

Anacortes City Council Minutes - September 19, 2022

Call to Order

Mayor Matt Miller called to order the Anacortes City Council meeting of September 19, 2022 at 6:00 p.m. Councilmembers Jeremy Carter, Anthony Young, Christine Cleland-McGrath, and Bruce McDougall (departed early at 6:45pm) were present.

Councilmembers Carolyn Moulton and Ryan Walters (joined at approximately 6:40pm) participated in the meeting remotely via Zoom.

Councilmember Amanda Hubik was absent. Ms. Moulton moved, seconded by Mr. McDougall, to excuse the absence of Ms. Hubik. The motion carried unanimously by voice vote.

Pledge of Allegiance

The assembly joined in the Pledge of Allegiance.

Announcements and Committee Reports

Mayor Miller removed Item 5.c. from the Consent Agenda. He then provided a Tommy Thompson Trestle update, saying the investigation is ongoing and asked citizens to call the anonymous tip line with any information related to the event. He added that the City expects an incident analysis report from the Bureau of Alcohol, Tobacco, Firearms, and Explosives. He continued, reporting that the structural engineers surveyed the site last week and that damage is not as extensive as 2009, as only 77 feet burned this time compared to 500 feet in 2009. Mayor Miller expressed cautious optimism regarding the restoration project and added that the City requires a signed report from a structural engineer before proceeding with the restoration. He then added that the City will meet with contractors this week to obtain a time, materials and funding estimate for the project pending the Council's consideration and passage of a resolution to work with local contractors. He concluded the update by mentioning that the Washington State Department Of Transportation swept State Route 20 to facilitate bicycle traffic, the Public Works department has posted reader boards along the route advising motorists of increased bicycle traffic, and that the Parks Foundation is accepting donations for the trestle restoration. Finally, he reminded the public that this coming weekend is Oyster Run.

Finance Committee

Mr. Young reported from the Finance Committee meeting held the previous Wednesday. The topics discussed included budgetary meetings and discussions that are in progress, the current state of the economy, Capital Facilities Plan logins for councilmembers, OpenGov software, a draft request for proposal for banking services, potential fund reallocation as a result of the wastewater outfall project delay, a refund request for a utility customer, and the ongoing audit of the American Recovery Program. Mayor Miller added that OpenGov is receiving positive reviews from staff directors and expressed cautious optimism that it will give the Council and public a transparent view of the City budget.

Public Works Committee

Mr. Young reported from the Public Works Committee meeting held earlier in the evening. The topics discussed included a presentation on Cartegraph that allows real-time digital management of public works service requests, asset management, and will provide citizens with an interactive interface with City utility services in the 'See, Click, Fix' application.

Ms. Cleland-McGrath provided an update on a meeting with Makers Consulting Group under the umbrella of the Housing Affordability and Community Services Committee and Planning Committee to discuss code updates, needs and concerns regarding housing subsequent to receiving a grant for the Housing Action Plan.

Makers Consulting Group provided recommendations on incremental code changes to shape the availability of housing in Anacortes after conducting surveys and conversations with stakeholders throughout the summer.

The recommended code changes, primarily affecting the R4 and R3 zones, should come before the Planning Commission in November and the City Council in December.

Public Comment

Mayor Miller invited the public to comment on any item not on the agenda.

Mary Ann Ryan of Cap Sante in Anacortes commented on a noticeable increase in drug-related activity near the yacht club, gazebo and Madrona Park in the Cap Sante area. She recounted incidents where an individual was seated on a sofa at the corner of Sixth Street and Commercial Avenue and recreational vehicles running open drug transactions near a school bus stop. As a retired educator, she said we cannot wait to act in spite of legislative hurdles, and that we must do something to keep our children safe. She added that being compassionate is not the same as being complicit and that we must protect our children from illegal drugs and related criminal activity.

Megan Schorr of Anacortes asserted that Anacortes is becoming less safe because of the growing presence of homeless encampments, and accused City leaders of adopting similar policies that have transformed Seattle and Bellingham into unrecognizable communities for those who grew up there. She cited instances of a former employee being carjacked a few yards from her business, vehicles in neighboring lots in the Skyline area being vandalized. She added that she does not feel safe on the Tommy Thompson Trail due to the presence of mentally ill drug addicts in the surrounding area on T Avenue, and that she was twice accosted by homeless individuals. Ms. Schorr pointed out that compassionate legislation is not working and that public funds are being misused on ineffective programs. She proposed that there should be a well-structured, rules-based job training program for able-bodied individuals who struggle with addiction, and that those who are not willing to participate in such a program should be asked to leave the City. She decried the current situation as putting the citizens of Anacortes, their children, homes, businesses and property in harm's way, and concluded that City leaders should make policies that address the root causes of homelessness and drug addiction or step aside and allow others to do so.

