

City Council Minutes – February 20, 2018

At 6:00 p.m. Mayor Laurie Gere called to order the regular Anacortes City Council meeting of February 20, 2018. Councilmembers Eric Johnson, Anthony Young, Brad Adams, Bruce McDougall and Matt Miller were present. Councilmembers Ryan Walters and Liz Lovelett were absent. Mr. Young moved, seconded by Mr. Johnson, to excuse the absences of Ms. Lovelett who was ill and Mr. Walters who had professional obligations. The motion carried unanimously by voice vote. The assembly joined in the Pledge of Allegiance.

Mayor Gere suggested moving agenda items 5d and 5e off the Consent Agenda and instead considering them as agenda items 7d and 7e. Mr. Johnson moved, seconded by Mr. Young, to amend the agenda as suggested by the mayor. The motion carried unanimously by voice vote.

Announcements and Committee Reports

Finance Committee: Mr. Johnson reported from the committee meeting the prior Wednesday. He explained the annual computer replacement purchases that appear on the voucher list subject to a five-year replacement schedule. Mr. Johnson reported on the Community Action request for funding for its new building and said that topic which would come before Council at its February 26, 2018 meeting. He reported on the discussion of agricultural water which would come before City Council in March with a staff recommendation for phased implementation. He reported on the budget amendment coming before City Council at its February 26, 2018 meeting. He reported on the revised purchasing policy that would come to City Council for approval in the future, likely with an increase in the threshold at which price quotes would be required to be more consistent with neighboring jurisdictions. He added that the committee members had requested a single list of all 2017 vouchers to allow analysis of expenditures.

Skagit County Law and Justice Council: Mr. Miller reported from the committee meeting the prior week. He shared statistics from the new Justice Center showing significantly increased bookings since the facility opened and reported improved health care at the Justice Center that could affect jail medical costs. Mr. Miller said the Council also received a presentation on juvenile justice services which showed a significant drop in juvenile crime due to new truancy laws and the positive impact of school resource officers.

Parks and Recreation Committee: Mr. Adams reported from the committee meeting the prior week at which the group discussed finalizing the Depot Master Plan, information gathering now underway for the Parks and Recreation Comprehensive Plan Update, the Guemes Channel Trail update that would be presented to Council at its February 26, 2018 meeting, the newly hired parks maintenance staffer, progress on repair of the Grandview Cemetery wall, and installing sharps disposal containers at public restrooms in the parks.

Public Works Committee: Mr. Adams reported from the committee meeting earlier in the evening. He said most of the topics discussed would be covered later on the agenda but added that the March Point Road Shoulder Widening project had begun earlier in the day and would provide a paved shoulder both direction between the trestle and SR20.

Traffic Safety Committee: Mr. Johnson reported on the evolving mission and scope of the committee, noting that public concerns about day to day operations could be directed to Public Works staff who would keep the mayor and City Council informed but that larger policy questions would be addressed by the committee at its quarterly meetings, such as ordinances regarding parking or speed limits and major configuration changes such as traffic circles, parking, and multimodal paths.

Public Comment

No one present wished to address the Council on any topic not already on the agenda.

Consent Agenda

Mr. Adams moved, seconded by Mr. Johnson, to approve the following Consent Agenda items. The motion carried unanimously by voice vote.

- a. Minutes of February 9, 2018 and February 12, 2018
- b. Approval of Claims in the amount of: \$383,277.72
- c. Contract Modification: Systems Design Ambulance Billing Service Agreement

The following vouchers/checks were approved for payment:

EFT numbers: 88118 through 88146 and 88186, total \$47,916.02

Check numbers: 88147 through 88185, total \$263,718.70

Wire transfer numbers: 227391 through 338106, total \$7,919.94

PUBLIC HEARINGS

Ordinance 3020: Extending a Moratorium on Processing Applications for Wireless Facilities and Telecommunications Franchises

City Attorney Darcy Swetnam presented Ordinance 3020 to extend the moratorium on wireless facilities and franchises for an additional six months. Ms. Swetnam's slide presentation was added to the packet materials for the meeting. She summarized the current state of the municipal code on these issues and the code updates needed. She reminded Council that the 6-month moratorium established by Ordinance 3010 on August 28, 2017 would expire on February 28 unless extended and recalled the work plan adopted by Council following the public hearing held on October 2, 2017. Ms. Swetnam reported from the advertised public stakeholder meeting held on February 1, 2018 which provided useful feedback. She advised that staff was working with outside counsel Foster Pepper on the code update, then displayed an updated work plan calling for final adoption of legislation/regulations in June or July 2018.

In response to councilmember questions, Ms. Swetnam advised that no applications had been submitted since the moratorium was established but that one would-be applicant who attended the stakeholder meeting urged timely completion of the code update so that their application could proceed. Ms. Swetnam reminded that applications could be accepted during the moratorium but that processing would proceed under the new code when that was adopted. She also confirmed that the small cell provisions would apply to 5G service and that stakeholders had indicated that applications for that technology were still several years out. Mr. McDougall requested a report from the stakeholder meeting. Ms. Swetnam said staff would provide that information. Mr. McDougall asked that staff add a work plan item to invite the service providers to present to City Council. Ms. Swetnam agreed. She confirmed for councilmembers that staff did not envision recommending further extensions.

