

CITY COUNCIL AGENDA
7:00 p.m. August 13, 2020

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

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 July 23, 2020](#)

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) [Azavar B&O Services](#)
- 2) [Dark Fiber Use Agreement](#)
- 3) [Fiber Final Foot County Grant](#)
- 4) [Canton Parking Lot Lease Renewal](#)
- 5) DOJ COPS Hiring Grant Opportunity
- 6) Reject Bids for Sewer CIPP Project
- 7) [Facilities Maintenance John Deere 2025 Tractor Trade-In](#)
- 8) Confirmation of Appointment to TPA Advisory Board

DISCUSSION:

FUTURE WORKSHOP:

2021 Budget Discussion

Thursday **August 20, 2020** 6:00 p.m.

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

EXECUTIVE SESSION:

ADJOURNMENT:

MEETINGS:

- 1) AUDIT & FINANCE COMMITTEE:

Thursday **August 27, 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AS OF MARCH 20, 2020, ALL OTHER COUNCIL COMMITTEE MEETINGS ARE SUSPENDED UNTIL EMERGENCY PROCLAMATION 2020-03 HAS BEEN RESCINDED, OR UNTIL FURTHER NOTICE

Next Regular Council Meeting: Thursday August 27, 2020 *Americans with Disabilities Act Accommodations Provided upon Request*

August 2020

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

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Jul 26	27	28	29	30	31	Aug 1
2	3	4 5:30pm SUSPENDED: Parks Board (Parks & 6:00pm SUSPENDED: Library Board (Library)	5	6	7	8
9	10	11 4:00pm SUSPENDED: Public Safety Committee (Public Safety Building)	12	13 4:00pm Audit & Finance Committee 7:00pm Council Meeting (Telephonic)	14	15
16	17	18 4:00pm SUSPENDED: Public Works Committee (Engineering Conf	19 1:00pm SUSPENDED: SKAT Board 5:30pm SUSPENDED: Planning Commission	20 6:00pm Council Workshop (Telephonic)	21	22
23	24	25	26 9:00am SUSPENDED: Downtown Burlington Association (Visitor Information	27 4:00pm Audit & Finance (Telephonic) 7:00pm Council Meeting (Telephonic)	28	29
30	31	Sep 1	2	3	4	5

September 2020

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

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Aug 30	31	Sep 1 5:30pm SUSPENDED: Parks Board (Parks & Rec Dept) 6:00pm SUSPENDED: Library Board (Library)	2	3	4	5
6	7	8 4:00pm SUSPENDED: Public Safety Committee (Public Safety Building)	9	10 4:00pm Audit & Finance Committee (Telephonic) 7:00pm Council Meeting (Telephonic)	11	12
13	14	15 4:00pm SUSPENDED: Public Works Committee (Engineering Conf Room)	16 1:00pm SUSPENDED: SKAT Board (Burlington City Hall) 5:30pm SUSPENDED: Planning Commission	17	18	19
20	21	22	23 9:00am SUSPENDED: Downtown Burlington Association (Visitor Information Center/Chamber of	24 4:00pm Audit & Finance (City Hall) 7:00pm Council Meeting (Telephonic)	25	26
27	28	29	30	Oct 1	2	3



ITEM #: 1

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: August 13, 2020 Subject: [Azavar B&O Services](#)

Submitted By: Joe Stewart, Finance Director

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

HISTORY AND SUMMARY

With the implementation of the B&O tax approved by the Council at the July 9th Council Meeting, the Finance Director also discussed the administration of the tax and presented a cost estimate comparing the cost and staffing impact of administering the services in-house, or going with a third party administrator. This estimate was compiled based on discussions with 3 other cities in the state who are also administering the tax as well as a quote from a two different third party administrators.

ALTERNATIVES CONSIDERED

- Administration provided in-house by City of Burlington Finance Department and the addition of the necessary software module.
- Administration by third party administrator Azavar. This administration would be all-inclusive to include their proprietary software/payment platform.
- Administration by third party administrator File Local. This administration would not be all-inclusive. Providing the payment platform only.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

Based on the estimates it was determined that the City could save approximately \$32,229 per year by using a third party administrator for the B&O services. The associated costs would be paid for from the B&O tax revenues. Total annual cost in year one is estimated to be \$32,750. Total annual cost moving forward is estimated to be \$31,400. However, the city will not be adding the additional FTE of .25 that was included in the estimate reducing the cost by

\$20,000 per year. The staffing impact and need for additional staffing will be evaluated moving forward. However, we do not expect the need to exceed a .25 to .35 FTE.

