

CITY OF BURLINGTON, WA

May 12, 2022

Mayor Steve Sexton called the meeting to order at 7:00 p.m. with the Pledge of Allegiance. Council members present: Bill Aslett, Keith Chaplin, Joe DeGloria, Scott Green, James Stavig and Jamie Weiss. Absent: Rick DeGloria. Staff present: Janice Burwash, Don Erickson, Geoff Hawes, Brad Johnson, Leif Johnson, Mike Luvera, Kristen Morrison, Marv Pulst, Jim Rabenstein, Travis Schwetz, Joe Stewart, and Greg Young.

MINUTES:

A motion was made by **Councilors J. DeGloria/Scott Green** to excuse councilor **Rick DeGloria** from the May 12, 2022 City Council Meeting. All in favor; motion carried.

A motion was made by **Councilors Bill Aslett/Jamie Weiss** to approve the minutes of the April 14, 2022 City Council meeting. All in favor; motion carried.

AUDIT OF BILLS:

Councilor Green gave a presentation of the City expenses. Figures of note included property taxes, WWU contract and an EKG monitor along with project expenses for the Library trusses, Oak Street sidewalks and Fire Station renovations.

A motion was made by **Councilors Green/J. DeGloria** to approve Accounts Payable invoices to be paid as of April 28, 2022 in the amount of \$428,545.81 and May 12, 2022 in the amount of \$344,981.78; and Payroll Expenses for Pay Period ending April 15, 2022 in the amount of \$750,071.99 and April 30, 2022 in the amount of \$549,469.17.

PUBLIC COMMENTS:

No Public Comments.

Members of the public may submit comments or questions by mail to City Hall at 833 S. Spruce Street, ATTN: Greg Young, or by email to badministration@burlingtonwa.gov. Contact information for all the City Departments is available at www.burlingtonwa.gov.

COUNCIL COMMENTS:

Councilor Bill Aslett reported that the new dog park outline had been cut in and announced the arrival of another Burlington constituent, his newly born grandchild.

Councilor Keith Chaplin had received an email in response to the new Park's signs being installed. There will be 7 new signs coming.

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Councilor Stavig shared that he had inquired more about the First Steps Center expansion in a follow-up email and researched funding possibilities such as the Bill & Melinda Gates Foundation.

MAYOR'S UPDATE:

Mayor Steve Sexton gave a brief Mayor's update later in the meeting. There will be a discussion item on the Skagit County 110th for 911 proposal included in the May 26th meeting's agenda packet, and an action item to be voted on at a later date. The 110th for 911 agreement requires every city to sign on to an interlocal agreement that goes out to voters.

PRESENTATION:

Police Chief Mike Luvera welcomed the newest addition to the Burlington Police Department, **Police Officer Jonathan Ng**. **Officer Ng** started his career in Bellingham, WA where he also took an interest in understanding homelessness by living at the Lighthouse Shelter to experience being homeless for 7 days and his grandfather was also a Police Officer. **Mayor Sexton** officiated the swearing in of **Officer Ng**.

Community Development Director Brad Johnson shared the addition of Rob Barker, Building Official, to the team.

City Administrator Greg Young announced **Assistant Library Director Janice Burwash's** retirement from the City of Burlington Library. **Janice Burwash** introduced her colleague and replacement **Jenny Cole**. There will be a retirement party celebrating her years of service with the City on May 25th at the Public Library.

PROCLAMATION:

No Proclamation.

COMMITTEE & BOARD REPORTS:

Councilor Bill Aslett reported on the Public Committee Safety meeting. There have been some improvements regarding the Hazel Street house, the topic of a previous Public Comment period, and surrounding neighborhood. Some improvements in staffing with a new PD Officer but there are still low numbers of necessary Paramedics. There is interest in charging surcharges for responses to calls outside of city limits to balance cost increases due to supply chain shortages and inflation. **Councilor Aslett** proposed the topic of an R & R fund and replacement ambulance for 2024 to be added as a future Council discussion item.

Councilor Jamie Weiss provided updates on the Parks & Rec meeting. The Washington State official sport is Pickleball and there is a growing interest to have more Pickleball courts available in Burlington. The new park signs have been delivered and installed and the dog park footprint has been tilled. There

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was a significant donation made to the Cemetery. The project to add Murals to downtown Burlington is underway and making progress.

OFFICERS REPORTS:

City Administrator Greg Young reviewed the financials and sales tax revenue as presented in Council's packets and gave Council additional visual documentation regarding the dog park fencing and map of the inclusive playground for the Parks & Recreation projects. The RCO grant process is a statewide competition and is part of a multi-step interview process.

