

City Council Minutes – July 18, 2016

Mayor Laurie Gere called to order the regular Anacortes City Council meeting of July 18, 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.

Executive Session (45 Minutes) per RCW 42.30.110 (i)

At 6:01 p.m. Mayor Gere announced that City Council would convene with legal counsel in Executive Session for approximately 45 minutes to discuss potential litigation and that no action would be taken. Mayor Gere and City Council retired to the committee room with City Attorney Darcy Swetnam.

At approximately 6:37 p.m. Mayor Gere and councilmembers returned to the Chambers. After the previously announced interval, at 6:45 p.m. the regular session resumed.

Announcements and Committee Reports

Finance Committee Report: Mr. Walters reported from the committee meeting the prior Wednesday. He said the committee was considering recommending an adjustment to the water rate schedule for multifamily residential customers which currently pay the same rates as commercial customers and that the potential financial impact was being investigated. Mr. Walters and Mr. Johnson said the committee had also discussed the potential impact on cash reserves if large projects currently under consideration were to be implemented.

Personnel Committee Report: Ms. Pickett reported that the new personnel policies could be presented to Council for adoption within a few weeks and that contract negotiations would begin later in the year.

Public Works Committee Report: Mr. Walters reported from the committee meeting earlier in the evening regarding the seasonal water rights transfer application. Mr. Walters also advised that the D Avenue paving project had been delayed to August.

Mr. Walters moved to amend the agenda to remove Item 7b, Tourism Promotion Planning Committee Strategic Plan Presentation, as none of the committee members other than councilmembers were able to be present. The agenda amendment was approved by unanimous consent.

Mr. Johnson thanked the Anacortes Police officers who assisted a troubled citizen at a local thrift shop and commented that the officers often serve as the first layer of social services in Anacortes. Mr. Walters and Mayor Gere also commended the Anacortes Police Department for their outstanding service in the community. Mr. Walters encouraged everyone to read the department's 2015 annual report on the city website.

Public Comment

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

Consent Agenda

Mr. Miller removed Item 6d, Contract Award: Install Roofing at Operations Building, from the Consent Agenda. Mr. Johnson removed Item 6c, **Resolution 1946:** Setting Fire Protection Level of Service, from the Consent Agenda.

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

- a. Minutes of July 5, 2016 and July 11, 2016
- b. Approval of Claims in the amount of: \$381,603.65
- e. **Resolution 1967:** Amending Petty Cash and Change Funds

The following vouchers/checks were approved for payment:

Voucher (check) numbers: 81253 through 81347, total \$315,467.03
EFT numbers: 205478 through 206602, total \$116,268.89

d. Contract Award: Install Roofing at Operations Building

Mr. Miller asked to know the engineer's estimate for this project and asked why the project had not been budgeted. Mr. Buckenmeyer explained the remediation staff had already implemented in an attempt to address the leaking roof and the need to re-roof the higher elevations of the building to prevent further damage. Councilmembers inquired about cost sharing with the Anacortes School District which owns part of the building. Mr. Buckenmeyer advised that staff was currently negotiating that topic. Mr. Miller moved, seconded by Mr. Archibald, to approve Consent Agenda Item 6d. The motion passed unanimously by voice vote.

c. **Resolution 1946:** Setting Fire Protection Level of Service

Mr. Johnson commended the Public Safety committee for its work on the plan and inquired about how to achieve the funding for the items coming up in the next budget biennium. He suggested bonding for the new fire station in 2018 rather than using cash reserves. Ms. Lovelett suggested structuring the fire impact fee to consider relative risk factors. Councilmembers discussed funding concerns at length and generally agreed that the plan would provide guidance for achieving a desired level of service but that funding decisions would need to be made during each budget cycle depending on available resources. Ms. Lovelett moved, seconded by Mr. Archibald, to approve **Resolution 1946** setting Fire Protection Level of Service. The motion passed unanimously by voice vote.

