

February 11, 2016

CALL TO ORDER:

Mayor Steve Sexton called the meeting to order at 7:00 p.m., with the Pledge of Allegiance. Council members present: Joe DeGloria, Rick DeGloria, Edie Edmundson, and Chris Loving. Staff present: Brian Dempsey, Bryan Harrison, Brad Johnson, Brittany Johnson, Leif Johnson, Tom Moser, Marv Pulst, Bill Van Wieringen, and Crystil Wooldridge.

A motion was made to excuse **Councilors Aslett/Bieche/Montgomery** by **Councilors R.DeGloria/Loving**. All in favor; motion carried.

MINUTES:

A motion was made by **Councilors Loving/J. DeGloria** to approve the minutes of the January 28, 2016 council meeting. All in favor; motion carried.

AUDIT OF BILLS:

A motion was made by **Councilors R. DeGloria/J. DeGloria** to approve Accounts Payable checks numbered 30419 – 30549 in the amount of \$182,743.11; January 31st payroll checks numbered 30288 – 30322 in the amount of \$516,426.25. All in favor; motion carried.

Councilor Bieche arrived to the meeting at 7:07 p.m.

PUBLIC COMMENTS:

There were no Public Comments.

COUNCIL COMMENTS:

There were no Council Comments.

MAYOR’S UPDATE:

Mayor Sexton introduced the City of Burlington’s new Senior Planner, Brad Johnson. **Mayor Sexton** stated his first day with the City was on February 8th and he is coming to the City from Island County.

Mayor Sexton asked council if there was any discussion regarding the council’s attendance at the EDASC Economic Forecast Dinner on February 25th. **Councilor J. DeGloria** stated that this had been discussed at the last council meeting and that council had decided to not attend the EDASC dinner and hold the council meeting as scheduled on February 25th.

PROCLAMATION:

There was no proclamation.

SPECIAL PRESENTATION:

There was not a Special Presentation.

OFFICER’S REPORTS:

City Administrator Bryan Harrison asked the council if they would add an agenda item to the meeting’s agenda for a lease agreement for the City owned property located at 465 Pease Rd. The property was previously rented to Halco Trucking. Through competitive bid the City selected Clay Learned to handle the lease agreement. The lease holder is NW Auto Recon, Inc. The lease amount is \$3,000 per month as proposed by council. The agreement has been reviewed by both Legal and Finance and is in compliance with polices and regulations.

Public Works Director Marv Pulst reported that he received a request from WSDOT regarding a night time noise exception for SR20 Garret Rd. to Gardner. WSDOT will be changing street lights to LED lights. **Director Pulst** recommended approving the request

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and the timeline will be from March to November to complete the project. Council approved the request made by WSDOT.

Director Pulst stated that the Public Works Department received over forty applications for the Streets Utility I position that was being recruited for. Interviews were held last week and the successful candidate was notified today.

A motion was made to add the lease agreement for the property located at 465 Pease Rd as agenda item #10 by **Councilors Loving/R. DeGloria; Councilors J. DeGloria/Edmundson** in favor; **Councilor Bieche** opposed; motion carried.

UNFINISHED BUSINESS:

There was no Unfinished Business.

CONSENT AGENDA:

There was no Consent Agenda.

NEW BUSINESS:

PUBLIC HEARING – SIX YEAR TRANSPORTATION IMPROVEMENT PROGRAM UPDATE

Public Works Director Marv Pulst stated that the six year TIP is updated annually or sooner if needed. The TIP is for transportation purposes. There are two proposed additions to the 2016 – 2021 TIP. One request is a project that has been requested by Gilkey/Anacortes Street residents which is the project of adding sidewalks. This project would also include a compact roundabout at the intersection of Gilkey/Anacortes Street. There was a request for state grant funds for the sidewalks and that has been awarded. The project includes sidewalks on both sides, refresh pavement, compact roundabout to ease traffic for activities at Skagit River Park, and slow speed coming from northbound traffic. The second proposed project is the result of developer activity across Burlington Blvd from Costco. The project would provide access to new properties by adding an East to West corridor and the addition of a street from Burlington Blvd area to South Walnut Street. Access to the new properties will be available through new street and provide traffic relief to Burlington Blvd.

