



City Council Minutes – November 4, 2013

At 7:00 p.m. Mayor Dean Maxwell called the regularly scheduled Anacortes City Council meeting of November 4, 2013 to order. Roll call found present: Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Bill Turner and Cynthia Richardson. Brian Geer was absent. The assembly joined in reciting the Pledge of Allegiance.

Minutes of Previous Meeting

Mr. Johnson moved, seconded by Mr. Turner, that the minutes of October 21, 2013 and October 28, 2013 be approved as if read. Vote: Ayes – Walters, Pickett, Adams, Turner, Richardson and Johnson. Motion carried. Mrs. Richardson abstained from voting on the minutes of October 28, 2013 because she was not present at that meeting.

Citizen Hearings

No one present wished to speak.

Mayor/Council Communication and Committee Reports

Mayor Maxwell announced the Port/City Liaison meeting at the Port offices on November 5, 2013.

Mr. Johnson reflected on the recent fatal traffic accident at SR20 and Gibraltar Road, the apparent increase in the number of impaired drivers on the road, and stricter State penalties for such violations. He urged Council to consider taking local action as well, including both incentives such as taxi service for impaired drivers and disincentives such as publishing the names and records of repeat offenders. Mr. Turner urged that all drivers be treated equally regardless of income level. Mayor Maxwell said staff would research options and continue to emphasize DUI enforcement to avoid such tragedies.

Consent Agenda

Mr. Johnson moved, seconded by Mr. Adams, to approve the following Consent Agenda items. Vote: Ayes – Pickett, Adams, Turner, Richardson, Johnson and Walters. 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 October 24, 2013 and October 31, 2013 are approved for payment as of November 4, 2013.

Claims: Check Numbers 70247 through 70394 in the total amount of \$590,650.02

EFT: Check Number 70246 in the total amount of \$1,777.00

Pre-Written Checks: Check Number 70245 in the total amount of \$239.45

Cancelled Checks:

Check Number 66926 in the amount of \$14.40

Check Number 61427 in the amount of \$17.00

Check Number 64814 in the amount of \$25.15

Check Number 65482 in the amount of \$61.25

Check Number 65765 in the amount of \$12.00

Check Number 65981 in the amount of \$44.65

Check Number 66163 in the amount of \$10.00

Check Number 66350 in the amount of \$18.00

Check Number 66888 in the amount of \$37.00

Public Hearing: 2014 Proposed Budget and Revenue Sources

Finance Director Steve Hoglund announced that Washington state law requires a public hearing on the proposed budget and associated revenue sources. He advised that the City's revenue projections for 2014 include a 1% property tax increase. Mr. Hoglund said he would come back to Council on November 18, 2013 to request approval of a resolution adopting a 1% property tax increase for 2014 and an ordinance adopting the proposed 2014 budget. At approximately 7:09 p.m. Mayor Maxwell opened the public hearing. No one wishing to speak, the mayor closed the public hearing.

Resolution 1875: Amendment to the US Constitution Regulating Corporate Political Spending and Campaign Financing

Mayor Maxwell reminded that after the Citizens Ignited presentation on this topic at the September 9, 2013 study session Councilmembers indicated interest in supporting the effort. The mayor said that Mr. Walters had provided a draft resolution and Mrs. Pickett and the mayor had drafted a letter to Anacortes' congressional delegation, both of which were in the Council packet for the evening. Mayor Maxwell invited public comment on the proposed resolution.

Gail Nicolls, 7802 West Shore Drive, speaking on behalf of Citizens Ignited, thanked Council for considering the resolution and said that Citizens Ignited had collected 1000 signatures from Anacortes registered voters in support of a constitutional amendment.

No one else in the audience wished to comment.

Mayor Maxwell read the proposed letter to the congressional delegation.

Mr. Adams inquired why the proposed resolution was more in depth than what was adopted by the city of Langley. Mr. Walters explained that given the complexity of election law and first amendment rights, he was proposing a less specific resolution supporting a return to the election law framework in place prior to the 2010 *Citizens United v. Federal Election Commission* ruling. Mr. Johnson and Mrs. Richardson supported that idea. Mrs. Pickett and Mr. Adams commented on the potential effects of outside corporate financing on local elections. Mr. Turner spoke in support of the resolution. Mr. Johnson moved, seconded by Mr. Turner, to adopt **Resolution 1875** supporting an amendment to the United States Constitution to regulate corporate political spending and campaign financing. Mr. Walters advised that the draft resolution in the Council packet included two typographical errors: "Police" should be "Policy" and "ad" should be "and" between "nuanced" and "complex". Mr. Johnson and Mr. Turner amended the motion to include correction of those errors. Vote: Ayes – Adams, Turner, Richardson, Johnson, Walters and Pickett. Motion carried.

