



City Council Minutes – May 19, 2008

At 7:30 p.m. Mayor Maxwell called the regularly scheduled meeting of Monday, May 19, 2008 to order. Roll call found present Kevin McKeown, 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

Mrs. Richardson moved, seconded by Mr. McKeown to approve the minutes of April 7, 2008 and April 21, 2008 as if read. Vote: Ayes – Petrish, Pickett, Adams, Turner, Richardson, Geer, and McKeown. Motion carried.

Citizen Hearings

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

Mayor/Council Communication

T-Mobile

By way of background, Mr. Ian Munce, Planning Director, explained that the City Council initiated the appeal process relative to the Court Order requiring the City to issue a building permit for the T-Mobile cell tower at the Methodist Church site on 22nd Street; the City will file a motion to stay the Court's order. However, the Federal Court recently set aside the Sprint decision (the Sprint decision was a significant factor in T-Mobile's appeal) and determined to hear the case themselves. This action could provide an opening for further consideration of the City's position. The briefing will be on the City's website by the end of this week

Mr. Petrish referenced a recent newspaper article regarding Washington State ferry ridership; during the reporting period 2000-2007, over 2 million riders annually passed through the Anacortes Ferry terminal to travel to the San Juan Islands. These visitors represent a tremendous source of revenue from tourist dollars; Mr. Petrish suggested that a hotel/convention center located on the water would attract those tourist dollars to Anacortes.

In that same vein, Mr. Turner reported on the recent City of Anacortes Waterfront Festival; the event was a total success drawing tourists from all over the area as well as attracting international visitors. Mr. Geer complimented the Chamber of Commerce on this popular annual activity showcasing our waterfront community.

Latecomers Agreement: City of Anacortes and Ted Anstensen

Mr. Fred Buckenmeyer, Public Works Director, presented to the Council Latecomers Agreement No. 2008-0001 by and between the City of Anacortes and Ted Anstensen. Mr. Anstensen has installed 2,500 feet of 12" water main extension along Marine Drive, and the improvement has been adopted by the City. Mr. Anstensen, via a Latecomers Agreement, would like to recoup a proportionate share of the costs of this improvement. A Public Hearing on this request was held on May 5th; two issues were highlighted during the proceedings and associated corrections to the Agreement have been made. (1) added contract language: "...connecting to the City's *retail* water system"; (2) deleted references to waivers. With that, Mr. Turner moved, seconded by Mrs. Pickett, to approve Latecomers Agreement No. 2008-0001. Vote: Ayes – Pickett, Adams, Turner, Richardson, Geer, McKeown, and Petrish. Motion carried.

Consent Agenda

Mr. Geer moved, seconded by Mr. Petrish to approve the following Consent Agenda items. Vote: Ayes – Adams, Turner, Richardson, Geer, McKeown, Petrish, and Pickett. 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 May 8, 2008 and May 15, 2008 are approved for payment as of this date May 19, 2008.

Claims Warrants

May 2008: Warrant Numbers 46056 through 46252 in the total amount of \$848,131.65

EFT

May 2008: Warrant Numbers 46057 through 46058 in the total amount of \$222.40

In the same motion Council approved the following Special Event Applications:

Our Town Our Park Wood Delivery Children's Parade on May 28, 2008 at 4:00 p.m., "M" Avenue east to Storvik Park.; staff recommends approval subject to applicant's submitted plan;

4th of July Parade, downtown Anacortes from 8:00 a.m. to 2:00 p.m. and Causland Park from 8:00 a.m. to 5:00 p.m.; applicant agrees to parking restrictions; staff recommends approval subject to the applicant's submitted plan;

Anacortes Farmers Market, May 24, 2008, adjacent to the "R" Avenue Depot; applicant agrees to parking restrictions, staff recommends approval subject to the applicant's submitted plan; and

Walk-n-Roll-Athon on May 21, 2008 from 12:30 p.m. to 3:00 p.m. on "L" Avenue; applicant agrees to parking restrictions; staff recommends approval subject to the applicant's submitted plan.

Public Hearing: Appeal of Subdivision Administrator's Tentative Approval: Marine Pointe Short Plat

Mayor Maxwell opened the Public Hearing to take comments on an Appeal of the Subdivision Administrator's tentative approval of the Marine Pointe Short Plat. Mr. Ian Munce, Planning Director, used an overhead to pinpoint the project site at Anaco Beach Road and Marine Drive. The applicant proposes to subdivide the property into 3 separate lots; each lot meets the square footage requirement for the zone (7,500). There are no wetlands on this property and no SEPA review is required. Short plat proposals of fewer than 9 lots are processed administratively; any appeal of the Short Plat Administrator's tentative approval is heard by the City Council. Mr. Turner disclosed that he owns property near this development; there were no objections to his participation in this matter.

Mr. Fred Buckenmeyer, Public Works Director, addressed three issues from staff's perspective. (1) Stormwater quality: The Engineering Department noted concern regarding the adequacy of the stormwater quality component of the design. Bio-swale plans were approved conditionally; in the event this bio-swale cannot be constructed to engineering standards other measures will need to be taken. (2) The applicant asked, and was granted permission by the Building Department, to cut down trees to alleviate sight distance problems; permission was given with the condition that the trees be replaced as per the City's Tree Ordinance. (3) Interior access standards: Mr. Buckenmeyer clarified legal versus practical access provisions. In this case, an access easement, developed to meet fire department access standards, will be provided.