Mayor Sexton opened the Public Hearing.

Michael Brawley – 400 Del Rio Drive – asked if there were going to be sidewalks on both sides of Anacortes Street. **Pulst** answered that there are no current plans to add sidewalks to the side of Anacortes Street without sidewalks.

A motion was made by **Councilors Loving/J. DeGloria** to close the Public Hearing. All in favor; motion carried.

Councilor Loving asked about the size of the proposed compact roundabout and **Director Pulst** made clarification that the roundabout was going to be similar to the one outside of Fed Ex on George Hopper Road.

Councilor Loving asked if the second project was going to be developer funded or if the City would be playing a large part in the funding. **Director Pulst** stated that the City would be playing a big part in the funding, but grant money would be available and there would be some funding from property owners.

Councilor Bieche asked if the second project, South Walnut and Burlington Blvd, had been discussed with surrounding property owners, specifically the owners of Skagit Cycle. **Director Pulst** stated that he had meetings with engineers, property owners to discuss the project. The owners of Skagit Cycle are enthusiastic about the project as it will be a benefit to their business.

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Mayor Sexton stated that there have been challenges with this property in the past, but **Director Pulst** has done a great job working with developers and not accepting short term plans, but looking long term. There has been good effort made working together.

A motion was made to approve the resolution updating the 2016 – 2021 Transportation Improvement Program and authorize the Mayor's signature by **Councilors J. DeGloria/R. DeGloria**. All in favor; motion carried.

INDIGENT/PUBLIC DEFENSE STANDARDS RESOLUTION

City Administrator Bryan Harrison reviewed the history of the Indigent/Public Defense Standards Resolution. The current resolution was adopted in 2012. The Washington State Supreme Court adopted standards for indigent defense since the last resolution was adopted. The public defense system in Burlington has changed and evolved in response to the adopted standards. The resolution captures current process and updates the standards. This resolution has been through many revisions with review by Public Defense Supervisor Eileen Farley and has improved throughout the process. Special Counsel W. Scott Snyder has worked hard to incorporate the input of interested parties. Harrison stated that Council received the final copy prior to the meeting and if they would like to have time to review and continue the item to the February 25th meeting that is an option, but the item needs to be completed in February. The resolution firmly institutionalizes what has been developed with cooperation of Public Defense Standards.

Councilor R. DeGloria asked what the thoughts of the **City Attorney Leif Johnson** were concerning this resolution. **City Attorney Leif Johnson** stated that pursuant to the statute it is not good form for him to be involved. Mr. Snyder was involved with this resolution and contract.

Discussion followed regarding Mr. Snyder attending a council meeting to answer questions. Administrator Harrison stated that he was currently out of the country, but will be back the beginning of March, but he can be invited to a meeting in March. Further discussion followed regarding the options of emailing Mr. Snyder questions and it was stated that could be an option and that further counsel could be engaged if requested.

A motion was made to adopt the proposed resolution updating the City of Burlington Indigent/Public Defense Standards and authorize the Mayor's signature by **Councilors R. DeGloria/Loving**; Councilors **J. DeGloria/Edmundson/Loving** in favor; **Councilor Bieche** opposed; motion carried.

AMENDED CONTRACT FOR INDIGENT/PUBLIC DEFENSE SERVICES – MOUNTAIN LAW, LLC

City Administrator Bryan Harrison stated that Mountain Law is the primary provider of defense services. The contract amendment incorporates revised standards and adds additional compensation for work outside of scope of direct case management. The base compensation and terms of the agreement remain the same.

