

City Council Minutes – April 18, 2016

Mayor Pro Tem Ryan Walters called to order the regular Anacortes City Council meeting of April 18, 2016 at 6:00 p.m. Councilmembers Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Liz Lovelett and Matt Miller were present. Councilmember John Archibald was absent due to illness. Mr. Johnson moved, seconded by Ms. Pickett, to excuse the absence of Councilmember John Archibald. The motion carried unanimously by voice vote.

The assembly joined in the Pledge of Allegiance.

Mr. Walters reported that Mayor Gere, who was in Japan for a Sister Cities exchange trip, reported she was fine in spite of the recent earthquakes in Japan.

Ms. Lovelett moved, seconded by Mr. Adams, to move the Utilities section of Agenda Item 7d to the beginning of that agenda item. There was no objection.

Announcements and Committee Reports

Housing Affordability and Community Services Committee: Ms. Lovelett reported on the Affordable Housing Symposium scheduled for Thursday, April 21, 2016 from 1:30-4:30 p.m. in the Council Chambers.

Public Safety Committee: Ms. Lovelett reported from the committee meeting earlier in the evening. She said the group discussed the application for a FEMA port security grant to update from analog to digital communications equipment, full staffing in the Police Department with a 26th officer now on patrol, the active shooter drill scheduled for 9:00 a.m. to 3:00 p.m. on Saturday, April 23 which would involve a street closure on M Avenue, Fire Department levels of service, the expanding firefighter volunteer program, and the revised emergency operation plan which would be coming to Council for review and adoption at a future meeting.

Public Works Committee: Mr. Johnson reported from the committee meeting earlier in the day. He said additional public works staffing and/or consultant contracting would be required to support planned capital projects and that the Personnel Committee would be addressing that topic. Mr. Johnson also reported on the committee's discussion of the significant ADA ramp modifications required as part of future overlay projects, a strategy for addressing trip hazards on sidewalks, and street impact fees to be included in the comprehensive plan update.

Proclamation of Arbor Day: Mr. Walters read a statement proclaiming April 26, 2016 as the celebration of Arbor Day in Anacortes and encouraging citizens to plant trees to leave a legacy for future generations.

Incident Command System (ICS) Training: Mr. Walters distributed a schedule of upcoming ICS training. Fire Chief Richard Curtis explained the national training sequences required by FEMA for personnel whose job duties/responsibilities include a direct role in emergency management or incident response, including participation in the Emergency Operations Center. The Chief advised that on site staff training for the ICS 300 and ICS 400 courses had been scheduled for May 19 and May 20 in the City Council chambers. He invited councilmembers to participate and described the prerequisite on line courses that needed to be completed prior to the live training.

Public Comment

Margie Aipopo, owner of Cheesecake Café in Anacortes, said her business had run the concession at the Washington State Ferry Terminal for the past 12 years. Ms. Aipopo reported that following the most recent bid, Washington State Ferries had announced that the ferry concession contract would be awarded to Centerplate, Inc. based in Connecticut. She urged concern about Centerplate, shared a number of articles regarding the company's hiring and employment practices, and said Anacortes should be concerned about this company hiring the youth of Anacortes. Ms. Aipopo asked councilmembers to write or call Washington State Ferries urging them to support local business.

Frank Orr spoke to Council about the Mended Hearts organization that supports heart patients and their caregiver families with 300 chapters nationwide. He advised that local members of the 150-member Bellingham chapter were working to form a new chapter in Anacortes, even though Anacortes does not have a heart surgery facility, to help support heart patients through recovery and rehabilitation. He invited the public to attend a presentation on Friday, April 22, at the Presbyterian Church regarding medications.

Andrea Doll spoke about public fears relating to the scheduled protest at the refineries in May. She encouraged City Council and staff to help share information and dispel misconceptions about the event.

Consent Agenda

Ms. Lovelett removed Item E from the Consent Agenda. Mr. Johnson moved, seconded by Mr. Miller, to approve the following Consent Agenda items. The motion carried unanimously by voice vote.

