



City Council Minutes – October 16, 2006

At 7:30 p.m., Mayor Maxwell called the regularly scheduled meeting of Monday, October 16, 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 that the minutes of September 18, 2006 and October 2, 2006 are approved as if read. Vote: Ayes – Petrish, Pickett, Adams, Turner, Richardson, Geer, and Hoboy. Motion carried. Mr. Adams abstained from voting on the minutes of October 2nd.

Citizen Hearings

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

Mayor/Council Communication

Citizens Award – Ken Oakes:

Mayor Maxwell shared that Mr. Ken Oakes has continued to build and maintain trails in the Anacortes Community Forest Lands for over 40 years. Mr. Oakes has served as a steward of our community lakes and forests long before the City was able to provide staff to do so. The Mayor then presented Mr. Oakes with a Citizen's Award from the Mayor, Council, and community; Mr. Oakes accepted to a standing ovation.

Proclamation – United Nations Day

Mayor Maxwell read a proclamation proclaiming October 22nd as United Nations Week in the City of Anacortes as part of the UN's Year of Good Health and Peace. The proclamation touched on the UN objectives of social progress, tolerance, maintenance of international peace and security, and promotion of economic advancement of all people.

Skyline Marine Condo Association # 8

Mayor Maxwell read from a letter commending City Engineering staff Rob Hoxie and Eric Pipkin. The letter praised their assistance in the preparation of bathometric charts of Flounder Bay showing where sedimentation has accumulated and the locations requiring dredging.

Initiative 933

Mayor Maxwell passed out copies of a summary from the Association of Washington Cities in reference to Initiative 933. The summary highlighted cost estimates to the City if 933 were to pass on November 7th. The information will be made available on the City's website.

Special Events – Homecoming Parade

The Mayor let the community know that the Homecoming Parade will be held on October 20th from 3:00 to 3:30 p.m. in the vicinity of 3rd Street on O Avenue; the route will follow Commercial to 20th. Public Works and Public Safety departments reviewed the application and have no objections. The Mayor and Council thanked the High School representatives in the audience for their support of this activity.

Anacortes Historic Preservation Board Appointments

Mayor Maxwell listed the three candidates recommended by the Board interview committee: Robert Harrison, Steve Cox, and Don McKee. Council received copies of the resumes and applications. With that, Mrs. Richardson moved, seconded by Mrs. Pickett, to confirm the appointments of Robert Harrison, Steve Cox, and Don McKee to the Anacortes Historic Preservation Board for 3-year terms. Vote: Ayes – Pickett, Adams, Turner, Richardson, Geer, Hoboy, and Petrish. Motion carried.

Conservation Easement Program – Approval of Groves

Mr. Jonn Lunsford, Parks and Forestlands Manager, presented a request for Council's final approval of additional acreage for the Conservation Easements Program. If approved, these 140 acres would bring the total number of acres conserved through the program to 1,155. Council previously reviewed the legal descriptions and maps showing where the groves are located via an August 1, 2006 Memorandum. With that, Mr. Geer moved, seconded by Mr. Turner, to adopt the 140 acres to be protected through the Conservation Easement Program. Vote: Ayes – Adams, Turner, Richardson, Geer, Hoboy, Petrish, and Pickett. Motion carried.

Consent Agenda

Mr. Adams moved, seconded by Mr. Hoboy, to approve the following Consent Agenda items. 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 October 4, 2006 and October 11, 2006 are approved for payment as of this date October 16, 2006.

Claims Warrants

October, 2006: Warrant Numbers 38373 through 38576 in the total amount of \$547,831.39

EFT

October, 2006: EFT Numbers 38368 through 38372 in the total amount of \$756.00

Payroll # 1 for October 2, 2006 in the total amount of \$670,409.61

Warrant Numbers 29804 through 29876 in the total amount of \$229,032.98

Direct Deposit Numbers 19864 through 19966 in the total amount of \$242,478.37

EFT Numbers 575 through 611 in the total amount of \$198,898.26

Cancellation of Warrants

Warrant Number 37065 in the total amount of \$282.88

In the same motion Council:

Adopted **Ordinance No. 2749** entitled "An Ordinance of the City Council of the City of Anacortes Authorizing a Service Award Recognition Program for Employees and Superseding Ordinance No. 2586 in its Entirety, passed and approved on the 1st day of April 2002."

