

November 20, 2018

CALL TO ORDER:

Mayor Sexton called the meeting to order at 7:10 p.m. with the Pledge of Allegiance. Council members present: Bill Aslett, Joe DeGloria, Rick DeGloria, and James Stavig. Staff present: Jennifer Berner, Geoff Hawes, Brad Johnson, Leif Johnson, Kristen Morrison, Marv Pulst, Jim Rabenstein, Renee Sinclair, and Levon Yengoyan.

MINUTES:

A motion was made to approve the minutes of the November 8, 2018 council meeting by **Councilors R. DeGloria/Aslett**. All in favor; motion carried.

AUDIT OF BILLS:

A motion was made by **Councilors R. DeGloria/ Loving** to approve Accounts Payable invoices to be paid as reviewed on November 20, 2018 in the amount of \$452,384.86 and Payroll Expenses for pay period ending November 10, 2018 in the amount of \$392,331.04. All in favor; motion carried.

PUBLIC COMMENTS:

No public comments.

COUNCIL COMMENTS:

No Council comments

MAYOR'S UPDATE:

Mayor Sexton invited all to attend the annual tree lighting, which will take place on Thursday, December 6 at 6:00 p.m. at Alpha Park.

PROCLAMATION:

No proclamation.

SPECIAL PRESENTATION:

No special presentation.

COMMITTEE & BOARD REPORTS:

Councilor Edmundson updated Council on the Public Safety Committee. **Edmundson** discussed a letter from a citizen who apologized for pulling a fire alarm, and one from a citizen praising a police officer for their efforts in assisting an individual. **Edmundson** discussed various aspects of community outreach by the Police and Fire Departments, including the respective Chiefs' visits to the Senior Center, the Police Departments "Tip a Cop" Fundraiser, with proceeds benefitting Special Olympics; the Departments involvement in the Veteran's Day Parade.

OFFICER REPORTS:

No officer reports.

UNFINISHED BUSINESS:

SIX MONTH EXTENSION TO MORATORIUM FOR DAY CENTER HUMAN SERVICE FACILITIES

City Attorney Leif Johnson discussed communications with Community Action, that the extension of the six month moratorium would have no effect on the ability of Community Action to move their office to the City of Burlington, and it would allow them to offer intended services as described to the City. **Attorney Johnson** discussed the City's code interpretation regarding the proposed services, and the communication to Community Action thereof. **Attorney Johnson** explained that the purpose of the extension is that the Planning Department and Planning Commission are working on the

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new Comprehensive Plan, wherein comprehensive approaches and rules will be put in place to address a wide variety of issues pertaining to homelessness and usage in different parts of the City; the extension would allow for the needed additional time to address those issues and get a proposal to Council. **Attorney Johnson** discussed the option of not extending the moratorium, which would mean that the City's level of protection under the moratorium would no longer exist. **Councilor J. DeGloria** asked **Senior Planner Brad Johnson** for confirmation of whether six months would be enough time to address the issues; **Brad Johnson** indicated it would be. **Attorney Johnson** stated that it would be difficult to extend the moratorium beyond the proposed extension.

Mayor Sexton opened the public hearing.

A motion was made by **Councilors Aslett/J. DeGloria** to close the public hearing. All in favor; motion carried.

Councilor Stavig asked what has been done in terms of research up to this point; **Brad Johnson** stated that nothing has been done, as the process of creating a new comprehensive plan is not yet complete—once the comprehensive plan is complete, there will be a set of regulations around specific uses. **Brad Johnson** discussed reasons to address the use issues in the comprehensive plan, rather than individually. **Councilor Aslett** discussed the intention of the regulations, which is to provide clarity. **Attorney Johnson** described the work currently being done by staff to develop a body of information for the decision makers. **Councilor Stavig** discussed the initial moratorium, and stated it was created to research Community Action use issues, and that many Council members stated during the initial public hearing that they would meet with, talk with, and find solutions for Community Action. **Councilor Stavig** stated that the initial plan was not have these regulations considered as part of the Comprehensive Plan, but to have discussions and work toward solutions—which has not occurred. **Mayor Sexton** stated that a solution has indeed been found for Community Action, and the need to have the discussed use issues be addressed in the comprehensive plan. **Attorney Johnson** explained that the proposed moratorium extension has no effect on Community Action, and further detailed reasons to address use issues in the comprehensive plan. **Councilor Stavig** questioned why a code interpretation was not offered to Community Action initially; **Councilor Loving's** efforts in completing a code interpretation were discussed. **Brad Johnson** explained that there was a miscommunication surrounding use issues, which in the end were consistent with the current code. **Councilor Aslett** stated that the moratorium was not directed at Community Action, but to address potential issues for any entity, and to have a chance to build regulations in to the code. Further discussion was held on the initial moratorium, and the reasons behind it. **Councilor Stavig** spoke in opposition of extending the moratorium. **Attorney Johnson** discussed Community Action interactions and stated that they have been a great partner in the process of the code interpretation, and that issues have been addressed. **Councilor Loving** and **Councilor J. DeGloria** discussed a need to follow the process to vet potential use issues through the comprehensive plan.

