells.
- The water quality of the groundwater beneath Skagit River Park is the only slight concern. It has high concentrations of iron and manganese. The elevated iron and manganese will not negatively impact the turf if the turf is properly aerated and soil testing is monitored for acid levels. The water quality *could* reduce the longevity of the well pumps and irrigation equipment requiring additional maintenance than if the concentrations were lower. This concern is not great and based on the findings it is recommended to proceed with the pursuit of a water right, using a ground water source for irrigations of Skagit River Park.

Phase 3 focus will be processing the new interruptible water right through Department of Ecology and designing the irrigation system. The work will be broken into the following tasks:

1. Project Management
2. Process new water right application
3. Exploratory/production well drilling and testing
4. Review existing utilities and topographic survey
5. Prepare well pump facility construction plans and specifications
6. Prepare irrigation mainline construction plans and specifications
7. Permitting assistance
8. Services during bidding

Phase 3 is estimated to take one year to complete. Task 1 will run the duration of the project. Task numbers 2, 3, and 4 will run simultaneously and are estimated to take six months to complete. Task numbers 5, 6, 7, and 8 will proceed after the production capacity of the wells have been tested and are known. These tasks are estimated to take six months to complete. Assuming successful bid and award of construction contracts at the completion of this scope of work, the irrigation system should be complete and ready for use in the 2021 irrigation season.

ALTERNATIVES CONSIDERED

Many alternatives were considered leading up to Phase 3; different types of water sources, irrigation methods, water right certificates available, how best to pull water from the river, well monitoring and water testing. All these alternatives have lead to the Phase 3 Scope of Work focus.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

The Parks Reserve Fund budgeted \$200,000 for the Skagit River Park Irrigation Project for 2019 and has expensed to date \$35,832. There will be minor additional expenses in 2019 for some initial work on Phase 3. In 2020 the CIP has \$200,000 budgeted for the Skagit River Park Irrigation Project. REET dollars are the source of funding and can only be used for capital projects.

Phase 1 – Irrigation Demand & Water Source (Completed)	\$20,787
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Nagatani Water Right Assistance – (Completed)	\$5,000
Phase 2 – Examine potential for Interruptible Water Right (Completed)	\$10,045
Phase 3 System(s) Design	(Not to Exceed) \$171,462
Pending Phase 4 Implementation/Construction	

If the city is able to acquire the pending water right and/or the interruptible water right there would be a long term savings to the City. In the future, the return on the investment will reduce the City’s cost of watering the playfields at Skagit River Park significantly.

LEGAL ASPECTS-LEGAL REVIEW

As with Phase 1 and 2, if any legal issues come up during the Phase 3 process, legal will be consulted. There will be legal review of the new interruptible water right application process.

STAFF RECOMMENDATION

A City staff team, consisting of the Parks and Recreation Director (Jennifer Berner), Parks Supervisor (Jim Rabenstein), Public Works Assistant Director (Brian Dempsey) and City Engineer (John Abenroth) have been reviewing and consulting on this project from its inception. All staff members have reviewed the Phase 3 Scope of Work and recommend the city move forward with entering into the Phase 3 contract with RH2 Engineering.

SUGGESTED COUNCIL MOTION LANGUAGE

I move to to award the Skagit River Park Irrigation Alternatives Analysis, Phase 3 contract to RH2 Engineering consulting firm and authorize the Mayor to sign.



ITEM #: 12

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 12, 2019 Subject: [Contract for Indigent Defense Services – with Mountain Law for Year 2020 through 2022](#)
Submitted By: Greg Young – Interim City Administrator

Attachments: Contract for Indigent Defense Services Public Hearing Required: YES () NO (X)

HISTORY AND SUMMARY

Burlington currently has a contract for indigent defense (public defender) services with Mountain Law whose costs are shared with the City of Mount Vernon. This arrangement calls for Burlington to cover 40% of the costs with MV picking up 60%. This current contract expires at the end of the year and we have negotiated a new three-year Agreement with Mountain Law that increases their fee for services by 3% in 2020 and 2% each year in 2021 and 2022. All other aspects of the Agreement remain unchanged.

ALTERNATIVES CONSIDERED

Like all cities in Washington State, we are required to provide legal services for those individuals who cannot afford a lawyer. In this regard, we have no other alternative than to provide these services and both Burlington and Mount Vernon feel that the services provided by Mountain Law represents a good value and cost.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

For the draft 2020 budget, we had factored in a 3% increase for these services so if adopted, the 2020 budget ramifications have already been folded into the next year's budget.

LEGAL ASPECTS – LEGAL REVIEW

None identified

STAFF RECOMMENDATION

Staff would recommend that the Council approve this Agreement.

SUGGESTED COUNCIL MOTION LANGUAGE

I move to approve Contract for Indigent Defense Services with Mountain Law and authorize the Mayor to sign.



ITEM #: 13

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 12, 2019 Subject: [Agreement with Skagit Conservation District for Stormwater NPDES Education Activities](#)

Submitted By: Marv Pulst, Public Works Director

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

HISTORY AND SUMMARY

A significant portion of City municipal NPDES permit requirements involve education activities pertaining to prevention of pollution in stormwater runoff. Current permit language states that the goal of the required education program is to reduce behaviors and practices that cause adverse stormwater impacts.

