

**CITY COUNCIL AGENDA**  
**7:00 p.m. June 25, 2020**

**MEETING TO BE HELD REMOTELY**  
**VIA TELEPHONE: 1-774-777-4255**  
**CONFERENCE ID No.: 589-8786**

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**CALL TO ORDER:**

Mayor Sexton  
Council Members: Aslett, Chaplin, J. DeGloria, R. DeGloria, Green, Loving, and Stavig  
Staff: Blaine, Burwash, Dempsey, Erickson, Hampton, Hawes, B. Johnson, L. Johnson, Jongsma, Luvera, Morrison, Moser, Pulst, Rabenstein, Schwetz, Stewart, Toth, Ward, and Young.

**MINUTES:**

[City Council Meeting May 28, 2020](#)  
[City Council Meeting June 11, 2020](#)

**AUDIT OF BILLS:**

**PUBLIC COMMENTS:**

**COUNCIL COMMENTS:**

**MAYOR'S UPDATE:**

**PROCLAMATION:**

**SPECIAL PRESENTATION:**

**COMMITTEE & BOARD REPORTS:**

**OFFICERS REPORTS:** TBD

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**UNFINISHED BUSINESS:**

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**CONSENT AGENDA:**

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**NEW BUSINESS:**

- 1) [Budget Amendment 1 \(Pre-COVID\)](#)
- 2) [Budget Amendment 2 \(Post-COVID\)](#)
- 3) [Ordinance Re: SHB 1406](#)
- 4) [Ordinance Establishing a Business and Occupation Tax](#)
- 5) [Ordinance Increasing Utility Taxes](#)
- 6) [ICMA-RC Resolution](#)
- 7) [Coronavirus Relief Funds for Local Government](#)
- 8) [Amendment to Systems Design Contract adding COVID-19 Surcharge](#)
- 9) [Wastewater Treatment Plant Outfall Evaluation and Mixing Zone Study for Sewer Operations](#)

**FUTURE WORKSHOP:**

COVID-19 Budget Impacts	(TENTATIVE) Thursday <b>July 2, 2020</b> 6:00 p.m. MEETING TO BE HELD REMOTELY VIA TELEPHONE: 1-774-777-4255 CONFERENCE ID No.: 589-8786
COVID-19 Budget Impacts	Thursday <b>July 16, 2020</b> 6:00 p.m. MEETING TO BE HELD REMOTELY VIA TELEPHONE: 1-774-777-4255 CONFERENCE ID No.: 589-8786

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**EXECUTIVE SESSION:**



Next Ordinance No. 1887  
Next Resolution No. 08-2020

**MEETINGS:**

1) AUDIT & FINANCE COMMITTEE:

Thursday **July 9, 2020** 4:00 p.m.  
MEETING TO BE HELD REMOTELY  
VIA TELEPHONE: 1-774-777-4255  
CONFERENCE ID No.: 589-8786

**DUE TO THE COVID-19 PANDEMIC, AS OF MARCH 20, 2020, ALL OTHER COUNCIL COMMITTEE MEETINGS ARE SUSPENDED UNTIL EMERGENCY PROCLAMATION 2020-03 HAS BEEN RESCINDED, OR UNTIL FURTHER NOTICE**

# June 2020

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

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

# July 2020

July 2020							August 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
							30	31					

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



ITEM #: 1

CHECK ONE:

NEW BUS. X

OLD BUS. \_\_\_\_\_

## AGENDA ITEM

Council Date: June 25, 2020 Subject: [Budget Amendment 1 \(Pre-COVID\)](#)

Submitted By: Joe Stewart, Finance Director

Attachments: Proposed Ordinance Public Hearing Required: YES ( ) NO ( **x** )

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### **HISTORY AND SUMMARY**

The City Council adopted the 2020 budget in December of 2019 through Ordinance No. 1883 given the best information that was available at the time. The salary and wage information in the adopted budget contained the 2019 budgeted amounts rolled forward for each department. It also included a “plug” number that a projection of the total cost increases that would result from negotiations. Beginning fund balances and revenues were also based on projections. Expenses have been updated to reflect the results of negotiations. Beginning fund balances have been adjusted to reflect projected 2019 ending fund balances. An additional analysis of revenues was performed and revenue projections were updated.

