

City Council Minutes – May 13, 2019

Mayor Laurie Gere called to order the Anacortes City Council meeting of May 13, 2019 at the advertised special time of 5:00 p.m. Councilmembers Eric Johnson, Anthony Young, Ryan Walters, Brad Adams, Carolyn Moulton, Bruce McDougall and Matt Miller were present.

The assembly joined in the Pledge of Allegiance.

Announcements and Committee Reports

Port/City Liaison Committee: Mr. Miller reported from the committee meeting the prior Tuesday. He listed topics discussed including the Chamber of Commerce mentorship group for the maritime work force, Lavle interest in Anacortes, the second annual Boat and Yacht Show starting May 16, Norwegian companies interested in locating in Anacortes, and the Port's 10% design for its planned event center. Mr. Young added that parking was the biggest concern expressed by the public at open houses regarding the planned north basin development; he said the Port would pursue additional parking studies to learn more about parking demand at different times and seasons. Mr. Young reported a productive discussion about including transit connections in development plans for this area and city wide, a topic raised by Museum Director Bret Lunsford.

Skagit County Law & Justice Council:

Mr. Miller reported from the May 8 LJC meeting which focused on opioid issues and solutions. He mentioned successful programs including the treatment program at the new county jail, the embedded social worker program in Mt Vernon, and treatment centers such as the didg^wálič Wellness Center in Anacortes. Mr. Miller also reported that the jail was temporarily turning away some bookings while improperly built bunks were being overhauled.

Mayor Gere shared that Dolores Meische had visited City Hall that morning with flowers in remembrance of the location where she had met her husband 74 years prior at a dance on the third floor. The mayor also invited the public to Community Service Officer Karl Wolfswinkel's regular Coffee with Karl the next day from 10 to 11 a.m. at the Anacortes Senior Activity Center and to the mayor's own Coffee with Laurie on May 22 from 1:30 to 3:00 p.m., also at the ASAC.

Mr. Walters noted that Section 4.3(d) of the current City Council procedures limited councilmember participation in absentia to twice per year. He suggested modifying the procedures to expand that limit and adopting the new procedures by resolution. Mr. McDougall commented that participating in City Council meetings by phone while he was traveling for business had worked very well for him and that he appreciated the ability to do so when he could not arrange his schedule around the Monday Council meetings. Mr. Miller and Mr. Young said participation in absentia should not be unlimited. Mr. Walters proposed a maximum of twelve times per year. Mr. Adams felt that six times would be more reasonable. Councilmembers directed staff to prepare a resolution and revised procedures for Council consideration at the next meeting, leaving the in absentia session limit blank for Council to determine at that time.

Ms. Moulton reported that May is national Bike to Everything month and that Friday, May 17 is Bike Everywhere Day. She said that in celebration, the Anacortes Bike/Pedestrian Advisory Committee would be offering coffee and donuts at the corner of 22nd Street and Commercial Avenue from 7 to 9 a.m. for anyone traveling under human power that morning.

Mr. Young reported that he had recently toured the Anacortes Senior Activity Center. He offered glowing praise of the breadth of trainings, activities and opportunities offered there.

Public Comment

Teresa Baker, 1120 G Street, said that the Port’s open house for the north basin development plan several weeks prior was packed but there was no way for the public to convey information to the Port and no question and answer session. Ms. Baker agreed with Mr. Young’s assessment that parking was the big issue at that meeting but she said that in addition, the boating community felt like the Port was shutting the boaters out in favor of resort facilities that are contrary to boaters’ needs. She listed proposed changes to the north basin that would reduce or remove access for boaters. Ms. Baker suggested that the City consider the boaters’ concerns when dealing with the Port. Mayor Gere said she had spoken with Port Commissioners on that topic and that the Port was planning an additional public open house in a different format that would include a presentation and more opportunity for discussion.

Consent Agenda

Mr. Walters removed Item 5f, Resolution 2041: Rejection of all Bids for Senior Center Metal Roof Installation (19-066-FAC-001), from the Consent Agenda. Mr. McDougall removed Item 5c, Contract Award: Fire Station 3 Upgrades (18-156-FIR-003), from the Consent Agenda.

Mr. Johnson moved, seconded by Mr. Miller, to approve the following Consent Agenda items. The motion carried unanimously by voice vote.