LEGAL ASPECTS – LEGAL REVIEW

Reviewed by City Attorney and none were identified

STAFF RECOMMENDATION

Azavar was evaluated for both their administrative services administering the B&O on behalf of the City as well as their ability to provide a user friendly platform and service to our local businesses. It was determined that the services could be provided more economically, effectively and efficiently by Azavar. We recommend contracting with Azavar as stated in the attached agreement to administer the B&O services.

SUGGESTED COUNCIL MOTION LANGUAGE

“I move to approve the professional services agreement for tax administration of business and occupation tax between the City of Burlington and Azavar.”



ITEM #: 2

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: August 13, 2020 Subject: [Dark Fiber Use Agreement](#)

Submitted By: Geoff Hawes, IT Director

Attachments: Dark Fiber Lease CoA - Burlington Public Hearing Required: YES () NO (**X**)

HISTORY AND SUMMARY

The city of Anacortes is wanting to lease a portion of dark fiber from Burlington and a portion of dark fiber from the city of Mount Vernon, to complete a fiber communications path from the city of Anacortes to NoaNet (their internet provider) which is located in Burlington at the public safety building. NoaNet recently moved their facilities from the Bank of Skagit on Fairhaven to the public safety building. There is dark fiber available between Mount Vernon and Burlington, the fiber would be used for commercial purposes.

ALTERNATIVES CONSIDERED

The city of Anacortes reviewed costs and services from SkagitNet and decided to use MV and Burlington fiber, based on costs and experience.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

This dark fiber lease agreement would be for \$175 per month. There may be additional fees to Anacortes for rack space and power. This would help the city to cover any potential maintenance costs and will help expand city fiber to other businesses in the area.

LEGAL ASPECTS – LEGAL REVIEW

This dark fiber use agreement is similar to other dark fiber lease agreements. Legal has reviewed the document and the city of Anacortes will be signing the agreement after their council approval. Note the original dark fiber request had loss of service penalties which we did not agree with and removed from the draft. They eventually agreed as this would have set a precedent for all other contracts.

STAFF RECOMMENDATION

The recommendation is to approve the dark fiber use agreement and authorize the Mayor to sign the agreement on behalf of the city.

SUGGESTED COUNCIL MOTION LANGUAGE

I move to approve the dark fiber use agreement and authorize the Mayor to sign the agreement.



CHECK ONE:

NEW BUS. X

OLD BUS.

AGENDA ITEM

Council Date: August 13, 2020 Subject: [Fiber Final Foot County Grant](#)

Submitted By: Greg Young, City Administrator

Attachments: Grant Interlocal and Application Public Hearing Required: YES () NO (X)

HISTORY AND SUMMARY

Annually the County solicits applications for economic development grants. In the past Burlington has received some of this funding to install our Fiber Backbone in the City. Since then we have been attempting to connect businesses to our system but the final installation cost has been a barrier for some businesses. We recently applied for a new County grant which will pay the majority of this installation cost and will hopefully greatly increase the number of businesses that utilize our fiber system.

ALTERNATIVES CONSIDERED

Lacking this funding, we would continue to attempt to connect new customers but the average of a \$5,000 per installation would continue to make this difficult.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

Our grant award is for \$250,000 with a 10% City match (\$25,000). While we will immediately move to advertise this Installation Program, it is believed that the majority of these installations will occur in 2021 and as a result, we will include both the County grant as well as our match expenditures in the 2021 City budget.

LEGAL ASPECTS – LEGAL REVIEW

None Identified

STAFF RECOMMENDATION

Staff is recommending that the Council formally accept and approve the County grant and direct staff to begin the implementation efforts.

SUGGESTED COUNCIL MOTION LANGUAGE

“I move to accept this grant and direct staff to begin advertising and implementing this program”



ITEM #: 4

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: August 13, 2020 Subject: [Canton Parking Lot Lease](#)
[Renewal](#)

Submitted By: Greg Young, City Administrator

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

HISTORY AND SUMMARY

For several years, the City has leased the parking lot of the former Canton Restaurant in downtown Burlington. The City's current lease expired in July of this year. City staff has negotiated with the property owners regarding a new lease; a draft is attached.

Realizing that the current Pandemic has prevented shoppers from frequenting the Fairhaven businesses, staff reached out to the owners to see if a reduced rate lease for the next 12 months was acceptable.

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 \$1,625.00 per month. The draft lease, attached, is at the rate of \$1,000.00 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 the parking lot owners and after explaining the current situation reached an agreement to reduce the rent for the next 12 months. Staff is recommending that the Council approve the new 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."