Councilor Bieche asked if there was tracking of the number of cases that the City is aware of when Mountain Law nears their case threshold. **Administrator Harrison** answered that yes, there is monthly reporting that is given to the City by Mountain Law to track and assess performance and the number of cases and attorneys currently accepting cases. There are also quarterly reports of closed cases provided to the City by Mountain Law.

A motion was made to approve the amended contract for indigent defense services with Mountain Law, LLC and authorize the Mayor's signature by **Councilors Loving/J. DeGloria**. All in favor; motion carried.

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CONTRACT FOR INDIGENT PUBLIC/PUBLIC DEFENSE SERVICES – CONFLICT COUNSEL

City Administrator Bryan Harrison stated that the cities of Mount Vernon and Burlington have engaged conflict counsel to provide indigent/public defense for qualified candidates that cannot be served by Mountain Law. This contract formalizes conflict counsel and is reflective of primary contract with Mountain Law. The compensation will increase to \$65 per hour from \$55 per hour. The contract also implements tracking and reporting requirements in compliance with the new public defense standards. **Harrison** added that there have been 137 cases conflicted out to conflict counsel by Mountain Law. In addition, there is a need to authorize future contracts with conflict counsel on an urgent basis that cannot wait for the next council meeting. Appointment of any conflict counsel is anticipated to exceed the Mayor's authority of \$7,500 to enter into contracts, will be brought back to council for approval.

A motion was made to approve the contract for indigent/public defense services with conflict counsel and authorize the Mayor's signature. Authorize the Mayor to sign future conflict counsel contracts, using the attached form, in response to urgent needs for additional conflict counsel that cannot await the next council meeting by **Councilors Loving/J. DeGloria**. All in favor; motion carried.

APPROVAL TO PURCHASE CELLEBRITE – SOFTWARE BASED FORENSIC SOLUTION

Police Chief Bill Van Wieringen stated that this request was in the adopted 2016 budget. **Van Wieringen** requested that council approve the Finance Department to provide a purchase order for the purchase of the Cellebrite software. Cellebrite forensic based software used when a search warrant is issued for a cell phone.

A motion was made to approve the purchase of Cellebrite software and approve the Finance Department to issue a purchase order for this product by **Councilors R. DeGloria/Loving**. All in favor; motion carried.

BID AWARD – 2016 WASTEWATER TREATMENT PLANT IMPROVEMENTS

Public Works Director Marv Pulst stated that bids were opened at 10:00 a.m. on Thursday, January 7th, for this project. The improvements include removing and replacing the existing clarifier mechanisms with two 45 foot diameter secondary clarifiers, installing new UV disinfection equipment, removing and replacing a belt filter press, and associated electrical work. The project was budgeted in 2016 for \$1.58 million. Eight bids were received Stellar J Corporation from Woodland, WA submitted the lowest responsive bid. The engineer's estimate was \$1.69 million. The City recommends awarding the bid to Stellar J Construction in the amount of \$1,557,517.50.

A motion was made to award the bid for the 2016 Wastewater Treatment Plant improvements to Stellar J Construction and authorize the Mayor's signature by **Councilors R. DeGloria/Bieche**. All in favor; motion carried.

TRANSFER OF WSDOT PARK & RIDE TO THE CITY OF BURLINGTON

Public Works Director Marv Pulst stated that WSDOT owns the property located at the NW corner of George Hopper and Burlington Blvd, which has previously been used in conjunction with Skagit Transit, as a Park & Ride. In accordance with WSDOT surplus process, property can be transferred at no cost to local agencies with the provision that the property must be used by the receiving agency for roadway purposes. The City will be able to use portions of the property for the future George Hopper interchange project along with improvements to the adjacent intersection. Unused portions of the property may be sold with the proceeds going to the State's motor vehicle fund or returned to WSDOT.

Discussion ensued regarding the cost of maintaining the property to the City, if the property can currently be used for parking, and the timeline of the project.

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A motion was made to accept the transfer of WSDOT property to the City of Burlington at no cost and approve City staff to sign the Quitclaim Deed attesting its corrective as to form by **Councilors Edmundson/J. DeGloria**. All in favor; motion carried.