- a. Minutes of April 4, 2016 and April 11, 2016
- b. Approval of Claims in the amount of \$502,772.51
- c. Resolutions 1953, 1954 and 1955 Setting Public Hearing Dates for Three (3) Vacations Adjacent to GEMS Property (Jeretzky, Allen, Rockwood)
- d. Accept as Complete: 2015 "U" District Sanitary Sewer Line Rehabilitation (15-042-SEW-003)

The following vouchers/checks were approved for payment:

Voucher (check) numbers: 80027 through 80159, total \$575,479.31

EFT numbers: 202775 through 203131, total \$15,795.26

- e. Findings of Fact, Conclusions of Law and Decision: Appeal of 5-Lot Replat, PUD, Code Modifications, ROW Vacation & Dedication - PUD-2015-0002

Ms. Lovelett referenced an email to Council from appellant Marilyn Derig regarding how her appeal was handled. Ms. Lovelett asked City Attorney Darcy Swetnam to address the appeal process. Ms. Swetnam advised that she had a meeting scheduled with Ms. Derig the following day to address her concerns and updated Council on the ongoing project to update the processes. Specifically regarding the appeal decision and Ms. Derig's concern about no new evidence being considered at the hearing, Ms. Swetnam said that after researching case law, the discussion of the stairwell that was first brought up on March 4 was typical of the process to come up with solutions to address appeals. She opined that those were not new issues that needed to be addressed in the decision and were not the basis for Council's denial of the appeal. Ms. Pickett moved, seconded by Mr. Johnson, to approve Consent Agenda Item E, Findings of Fact, Conclusions of Law and Decision on Appeal of 5-Lot Replat, PUD, Code Modifications, Right of Way Vacation & Dedication for PUD-2015-0002. Ms. Lovelett urged staff to clarify the code and consider a hearing examiner. The motion carried by voice vote with Ms. Lovelett dissenting.

OTHER BUSINESS

Contract Award: Blue Heron Circle 3M Reservoir - Preliminary Design

Public Works Director Fred Buckenmeyer requested Council approval to award a contract for design of improvements to the 3MG reservoir. Mr. Buckenmeyer reported that staff solicited proposals from five consultants on the MRSC Consultant Roster and after evaluation of the proposals recommend awarding the contract to HDR Engineering, Inc. He advised that the contract was for 30% preliminary design and that a subsequent modification of approximately \$150K was expected to reach 100% design and bid ready documents. Mr. Buckenmeyer responded to councilmember questions about the replacing vs. rehabilitating the existing tank, water rate funding of this capital project, and the State Drinking Water Revolving Fund loan that the city had qualified for if it opted to build entirely new tanks rather than rehabilitating the current tank. Ms. Lovelett spoke in support of the replacement option. She moved, seconded by Mr. Johnson, approve awarding the contract to HDR Engineering, Inc. in the amount of \$293,027.84. The motion carried unanimously by voice vote.

Contract Award: 2016 Pavement Overlay

Mr. Buckenmeyer requested Council approval to award a contract to Lakeside Industries to pave portions of D Avenue and 32nd Street beginning in June. Mr. Buckenmeyer reported that two bids were received with the low bid being from Lakeside. He recommended awarding a contract to Lakeside in the amount of \$874,435.03. Mr. Johnson clarified with Mr. Buckenmeyer that the ADA ramps along the route were being addressed by the separate, preparatory contract currently underway. Mr. Miller requested the Engineer's Estimate for the project. Mr. Buckenmeyer said he would email that to councilmembers but advised that Lakeside's bid was substantially lower than the estimate. Mr. Adams moved, seconded by Ms. Pickett, to approve the contract with Lakeside Industries for the 2016 overlay project in the amount of \$874,435.03. The motion carried unanimously by voice vote.

Community Development Block Grant (CDBG): Review and Approve 2016/2017 Action Plan

Planning Director Don Measamer reported that the city's CDBG award for 2016/2017 would be \$89,552 and that hold over funds from 2015/2016 were also available for a total of \$109,006. Mr. Measamer advised that the Action Plan included in the evening's Council packet materials listed the projects proposed to be funded with that amount including 15% (public services) to the Anacortes Family Center, replacement of stoves/ranges and water heaters for the Anacortes Housing Authority, asbestos abatement for the Anacortes Housing Authority, and possibly some sidewalk ramp retrofits if funding remained from the asbestos abatement project. He explained why the retrofit of the Council Chambers restroom door did not meet HUD funding criteria. Mr. Measamer added that several public comments were received, all from AHA tenants in support of the Action Plan. Mr. Johnson moved, seconded by Mr. Miller, to approve the 2016/2017 Action Plan. Mr. Walters invited members of the public to comment on this agenda item. No one present wished to address the Council. The motion carried unanimously by voice vote.

