



City Council Minutes – June 21, 2010

At 7:30 p.m. Mayor Maxwell called the regularly scheduled Anacortes City Council meeting of June 21, 2010 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

Mr. Geer moved, seconded by Mr. McKeown, that the minutes of June 7, 2010 be approved as if read. Vote: Ayes – Petrish, Pickett, Adams, Turner, Richardson, Geer and McKeown. Motion carried.

Citizen Hearings

No one present wished to speak on any items not on the regular agenda.

Mayor/Council Communication

Mayor thanked the community, Council and the many supporters who helped rebuild the trestle on the Tommy Thompson Trail.

Mr. Petrish said he was inspired by the recent article on Ivar and Phyllis Dolph's solar panels to encourage everyone to think about wind, tidal and solar energy for Anacortes and to construct infrastructure that will accommodate evolving technology. He said that responding to the future energy requirements of the country will take the same national commitment as the war effort did in the forties. He compared this challenge to the vision and effort that built the City's current water supply system. Mayor Maxwell pointed out that solar panels can be installed on existing construction.

Consent Agenda

Mr. McKeown moved, seconded by Mr. Adams, to approve the following Consent Agenda items. Vote: Ayes – Pickett, Adams, Turner, Richardson, Geer, McKeown, 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 June 10, 2010 and June 17, 2010 are approved for payment as of this date June 21, 2010.

Claims Warrants

June 2010: Warrant Numbers 56051 through 56236 in the total amount of \$722,970.18

EFT Claims

June 2010: EFT Numbers 56044 through 56050 in the total amount of \$2,340.94

Payroll for June 18, 2010 in the total amount of \$541,721.64

Warrant Numbers 34889 through 34938 in the total amount of \$44,864.75

Direct Deposit Numbers from 35660 through 35836 in the total amount of \$319,454.12

EFT Numbers from 1141 through 1146 in the total amount of \$177,402.77

In the same motion Council

Approved a Street Fair Application for the Latitudes and Attitudes NW Cruiser Party on August 14, 2010 from 6 p.m. to 11 p.m.; and

Adopted **Ordinance 2825** repealing Ordinance 2514 and adopting new travel policies and procedures for the City.

Public Hearing: Ordinance - International Building Codes Adoption

Assistant Planning Director Don Measamer reported that every three years code revisions are adopted by the Washington State Building Code Council (WSBCC). This year the WSBCC adopted the 2009 codes which go into effect July 1, 2010. Mr. Measamer noted that implementation of the energy code has been

deferred so an amendment to the proposed ordinance may be necessary in the future. Mr. Measamer recapped highlights of the proposed changes to Chapter 15.04 of the Anacortes Municipal Code which were discussed with Council at its June 14, 2010 Study Session. Mrs. Pickett asked to reconsider the requirement for overhead sprinklers in furniture stores and suggested exempting stores under some minimum size. Mr. Measamer said staff could discuss this suggestion with the Fire Department and bring more information back to Council, noting that amendments to Chapter 15 can be made at any time.

At 7:40 p.m. Mayor Maxwell opened the public hearing. No one wishing to speak, the Mayor closed the public hearing.

Mr. Geer asked again about the requirement for sprinklers in furniture stores. Mr. Measamer said staff has been discussing this with other jurisdictions and may be able to suggest language setting a minimum floor size for the requirement. Mrs. Richardson noted that jurisdictions will very likely submit interpretation requests on this issue to the WSBC. Mr. Turner asked if this code item is optional. Mr. Measamer stated that the WSBC has adopted the 2009 codes effective July 1, 2010 so jurisdictions have to adopt them but staff can come back to Council later with a proposed amendment that doesn't necessarily have to go before the WSBC. Mr. Geer moved, seconded by Mr. Turner, to adopt **Ordinance 2826** amending AMC Chapter 15 to adopt the International Building Code, International Building Code Standards, International Mechanical Code, International Fire Code, Uniform Code for the Abatement of Dangerous Buildings, Uniform Plumbing Code, provide for the issuance of permits and collection of permit fees, and repeal Ordinance 2669. Vote: Ayes – Adams, Turner, Richardson, Geer, McKeown, Petrish and Pickett. Motion carried.

