

City Council Minutes – September 12, 2016

Mayor Laurie Gere called to order the regular Anacortes City Council meeting of September 12, 2016 at 6:00 p.m. Councilmembers Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Liz Lovelett, John Archibald and Matt Miller were present. The assembly joined in the Pledge of Allegiance.

Announcements and Committee Reports

Skagit Domestic Violence and Sexual Assault Services Presentation on the Lethality Assessment Program: Nancy Tiffany, Associate Director of Skagit Domestic Violence and Sexual Assault Services, briefly summarized the range of services offered by SDVSAS in Skagit County and the number of clients served. She thanked Anacortes for its ongoing support of the organization. Ms. Tiffany then described the Lethality Assessment Program designed to provide law enforcement with tools to assess risk of homicide and near fatal injuries in cases of domestic violence. Ms. Tiffany said this evidence-based best practice has been in use since 2005, is now used in 34 states, and has proven to have a dramatic impact in reducing severe injury, homicide and re-assault rates. She listed reduction in follow on law enforcement call outs and greater victim satisfaction with law enforcement as additional benefits. Ms. Tiffany announced that Skagit County law enforcement officers from all five jurisdictions including Anacortes would be trained the following day by trainers from Maryland.

Mr. Johnson reported that the Community Services panel of the Housing Affordability and Community Services Committee met the prior Thursday. He said the group was continuing its site search for a community services center in Anacortes and planned to visit the Concrete facility in October. He also reported that Simple Gesture had asked to open a food pantry in City Hall. Mayor Gere indicated that staff was identifying a suitable location.

Mr. Miller reported from the Personnel Committee meeting earlier in the evening. He said staff provided an update on Teamster negotiations, new positions under consideration for the 2017/2018 budget, and staffing issues at the Senior Center.

Mr. Walters reported from the Planning Committee meeting earlier in the evening. He said the committee reviewed the scope of work for Makers to update the zoning code consistent with the 2016 Comprehensive Plan. The group also discussed a draft of new AMC Title 20 for civil code enforcement which would be presented to Council for consideration and public hearing at its September 26, 2016 regular meeting.

Public Comment

No one present wished to address Council on any topic not already on the agenda.

Consent Agenda

Ms. Pickett removed Item 5c, Grant Agreement: EMW-2016-PU-00234, Port Security Grant Program, from the Consent Agenda.

Ms. Lovelett moved, seconded by Mr. Johnson, to approve the following Consent Agenda items. The motion passed unanimously by voice vote.

- a. Minutes of August 22, 2016, August 29, 2016 and September 6, 2016
- b. Approval of Claims in the amount of: \$323,337.31

The following vouchers/checks were approved for payment:

Voucher (check) numbers: 81916 through 82006, total \$316,228.72
EFT numbers: 207460 through 207913, total \$10,111.36

- c. Grant Agreement: EMW-2016-PU-00234, Port Security Grant Program

Police Chief Bonnie Bowers explained the Federal Emergency Management Agency grant that the department had applied for several months prior after discussions with the Public Works Committee. She advised that the grant would fund updating 1980's era analog communications equipment to P25 compliant digital equipment. Chief Bowers said that pending acceptance of the grant, equipment would be acquired in 2016 and installed in January with follow on joint training exercises in the spring. Ms. Pickett moved, seconded by Mr. Adams, to accept the grant agreement. The motion passed unanimously by voice vote.

UNFINISHED BUSINESS

Findings of Fact, Conclusions of Law and Decision on Appeals and Planning Commission's Recommendation on the Haddon Road 13 Lot Plat & PUD, PUD-2016-1001

Mr. Miller recused himself from the discussion and vote on this item. He left the Council chambers.

Planning Director Don Measamer presented the draft Findings of Fact, Conclusions of Law and Decision on appeals and Planning Commission's recommendation on the Haddon Road 13 Lot Plat & PUD, PUD-2016-1001. He explained that the document had been drafted by staff based on Council direction at the August 29, 2016 regular meeting. Mr. Measamer responded to councilmember questions clarifying Conditions 26, 22F and 23F. Mr. Johnson moved, seconded by Ms. Pickett, to approve the Findings of Fact, Conclusions of Law and Decision as drafted. Vote: Ayes – Walters, Pickett, Adams, Archibald and Johnson. Nays – Lovelett. Motion carried.

