



Anacortes City Council
Municipal Building Council Chambers
904 6th Street

August 27, 2018
6:00 p.m.

PRELIMINARY AGENDA

[Packet Materials](#)

1. **Call to Order**
2. **Pledge of Allegiance**
3. **Announcements and Committee Reports**
 - a. Finance Committee
 - b. Planning Committee
4. **Public Comment**
5. **Consent Agenda (Action)**
 - a. Minutes of August 20, 2018
 - b. Approval of Claims in the amount of: \$238,989.53
 - c. Contract Modification: Blue Heron Reservoirs Construction 16-039-WTR-004
6. **Public Hearings**
7. **Other Business**
 - a. * Ordinance 3027: Extending a Moratorium on Processing Applications for Wireless Facilities and Telecommunications Franchises (Action)
 - b. * Memorandum of Understanding with Anacortes School District #103 for Assessment of Anacortes Community Youth Center (Discussion/Possible Action)
 - c. * Memorandum of Understanding with Port of Anacortes regarding Cap Sante Marina Uplands Redevelopment (Discussion/Possible Action)
8. **Adjournment**

Per Resolution 1949, citizens wishing to comment on items not on the agenda may do so under the Public Comment portion of the agenda. Citizens wishing to comment on agenda items indicated with an asterisk () may do so as those items are considered by Council during the course of the meeting. Citizens wishing to speak will please sign in at the back of the Council Chambers prior to the start of the meeting. The Mayor may limit comments to those who have signed in, and may limit the time allotted to each speaker to facilitate the orderly progress of the meeting.*

The City of Anacortes encourages people with disabilities to participate in public meetings.
For assistance with special needs, please contact the City Clerk at 360-299-1960 in advance of the meeting.



Anacortes City Council

Proposed Agenda Items for the Next Eight Weeks Beginning September 4, 2018

Subjects listed below have been tentatively suggested for consideration by the Anacortes City Council on the dates indicated. Items may be added to, removed from or rearranged on this list. Routine business such as approval of minutes and vouchers are not included. The complete Preliminary Agenda for each meeting is published at 3:00 on the Wednesday prior to the meeting. Published Agendas are subject to change and may be updated following the posting period. For additional information on agenda topics, please contact the City Clerk's office at 360-299-1960 to be directed to the sponsoring staff member.

September 4, 2018

- Contract Modification: March Point Road Shoulder Widening Construction Management 15-006-TRN-003

September 10, 2018

September 17, 2018

- Teamster Local 231 Collective Bargaining Agreement - Update regarding Accretion of Library and Museum Employees (Discussion)

September 24, 2018

October 1, 2018

October 8, 2018

- Public Hearing on Budgeted Revenue Sources, including 1% Property Tax Increase (Discussion)

October 15, 2018

- Review of Budget - Public Works (Discussion)

October 22, 2018

- Review of Budget - Non Public Works Departments (Discussion)

Upcoming City Council Committee Meetings

The public is welcome to attend City Council Committee Meetings.

- Planning, Monday, Aug 27, 2018, 5:00 PM, Main Conference Room, City Hall
- Port/City Liaison, Tuesday, Sep 4, 2018, 8:30 AM, Port of Anacortes
- Public Works, Tuesday, Sep 4, 2018, 5:00 PM, Public Works Director's Office, City Hall
- Skagit County Population Health Trust, Thursday, Sep 6, 2018, 8:30 AM, Mount Vernon
- Planning, Monday, Sep 10, 2018, 5:00 PM, Main Conference Room, City Hall
- Finance, Wednesday, Sep 12, 2018, 5:00 PM, Main Conference Room, City Hall
- Public Works, Monday, Sep 17, 2018, 5:00 PM, Public Works Director's Office, City Hall

Our mission is to maintain and improve the quality of life reflecting community expectations through a focus on public participation and employees-mayor-council teamwork.



Anacortes City Council

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904 Sixth Street

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PUBLIC COMMENT SIGN IN SHEET

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Please print your name legibly so we can recognize you correctly in the minutes. Thank you!

Name

Topic

John Morgan

Round up, snoring Park

Continue on back of sheet as needed



SAINTS & ABOLITIONISTS



CITY OF ANACORTES

PORN & TRAFFICKING AWARENESS



SAINTS & ABOLITIONISTS

1. PORNOGRAPHY

- ▶ IS AN EDUCATOR

- ▶ LEADS TO SEX TRAFFICKING

- ▶ IS A HEALTH CRISIS

2. WHAT DOES THE CITY OF ANACORTES WANT TO BE KNOWN FOR?



PORNOGRAPHY

IS AN EDUCATOR



SAINTS & ABOLITIONISTS

DEFINITION OF TERMS.



what is porn?

:sexually explicit videos, photographs, writings, or the like, whose purpose is to elicit sexual arousal

**“OVER THE COURSE OF 2017 THERE WERE
120 MILLION VIDEO VOTES ON PORNHUB...
THAT’S A MILLION VOTES MORE THAN WE
CAST IN THE LAST U.S. PRESIDENTIAL
ELECTION.”**

written proudly by [pornhub.com](https://www.pornhub.com)



“THE BIGGEST SEX EDUCATOR OF YOUNG MEN TODAY IS PORNOGRAPHY, WHICH IS INCREASINGLY VIOLENT AND DEHUMANIZING, AND IT CHANGES THE WAY MEN VIEW WOMEN.”

Dr. Gail Dines



88%

Pornography Teaches Users that Women Enjoy

Sexual Violence: Analysis of the 50 most popular pornographic videos found that **88%** of scenes contained physical violence...**87%** of aggressive acts were perpetrated against women...



"YOU ARE A NUMBER. YOU'RE BRUISED. YOU HAVE BLACK EYES. YOU'RE RIPPED. YOU'RE TORN. YOU HAVE YOUR INSIDES COMING OUT. IT'S NOT PRETTY ... ON SET. YOU GET HURT... YOU CAN SAY ANYTHING YOU WANT AND THEY DON'T LISTEN... THEY HAVE ANOTHER SCENE TO GO TO. IT'S ALL ABOUT THE MONEY. THEY'VE FORGOTTEN WHO THEY ARE AND THEY DON'T CARE WHO THEY ARE HURTING."

Former Porn Star, Jersey Jaxin



QUICK STATS FOR COLLEGE GIRLS

- ▶ 25% of college girls will either be raped or attempted rape during their 4 years
- ▶ 12% of these cases are reported
- ▶ 2.7%



PORNOGRAPHY

LEADS TO SEX TRAFFICKING



SAINTS & ABOLITIONISTS



WHAT IS **SEX TRAFFICKING**?

Sex Trafficking occurs when someone uses force, fraud, or coercion to cause a commercial sex act with an adult or causes a minor to commit a sex act.

A **Commercial sex** act includes prostitution, pornography, stripping, and sexual performance done in exchange for any item of value, such as money, drugs, shelter, food, or clothes.



HOW DOES PORN USE AND SEX TRAFFICKING LINK?

- ▶ Each click is the currency of porn
- ▶ Facebook...
- ▶ The demand for porn is literally the highway for sex trafficking
- ▶ experts say that almost **50%** of trafficking victims have...





13





10-20+

**“A FILM IS...WORK OF ART.
PORN IS...DOCUMENTED ABUSE.
THERE IS NOTHING CREATIVE
ABOUT THAT.”**

Sex Trafficked Survivor



“THE MESSAGE IS CLEAR: IF PROSTITUTION IS THE MAIN ACT, PORN IS THE DRESS REHEARSAL.”

Victor Malarek



PORNOGRAPHY

IS A HEALTH CRISIS



SAINTS & ABOLITIONISTS

PORNOGRAPHY IS ILLEGAL



- ▶ It is time for the U.S. Department of Justice to enforce existing federal laws against illegal pornography distributors and producers.
- ▶ Hotels, and cable and TV companies, and of course Internet pornography distributors, regularly sell pornography with themes including teenagers, incest, rape, sexual slavery, and extreme violence.





WHAT KIND OF A CITY

**DOES ANACORTES WANT TO BE
KNOWN FOR?**



SAINTS & ABOLITIONISTS

WHAT NOW?

- ▶ Join us in our fight to get a bill passed that declares pornography is a health crisis for WA state
- ▶ Become intolerant of pornography & be determined to be a part of the solution, not the problem
- ▶ Policy both for business & City for porn & prostitution?
- ▶ Help us get the word out. Schools, businesses, churches - fill our calendar!
- ▶ go to www.SaintsandAbolitionists.com for more info

**“YOU MAY CHOOSE TO LOOK
THE OTHER WAY BUT YOU CAN
NEVER SAY AGAIN THAT YOU
DID NOT KNOW.”**



William Wilberforce



Round-up chemical



John Morgan
8/27/18

Herbicide Is Named Probable Carcinogen

www.peoplespharmacy.com

1 min read

The pesticide glyphosate, also called Roundup, is considered a probable carcinogen by the International Agency for Research on Cancer.



The International Agency for Research on Cancer has stirred up controversy with its evaluation of two pesticides as probable carcinogens. The compounds are malathion, commonly used in mosquito control, and glyphosate, also known as **Roundup**. This herbicide is very widely used in agriculture to control weeds in cultivated fields.

What Is the Evidence?

To reach these conclusions, the agency examined data based on cell culture studies showing that the compound can damage DNA. In addition, it considered animal studies that show unusual tumors in rodents exposed to glyphosate.

According to the scientists who did the assessment, this evidence shows that Roundup could cause cancer in humans, too. Non-Hodgkin's lymphoma and lung cancer are of greatest concern.

Adding Fuel to the GMO Fire

This announcement is likely to add further fuel to the debate over genetically modified organisms, or GMOs. In the United States, popular crops such as corn and soybeans have been genetically engineered so that they can resist the effects of glyphosate, while native weeds are presumably susceptible. This means that the entire field can be sprayed with glyphosate rather than making the considerable effort to target the weeds alone.

The Environmental Protection Agency is due to review Roundup safety later this year. In 2013, the EPA stated that glyphosate does not pose a cancer risk to humans.

The Company Does Not Agree

Monsanto, the maker of Roundup, has objected strenuously to the international announcement. According to Philip Miller, Monsanto's global regulatory affairs vice president, the International Agency is

“starkly at odds with every scientific agency that has studied glyphosate safety.”

Monsanto has called on the IARC to renounce its decision on the grounds that it may unnecessarily confuse and frighten farmers and consumers. The company maintains, however, that it does not expect use of Roundup to drop.

The Lancet Oncology, online March 23, 2015





Why Is Glyphosate on California's Cancer List?

www.peoplespharmacy.com

1 min read

California's Office of Environmental Health Hazard Assessment has decided to list glyphosate as a possible carcinogen under Proposition 65.





The popular herbicide glyphosate, also known by its brand name **Roundup**, appears to be headed for a warning label in the state of California. This chemical has been controversial for years.

Does Roundup Cause Cancer?

Scientists have been arguing about whether or not Roundup can cause cancer in humans. A few years ago, the International Agency for Research on Cancer labeled it a probable human carcinogen. But an expert committee for assessing chemical risk for the European Union determined that there is inadequate evidence to classify this weed killer as a carcinogen.

