

City Council Study Session Minutes – January 11, 2016

Mayor Laurie Gere called to order the regular Anacortes City Council study session of January 11, 2016 at 6:00 p.m. Councilmembers Eric Johnson, Ryan Walters, Erica Pickett, Brad Adams, Liz Lovelett, John Archibald and Matt Miller were present.

Mayor Gere removed Item 3, Whistle Lake Road Water Tank Update, from the agenda and advised that staff would provide that update at a future meeting.

2015 Public Defense Update

Public Defender Rob Jones reported on the successful implementation of the standards for provision of public defense services adopted by Council via Ordinance 2944 on March 2, 2015, consistent with case load guidelines established by the Washington State Supreme Court. Mr. Jones described the establishment of the Public Defender's Office as a department within the city during 2015. He reminded that early in 2015 the Washington State Office of Public Defense awarded Anacortes a \$16,900 grant to support that transition. Mr. Jones reported that OPD officials were impressed by the results following their interviews and observations conducted on site. Mr. Jones reminded of the costs other jurisdictions have incurred for not meeting the State standards.

Mr. Jones advised that those standards allow each public defender to handle 400 cases per year. He said 416 cases were assigned the Anacortes Public Defender's Office in 2015. Of those, Mr. Jones handled 392 and the remainder were handled by contract attorneys because Mr. Jones was conflicted out of handling them. He added that the case load limit does not apply to probation violation hearings, of which Mr. Jones handled approximately 58 in 2015. Mr. Jones described the procedures of the Public Defender's Office which includes meeting with clients in the secure jury room at the Municipal Court building, at his office in City Hall, and also at the jail in Mount Vernon if clients are in custody there. Mr. Jones told Council that establishing the Public Defender's office had been the right decision to meet the needs of indigent defendants in Anacortes and help to break the cycle of disrupted lives and families.

Mr. Walters emphasized that Council needed to be alerted if the case load limit was approached so it could allocate additional resources if necessary. Mr. Jones assured that his office was prepared to address minor overages at year end through the use of conflict attorneys.

Presentation: Low Impact Development (LID) Ordinance Requirements/Process

Assistant Public Works Director Matt Reynolds advised that the City's NPDES permit requires it to adopt an ordinance by the end of 2016 that will address stormwater runoff from new development to incorporate LID. Mr. Reynolds introduced David Roberts of Kulshan Services and Karen Welch of Welch Ecological Services, both under contract with Anacortes to assist in this effort.

Mr. Roberts shared his slide presentation included in the evening's Council packet explaining the LID requirements of the City's current NPDES permit and the work plan to achieve compliance during 2016. He described LID as a strategy to protect and use on-site natural features to maintain pre-development surface water flow volumes and durations on developed land. He said is typically achieved by minimizing impervious surfaces and loss of native vegetation and encouraging infiltration. Mr. Roberts explained that by the end of the year the City would need to review, revise and put into effect local codes and standards that would make LID the preferred option wherever site conditions allow.

In response to a question from Ms. Pickett, Ms. Welch explained the difference between Phase I and Phase II communities under the Clean Water Act. Councilmembers discussed with the consultants the potential costs to homeowners to install LID systems and the offsetting savings achieved in stormwater hookup fees. The consultants reminded that while the permitting process will change under the revised codes, site specific conditions will still govern which treatments are required.

Mr. Roberts summarized the steps to achieve LID integration during 2016: establishing a staff team and a stakeholder committee, updating and training staff, reviewing existing codes and standards to identify which need updating, amending and developing compliant codes, and then public review and Council adoption of those codes before addressing implementation. Ms. Lovelett suggested involving the Skagit County Marine Resources Committee in the process. Mr. Roberts then displayed some examples of LID development elsewhere in Washington State. He listed the steps to implement the new codes once adopted, including staff training, updating permit application materials, holding public workshops on LID strategies and finally reporting on outcomes to DOE by March 31, 2017. Mr. Roberts said the consultants were meeting with staff to set up a schedule to meet the permit timeline and had already begun reviewing City codes as well.

Mr. Roberts answered questions from councilmembers about maintenance of LID features, public education regarding LID, the potential for addressing LID retrofits for existing development, and incorporating LID features into public infrastructure such as roadways, parks and parking lots. He reminded Council of the range of water quality problems LID can help address.

There being no further business, at approximately 7:12 p.m. the Anacortes City Council study session of January 11, 2016 was adjourned.