TRAFFIC ENGINEERING AGREEMENT WITH DN TRAFFIC CONSULTANTS

Assistant Public Works Director Brian Dempsey stated this is an agreement for traffic engineering duties and to provide additional resources for maintenance of traffic signals along Burlington Boulevard. Funding for this agreement has been budgeted for 2016 within the Arterial Street Fund. The City anticipates that DN will continue refinement of traffic signal timing programs along Burlington Boulevard Signal Enhancements and Citywide Safety Projects.

Discussion ensued regarding the length of time the consultant will be needed and future plans of using a consultant for the project, the scope of work, and how many eligible consultants were on the list being considered. **Dempsey** stated that after a review of the qualifications of the vendors available that DN was the most qualified consultant due to the knowledge of Burlington and the projects that are being maintained through this agreement.

A motion was made to approve the traffic engineering contract with DN Traffic Consultants and authorize the Mayor's signature by **Councilors J. DeGloria/R. DeGloria**. All in favor; motion carried.

RASPBERRY RIDGE SEWER CONNECTION & ASSOCIATED INFRASTRUCTURE DISCUSSION

Mayor Sexton thanked Skagit County Commissioners Lisa Janicki and Ron Wesen for attending the meeting.

City Administrator Bryan Harrison reviewed the history of the Raspberry Ridge Housing project. The Housing Authority of Skagit County (HASC) owns the low income/farmworker housing complex adjacent to the City of Burlington commonly known as Raspberry Ridge. The site consists of multiple parcels and contains two existing developments, Raspberry Ridge 1 which has 51 units, and Raspberry Ridge two which has 30 units. Raspberry Ridge is located in unincorporated Skagit County and therefore is not zoned this density for development, the County adopted a resolution waiving density and other land use regulations. The County resolution has authorized up to 125 units on this site. The HASC has received funding to construct an additional 14 units of farm worker housing at Raspberry Ridge. The new development would be accessed by Layfatte Road. The new development is outside the UGA and does not have the ability to connect to sewer currently due the location. City officials and County officials have engaged in discussion regarding the lack of infrastructure, sidewalks, road conditions, school bus turn offs, playgrounds, etc. There is an issue of nearby property that is within the UGA that is in need of attention/code enforcement in regards to graffiti and housing conditions. If the property that the Raspberry Ridge developments are located on is annexed into the City limits in the future this will impact city services such as police and fire.

Discussion ensued regarding the impacts of annexing the property into the UGA and the number of calls that are responded to within that property by police and fire.

Melanie Corey – Executive Director Housing Authority of Skagit County - Thanked the Mayor, Council, Commissioners, and attendees of the meeting. She stated that she appreciates the efforts that have been made in the past year by both the City and the County. **Ms. Corey** provided stats regarding low income housing and the need for affordable housing throughout Skagit County and how affordable housing can help the local economy. **Ms. Corey** stated that the proposed plan from the County and HASC is a

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benefit to the local community in regards to the infrastructure and sidewalks proposed, and the connection to sewer will help the environment.

Marty Miller – Office of Rural & Farmworker Housing – reviewed the details of the new development commonly referred to as Raspberry Ridge 3. There will be 7 duplexes which equal 14 units, two bedroom units, and single story construction. There will be onsite parking, storm water retention, and a play area. This project will have a positive impact on the economy during and after construction. The details of this project respond to the need for infrastructure and public improvements within the neighborhood. The goal for the project is for it to be a positive part of the community. **Mr. Miller** thanked the City, the County, the Commissioners, and all involved in this project the past year.