Public Hearing: Ordinance - Adopting Storm Drainage Requirements

Mr. Measamer summarized that local governments with NPDES Phase Two Permits are required to comply with Appendix 1 of the Stormwater Management Manual for Western Washington which was adopted by Department of Ecology (DOE) in June 2009. Council adopted Interim Ordinance 2802 in August 2009 to allow staff time to fully develop appropriate revisions to Chapter 13.36 of the Anacortes Municipal Code. Mr. Measamer observed that the language in the new proposed ordinance complies with the NPDES Phase Two permit requirements and also allows for voluntary use of Chapter 7 of the Low Impact Development Technical Guidance Manual for Puget Sound for stormwater design and Best Management Practices.

At 7:45 p.m. Mayor Maxwell opened the public hearing. No one wishing to speak, the Mayor closed the public hearing.

Mrs. Pickett asked if the fire station is set up to comply with the prohibition on allowing vehicle wash water in the storm drains. Mr. Measamer replied that DOE is very concerned with vehicle wash water. He said staff will work with the Fire Department to ensure compliance, noting that vehicle wash kits are available which provide an insert for catch basins to divert soapy water before it enters the storm drain, then pump it to the sanitary sewer or to a rain garden if one is available. Mr. Turner asked how wash water is collected at commercial car washes. Mr. Measamer said they have oil water separators and divert waste water to the sanitary sewer. The Mayor reported that at least one of the local car washes recycles wash water. Mr. Geer encouraged a permanent solution for the Fire Department, observing that wash kits would not be convenient at that scale. Mr. Adams moved, seconded by Mr. McKeown, to adopt **Ordinance 2827** adopting storm drainage requirements and regulations to remain compliant with revised Department of Ecology regulatory requirements, amending Chapter 13.36 of the Anacortes Municipal Code, and repealing Ordinance 2441 and Interim Ordinance 2802. Vote: Ayes – Turner, Richardson, Geer, McKeown, Petrish, Pickett and Adams. Motion carried.

Resolution: Establishing the Docket of 2010 Proposed Comprehensive Plan and Development Regulations Amendments

Planning Director Ryan Larsen asked Council to adopt a resolution establishing the docket of proposed Comprehensive Plan and Development Regulation amendments to be reviewed during the 2010 cycle and setting a schedule for the process. These were discussed with Council at its June 14, 2010 Study

Session. In May the Planning Commission recommended that Council accept these five items onto the docket for further consideration.

Regarding Exhibit 5 on the proposed docket, Mr. Petrish expressed the view that establishing the office of hearing examiner would change entirely how the City handles land use issues. He read into the record the suggested responsibilities of the office and suggested citizens closely follow the upcoming discussion on this item. Mr. Petrish inquired if City Councilors would be prohibited from testifying at hearings before the examiner. City Attorney Brad Furlong cautioned that the proposed language is still preliminary but opined that as it stands the provision quoted by Mr. Petrish would not prevent a City Councilor from testifying at a hearing but would prevent that Councilor from later sitting on an appeals board for the same issue. Mr. Turner explained that the Council Planning Committee presented this exhibit for review as part of the docket without a recommendation to accept or deny, only to allow full public discussion of the question. Mr. Petrish requested additional information on proposed section 19.50.180 as part of that discussion. Mrs. Richardson noted that a hearing examiner works well in some cities and is not needed in others and emphasized that if the result of the 2010 Comprehensive Plan review is the creation of that office for Anacortes, City Council will determine the examiner's role after many opportunities for public input. Mr. McKeown noted that the currently proposed language allows City Council to review decisions of the hearing examiner and welcomed a public discussion of the merits of establishing the position. He asked Mr. Larsen the genesis of the proposal. Mr. Larsen reminded that Washington Cities Insurance Authority suggested considering establishing a hearing examiner after its audit of the Planning Department in 2009. Mr. Adams observed that Exhibit 5 includes both the hearing examiner proposal and the consolidation of all land use procedures into Chapter 19. He suggested separating those into two separate exhibits. Mrs. Richardson agreed. Mr. Larsen said staff can create Exhibits 5a and 5b once the resolution is adopted.

Mr. Geer moved, seconded by Mrs. Richardson, to adopt **Resolution 1802** establishing the docket of proposed Comprehensive Plan and Development Regulation amendments to be reviewed in 2010. Mr. Furlong clarified that the motion gives staff authority to break Exhibit 5 into at least two separate items on the docket. Mr. Geer and Mrs. Richardson confirmed this. Vote: Ayes – Richardson, Geer, McKeown, Petrish, Pickett, Adams and Turner. Motion carried.

