



## **City Council Minutes – August 7, 2006**

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

### **Minutes of Previous Meeting**

Mr. Petrish moved, seconded by Mr. Geer to approve the minutes of July 17, 2006 and July 24, 2006 as if read. Vote: Ayes – Petrish, Pickett, Adams, Turner, Richardson, Geer, and Hoboy. Mr. Hoboy abstained from voting on the minutes of July 24<sup>th</sup>. Motion carried.

### **Citizen Hearings**

No citizens present wished to testify on matters not on the agenda.

### **Mayor/Council Communication**

#### **Cities for Climate Protection**

Mayor Maxwell introduced Ms. Cailey Gibson, Program Assistant for the Cities for Climate Protection Campaign (CCP). Through this program, Ms. Gibson provided a baseline emissions analysis for the City and community. Ms. Gibson explained that ICLEI – Local Governments for Sustainability, is a worldwide movement dedicated to achieving improvements in global environmental conditions through cumulative local action. The CCP Campaign, the largest ICLEI program, has been made possible through a partnership with the Northwest Clean Air Agency in Mt. Vernon. Ms. Gibson's presentation to the Mayor and Council included the following information: overview of the science regarding greenhouse gas emissions; regional impacts of climate change including reduced snow pack in the Washington Cascades, increased risk of forest fires and pest invasions, coastal erosion, and elevated levels of air pollution and smog. Ms. Gibson reported that the base year emissions inventory is complete, and an emissions reduction target and timeframe has been recommended together with a local action plan. The recommended emissions reduction target is 15% below 2000 levels by 2020.

Ms. Gibson also inventoried the measures already underway at the City to reduce emissions including the new boiler at City Hall, energy efficient lighting, hybrid vehicles, and a residential recycling program. Recommendations were submitted for future action and methods for achieving these measures. Suggested actions included development of a trip reduction program with incentives for people to drive less; lighting retrofits; promotion of green building practices; expansion of the recycling program to include the commercial sector. The City was encouraged to adopt a reduction target; to further develop an action plan; to utilize a PSE resource conservation manager program; to form a community committee to support the conservation manager; and to incorporate these policies and regulations into the City's Transportation, Comprehensive, and Capital Facilities Plans. Ms. Gibson concluded by thanking the Mayor and Council for the opportunity to work with the City of Anacortes on this exciting program. Ms. Gibson also thanked Mr. Russ Pittis, Facilities Manager, for his support during her internship. The Mayor and Council expressed appreciation for Ms. Gibson's well thought out presentation and for her professionalism and enthusiasm in gathering this significant data.

#### **Reappointment: Museum Board – Lewis Jones**

The Museum staff has recommended the reappointment of Mr. Lewis Jones to the Museum Advisory Board. The Mayor asked for Council confirmation of that appointment. Mrs. Richardson so moved, seconded by Mr. Hoboy. Vote: Ayes – Pickett, Adams, Turner, Richardson, Geer, Hoboy, and Petrish. Motion carried.

Mr. Geer just returned from participating in the 10<sup>th</sup> anniversary of the Sister City relationship between Kisakata, Japan and Anacortes. Mr. Geer presented the Mayor with a gift from Mayor Yokoyama. The Mayor thanked Mr. Geer for his representation at this significant event.

Mrs. Richardson remarked on the successful Arts Festival and congratulated the event organizers and clean-up crew. Members of the Wrestling Club helped with clean-up and behind the scenes support throughout the festival. Police Chief King said there was just one minor incident reported during the entire weekend.

**Ordinance: Increasing Wetland Protections**

Mr. Ian Munce, Planning Director, presented an Ordinance to Council for review and adoption. If adopted, the City's wetland protection levels would be increased. With regard to protection levels, the Department of Ecology said that if performance measures were added to the Ordinance the City could require slightly smaller buffers. Other features include significant habitat function ranking, and the reduction of the regulatory exemption to 1,000 square feet. Mr. Munce added that the changes reflected in the Ordinance meet DOE requirements. Mr. Munce also pointed out that these new wetland protections will be reviewed during the City's annual Comp Plan and Development Regulation amendment/review process. With that, Mr. Petrish moved, seconded by Mr. Adams, to adopt **Ordinance No. 2743** entitled "An Ordinance Amending Critical Areas Ordinance No. 2702 Passed and Approved April 18, 2005 with Respect to Wetland Exemption and Wetland Buffers". Vote: Ayes – Adams, Turner, Richardson, Geer, Hoboy, Petrish, and Pickett. Motion carried.