What Is the Status of Roundup in California?

Soon, however, California will add glyphosate to its list of potential carcinogens. Proposition 65 requires such a list, and the state has looked closely at the IARC decision and supporting data. Manufacturer Monsanto has promised a tough fight. Whether the listing by the state's Office of Environmental Health Hazard Assessment will eventually result in a warning on the label is still unclear.

Roundup in Food?

Last year the FDA announced plans to start testing food for residue of the pesticide. Late in the year, however, the agency placed this testing program on hold. Corn and soybeans are the “Roundup ready” crops most commonly treated with glyphosate and might have the highest residues. When the agency does begin testing, it will be evaluating soy, corn, milk and eggs.

A study published in 2014 found that chronically ill people had higher levels of the pesticide in their urine than healthy people (Krüger et al. *Journal of Environmental and Analytical Toxicology*, March 2014). This does not show cause-and-effect, of course, but the link is troubling.



A recent report by the Environmental Working Group (EWG) suggests that oats and oat cereals may be contaminated with the herbicide glyphosate, often sold under the brand name **Roundup**. Some industry-affiliated groups contest the findings, leaving doctors and patients wondering what to think.

What's Wrong with Roundup?

Part of the reason this report has gotten so much attention is that glyphosate was declared a probable human carcinogen by the International Agency for Research back in 2015. Needless to say, the company that makes Roundup does not agree. A Monsanto spokesman told the *Wall Street Journal* that the popular weedkiller had been extensively studied and that it does not cause cancer. However, a California jury recently awarded \$289 million in damages to the heirs of a man who claimed that his exposure to Roundup as a groundskeeper for a school system resulted in his terminal cancer diagnosis.

Which Breakfast Cereals Contain Roundup?

While the EPA and its European counterpart are deliberating on whether glyphosate actually poses an elevated risk of cancer, the EWG warns that breakfast foods like oats, granola, oatmeal and granola bars may contain elevated levels of the herbicide. Quaker Oats (whose Quaker Oats Old-Fashioned Rolled Oats were named as high in Roundup residue) and General Mills (maker of the ready-to-eat oat cereal Cheerios) both object that their products meet safety standards. Until the controversy over glyphosate as a cancer-causing agent is resolved, parents may want to find substitutes for these popular breakfast foods.



City Council Minutes – August 20, 2018

At 6:00 p.m. Mayor Pro Tem Matt Miller called to order the regular Anacortes City Council meeting of August 20, 2018. Councilmembers Eric Johnson, Anthony Young, Ryan Walters, Brad Adams, Liz Lovelett and Matt Miller were present. Councilmember Bruce McDougall was absent. The assembly joined in the Pledge of Allegiance.

Announcements and Committee Reports

Parks & Recreation Committee: Mr. Adams reported from the committee meeting the prior Thursday. He described projects discussed: Grand View cemetery expansion including removing the poplar trees along the border of the property and expanding towards St. Mary's; continued revision and review of the Parks & Recreation Comprehensive Plan with adoption by Council targeted by year end; ongoing work on the Guemes Channel Trail wetland phase and mitigation for Phase 7; replacement of the aging artificial turf on the fast pitch softball field using private donations; design work on Pickett Pocket Park; and the Washington Park camping reservation policy, which committee members felt was by and large working well.

Public Works Committee: Ms. Lovelett reported from the committee meeting earlier in the evening. She said that the group received a fiber broadband update and that the fiber business plan was still being developed. She reported that Mr. Buckenmeyer had outlined increased staffing requests that would be included in the public works budget for 2019/2020 and added that the additional FTE that would be requested in the engineering department would help reduce an expected \$1.6M of consulting fees over the next six years if that workload all had to be outsourced. Ms. Lovelett said the committee had also reviewed the bidding process for the chlorine conversion contract appearing later on the evening's agenda.

Public Comment

John Morgan, 1110 27th Court #4B, asked which department was responsible for spraying the Roundup chemical, if the city was still using that. Mr. Miller asked if Forestlands and Operations Manager Jonn Lunsford or Public Works Director Fred Buckenmeyer could respond. Mr. Lunsford suggested that staff would provide answers at the next regular meeting. Mr. Morgan also reported that he had attended National Night Out at Storvik Park and was somewhat impressed but said the event seemed more like a family with kids event rather than a serious event to inform the public about emergency preparedness. Mr. Morgan shared information regarding the All County Picnic held at Chimacum in Jefferson County every year to promote emergency preparedness in the community. Mr. Morgan left a copy for the mayor and city staff which was added to the packet materials for the meeting.

Consent Agenda

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

- a. Minutes of August 13, 2018
- b. Approval of Claims in the amount of: \$236,747.31
- c. Contract Awards: Treatment Plant Chemicals 18-118-IDS

The following vouchers/checks were approved for payment:
EFT numbers: 90268 through 90310, total \$161,877.70
Check numbers: 90311 through 90372, total \$73,174.22
Wire transfer numbers: 236076 through 236804, total \$3,387.42

OTHER BUSINESS

Ms. Lovelett asked to reorder the agenda to move Item 7b before 7a. No councilmembers objected.

Contract Award: WTP Chlorine System Conversion Project – Construction 18-036-WTR-004

Mr. Buckenmeyer requested City Council consent to award a contract in the amount of \$898,380.00 to Award Construction, Inc., for the construction of the water treatment plant Chlorination System Conversion Project which had been discussed with Council at prior meetings. He reported that two bids were received with the low bid from Award Construction. Mr. Buckenmeyer advised that contract completion was expected before year end. He recommended approval of the contract. Ms. Lovelett noted that the retail water system share of the contract cost would be only roughly 10% of the total, the rest being paid by the other regional customers. Mr. Adams noted that the plant's current gaseous chlorine technology worked fine but that the Washington State Department of Labor and Industries had directed the change to hypochlorite solution technology. Mr. Johnson moved, seconded by Ms. Lovelett, to authorize the Mayor to sign contract 18-036-WTR-004 with Award Construction, Inc. in the amount of \$898,380.00 for the construction of the Chlorination System Conversion Project. Vote: Ayes – Young, Walters, Miller, Adams, Lovelett and Johnson. Motion carried.

Skagit County Public Health Presentation: Vaping in Public Places Ordinance for Skagit County

Danica Sessions, Behavioral Health Education Specialist at Skagit County Public Health, and Margaret Shield of Community Environmental Health Strategies LLC, public health policy consultant to Skagit County, addressed Council about an e-cigarette use and vaping ordinance being developed by Skagit County Public Health. Ms. Sessions and Ms. Shield referred to their slide presentation that was included in the packet materials for the meeting.

Ms. Sessions outlined the ongoing challenges of tobacco use and the public health concerns with vaping in public places, particularly rapidly increasing use by teens and young adults. Ms. Shield clarified that the nicotine contained in e-cigarettes and vaping devices is still derived from tobacco and so is considered a tobacco product by the federal government. She provided an overview of Washington State Law regarding smoking, vaping and marijuana use in public places. She noted that smoking has been prohibited by RCW 70.160 since 2005 to protect the public from secondhand smoke but that e-cigarettes, in the marketplace since roughly 2007, are regulated differently. Ms. Shield said that since 2016 state law has prohibited vaping in specific areas where children are commonly present but doesn't cover outdoor sports fields nor other public places where smoking is prohibited. She outlined the differences in required signage and labeling between combustible tobacco and vapor products. Ms. Sessions displayed and described the use of a range of vapor products including cigalikes, vaping pens, mods, and juul devices. In response to councilmember questions about the secondhand impact of essentially smokeless devices, Ms. Sessions explained the lack of ingredient labeling required for vapor products and the potential impact of inhaling heated solvents, flavoring chemicals, and metals that form the heating coils. Ms. Shield stressed the public health risk of nicotine use by youth due to the highly addictive nature of nicotine. She acknowledged that longitudinal studies of the effects of secondhand exposure to the relatively new vaping technology are not yet available but cited studies showing that non-vapers surrounded by vapers do show nicotine in their blood. She reminded that the U.S. Surgeon General has recommended adding vaping to no smoking laws in public places. The speakers clarified that emissions from vaping devices are not always visible and that the "cloud" emitted can be controlled by users in some devices by adjusting the heat of the device.

Ms. Shield then shared a slide listing regulatory options available to local jurisdictions for vapor products. She reported that Whatcom, Snohomish, King, Pierce, Clark, Kittitas, Grant and Spokane counties have all enacted Board of Health regulations regarding vaping, typically prohibiting vaping wherever smoking is prohibited. She also cited existing municipal anti-smoking ordinances in Skagit County but said none of the cities have yet adopted ordinances addressing vaping. Ms. Sessions reported on Skagit Public Health's grant funded education and assistance efforts to curb use of vapor products. She said Public Health supports vaping restrictions in indoor public places and places of employment and supports requiring signage where vaping is prohibited, just

as for combustible cigarettes. Ms. Sessions emphasized that reducing nicotine exposure and addiction among children and youth requires establishing societal norms that don't include public vaping. She said that her department was developing a draft ordinance for consideration and action by the Skagit County commissioners, acting as the Skagit County Board of Health, and would continue its education and outreach efforts. Ms. Sessions and Ms. Shield said the commissioners sought input from local jurisdictions on the ordinance.

Mr. Walters asked about enforcement of a county ordinance. Ms. Shield said that in counties that have already enacted such ordinances, enforcement is typically by county public health officials, complaint based, and focused on achieving compliance through education but with a civil penalty available for repeat offenders. She said some counties provide no vaping signage to affected businesses such as restaurants, others require but do not provide signage. Mr. Walters supported county provision of signage to businesses and urged that civil penalties in the form of citations be an option for local law enforcement. Mr. Miller agreed that Skagit County providing signage would answer his concern about increasing the burden on businesses. Mr. Young cautioned about adding to the enforcement burden of local law enforcement which has even more pressing public health issues to address, particularly given the dearth of data on the effects of secondhand vapor, but supported limiting vaping in public places indoors and where youth are present. Several councilmembers suggested limiting e-cigarette and vaping use in the same way and to the same extent that cigarette smoking is currently limited. Ms. Shield said the only additional restriction that has been considered is disallowing vaping at outdoor athletic fields, where smoking is currently allowed.

Ms. Sessions shared a series of slides reporting increasing use of vapor products by youth even as traditional cigarette use has declined. She cited other health risks including poisoning of young children by (often flavored) nicotine e-juice and overheating, fires and explosions caused by vapor devices. The presenters thanked Council for its input and questions and advised they would share that information with the Skagit County commissioners.

There being no further business, at approximately 7:10 p.m. the Anacortes City Council meeting of August 20, 2018 was adjourned.