- a. Minutes of May 6, 2019
- b. Approval of Claims in the amount of: \$1,071,959.95
- d. Contract Award: Library RFID Equipment (19-075-LIB-001)
- e. Contract Modification: Pilot-Scale & Full-Scale Testing for WTP Filters Re-Rating Assistance (17-110-WTR-001)
- g. Contract Award: Haddon Road Waterline Project (19-091-WTR-001)

The following vouchers/checks were approved for payment:
 EFT numbers: 93167 through 93213, total \$143,249.32
 Check numbers: 93214 through 93255, total \$923,987.53
 Wire transfer numbers: 249348 through 249532, total \$3,331.05

- c. Contract Award: Fire Station 3 Upgrades (18-156-FIR-003)

Mr. McDougall asked Fire Chief David Oliveri to explain why staff was proposing the significant remodel to leased Station 3 rather than constructing a fire station on city owned property. Chief Oliveri explained that the countywide EMS transition at the beginning of the year required the city to staff Station 3 24/7 in order to meet its contractually required response times on the eastern side of its service area. 24/7 staffing required adding sleeping quarters, plumbing and other amenities, and construction prices are currently high due to high demand. Chief Oliveri said staff had solicited five companies off the small works roster and received only two bids. Council discussed the eventual goal to build a city owned Station 3; Chief Oliveri said he hoped to begin construction in 2021 and occupy by 2022 but that schedule was not assured. Mr. Johnson reported that for \$75K the city could purchase a double wide shipping container including showers that could withstand winds up to 110 mph and an 8.0 earthquake. He asked why the city couldn’t use that option instead until a permanent station was built and save \$102K in remodeling costs. Planning Director Don Measamer explained the International Building Code measures such a temporary structure would have to meet and suggested that doing so might add to its cost. Mr. Adams asked if EMS levy funds would pay for the proposed remodel. Finance Director Steve Hoglund explained that the city had been allocated \$208K for startup costs from Skagit County as part of the EMS transition. Chief Oliveri said that all startup costs except the Station 3 remodel had now been incurred. Mr. Hoglund said that the total startup costs for the EMS transition had been covered by the \$208K but that a budget amendment would be required, noting that the budget had anticipated some general fund contribution to the

transition. Mr. Johnson asked to wait a week before taking action on the contract and asked staff to investigate the alternative of a temporary structure, noting that this was the first time the Council had seen the proposed cost for remodeling Station 3. Mr. Young supported investigating a less expensive alternative. Chief Oliveri cautioned that there was not room on the existing Station 3 site to position a container and that the lease would likely have to be renegotiated to locate additional structures there. After some additional discussion, Mr. Walters moved, seconded by Ms. Moulton, to approve the contract as presented. Vote: Ayes – Walters, Adams, Moulton, McDougall and Miller. Nays – Young and Johnson. Motion carried.

f. Resolution 2041: Rejection of all Bids for Senior Center Metal Roof Installation (19-066-FAC-001)

Mr. Walters requested more information on this item and explanation from staff on the alternatives to awarding the roof contract, noting that Council had specifically requested a metal roof for the ASAC. He felt that \$176K for 14K SF of roofing was not unreasonable. Public Works Director Fred Buckenmeyer reported that the amount of subroof damage was hard to quantify without tearing off the existing roof and that the bid price of \$176K could increase to \$200K of actual cost after the project began, compared to the \$150K budgeted for the project. He reported that staff had hired an inspection contractor to evaluate the roof condition of all city facilities which would allow staff to prepare new bid documents to include both expected subroof repairs and reroofing. Mr. Walters moved, seconded by Mr. Adams, to approve the resolution as presented. The motion carried unanimously by voice vote.

OTHER BUSINESS

Contract Award: Library Main Floor Carpet Design & Installation 19-073-FAC-001

Mr. Buckenmeyer said he had sent out information to Council prior to the meeting in response to questions raised about this contract at the May 6, 2019 meeting. Mr. Buckenmeyer's email to councilmembers was added to the packet materials for the meeting.

Mr. Buckenmeyer then shared a slide presentation outlining the process of planning for capital facilities projects. His slides were added to the packet materials for the meeting. Councilmembers emphasize their need for a capital facilities plan that included both operational and long term maintenance costs for every city facility in order to allow them to project annual costs and determine whether or not to undertake new projects. Mr. Buckenmeyer explained that the CFP was being developed to meet that need but that undertaking that task at existing staffing levels made it impossible to anticipate when the CFP would be completed.