**Consent Agenda**

Mr. Geer moved, seconded by Mr. Petrish, to approve the following Consent Agenda item. Vote: Ayes – Turner, Richardson, Geer, Hoboy, Petrish, Pickett, and Adams. 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 July 19, 2006, July 26, 2006, and August 2, 2006 are approved for payment as of this date August 7, 2006.

**Claims Warrants**

July, 2006: Warrant Numbers 37346 through 37633 in the total amount of \$661,781.53

**EFT**

Aug, 2006: EFT Numbers 37341 through 37345 in the total amount of \$1,125.00

**Prewritten Warrants:**

July/Aug, 2006: Warrant Number 37339, 37340 in the total amount of \$367.00

**Payroll # 1 for July 14, 2006 in the total amount of \$467,720.62**

Warrant Numbers 29422 through 29497 in the total amount of \$71,117.14

Direct Deposit Numbers 19058 through 19208 in the total amount of \$245,284.25

EFT Numbers 574 through 581 in the total amount of \$151,319.23

**Payroll # 2 for August 1, 2006 in the total amount of \$644,283.39**

Warrant Numbers 29498 through 29583 in the total amount of \$242,429.48

Direct Deposit Numbers 19209 through 19311 in the total amount of \$247,605.47

EFT Numbers 582 through 587 in the total amount of \$154,248.44

**Cancelled Warrants**

Warrant Number 36409 in the amount of \$1,489.13

Warrant Number 34790 in the amount of \$51.00

**Ordinance Adopting 2007 CFP (Public Hearing)**

Mayor Maxwell opened the Public Hearing to take comments on the City's 2007 Capital Facilities Plan (CFP). Written comments on the CFP are welcome; a Public Hearing will be held at a later date for the adoption of the 2007 Budget and CFP. Copies of the Plan are available at the information desk at City

Hall. There were no comments from the audience and the Mayor declared the Public Hearing closed. Mr. Hoboy asked if the Pennsylvania Avenue improvement design plan schedule could be moved up. The Mayor explained that with extensive permitting and environmental work still to be done construction won't be scheduled until 2008. Mr. Jeff Miller, Assistant City Engineer, reported that a design contract for the Pennsylvania Avenue improvements will be brought to Council for approval; however, wetland mitigation work and right-of-way issues will put the project outside the 2007 schedule. After discussion, Mr. Petrish moved, seconded by Mr. Geer, to adopt **Ordinance No. 2742** entitled "An Ordinance Adopting the Capital Facilities Plan (CFP) for the 6-Year Period 2007-2012." Vote: Ayes – Richardson, Geer, Hoboy, Petrish, Pickett, Adams, and Turner. Motion carried.

**San Juan Passage Planned Unit Development (Gilbane): Preliminary Plat Phase**

Mr. Turner stepped down from deliberation on this matter. Mayor Maxwell initiated Council review of the Preliminary Plat of the 100 residential lot San Juan Passage Planned Unit Development. Mr. Ian Munce, Planning Director, explained that earlier this year the Council approved the concept for the San Juan Passage PUD; the transfer of wetlands to the City, funding for the Ship Harbor Interpretive Preserve, and access issues have been addressed through conditions. The applicant has submitted detailed drawings and has been working with City staff to make sure the conditions were addressed in the revised submission; staff recommends approval. The Planning Commission held a Public Hearing and all comments and exhibits were forwarded to the Council. Mr. Munce pointed out that the intersection at Edwards Way and Oakes and signalization issue was to have been addressed at the Preliminary Plat stage; that has not been done. Staff recommends that the implementation of the intersection improvements be deferred to the Final Plat stage. One appeal was filed by Mr. Jon Briggs.

Mr. Jon Briggs, 2808 Morrison Court, appealed the Planning Commission recommendation because the preliminary plat submittal does not incorporate all of the approved conditions nor does it provide the required information for preliminary plat submittals. He suggested that more detailed information should be provided verifying that the trail can be constructed as shown; without that verification the sidewalk exception should not be granted. Mr. Briggs then turned to Condition # 10 regarding improvements to the intersection of Edwards and Oakes Avenue; he pointed out that there was no detailed intersection design or any evidence that the intersection will meet level of service "C". Also, two lots have 20 feet of frontage rather than the 30' minimum required in Condition # 29. Condition # 31 (c) states that existing mature trees shall be saved where feasible. The Plat does not include the tree clearing plan indicating the site vegetation to be removed as required by Code. Mr. Russell Lindquist, Gilbane Development, stated that the applicant will comply with all the conditions of the PUD approval. The trail referred to by Mr. Briggs is currently used by the public and can be navigated. Again, the applicant will comply with City and Department of Transportation requirements for the intersection improvements. Trees will be saved where feasible and when they will not create a hazard; the applicant will continue to work with the State of Washington on a clearing plan. Mr. Lindquist concluded that the Preliminary Plat is in compliance with the project conditions.

