

City Council Minutes – June 13, 2016

Special Meeting

From 4:30 to 5:30 p.m. Mayor Laurie Gere and City Council attended a public budget open house in the City Council Chambers. Councilmembers Eric Johnson, Ryan Walters, Brad Adams, Liz Lovelett, and John Archibald were present. Elected officials and staff engaged individually in informal conversation with members of the public on the topic of the 2017/2018 biennial budget. No testimony was received and no action was taken. At approximately 5:30 p.m. the special meeting adjourned.

Regular Meeting

Mayor Laurie Gere called to order the regular Anacortes City Council meeting of June 13, 2016 at 6:00 p.m. Councilmembers Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Liz Lovelett and John Archibald were present. Councilmember Matt Miller was absent. The assembly joined in the Pledge of Allegiance.

Announcements and Committee Reports

Mayor Gere introduced Michelle and John Pope who reported on the application submitted to Feet First for a Walkable Washington Innovation Award for the Guemes Channel Trail. Ms. Pope said the three award categories were vision and planning, design and engineering, and advocacy and encouragement and that Anacortes won the award for engineering and design innovation. She presented the mayor with a plaque commemorating the award. Mayor Gere thanked the Popes for preparing the application and representing Anacortes at the award ceremony in Olympia.

Finance Committee Report: The June 8, 2016 Finance Committee meeting was cancelled so there was no report.

Planning Committee Report: The June 13, 2016 Planning Committee meeting was cancelled so there was no report.

Public Comment

No one present wished to address the Council.

Consent Agenda

Mr. Johnson removed Agenda Item 5c, Resolution 1964: Write Off Uncollectable Accounts, from the Consent Agenda.

Ms. Lovelett moved, seconded by Mr. Archibald, to approve the following Consent Agenda items. The motion passed unanimously by voice vote.

- a. Minutes of June 6, 2016
- b. Approval of Claims in the amount of: \$459,623.82

The following vouchers/checks were approved for payment:

Voucher (check) numbers: 80782 through 80872, total \$457,051.72
EFT numbers: 204550 through 204959, total \$6,156.30

- c. Resolution 1964: Write Off Uncollectable Accounts

Mr. Johnson noted that one of the uncollectable debts being written off was \$250 of public defender fees from 2010. He requested a study session on the basis of the fees charged for various city services including determination of qualification for a public defender. Mr. Walters requested a unified fee

schedule. Mr. Johnson moved, seconded by Mr. Archibald, to approve Consent Agenda Item 5c. The motion passed unanimously by voice vote.

PUBLIC HEARINGS

Public Hearing: Proposed Water Use Efficiency Goal (WUE)

Public Works Director Fred Buckenmeyer presented for advertised public hearing the recommended water use efficiency goal for 2016-2021. He explained the appliance rebate program that would form the basis of the goal, which was to conserve 917,500 gallons of water annually for the next six years. Mr. Buckenmeyer shared a copy of the rebate application available on the city website and at local retailers. Mr. Walters, Mr. Adams, and Ms. Lovelett all noted that additional savings were possible via other means. Mr. Buckenmeyer noted that appliance replacement yielded ongoing savings into the future but agreed that other incentives could be adopted at any time without forming part of the Water Use Efficiency Goal required by the Department of Health.

Mayor Gere opened the public hearing for comment from the audience.

Wilhelmus Houppermans, 3412 K Avenue, said that during his visit to the city's Water Treatment Plant in Mount Vernon a rain barrel had been on display. Mr. Houppermans suggested that using stored rain water to water yards would be another means of increasing water use efficiency as well as reducing stormwater runoff.

No one else wishing to speak, Mayor Gere closed the public hearing.

Ms. Pickett moved, seconded by Mr. Adams, to adopt the proposed Water Use Efficiency Goal for 2016-2021. Mr. Walters observed that the cumulative effect of saving 917,500 gallons of water per year for six years was 19 million gallons and asked that the goal be stated in that manner. Mr. Buckenmeyer agreed to do so. The motion passed unanimously by voice vote.

OTHER BUSINESS

Marine Tech Schools Update

Ann Avary, Director, Center of Excellence for Marine Manufacturing & Technology at Skagit Valley College, updated Council on the programs offered by the Center. She referred to her slide presentation which was added to the packet materials for the evening. Ms. Avary advised that the program had been located in Anacortes since 2010 but originally opened on Whidbey Island back in 1968. She explained the college portion of the program, which serves approximately 50 students per year. Ms. Avary said the program serves both students and the boating community, including through the recently inaugurated Cruisers College. She explained the standards based program, which no other school on the west coast offers. She said the program has a graduate placement rate of over 95% in the marine industry and that there is very high demand in the industry for graduates of the program. Ms. Avary described the diverse student body, from around the nation and the world. She listed examples of the local businesses that are employing graduates of the program and said many students from elsewhere stay in the region after accepting employment. Ms. Avary explained the various certificates and degrees offered. She mentioned the recent NSF grant application to train student and industry composite technicians to safely handle obsolete or waste stream composite materials; she said that program will start July 1. Mayor Gere inquired if the new program would increase student enrollment and if the facility had sufficient space to expand. Ms. Avary said the program was at capacity and was evaluating means of maximizing the current footprint and also evaluating the designated expansion area. She closed by inviting councilmembers to visit the facility.