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The following claims against the City of Anacortes have been preaudited and certified by the Clerk-Treasurer as ready for City Council approval at the August 27, 2018 City Council meeting:
[Download this file in OpenDocument spreadsheet format.](#)

Invoice Doc #	Transaction Date	Invoice #	Vendor Full Name	Description	Total Amount
237091	5/24/2018	StormDrain	SCHUSSBOOMER GROUP, INC.	STORM DRAIN WORK 301 COMMERCIAL	\$14,262.00
236984	6/22/2018	3275650	CARDINAL HEALTH 110, INC.	PHARMACEUTICALS	\$185.72
236925	6/29/2018	10145660	NAVIA BENEFIT SOLUTIONS, INC	JUNE FLEXIBLE SPENDING PARTICIPANT FEES	\$124.50
235753	7/17/2018	27847140	LOWE'S BUSINESS ACCOUNT/GEMB	PAINT SUPPLIES	\$34.08
236950	7/19/2018	0041594	JAMAR TECHNOLOGIES, INC.	RADAR SENSOR, REPAIRS	\$466.01
236148	7/26/2018	27624033	LOWE'S BUSINESS ACCOUNT/GEMB	PAINTING SUPPLIES	\$185.09
235781	7/26/2018	37217355	WASTEQUIP MANUFACTURING CO LLC	CRANK CABLES- SOLID WASTE	\$149.84
236147	7/31/2018	55550823	LOWE'S BUSINESS ACCOUNT/GEMB	CONNECTORS	\$14.35
236811	7/31/2018	IN928362	NOANET	FIBER NETWORK OPS, GIS, AND ENGINEERING SUPPORT - JULY 2018	\$12,690.00
236812	7/31/2018	IN928363	NOANET	FIBER CONSTRUCTION MANAGEMENT - PHASE 3 - JULY 2018	\$852.76
236859	7/31/2018	0173	SKAGIT COUNTY SOLID WASTE FUND	JULY TONNAGE HAULED	\$80,141.06
236786	8/2/2018	11073929	HACH COMPANY	LAB SUPPLIES	\$1,140.09
236860	8/2/2018	1027	MAKE NORTHWEST	YEARLY DOMAIN RENEWAL & WEB PAGE UPDATE	\$70.00
236799	8/2/2018	2786	NW CLEANERS	WTP JANITORIAL SERVICES AT THE WTP - JUNE & JULY	\$1,482.00
237067	8/2/2018	126774	PACIFIC TIRE COMPANY, INC	SERVICE REPAIRS- VEH #704	\$2,615.87
237081	8/2/2018	KT550597	UNIVAR USA INC	SOLENIS SUPERSACKS X 3 WTP	\$7,818.33
237080	8/3/2018	1002445578	CLEAN HARBORS	SODIUM FLUORIDE SLUDGE DISPOSAL	\$869.37
236452	8/3/2018	31340736	LOWE'S BUSINESS ACCOUNT/GEMB	PAINTING SUPPLIES	\$54.14
237079	8/3/2018	7030-0	SHERWIN WILLIAMS	PAINT	\$647.36
236454	8/4/2018	163968881	LOWE'S BUSINESS ACCOUNT/GEMB	PAINT SUIT, TABLE	\$72.23
236455	8/4/2018	16398987	LOWE'S BUSINESS ACCOUNT/GEMB	CONCRETE BLOCK	\$6.96
236876	8/4/2018	2105	POSM SOFTWARE LLC	SUPPORT CONTRACT FOR POSM PRO	\$1,500.00
236456	8/5/2018	49482983	LOWE'S BUSINESS ACCOUNT/GEMB	PAINT SUPPLIES	\$49.64
236924	8/5/2018	1119661	SKAGIT PUBLISHING LLC	POSITION ADS, FIRE CHIEF	\$930.07
236880	8/6/2018	128580	NORTHSTAR CHEMICAL INC.	SODIUM BISULFITE 38% SOLUTION	\$1,393.57
236980	8/6/2018	220013286525	PUGET SOUND ENERGY INC	HEART OF ANACORTES 7/6-8/3/18	\$32.53
236981	8/6/2018	220015523313	PUGET SOUND ENERGY INC	CAR CHARGING STATION 7/6-8/3/18	\$45.24
237076	8/6/2018	220013286491	PUGET SOUND ENERGY INC	APD 7/6-8/3/18	\$1,662.05
236949	8/7/2018	1059556	BUILDERS EXCHANGE OF	BID DOCUMENTS HOSTING - CHLORINATION SYSTEM CONVERSION PROJECT	\$127.15
236808	8/8/2018	Pay App 5	C JOHNSON CONSTRUCTION, INC	2018 WATERLINE REPLACEMENT PROJECT	\$10,687.17
237068	8/8/2018	27748426	LOWE'S BUSINESS ACCOUNT/GEMB	LOCTITE	\$6.70

Invoice Doc #	Transaction Date	Invoice #	Vendor Full Name	Description	Total Amount
236805	8/8/2018	1633-21	MAKERS ARCHITECTURE	ZONING, DEV & DESIGN STDS - JULY 2018	\$13,442.50
236911	8/9/2018	18-21588	NORTHWEST SAFETY CLEAN	BUNKER GEAR REPAIR	\$197.37
236875	8/9/2018	300000300008	PUGET SOUND ENERGY INC	ENERGY BILLING FOR WWTP 7/7-8/6/18	\$14,889.44
236913	8/9/2018	300000290019	PUGET SOUND ENERGY INC	ALL STATIONS: 7/5 - 8/3	\$724.46
236941	8/9/2018	300000290035	PUGET SOUND ENERGY INC	ELECTRICITY - ALL VENUES	\$197.24
236997	8/9/2018	114-7161745	UNITED SITE SERVICES, INC	TOILET RENTAL @ ISLAND VIEW ELEMENTARY	\$82.73
237082	8/10/2018	11088445	HACH COMPANY	BUFFER BLUE FOR LAB	\$95.49
236087	8/10/2018	320418	INTERNATIONAL BELT & RUBBER	RUBBER DISCHARGE HOSE	\$286.33
236914	8/10/2018	9604	KRIEG CONSTRUCTION, INC	3.8 HMA ROCK FOR STREET REPAIRS	\$1,578.58
237072	8/10/2018	12274	NW COMMUNICATIONS, INC	INSTALLATION OF RADIO ANTENNAS ON NEW VEHICLES	\$491.50
237011	8/10/2018	300000290027	PUGET SOUND ENERGY INC	WTP RESERVOIR & PUMP STATION 7/6-8/3/18	\$4,661.30
236915	8/11/2018	59379	LAKESIDE INDUSTRIES, INC.	DUMP FEES - STREET DEPT	\$146.16
237069	8/11/2018	49998699	LOWE'S BUSINESS ACCOUNT/GEMB	COUPLINGS, ELBOWS	\$20.02
237002	8/13/2018	AR109556	ELECTRONIC BUSINESS MACHINES	OPERATIONS COPIER CHARGES: 05/14 - 08/13/18	\$215.05
236938	8/13/2018	WAANA106644	FASTENAL COMPANY	RESTOCK NUTS BULTS ETC	\$144.37
237083	8/13/2018	0684981	FERGUSON ENTERPRISES, INC	LF 5/8 X 3/4 1CF AS TRPL 6 ER LH - WATER DEPT	\$2,391.77
236909	8/13/2018	871251	LIFE ASSIST, INC	NEBULIZER BAG MASKS (20)	\$115.66
237070	8/13/2018	71205092	LOWE'S BUSINESS ACCOUNT/GEMB	COOLER, ICE PACKS, BATTERIES	\$93.11
236987	8/13/2018	12432	RAINBOW METALS, INC.	NICHE PLATE - HUGEL	\$90.97
236996	8/13/2018	114-7176828	UNITED SITE SERVICES, INC	TOILET RENTAL @ FIDALGO ELEMENTARY	\$82.73
236810	8/14/2018	10297-07-18	BERK CONSULTING, INC.	FIRE IMPACT FEE STUDY - JULY 2018	\$8,100.00
236918	8/14/2018	163984M-5	BIRCH EQUIPMENT CO., INC	CONTAINER JOB SHACK - FLEET OFFICE	\$265.82
236921	8/14/2018	3431197	CARDINAL HEALTH 110, INC.	PHARMACEUTICALS	\$78.96
236922	8/14/2018	3431202	CARDINAL HEALTH 110, INC.	PHARMACEUTICALS	\$27.97
237078	8/14/2018	26674	DAHL ELECTRIC, INC	WTP HVAC REPAIR	\$618.20
236995	8/14/2018	528463	HUGHES FIRE EQUIPMENT INC	GAUGE- VEH #220	\$364.34
236912	8/14/2018	18-1035	IMS ALLIANCE	PASSPORT NAMETAGS	\$31.79
237001	8/14/2018	INV208335	L.N. CURTIS & SONS	STRUCTURAL FIRE BOOTS (DL)	\$443.45
236990	8/14/2018	5000916	LEFEBER TURF FARM, LLC	RYEGRASS/FESCUE BLEND 5 1/2 SQ FT SLAB	\$311.86
236920	8/14/2018	100879	T-SHIRTS BY DESIGN	FLEECE JACKET	\$45.57
236986	8/15/2018	3435698	CARDINAL HEALTH 110, INC.	PHARMACEUTICALS	\$38.29
236923	8/15/2018	97880000001	CASCADE NATURAL GAS CORP.	STA 3: 7/13 - 8/13	\$17.60
237000	8/15/2018	INV208625	L.N. CURTIS & SONS	50 GALLONS CLASS A FOAM	\$1,208.48
237003	8/15/2018	3-108045	LOUIS AUTO GLASS INC.	WINDSHIELD- VEH #218	\$270.66
236917	8/15/2018	MV196159	MOTOR TRUCKS, INC	PARTS TO REPAIR #608	\$354.19
237014	8/15/2018	2329	NW COMMUNICATIONS, INC	MOUNT CONSTITUTION REPEATER SITE RENTAL JUNE-AUGUST 2018	\$520.80

