City Council Minutes – April 16, 2007

At 7:30 p.m., Mayor Maxwell called the regularly scheduled meeting of April 16, 2007 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. Turner moved, seconded by Mr. Petrish, to approve the minutes of March 19, 2007 as if read. Vote: Ayes – Petrish, Pickett, Adams, Turner, Richardson, Geer, and Hoboy. Motion carried.

Citizen Hearings

Mr. John Wagness, 1301 "K" Avenue, recommended that the City review and establish new rules of conduct at the off-leash dog park; he specifically referred to the handling of aggressive dogs. Mr. Adams suggested that the Park Board, together with FIDO, could revisit the park rules. The Mayor thanked Mr. Wagness for his comments.

Mayor/Council Communication

Proclamation: Native Plant Appreciation Week Mayor Maxwell declared the week of April 29-May 5, 2007 as Native Plant Appreciation Week. The Mayor urged all citizens to learn more about our native plants and how to protect them, and to enjoy and appreciate our native flora's value and beauty.

Proclamation: National Library Week. Mayor Maxwell declared April 15th through April 21st, 2007 as Library Week in the City of Anacortes. The Mayor urged all citizens to visit the library to take advantage of the wonderful resources available.

Mr. Geer thanked the Mayor all those who contributed to the success of the groundbreaking ceremony for this year's Relay for Life.

Finalization of 6-acre Offer to Port of Anacortes (Parcel 1)

Mr. Ian Munce, Planning Director, outlined this next procedural step toward the purchase of Parcel 1 from the Port of Anacortes. The Council has already completed the concept phase, prepared a Purchase and Sale Agreement, and agreed on the appraised sale price; tonight's action centers on the wording in the proposed offer. With regard to environmental issues, the Agreement clarifies that the Port has active responsibility in site clean-up. Mr. Turner added that the offer amount is based on the certified commercial appraisal of this property. Questions followed from Council regarding funding. Mrs. Richardson suggested that the Port's current planning process could influence the sale of this property. Mr. Adams emphasized that bringing small scale retail to this area is in response to community needs. Mr. Hoboy pointed out that the Port's planning process has been a lengthy, ongoing process and saw no reason to delay this decision. With that, Mr. Hoboy moved, seconded by Mr. Turner, to forward the Parcel 1 Purchase and Sales Agreement to the Port of Anacortes. Vote: Ayes - Pickett, Adams, Turner, Richardson, Geer, Hoboy, and Petrish. Motion carried. The Mayor thanked the Council for its vote; the Mayor shared that this purchase represents a rare opportunity to develop retail uses adjacent to the commercial business district. To do so would answer, in part, the community's request for more retail opportunities.

Draft Shoreline Master Program (SMP) (Round 2) Final Review/Authorization to Circulate

Mr. Ian Munce, Planning Director, briefed the Council on this next review step in updating the City's SMP. Of particular interest is the issue of whether or not the City should require 100' forested buffers along our marine shorelines, although this restriction is ideal from an environmental point of view there will be many questions/concerns raised by affected property owners. Council will look at this buffer issue in the context of updating the City's Shoreline Master Program. Tonight's recommended action will be to release Draft # 3 (minus the buffer issue) out for public comment. Another issue: Should the Council make the final decision on Shoreline Permits (Shoreline Permits are now issued by the Planning Commission).

In that regard, Mr. Munce suggested that Shoreline Permits for projects of $1,000,000 or more, or on sites of greater than 3 acres shall be issued by the City Council. Mrs. Pickett, and others, suggested that the current system of reviewing and approving Shoreline Permits has worked very well and that changing it would not benefit anyone; Mr. Turner recommended leaving the process as is. Mr. Hoboy raised the issue of elected official accountability. Mr. Adams thought the Council should be part of the decision-making process on these substantial permits. Lengthy discussion followed. As a result, Mr. Turner moved, seconded by Mr. Geer, that the Draft to be released for public comment shall include the 7 revisions outlined in an April 11, 2007 memorandum from Mr. Ian Munce to the Mayor and City Council, and that language shall be included to identify Council oversight in the Shoreline Permitting process. Ayes – Adams, Turner, Richardson, Geer, Hoboy, Petrish, and Pickett. Motion carried.

Consent Agenda

Mr. Geer 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 April 5, 2007 and April 12, 2007 are approved for payment as of this date April 16, 2007.