Mr. Miller returned to the Council chambers.

PUBLIC HEARINGS

Public Hearing: Moratorium on the Receipt and Processing of Planned Unit Development Applications Pursuant to Chapter 16.40 of the Anacortes Municipal Code

City Attorney Darcy Swetnam introduced the public hearing established by Ordinance 2986 adopted on August 15, 2016. She said the purpose of the meeting was to adopt a work plan as required by RCW 36.70A.390 and advised that the moratorium could be extended up to one year if the work plan was adopted. Her slide presentation was added to the Council packet materials for the meeting. Ms. Swetnam summarized the reasons for invoking the moratorium and rewriting the relevant code, among other AMC titles currently under revision subsequent to adoption of the 2016 Comprehensive Plan. She explained the six packages of code revisions envisioned by staff over the following two years and noted that the PUD code would be included in the zoning and development regulations package which staff intended to engage Makers to assist with. Ms. Swetnam then reviewed the ten-step proposed work plan, beginning in September 2016 and continuing through October 2017, including an extension of the moratorium in August 2017 if necessary.

At approximately 6:37 p.m. Mayor Gere opened the public hearing. No one present wishing to speak, the mayor closed the public hearing.

OTHER BUSINESS

Resolution 1970 Reaffirming Ordinance 2986 Relating to a Moratorium on Planned Unit Developments and Adopting a Work Plan

Mr. Walters moved, seconded by Mr. Archibald, to approve **Resolution 1970** reaffirming Ordinance 2986 and confirming the 12 month duration of the moratorium contained therein concerning Planned Unit Development applications and adopting a work plan.

Mayor Gere invited members of the audience to comment on this agenda item.

Sara Holahan, 1511 38th Street, thanked Council for the moratorium and the well thought out one year work plan just presented by Ms. Swetnam. Ms. Holahan reported on her research of PUDs in other cities. She cited PUD goals identified by other cities including "Encouraging creation of useful open spaces, particularly suited to the needs of a specific parcel" and "Provision of more adequate, usable and suitably located open space, recreational amenities and other public facilities than would otherwise be provided under conventional land development." She also quoted, "Planned development shall not be allowed simply for the purpose of increasing overall density or allowing development that otherwise could not be approved." She encouraged staff and councilmembers to refer to the resources available at MRSC.

No one else present wished to address Council on this topic.

Vote: Ayes – Pickett, Adams, Lovelett, Archibald, Miller, Johnson and Walters. Motion carried.

Contract for South Commercial Murals, South Commercial Improvements

Mr. Measamer presented a proposed contract with the Anacortes Arts Festival to purchase, install and maintain twelve pieces of public art along Commercial Avenue between 12th and 32nd Streets. He reported that his department had recently purchased and installed ten planters along South Commercial Avenue as part of the \$75,000 South Commercial Beautification project budgeted for 2016 and that the proposed art contract would come from the same funding source, leaving approximately \$34,000 for other projects. Mr. Measamer acknowledged that while staff and Ms. Lovelett had been working for several months to identify components of the beautification project, the project had not been discussed at the Council committee level. He offered to refer the matter to either the Planning or Parks and Recreation committee. Mr. Adams urged referring the matter to committee and suggested that the Arts Commission should also be involved. Ms. Lovelett spoke in favor of acting on the contract as presented. Councilmembers discussed how the proposed contract would relate to other murals in town, the proposed pocket park near 22nd Street, the South Commercial corridor plan presented by WSDOT several months prior, the selection of art pieces under the proposed contract, whether Lodging Tax could be applied to any of the beautification projects, and potential funding from the Anacortes Parks Foundation. Mr. Adams observed the range of councilmember opinions on the best means of achieving the shared goal of beautifying the southern entrance to Anacortes and again urged more consideration at the committee level before acting on the proposed contract. Some councilmembers urged a more coordinated, less piecemeal approach and others urged taking concrete steps sooner rather than later.

Mayor Gere invited members of the audience to comment on this agenda item.