Invoice Doc #	Transaction Date	Invoice #	Vendor Full Name	Description	Total Amount
236916	8/15/2018	001-410889	PISTON SERVICE OF ANACORTES	OXYGEN FOR SHOP	\$20.20
236983	8/15/2018	001-410898	PISTON SERVICE OF ANACORTES	HYDRAULIC HOSE & FITTINGS- STREET DEPT	\$163.56
237015	8/15/2018	331 0418678	UNIFIRST CORPORATION	WTP WEEKLY LAUNDRY SERVICE	\$49.52
237016	8/15/2018	331 0418694	UNIFIRST CORPORATION	WTP WEEKLY LAUNDRY SERVICE INTERN TH	\$6.19
236734	8/15/2018	8820	WINNERS SPORTSWEAR, INC	SOCCER SUPPLIES - CONES/VESTS/JERSEYS/GLOVES	\$391.25
236999	8/16/2018	1990848875	ARAMARK	STA 1 MAT SERVICE: 8/16	\$21.70
237077	8/16/2018	1990848878	ARAMARK	APD NYLON MATS CLEANED	\$16.28
236993	8/16/2018	WAANA106738	FASTENAL COMPANY	SHOP INVENTORY- LOCK NUTS, SCREWS, DRILL BITS, WASHERS	\$59.24
236942	8/16/2018	08/16/2018	FIDALGO CLEANING	CLEANING - CARNEGIE	\$100.00
236943	8/16/2018	08/16/2018	FIDALGO CLEANING	CLEANING - MHC	\$50.00
237018	8/16/2018	9613	KRIEG CONSTRUCTION, INC	3/8" HMA FOR STREET DEPT	\$7,757.53
237090	8/16/2018	001-410988	PISTON SERVICE OF ANACORTES	PARTS FOR LIFT #90009	\$175.19
237093	8/16/2018	S20182036	SUPERIOR SYSTEMS, INC	REPAIRS TO LADDER- VEH #202	\$677.91
237092	8/16/2018	1236740	SURETY PEST CONTROL	AUGUST SERVICE: 29-2	\$44.49
236944	8/16/2018	1369	TRINITY CONTRACTORS, INC	SUNSET BEACH UPPER PARKING LOT GRADING	\$10,000.00
236910	8/16/2018	ReimbWolfwinkel	WOLFSWINKEL, KARL	PRIZES FOR AUX APPRECIATION	\$100.00
236988	8/17/2018	8498 30 017 0543538	COMCAST	DEPOT 611 R AVENUE - 8/22-9/21/18	\$186.12
236939	8/17/2018	WAANA106618	FASTENAL COMPANY	SAFETY GLASSES	\$4.67
237085	8/17/2018	WAANA106776	FASTENAL COMPANY	ADAPTER COUPLING	\$10.85
237073	8/17/2018	010557194	GALLS, LLC.	UNIFORM PANTS AND SHIRTS; CORP LEETZ	\$172.47
237074	8/17/2018	0105572222	GALLS, LLC.	UNIFORM BOOTS; CAPT FULLER	\$104.20
237075	8/17/2018	010557223	GALLS, LLC.	UNIFORM ITEMS; NEW EMPLOYEE KELLINGTON	\$927.04
236937	8/17/2018	9876884470	GRAINGER	REPLACEMENT SCREEN FOR STRAINER	\$25.07
236945	8/17/2018	Pay App 3	GRANITE CONSTRUCTION COMPANY	MARCH POINT ROAD SHOULDER WIDENING PROJECT - FINAL	\$10,086.30
237089	8/17/2018	001-411104	PISTON SERVICE OF ANACORTES	PARTS- VEH #512	\$17.77
236946	8/17/2018	P1712-4	QCC QUALITY CONTROLS CORP.	TELEMETRY UPGRADES PHASE C - FIBER OPTIC CUTOVER	\$1,500.00
237009	8/17/2018	532	SKAGIT COUNTY PUBLIC HEALTH &	2ND QTR CITY SHARE OF LIQUOR TAX	\$5,412.19
236992	8/18/2018	1-567659-2	DIAMOND RENTALS, INC.	CRANBERRY LAKE TOILET RENTAL	\$100.00
236985	8/20/2018	3337192	CARDINAL HEALTH 110, INC.	PHARMACEUTICALS	\$343.19
236989	8/20/2018	180114202	CARDOZA, TAIYA	REFUND - CANCELLED CAMPING RESERVATION	\$32.00
237004	8/20/2018	chap082018	CHAPMAN'S TOP & UPHOLSTERY	REPAIR TO SEAT ON VEH #131	\$271.75
237005	8/20/2018	2837	NW CLEANERS	WEEKLY CLEANING @ 29-1 FOR AUGUST	\$488.00
236982	8/20/2018	300000000343	PUGET SOUND ENERGY INC	PARKS/CEM/WASH. PARK/FAC/DEPOT 7/6-8/3/18	\$3,034.11
237007	8/20/2018	027282	SIGNATURE FORMS, INC	PRINTED ENVELOPES FOR COURT MAILINGS	\$608.58
237084	8/21/2018	1990852768	ARAMARK	LAUNDRY SERVICE FOR WWTP	\$71.61

Invoice Doc #	Transaction Date	Invoice #	Vendor Full Name	Description	Total Amount
236879	8/30/2018	18-033-TRN-0021	ASPHALT QUALITY SEALERS	RETAINAGE RELEASE	\$2,999.91

Total **\$238,989.53**



City Council Contract Agenda Bill

Meeting Date: 8/27/2018 **Agenda Item:** 5c

Subject: Contract Modification 04 - Blue Heron Circle Reservoir Project

Staff Contact: Fred Buckenmeyer

Approved for Submittal to Council by:
Darcy Swetnam, City Attorney

Action Type: Contract Modification

Summary Statement: City staff seeks Council consent to issue a contract modification to Stellar J Corporation in the amount of \$1,383.58, increasing the total contract price to \$4,252,437.00 to incorporate four change orders for the Blue Heron Circle Reservoir Project.

Background:

1. Reason for Contract Change:

- Change/Field Order #4: This order addressed the change in the compression ring size on the roof of the reservoir from 4" to 3" to better accommodate the gutter system. The compression rings were already fabricated. The Contractor is asking for 14 additional days to be added to the contract and a sum of \$4,383.72
- Change/Field Order #10: This order directs the Contractor to demolish the existing valve vault for reservoir #2. The Contractor is asking for 2 additional days to be added to the contract and a sum of \$6,980.12.
- Change/Field Order #11: This order directs the Contractor to not remove the sand layer under the existing reservoir as originally planned. This provides a credit of \$9,980.26

2. History: The City is constructing two new finished water storage reservoirs to replace the existing 3.0 million gallon water storage reservoir located at Blue Heron Circle in Anacortes. The new reservoirs will have a combined storage capacity of 3 million gallons and will operate similar to the existing 3 MG reservoir at the site. The design and construction documents for the project were prepared by HDR Engineering, Inc. Construction management services are provided by MWH Constructors, Inc. This project is being paid through the Drinking Water State Revolving Fund loan.

3. Key Terms:

- Contract increase of \$1,383.58 for a total of \$4,251,053.42
- Increase term by 16 days.

4. Competitive Bidding: The engineer's estimate was \$5.5 million for the subject project. On March 1, 2017 the City solicited bids and on March 28, 2017 a bid opening was conducted and 2 bids were received.

Previous Council/Mayor Action: The original [Contract](#) was awarded on [4/10/17](#). [Modification 01](#) was a housekeeping issue to incorporate the updated Standard General Conditions of the Construction Contract document and signed by the Mayor. [Modification 02](#) was approved on [11/6/17](#) and incorporated four change orders. [Modification 03](#) was approved on [3/5/18](#) and incorporated four change orders.

Recommended Motion: I move that City Council authorize the Mayor to sign Contract Modification 04 with Stellar J Corporation under Contract 16-039-WTR-004 in the amount of \$1,383.58, increasing the total contract price to \$4,252,437.00.

Attachments: Contract Modification 04

Contractor	Stellar J Corporation
Original Agreement Amount	\$4,213,489.00
Modification 1 signed by Mayor	\$0
Modification 2 approved 11/6/17	\$31,578.61
Modification 3 approved 3/5/18	\$5,985.81
Current Agreement Amount	\$4,251,053.42
Change Per this Modification	\$1,383.58
Total After Modification	\$4,252,437.00
All Mods % of Total Contract Amount	0.92%
Earmarked Funds (2017 & 2018)	\$5,000,000.00
BARS #	401.000.594.34.63
Paid on Contract as of 8/17/18	\$3,603,719.57
Budget Amendment Required?	No
Start Date	Notice to Proceed
End Date	507 days



Project Title Blue Heron Circle Reservoir Project
Prime Contractor Stellar J Corporation

BACKGROUND

In accordance with Article 11 Amending the Contract Documents; Changes in the Work as cited in the General Conditions, this modification provides an equitable price adjustment in consideration of changes in Work as described below under Article I. Accordingly, the contract price is increased from \$4,251,053.42 by \$1,383.58 to \$4,252,437.00.

Accordingly, the following changes are incorporated under this contract:

Article 1. WORK

Insert the following as *fourth paragraph* under Article 1:

The work as described above is hereby amended per Modification 04, which includes:

Field Order #4: The compression ring size on the roof of the reservoir is modified from 4" to 3" to better accommodate the gutter system.

Field Order #10: The Contractor will demolish the existing valve vault for reservoir #2.

Field Order #11: The City directs the Contractor to not remove the sand layer under the existing reservoir as originally planned.

Article 4.2. DAYS TO ACHIEVE SUBSTANTIAL COMPLETION AND FINAL PAYMENT

The paragraph hereby deleted and replaced with the following:

A. The Work will be substantially completed within 477 calendar days after the date when the Contract Times commence to run as provided in Paragraph 4.01 of the General Conditions, and completed and ready for final payment in accordance with Paragraph 15.06 of the General Conditions within 507 calendar days after the date when the Contract Times commence to run.

Article 5. CONTRACT PRICE

The paragraph hereby deleted and replaced with the following:

The total contract price is **Four Million Two Hundred Fifty-Two Thousand Four Hundred Thirty-Seven Dollars (\$4,252,437.00)**. The Contract Bid Schedule, Exhibit A, is amended to incorporate SCHEDULE B, SCHEDULE C, and SCHEDULE D, which are hereby incorporated by reference and made a part hereof.

All other terms and conditions remain unchanged.

The parties acknowledge that there has been an opportunity to negotiate the terms and conditions of this Modification and agree to be bound accordingly.

CITY OF ANACORTES

By _____
Laurie Gere, Mayor

Date _____

STELLAR J CORPORATION

By _____
Signature

Printed Name

Date _____

Original Agreement Amount	<u>\$4,213,489.00</u>	Original Contract Completion Date	<u>480 days</u>
Current Agreement Amount	<u>\$4,251,053.42</u>	Current Contract Completion Date	<u>491 days</u>
Change Per this Modification	<u>\$ 1,383.58</u>	Net Change	<u>16 Days</u>
Total After Modification	<u>\$4,252,437.00</u>	Contract Completion Date After Change	<u>507 days</u>

SCHEDULE D
FOR
BLUE HERON CIRCLE RESERVOIRS PROJECT
CONTRACT 16-039-WTR-004, MODIFICATION 04

ITEM NO.	DESCRIPTION	QUANTITY	PRICE
18	Field Order No. 4	LS	\$4,040.30
19	Field Order No. 10	LS	\$6,433.29
20	Field Order No. 11	LS	(\$9,198.40)
Subtotal			\$1,275.19
8.5% Sales Tax			\$108.39
Schedule D Total			\$1,383.58



ORDINANCE 3027: EXTENDING WIRELESS MORATORIUM

August 27, 2018





BACKGROUND

MORATORIUM

- Ordinance 3010: August 28, 2017: established six month moratorium on the receipt and processing of applications to site wireless towers and antennas and on the receipt and processing of applications for telecommunications franchises.
- Resolution 1995: October 2, 2017: affirmed the moratorium and adopted a work plan to update relevant sections of the Anacortes Municipal Code
- Ordinance 3020: February 20, 2018: extended the moratorium for an additional six months to allow work to continue updating AMC.

