

City Council Minutes – March 20, 2017

Mayor Laurie Gere called to order the regular Anacortes City Council meeting of March 20, 2017 at 6:00 p.m. Councilmembers Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Liz Lovelett and Matt Miller were present. Councilmember John Archibald was absent. Mr. Walters asked that Mr. Archibald be excused due to family business. Mayor Gere concurred. The assembly joined in the Pledge of Allegiance.

Announcements and Committee Reports

Public Safety Committee: Mr. Miller reported from the committee meeting the prior week at which the committee reviewed the annual reports from the Police and Fire departments. He said both reports would be published on the City website. Mr. Adams added that Police Captain John Small attended the meeting with Police Chief Bonnie Bowers in preparation for the transition following the retirement of Chief Bowers in April.

Public Works Committee: Mr. Johnson reported from the committee meeting earlier in the evening at which the committee discussed the Water System Comprehensive Plan update, the storm water utility public outreach plan which would be presented to the committee again before roll out, and the fiber optic project which would be discussed later on the agenda.

Public Comment

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

Police Chief Bonnie Bowers provided an update to Council on the flashing speed limit signs in school zones. She said per Anacortes Municipal Code the 20 mph speed limit is enforced from 7 a.m. to 4 p.m. in posted school zones when school is in session, even without the flashing lights. Mr. Walters asked about the code section addressing the flashing lights. Chief Bowers explained that when the lights are not functional state code and the rest of the municipal code are in effect.

Consent Agenda

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

- a. Minutes of March 13, 2017
- b. Approval of Claims in the amount of: \$633,437.17
- c. Contract Modification: Waterline Replacement Project (17-001-WTR-001)

The following vouchers/checks were approved for payment:
EFT numbers: 84167 through 84227, total \$204,517.88
Check numbers: 84228 through 84281, total \$322,321.80
Wire transfer numbers: 213537 through 214370, total \$110,597.33

OTHER BUSINESS

Puget Sound Energy Home Energy Assessment Presentation

Mr. Walt Blackford, Outreach Manager for Puget Sound Energy, provided an overview of PSE's upcoming door-to-door home energy assessment program scheduled for April 4-6, 2017. Mr. Blackford's slide presentation was added to the packet materials for the meeting. He explained that the free service

provides an energy assessment of private homes by a PSE contractor, referrals and rebates, energy efficiency tips, replacement of up to 20 incandescent bulbs with free LED bulbs, and up to two free low flow showerheads. Mr. Blackford said the program focuses on older homes and in 2017 will include Old Town, Cap Sante and the Island View Place neighborhoods in Anacortes. He explained that the contracted canvassers will be dressed in PSE clothing for positive identification and will knock on doors between 3 and 7 p.m. on April 4, 5 and 6. He said street signage would indicate that PSE staff were in the neighborhood. In response to councilmember questions Mr. Blackford said the canvassers would be able to schedule appointments with the assessment team which would be available to perform assessments in Anacortes on April 5 and 6 and also the subsequent week. Mr. Blackford said any PSE customer could also call to schedule an energy assessment.

Mayor Gere invited members of the audience to comment on this agenda item. No one present wished to address the Council.

Final Plat & PUD Approval, PUD-2015-0003, 48 North Plat & PUD

Associate Planner Kevin Cricchio presented the final plat and Planned Unit Development for 48 North, PUD-2015-0003. Mr. Cricchio summarized the history of the preliminary plat approval, the project location, existing land use, zoning district, surrounding zoning and land uses, project description, Planning Commission public meeting and recommendation of approval, Public Works department recommendation of approval, and staff's recommendation of approval. Mr. Cricchio's slide presentation was added to the packet materials for the meeting. Mr. Cricchio reviewed the exhibits included in the packet materials for the meeting. He distributed copies of an Irrevocable Letter of Credit from the applicant, submitted in compliance with Exhibit 10.

Mr. Johnson asked why Exhibit 5, page 5 of 6, items 3 and 4, asphalt edge along Oakes Avenue, was not included on the performance bond item list in Exhibit 10. Mr. Measamer explained that item was handwritten on Exhibit 10 as Remaining Asphalt.

Ms. Lovelett asked about the stormwater management plan based on the 2005 Stormwater Manual and asked why the new 2017 version was not being used. Mr. Measamer said that he and Ms. Swetnam had done considerable research and determined that applications submitted prior to January 1, 2017 were subject to the old manual. Ms. Lovelett asked which regulations would apply to any subsequent violations. Mr. Measamer said the current stormwater regulations would apply to any violations moving forward. Ms. Lovelett asked if fire suppression had not been required because fire apparatus could access the 12% grade. Mr. Measamer summarized the range of conditions that determine the need for fire suppression. Ms. Lovelett asked about the applicant's response to the tree preservation plan (Condition 20). Mr. Cricchio explained that the trees being preserved were indicated on a separate document, not on the plat map, but both documents would be recorded. Ms. Lovelett asked about the power pole in the shoulder and asked if the City was addressing that. Nels Strandberg, 408 2nd Street, representing the applicant, said City Engineering Technician Steve Lange took that issue very seriously and that the project's channelization plan had provided several more feet of shoulder than was there prior.

