



City Council Minutes – December 5, 2011

At 7:00 p.m. Mayor Dean Maxwell called the regularly scheduled Anacortes City Council meeting of December 5, 2011 to order. Roll call found present: Eric Johnson, Erica Pickett, Brad Adams, Bill Turner and Cynthia Richardson. Nick Petrish and Brian Geer were absent.

Minutes of Previous Meeting

Mr. Johnson moved, seconded by Mr. Adams, that the minutes of November 21, 2011 be approved as if read. Vote: Ayes – Pickett, Adams, Turner, Richardson and Johnson. Motion carried.

Citizen Hearings

No one present wished to speak on any item not already on the agenda.

Mayor/Council Communication and Committee Reports

Mayor Maxwell announced the Port/City Liaison meeting in his office the following day. He thanked everyone who participated in the Christmas parade downtown over the weekend.

2012 Tulip Festival Poster Presentation: Terry Brazas of the Farmhouse Restaurant and Patty Anderson of Williams & Nulle presented the City with a copy of the 2012 Tulip Festival poster and thanked Anacortes for its support of the festival. They urged everyone to plant tulips for visitors to enjoy during the festival. Ms. Anderson advised that valley bulb growers will sell bulbs at cost to businesses in town.

Anacortes Police Department Accreditation: Police Chief Bonnie Bowers announced that on November 14, 2011 the Anacortes Police Department was awarded accredited status from the Washington Association of Sheriffs and Police Chiefs. She said the department had to demonstrate that it has met all of the 140 standards established when it first received accredited status four years ago. Chief Bowers displayed a plaque commemorating the award to the mayor and Council.

Mr. Adams reported from the Public Works Committee on the progress of both Fidalgo Bay Road projects and the Water Treatment Plant improvement project.

Mr. Johnson reported from the Parks and Recreation Committee on a wide range of projects including the Guemes Channel Trail, the Depot plaza, the Heart Lake Master Plan, the roundabout sculpture, the Ship Harbor Interpretive Preserve boardwalk, N Avenue Park, Ace of Hearts/Rotary park and ballfield, a proposed pocket park on Commercial Avenue between 21st and 22nd Street, Washington Park reservation system, invasive plant removal at Cap Sante Park, the Heart Lake milfoil management study and the second community garden being constructed at Mt. Erie school.

Consent Agenda

Mayor Maxwell removed Item B from the Consent Agenda.

Mrs. Richardson moved, seconded by Mr. Turner, to approve the following Consent Agenda item. Vote: Ayes – Adams, Turner, Richardson, Johnson and Pickett. Motion carried.

Approval of Vouchers/Cancellation of Checks

Council voted unanimously that the following vouchers/checks audited and certified by the City's Auditing Officer (Finance Director) and subsequently reviewed and approved by the Council Finance Committee on November 23, 2011 and December 2, 2011 are approved for payment as of December 5, 2011.

Claim Checks

November 2011: Check Numbers 62688 through 62807 in the total amount of \$460,525.65

EFT

November 2011: EFT Numbers 62685 through 62687 in the total amount of \$182.00

Payroll for December 5, 2011 in the total amount of \$840,658.69

Check Numbers 36706 through 36746 in the total amount of \$37,233.08

Direct Deposit Numbers from 42331 through 42531 in the total amount of \$601,188.68

EFT Numbers from 1357 through 1361 in the total amount of \$202,236.93

Public Works Director Fred Buckenmeyer presented resolution that would repeal Resolution 1590, revise the small works roster process established in that document, and establish a process for using a professional consulting services roster. Mr. Buckenmeyer explained how the Small Works Roster is administered currently. The revised process would be to use the Municipal Research and Services Center (MRSC) statewide small works roster rather than maintaining an independent roster each year. Mr. Buckenmeyer said this would save the city time and money and would improve consistency of the qualifying documentation submitted by contractors. He added that contractors would gain the advantage of a wider potential customer base by listing with MRSC and the ability to join the roster at any time, not just once a year. The mayor noted that all local contractors would be notified of the change. Mr. Buckenmeyer said the second part of the resolution would allow the City to use the MRSC consultant roster for professional services. He said that currently the City advertises for RFQs for each project, evaluates proposals, interviews the short list, then enters into price negotiations with the most qualified firms. He noted that state law precludes short listing applicants based on price. He said that using the MRSC statewide list of qualified professionals would save the City advertising costs and time for many projects each year. Mr. Adams asked what differentiates small works projects from other projects. Mr. Buckenmeyer said the legislature established a threshold of \$300K under which City can invite bids from contractors on the small works roster rather incurring the cost to advertise more widely. Mrs. Pickett clarified that contracts are still awarded based on competitive bids. Mr. Turner moved, seconded by Mrs. Pickett, to adopt **Resolution 1836** establishing a Small Public Works Roster process to award public works contracts and a Consulting Services Roster for architectural, engineering and other professional services. Mrs. Pickett commented that the low cost of \$200/year to use the MRSC rosters will save the City money almost immediately. Mr. Buckenmeyer concurred. Mrs. Richardson clarified that just as with the current Small Works Roster any contractor can submit a bid, not just the roster contractors who are invited to do so. Vote: Ayes – Turner, Richardson, Johnson, Pickett and Adams. Motion carried.