In response to questions from Mr. Archibald, Ms. Avary said that tuition and fees for a full-time three quarter student is \$3900 per year and that students can earn wages of \$18-\$19/hour or higher upon graduation, depending on their skill set and the city of employment. Several councilmembers expressed enthusiasm for the new composite recycling program, noting very high rates of waste in composite manufacturing in many sectors. In response to questions from Mr. Johnson, Ms. Avary said that the

program for high school students was being retooled for the coming autumn to better meet the needs and schedules of those students.

Hearing Examiner Options

City Attorney Darcy Swetnam reviewed a slide presentation following up on the topic of potentially implementing a hearing examiner system which had been discussed in relation to AMC Title 19 at the May 9, 2016 City Council meeting. Ms. Swetnam addressed the typical features of a hearing examiner system, shared statistics regarding use of hearing examiners around the state, and reviewed the RCW authority for adoption of a hearing examiner system. She then listed the limited types of matters that staff initially proposed be handled by a hearing examiner. Ms. Swetnam emphasized that the proposed limited scope of hearing examiner services was very different from proposals considered by Council in prior years.

Ms. Lovelett asked if hearing examiner decisions could be appealed to City Council. Ms. Swetnam replied that code could be drafted to allow that but that advice from other jurisdictions with hearing examiners had been against that approach. Mr. Johnson asked how many of each type of appeal occurred each year. Ms. Swetnam said she would investigate and provide that information.

Ms. Swetnam then discussed the mechanics of implementing a hearing examiner system including solicitation, appointment, and establishing rules of procedure, a schedule, and possibly fees. She discussed the potential costs of engaging a hearing examiner and shared some figures from neighboring jurisdictions. Ms. Swetnam summarized expected benefits and concerns expressed about adopting a hearing examiner system. She then shared case law underscoring the risks of not using a hearing examiner for land use appeals. Ms. Swetnam concluded that the main benefit of a hearing examiner system would be to put someone with expertise in land use law in the position of making these types of decisions.

Councilmembers discussed that the proposed limited scope of hearing examiner matters excluded the types of high risk cases discussed so that risk would not be substantially reduced. Ms. Swetnam advised that if a hearing examiner structure were to be established, the range of matters addressed by the hearing examiner could be expanded or contracted over time. Ms. Pickett explained why she favored having a hearing examiner rather than City Council hear appeals of Planning Commission decisions. Mr. Walters said he did not feel that was appropriate yet. Mr. Archibald spoke in favor of adopting a hearing examiner system with the initial limited scope of matters and expanding that scope over time. Ms. Lovelett said she was not entirely opposed to implementing a hearing examiner system for a narrow scope of matters but argued that would not solve the underlying problem of code discrepancies. Ms. Swetnam agreed and said she did not advocate adopting a hearing examiner system before a substantive cleanup of the code, at least the code concerning the types of matters to be assigned to the hearing examiner. Mr. Adams supported implementing a hearing examiner system on a small scale with the exact scope of work to be determined by Council but said he felt Council had done a good job making land use decisions to date and that any problems with the current system arose from discrepancies in the code.

Mayor Gere invited members of the audience to address Council on this topic.

Wilhelmus Houppermans, 3412 K Avenue, agreed with Councilmember Pickett that appeal of Planning Commission decisions would be great example of an appropriate use of a hearing examiner. However, he expressed concern that a hearing examiner would tend to make decisions with an eye to future engagement by the City and so might not always be objective. He argued that the Board of Adjustment, made up of volunteers, would be more objective when hearing appeals of city decisions and suggested its role could even be expanded. He urged care in defining the scope of work of the hearing examiner.

Gene Derig, 1302 K Avenue, said he had more confidence in City Council than in a hearing examiner. He asked, what would have to be true for a hearing examiner to be the answer, and to what problem? Mr. Derig argued that a hearing examiner system shouldn't be a replacement for citizen input and that citizens should not need big bucks to appeal a hearing examiner decision. Mr. Derig stressed that the city had never been sued over a City Council or Planning Commission land use decision because both bodies

base their decisions on the code, regardless of public testimony. He observed that a hearing examiner would face the same challenges as Council and Planning Commission until the code was fixed. Mr. Derig said there might be some situations in which a hearing examiner could be useful but he was not willing to give up the collective brain power of the City Council in favor of a single person.