Meredith McIlmoyle, Director of the Anacortes Arts Festival, 3905 I Avenue, said she respected the committee process but did support the concept of offering a vision of what Anacortes is about at the entrance to town. She noted that Anacortes is known for embracing and supporting artists. She described the proposal to install six identical six-foot whale tail sculptures on the existing sculpture pads, each tail to be decorated by a different local artist. In addition, six murals would be installed on the sides of larger buildings, with the art to be chosen by the Mayor's office from work submitted by local artists. Ms. McIlmoyle reported that businesses in the south Commercial Avenue area were very supportive. She called the proposed contract a very cost effective way to install a lot of public art for a small investment. She said the Arts Festival was in full support of the project and was ready and waiting to implement.

After continued discussion, Mr. Archibald moved, seconded by Ms. Lovelett, to approve the contract with the Anacortes Arts Festival in the amount of \$30,000. Mr. Adams reiterated his position that the topic should be referred to committee before action by Council. Ms. Pickett moved, seconded by Mr. Miller, to table the motion until the next regular City Council meeting on September 19, 2016. Vote: Ayes – Adams, Lovelett, Miller, Johnson and Pickett. Nays – Archibald and Walters. Motion carried.

Interlocal Agreement: NoaNet

Public Works Director Fred Buckenmeyer updated Council on the fiber optic network project and presented an interlocal agreement for consideration and approval, noting that the project was now at a critical decision point. His slide presentation was added to the Council packet materials for the evening.

Mr. Buckenmeyer summarized the two phases of the project, first building a dark fiber telemetry network centered at the Anacortes Public Library that would connect all city facilities including the water treatment plant, water reservoirs, and water and sewer pump stations, then eventually connecting that network to the internet to form the basis for a municipal broadband network. He described the significant performance and security enhancements available with a fiber based telemetry system. Mr. Buckenmeyer then outlined the central, western and eastern portions of the network, which would be constructed in that order. He noted that the eastern portion would provide a redundant loop opportunity for the existing Mount Vernon, Port of Skagit and Burlington fiber networks as well as for existing private and public carriers in western Skagit County. Ms. Pickett asked if those other networks would pay for that service and Mr. Buckenmeyer said he anticipated that they would.

Mr. Buckenmeyer then summarized the projected costs and funding for the three portions of the telemetry network. He said that the first expenditure was the proposed interlocal agreement with NoaNet for the design and construction administration of the central portion. In response to a question from Ms. Lovelett, Mr. Buckenmeyer confirmed that the figures presented would be included in the proposed 2017/2018 biennial budget. He responded to additional questions from Mr. Miller and Ms. Pickett about firming up the construction cost estimates and whether utility funds could contribute their anticipated share of the cost without raising rates. In response to a question from Mr. Johnson, Mr. Buckenmeyer said that the pump station telemetry would be backed up by cell phone technology in the event that the fiber telemetry system was temporarily out of service.

Mr. Buckenmeyer then described Northwest Open Access Network (NoaNet), a wholesale only telecommunications provider and non-profit municipal corporation with whom Anacortes could contract using interlocal agreements rather than competitive bidding. He shared a long list of services offered by NoaNet and a map of NoaNet's current presence on Fidalgo Island, using shared fiber cable leased from another provider. Mr. Buckenmeyer then reviewed the proposed scope of services and interlocal agreement which were included in the packet materials for the meeting. Ms. Pickett and Mr. Walters both asked that the agreement be modified to specify a not to exceed amount. He said the proposed \$174K scope of services was for the central portion only and that subsequent agreements would address the western and eastern portions. In response to a question from Ms. Pickett, Mr. Buckenmeyer explained why wireless technology was not a viable alternative for the telemetry network. Mr. Adams asked about the revenue projections that had been included in previous presentations about the fiber network. Mr. Buckenmeyer said that would come into play after the telemetry network was lit and a municipal broadband network was pursued. Councilmembers expressed some concern about cost control. Mr. Miller said he would like another week to review the material. Mayor Gere suggested that the discussion continue at the next regular meeting. Councilmembers requested additional information on funding sources, including justification for the utility portion of the funding, as well as the potential impact on utility rates and cash flow. Mr. Adams again requested information on eventual revenue streams.

Mayor Gere invited members of the audience to comment on this agenda item. No one present wished to address the Council on this topic.

There being no further business, at approximately 7:51 p.m. the Anacortes City Council meeting of September 12, 2016 was adjourned.