ITEM #: 5

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: August 13, 2020 Subject: DOJ COPS Hiring Grant Opportunity

Submitted By: Michael Luvera, Police Chief

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

HISTORY AND SUMMARY

The U.S. Department of Justice has offered COPS Hiring grant opportunities for many years. In March we made application for this grant, requesting maximum grant funding for two new positions. The grant allows for a maximum of \$125,000 dollars per police officer position requested. Our initial request included a scope that would use one position as a School Resource Officer (a position lost in 2008) and the other position would bolster our focus on violent crime, drugs, gangs and such.

In June I was excited to learn that the Department of Justice recognized our need for additional staffing in awarding the City of Burlington \$250,000 dollars to be used for two police officer positions over a 4 year period of time. Grant funding is distributed over a 3 year time period to offset the costs, with local funding supporting all of year 4. The City of Burlington was one of twelve agencies in the State of Washington recognized and awarded grant funding.

We applied for this grant pre-COVID. Since that time our financial situation has drastically changed. In addition, the School District has indicated that they are facing similar financial shortages so the timing of an SRO position is not ideal. Knowing all of this I reached out to the DOJ and am pleased that they are willing to work with us and reform our original scope of work so that we do not lose out on this grant opportunity.

ALTERNATIVES CONSIDERED

Within a year of arriving at BPD I conducted an analysis of our staffing and calls for service. It is clear that the staffing of our police department is not adequate. We have adjusted our

patrol shifts, re-assigned our Community Resource Officer, and re-assigned a detective position to patrol. All of these measures as well as technology efficiencies were completed in order to increase patrol officer coverage in our City. I have produced a report confirming that our workload is higher than comparable agencies and that we continue to do more with less. Our residential population continues to increase and we have several multi-family apartment type complexes being built. This growth will inevitably add more calls for service, widening the already stretched gap of community law enforcement needs and our resources to meet those needs.

The alternatives identified would be to continue with the same level of staffing hoping for a different outcome (not recommended or supported by me); or to locally fund an increase in necessary staffing.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

This grant is for a total of \$250,000 dollars for two positions, drawn over a three year time period. The acceptance of grant funding would correlate to a change in our authorized police officer staffing to 29 full-time police officers. Below is breakdown of the distribution of estimated local and federal grant funding.

2 OFFICERS		
3 Year Total = \$713,446 estimated salary and benefits		
Federal share \$250,000 Local Funding \$463,446		
Year 1 local	\$115,862 (25%)	Fed \$113,411
Year 2 local	\$139,034 (30%)	Fed \$ 95,951
Year 3 local	<u>\$208,550</u> (45%)	Fed <u>\$ 40,638</u>
	\$463,446	\$250,000
Year 4 100% local		

Joe Stewart and I have spoken with the Deputy Director of this grant program and we have been given an extension into mid-August in order to confirm our acceptance and willingness to redefine the scope of the grant to fit our needs. The Deputy Director was very positive and felt that we could reach an acceptable agreement for all. In example, we were told that we could use this funding to hire officers today and continue our efforts to fill all the positions awarded sometime in the future.

STAFF RECOMMENDATION

As you might recall, I was not overly optimistic about being considered for this grant. To be awarded two positions under this grant and be given the assurance that we could change the

scope of our initial plan has been astonishing. I recommend that we accept the grant so that I and other staff can continue to collaborate with the Department of Justice, taking advantage of this grant money.

SUGGESTED COUNCIL MOTION LANGUAGE

“I move to approve and authorize the acceptance of the Department of Justice COPS Grant in the amount of \$250,000 dollars.”



ITEM #: 6

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: August 13, 2020 Subject: Reject Bids for Sewer CIPP Project

Submitted By: Marv Pulst, Public Works Director

Attachments: None Public Hearing Required: YES () NO (x)

HISTORY AND SUMMARY

The City received bids on July 16, 2020 for repair of a 21" diameter sanitary sewer line and several manholes between Section and Skagit Streets. The repair was specified using the Cured-In-Place-Pipe (CIPP) process. The City's estimate was \$90,000, and one bid was received in the amount of \$139,703.04 from Insituform Technologies. The Public Works Director judged the disparity between the City's estimate and the sole bid to be too extreme to justify awarding the project.

This agenda items formalizes the bid rejection in accordance with Burlington Municipal Code 2.84.310 which reads, "The city shall award any contract for a public works project to the lowest responsible bidder with a responsive bid; provided, that the city council may, in its sole discretion, elect to reject all bids."