Dale Pernula & Ryan Walters – Skagit County – Reviewed the infrastructure proposal that was given to the City by Skagit County. This is a proposal that will be formalized with an interlocal agreement. The proposal includes the following: Add Raspberry Ridge properties to the UGA, City will rights to zone property, the UGA annexation is updated in 2016 pending the City's approval, HASC sewer connection and fees paid to the City, Sewer Franchise with Skagit County and Burlington before the end of 2016, and road improvements from Layfette to Gardner Road. Mr. Pernula and Mr. Walters reviewed the letter sent to the City from Skagit County in regards to Raspberry Ridge 1 & 2 which included play area improvements, school bus access, emergency access, impact fees from future/further development, nuisance abatement to Sanchez Lane. The timeline for would be add the property to the UGA in the Comp Plan in June 2016 and construction of Raspberry Ridge 3 will begin in the fall of 2016.

Bruce Lisser – Board Member HASC – stated that this is a well thought out plan that has mutual benefits for the City and the County as well as the residents this project is serving. The police and fire response statistics reflect an organization that is doing well with the management of Raspberry Ridge. The quality of units, the staff, and the residents are all reflective of the organization. This is positive for the area and he looks forward to future work with the City.

Sister Susan Wells – 1209 Decatur Circle – Catholic Community Service – stated this project is in response to the serious need for farmworker housing within the community, especially in this area.

Manuel – 2432 Field View, Ferndale, WA – WA State Hispanic Community – stated this project is a win for veterans, farmworkers, and those in need of affordable housing. Manuel stated that we need to work together on this project and if we work together to accomplish it will be great for community.

Discussion ensued regarding housing funding requirements, specific times that the housing is to be vacant, and the residents within the housing and how eligibility is established.

Discussion was had regarding the funding for the sewer connection, the amount of revenue that connecting to sewer would bring to the City, and that even though sewer is more expensive than septic this is the right way to go.

Mike Brawley – 400 Del Rio Drive – asked who would maintain the sewer and the effect it could have on the City, the effect on schools, who will maintain the infrastructure.

Discussion ensured regarding the impacts on the school district, cost to the City, and the effect on the City.

Ryan Walters – Skagit County – stated that the County is negotiating an interlocal agreement with the Burlington Edison School District which states the County will

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collect impact fees on behalf of the school district for future development, but the fees will not be collected for this project as the agreement isn't final.

Lisa Janicki – Skagit County Commissioner – reviewed the history of Raspberry Ridge and stated that the old history has a chance to come to an end. This is a good opportunity for the City to control future development. This is the right thing to do and a wonderful opportunity for both the City and the County.

Ron Wesen – Skagit County Commissioner – stated this project began in 2005 and we have to look at the future of the project, not the past. This package is a solution and an opportunity for the future.

Discussion ensued regarding the plan that has been presented to council, the future of this project, the efforts that have been made by both the city and the county to get to this point, and that both the city and the county need to move on from the past and work with the proposal that has been presented.

Councilor R. DeGloria stated that he is not comfortable making a decision without **Councilors Montgomery/Aslett** present.

Discussion followed regarding the a cap on the development for the future, the connection to City sewer, and that input from the public and the school district would be helpful to the Council in making a decision, and the possibility of a Public Hearing regarding this proposal.

A motion was made to authorize the connection to the sewer system for existing and future phases of the Raspberry Ridge Development with associated conditions acceptable to City Council by **Councilor Loving**; no second motion; motion died.

The council continued this item until the next council meeting on February 25th, 2016.

LEASE AGREEMENT FOR 465 PEASE RD

City Administrator Bryan Harrison stated that this agreement was for the property owned by the City located at 465 Pease Rd. The monthly rent amount is \$3,000 as proposed by council. The agreement is for 12 months with the option of adding two additional 12 month periods.

A motion was made to approve the lease agreement for 465 Pease Road and authorize the Mayor's signature by **Councilors Loving/R. DeGloria. Councilors J. DeGloria/Edmundson** in favor; **Councilor Bieche** opposed; motion carried.

EXECUTIVE SESSION

There was not an Executive Session held.

ADJOURNMENT:

Mayor Sexton adjourned the meeting at 9:00 p.m.

Crystil Wooldridge
Finance Director

Steve Sexton
Mayor