Adopted **Resolution No. 1728** entitled "A Resolution Regarding Personnel Policies and Benefits for the City of Anacortes Employees and Superseding Resolution No. 1716 in its Entirety, passed and approved on the 17th day of January 2006." ; and

Authorized the Mayor to proceed with easement acquisitions for the Segments 5 and 6 waterline construction project; the total aggregate amount will not exceed \$150,000.

Final Plat: Eagle Ridge

Mr. Ian Munce, Planning Director, explained that an appeal of the Planning Commission recommendation to approve the Eagle Ridge Final Plat was filed by Mr. Tom Preston. His issues regarding a gravel surface were addressed by the applicant and the appeal was withdrawn. The Final Plat proposal is now before Council for approval; the Plat is a 14-lot standard subdivision on a cul-de-sac. The staff reported that plat conditions have been met and recommends approval subject to a 2-year Maintenance Bond in the amount of \$28,642.50 and a Latecomer Fee payment for the sanitary sewer in the amount of \$1,882.00. With that, Mr. Turner moved, seconded by Mrs. Richardson, to approve the Eagle Ridge Final Plat subject to the Maintenance Bond and Latecomer Fee payment. Vote: Ayes – Richardson, Geer, Hoboy, Petrish, Pickett, Adams, and Turner. Motion carried.

Public Hearing: 2007 Budget and Capital Facilities Plan, 2007-2012)

Mayor Maxwell opened the Public Hearing to take comments on the 2007 Budget and Capital Facilities Plan, 2007-2012. The Mayor shared highlights of his Budget message; all Budget and Plan documents were previously distributed to the Council and public. (See minutes of September 5, 2006 for complete

message.) The 2007 balanced budget is in the amount of \$49,259,628 with a substantial capital investment in the community.

Ms. Wanda Phillips, Finance Director, reported that adjustments were made to: the Mayor's and Planning Director's travel budgets; and to revenues reflecting the \$18,000 Jazz Festival matching funds. Ms. Phillips distributed a comment letter from Mr. Terry Christiansen. On November 6th the Ordinance adopting the Budget and the Resolution setting the levy limit will be before Council for review and approval. Mr. Ed Frank, Building Official, reported that the City pursued grant monies for seismic retrofit of the Municipal Building; the Building Department recently received notice from the State that the grant was awarded. In that regard, Staff requests permission to proceed with the retrofit design in an amount not to exceed \$50,000. There were no further comments and the Mayor declared the Public Hearing closed. Mr. Hoboy suggested staff investigate street widths for 17th Street, from "Q" to "R" Avenue. Ms. Pickett inquired about follow-up on a recent study of ways to reduce hazardous emissions.

Closed Record Meeting: "J" Avenue Cottages PUD Remand:

Mayor Maxwell initiated the Closed Record Meeting on the "J" Avenue Cottages PUD remand. Mrs. Richardson clarified an Appearance of Fairness issue. Mr. Ian Munce, Planning Director, explained that the Cottages PUD, for 10 lots on just over an acre in the R 3 zone, was previously before Council for review. The PUD process supports innovative development design within the parameters of the Zoning Code and Comprehensive Plan; i.e., in this case one entrance, small lots, single car garages, and a shared courtyard. The initial proposal was remanded back to the Planning Commission to include a public rather than a private street; after the remand Hearing the Planning Commission recommended approval subject to a maximum of 8 lots with a public street. Three appeals were filed. The record developed by the Planning Commission, including transcripts and exhibits, was forwarded to the Council prior to the Closed Record meeting.