A motion was made by **Councilors Loving/Aslett** to close to approve the proposed ordinance approving the six month extension of Day Center Human Services Facilities

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Moratorium, and authorize the Mayor to sign. **Councilors Aslett/J. DeGloria/R. DeGloria/Edmundson/Loving/Montgomery** in favor, Councilor Stavig opposed; motion carried.

2019 REVENUE SOURCES AND CONSIDERATION OF POSSIBLE PROPERTY TAX REVENUES

Director of Budget & Accounting Renee Sinclair discussed the requirement for the City to pass an ordinance to adopt property tax levies, which must then be submitted to the tax assessor's office. **Sinclair** discussed the option on not increasing property taxes, and the currently levied property taxes.

Mayor Sexton opened the public hearing.

A motion was made by **Councilors Aslett/J. DeGloria** to close the public hearing. All in favor; motion carried.

Councilor Aslett discussed his views on citizens being taxed enough as it is, and suggested banking the potential 1% again. The total banked dollar amount was discussed, and **Sinclair** stated that it is just under approximately \$300,000. Discussion was held on property taxes having not been raised in over ten years.

A motion was made by **Councilors Aslett/R. DeGloria** to not increase property taxes and retain the old assessed amount. All in favor; motion carried.

CONSENT AGENDA:

No consent agenda.

NEW BUSINESS:

PROPOSED 2019 BUDGET

Director of Budget & Accounting Renee Sinclair stated that this is the first of two public hearings required for the budget, and it is meant to start discussion. **Councilor R. DeGloria** requested having the Fire Department and Parks & Recreation reader-boards announce the next public hearing for the budget, with the intent of having additional notifications to the public. **Councilor Stavig** suggested adding a calendar outlining Council meetings/budget process dates to the sewer bill.

Mayor Sexton opened the public hearing.

Liz Jennings, Community Action employee— discussed the services of Community Action, thanked the City for the work done in the code interpretation, and discussed the \$10,000 which has been requested of the City for operational expenses. **Jennings** also requested Council consider the additional \$50,000 requested by Community Action for the facilities relocation.

A motion was made by **Councilors Aslett/R. DeGloria** to close the public hearing. All in favor; motion carried.

Councilor Aslett requested an additional Council Budget Workshop; consensus was made to have an additional Council Budget Workshop on November 29, 2018 from 6:00 – 9:00 p.m. Discussion was held on topics, and an agenda for the next workshop,

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including the requests by Community Action, and a playground in **Councilor Loving's** ward. **Councilor Aslett** discussed the parameters and laws regarding the process of gifting public funds; further discussion was held on gifting of public funds. **City Attorney Johnson** stated he would research any potential issues surrounding Community Action's request for \$50,000.00. **Councilor Aslett** requested the County Assessors summary for the City of Burlington, and **Councilor J. DeGloria** requested a percentage- number of the banked capacity for property tax be available for the next Council Budget Workshop.

ORDINANCE REGARDING BMC CHAPTER 5.12.0470: 2% WATER UTILITY TAX LEVY ON WATER SALES

Director of Budget & Accounting Renee Sinclair discussed the Council having previously suspended this utility tax, and discussed the tax as a potential source of revenue. **Councilor Aslett** asked for clarification that the potential amount of revenue was not considered in the currently proposed budget; **Sinclair** confirmed that it is not.

Mayor Sexton opened the public hearing.

A motion was made by **Councilors Aslett/Montgomery** to close the public hearing. All in favor; motion carried.

A motion was made by **Councilors Montgomery/ J. DeGloria** to approve the attached proposed ordinance suspending the %2 utility tax on water sales through December 31st, 2019 and authorize the Mayor's signature. All in favor; motion carried.