Marilyn Derig, 1302 K Avenue, said she liked the body of the City Council to be able to make decisions rather than just one person. Ms. Derig said that if a hearing examiner system were adopted, the examiner should have a limited scope. Ms. Derig emphasized that the code needed to be cleared up before a hearing examiner was put in some of the proposed roles.

No other members of the audience wished to address the Council.

Councilmembers all agreed that code revision needed to happen before implementing a hearing examiner system. Mr. Walters argued that even with the limited scope of low risk matters proposed, a hearing examiner system would save City Council time and would still provide for hearings and public input. Ms. Lovelett urged keeping the filing fee for appeals very low. Mr. Johnson argued against any filing fee for appeals.

Mayor Gere thanked everyone for the good discussion which would continue at future meetings.

Updated Resolution 1946: Setting Fire Protection Level of Service Standard and Non-Binding Budget/Revenue Allocation

Fire Chief Richard Curtis requested Council review and potential action on revised Resolution 1946 based on meetings with the mayor and Public Safety Committee over the preceding year and a half. He said the resolution outlined a plan for achieving the recommended level of service for fire protection by 2022 consistent with the updated comprehensive plan. Referring to his slide presentation that was made part of the packet materials for the evening, Chief Curtis clarified the firefighter safety standards for imminent rescue (minimum of three firefighters required to undertake rescue of a victim trapped in a burning structure) vs. initial attack (minimum of four firefighters required to begin firefighting). He also described the difference between volunteer programs, part time paid programs and full time paid programs. Chief Curtis then reviewed the recommendations set forth in revised Resolution 1946 including the costs and potential revenue sources, and responded to councilmember questions.

Mr. Johnson asked about the Effective Response Force of 12 firefighters. Chief explained that by 2022, assuming full time staffing of all three fire stations with three firefighters each, plus the duty chief, plus two volunteers or part time paid staff, the effective response force of 12 would be achievable.

Chief Curtis elaborated on the three options presented for funding construction of a new Fire Station 3 on March Point. Councilmembers asked about constraints on the use of fire impact fees, whether 35 cents per SF of new construction was the appropriate level of impact fee, the possibility of structuring impact fees on a GPM rather than SF basis, and the growth assumptions from the comprehensive plan that formed the basis for the estimated revenue from impact fees.

Mayor Gere invited members of the audience to address Council on this topic.

Wilhelmus Houppermans, 3412 K Avenue, asked the difference between the March Point and Summit Park fire stations. Chief Curtis, Ms. Lovelett and Mayor Gere clarified that Fire District 13 operates out of the Summit Park fire station, serving points south, the refineries have their own fire fighting forces, and Anacortes Fire Station 3, currently staffed 12 hours a day in a leased facility on Molly Lane, provides EMS and fire response to the eastern edge of the service area including Shelter Bay.

Mr. Adams reported that the Public Safety Committee had been studying the levels of service for over a year and that its priorities were achieving imminent rescue capability and 24-hour staffing at the March Point fire station. He endorsed the plan presented in Resolution 1946. Ms. Lovelett, also a Public Safety Committee member, endorsed the part time paid program as cost effective and also a good means of preparing future full time staff. Mr. Walters supported optimizing staffing to minimize overtime. He

suggested moving the proposed staffing increase for a civilian fire inspector earlier than 2021. Ms. Lovelett reiterated her past suggestion that volunteers be trained to perform fire inspections. Chief Curtis observed that was a bargaining unit issue. Mr. Johnson noted that several line items were proposed to be funded by new General Fund revenue and asked what would be cut to free up that funding. Others suggested that there would be growth in property and sales taxes moving forward. Ms. Lovelett reported that the Public Safety committee had wrestled with the same questions and observed that the resolution was non-binding because an exact funding plan could not yet be worked out. She, like Mr. Adams, endorsed the plan as presented.

Mayor Gere suggested that Chief Curtis come back in several weeks with a revised plan to move the fire inspector position forward and answer more questions on funding after consultation with the Finance Director. Mr. Archibald said he was comfortable voting in favor of the resolution as presented. Mr. Walters noted that two different funding options needed to be selected to adopt the resolution and said he needed more time to choose among them but he praised the work done thus far. Mr. Adams urged finalizing adoption by July. Mr. Archibald suggested that the Finance Committee investigate the remaining funding questions.

Executive Session (20 Minutes) per RCW 42.30.110 (b, c)

At approximately 8:30 p.m. Mayor Gere announced that Council would convene in Executive Session for no longer than 30 minutes to discuss a potential real estate transaction about which open discussion could result in terms unfavorable to the City and that there would be no action taken following the executive session.

There being no further business, at approximately 8:50 p.m. the Anacortes City Council meeting of June 13, 2016 was adjourned.