### **ALTERNATIVES CONSIDERED**

No mid-year or periodic budget amendments is necessary unless additional capacity is needed. This is an option but the City Administrator prefers periodic budget amendments that update budget projections/expectations as new information comes available.

### **CURRENT AND FUTURE BUDGET RAMIFICATIONS**

As stated in attached amendment.

### **LEGAL ASPECTS – LEGAL REVIEW**

N/A

**STAFF RECOMMENDATION**

Recommend approving the attached amendment and updating the beginning fund balance, revenue, expenditure and ending fund balance amounts with updated projections.

**SUGGESTED COUNCIL MOTION LANGUAGE**

“I move to approve budget amendment number 1 (Pre-COVID) revising the 2020 budget with updated fund balance, revenue and expenditure projections”



ITEM #: 2

CHECK ONE:

NEW BUS. X

OLD BUS. \_\_\_\_\_

## AGENDA ITEM

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Council Date: June 25, 2020 Subject: [Budget Amendment 2 \(Post-COVID\)](#)

Submitted By: Joe Stewart, Finance Director

Attachments: Proposed Ordinance Public Hearing Required: YES ( ) NO ( **x** )

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### **HISTORY AND SUMMARY**

The City Council adopted the 2020 budget in December of 2019 through Ordinance No. 1883. Budget amendment number 1 revised the adopted beginning fund balances, revenues, expenditures and ending fund balances based on updated pre-COVID projections. Budget amendment number 2 reduces departmental expenditures and adjusts revenues in response to the COVID-19 pandemic and resulting revenue shortfalls. This is the first phase of reductions that were made as an immediate response to the expected shortfalls. We expect additional budget reductions as more information becomes available.

### **ALTERNATIVES CONSIDERED**

No mid-year or periodic budget amendments is necessary unless additional capacity is needed. This is an option but the City Administrator prefers periodic budget amendments that update budget projections/expectations as new information comes available.

### **CURRENT AND FUTURE BUDGET RAMIFICATIONS**

As stated in attached amendment.

### **LEGAL ASPECTS – LEGAL REVIEW**

N/A

**STAFF RECOMMENDATION**

Recommend approving the attached amendment and updating the beginning fund balance, revenue, expenditure and ending fund balance amounts with updated projections.

**SUGGESTED COUNCIL MOTION LANGUAGE**

“I move to approve budget amendment number 2 (Post-COVID) revising the 2020 budget with updated fund balance, revenue and expenditure projections”



ITEM #: 3

CHECK ONE:

NEW BUS. X

OLD BUS. \_\_\_\_\_

## AGENDA ITEM

Council Date: June 25, 2020 Subject: [Ordinance Re: SHB 1406](#)

Submitted By: Leif Johnson, City Attorney

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

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### **HISTORY AND SUMMARY**

As Council may recall, the State Legislature recently approved SHB 1406, which created 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, with no increased tax paid by consumers.*

Council has already completed the first step required under SHB 1406 by passing a resolution of intent to participate in the program during October of 2019. Now, in order to participate in the provisions of SHB 1406, the City needs to pass the attached ordinance on or before July 27, 2020.

Skagit County and other Cities in Skagit County have passed resolutions of intent already, if not their own ordinances. 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 be 0.0073%. 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.

### **ALTERNATIVES CONSIDERED**

The City is not required to pass the attached ordinance. Taking no action means that the City will not directly receive funds it would otherwise receive under this ordinance. The City's portion could be directed to the County in that instance. There is time to consider the adoption of this ordinance – it must be passed on or before July 27, 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. If no such plan is developed, the City may use the funds as it sees fit, within the limited guidelines of SHB 1406.

### **LEGAL ASPECTS – LEGAL REVIEW**

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

### **STAFF RECOMMENDATION**

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

### **SUGGESTED COUNCIL MOTION LANGUAGE**

*"I hereby move to pass the ordinance authorizing the maximum capacity of a local sales and use tax to fund investments in affordable and supportive housing, to be codified at chapter 3.74 of the Burlington Municipal Code, and authorize the Mayor's signature."*



ITEM #: 4

CHECK ONE:

NEW BUS. X

OLD BUS. \_\_\_\_\_

## AGENDA ITEM

Council Date: June 25, 2020 Subject: [Ordinance Establishing a Business and Occupation Tax](#)

Submitted By: Greg Young – City Administrator

Attachments: Enabling Ordinances (2) Public Hearing Required: YES ( ) NO (X)

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### HISTORY AND SUMMARY

Burlington has and will always be a City at the crossroads of major transportation corridors. This aspect of geography has meant that for the last few decades, many retailers have chosen to locate in the City. With the improvements to Burlington Boulevard and the growth of residential development in the region, retailers have realized that if they locate in Burlington, customers will follow. Even though we have seen many retailers come and go, the underlying market for retail has meant that as older retailers leave the market, new ones replace them.