Mark McEathron of Anacortes expressed agreement with the two previous speakers and said that the situation with recreational vehicles this summer was worse than last year, but has been improving recently because of the change in season. He expected the problem to be worse next summer. He then related going to the City website 'Frequently Asked Questions' page, which cites that motor homes, boats and trailers are *always* limited to 72 hour parking, even if parked adjacent to the owner's property (see Municipal code 10.12.010), and that living in them is unlawful in the City of Anacortes. He related that he followed the suggested procedure of calling the police, but that the vehicles parked beyond 72 hours stay there. He offered that no new laws are needed referring to the shortage of enforcement staff in the Police department. He concluded by suggesting that the City devise a system whereby a citizen can submit a picture of the offending vehicle's license plate and the department can follow up in 72 hours and cite the vehicle owner.

Mary McEathron of Anacortes commented on the derelict vehicles on the street, both operational and non-operational, expressing frustration at enforcement limitations because of staffing and that if the existing codes were strictly enforced then the problem would be mitigated. She related an example of a derelict recreational vehicle parked on Sixth Street for three weeks that caused her to be concerned for local children in nearby public housing and those frequenting Madrona Grove park, as she witnessed possible drug-related activity and is now hesitant to take her grandchildren to the area ice cream shop on foot. She summarized numerous conversations with the Police Department regarding enforcement and the associated staffing shortages and thanked Mayor Miller for his email response to her concerns. She asked that the Council increase its support for the Police department to improve its capacity to enforce existing laws.

Kim Halley of Anacortes thanked the Mayor for highlighting public safety in a recent article, the City Council for the recent hiring of a new detective and the Police department and Fire department for their work, highlighting the police focus on drug crimes. She cited past experiences witnessed while a resident in Seattle related to the homeless, drug and mental health crisis that negatively affected the community there. She asserted that businesses near Commercial Avenue see repeated drug transactions and single females feel unsafe leaving their homes during the evening. She mentioned a recent arrest of an individual selling fentanyl to a minor, large amounts of seized narcotics, the increasing number of dilapidated vehicles, female friends who feel unsafe jogging alone or walking in the Anacortes Community Forest Lands (ACFL), the increase of vehicle vandalism and theft, and property crimes including the recent burning of the Tommy Thompson Trail trestle. She offered ideas of a task force to research what other municipalities are doing, review how social workers are performing their duties, a designated encampment area, utilizing the Anacortes Family Center expertise to a greater level, working with Clubhouse International to support individuals living with mental illness, and making drugs and homelessness a regular City Council agenda item.

Evan Saxton of Anacortes related his experiences as a volunteer in the Anacortes homeless community offering food, water and support throughout the summer. He related conversations he had with these individuals, saying that homeless people want to be recognized as humans and that others want the problem pushed to other locations, citing the wealth disparity in the community. He asserted that our community is filled with drugs and that such activity occurring among the homeless population is more visible because it takes place outside and cannot be hidden from the community, unlike for those who have homes and can conceal their activity within. He offered that the issue is not simply a drug problem, but rather a poverty problem and that getting resources, such as drug treatment, material and financial support, and housing directly to those in need. He characterized the 'War on Drugs' that has persisted for nearly fifty years and addressed the problems of homelessness and drug use with the penal system as a failure, and advocated for adequate and functional solutions, particularly through the Housing Affordability and Community Services Committee.

Brenda Zeiger of Anacortes in the Cap Sante neighborhood expressed concern that a neighbor has intentionally encroached on City property adjacent to the Anacortes parks land running south on Fifth Street, and provides historical public access to marine stadium. She specified that the neighbor has built an extensive land berm and planted numerous trees and bushes and added large boulders on City property over the past decade. She claimed that the neighborhood has requested resolution to this problem for years without success. She asked that the City Council have a full presentation and open public discussion of the neighborhood's concerns listed in their petition or set and enforce a deadline in the very near future to address these encroachments.

