



## **City Council Minutes – April 17, 2006**

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At approximately 5:00 p.m. the continued Meeting of April 10, 2006 was reconvened at the Skyline Tugboat Part in order to conduct a site visit relative to the Morand property, 4801 Anaco Beach Road. No testimony was taken and at the conclusion of the site visit the continued meeting of April 10<sup>th</sup> was adjourned.

At 7:30 p.m. Mayor Pro-tem Petrish called the regularly scheduled meeting of Monday, April 17, 2006 to order. Roll call found present Nick Petrish, Erica Pickett, Brad Adams, Bill Turner, Cynthia Richardson, and Brian Geer. Absent: Loren Hoboy. Roll call was followed by the Pledge of Allegiance.

### **Minutes of Previous Meeting**

Mrs. Richardson asked that the second paragraph, page 3 be amended to read: "Mrs. Richardson discussed the issue of concurrency; Mr. Munce confirmed that this project, as conditioned, is in compliance with the City's Transportation Plan and concurrency standards." Mr. Adams asked that the last paragraph on page 4 be amended to read: "As part of the review packet the Council received copies of all appeals and supporting documents; there was no testimony from the appellants." With those amendments, Mrs. Richardson moved, seconded by Mr. Adams, that the minutes of April 3, 2006 be approved. Vote: Ayes – Petrish, Adams, Turner, Richardson, Geer, and Pickett. Motion carried.

### **Citizen Hearings**

Mr. Alan Jett, 3684 Rosario Crest Lane, member of Save South Fidalgo, addressed the Council regarding the proposed rezone of rural reserve land on South Fidalgo Island to rural, and the proposed 2 ½ acre lot size. Mr. Jett suggested that these plans and the current recommendations of the Citizens Advisory Committee are flawed and do not reflect the wishes of the citizens involved in the proposed rezone area. To support this viewpoint, 2,000 advisory ballots were mailed to property owners of South Fidalgo; of the 999 received 902 were opposed to the rezone and 97 were in favor of the rezone and increased development. With the increased demand in services that the rezone would encourage Mr. Jett asked the City Council to adopt a resolution opposing the rezone of south Fidalgo and supporting the majority of affected property owners. Mr. Ian Munce, City Attorney, clarified that a previous letter from the Mayor and Council to the County Commissioners on this matter included specific comments regarding concern about providing urban services and about the property around the forestlands designated as fish and wildlife habitat conservation areas. Discussion followed regarding a public forum to develop a broader consensus on these issues. If a public hearing was to be held, Mr. Adams asked that information regarding the Growth Management Act in relationship to these issues be part of the hearing process; Mrs. Pickett asked that Washington State Health Department procedures relative to failed sewer systems be included in the review. Mr. Turner spoke in favor of a public forum and moved, seconded by Mr. Geer to hold a Public Hearing on the evening of June 12, 2006 to take public testimony on South Fidalgo Zoning and associated issues as they pertain to the City of Anacortes. Vote: Ayes – Pickett, Petrish, Adams, Turner, Richardson, and Geer. Motion carried.

### **Mayor/Council Communication**

Mr. Scott Thomas, President of the Skagit County Bar Association, presented a Proclamation to the Council that would celebrate May 1, 2006 as Law Day. Law Day has been celebrated for the last 45 years in recognition of our nation's heritage with a focus on the theme of Liberty Under Law:

Separate Branches, Balanced Powers. This year a commemorative luncheon will be held at McIntyre Hall and Mr. Thomas invited the Mayor and Council to attend. Mayor Pro-tem Petrish then read the Proclamation that states, in part, that our system of separation of powers and checks and balances stands as a model for other nations of the world.

The Mayor then turned to a second Proclamation declaring the week of April 30 through May 6, 2006 as Native Plant Appreciation Week. All citizens were encouraged to learn more about our native plants, how to protect them, and to enjoy and appreciate our native flora's value and beauty.

Mr. Geer reported that the City's April 15<sup>th</sup> Spring Clean-up program was well-attended and well-organized.