City Attorney Leif Johnson presented a court overview to the Council with statistics compared between the years 2014 and 2022; wherein during the last couple of years courts statewide have essentially been closed. During that time new crimes were charged but there was a backlog of outstanding cases with the most significant increase over the last couple of years. Averaged 3-4 trials per year for probably decades compared to 4 trials completed in the past 2 months. This would be an unsustainable pace at an average of 24 cases per year. The past couple of months have been harrowing for the staff to keep up with the number of needed court cases. Other components of the challenges faced by the City of Burlington court and legal staff include an imbalance in comparative staffing levels with Prosecution staff levels remaining fairly consistent since 2014 whereas Defense has increased numbers of staff. The number of open cases have significantly increased in the past 3-4 years. Other considerations that have contributed to the number of hours per case and week include: body cameras which require viewing multiple hours of body camera documentation, more changes in the law in the past 5 years than in City Attorney L. Johnson's history of law, misdemeanor cases that aren't resulting in jail sentences, low law enforcement levels which make scheduling court witnesses difficult, and the rapid change of court communications rules that were constantly changing to keep up with Covid regulations. **Councilor Stavig** inquired on the numbers of people being jailed for misdemeanors; of which few misdemeanors would result in jail time. **Mayor Steve Sexton** added that the jail has had challenges with both staffing and resident inmate logistics. The jail cannot mix pod members from opposing gangs so the space and quarters are limited even if capacity is far below peak. At present, very few if any property crimes get booked into jail. **Councilor Chaplin** asked what the jail's maximum capacity was designed for. The response was around 400 occupants but the numbers average around 200 due to Covid pods plus gang related separation and low staffing numbers. There will be additional Court updates brought before Council. **Councilor Stavig** commented that he had heard the City Attorney of Seattle had cleared backlogged misdemeanor cases. **City Attorney L. Johnson** confirmed that many prosecutors in the State of Washington were choosing to follow suit, for example not prosecuting for suspended licenses.

Director of Public Works Marv Pulst provided a timeline of the George Hopper Road repairs near Costco. The project had been delayed approximately a year due to Covid impacts and then an additional year from supply chain issues. It is estimated that by mid-June the new signals and new signal arms will

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be installed. **Marv Pulst** shared that the TIB (Transportation Implementation Board) will fund new projects soon and the \$500K Economic Development Grant was submitted to the County Commissioners.

Recreation Coordinator Christi Kinney reported on the Parks & Recreation updates, wherein RCO and SEED grants were underway, the Interlocal Agreement with B-E School District was already in effect, Youth Soccer sign-ups had begun, Daddy + Daughter skate night was a success, and Berry Dairy Days is on the horizon. Burlington Parks & Rec will only be offering sub-contracted summer programs through the partner Skyhawks. There are currently multiple seasonal job positions unfilled of which those personnel would run any summer camps. A co-ed sand volleyball league is starting for ages 13-17 and there will be a Harvest Festival in the fall.

In honor of the National Peace Officers Memorial Day on May 15th, a part of National Police Week, Chief Mike Luvera awarded an honorary Burlington Edison coin to his staff and distributed them to Council members at the meeting.

UNFINISHED BUSINESS:

No Unfinished Business.

CONSENT AGENDA:

There were 3 items on the Consent Agenda.

A motion was made by **Councilors Green/J. DeGloria** to approve the 3 Consent Agenda Items: Franchise Agreement with Puget Sound Energy, Appointment of Sharon Howe to Burlington Historical Preservation Commission, and Street Closures for 2022 Berry Dairy Days; and to authorize the Mayor's signature on appropriate documents. All in favor; motion carried.

Councilor Stavig congratulated Sharon Howe on the appointment.

NEW BUSINESS:

Changes to Title 14 BMC to adopt current Department of Ecology Storm-Water Management

Community Development Director Brad Johnson shared the changes made to the discussed ordinance regarding the City of Burlington's stormwater system permit issued by the Department of Ecology. The design specifications in the manual issued by the DOE have been updated and as a result those need to be updated in the City of Burlington's code. Details on the stormwater regulations could be reviewed on the Washington State Department of Ecology website.

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Public Hearing was opened by **Mayor Sexton**. **Councilors Aslett/J. DeGloria** made a motion to close the Public Hearing. All in favor; hearing closed.

Councilors Aslett/J. DeGloria made a motion to adopt the proposed amendments to Burlington Municipal Code section 14.05.090 and authorize the Mayor to sign the attached ordinance. All in favor; motion carried.