2016 Comprehensive Plan Update - Parks & Recreation; Environment & Conservation; Capital Facilities; Utilities

Utilities: Mr. Measamer introduced the Utilities Element of the draft Comprehensive Plan and invited Council review and feedback on its goals and policies. Mr. Measamer called Council's attention to Goal U-8, Sustainable Water Policy, and associated policies for which an updated version drafted by the Public Works Committee was included in the evening's packet.

Regarding Policy U-7.1, Mr. Walters asked if the AMC already required specified setbacks from hazardous utilities. Mr. Measamer said no. Mr. Walters suggested that "setbacks" be deleted from Policy U-7.1(D) and that a new policy be drafted stating that the city will use minimum setbacks to protect pipelines and protect development from pipelines, particularly transmission pipelines.

Regarding updated Goal U-8, Mr. Measamer advised that staff and the Public Works Committee had met with Evergreen Islands to review the draft and that EI appeared to feel that the proposed language was sufficient to meet the intent of its proposed 2013 comprehensive plan amendment. Mr. Miller said the language seemed reasonable. Several councilmembers requested more time to review the language which had been presented to them the preceding Wednesday.

Mr. Walters invited Mr. Measamer to address the timeline for completion of the comprehensive plan update. Mr. Measamer reminded Council that the update had to be adopted no later than June 30, following an advertised public hearing. He suggested scheduling a special meeting on or subsequent to April 29, 2016 to pursue discussion of the funding portions of the Capital Facilities Element and also to review the series of revisions Council had already requested and would request at the present meeting.

Council returned to consideration of Goal U-8 and its policies. Considerable discussion focused on Policies U-8.4 and U-8.5. Mr. Johnson noted that reference to the "Skagit Basin" should be replaced with "service area" consistent with global terminology changes in the draft; Mr. Walters agreed. Ms. Pickett argued that the subject matter of these policies would be more appropriately addressed in the Coordinated Water System Plan because many outside entities were affected. Mr. Walters reported that public works staff shared that view, hence the policies were stated with "should" rather than shall.

Environment & Conservation: Mr. Measamer next introduced the Environment & Conservation Element of the draft Comprehensive Plan and invited Council review and feedback on its goals and policies.

Ms. Lovelett suggested that the reference to Background [Backyard] Wildlife Sanctuary Program move from Policy EC-1.2 to EC1-3(C).

Ms. Lovelett asked for mention of public education and outreach on rain gardens. Mr. Measamer suggested adding "education on low impact development techniques" to EC-4.

Mr. Walters asked why Goal EC-2, Marine waters and shorelines, was included in the comprehensive plan when the city has a separate Shoreline Master Program. Mr. Measamer explained that the public might be more likely to find the goals in the comprehensive plan. Mr. Walters urged including the SMP content in the comprehensive plan rather than in a separate document.

Councilmembers discussed at some length Policy EC-4.7 regarding septic systems and whether "Encourage" or "Require" was preferable. The consensus was "require ... whenever possible".

Councilmembers discussed Policy EC-6.4, specifically tree removal. Mr. Walters suggested removing "and tree removal" from EC-6.4 because trees were addressed specifically in Goal EC-7.

Councilmembers discussed Policy EC-7.2 and strengthening protection for "mature" trees. Mr. Measamer raised the possibility of introducing a permit system for tree removal, which he said other jurisdictions have implemented successfully. Mr. Miller supported the language proposed in the draft. Mr. Adams asked to address tree topping. Mr. Walters asked staff to draft a new policy calling for development of a permitting process.

Regarding Goal EC-8, Sustainability, councilmembers raised a number of ideas for encouraging both energy conservation and energy production. Mr. Measamer said he would investigate language that would encourage alternative energy sources. Mr. Walters said that Policy EC-8.7 was unnecessary because adopting the State energy code was not optional. In response to a suggestion from Ms. Lovelett, Mr. Measamer offered, "Encourage the creation of a green energy microloan program in partnership with other agencies."

Ms. Lovelett asked that one of the policies in Goal EC-12, Food security, specifically call for supporting the Anacortes Farmers Market.