**Morand Property (4801 Anaco Beach Road): Request for Imminent Threat Declaration**

Mr. Ian Munce, Planning Director, recapped the jurisdictional issues, emergency work, and future applications connected to the Morand bulkhead project along the shoreline at 4801 Anaco Beach Road. During this winter's storms extensive erosion occurred on Mr. Morand's property; Mr. Morand contacted State and local agencies for approval to conduct emergency work. The City approved a temporary access road and some stormwater work. This approval does not cover the balance of the site which may be subject to future development applications. To verify that the current situation is an imminent threat to the existing single family homes the City commissioned its own geotechnical work. That report verified that a serious threat exists. During this time, Mr. Tom Sheehan, Director of Skagit County Department of Emergency Management, reported to Mr. Munce that the County has approved an Ordinance declaring an imminent threat at this site, subject to the City's concurrence. However, the Ordinance was approved and forwarded to the Department of Fish and Wildlife without further approval from the City. Mr. Munce underscored that this declaration does not relieve the applicant of mitigation requirements; nor does the County's action cover the balance of the site which may be subject to future development applications. Mr. Munce also discussed the Fisheries Department's trend toward soft armoring to prevent further degradation of our shorelines. Again, any future subdivision of land or shoreline use proposals will be processed through public hearings before both City staff and the Planning Commission.

**Consent Agenda**

Mr. Adams moved, seconded by Mr. Geer, to approve the following Consent Agenda items. Vote: Ayes – Adams, Turner, Richardson, Geer, Pickett, and Petrish. Motion carried.

**Approval of Vouchers/Cancellation of Warrants**

Council voted unanimously that the following vouchers/warrants audited and certified by the City's Auditing Officer (Finance Director) and subsequently reviewed and approved by the Council Finance Committee on April 6, 2006 and April 13, 2006 are approved for payment as of this date April 17, 2006.

**Claims Warrants**

April 2006: Warrant Numbers 35831 through 36070 in the total amount of \$527,946.41

**Prewritten Claims**

April, 2006: Warrant Number 35830 in the total amount of \$16,284.40

**Cancellation of Warrants**

- Warrant Number 33120 in the amount of \$84.00
- Warrant Number 35717 in the amount of \$107.90
- Warrant Number 3381 in the amount of \$117.60

In the same motion Council:

Adopted **Resolution No. 1722** setting May 15, 2006 as the Public Hearing Date on a Petition to vacate a portion of 3<sup>rd</sup> Street.

**Ordinance: 30<sup>th</sup> Street Public Access Float**

Mr. Ian Munce, Planning Director, presented an Ordinance to Council for review and adoption. If adopted the Ordinance would limit parking to four hours in any 24 hour period at the Public Boat Float located at the 30<sup>th</sup> Street Public Access Float. Violations of the Ordinance would be subject to penalties and impound fees. Mr. Munce explained that the Shoreline Permit and Lease Agreement with Fidalgo Marina restricts boat and/or watercraft to the four (4) hour maximum. With that, Mrs. Richardson moved, seconded by Mrs. Pickett, to adopt **Ordinance No. 2734** entitled “An Ordinance Setting a Maximum Time Limit of Four Hours to Use the 30<sup>th</sup> Street Public Access Float to be Enforced and Punishable as a Civil Infraction.” Vote: Ayes – Turner, Richardson, Geer, Pickett, Petrish, and Adams. Motion carried.

**Contract Award: West End Parks Consultant Contract**

Mr. Gary Robinson, Director of Parks and Recreation, introduced a contract award proposal for the planning and design of two west end neighborhood parks generally at West 6<sup>th</sup> Street and West 12<sup>th</sup> Street. Using the open selection process for bid review, staff recommends Barker Landscape Architects for the design process. The contract cost will be \$45,975 and will include planning, permitting, design, and some construction monitoring for the two multi-generational parks. With that, Mr. Turner moved, seconded by Mr. Adams, to award the West End Parks Consultant Agreement to Barker Landscape Architects in the amount of \$49,975. Vote: Ayes – Richardson, Geer, Pickett, Petrish, Adams, and Turner. Motion carried.