Contract Award: City Prosecutor

Human Resources Director Emily Schuh advised that the City issued Requests for Qualifications (RFQ) for city prosecution services and public defender services for the calendar year 2012. She said the City received three responses for prosecution services including one from current City Prosecutor Craig Cammock. Ms. Schuh said that after thoroughly reviewing the proposals and references, staff recommended awarding a contract to Craig Cammock. She noted that the current contract is for \$5,000/month which would increase to \$5,500/month in 2012. She introduced Mr. Cammock. Mr. Cammock thanked the mayor and Council for the opportunity to serve as prosecutor for the past two years, complimented Chief Bowers and the Anacortes Police Department, and thanked Legal Assistant Carol Yates for so skillfully handling an ever increasing caseload. He said he was looking forward to continuing to serve the City. Mrs. Pickett moved, seconded by Mr. Johnson, to award a one-year contract to Craig Cammock for prosecution services. Vote: Ayes – Richardson, Johnson, Pickett, Adams and Turner. Motion carried.

Contract Award: Public Defender

Ms. Schuh said the City received four responses to its RFQ for public defense services including one from the current public defender. Ms. Schuh said that after thoroughly reviewing the proposals and references, staff recommended awarding a contract to Robert Jones. She noted that the current contract is for \$5,000/month which will be the same price in the 2012 contract but will include the cost for conflict attorneys so the City will see some cost savings. Ms. Schuh introduced Mr. Jones. Mr. Jones greeted the mayor and Council, said he has been a Public Defender for 16.5 years and has been a criminal defense attorney for his entire career, assured them of his qualifications and said he is looking forward to the challenge of the position. Mr. Turner moved, seconded by Mr. Adams, to award a one-year contract to Robert Jones for public defense services. Vote: Ayes – Johnson, Pickett, Adams, Turner and Richardson. Motion carried.

Resolution: Deferred Compensation Plan Document Update

Ms. Schuh explained that the City has a long-established Deferred Compensation Plan under IRS Code 457(E)(1)(A). She said the City contracts with The Hartford for a model plan document that is used by all three of the deferred compensation vendors from which employees can choose. She presented a revised model plan document that has been reviewed and updated to reflect a number of changes in the law in recent years. Ms. Schuh introduced Robert Johnson of The Hartford who helped establish the plan 29 years ago and also worked on the current revision. Mr. Johnson said normally minor amendments are added onto plans over time and that the proposed document incorporates all of those and brings the plan up to date. He said the only substantive change is one that allows retired employees to transfer money into the plan after retirement. Mr. Turner moved, seconded by Mrs. Richardson, to authorize **Resolution 1837** authorizing amendment to the City of Anacortes Deferred Compensation Plan. Vote: Ayes – Pickett, Adams, Turner, Richardson and Johnson. Motion carried.

Contract Award: Complete Design and Support Bid Process for Fidalgo Bay Road Project (Reichhardt & Ebe Engineering, Inc.)

Mr. Buckenmeyer requested authorization to award a contract to Reichhardt & Ebe Engineering, Inc. in the amount of \$65,272.72 to finalize Plans, Specifications and Engineering Estimate (PSE) for the Fidalgo Bay Road Improvements project near the entrance to the RV park. He explained that the Samish Indian Nation was awarded federal grant for the work and the City entered into an interlocal agreement with the Samish to manage the project. He said the proposed contract would complete the design and get the project bid-ready and that a separate contract for construction management would be proposed in a few months. Mr. Buckenmeyer noted that the contract amount is completely reimbursable under the grant. Mr. Adams moved, seconded by Mr. Johnson, to award a contract to Reichhardt & Ebe Engineering, Inc. in the amount of \$65,272.72 for pre-construction engineering services for the Fidalgo Bay Road improvement project. Mrs. Richardson inquired where Reichhardt & Ebe is located. Mr. Buckenmeyer said they are based in Lynden with an office in Sedro-Woolley and added that they have worked on multiple projects for the City before. Vote: Ayes – Adams, Turner, Richardson, Johnson and Pickett. Motion carried.

Resolution: Collective Bargaining Agreement between City of Anacortes and IAFF 1537 (2012, 2013 and 2014)

Ms. Schuh presented for ratification a three-year collective bargaining agreement with IAFF Local 1537. She said negotiations began last summer and were successfully concluded in house without outside representation, noting the mutual trust that implies. She said the new agreement includes improvements for both the City and the union and has been reviewed by the Personnel Committee. Mrs. Richardson extended her appreciation to the Human Resources Department and to the union for acting in good faith for the good of the community and the employees. Mr. Johnson asked about the change to holiday pay in lieu of holidays. Ms. Schuh explained that because firefighters work so many holidays they will all be paid for holiday hours instead. Mr. Johnson moved, seconded by Mrs. Pickett, to adopt **Resolution 1838** approving a collective bargaining agreement by and between the City of Anacortes and the International Association of Firefighters Local 1537. Vote: Ayes – Turner, Richardson, Johnson, Pickett and Adams. Motion carried.

Executive Session – Fifteen (15) Minutes

At approximately 7:40 p.m. Mayor Maxwell announced that the mayor, Council and City Attorney Brad Furlong would convene in Executive Session to discuss potential litigation for approximately fifteen minutes and would reconvene with no further action. At approximately 7:55 p.m., the Council reconvened and without taking any further action, the regularly scheduled Anacortes City Council meeting of December 5, 2011 was adjourned.