The appellant, Mr. Ben Short 4404 Marine Heights Way, thanked the Mayor and Council for the opportunity to express his concerns. With regard to this project, he suggested that no concern was given to the natural terrain which has now been modified to obtain the maximum number of lots. Mr. Short reviewed his 9-point appeal and the applicant's response; he paid particular attention to drainage control; fire department equipment access; small footprint on lots; and the proposed smaller homes would detract from value of surrounding homes. Mr. Short suggested that the project be limited to no more than 2 lots.

Mr. Bill Obrock, 4505 Glasgow Way, project architect and one of the property developers, addressed the appeal issues. The applicant agreed to the removal of the trees subject to Building Department recommendation relative to public safety issues. The stormwater plans are under further development and will adhere to City requirements. Fire access layout has the support of the Fire Department. A retaining wall will be added at the outside property line adjoining the NGPE. Mr. Obrock then presented an overhead showing the proposed development of the site. The homes will be 3 stories with energy efficient designs.

Mrs. Richardson reviewed the qualifications of the project versus the Subdivision Code requirements. While there will be challenges to the use of the access driveway, the project complies with the current Code. Mrs. Pickett confirmed the setback calculation for Lot 6. Mr. Adams confirmed that the lots meet the lot coverage requirements; the easement is factored into the overall lot coverage calculation. Mr. McKeown asked why this easement would not be considered a public street. Mr. Turner expressed concern over drainage in the

area and mentioned use of a bay saver device. The drop off from the edge of pavement at Lots 5 and 6 is 10 to 15 feet; the required fill could impact the Native Growth Protection Easement. After discussion, Mrs. Richardson moved, seconded by Mr. Geer, to deny the appeal, and to approve the Marine Pointe Short Plat subject to the 12 conditions recommended by staff together with the addition of 5(a): Prior to any building permit being issued for the site, the stormwater design shall come back to the City Council for review and approval. Mrs. Pickett underscored the need to protect the NGPE. Vote: Ayes – Turner, Richardson, Geer, McKeown, Petrish, Pickett, and Adams. Motion carried.

Island Hospital Off-site Emergency Department Signage

Mr. Vince Oliver, CEO of Island Hospital, presented a request for Council consideration of additional signs to ensure visibility and direction to the Hospital. Mr. Oliver explained that by 2015 the Hospital will experience 1,500 patient visits per month. In that regard, a real concern is the lack of proper emergency room and hospital directional signage. Mr. Ian Munce, Planning Director, explained that off-premises signs are not permitted in the City unless the Council approves them as a governmental sign program.

Mr. Marc Estvold, 3302 Oakes Avenue, explained that all access to the emergency room and Hospital is from Commercial Avenue west on 26th Street. The proposed new signs and locations are: Sign Type A – main internally lighted signs at 26th and Commercial; Sign Type B - primary directional illuminated 4-sided signs located at the southwest corner of 24th and Commercial; and Sign Type C - approach signs on arterials at 32nd and 26th Streets. The signs will connect with the driver and reinforce the image so they will head in the proper direction. Mr. Petrish asked why traffic would not be directed from 12th street to “M” Avenue, and why isn’t there an emergency access off of “M”. It was explained that the Hospital emergency access is off of Commercial Avenue and “M” Avenue is not a direct route; also, a Hospital entrance off of “M” Avenue would cut through the Hospital campus. Mr. Geer asked about WSDOT approval and spoke in favor of the proposal. After discussion, Mr. Geer moved, seconded by Mr. McKeown, to approve the Island Hospital Off Site Emergency Department Signage as outlined in a May 14, 2008 Memorandum from Don Measamer, Assistant Planning Director. Vote: Ayes – Richardson, Geer, McKeown, Petrish, Pickett, Adams, and Turner. Motion carried.

Bid Award: 2008 CBD Sidewalk Replacement Project

Mr. Fred Buckenmeyer, Public Works Director, presented a request to Council for approval of the 2008 Commercial Business District Sidewalk Replacement project; the project area is 3rd and 4th Streets on Commercial. The scope of work includes curb, gutter, sidewalk and stamped brick, new trees, tree wells, tree feeding system, street lights, and storm drainage work. Low bid was received from Schwetz Construction. With that, Mr. Adams moved, seconded by Mr. McKeown, to accept the low bid from Schwetz Construction in the amount of \$155,220.18. Vote: Ayes – Geer, McKeown, Petrish, Pickett, Adams, Turner, and Richardson. Motion carried.

Contract Award: Waste Containers for City of Anacortes – Capital Industries, Inc.

Mr. Fred Buckenmeyer, Public Works Director, explained that City Operations cycles out waste containers that are beyond repair from use and weather. Staff recommends a contract award to Capital Industries, Inc. (only bidder) in the amount of \$35,501.30 for the replacement of 38 of these waste containers. Mr. Geer so moved, seconded by Mr. McKeown. Vote: Ayes – McKeown, Petrish, Pickett, Adams, Turner, Richardson, and Geer. Motion carried.

At approximately 9:00 p.m. Mayor Maxwell continued the regularly scheduled May 19, 2008 City Council meeting to Tuesday, May 27, 2008 for the purpose of a Public Hearing on the 2008 Development Regulations. Mr. Ian Munce, Planning Director, explained that the Council will have a complete package of the entire record. The intent of the Public Hearing will be to hear from people who wish to comment on the proposals that have already been submitted; there is no opportunity this year for new proposals; comments will be limited to 3 minutes; nothing in the record needs to be repeated. After the hearing, a recommended procedure for processing the amendments will be forthcoming.