The growth and establishment of Burlington as a regional retail destination opens up the possibility of leveraging this arrangement to provide a source of new revenue through the establishment of a Business and Occupation (B&O) Tax.

State law permits the levying of B&O taxes on a variety of business types including retail, services, manufacturing, extracting, wholesale, and others. While it is not a requirement to have the B&O tax apply to all business types, the established rate must be the same for all businesses within a single category. Thus, for example, a B&O tax on retail and services must apply to all retailers and service businesses but would not be levied upon wholesalers, manufacturers, or other business categories.

The B&O Tax statutory limit is two-tenths of one-percent (0.002). In addition, state law requires that cities established a minimum threshold under which no B&O taxes would be owing. The minimum exemption level is \$25,000 but we are proposing an exemption amount of \$1,000,000. Thus any commercial retail and/or service business that generates less than \$1 million in annual gross revenue would not owe the city any B&O taxes.

### **ALTERNATIVES CONSIDERED**

Currently the City received its share of sales tax (we get a little less than 1% of the 8.5% sales tax rate) for taxable retail sales in Burlington. We have seen a moderation of total sales tax in the city as alternatives to the traditional brick-and-mortar stores have emerged.

The City is not able to increase our sales tax collections through increasing the sales tax rate since state law limits the amount cities can levy for sales tax that can be used for the General Fund purposes (unrestricted). While there are ways to increase the city's sales tax rate, the new revenue would be restricted to providing homeless services, building affordable housing, or other limited purposes.

As a result, there are no viable alternatives for generating additional sales tax but assessing a B&O tax – together with a high gross sales exemption amount – can tap this same business segment to provide unrestricted General Fund Revenues which are used, for the most part, to provide essential services directly to these businesses..

### **CURRENT AND FUTURE BUDGET RAMIFICATIONS**

It is estimated that total taxable retail sales in Burlington total over \$1 Billion annually. Given what we believe will be the number of businesses that will fall below the B&O tax threshold (\$1 million), a B&O tax may generate as much as \$1.5 million annually. It has also been estimated that between 135 to 150 businesses will need to pay this tax in Burlington.

Since there are assumptions made in estimating the amount of revenue the new B&O tax will generate, the exact amount of new revenue will not be known until the first billing period has been completed. Council will be updated as these new revenues are received to inform the 2021 budget deliberations.

### **LEGAL ASPECTS – LEGAL REVIEW**

None identified

### **STAFF RECOMMENDATION**

Staff would recommend that we adopt the Ordinance.

### **SUGGESTED COUNCIL MOTION LANGUAGE**

*"I move to adopt the ordinance as written and authorize the Mayor's signature."*

**Note To Council – The associated Ordinances are very long – please see section 3.70.050 for the tax rates and exemption amount.**



ITEM #: 5

CHECK ONE:

NEW BUS. X

OLD BUS. \_\_\_\_\_

## AGENDA ITEM

Council Date: June 25, 2020 Subject: [Ordinance Increasing Utility Taxes](#)

Submitted By: Greg Young – City Administrator

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

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### **HISTORY AND SUMMARY**

As a component of the Financial Stability Plan for Burlington, the Council has discussed increasing the Utility Taxes. An additional component of the proposed Ordinance would establish a Utility Tax Relief Program for qualifying low-income senior citizens and low-income disabled citizens. This rebate program would serve to protect the more financially vulnerable Burlington citizens and in many cases would have the result of actually lowering the existing utility taxes for these qualifying individuals.

### **ALTERNATIVES CONSIDERED**

As discussed with the Council, the City needs to take steps to return financial stability to the City. To begin this process, additional revenues will need to be considered. Given the limited new revenue sources for the City, not adopting these new utility taxes will shrink the other revenue options and will increase the revenue needs for 2021 and beyond.