At approximately 6:25 p.m. Mayor Gere opened the public hearing. No one present wishing to address the Council, the mayor closed the public hearing.

Mr. Johnson moved, seconded by Mr. McDougall, to adopt Ordinance 3020 extending the existing moratorium on the receipt and processing of applications to site wireless communication towers and antennas pursuant to Chapter 17.63 of the Anacortes Municipal Code and on the receipt and processing of applications for telecommunications franchises or master permits pursuant to Chapter 5.36 of the Anacortes Municipal Code. Vote: Ayes - Young, Adams, McDougall, Miller and Johnson. Motion carried.

OTHER BUSINESS

Tulip Festival Poster Presentation

Skagit Valley Tulip Festival Executive Director Cindy Verge thanked Anacortes for its ongoing support of the festival and presented Mayor Gere with a framed 2018 Tulip Festival poster by Pacific Northwest artist Melissa Jander. Ms. Verge introduced Rick Star, a local member of the Festival Board, who was instrumental in inaugurating a new festival event for 2018, Skagit Beer Week. Mr. Star described the new event which would occur the first week of the Festival and would celebrate “all things beer in Skagit County.”

ArcGIS/Cartegraph Mapping and Asset Management Demonstration

Public Works Director Fred Buckenmeyer introduced GIS Coordinator Rob Hoxie to demonstrate new tools available to serve daily operations by public works staff and enhance transparency for the public. Mr. Hoxie shared a slide presentation which was added to the packet materials for the meeting. He summarized the history of mapping and asset management technology at the City of Anacortes in the prior twenty years, culminating in the implementation of Cartegraph asset management software and integrated ArcGIS mapping. Mr. Hoxie demonstrated the visual tools now available to public works staff to perform daily operations in the field, keep asset lists updated in real time, and generate live online mapping of assets and asset systems. He then displayed how to access publicly available maps from the City of Anacortes website, including interactive ACFL trail maps, building permit records linked to street address maps, and emergency reporting maps. Mr. Hoxie next displayed the capability of the Cartegraph asset management program to select and display assets according to condition, age, and other characteristics.

Mr. Hoxie responded to councilmember questions about how pavement ratings were imported from the pavement management consultant into Cartegraph and the potential for the maps to assist with disaster recovery efforts. Councilmembers expressed caution about making infrastructure locations publicly available and said that decision should involve City Council. Mr. McDougall said that the publicly available maps were currently appropriate and did not expose any critical infrastructure.

Mayor Gere invited the public to comment on this agenda item.

Johnny Chase, 4211 Glasgow Way, expressed concern about the reference in Mr. Hoxie’s slide presentation to “fiber optics coming on board”. He asked for clarification whether this was a done deal as he understood that Council had not yet voted to pursue a municipal broadband network. Mr. Chase also asked if the ArcGIS maps included any information about wetlands or wetland buffers and if such information informed the Guemes Channel Trail routing. Mayor Gere asked Mr. Buckenmeyer to address Mr. Chase’s questions. Mr. Buckenmeyer clarified that the fiber optic telemetry network was currently being deployed, complete on the eastern side of town with the western side of town starting soon, but that the potential municipal broadband network was still being discussed at the City Council level. He clarified that all municipal facilities were connected as part of the telemetry network so staff would see increased internet speeds soon. He added that critical areas were not a feature set that had been loaded into ArcGIS yet.

Contract Award: Downtown Sidewalks Phase 2

Mr. Buckenmeyer requested City Council consent to award a contract in the amount of \$226,518.05 to Larry Brown Construction, Inc. to provide all materials, equipment, labor and related items necessary for the reconstruction of a portion of the downtown sidewalks that will upgrade ADA ramps and eliminate sidewalk trip hazards, with an emphasis on those caused by street tree roots. He reported that the City solicited bids through the RCW 39.04.155, Small Works Roster Contract Procedures and that on February 13, 2018 nine bids were received with the low bid from Larry Brown Construction. Mr. Buckenmeyer recommended awarding the contract to Larry Brown.

Mr. Adams asked if street trees would be saved or replaced on 9th Street, noting that many of those trees bore plaques from donors. Mr. Buckenmeyer said he would get more details on that question and provide them to councilmembers. Mr. Johnson asked if the intersection of 12th and Commercial would be addressed. Mr. Buckenmeyer explained that it would not because it is a state highway.

Mr. Johnson moved, seconded by Mr. Miller, authorize the Mayor to sign a contract with Larry Brown Construction, Inc. in the amount of \$226,518.05 to perform the Downtown Sidewalks Phase 2 Project 17-028-TRN-004. Mr. Adams repeated his request for more details on tree removal and replacement along 9th Street. Mr. Buckenmeyer said he would provide that information to councilmembers the following morning. Vote: Ayes - Adams, McDougall, Miller, Johnson and Young. Motion carried.