Claims Warrants
April, 2007: Warrant Numbers 40730 through 40936 in the total amount of $503,076.67
EFT
April, 2007: EFT Numbers 40727 through 40729 in the total amount of $276.00
Payroll April 5, 2007 in the total amount of $703,369.08
Warrant Numbers 30562 through 30630 in the total amount of $235,228.15
Direct Deposit Numbers 21830 through 21936 in the total amount of $254,306.42
EFT Numbers 655 through 691 in the total amount of $213,834.51

In the same motion Council:

Accepted the CBD Sidewalk Replacement (07-001-TRN-001) project as complete. Mrs. Richardson complimented Steve Lange of the Public Works Department and the contractors on this successful project.

Authorization to Proceed on Ordinance: New Water Bond

Ms. Wanda Phillips, Finance Director, requested: authorization to market for Water Utility System Improvement and Refunding Revenue Bonds, 2007, and adoption of **Resolution No. 1739** entitled "A Resolution of the City of Anacortes, Washington, designating the Finance Director as the official authorized to make declarations of official intent on behalf of the City". Mr. Turner so moved, seconded by Mr. Geer. Vote: Ayes – Richardson, Geer, Hoboy, Petrish, Pickett, Adams, and Turner. Motion carried.

Resolutions: Authorizing Forest Lands Grant Applications

Mr. Jonn Lunsford, Forest Lands Manager, presented two Resolutions for Council review and adoption. Mr. Lunsford reported that the City is applying for two grants for the Anacortes Community Forest Lands; one for State funding for 2008 and 2009 to have Anacortes Police officers patrol the AFCL during the summer; and the other for State funding to help with trail maintenance in 2008 and 2009. With that, Mr. Turner moved, seconded by Mr. Geer, to adopt **Resolution No. 1740** entitled, "Authorizing application for Funding Assistance for a Nonhighway and Off-Road Vehicles Activities Program Project", and **Resolution No. 1741** entitled "Authorizing Application for Funding Assistance for a National Recreational Trails Program project." Vote: Ayes – Geer, Hoboy, Petrish, Pickett, Adams, Turner, and Richardson. Motion carried.

Conservation Easement Program

Mr. Jonn Lunsford, Forest Lands Manager, presented a request to Council for approval of the next 100 acres to be made available for non-grove donations to the Conservation Easement Program. Mr. Geer moved, seconded by Mr. Adams, to approve the 100 acres identified in an April 9, 2007 memorandum from Mr. John Lunsford to the Mayor and City Council for non-grove donations to the conservation

Easement Program. Vote: Ayes – Hoboy, Petrish, Pickett, Adams, Turner, Richardson, and Geer. Motion carried.

Contract Award: WWTP Secondary Bypass Reduction design - HDR

Mr. Fred Buckenmeyer, Public Works Director, presented a request to Council for project approval for the Secondary Bypass Modifications to the Wastewater Treatment Plant. After discussion, Mr. Turner moved, seconded by Mrs. Pickett to award HDR Engineering a task order contract for Phase 2 design services for the Secondary Bypass Modifications to the WWTP in the amount of $45,409.29. Vote: Ayes – Petrish, Pickett, Adams, Turner, Richardson, Geer, and Hoboy. Motion carried.

Contract Award: WWTP PLC Migration/TSI

Mr. Fred Buckenmeyer, Public Works Director, presented a request to Council for project approval for the PLC's and associated network to place the existing antiquated system at the Wastewater Treatment Plant. After discussion, Mr. Turner moved, seconded by Mr. Adams to authorize the Mayor to enter into a contract with TSI, Inc. for the PLC Migration Phase I project in the amount of $79.643.61. Vote: Ayes - Pickett, Adams, Turner, Richardson, Geer, Hoboy, and Perish. Motion carried.

Special Event Application

Mr. Gary Robinson, Parks Director, presented a request for Council approval to waive the insurance requirements associated with a Special Event application to conduct an anti-war rally and march from Causland Park to 12th and Commercial on May 18, 2007. Parking, noise, solid waste, and insurance coverage were discussed; no disruption to traffic is anticipated. There's no fee associated with the Special Event permit, although the applicant has requested a waiver of the insurance requirements. Mr. Ian Munce, City Attorney, clarified that a waiver would not be linked with the nature of the event, but would be in response to the minimum time frame and impact from the proposed event. Mrs. Pickett asked that the event planners pay attention to controlling dogs on leashes. After discussion, Mr. Petrish moved, seconded by Mr. Turner, to waive the insurance requirements for the rally scheduled for Causland Park on May 18, 2007. 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 continued the regularly scheduled meeting of April 16th to Monday, April 23, 2007 for the purpose of discussing the T-Mobile Public Hearing, and to conduct a Public Hearing for the CDBG/Consolidated Plan Funding.