PERMIT FEES- LICENSING BACKGROUND CHECKS

Director of Budget & Accounting Renee Sinclair discussed the need for the City to separate the background check fees from the business license fee, by way of a revision of fee Resolution 17-2018 due to the implementation of the State of Washington Business Licensing System procedures.

A motion was made by **Councilors Stavig/Edmundson** to approve the proposed resolution with the revision to include the State of Washington Business License System requirements and authorize the Mayor to sign. All in favor; motion carried.

INTERLOCAL AGREEMENT BETWEEN SKAGIT COUNTY AND CITY OF BURLINGTON FOR LIBRARY SERVICES ALLOCATION

City Attorney Leif Johnson discussed the allocation of funds from Skagit County to the Library to provide some services to citizens in unincorporated areas of Skagit County. **Mayor Sexton** stated that a portion of the funds is for the replacement of the microfiche machine, which is the only one available in the County.

A motion was made by **Councilors J. DeGloria/Montgomery** to approve the Mayor's signature for this interlocal agreement with Skagit County for Library services. All in favor; motion carried.

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SKAGIT RIVER PARK IRRIGATION ALTERNATIVES ANALYSIS

Parks & Recreation Director Jennifer Berner discussed the Statement of Qualifications process for consulting services to evaluate irrigation alternatives for Skagit River Park, the recommendation of staff to utilize RH2 Engineering for this service, and the agreement and scope of work presented.

A motion was made by Councilors Edmundson/Aslett to award the Skagit River Park Irrigation Alternatives Analysis, Phase I contract to RH2 Engineering Consulting Firm and authorize the Mayor to sign. All in favor; motion carried.

COUNCIL CHAMBERS AV ELECTRONICS UPGRADE

IT Manager Geoff Hawes discussed the need for the upgrade to the Audio-Visual (AV) electronics upgrade in the Council Chambers, as the current system is over 11 years old and has been unreliable at times.

A motion was made by Councilors Aslett/R. DeGloria to approve the Council AV upgrade project and authorize the Mayor to sign the “Council Chambers Digital AV System Update” proposal from Dimensional Communications.

INTERLOCAL AGREEMENT WITH CVAA FOR RESERVE AMBULANCE

Fire Chief Levon Yengoyan discussed the terms of the agreement with Central Valley Ambulance Authority (CVAA) for the reserve ambulance.

A motion was made by **Councilors Loving/Aslett** to approve the Interlocal Agreement with CVAA for use of a reserve ambulance and authorize the Mayor to sign. All in favor; motion carried.

INTERLOCAL AGREEMENT FOR 2018 ASSISTANCE TO FIREFIGHTERS GRANT (AFG) APPLICATION

Fire Chief Levon Yengoyan discussed the benefits of the City being a part of this type of grant, that the grant would be used to purchase Self Contained Breathing Apparatus (SCBAs), and if awarded, would allocate \$214, 679 the City, and require a 5%, or \$10,733.

A motion was made by **Councilors Aslett/R. DeGloria** to approve the Burlington Fire Departments regional grant application and authorize the Mayor to sign the Interlocal Cooperative Purchasing Agreement. All in favor; motion carried.

CONTRACT FOR PERMITTING SOFTWARE FOR BUILDING, PLANNING, PUBLIC WORKS, AND FIRE MARSHAL’S OFFICE

Senior Planner Brad Johnson explained the needs for and the benefits of a software that will utilized for all permits and allow departments to work together.

A motion was made by Councilors Stavig/Loving to approve the contract for new permitting software by SmartGOV. All in favor; motion carried.

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REQUEST BY ST. CHARLES CATHOLIC CHURCH FOR THEIR ANNUAL OUR LADY OF GUADALUPE PROCESSION ON SUNDAY, DECEMBER 9, 2018 BEGINNING AT 11:30 AM

City Attorney Leif Johnson stated that the proposed procession is an annual event that has been properly vetted through the City's permitting process.

A motion was made by **Councilors Montgomery/J. DeGloria** to approve the procession on December 9, 2018. All in favor; motion carried.

EXECUTIVE SESSION:

City Attorney Leif Johnson stated that an Executive Session will be held Per RCW 42.30.110 to discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency. The executive session should take approximately twenty minutes and action is expected as a result of the executive session. Council and city staff adjourned for Executive Session at 8:31 p.m.

ADJOURNMENT:

Mayor Sexton adjourned the meeting at 8:46 p.m.

Renee Sinclair
Director of Budget & Accounting

Steve Sexton
Mayor