Problems with Current AMC Sections

- Current provisions in the AMC do not account for
 - New technology
 - Recent types of requests received by the City
 - Recent federal and state case law
- Don't address wireless facilities in ROW
 - E.G. Towers in residential zones must be set back 100% of their height or 200 feet – what about placement in ROW?
- Don't anticipate new small cell technology
 - Placement of antennae and appurtenances on existing poles
 - Requests for replacement of current poles with taller poles (e.g. replace 45' pole with 80' pole)
- Procedural rules for master permits and permits need to be updated to comply with federal and state law





WORK PLAN STATUS

GOALS OF CODE UPDATE

- Update Chapters 7.63, 5.36, and Section 5.44.040 AMC
 - Address new small cell technology
 - Address wireless appurtenances in ROW
 - Comply with federal and state law
- Because of the interplay of federal, state, and local regulations, the City is working with FP on the update

CODE UPDATE STATUS

- Through work with FP on an initial draft that updated language in the relevant sections of the AMC, it became clear that a more in-depth rewrite of the City's wireless code is necessary
- Staff are currently working with FP on a draft to present to the industry and public
- The updated draft required consideration of:
 - Development regulation updates currently underway
 - Recent updates to Title 19
 - Feedback from industry stakeholders from February 2018 meeting
- Once finalized, Staff will invite industry stakeholders to a special meeting to solicit feedback on the draft
- Draft will then be presented to Planning Commission and City Council for adoption
- City staff anticipate public meetings in the fall with Code adoption before the end of the year
- An extension to the moratorium will allow adequate time to complete all Code updates

AUTHORITY FOR MORATORIA

- City is authorized to enact a moratorium while new development regulations are developed. Moratoria can be reasonably extended to allow completion of development regulations. RCW 35A.63.220
- Moratoria on personal wireless services should be consistent with FCC guidelines
- FCC guidelines dictate that moratoria should be for a limited period of time, specify an ended date, be of a duration reasonably necessary to adequately address issues regarding wireless services, and should not be used to stall or discourage siting of telecommunication facilities.
- Local agency encouraged to include community and industry in development of new code



QUESTIONS?

Thank You!



City Council Agenda Bill

Meeting Date: 8/27/2018

Agenda Item: 7a

Subject: Extension of Moratorium on new wireless facilities and telecommunication franchises

Staff Contact: Darcy Swetnam

Approved for Submittal to Council by	
x	Darcy Swetnam, City Attorney

Action Type	
x	Ordinance No. 3027

Summary Statement: Proposed Ordinance 3027 is a six month extension of the previously-adopted moratorium as extended on new applications for wireless facilities and telecommunications franchises for an additional six months to allow time for the City to adopt new sections of the Anacortes Municipal Code.

Background: Chapters 5.36 and 17.63 of the Anacortes Municipal Code are out of date and do not provide clear enough procedures or standards for the types of telecommunications and wireless applications the City faces for antennas and for franchise agreements. City Council adopted Ordinance 3010 on August 28, 2017, which placed a six month moratorium on processing applications for new wireless facilities and franchise agreements. A public hearing was held on October 2, 2017, at which time Council adopted a work plan to complete necessary code updates. Staff are working on the steps outlined in the work plan, including working with outside counsel on the update and reaching out to the public and representatives of the telecommunications industry. On February 20, 2018, Council adopted Ordinance 3020, which extended the moratorium for an additional six months. Since that time, staff have been working with outside counsel on a significant rewrite of both the wireless and franchise sections of the Anacortes Municipal Code. Staff plan to present a draft to industry stakeholders and the public in addition to all required public process. An additional six months is needed to complete all these steps.

Budget Impact	
Amount Budgeted	N/A
Budget Account (BARS)	N/A
Proposed Expenditure	N/A
Budget Amendment Required?	N/A
Revenue Source	N/A

Proposed Contract	
Contractor	N/A
Amount	N/A
Start Date	N/A
End Date	N/A

Previous Council/Committee Action:

- [August 28, 2017](#): Council adopted [Ordinance 3010](#) establishing the moratorium
- [October 2, 2017](#): Council held a public hearing and adopted a work plan to update code sections.

- [February 20, 2018](#): Council adopted [Ordinance 3020](#), extending the moratorium for an additional 6 months.

Competing Viewpoints Considered: None

Recommended Motion: I move we adopt Ordinance 3027, 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.

Alternative Actions:

Attachments (listed in order presented): Proposed [Ordinance 3027](#)

Ordinance No. 3027

An ORDINANCE EXTENDING A MORATORIUM on the receipt and processing of applications to site wireless communications 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.

Whereas the Anacortes Municipal Code Chapter 17.63 provides procedural rules for the receipt and processing of applications for siting wireless communications towers and antennas; and

Whereas the Anacortes Municipal Code Chapter 5.36 provides rules for the receipt and processing of applications for telecommunications franchises or master permits; and

Whereas City staff is currently working, with the assistance of outside counsel, on a plan to rewrite all of the Anacortes Municipal Code sections relating to telecommunications facilities, including wireless communications towers and antennas and franchise agreements; and

Whereas the Anacortes City Council desires to preserve the status quo while the City completes all necessary code updates; and

Whereas City Council desires to rewrite Chapters 17.63 and 5.36 of the Anacortes Municipal Code to clarify criteria and procedural rules for wireless towers and antennas and franchise agreements prior to the expiration of this moratorium; and

Whereas RCW 35.99.050 authorizes the City to adopt a moratorium on the acceptance and processing of applications, permitting, construction, maintenance, repair, replacement, extension, operation, or use of any facilities for personal wireless services, provided such moratorium is consistent with Federal Communications Commission Guidelines Regarding Facilities Siting;

Whereas City Council adopted Ordinance 3010 on August 28, 2017, which established a six month moratorium on the receipt and processing of applications to site wireless towers and antennas and on the receipt and processing of applications for telecommunications franchises;

Whereas City Council adopted Resolution 1995 on October 2, 2017, which reaffirmed the moratorium in Ordinance 3010 and adopted a work plan for updating relevant sections of the Anacortes Municipal Code;

Whereas City Council adopted Ordinance 3020 on February 20, 2018, which extended the moratorium in Ordinance 3010 and reaffirmed the work plan for updating relevant sections of the Anacortes Municipal Code;

Whereas City staff are currently working on the action items in Resolution 1995 and need to extend the moratorium to allow adequate time to complete the work plan and update the relevant sections of the Anacortes Municipal Code. City staff are working with outside counsel to finalize a draft update of the wireless code, which they plan to present to industry stakeholders, the public, and take through the required public process;

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

Section 1. Findings of fact. The City Council of the City of Anacortes makes the following findings:

- A. The above recitals are adopted as findings of fact.
- B. The City needs time to review and amend Chapters 5.36 and 17.63 of the Anacortes Municipal Code, and any other related land use regulations, to adequately address issues relating to the siting of wireless telecommunications facilities in a manner that addresses local concerns, provides the public with access to wireless services for its safety, convenience and productivity, and complies with the Telecommunications Act of 1996.
- C. This extension of the moratorium is not intended to stall or discourage in any way the placement of wireless telecommunications facilities within the City of Anacortes.
- D. The City Council of the City of Anacortes deems it necessary to prohibit the receipt and processing of new applications for siting wireless towers and antennas and telecommunication franchises until the Code is updated, as in the interest of protection of public safety and health, and in the interest of providing time to evaluate the best alternatives for the community.
- E. This action is consistent with Chapter 35.99 RCW and the Federal Communications Commission Guidelines Regarding Facilities Siting.
- F. RCW 35A.63.220 and RCW 36.70A.390 allows the City to adopt a moratorium effective up to twelve (12) months subject to a public hearing within sixty (60) days and putting a work plan in place.
- G. The City properly adopted a work plan; the extension of the moratorium for an additional six months to complete the work plan is reasonable and necessary to protect the public safety and health, and in the best interest of providing time to evaluate the best alternatives for the community.

Section 2. Moratorium.

- A. The temporary moratorium in the City of Anacortes, adopted by Ordinance 3010, as extended by Ordinance 3020, is hereby extended for an additional six months, prohibiting the processing of new applications for wireless towers and antennas and new telecommunication

franchises, or any other similar applications under Chapters 5.36 and 17.63 of the Anacortes Municipal Code.

B. This ordinance does not apply to any uses legally established, permits issued, or complete applications vested, before the effective date of this ordinance.

C. Any applications submitted during the time that this moratorium is in effect may be accepted and processed by the City, but final approval will be subject to new Code provisions currently being developed.

D. Pursuant to RCW 36.70A.106, this Ordinance will be transmitted by the Finance Director to the Washington State Department of Commerce as required by law.

E. Should any portion hereof be found unlawful, unconstitutional or in any way nullified or overturned, the remainder hereof shall remain in full force and effect.

F. Effective date and duration. The City Council hereby finds that this ordinance is necessary and proper to protect the public health and public safety. This ordinance, pursuant to RCW 35.12.130, shall be effective five days after passage by the City Council, signature by the mayor, and publication. The extended moratorium established hereby shall terminate on February 28, 2019.

PASSED and APPROVED this 27th day of August, 2018.

CITY OF ANACORTES:

Laurie Gere, Mayor

Attest:

Steve Hoglund, City Clerk-Treasurer

Approved as to Form:

Darcy Swetnam, City Attorney

The background image shows a group of students and a teacher in a library or study area. A young man is smiling and looking at a laptop. A woman with glasses is looking at a document. Another student is visible in the foreground, looking at the laptop. Bookshelves filled with books are in the background.

ANACORTES COMMUNITY CENTER ASSESSMENT: MOU WITH ANACORTES SCHOOL DISTRICT

AUGUST 27, 2018



PROJECT BACKGROUND

HOW DID WE GET HERE?



- In early 2016, a core group of community members began researching the feasibility of a youth community center for Anacortes
- The core group included ASD 103 Superintendent Dr. Mark Wenzel, former Police Chief Bonnie Bowers, Mayor Laurie Gere, City staff, Boys and Girls Clubs of Skagit County Executive Director Ron McHenry, and community members
- The Core group wanted to find a new home for the Boys and Girls Club of Anacortes while creating a safe and supportive place for Anacortes youth to gather (teen center, City recreation program with gym and program spaces like kitchen or art space)
- In January 2017, the group commissioned a feasibility study with consultant Maul, Foster & Alonghi
- Feasibility study included stakeholder outreach and surveys and examined:
 - Potential funding options
 - Ownership options
 - Potential locations

GOALS FOR FACILITY



- The City and School District support the concept of providing a safe public space for young residents to take advantage of programming to support their growth and development
- Current concept:
 - 21,000 sq. ft. facility
 - Include space for:
 - Boys and Girls Club
 - Youth Recreation Center
 - School District flex space
 - Potentially leasable space for community youth organizations



FEASIBILITY STUDY FEEDBACK: LOCATION



- The Feasibility Study Looked at 5 different locations:
 - 22nd Street and J Avenue
 - Skate Park on R Avenue
 - Whitney School Property
 - 17th Street and A Avenue
 - 10th Street and Q Avenue
- Stakeholder feedback identified 22nd Street and J Avenue as most desirable location:
 - Proximity to schools
 - Pedestrian connectivity to other facilities such as Pool and Senior Activity Center