Ordinance Adopting New Procurement Code to BMC Chapter 2.84

City Administrator Greg Young introduced the Procurement Code topic which has been discussed at a previous council meeting and has been the topic of a recent Workshop with Council. There was a robust discussion wherein **Councilor Chaplin** appreciated the inclusion of CIP in the plan; **Councilor Stavig** was thankful for the additional Workshop with City Staff; **Stavig** liked the How To section but disliked the references to RCW (Revised Code of WA) and the \$50K spending limit preferring a limit of \$25K; **Councilor Joe DeGloria** also thought the definition section was helpful and that the \$50K spending limit was too high; **Councilor Bill Aslett** was comfortable with the \$50K approval limit and agrees with the changes made to the code post-Workshop; **Councilor Scott Green** agreed with the Code modifications felt the Procurement document is greatly improved. **Councilors Aslett and Chaplin** encouraged **Stavig** to attend the Audit & Finance meetings. **Mayor Sexton** noted a preference to have a clear code to follow for spending limits rather than relying on emergency budget approvals that bypass Council approval. **Director of Public Works Marv Pulst** advocated for the \$50K spending approval limit for efficiency of operation to alleviate project delays that could be 2-3 weeks long waiting for Council approval.

Councilors Green/Chaplin made a motion to approve the Ordinance amending BMC Chapter 2.84 and authorize the Mayor to sign. 3 in favor; Councilors J. DeGloria and Stavig opposed; motion carried.

Murals for Fairhaven

A member of the Parks & Recreation Board, Elizabeth Turman-Bryant, discussed a project outline for a Mural project for Downtown Burlington. The project would include two community members, the artist, and business owner. There was a lot of dialogue between the presenters and Council with discussion of artist fees, materials, project timeline and funding, mural maintenance, community interest and vandalism were all touched on. **Councilor J. DeGloria** encouraged future Mural project proposals to apply for funds through the Annual Lodging Tax Committee that usually meets in September. Several Councilmembers expressed their support and interest in this project and would like to find a way to fund an initial mural from this year's budget. There were suggestions of starting the Burlington Beautification Brigade, an Art Advisory Board or Mural Committee.

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Council requested the artist to proceed with the project bid and design proposals of \$200 for black and white design and \$300 for a color design and to provide more clarity around the design & planning of the mural or a mural series.

Sole Source Procurement of Pipeline Inspection Equipment for the Sewer Department

Sewer Supervisor Don Erickson requested approval for a capital project contractor proposal. There was a \$225K budget allotted but the new rig would have cost \$300K. As a result the Sewer Department proposed a repair project instead of a replacement. **Councilor Aslett** thanked **Don Erickson** and team for being innovative with spending.

Councilors Chaplin/Aslett moved to approve the agreement with Western Systems and authorize the Mayor's signature. All in favor; motion carried.

IT Security and Darktrace

IT Director Geoff Hawes presented a firewall and cyber security technology called Darktrace. Council reviewed and discussed the Darktrace materials asking **Geoff Hawes** questions about the software. **City Administrator Young** noted that initial alerts may be higher in volume than usual during an adjustment time of the firewall software. **Councilor Weiss** inquired on the staffing responding to alerts, the possibility to outsource some tasks, and if there is any proof of concept or test demo provided by Darktrace.

Councilors Weiss/Stavig moved to have the IT Department install the Darktrace software for the trial period. All in favor; motion carried.

2022 Olympia Legislative Overview

City Administrator Greg Young included some Legislative changes at a Statewide level that impact change in the City of Burlington. **Councilor Stavig** wanted to know if rubber bullets were used by Burlington PD; **Chief Luvera** said that in the past few years several guns were removed from Police cars.

No action required by Council.

State Treasurer's LOCAL Program

City Administrator Greg Young presented some funding variations by using bonds instead of cash for purchases such as replacement city vehicles. **Councilor Aslett** preferred the Council to stay on a system of save to buy not buy first.

No action required by Council.

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EXECUTIVE SESSION:

City Attorney Leif Johnson recited the following: pursuant to RCW 42.31.40 this Executive Session will be called in compliance with RCW 42.30. Collective bargaining sessions with employee organizations, including contract negotiations, grievance meetings, and discussions relating to the interpretation or application of a labor agreement; or (b) that portion of a meeting during which the governing body is planning or adopting the strategy or position to be taken by the governing body during the course of any collective bargaining, professional negotiations, or grievance or mediation proceedings, or reviewing the proposals made in the negotiations or proceedings while in progress. The session is OPMA exempt pursuant to RCW 42.30. The Executive Session will last approximately 30 minutes, extended as necessary; no action taken at the conclusion of the session. After a 5 minute break the session began at 9:45 p.m. and the executive session adjourned at 10:05 p.m.

ADJOURNMENT:

Mayor Sexton adjourned the meeting at 10:05 p.m.

Joseph Stewart
Finance Director

Steve Sexton
Mayor