Mrs. Richardson emphasized the need for a connecting trail to Portalis; Mr. Lindquist will work with the Portalis subdivision for the development of a common connection. Discussion followed regarding the pedestrian trail characteristics and the channelization plan. On a question from Mr. Hoboy, Mr. Fred Buckenmeyer said that the large parcel stormwater plan addresses staff issues. Staff recommends that the conditions clarify that final plat approval will not be issued without complete compliance with all development requirements. After discussion, Mr. Geer moved, seconded by Mrs. Richardson to deny the appeal and to approve the San Juan Passage PUD Preliminary Plat with the following amendment to Condition # 10: "...The selection and the details of the intersection design shall be determined as an integral part of *Final* Plat approval; the intersection shall be level of service C." Vote: Ayes – Geer, Hoboy, Petrish, Pickett, Adams, Richardson. Motion carried. Mr. Turner returned to the Council Chambers.

**Resolution: International Ferry Tourism Marketing**

Mr. Ian Munce, Planning Director, presented a Resolution to the Council for review and adoption. If adopted, the Resolution identifies expenses properly incurred by the Chamber of Commerce under its contract with the City for the allocation of tourism promotion funds for International Ferry Marketing for

2005. In that regard, the Resolution directs that the 2005 marketing contract be extended through December 31, 2006. After discussion, Mr. Adams moved, seconded by Mrs. Richardson, to adopt **Resolution No. 1726** entitled “A Resolution to Authorize Extending the Term of the International Ferry Marketing Contract with the Anacortes Chamber of Commerce.” Vote: Ayes – Hoboy, Petrish, Pickett, Adams, Turner, Richardson, and Geer. Motion carried.

**Amendment to Consulting Contract for Water Transmission Line Project – Segments 5 and 6**

Mr. Gordon Bruchner, Special Projects Engineer, presented the new design parameters and related work necessary to cover approximately 3,300 feet of the 16,600 foot length of the Segments 5 and 6 of the 36-inch water transmission pipeline. Difficulties in easement acquisition and potential construction concerns regarding proximity to existing buildings have prompted modifications to the pipeline alignment route. The total increased cost to the City is \$41,321.00. After discussion, Mr. Turner moved, seconded by Mrs. Pickett, to approve Change Order # 4 to the Segments 5 and 6 Design Contract (MWH Americas, Inc.). Vote: Ayes – Petrish, Pickett, Adams, Turner, Richardson, Geer, and Hoboy. Motion carried.

**Sunset Avenue Construction Contract Award**

Mr. Jeff Miller, Assistant City Attorney, presented a request to Council to approve the Construction Contract with Colacurcio Brothers for the Sunset Avenue Improvement Projects. Four bids were received; approval of the contract award will require a Budget amendment. The project will improve pedestrian safety, roadway connectivity, and enhance the area; additionally, two water quality structures to treat the storm water prior to being discharged into Burrows Bay will be provided. With that, Mrs. Richardson moved, seconded by Mrs. Pickett, to authorize the Mayor to enter into an agreement with Colacurcio Brothers for the Sunset Avenue Improvement Projects in the amount of \$2,049,783.00. Vote: Ayes – Pickett, Adams, Turner, Richardson, Geer, Hoboy, and Petrish. Motion carried.

**Service Agreement(s) with Skagit County**

Mayor Maxwell read a July 31, 2006 letter from the Skagit County Board of Commissioners seeking funding support from Cities in Skagit County; the funding will be necessary as the County proposes to cut certain regional programs as part of the County’s 2007 Budget process. The letter offered that cities within the County derive benefits from these programs thereby justifying the request for additional city support. The Commissioners hoped to discuss this matter at the next SCOG meeting and to investigate means to share revenues including redistributing sales tax revenue from the current percentages. Mayor Maxwell then reviewed a letter responding to these issues. The letter states that the City has always been open to discussing ways to improve services to our residents and businesses. The letter drew attention to the following City services: libraries, EMS, water, and solid waste; it also emphasized that RCW 36.115 envisions a process in which both City and County issues are addressed. Ultimately the necessary work could be completed in time for the City’s 2008 budgets. In the interest of good faith discussions it is essential that programs important to cities not be cut in the County’s 2007 budget and that no general tax increase over 1% is imposed on City residents and business.

There being no further business, at approximately 9:20 p.m. Mayor Maxwell adjourned the meeting of August 7, 2006.