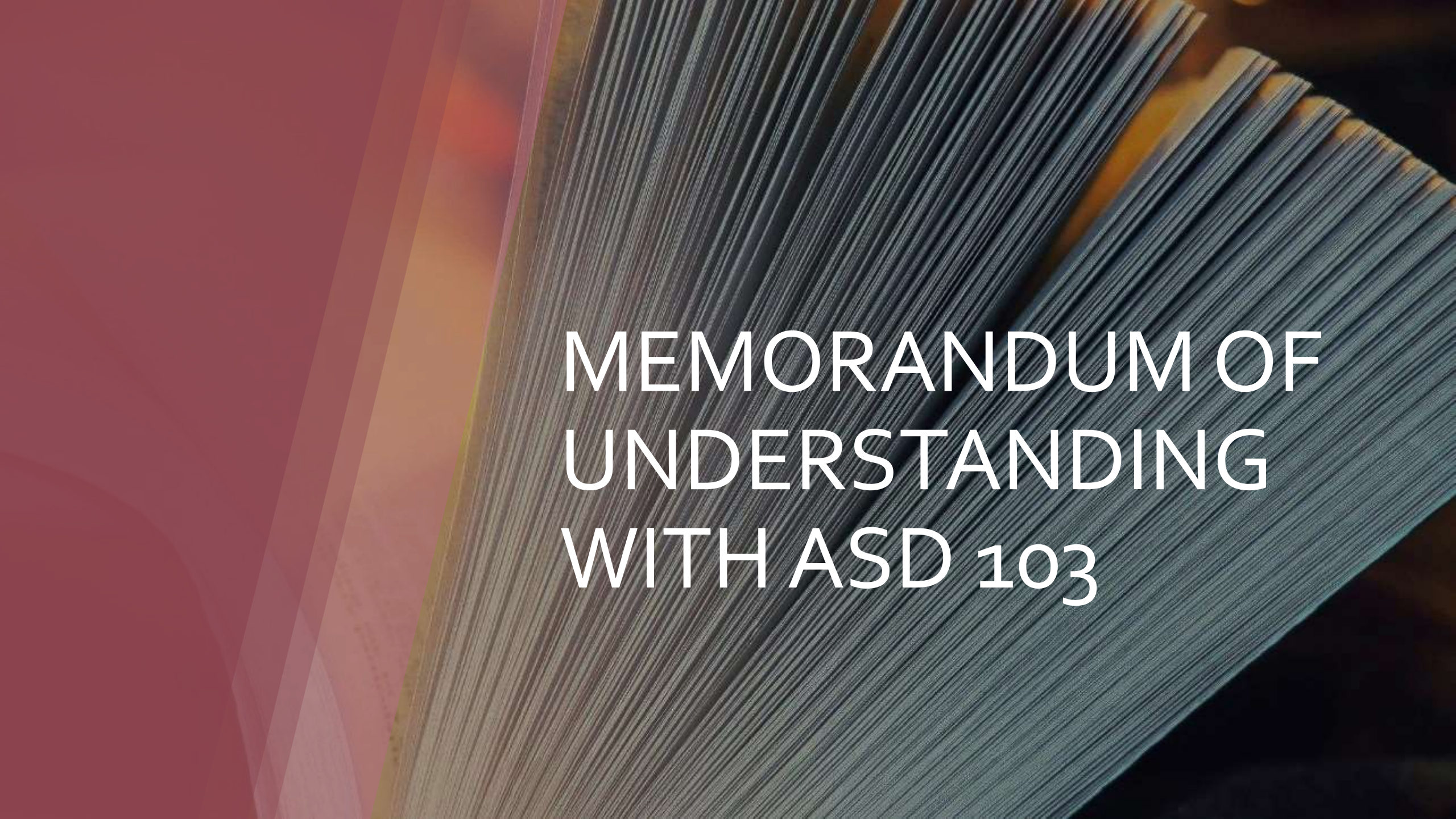


FEASIBILITY STUDY FEEDBACK: OPERATION



- Projected costs for construction:
 - \$9 million
 - Including a \$1 million endowment for operations and maintenance
- Potential Funding:
 - Potential future capital campaign
 - Community donor has offered 50% match towards the facility to provide future home for BGC
- Construction and project management to be determined
- Operation: Once constructed, preferred option would be for City to own and operate facility



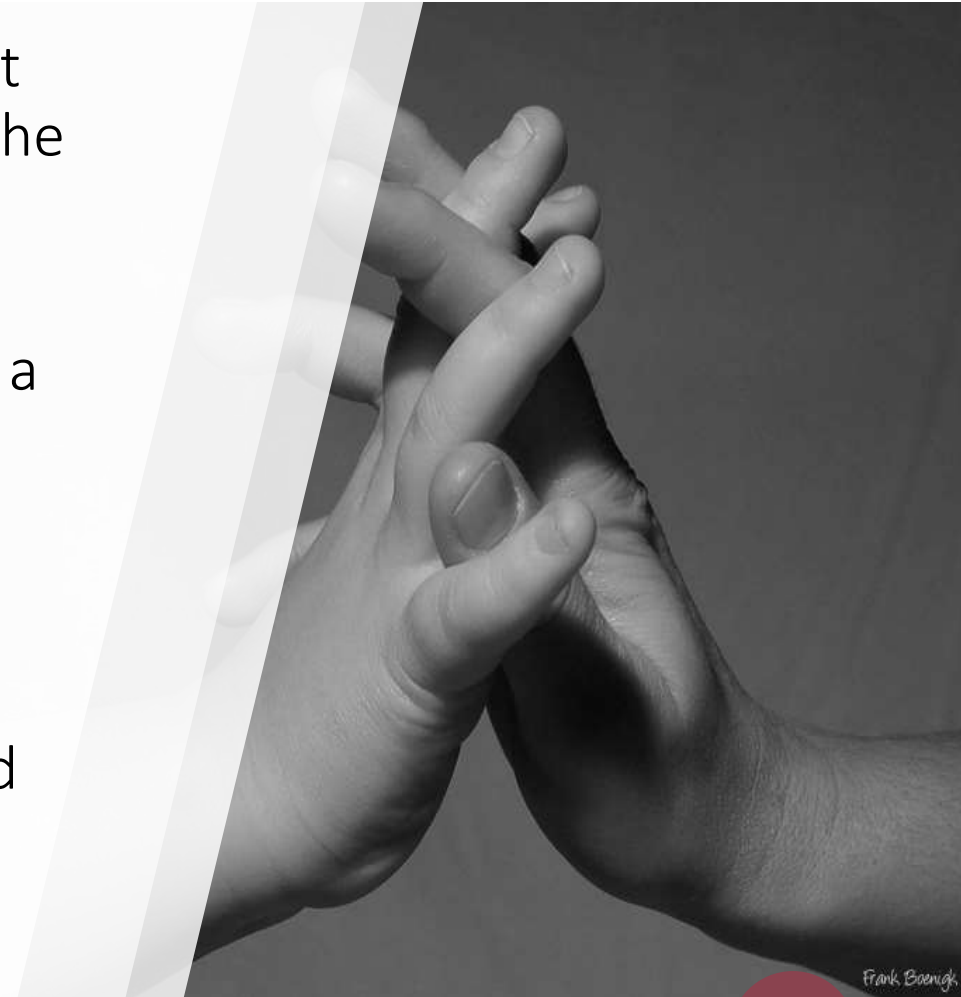
The background of the slide features a fan of numerous thin, light-colored pages or documents, creating a sense of depth and movement. A semi-transparent red overlay is positioned on the left side, partially covering the pages. The text is centered over the pages in a white, sans-serif font.

MEMORANDUM OF UNDERSTANDING WITH ASD 103

MOU BACKGROUND



- On March 22, 2018, Mayor Gere and several Department Heads attended the ASD Board meeting and presented the City's desire to proceed with evaluating center options
- In response to the School Board's interest in moving forward with a MOU laying out a process, staff prepared a draft
- The School Board authorized Dr. Wenzel to execute the MOU on June 14, 2018
- The Goal of the MOU is to provide a process for the City and School District to work cooperatively to evaluate and plan options for the community center



TERMS OF MOU

- Term: Through calendar year 2019
- Scope:
 - Issues to consider:
 - Location of Center
 - Use of the Center
 - Operation models
 - Design options
 - Financing models
 - Two phases:
 - Master Planning Process:
 - Parties will jointly choose a consultant to evaluate green space uses for District parcels, including the 22nd and J Ave location
 - Each party will contribute \$15,000 towards planning process
 - Center Design
 - Parties will jointly choose a consultant to support preliminary design of Center
 - City will pay all costs for Center design





Thank you!



City Council Agenda Bill

Meeting Date: 8/27/2018

Agenda Item: 7b

Subject: MOU between City and ASD 103 on Community Youth Center

Staff Contact: Darcy Swetnam, Don Measamer

Approved for Submittal to Council by	
x	Laurie Gere, Mayor
x	Steve Hoglund, Finance Director
x	Darcy Swetnam, City Attorney

Action Type	
	Ordinance No.
	Code Revision?
	Resolution No.
x	Contract
	Public Hearing
	Staff Report

Summary Statement: The City and ASD want to work together to engage in a planning process to evaluate the potential location and uses of an Anacortes Community Center. The MOU focuses on planning and evaluation processes to consider the ASD property located at 22nd Street and J Avenue.

Background: The City, Anacortes School District 103, the Boys and Girls Club of Skagit County, and community donors and volunteers have been discussing options for a community center in Anacortes, geared towards providing Anacortes youth with a safe place to enjoy. The Boys and Girls Club, presently located in the basement of City Hall, would like to be an anchor tenant of the proposed facility, with additional space for a youth center, City programming, ASD programming, and potentially other tenant space. The core planning group have identified the School District property located at 22nd Street and J Avenue as a potential desirable location. However, prior to proceeding, the parties acknowledge the need to engage in a planning process for the property to ensure it meets ASD needs. The proposed MOU memorializes the Parties' desire to move forward with a planning process to better evaluate the 22nd and J location and potential use of a community center.

Budget Impact	
Amount Budgeted	
Budget Account (BARS)	
Proposed Expenditure	
Budget Amendment Required?	
Revenue Source	

Proposed Contract	
Contractor	
Amount	
Start Date	
End Date	

Previous Council/Committee Action: N/A

Competing Viewpoints Considered: Pursue alternate locations for Community Center; rethink model for Community Center.

Recommended Motion: I move we authorize the Mayor to execute the Memorandum of Understanding between the City of Anacortes and Anacortes School District #103 for Assessment of Anacortes Community Center.

Alternative Actions:

Attachments (listed in order presented): Proposed MOU

**Memorandum of Understanding
between the
City of Anacortes
and
Anacortes School District #103
for
Assessment of Anacortes Community Center**

I. Introduction

This Memorandum of Understanding (MOU) dated this 14th day of June, 2018, is made and entered into by and between the City of Anacortes, a municipal corporation of the State of Washington (“City”), and Anacortes School District No. 103 Skagit County, a first class school district in the State of Washington (“District”), pursuant to the authority of chapter 39.34 RCW.

II. Recitals

WHEREAS, the City, District, and other community partners wish to engage in a planning process to identify, evaluate, and analyze design, operation, and location options for a proposed community center (“Center”) to serve children in the Anacortes community.

WHEREAS, the Parties have engaged in discussions, community surveys, feasibility assessments, and analysis of options for the Center, including preferred locations. Through that process, participants identified 22nd Street and J Avenue as a potential and desirable location for the Center, due to its proximity to multiple schools, the Fidalgo Pool and Fitness Center, and transportation routes.