Ms. Lovelett asked that one of the policies in Goal EC-13, Climate change, reference "sea level rise." Mr. Measamer suggested perhaps EC-13.6.

At approximately 7:47 p.m. Mr. Walters called a five minute break. At 7:54 p.m. the meeting reconvened.

Parks, Recreation & Open Space: Mr. Measamer introduced the Parks, Recreation & Open Space Element of the draft Comprehensive Plan and invited Council review and feedback on its goals and policies. He noted that this element was not a required element of the city's comprehensive plan but that it would feed into the Parks & Recreation Comprehensive Plan currently being updated.

Councilmembers discussed Policy PR-1.1 and accessibility. Ms. Lovelett suggested changing "by all" to "for the."

Mr. Walters asked that Policy PR-2.2 specify the "Guemes Channel" trail if that was what was meant. He asked for language calling for trail public access point to be "consistent with the surrounding neighborhoods."

Ms. Lovelett asked that Policy PR-2.3 also mention boat trailer parking. Mr. Measamer suggested amending Policy PR-2.4 to add "... to include parking."

Regarding Policy PR-6.6, Mr. Walters observed that impact fees do not only apply to “subdivisions” and suggested the term “residential development” instead.

Mr. Johnson asked that “wherever reasonable” be removed from Policy PR-7.13. Ms. Lovelett asked for language indicating that the city is getting rid of chemical herbicides and insecticides. Parks Manager Jonn Lunsford provided an overview of the means used to maintain city facilities and the significantly reduced reliance on herbicides.

Mr. Walters asked to remove Policy PR-8.4, arguing that the policy essentially incorporates the ACFL and Parks comprehensive plans by reference but those plans aren’t adopted through the GMA update process. Parks and Recreation Director Gary Robinson updated Council on the schedule for updating both plans and the process for addressing consistency with the Comprehensive Plan. Mr. Robinson discussed the role of the Parks and ACFL comprehensive plans in applying for RCO grants.

Capital Facilities Element: Mr. Measamer introduced the Capital Facilities Element of the draft Comprehensive Plan and invited Council review and feedback on its goals and policies.

Mr. Johnson corrected “*forests* of future need” to “*forecasts* of future need” in the last paragraph on Page I-59.

Ms. Lovelett asked why the Anacortes Airport was specifically referenced in the final introductory paragraph on page I-60. Mr. Measamer said that was a WSDOT Aviation Division recommendation. Ms. Pickett suggested adding both ferry landings and the Port landing ramp as essential public facilities. Councilmembers discussed with Mr. Measamer the definition of essential public facilities and the process for designating those. Mr. Measamer said he would investigate the matter further and report back.

Mr. Measamer suggested deferring discussion of CF-2, Level of Service, to the end of the meeting or to a separate special meeting as discussed earlier in the evening.

Mr. Walters suggested rephrasing Goal CF-5, Development Costs, to “Require new development to pay a proportionate *its share* of the cost ...” Mr. Measamer agreed.

Mr. Johnson asked to change Policy CF-6.2 from “Encourage conversion ...” to “Mandate conversion ...” Ms. Pickett agreed with the goal of converting systems but questioned making a homeowner replace a brand new septic system. Ms. Lovelett suggested requiring hook up when septic systems fail. Mr. Miller pointed out the ambiguity of “available.” Mr. Walters asked staff to investigate how other jurisdictions address this question. Mr. Measamer agreed to do so but indicated the language as drafted would adequately support future development regulations.

Mr. Walters asked to add to Policy CF-8.3 the exact citation to the statute defining essential public facilities. Mr. Measamer agreed.

Mr. Measamer then asked if Council wished to move into discussion of the Capital Facilities section in Volume 2 of the draft Comprehensive Plan or defer that discussion to a future meeting when staff would have more information on impact fees as well as revisions previously requested. Mr. Johnson asked that Mr. Buckenmeyer clarify the definitions of industrial users, wholesale users and commercial users of water prior to that discussion. Councilmembers discussed the schedule for the remainder of the comprehensive plan update process and potential dates for a special meeting to review the outstanding sections. Mr. Measamer indicated he would poll councilmembers and affected department heads to establish available dates and schedule a meeting accordingly. Council generally agreed it would like to have a week to review whatever new materials were provided prior to that meeting.

At approximately 8:45 p.m. the Anacortes City Council meeting of April 18, 2016 was adjourned.