Mr. Walters asked if there was a document describing what was being bonded. Mr. Johnson and Mr. Measamer said that was Exhibit 10.

Mayor Gere invited members of the audience to comment on this agenda item. No one present wished to address the Council.

Mr. Johnson moved, seconded by Mr. Miller, to approve the final plat and Planned Unit Development of 48 North, PUD-2015-0003. Vote: Ayes – Walters, Pickett, Adams, Miller and Johnson. Nays – Lovelett. Motion carried.

Contract Award: Craley Group Limited

Public Works Director Fred Buckenmeyer provided an update on the fiber optic telemetry project. He displayed maps showing the current progress and focus of the work; these were added to the packet materials for the meeting. He recalled that Council had previously approved a contract with NoaNet to design, permit and manage construction of the in town portion of the network including the hub at the Anacortes Public Library. Mr. Buckenmeyer said that the eastern extension, connecting the WTP and the Whistle Lake water reservoir, was also underway. Mr. Buckenmeyer said that following Council's approval of Resolution 1977 authorizing sole source designation of Craley Group to supply the Hydrotec PFM units and stainless steel microduct for the project, staff had met with Craley representatives to view the site and train Anacortes water crews on microduct installation. Mr. Buckenmeyer said Dept. of Health had approved the project as well as water department staff and that the proposed agreement with Craley had been reviewed by outside counsel at Foster Pepper and by City Attorney Darcy Swetnam. Mr. Buckenmeyer recommended approval of the contract with the Craley Group in the amount of \$265,972.43 plus tax and shipping as presented in the packet materials for the evening. Mr. Buckenmeyer responded to councilmember questions regarding installation methods and selection of Craley.

Mr. Johnson moved, seconded by Ms. Lovelett, to authorize the mayor to execute the contract with Craley Group for the supply of Atlantis Hydrotec PFM fittings and Atlantis Hydrotec armored micro duct in the amount of \$265,972.43 plus taxes and shipping.

Mr. Miller requested an accounting from Mr. Buckenmeyer on progress to date against the total amount budgeted for the project. Mr. Buckenmeyer said so far all costs had come in right at the engineer's estimate and that the project was somewhat ahead of schedule so some of the funds budgeted for continuation of the project in 2018 might be needed in 2017.

Vote: Ayes – Pickett, Adams, Lovelett, Miller, Johnson and Walters. Motion carried.

Contract Award: Sound Law Center

Planning Director Don Measamer presented for approval a contract with Sound Law Center to provide hearing examiner services. Mr. Measamer summarized the discussion of this topic at the March 13, 2017 City Council meeting and Council's direction at that meeting for staff to bring a contract back for review. Mr. Measamer recommended appointment of Sound Law Center, Mr. Ted Hunter as Hearing Examiner, and Mr. Andrew Reeves as Hearing Examiner Pro-Tempore and approval of the contract for services as presented.

Ms. Lovelett asked if the contract would renew automatically or if it would come back to Council for consideration at its termination. Ms. Swetnam said that Sound Law Center had recommended that after the initial two-year contract term the contract would automatically renew month to month to allow the hearing examiner to conclude any matters in process at that time. She said that change was not reflected in the contract draft in the packet materials. Mr. Measamer read from a copy of the revised draft:

1. **Term.** The Term of this agreement will be for two years, beginning on the date of execution and terminating at midnight on the second anniversary of execution, subject to the Termination section herein. At the end of the Term, this agreement shall be extended on a month to month basis unless terminated in writing.

Mr. Walters pointed out that the appointment of the hearing examiner would expire even if the contract were renewed automatically.

Mr. Walters moved, seconded by Mr. Johnson, to confirm the mayor's appointment of Ted Hunter as Hearing Examiner and Andrew Reeves as Hearing Examiner Pro Tem and to approve the contract for services as presented with the amendment to Section 1, Term, just read into the record by Mr. Measamer.

Mr. Miller confirmed that the contract would be paid out of the Planning Department professional services line item.

Vote: Ayes – Adams, Lovelett, Miller, Johnson, Walters and Pickett. Motion carried.

There being no further business, at approximately 6:50 p.m. the Anacortes City Council meeting of March 20, 2017 was adjourned.