WHEREAS, the District owns in fee simple Skagit County Assessor’s Parcel numbers P31801 and P31846, located at the corner of 22nd Street and J Avenue in Anacortes, Washington (“District Parcels”). The District Parcels are currently occupied by a mobile building housing the Cap Sante High School and has open green space used for various recreational purposes. The District currently plans to remove the Cap Sante High School mobile building by September of 2019.

WHEREAS, the Parties wish to work cooperatively to consider the District Parcels as a potential location of the Center and to evaluate how a Center could operate to provide for the needs of Anacortes youth, support the District’s operations, and identify a sustainable operation model.

III. Agreement

NOW, THEREFORE, for and in consideration of the promises set forth hereafter, the City and the District hereby agree as follows:

A. PURPOSE:

The purpose of this agreement is to provide the Parties a process for exploring options to identify, evaluate, and analyze design, operation, and location models for a proposed community center to serve children in the Anacortes community.

B. SCOPE OF WORK

1. The Parties hereby intend to establish a cooperative process to develop options for the Center, including, but not limited to:
 - a. Siting the Center on the District Parcels;
 - b. District use of the Center;
 - c. City use of the Center;
 - d. Anchor tenant use of the Center;
 - e. Center layout and design options;
 - f. Preliminary architectural and site drawings for the Center;
 - g. Financing options for design and construction of the Center;
2. The Parties will work cooperatively on the following two phases:
 - a. Master Planning Process:
 1. The Parties will jointly choose and engage a consultant to assist in master planning for the green space surrounding and including the District Parcels, specifically including the ball fields between Island View and the District Parcels, the tennis courts on 22nd Street, and the field between the Middle School and the tennis courts.
 2. The goal of the master planning process is to identify ways to maximize use of the above-described area to allow ample green space for recreation, District operations, and a Center.
 3. The Parties will equally split the cost of the consultant and planning fees, with each Party's share not to exceed fifteen thousand dollars (\$15,000).
 - b. Center Design:
 1. The parties will jointly choose and engage a consultant to assist with preliminary development and design of the potential Center site on the District Parcels.
 2. The goal of the Center design process is to identify programming needs for the Parties and other interested parties and prepare preliminary architectural and site drawings for the Center based on those needs.
 3. The City will pay all fees and costs associated with the Center design phase of the planning process.

3. Both parties will have access to all documents and reports prepared pursuant to this Agreement.
4. The Parties will meet periodically, but no less than quarterly, either through their representatives or with their governing bodies, to review the status of the planning phases outlined in this Agreement.

C. RESPONSIBILITIES OF THE PARTIES:

The Responsibilities of the parties of the agreement shall be as follows:

1. The City

- a. The City will work cooperatively with the District in the above-described planning process.
- b. The City, its agents, or contractors, will not interfere with District operations.
- c. The City will consult with the District before letting any contracts with consultants or third parties.

2. The District

- a. The District will work cooperatively with the City in the above-described planning process.
- b. The District will provide reasonable access to District property, including the District Parcels, in a way that doesn't interfere with District operations.
- c. The District will notify the City within a reasonable period of time if they identify long-term use of the District Parcels that is inconsistent with siting the Center there.

D. TERM: The Terms shall commence upon execution of this Agreement and expire on December 31, 2019.

E. ADMINISTRATION: The following individuals are designated as representatives of the respective parties. The representatives shall be responsible for administration of this Agreement and for coordinating and monitoring performance under this Agreement. In the event such representatives are changed, the party making the change shall notify the other party.

1. The City's representative is
2. The District's representative is

F. INDEMNIFICATION:

Each party agrees to be responsible and assume liability for its own wrongful and/or negligent acts or omissions or those of their officials, officers, agents, or employees of the fullest extent required by law, and further agrees to save, indemnify, defend, and hold the other party harmless from any such liability. It is further provided that no liability shall attach to either party by reason of entering into this Agreement except as expressly provided herein.

G. INDEPENDENT STATUS OF THE DISTRICT AND THE CITY

The Parties to this Agreement, in the performance of work pursuant to this Agreement, will be acting in their individual capacities and not as agents, employees, volunteers, partners, joint ventures, or associates of one another. The employees, volunteer, or agents of one party shall not be considered or construed to be the employees, volunteers, or agents of the other party for any purpose whatsoever.

H. ENTIRE AGREEMENT.

This Agreement contains all the terms and conditions agreed upon by the parties. All items incorporated herein by referenced are attached. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto. The Parties specifically acknowledge that the District's participation in this Agreement is not a commitment to allow the District Parcels to be used for the Center in the future. The Parties do not intend that their cooperation herein shall result in their acting as joint venturers or partners nor for the benefit of any third person.

I. AMENDMENT OR MODIFICATION.

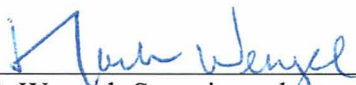
Amendment or modification of this MOU, within the scope of the agreement, shall be made by mutual consent of the Parties, by the issuance of a written modification, signed and dated by the Parties, prior to any changes being performed.

J. TERMINATION.

Either of the Parties, in writing, may terminate the agreement, in whole or in part, at any time before the date of expiration.

IV. Signatures

The Parties hereto have executed this MOU on the dates shown above.



Dr. Mark Wenzel, Superintendent
Anacortes School District No. 103

Laurie Gere, Mayor
City of Anacortes

MOU between the City and the Port on development of Cap Sante Marina Uplands

August 27, 2018

Background

- The Port of Anacortes completed The Transit Shed and Cap Sante Redevelopment Strategy in April 2018 with articulated goals:
 - Provide quality event space
 - Enhance place making efforts
 - Energize Cap Sante Marina
 - Enhance public access and recreation opportunities
 - Repurpose the Transit Shed Property to maximize industrial waterfront
 - Meet the goals of City and Port's Comprehensive plans
- Port Commissioners and City Councilmembers met on June 11, 2018, and Port staff presented Redevelopment Strategy and identified how Parties can cooperate moving forward



MOU Terms

- Term: Until completion of Redevelopment Strategy components or December 31, 2028, whichever is soonest
- Port Responsibilities: Port will pursue generating investment in the uplands, including a new hotel, RV Park, Port offices
- City Responsibilities: City will support the Port's fundraising efforts
- Shared Responsibilities:
 - Solicit community input
 - Pursue grant funding
 - Work on subsequent development agreement to address particulars of redevelopment
- The MOU doesn't obligate either Party to expend funds

Questions?

Thank you!



City Council Agenda Bill

Meeting Date: 8/27/2018 **Agenda Item:** Item 7

Subject: Memorandum of Understanding between City and Port of Anacortes

Staff Contact: Darcy Swetnam, Don Measamer

Approved for Submittal to Council by	
x	Laurie Gere, Mayor
x	Steve Hoglund, Finance Director
x	Darcy Swetnam, City Attorney
x	Don Measamer, Planning Director

Action Type	
	Ordinance No.
	Code Revision?
	Resolution No.
x	Contract
	Public Hearing
	Staff Report

Summary Statement: The City and the Port want to work collaboratively to achieve their long range vision for the Cap Sante Marina Uplands benefitting all of Anacortes and its citizens. The MOU sets out the general outline of the actions and areas of responsibility of the Port and City respectively to work together to develop the Marina Uplands and repurpose the Transit Shed Property.

Background: The Port of Anacortes completed The Transit Shed and Cap Sante Redevelopment Strategy in April, 2018 with extensive community engagement, including City staff participation. The strategy outlines several goals including, provide a quality event space, increase connectivity between downtown businesses and Cap Sante Marina, enhance place making efforts, energize Cap Sante Marina, enhance public access and recreation opportunities, repurpose the Transit Shed Property to maximize the potential of limited industrial waterfront, and meet the goals of the Port and City's Comprehensive plans. The attached MOU outlines steps the parties will undertake cooperatively to prepare a Development Agreement which will provide the framework for the redevelopment of the Marina Uplands and surrounding area. A public hearing will be required prior to the approval of a future Development agreement consistent with RCW 36.70B.200.

Budget Impact	
Amount Budgeted	
Budget Account (BARS)	
Proposed Expenditure	
Budget Amendment Required?	
Revenue Source	

Proposed Contract	
Contractor	
Amount	
Start Date	
End Date	

Previous Council/Committee Action: N/A

Competing Viewpoints Considered: NA

Recommended Motion: I move we authorize the Mayor to execute the Memorandum of Understanding between the City of Anacortes and the Port of Anacortes for Redevelopment of the Cap Sante Marina Uplands.

Alternative Actions:

Attachments (listed in order presented): Proposed MOU

**MEMORANDUM OF UNDERSTANDING
REGARDING
DEVELOPMENT AT THE CAP SANTE MARINA UPLANDS**

THIS Memorandum of Understanding Regarding Development at the Cap Sante Marina ("MOU") is made and entered into as of this _____ day of _____, 2018 (the "Effective Date"), by and between the Port of Anacortes, a Washington municipal corporation (the "Port") and the City of Anacortes, a Washington municipal corporation (the "City"), hereinafter referred to collectively as the "Parties".

RECITALS

- A. The Port owns the Cap Sante Marina and adjacent uplands, including undeveloped uplands adjacent to the north and west of the Cap Sante Marina (the "Marina Uplands") as depicted on a map attached hereto as Exhibit "A".
- B. The Port owns and operates the Transit Shed which includes Port administrative offices, Port Commission meeting room, and a public event space (the "Transit Shed Property"). The Transit Shed Property is on a deep-water pier in a marine industrial area.
- C. The Port has conducted a real estate feasibility analysis of the possible development of the Marina Uplands as well as a review of the uses for Transit Shed Property entitled *Transit Shed and Cap Sante Marina Redevelopment Strategy* (the "Redevelopment Strategy"). This was funded through a Community Economic Revitalization Board grant and matching funds provided by the Port.
- D. The City owns the Anacortes Depot Site ("Depot Site"), a 5.75 acre tract two blocks east of downtown Anacortes, which houses the Depot Arts Center, the Maritime Heritage Center, the W.T. Preston Snagboat Museum and Snagboat Heritage Center, a madrone grove with rotating public artwork, and a seasonal farmers market.
- E. The Port and the City desire to participate in a cooperative relationship dedicated to the successful development of the Marina Uplands and repurposing of the Transit Shed property to marine industrial uses.
- F. The Redevelopment Strategy, augmented by additional community input, concluded that:
 - 1. there is a higher and better use for the Transit Shed Property (consistent with its land use zoning) as industrial marine which create living wage jobs for our community;

2. the Transit Shed, while enjoying great popularity as a unique Anacortes space, has notable drawbacks as an event center including lack of parking, size, conflicts with adjacent marine industrial uses and inadequate event support amenities;
3. the Marina Uplands could support a new events center, relocated Port administrative offices, additional commercial development including retail space, privately developed hotel, small retail spaces, upgraded fully serviced RV park, and connecting trails and open space and;
4. The City is in the process of updating the Depot Site Master Plan, which, to the extent practicable, could be coordinated with redevelopment planning efforts to create a campus-like environment.
5. the Marina Uplands redevelopment could require the construction of needed infrastructure including realignment of 9th Street to connect Q Avenue and R Avenue to create more waterfront access and accommodate existing traffic and periodic marine heavy haul traffic.
6. The objectives of the Redevelopment Strategy are consistent with the goals and policies from the Anacortes 2016 Comprehensive Plan, including:
 - a. ED-3.7. Encourage development of expanded lodging options to support overnight stays by tourists and other visitors.
 - b. ED-3.9 Encourage development of a civic community-gathering place and a destination events/concert/meeting/music venue or conference center with hotel in the downtown/waterfront area.
 - c. PR-2.3. Work with the Port of Anacortes to develop and interconnect Cap Sante Marina and surrounding areas.
 - d. LU-8.1.B. Enhance pedestrian connections between downtown and Fidalgo Bay waterfront, including improving pedestrian crossings on Q/R Avenue near Cap Sante Marina and options to re-establish logical connection between Q and Commercial Avenue near 12th Street.
 - e. LU-8.2. Encourage public/private partnerships to facilitate coordinated development that balances economic, public amenity, environmental, and historical/cultural preservation goals.
 - f. LU-8.3. Capitalize on maritime industry by making full use of sites already tailored to marine uses.