Mr. Adams moved, seconded by Mr. Johnson, authorize the Mayor to sign contract 19-073-FAC-001 with Flooring Connections, Inc. in the amount of \$73,379.22 to perform the Library Main Floor Carpet Design & Installation project.

Mr. Walters asked that the capital facilities planning question be referred to the Finance and/or Public Works committees.

Vote: Ayes – Adams, Moulton, McDougall, Miller and Johnson. Nays – Walters and Young. Motion carried.

Public Informational Meeting: Resolution 2043: Amending the Water System Plan

Mr. Buckenmeyer advised that the current Water System Plan was adopted in 2011 and updated again in 2018 with another update due in 2022. He said staff were requesting an amendment to the Water System Plan to include additional property adjacent to the existing Water Treatment Plant (WTP) for potential future improvements and/or additions to the WTP. Mr. Buckenmeyer elaborated on the potential benefits to the water utility of purchasing the adjoining parcel, referring to his memo in the packet materials. He noted that the project was included in the CFP but not for the current year so the CFP would later need to be amended to move the project forward. Mr. McDougall confirmed that the cost of the property acquisition would be shared across the

entire regional water system. In response to a question from Mr. Walters, Mr. Buckenmeyer said that due to the very recent development of this acquisition opportunity staff did not yet have a detailed plan for immediate use of the property but he confirmed that any use would have to conform to Skagit County zoning and land use code.

Mr. Johnson moved, seconded by Mr. Young, to approve Resolution 2043 amending the Water System Plan to include additional property adjacent to the existing Water Treatment Plant for potential future improvements and/or additions. Vote: Ayes - Adams, Moulton, McDougall, Miller, Johnson, Young and Walters. Motion carried.

Public Hearing: Ordinance 3041: Providing for the Acquisition of Property for the Improvement of the Water Utility

City Attorney Darcy Swetnam introduced draft Ordinance 3041 providing for the acquisition of the property described in Resolution 2043 just adopted. She provided an overview of the property, noted the presence of structures on the property line between the WTP property and the adjoining property, then described the eminent domain process. Ms. Swetnam demonstrated that the city had complied with notice requirements for the ordinance. She concluded with staff's recommendation to open and close the advertised public hearing at the present meeting, adopt Ordinance 3041 identifying the public use and necessity of the property and authorizing the condemnation process, then to pursue a friendly process to arrange purchase of the property. Ms. Swetnam's slide presentation was added to the packet materials for the meeting.

At approximately 6:28 p.m. Mayor Gere opened the advertised public hearing. No one present wished to address the Council.

Mr. Miller asked that Section 1.3 of the ordinance be corrected to read "property rights" rather than "property tights" and asked that the abbreviated legal description be correctly formatted. Ms. Swetnam said she would make those corrections before signature.

Mayor Gere again invited audience comment. No one present wishing to speak, at approximately 6:30 p.m. the mayor closed the public hearing.

Mr. Young moved, seconded by Mr. Johnson, to adopt Ordinance 3041 providing for the acquisition of property for the improvement of the Water Utility. Vote: Moulton, McDougall, Miller, Johnson, Young, Walters and Adams. Motion carried.

Closed Record Decision Hearing: Randy Click & Donna Jung Conditional Use Permit CUP-2018-0003

Senior Planner Kevin Cricchio presented an application from Randy Click and Donna Jung for a Conditional Use Permit (CUP) to permit the conversion of three (3) short-term rentals located in the Commercial zoning district at the corner of 34th Street and Q Avenue to single-family residences along with allowing the construction of a single-family residence on the vacant lot (P133553). Mr. Cricchio's slide presentation was added to the packet materials for the meeting. He advised that all four of the subject lots involved in the CUP request were created by short plat (SPL-2015-0004) in 2016 and are located in the Commercial Zoning District. He noted that short-term rentals are permitted outright (typed as "Overnight Accommodations" in AMC 17.24.020) in the Commercial Zoning District but that single-family residences require an approved Conditional Use Permit per AMC 17.24.040. Mr. Cricchio summarized the surrounding zoning and land uses, the history of the short plat and structures constructed thereon since 2016, the neighborhood meeting held on December 4, 2018 regarding CUP-2018-0003, required noticing performed, public comments received (Exhibits 4 and 5), and the relevant zoning code. Mr. Cricchio reported that following the pre-decision open-record public hearing held on April 24, 2019, the Planning Commission deliberated and voted 4 to 1 in favor of recommending approval of the CUP to City Council. Mr. Cricchio recommended approval of CUP-2018-0003 subject to staff's suggested conditions of approval. He displayed a map and photographs of the property.