### **CURRENT AND FUTURE BUDGET RAMIFICATIONS**

New revenues will augment the existing budget for 2020 and provide new working capital in future years.

### **LEGAL ASPECTS – LEGAL REVIEW**

None identified

**STAFF RECOMMENDATION**

Staff would recommend that we adopt the Ordinance.

**SUGGESTED COUNCIL MOTION LANGUAGE**

*"I move to adopt the ordinance and authorize the Mayor's signature."*



ITEM #: 6

CHECK ONE:

NEW BUS. X

OLD BUS.           

## AGENDA ITEM

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Council Date: June 25, 2020 Subject: [ICMA-RC Resolution](#)

Submitted By: Greg Young, City Administrator

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

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### **HISTORY AND SUMMARY**

The City Administrator will be participating in a replacement retirement system whereby both the employee and the employer contribute the same amounts as would be mandated through membership in the Washington State Retirement System. This replacement retirement program is the International City Managers Retirement Corporation (ICMA-RC). While the Council has previously approved participating in this program, a formal Resolution is required since Burlington is a new participant in ICMA-RC

### **ALTERNATIVES CONSIDERED**

None

### **CURRENT AND FUTURE BUDGET RAMIFICATIONS**

With the monthly contributions to ICMA-RC identical to that of the Washington State PERS System, there are no current or future budget ramifications.

### **LEGAL ASPECTS – LEGAL REVIEW**

The formal passage of a Resolution will fulfill the requirements of ICMA-RC for participation in the retirement system.

**STAFF RECOMMENDATION**

Staff recommends passage

**SUGGESTED COUNCIL MOTION LANGUAGE**

“I move to approve the ICMA-RC Participation Resolution and authorize the Mayor to sign.”



ITEM #: 7

CHECK ONE:

NEW BUS. X

OLD BUS. \_\_\_\_\_

## AGENDA ITEM

Council Date: June 25, 2020 Subject: [Coronavirus Relief Funds for Local Governments](#)

Submitted By: Joe Stewart – Finance Director

Attachments: Contract Number 20-6541C-128 Public Hearing Required: YES ( ) NO (X)

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### **HISTORY AND SUMMARY**

The CARES Act created a \$150 billion fund for state governments, local jurisdictions and tribes to support their response to the COVID-19 pandemic. The provision, called the Coronavirus Relief Fund, provides money for “necessary expenditures” due to the COVID-19 public health emergency. After distributions to Washington, DC, U.S. territories, and federally-recognized tribes, \$139 billion was available for states and certain local jurisdictions. Those funds were divided among states on the basis of population, with every state receiving at least \$1.2 billion.

State funds were further split with at least 55% going to the state government, and up to 45% going to local jurisdictions with populations greater than 500,000. Any amount of the 45% for local jurisdictions in a state remaining after funds were distributed then came to the state government.

For Washington, that translated into \$2.95 billion total, roughly \$2.17 billion of which came directly to the state. \$786 million went the five local jurisdictions eligible under the CARES Act: the City of Seattle and King, Pierce, Snohomish, and Spokane counties. Those jurisdictions applied directly to the Treasury Department and received the following distributions:

- City of Seattle - \$162 million
- King County - \$231 million
- Pierce County - \$158 million
- Snohomish County - \$ 143 million
- Spokane County - \$91 million

After discussions with the Association of Washington Cities (AWC) and Washington State Association of Counties (WSAC), Governor Inslee decided to provide \$297 million of the state's portion of federal Coronavirus Relief Fund dollars to cities and counties that were not eligible to receive money from the fund directly under the CARES Act. The funds have been distributed to the remaining cities and counties based on population, with minimum distributions of \$250,000 per county and \$25,000 per city.

The CARES Act and Treasury Department guidance stipulate that both the state and local funds must be used for new expenditures related to responding to and mitigating the impacts of COVID-19. These dollars can NOT be used to replace lost revenues. They also cannot replace expenditures that were previously budgeted for.