Ordinance: Interlocal Agreement with Skagit County Relating to Guemes Island Ferry Operations

Public Works Director Fred Buckenmeyer presented an interlocal agreement and ordinance for Council approval. He explained that Skagit County approached the City in 2009 to initiate this agreement. Because the Guemes Island ferry uses 6th Street and I Avenue for holding lanes and traffic flow the County wanted assurance it would be able to continue to operate there into the future. Mr. Buckenmeyer said the agreement establishes responsibilities for performing and funding street improvements and street maintenance on 6th Street from I Avenue to K Avenue and on I Avenue north of 6th Street. It also addresses the potential acquisition of neighboring properties by the County to improve ferry parking and access. Mr. Furlong explained why this particular interlocal agreement is accompanied by an ordinance. He said that because the County's use is the primary use of the City streets in this area for an indefinite period, he felt the agreement should be treated as a franchise agreement for use of a public right of way, slightly more formally than a typical interlocal agreement. Mrs. Richardson noted that the ordinance does not grant the County exclusive use and that the City still has all right of way and public use and jurisdiction. Mr. Turner asked if the agreement requires the County to acquire more property to improve ferry parking. Mr. Buckenmeyer said no. Mrs. Richardson moved, seconded by Mrs. Pickett, to approve the interlocal agreement and adopt **Ordinance 2828** granting Skagit County a nonexclusive franchise to construct, maintain and use for vehicle cueing and loading space across, over, along, under, through and below portions of I Avenue and Sixth Street. Vote: Ayes – Geer, McKeown, Petrish, Pickett, Adams, Turner and Richardson. Motion carried.

Task Order Amendment: HDR Engineering, Inc. – Water Treatment Plant Project

Assistant City Engineer Matt Reynolds requested Council approval of a contract amendment to HDR Engineering, Inc. to complete the final design of the Water Treatment Plant Improvement Project. Mr. Reynolds explained that the current contract amount of \$3,679,751.23 deferred some items from HDR's original fee estimate to save costs but now that 90% design has been achieved it is apparent that the original full amount is required so staff recommends Council approval to amend the task order by

\$305,503.77. He added that the Council Public Works Committee has reviewed the request. Mr. Adams asked what “services during bidding” means. Mr. Reynolds advised that bidders typically raise questions on projects of this size and addenda will likely have to be issued to the plans and specifications. The Mayor added that HDR is also assisting with prequalification of bidders. Mrs. Richardson moved, seconded by Mr. Geer, to approve the requested contract amendment to HDR. Mayor Maxwell summarized the need for the plant upgrades to meet Department of Health requirements and noted that an upcoming newspaper article will feature an interview with Mr. Buckenmeyer on this subject. Vote: Ayes – McKeown, Petrish, Pickett, Adams, Turner, Richardson and Geer. Motion carried.

Ordinance: Establishing Alley Speed Limits, AMC 10.08

Mr. Buckenmeyer recommended Council approval of an ordinance to amend the speed limit in alleys in Anacortes to 15 mph. He noted that the speed limit on streets and alleys is currently 25 mph if not otherwise posted. The Traffic Safety Committee and citizens have requested a lower, safer speed limit for alleys. Mr. Buckenmeyer explained that the ordinance would amend the Anacortes Municipal Code so the police can enforce the new limit in alleys. He said a review by the Engineering Department showed that many jurisdictions have alley speed limits of 10-15 mph. Mr. Geer asked how the public will be educated about the change since alleys won't be signed. Mayor Maxwell said known problem locations will be patrolled. Mr. McKeown suggested notification be distributed in City utility bills. The Mayor suggested Channel 10 can also be used. Mr. McKeown reported high speed traffic in the alley between Pennsylvania and Oregon Avenues. He suggested establishing an alley speed limit of 10 mph. Mrs. Pickett agreed. Mr. Buckenmeyer advised that 15 mph is the lowest speed that can reliably be enforced. Mr. McKeown moved, seconded by Mr. Adams, to adopt **Ordinance 2829** clarifying the speed limit within City limits and amending Ordinance 1741. Mr. Petrish reminded that the rules of the road apply in alleys. Mrs. Richardson asked Mr. Furlong to confirm that courts, lanes, boulevards, etc. are covered by ordinance language referring to “streets and avenues.” Mr. Furlong said he was pretty sure Judge Svaren will understand this ordinance to mean all public right of ways. Vote: Ayes – Petrish, Pickett, Adams, Turner, Richardson, Geer and McKeown. Motion carried.

There being no further business, at approximately 8:25 p.m. Mayor Maxwell adjourned the regularly scheduled Anacortes City Council meeting of June 21, 2010.