Since 2008, Skagit Conservation District (SCD) has provided education and outreach services for the City. Our existing interlocal expires on December 31, 2019. SCD also partners with Anacortes, Mount Vernon, Sedro-Woolley, and Skagit County which saves money for all of these agencies.

This interlocal agreement will allow the City to meet most NPDES municipal permit requirements for education.

ALTERNATIVES CONSIDERED

Skagit Conservation District serves all 5 jurisdictions mentioned above, a significant savings when compared to the cost to hire new staff to begin a new public education campaign.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

These costs are reimbursed under the DOE capacity grant.

LEGAL ASPECTS – LEGAL REVIEW

This is required by the City's NPDES permit. This agreement language exactly matches prior agreements. Further legal review is not required.

STAFF RECOMMENDATION

Staff recommends signing this agreement for continuing the ongoing public education and involvement program as required by our NPDES permit.

SUGGESTED COUNCIL MOTION LANGUAGE

Motion for City Council to authorize Mayor to sign interlocal agreement with Skagit Conservation District.



ITEM #: 14

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 12, 2019 Subject: [2020 Council Committee Assignments and Recommendations](#)

Submitted By: Steve Sexton, Mayor

Attachments: Proposed 2020 Council Committee Assignments and Public Hearing Required: YES () NO ()

Recommendations

HISTORY AND SUMMARY

In accordance with BMC Chapter 2.26 and 2.22, the Mayor is responsible for assigning and recommending on an annual basis, to be confirmed during the first meeting of the year, Council Committee positions as follows:

Mayoral appointments:

- Public Works
- Public Safety
- Parks & Recreation Advisory Board & Cemetery Board
- Traffic Safety
- Board of Trustees of the Volunteer Firefighter's Relief & Compensation Fund
- Land Use
- Americans with Disabilities
- Downtown Burlington Association
- Historical Preservation Advisory Council

Mayoral recommendations:

- Audit & Finance
- Lodging Tax
- Emergency Service Council
- Skagit Transit Board
- SCOG

Mayor Sexton has made assignments and recommendations for the year 2020, which are attached hereto.

For unknown reasons, our recent practice did not comply with rules regarding Mayoral appointments versus Mayoral recommendation on the following committees:

Audit & Finance – recent practice has been to have members appointed by the Mayor. However, BMC Chapter 2.22.010 states *“The city council shall create an audit and finance committee, consisting of five members, of which three members shall be city councilmembers appointed by the mayor and confirmed by a majority of the city council. (Ord. 1461 § 1, 2001)”*

Historical Preservation Board– recent practice has been to have members recommended by the Mayor and confirmed by Council. However, BMC Chapter 2.26.020 states, regarding Special and Standing Committees

“A. There shall be created and established the following standing committees of the city council:

- 1. Americans with Disabilities Act (ADA);*
- 2. Downtown Burlington Association;*
- 3. Historical preservation advisory council;*
- 4. Land use;*
- 5. Public safety;*
- 6. Public works;*
- 7. Traffic safety.*

B. Appointments to these committees shall be made by the mayor at the first council meeting of each new year.”

The appropriate changes have been made to the assignment and recommendation of the Audit & Finance Committee and Historical Preservation Advisory Council; these changes are reflected in the list above.

ALTERNATIVES CONSIDERED

None identified.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

None identified.

LEGAL ASPECTS – LEGAL REVIEW

None identified.

STAFF RECOMMENDATION

Staff asks that Council review these assignments and recommendations, so that any modifications may be made as needed. The final assignments and recommendations will be brought back to the first Council meeting in January, with the request for Council action to confirm.

SUGGESTED COUNCIL MOTION LANGUAGE

No motion is requested; this item is for discussion only at this time.



ITEM #: 15

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: December 12, 2019 Subject: Proposed Cancellation of second Council meeting in December

Submitted By: Greg Young, City Administrator

Attachments: none Public Hearing Required: YES () NO (X)

HISTORY AND SUMMARY

The 2019 Christmas Holiday is on Wednesday, December 25, 2019, and the second regularly scheduled Council meeting is to be held on Thursday, December 26, 2019 which is the day after a holiday. If Council should choose to cancel the meeting, a motion is needed to do so.

ALTERNATIVES CONSIDERED

Hold the second regularly scheduled Council meeting in December on Thursday, December 26, 2019.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

None identified.

LEGAL ASPECTS – LEGAL REVIEW

Burlington City Council Rules of Procedures, Section 2.1 states “When a Council meeting falls on a holiday, or there is a conflict, the council may determine an alternate date for the meeting or cancel the meeting. The Council may reschedule regular meetings to a different date or time by motion.”

STAFF RECOMMENDATION

Cancellation of the second Council meeting in December.

SUGGESTED COUNCIL MOTION LANGUAGE

“I move to cancel the second regularly scheduled Council meeting in December, which was to be held on December 26, 2019.”