Councilmembers discussed recommended Condition 6 regarding an access/parking easement required before approval to build a fourth single-family residence on the currently vacant lot.

At approximately 6:45 p.m. Mayor Gere invited parties of record to address the Council.

Applicant Randy Click, 1308 33rd Street, indicated the applicants had been working on the project for going on four years. He cited AMC 17.24.040 allowing single family residences as a conditional use in the Commercial zone. Mr. Click said city staff and Planning Commission both recommended approval of the CUP. He asked to reserve the right to address letters of opposition to the CUP later in the hearing. He requested that Council approve the requested CUP.

Councilmembers discussed the access/parking easement with staff and with Mr. Click at some length and considered altering Condition 6 to strike the word “parking”. Councilmembers discussed the need for more affordable housing in Anacortes, the current surplus of available commercial space, and the fact that revisions under way to AMC Title 19 would very likely make single family residences an outright permitted use in this location.

Mr. Miller moved, seconded by Ms. Moulton, to approve CUP-2018-0003 to permit the conversion of three (3) short-term rentals located on the subject properties to single-family residences along with allowing the construction of a single-family residence on the vacant lot, subject to staff’s recommended conditions of approval. Vote: Ayes - McDougall, Miller, Johnson, Young, Walters, Adams and Moulton. Motion carried.

At approximately 7:15 p.m. Mayor Gere called a 10 minute recess. At 7:25 p.m. the mayor called the meeting back to order.

Planning Commission Recommendation: Development Regulations and Zoning Map Amendments - Division 5

Senior Planner Libby Grage invited Council to continue review and discussion of the Development Regulations and Zoning Map Amendments, focusing on Division 5, Community Design. Ms. Grage’s slide presentation was added to the packet materials for the meeting. She summarized the chapters within the division.

Ms. Grage presented proposed Chapter 19.51, Public Street Improvements Required. Mr. Walters objected to 19.51.030 leaving minimum street improvement requirements subject to public works director determination. He argued that determining which streets should have sidewalks should be undertaken by City Council as a legislative process. Ms. Grage suggested that later portions of the presentation would possibly address Mr. Walters’s concerns.

Ms. Grage presented proposed Chapter 19.52, Public Street Design. She displayed a draft street classification map depicting the classification system outlined in 19.52.03 and advised that the map had been included as page 10 of the packet materials for the meeting. Ms. Grage displayed and discussed 19.52.040(A) which addresses exceptions. She displayed the draft Sidewalk Location Plan included as page 11 of the packet materials. Mr. Measamer noted that the sidewalk plan had not yet been adopted but could become part of AMC Title 19. Mr. Walters argued that the draft was too aggressive, indicating sidewalks in more locations than needed and more locations than the city could afford to construct or maintain. Mr. Miller agreed. Mr. Measamer suggested that perhaps the Public Works committee could review the map and then schedule a work session before full Council to address appropriate locations for sidewalks, separate from and following the finalization of the development regulations. Mr. Johnson suggested that the Traffic Safety and Public Safety committees also participate. Mr. McDougall asked that bike paths be addressed at the same time.

Ms. Grage continued her presentation of the remainder of Chapter 19.52, Chapter 19.53, Private Driveways and Access, and Chapter 19.54, Subdivision Design and Block Structure.

Mr. Adams asked what “subdivision” meant in the new code. Mr. Johnson asked staff to add “subdivision” to the definitions section of Title 19.

Mr. Measamer recommended that at its next meeting on May 20, City Council conclude its review of Division 4 (begun at the April 29 meeting) and then review the list of topics that would require additional public comment due to Council desire to consider items not already considered by the Planning Commission. Mr. Measamer outlined the public comment mechanisms allowed by AMC 19.16.090 and said staff recommended using 19.16.090(C)(1), written public comment. He said Council could finalize a list of public comment topics at its May 20 meeting, then staff could notice the public comment opportunity in the May 29, 2019 issue of the *Anacortes American* for a fourteen-day comment period, closing June 12, allowing staff to collate and construct a comment matrix for Council review at its June 24, 2019 meeting. Councilmembers concurred with that recommendation and asked to see the list of additional comment topics as soon as it was available. Ms. Moulton confirmed that at the May 20 meeting Council could address any last items that had not yet been discussed.

There being no further business, at approximately 8:15 p.m. the Anacortes City Council meeting of May 13, 2019 was adjourned.