Contract Modification: 32nd & D Ave Intersection Improvements - TSI

Mr. Buckenmeyer requested City Council approval to issue a contract modification to Transportation Solutions Inc. in the amount of \$54,525.89, increasing the total contract price to \$126,145.05, to incorporate the more complex design, larger footprint, raised curbing and impacts to driveway access that is necessary for the design of the 32nd Street/D Avenue Roundabout Project. He explained the impact of accommodating in situ landscaping and driveways adjacent to the project and confirmed that the roundabout would stay within city right of way. He summarized the grant funding that would cover a portion of both the design and the construction of the project, freeing up transportation impact fees for other uses. Mr. Buckenmeyer said that the detour plan for construction had not been finalized but that staff was hoping not to close the intersection entirely during construction. He said the engineer's estimate for construction would depend on the final design but he anticipated something approximating \$700K. He said that the project budget would not be adjusted until the engineer's estimate was available. Mr. Adams asked how the design change would impact the project schedule and noted the large number of overlapping transportation projects planned for the 2018 construction season. Mr. Buckenmeyer estimated the revised design would be 4-5 weeks out, then the project could be put out to bid. He stressed that 32nd Street/D Avenue needed to finish before school begins in the fall.

Mayor Gere invited the public to comment on this agenda item.

Brock Ward, 3119 B Avenue, expressed concern that motorists would speed though his quiet neighborhood to avoid backups between 29th and 32nd Streets during construction. He asked staff to mitigate with speed bumps or something to make B Avenue a less attractive bypass.

Johnny Chase, 4211 Glasgow Way, said the proposed 76% increase in the planning phase indicated either poor planning by the city or an inept or corrupt contractor. Mr. Johnson cautioned Mr. Chase against inflammatory language ascribing motives to other parties. Mr. Chase apologized and rephrased his objection. He strongly urged rejecting the change order and rebidding the contract. He warned that costs would go way up.

Mr. McDougall acknowledged Mr. Chase's valid concern and asked why the urban compact roundabout design had not been proposed initially. Mr. Buckenmeyer reiterated that until the project was surveyed the complexity of the existing features was not apparent. Mr. McDougall asked if the design engineer had wasted effort on the first design or if the increased cost is what would have been anticipated if the new design had been chosen initially. Mr. Buckenmeyer indicated the latter case was true. Mr. Buckenmeyer and Ms. Swetnam clarified the dates on which the design proposals had been opened and the contract with TSI subsequently approved by City Council.

Brock Ward, 3119 B Avenue, asked if the proposed 76% increase in the design contract was all for landscaping. Mr. Buckenmeyer reiterated that the increase was for extending the southwest sidewalk and modifications to the southwest driveway. He said the additional out of scope design work involved coordination with property owners and the City, coordination for additional survey, creating design concepts, reviewing concept designs

with City staff, actual design work for the layout, grading and drainage of access improvements including ADA driveway ramps, and incorporating the design modifications into the existing plans and estimate.

Mr. Young moved, seconded by Mr. Johnson, to authorize the mayor to sign a contract modification for Transportation Solutions Inc., under Contract 16-004-TRN-001, in the amount of \$54,525.89, increasing the total contract price to \$126,145.05. Vote: Ayes - McDougall, Miller, Johnson, Young and Adams. Motion carried.

Contract Modification: WWTP Outfall - Permit Applications & Acquisitions – Widener

Mr. Buckenmeyer requested City Council approval to issue a contract modification to Widener & Associates in the amount of \$32,642.84 increasing the total contract price to \$96,275.64, in consideration of changes in the work and differing site conditions during the construction of the WWTP Outfall Repair Project. Mr. Buckenmeyer reminded Council of his lengthy presentation at the February 12, 2018 City Council meeting the prior week explaining the conditions and sequence of events for the outfall repair project. He explained that the environmental monitoring consultant was required to work 258 additional hours because the permit required continual monitoring any time the contractor was working. He recommended approval of the contract modification as presented.

Mr. Buckenmeyer and Ms. Swetnam addressed councilmember questions about the city's easements in the vicinity of the outfall, explaining that the city has an easement over the upland portion of the project and is in the process of acquiring a new easement from the DNR for the tideland portion subsequent to the change of lessee in that area since the original easement was granted in the 1950s.

Mr. McDougall asked if Widener's contract should have been awarded after the permit was obtained and the scope of work could be better determined. Mr. Buckenmeyer advised that the permit conditions and resulting cost would have been the same regardless of when the contract was issued.

Mr. Adams moved, seconded by Mr. Johnson, to authorize the Mayor to sign a contract modification Widener & Associates under Contract 13-020-SEW-005, in the amount of \$32,642.84, increasing the total contract price to \$96,275.64. Vote: Ayes - Miller, Johnson, Young and Adams and McDougall. Motion carried.

There being no further business, at approximately 7:45 p.m. the Anacortes City Council meeting of February 20, 2018 was adjourned.