ALTERNATIVES CONSIDERED

Continue to operate the sewer collection system with the deteriorated line "as is". The line still has a life span that can deliver service for the next 6-12months.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

The request for bids was made during a period of robust construction. More favorable bids are expected if the project is advertised during a construction lull.

LEGAL ASPECTS – LEGAL REVIEW

City Legal has reviewed the bid rejection and finds it in accordance with City municipal code.

STAFF RECOMMENDATION

Staff recommends rejecting the sole bid for sewer line repair, and re-advertising the project in a more favorable bidding atmosphere.

SUGGESTED COUNCIL MOTION LANGUAGE

I move to reject all bids for repair of the sanitary sewer line and associated manholes between Skagit and Section Streets.



ITEM #: 7

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: August 13, 2020 Subject: [Facilities Maintenance](#)

Submitted By: Travis Schwetz, Street Dept. Supervisor [John Deere 2025](#)
[Tractor Trade-in](#)

Attachments: Washington Tractor Trade-in Summary Public Hearing Required: YES () NO ()

HISTORY AND SUMMARY

Due to changes in staffing, and realignment of operations among Public Works departments, it has been determined that the John Deere 2025 mini tractor purchased in 2019 no longer fits the optimal blend of maintenance equipment. Therefore, staff negotiated a trade-in value for the John Deere Tractor in favor of acquiring small z-track mowers to add efficiency to operations. The tractor has extremely low operating hours giving it value for trade at this time. The intertwining of staff and equipment among Streets, Facilities and Parks departments has given cause to reevaluate the overall approach to grounds maintenance, and create a more streamlined deployment of assets.

ALTERNATIVES CONSIDERED

The only alternative is to keep a machine that at this time has a very limited use.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

Trade-in value of the tractor is \$18,500.00. Facility Maintenance will then purchase small z-track mowers in order to cut down on push mowing around the Facilities and areas shared by the Street Department. This will greatly enhance staff efficiency by cutting mowing time at least in half. Therefore \$18,500.00 trade-in - \$7,000.00 for mowers = \$11,500.00 for return to the ER&R fund.

LEGAL ASPECTS – LEGAL REVIEW

No legal issues identified.

STAFF RECOMMENDATION

Staff recommends trade-in of the John Deere 2025 Tractor for z-track mowers and return excess funds to the ER&R account.

SUGGESTED COUNCIL MOTION LANGUAGE

I move to approve the trade-in of the 2019 John Deere 2025 tractor to Washington Tractor and authorize the Mayor to sign the pertinent documents.



ITEM #: 8

CHECK ONE:

NEW BUS. X

OLD BUS. _____

AGENDA ITEM

Council Date: August 13, 2020 Subject: Confirmation of Appointment to Tourism

Submitted By: Mayor Steve Sexton Promotion Area Advisory Board

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

HISTORY AND SUMMARY

Council recently approved the Interlocal Cooperative Agreement for The Joint Establishment of the Skagit County Tourism Promotion Area, which has been approved by all parties listed in the agreement. As stated in the agreement, section 7, formation of the TPA requires the establishment of the Skagit TPA Advisory Board, which is to include a representative or designee, recommended by each of the parties. Mayor Sexton is recommending Burlington Chamber of Commerce CEO Peter Browning as the City of Burlington’s representative. As Chamber CEO, Mr. Browning has a wealth of specialized knowledge regarding tourism promotion. Mr. Browning’s involvement as head of an organization which promotes a broad range of Burlington businesses and facilitates community events to foster relationships between businesses and the community as well as promoting Burlington and the Skagit Valley as a tourism destination, is more than adequate experience for the role of representative. Mr. Browning was instrumental in restarting the TPA process, and seeing it through to completion, giving him a firm understanding of the workings of the TPA Advisory Board that is critical from the outset.

ALTERNATIVES CONSIDERED

None considered.

CURRENT AND FUTURE BUDGET RAMIFICATIONS

None; the Tourism Promotion Area Advisory Board is comprised of volunteers.

LEGAL ASPECTS – LEGAL REVIEW

None identified.

STAFF RECOMMENDATION

Staff recommends that Council confirm the Mayor's appointment of Peter Browning to the Skagit County Tourism Promotion Area Advisory Board

SUGGESTED COUNCIL MOTION LANGUAGE

"I make a motion to confirm the Mayor's appointment of Peter Browning to the Skagit County Tourism Promotion Area Advisory Board".