OTHER BUSINESS

Ordinance 2982: Adopting 2016 Comprehensive Plan

Planning Manager Libby Grage reported that staff had revised the draft comprehensive plan in accordance with City Council direction at the July 5, 2016 regular meeting and had posted the revised document on the city website the prior week. Ms. Grage presented draft Ordinance 2982 to repeal the 2006 Comprehensive Plan and adopt the 2016 Comprehensive Plan. She noted that the ordinance had been revised subsequent to packet publication to add the following language:

WHEREAS, the City will continue to review and, if needed, update its development regulations protecting critical areas within 12 months of the schedule identified RCW 36.70A.130;

Ms. Grage said staff recommended approval of Ordinance 2982 adopting the 2016 Comprehensive Plan.

Councilmembers and Mayor Gere commended staff, the volunteer Community Advisory Committee and the general public for their immense effort to develop the plan. Mr. Walters moved, seconded by Ms. Lovelett, to adopt **Ordinance 2982** adopting the 2016 Comprehensive Plan. Vote: Ayes – Walters, Pickett, Adams, Lovelett, Archibald, Miller and Johnson. Motion carried.

Water Rights Seasonal Transfer Application

City Attorney Darcy Swetnam recapped the discussion of this topic at the July 5, 2016 City Council meeting. Ms. Swetnam advised that subsequently the City had received feedback from the Western Water Agricultural Association, Skagit County elected officials, the Swinomish Tribe and other members of the public about water rights in the valley and the future of water in the Skagit River Basin. She said that given the complexity of the issue, staff recommended taking a step back to fully consider the various interests involved in water planning in the county, to explore the complexities of water issues through a

series of study sessions, and to look into the questions raised by various commenters. Ms. Swetnam recommended that the motion on the table from the July 5, 2016 meeting be denied.

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

Tom Glade, speaking on behalf of Evergreen Islands, said EI strongly supported the conditions on the application to Department of Ecology for a seasonal transfer of water rights to the two irrigation districts. Mr. Glade said this action dovetailed nicely with the comprehensive plan amendment regarding water planning previously submitted by EI. Mr. Glade quoted from the Supreme Court decision in Swinomish vs. Ecology regarding protection of salmon in the Skagit River system. On behalf of EI, Mr. Glade offered sincere thanks to the city for its efforts to ameliorate the water rights conflicts over the Skagit River's water.

Carol Ehlers offered information about water needs and water rights issues for Council's consideration. She shared extracts from the Anacortes-Fidalgo Island Coordinated Water System Plan adopted in 1985. Ms. Ehlers displayed three maps from the document and indicated the legal designation of the critical water service supply area. She said it was an essential duty of Anacortes to provide water for Fidalgo Island, as well as other reasonable locations determined by agreement. Ms. Ehlers said the southwest corner of the island has no water available other than well water and that it is essential for the Anacortes water system to protect those parts of Fidalgo Island which have no other access to water. She said the Del Mar community was grateful to be supplied by Anacortes water and understood how important it was for other people to have access to water within the CWSSA. Ms. Ehlers provided the mayor with a hard copy of her materials which were made part of the packet materials for the evening.

Brandon Roozen, representing Western Washington Agricultural Association, said the association appreciated the efforts Anacortes was making. He said the WWAA and its agricultural partners were ready to dig in to address water issues. He reported that the WWAA had irrigated about 350 acre feet of water from its two rights so far in 2016 and compared that to the 10,000 annual acre foot right that was transferred to the districts in 2015. Mr. Roozen said it was not a lot of water but it was important to get it at the right times.

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

The clerk read back the motion that had been tabled for two weeks at the July 5, 2016 meeting:

Mr. Adams moved, seconded by Ms. Pickett, to authorize Mayor Gere to execute the seasonal change application to the Dept. of Ecology to provide access to the City's 15 CFS water right for Districts 15 and 22 in case of a drought emergency. Mr. Johnson asked if Mr. Adams and Ms. Pickett would accept an amendment to strike "and Anacortes City Council approval" at the end of Remarks Section 5 on the application to DOE. The mover and seconder agreed.

Councilmembers discussed the motion on the table, generally agreed on the need to investigate a long term solution for agriculture in the county, and noted Mr. Roozen's previous comments that the water right transfer application as proposed would not meet the needs of the districts.

Vote on motion tabled from July 5, 2016: Nays – Pickett, Adams, Lovelett, Archibald, Miller, Johnson and Walters. Motion failed.

There being no further business, at approximately 7:45 p.m. the Anacortes City Council meeting of July 18, 2016 was adjourned.