Mr. Pat Robinson, 1304 "I" Avenue, appellant, suggested that the proposed density would not be an appropriate use in this long-established neighborhood; parking on the street should be limited to 2-hours; the high density project would add to an already crowded right-of-way; and he reported that there are 25 trees on the subject property. Mr. Gerald Watson, 2702 "J" Avenue, appellant, resident at that address for 32 years, spoke against the project; the narrow right-of-way; and suggested that the project is not compatible with the neighborhood. Mr. Greg Wilson, applicant and appellant, was directed by Council to work with staff to address roadway issues. The proposed homes will be 1,000-1,200 square feet; Mr. Wilson emphasized that density issues affect affordability, and that if the 8-lots are approved he asked Council to waive the requirement for connecting sidewalks on both sides of "J" Avenue. Mr. Adams spoke against the proposal citing the marked reduction in lot size as not in keeping with the surrounding development, and lack of neighborhood support. Mrs. Richardson reviewed alternative development scenarios allowed under the current zoning versus benefits to be derived from the PUD process. Mr. Petrish characterized the current trend to downsize living space. Mr. Turner underscored the need for this type of housing choice in Anacortes. Mr. Hoboy spoke in favor of the Planning Commission recommendation for 8 units. After discussion, Mr. Hoboy moved, seconded by Mrs. Pickett, to approve the "J" Avenue Cottages Preliminary Development Plan (PUD), limited to 8-lots and subject to conditions recommended by the Planning Commission outlined in the Findings of Fact and Conclusions of Law, and to deny the three appeals. After discussion, Mr. Turner moved, seconded by Mrs. Richardson, to amend the main motion to eliminate the requirement for sidewalks to the south. Vote on the amendment: Ayes – Turner, Richardson. No – Geer, Hoboy, Petrish, Pickett, and Adams. Motion to amend failed. Mrs. Richardson then moved to amend the main motion to establish a 5' side yard setback on all units and to set back all units 10' from the right-of-way. Vote on the amendment: Ayes – Pickett, Turner, and Richardson. No – Hoboy, Petrish, Adams, and Geer. Motion to amend failed. Vote on the main motion to approve the "J" Avenue Cottages Preliminary Development Plan, limited to 8-lots and subject to the conditions recommended by the Planning Commission outlined in the findings of Fact and Conclusions of Law, and to deny the three appeals. Vote: Ayes – Petrish, Pickett, Turner, Richardson, Geer, and Hoboy. No – Adams. Motion carried.

Public Hearing: 2005/6 Comprehensive Plan and Development Regulations Amendments (The Anaco Bourn portion will be continued to the City Council meeting of November 6, 2006)

Mayor Maxwell opened the Public Hearing to take public comment on the 2005/6 Comprehensive Plan and Development Regulation Amendments. Mr. Ian Munce, Planning Director, received public input from Mr. Dave Malseed regarding proposal # 2, definition of temporary structure. Mr. Malseed is concerned that this change may impact businesses in the industrial zone that make use of containers and boat

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covers. Mr. Ross O. Barnes, 1004 7th St., on behalf of himself and Evergreen Islands, spoke to proposal # 10, reasonable use exemption to stream regulations. He suggested that the exemption should not include destruction of the open stream channel; he offered alternative measures, and discussed proposed language in the Shoreline Master Plan regarding streams. Mr. Barnes then discussed proposal # 11 deleting the requirement that wetlands only be delineated by a Professional Wetland Scientist; he then read from his July 26th letter supporting # 11 with the proviso that the City implement the provisions of AMC 17.70.300. There were no further comments and the Mayor declared the Public Hearing closed.

Pennsylvania Avenue Design Contract

Mr. Fred Buckenmeyer, Deputy Public Works Director, presented a request to move forward with the design contract award for Pennsylvania Avenue, part of the Kingsway and Anacopper Road connection. Design would begin in early 2007 with an early 2008 construction start. Discussion followed regarding street width; design updates will be reviewed with the Public Works Advisory Committee. Staff recommends awarding the Design Contract for the Pennsylvania Avenue Road Improvements to HDR Engineering in the amount of \$106,807. Mr. Geer so moved, seconded by Mrs. Richardson. Vote: Ayes – Pickett, Adams, Turner, Richardson, Geer, Hoboy, and Petrish. Motion carried.

Bid Award: Deception Pass Waterline

Mr. Fred Buckenmeyer, Deputy Public Works Director, thanked Bob Clumpner and Gordon Bruchner, the City's team that prepared the bid specs. This project will, in part, construct a new waterline on Miller and Lunz Roads which will provide for abandonment of the aged 1-inch asbestos cement waterline in WSDOT right-of-way in those areas. After discussion, Mr. Hoboy moved, seconded by Mr. Adams, to award the Deception Pass Waterline project to TRICO Contracting, Burlington, in the amount of \$1,317,366.71. Vote: Ayes – Adams, Turner, Richardson, Geer, Hoboy, Petrish, and Pickett. Motion carried.

There being no further business, at approximately 10:30 p.m. the Mayor adjourned the regularly scheduled meeting of October 16, 2006