Noise Variance Request: In-water Work at Wyman Mitigation Site (Strider Construction)

Senior Planner Libby Grage presented a request for noise variance from Strider Construction for in water work as part of the Port of Anacortes' Wyman Habitat Mitigation project. Ms. Grage explained that the Shoreline Substantial Development Permit issued by Council in December 2012 limited construction hours to 7 a.m. to 7 p.m. and that WAC 173-60 requires a variance for operations above established noise levels after 10 p.m. She said that Strider Construction had requested a variance to conduct dredging operations between the hours of 7 p.m. and 7 a.m. on five nights in November (November 6, 7, 8, 19 and 20) because the tidal cycles in November do not provide sufficient daylight hours to work along the shoreline. Ms. Grage reported that the request was consistent with the criteria for granting a variance and because the requested variance duration was less than 30 days no public notice or public hearing were required. She recommended approval of the request. Mrs. Richardson confirmed with the contractor's representative that the night work would not involved rock hammering.

Mayor Maxwell invited public comment on this agenda item. No one present wished to speak.

Mr. Walters moved, seconded by Mr. Adams, to find that compliance with WAC 173-60 could not be achieved because of special circumstances rendering compliance unreasonable in terms of economic or physical factors, in this case tide cycles, and authorize work to occur outside of the hours of 7 a.m. to 7

p.m. for November 6, 7, 8, 19 and 20. Vote: Ayes – Turner, Richardson, Johnson, Walters, Pickett and Adams. Motion carried.

Surplus Equipment

Public Works Director Fred Buckenmeyer requested that Council declare surplus a list of sixteen items of equipment including vehicles, sail boats, pumps, generators and lawn mowers. He recommended that Council declare these items surplus and authorize their sale or destruction as indicated in the packet memo. Mayor Maxwell confirmed that vehicles 40, 42 and 43 would be removed from the City's insurance policy. Mrs. Richardson moved, seconded by Mr. Johnson, to authorize surplus of the listed equipment. Vote: Ayes – Richardson, Johnson, Walters, Pickett, Adams and Turner. Motion carried.

Resolution 1876: Sole Source Designation for WWTP Controls Contractor and Contract Award: WWTP Controls Work (Quality Controls Corporation)

Assistant City Engineer Matt Reynolds presented a draft resolution authorizing sole source designation for controls work at the City's Wastewater Treatment Plant (WWTP). He explained the complexity of the controls system and the various upcoming projects that would require an instrumentation and controls contractor. Mr. Reynolds said that because the plant has to be in continuous operation, it was highly desirable to have consistency in the design and implementation of the controls improvements and work with a contractor familiar with the plant's operation. He stated that Quality Controls Corporation (QCC) had been working at the WWTP for quite some time and had always done excellent work for the City, including at the Water Treatment Plant. Mr. Reynolds requested approval of the resolution authorizing single source designation and authorizing Public Works Director to carry out that authorization. Mr. Reynolds also requested approval to enter into a contract with QCC in the amount of \$58,870.54 for controls work on two upcoming projects, the Non Potable Water System Pump System and the Scrubber Recirculation Pump System improvements.

Mr. Johnson observed that the sole source designation resolution did not have an end date. Mayor Maxwell explained that each proposed contract with QCC under the sole source designation would come back to Council for approval. Mrs. Richardson clarified with Mr. Reynolds that QCC would design but not install the controls and would be operating under a professional services contract.

Mrs. Richardson moved, seconded by Mr. Johnson, to approve **Resolution 1876** making findings pursuant to RCW 39.04.280, authorizing certain single source designations for the city wastewater treatment plant improvement projects, and authorizing the Public Works Director to carry out this authorization; and to authorize hiring QCC for instrumentation and controls work associated with the Non Potable Water System Pump System and Scrubber Recirculation Pump System improvement projects in the amount of \$58,870.54. Vote: Ayes – Johnson, Walters, Pickett, Adams, Turner and Richardson. Motion carried.

There being no further business, at approximately 7:45 p.m. the regularly scheduled Anacortes City Council meeting of November 4, 2013 adjourned.