- g. LU-9.2. In shoreline areas with deep water access encourage and support water dependent and water related uses such as manufacturing, shipping/moorage, navigation, cargo handling and storage, fish processing and ship/boat construction and repair.
- G. The objectives of the Redevelopment Strategy are consistent with the goals in the Port of Anacortes Comprehensive Plan 2008 and the North and West Basin Concept Plan 2014, which refer to enhancing the connectivity of Cap Sante Marina to the downtown core, development of an event space and other amenities at Cap Sante Marina, relocation of Port Administrative offices, maintaining deep water moorage, piers, and upland facilities to support maritime customers and tenant.
- H. Accomplishing this community redevelopment will require close coordination between the Port and the City to address regulatory considerations, design, and funding.
- I. Chapter 39.34 RCW provides that local governments may cooperate to achieve common goals and to perform any governmental service, activity or undertaking which each public agency entering into the contract is authorized by law to perform.
- J. Section 36.70B.170 RCW allows a local government to enter into a development agreement with a person having ownership or control of real property within its jurisdiction.

AGREEMENT

NOW THEREFORE, in consideration of the foregoing and the mutual promises and covenants in this MOU, the Parties agree as follows:

1. Goals of this MOU. The Port and the City collective goals under this Agreement, with respect to the Marina Uplands and the Transit Shed Property, are to work collaboratively to achieve their long-range vision for the Marina Uplands, benefitting all of Anacortes and its citizens. In this regard, this MOU sets forth the general outline of the actions and areas of responsibility of the Port and the City respectively to work together to develop the Marina Uplands and repurpose the Transit Shed Property. Specifically, the goals of this MOU are:
 - a. Provide a quality event space as an economic development catalyst and community asset
 - b. Increase connectivity between downtown businesses and Cap Sante Marina.
 - c. Enhance "place-making" efforts.

- d. Energize Cap Sante Marina and its upland real estate assets.
- e. Enhance public access and recreation opportunities.
- f. Repurpose the Transit Shed Property to maximize the potential of limited industrial waterfront and meet market demand while stabilizing the work force
- g. Meet goals and objectives set forth in the Port and City's Comprehensive Plans and other strategic initiatives

2. Roles of Port and City. The Parties' respective roles with regard to future development in the and around the area of the Marina Uplands are set forth below.

- a. Port Responsibilities: The Port will pursue generating commercial investment in the Marine Uplands that includes the construction of a new events center, Port administrative offices, and commercial retail or office space. It is anticipated that this will include:
 - i. New Hotel. It is anticipated a new hotel in the northern portion of the Marina Uplands will be developed by a private entity on long-term land lease from the Port, subject to permitting approval. The Port will develop a process to solicit interest from the private development community to construct the hotel.
 - ii. Full Service RV Park. The Port plans to develop a fully serviced RV park in the North Basin, subject to permitting approval. Subject to funding, the Port will undertake the design, funding, construction and operation of the proposed RV park.
 - iii. Relocation of Port Offices and Event Center. The Port plans to relocate its administrative offices and the events from the Transit Shed Property to the development, subject to permit approval, to free-up marine industrial space to support living wage jobs.
- b. City Responsibilities:
 - i. Funding Assistance. The City will support the Port's efforts to obtain needed funding for the new events center.
- c. Shared Responsibilities:
 - i. Community Input. The Port and the City will jointly solicit input from event stakeholders and the community regarding the redevelopment plan and any Development Agreement.
 - ii. Pursuit of Grant Funding. The Port and the City will cooperatively pursue a coordinated effort to secure funding from external sources.
 - iii. Development Agreement. The Parties will work cooperatively to prepare a Development Agreement, which will provide the framework for the redevelopment of the Marina Uplands and surrounding area. The Development Agreement will include, but not be limited to, the following considerations:

- (1). Connectivity. The Parties will pursue connectivity of the Marina Uplands to the Esplanade and the Depot Site through a community outreach process.
- (2). Open Space Plan. The Port will develop a Port Parks and Recreation Open Space Plan and seek RCO approval to include the proposed esplanade, with City support of those efforts.
- (3). Wayfinding. The Parties will work cooperatively through a community outreach process in the design and location of the wayfinding trail to connect the Marina Uplands, the Depot Site, and the downtown commercial center.
- (4). Potential Road Realignment. The City will work cooperatively with the Port to consider redesign options for the intersection of Q Avenue, R Avenue, 9th Street, and Market Street, with Parties focusing their efforts on Scenario C in the Port's Redevelopment Strategy. The redesign efforts should consider the continued need to provide heavy haul access to Pier 2 to support the marine industrial activities on Pier 2 and will include necessary utilities to support the relocation of the heavy haul road, new commercial development, the proposed RV Park, and the proposed hotel.
- (5). Boundary Line Adjustments and Property Transfers. The Marina Uplands development and potential road realignment may create the need for property line adjustments and rationalizing of rights of way and fee simple properties owned by the City and the Port. The Development Agreement will address any necessary property transfers or boundary line adjustments.
- (6). Permitting Requirements. The Development Agreement will address any land use requirements, SEPA requirements, shoreline permitting requirements, and any other issues deemed necessary by the Parties to demonstrate their shared vision for development of the project.

3. Project Coordination and Notices In order to achieve the goals set forth in this MOU, it is recognized that there will need to be close cooperation between the Port and the City. The Port will be responsible for the overall project coordination. The respective "Project Coordinators" for the Port and the City are:

Director of Planning Properties & Environmental
Port of Anacortes
100 Commercial Avenue
Anacortes, WA 98221

City of Anacortes
PO Box 547
Anacortes, WA 98221

It is anticipated that the Project Coordinators will communicate regularly concerning the goals of this MOU, keep the elected public officials apprised of progress and significant issues and work to resolve issues as they arise. All notices or communications required or permitted

to be given under any of the provisions of this MOU must be in writing and will be deemed to have been given upon receipt when personally delivered.

4. Unanticipated Issues and Challenges. It is recognized that as the development of the Marina Uplands progresses there will be unanticipated issues and challenges. The Port and the City Project Coordinators will discuss and work through these issues consistent with the goals of this MOU. As needed they may elevate issues or seek consultations between elected officials.
5. Term and Termination. This MOU takes effect on the Effective Date and continues through the completion of the Cap Sante Redevelopment Strategy components or December 31, 2028, whichever is sooner.
6. Scope of Authority. Neither Party has any independent authority to direct the management of the other Party's activities under this MOU nor, unless authorized in writing by the other Parties, the joint activities of the Parties hereunder. Neither Party has any authority to bind, to act for, or to assume any obligations or responsibilities on behalf of the other Party.
7. Responsibility for Acts and Omissions. The Port and the City respectively shall (i) be responsible for the acts or omissions of their respective elected officials or employees to the extent and in proportion that such acts or omissions gives rise to a claim for damages and (ii) to the extent permitted by law save, defend, and hold harmless to the extent and in proportion that such acts or omissions gives rise to a claim for damages.
8. No Required Appropriation and Expenditure of Funds. This MOU does not mandate the appropriation or expenditure of funds by either the Port or the City.
9. Applicable Law. This MOU, and any rights and obligations hereunder, shall be construed and interpreted in accordance with the laws of the State of Washington. Any dispute or proceeding arising out of this Agreement shall be filed in the Superior Court of the State of Washington for Skagit County.
10. No Third-Party Beneficiaries. There are no third-party beneficiaries to this MOU.
11. Counterparts. This MOU may be executed in counterparts, each of which shall be an original but all of which taken together constitute one and the same instrument.
12. Recording/Web Site Notice. Each Party will post this MOU on its web site or will, at its own expense, record this MOU as required by RCW 39.34.040.
13. Entire Agreement/Modification. This MOU represents the entire agreement of the Parties with respect to the subject matter hereof and supersedes all prior negotiations and discussions with respect to the subject matter of this MOU. This MOU may be supplemented, modified or amended only by written agreement of the Parties.

IN WITNESS WHEREOF, the Parties hereby execute this MOU as of the Effective Date set forth above.

PORT OF ANACORTES

CITY OF ANACORTES

Executive Director

Mayor

F:\PORT OF ANACORTES\Planning & Projects\Marina Uplands Development 2018\City and Port of Anacortes ILA 06252018.docx

Exhibit A





Anacortes City Council

Proposed Agenda Items for the Next Eight Weeks Beginning September 4, 2018

Subjects listed below have been tentatively suggested for consideration by the Anacortes City Council on the dates indicated. Items may be added to, removed from or rearranged on this list. Routine business such as approval of minutes and vouchers are not included. The complete Preliminary Agenda for each meeting is published at 3:00 on the Wednesday prior to the meeting. Published Agendas are subject to change and may be updated following the posting period. For additional information on agenda topics, please contact the City Clerk's office at 360-299-1960 to be directed to the sponsoring staff member.

September 4, 2018

- Contract Modification: March Point Road Shoulder Widening Construction Management 15-006-TRN-003

September 10, 2018

September 17, 2018

- Teamster Local 231 Collective Bargaining Agreement - Update regarding Accretion of Library and Museum Employees (Discussion)

September 24, 2018

October 1, 2018

October 8, 2018

- Public Hearing on Budgeted Revenue Sources, including 1% Property Tax Increase (Discussion)

October 15, 2018

- Review of Budget - Public Works (Discussion)

October 22, 2018

- Review of Budget - Non Public Works Departments (Discussion)

Upcoming City Council Committee Meetings

The public is welcome to attend City Council Committee Meetings.

- Planning, Monday, Aug 27, 2018, 5:00 PM, Main Conference Room, City Hall
- Port/City Liaison, Tuesday, Sep 4, 2018, 8:30 AM, Port of Anacortes
- Public Works, Tuesday, Sep 4, 2018, 5:00 PM, Public Works Director's Office, City Hall
- Skagit County Population Health Trust, Thursday, Sep 6, 2018, 8:30 AM, Mount Vernon
- Planning, Monday, Sep 10, 2018, 5:00 PM, Main Conference Room, City Hall
- Finance, Wednesday, Sep 12, 2018, 5:00 PM, Main Conference Room, City Hall
- Public Works, Monday, Sep 17, 2018, 5:00 PM, Public Works Director's Office, City Hall