**Contract Award: 13<sup>th</sup> Street CSP Upgrade**

Mr. Bob Hyde, Director of Public Works, introduced a professional services contract proposal to eliminate a known Combined Sewer Overflow (CSO) located in the 13<sup>th</sup> Street corridor between “Q” Avenue and Commercial Avenue. In order to accomplish this, the City will need to acquire additional and better information on the existing storm and sanitary infrastructure located in this area, to design improvements to accommodate the CSO elimination, and to construct the proposed improvements. Staff recommends contracting with Gray and Osborn to use modern pipeline technologies to locate the storm water system so that sound decisions can be made to accomplish these tasks. After discussion, Mr. Adams, moved, seconded by Mr. Geer, to award the Phase I 13<sup>th</sup> Street CSO/Storm Project to Gray & Osborn, Inc. in the amount of \$38,100 for field work and mapping of the storm system. Vote: Ayes – Geer, Pickett, Petrish, Adams, Turner, and Richardson. Motion carried.

**Budget Amendment: Clyde Creek Monitoring and Adoptive Management Project**

Mr. Ian Munce, Planning Director, presented a proposal from Mr. Jim Wiggins, ATSI, for the Clyde Creek Monitoring and Adaptive Management Project. The Scope of Work will include, in part, site assessment including walking the stream corridor, taking photographs, mapping the site, and collecting data on existing conditions. Findings will be reported, meetings will be held with adjacent property owners to discuss findings and recommendations, and mitigation/mitigation banking will be identified and quantified. After discussions, Mrs. Richardson moved, seconded by Mr. Turner, to approve the expenditure of \$13,200 to contract with Aqua-Terr systems, Incorporation (ATSI) for the Clyde Creek Monitoring and Adoptive Management Project. Vote: Ayes – Pickett, Petrish, Adams, Turner, Richardson, and Geer. Motion carried.

**Budget Amendment: Water Treatment Plant Telemetry Control Award**

Mr. Bob Hyde, Director of Public Works, presented a proposal from Technical System Incorporated for the Water Treatment Plant 2006 Telemetry Upgrade Project. Mr. Hyde explained that in 2004, the City began a multi-year project to update and upgrade the Water Treatment Plant telemetry systems. The project now before Council will provide telemetry improvements on the Fidalgo Bay Pump Station, “A” Avenue pump station, Whistle Lake Pipe Arch, 33<sup>rd</sup> and “R” PRV, Castilleja Bluff Pump

Station, and the Water Treatment Plant intake. Mr. Hyde then used an overhead display to illustrate the telemetry screen as it appears at the Plant. After discussion, Mr. Geer moved, seconded by Mr. Turner to award the Water Treatment Plant 2006 Telemetry Upgrade Project to Technical System Incorporated in the amount of \$102,930.00. Vote: Ayes – Petrish, Adams, Turner, Richardson, Geer, and Pickett. Motion carried.

**Agreement: Charlie's Restaurant: Payment of Sewer Hook-up Fee Over 5 Years**

Mr. Ian Munce, City Attorney, reported that Charlie's Restaurant hooked up to the City's sewer system in 2002. The hook-up was made without payment of a General Facilities Charge. The City's current Ordinance authorizes staff to establish 3-year agreements for payment. Charlie's restaurant has offered to pay the full amount due (the 6% interest would be waived) but over a 5-year period. After discussion, Mrs. Pickett moved, seconded by Mrs. Richardson, to approve the agreement with Charlie's Restaurant for time payment of sewer hook-up fees in the amount of \$47,782 over 5 years. Vote: Ayes – Petrish, Adams, Turner, Richardson, Geer, and Pickett. Motion carried.

**Comprehensive Plan Review Schedule**

Mayor Pro-tem Petrish encouraged the public to review the wide variety of comments that the City received regarding the Comprehensive Plan update. In that regard, the upcoming Council round-table discussions will be open to the public but no further public testimony will be taken. Starting May 17<sup>th</sup>, the roundtable meetings will be held the first and third Wednesdays of the month.

There being no further business, at approximately 10:00 p.m. the Mayor Pro-tem Petrish adjourned the regularly scheduled meeting of April 17, 2006.