#### **ALTERNATIVES CONSIDERED**

N/A

#### **CURRENT AND FUTURE BUDGET RAMIFICATIONS**

The Total allocation for the City of Burlington is \$274,200. These dollars will be used according to the established guidelines and to offset the costs associated with the stay-at-home order. These costs include but are not limited to unemployment, payroll expenses for employees whose services were substantially dedicated to mitigating or responding to the COVID-19 public health emergency, expenses incurred to facilitate telework capabilities and provide paid sick, family and medical leave to employees to enable compliance with COVID - 19 public health emergency.

#### **LEGAL ASPECTS – LEGAL REVIEW**

None identified

#### **STAFF RECOMMENDATION**

Due to the unforeseen budgetary impact of the pandemic, these funds will be critical to offset many of the costs that were incurred in response to the COVID – 19 pandemic.

#### **SUGGESTED COUNCIL MOTION LANGUAGE**

“I move to approve contract number 20-6541C-128 between the Washington State Department of Commerce and the City of Burlington”



ITEM #: 8

CHECK ONE:

NEW BUS. X

OLD BUS. \_\_\_\_\_

## AGENDA ITEM

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Council Date: June 25, 2020 Subject: [Amendment to Systems Design Contract adding COVID-19 Surcharge](#)

Submitted By: Greg Young – City Administrator

Attachments: Professional Service Agreement Amendment Public Hearing Required: YES ( ) NO (X)

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### **HISTORY AND SUMMARY**

Burlington uses the firm Systems Designs to process and track our EMS transports so they can bill insurance companies and others for the cost of transporting individuals to the hospital. To this end, we have an existing Professional Service Agreement. With the advent of COVID-19, it has become necessary for Systems Design to complete additional administrative tracking to allow the City to be reimbursed for these types of calls. To cover the costs of these additional services, Systems Design and the City have discussed an appropriate surcharge and have agreed to an additional \$3.00 fee per customer.

### **ALTERNATIVES CONSIDERED**

With Systems Design being responsible for all of our EMS transport tracking, it makes sense to have them do this additional task. We have discussed these requirements with the company and the surcharge agreed to is less than what was originally proposed but is considered fair compensation for the extra work that will be completed.

### **CURRENT AND FUTURE BUDGET RAMIFICATIONS**

The cost of this service is included in the annual budget and the surcharge is not considered significant enough to require a budget amendment. The extra tracking costs should be offset by extra revenue related to COVID-19.

**LEGAL ASPECTS – LEGAL REVIEW**

None identified

**STAFF RECOMMENDATION**

Staff would recommend that we approve the Amendment to the Professional Service Agreement

**SUGGESTED COUNCIL MOTION LANGUAGE**

*“I move to approve the Amendment to the Professional Service Agreement with Systems Design and authorize the Mayor’s signature.”*



ITEM #: 9

CHECK ONE:

NEW BUS. X

OLD BUS. \_\_\_\_\_

## **AGENDA ITEM**

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Council Date: June 25, 2020

Subject: Wastewater Treatment Plant Outfall Evaluation and Mixing Zone Study for Sewer Operations

Submitted By: Marv Pulst, Public Works Director

Attachments: Agreement with Gray and Osborne  
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Public Hearing Required: YES ( ) NO (X)

### **HISTORY AND SUMMARY**

On January 12, 2018, The Washington State Department of Ecology issued the City a National Pollutant Discharge Elimination System (NPDES) Waste Discharge Permit. One of the requirements of this permit is that the City must update the WWTP Outfall Evaluation and Mixing Zone Study. To fulfill this requirement, Gray and Osborne engineers have been selected to perform this scope of work and submit the report to the Department of Ecology by October 1, 2020 for the amount not to exceed \$53,350.00.

### **ALTERNATIVES CONSIDERED**

None were considered. It would result in a violation of the City of Burlington's NPDES permit.

### **CURRENT AND FUTURE BUDGET RAMIFICATIONS**

This was a planned expense and the Sewer fund has adequate budget to cover this expense.

### **LEGAL ASPECTS – LEGAL REVIEW**

No legal issues identified.

**STAFF RECOMMENDATION**

Staff recommends awarding the contract to Gray and Osborne, Inc. to perform the Outfall Evaluation and Mixing Zone Study for the amount not to exceed \$53,350.00.

**SUGGESTED COUNCIL MOTION LANGUAGE**

Motion to approve the Agreement with Gray and Osborne to perform the Outfall Evaluation and Mixing Zone Study and authorize the Mayor's signature.