Michelle Morrison of Anacortes and a business owner expressed concern for health and public safety around mobile homes remaining in place in excess of 72 hours in the vicinity of her business. She expressed agreement with the preceding speakers and added that one vehicle in particular was in front of her business and scared customers from coming in. She cited a particular female community member who chooses to live on the street, at times opening the door of Ms. Morrison's business and shouting that she is afraid and someone is pursuing her, then having loud conversations on the sidewalk that frighten her customers. She emphasized that this individual had not harmed anyone and that sometimes normal conversation is possible. She expressed fear at the unpredictability of interacting with this person and walking on the trails and wondered why the police canine unit had not been used recently. She expressed dismay at the changes she has witnessed since relocating to Anacortes from Portland four years ago.

Karen Thompson of Anacortes asked if there are special protections afforded to a declared "drug free" city. She claimed that drug dealers are only going to be near drug users, particularly including the homeless population, and that the Family Center has limited capacity to deal with addicted individuals who refuse to be separated from their drugs and thus these individuals are left to be abused by the dealers. She mentioned the American

Civil Liberties Union assigning rights to homeless individuals and wondered if that was a challenge the City was facing and if there was any way the City could fight against said assignment. She then cited the example of homeless individuals who worked at the Anacortes Museum under the auspices of the Anacortes Family Center, a program which she said ended because the City was told that it was not allowed to have individuals work without receiving appropriate compensation, even though the Anacortes Family Center provided their housing and food. She wondered how this program and others could be reinitiated, commending the Family Center and the community for working on solutions to the problem of homelessness.

Mark Maulden of Skagit County and commodore of the Anacortes Yacht Club related an account of an individual who broke into the facility during a Kiwanis meeting and stayed in the building and unlocked the main entrance door to the facility from the inside and left the premises via an alternate door. Mr. Maulden discovered the unlocked door, secured the facility and contacted the police, who responded and ensured the individual was not in the building. The following day this individual returned and attempted to enter the facility through every entrance door, which was all captured on video. He continued his commentary, saying that the problem of illegally parked recreational vehicles must be solved. He cited vehicles present on Sixth Street and T Avenue near the marina and related instances of refuse on the sidewalks and suspected narcotics transactions. He concluded by asking that applicable laws must be enforced, warning that recreational vehicles would soon be replaced by tents.

Leland Dull expressed agreement with the other speakers.

Brenda Young of Anacortes agreed with previous speakers. As a botanist who works in habitat restoration, she worried that homeless individuals camping and the associated litter will degrade the quality of the ACFL. She also expressed a desire to feel safe while enjoying the parks and ACFL. She cited issues of automobile break-ins at trailheads and an instance of someone camping near the Guemes Channel trail as sources of her discomfort. She suggested that it is not compassionate to support homeless individuals if the City does not have the facilities or services to support them.

Adrian Young of Anacortes expressed dismay that he would have to worry about his wife going for a walk in the ACFL. He shared a realization that there are already laws in place to deal with some of the concerns presented by previous speakers and wondered why those who park illegally are not given a ticket the same as anyone else.

Cynthia Hogan expressed agreement with previous speakers.

Mayor Miller expressed appreciation for the public concerns brought forth before the Council and the importance of seeing the faces associated with the numerous written complaints and phone calls he has received since taking office as mayor. He related that he had responded to many of them and that, unfortunately, the complaints are fair and all too common. He stated his priority of keeping Anacortes safe and clean and claimed some success thus far, citing fourteen recreational vehicles and cars being used as living accommodations on T Avenue when he took office, being reduced to a current count of four to six. Mayor Miller confirmed that there are existing laws on parking enforcement and detailed the City approach to homeless individuals: 1.) Individuals are asked if there are any critical services they require and then provided access to those services. If no services are needed, then they are asked to move their vehicle to a more appropriate location. 2.) Provide formal notice to move or be towed within 72 hours. 3.) Enforce public nuisance codes, specifically AMC 9.06.04 and .02 He then asked those individuals with no family ties, resources or local prospects in Anacortes and want to live on the street to move elsewhere. He added that as mayor he is responsible for the 17,880 residents of Anacortes, adding that the social outreach team consisting of a social worker contracted through the Anacortes Family Center, a community paramedic, and a code enforcement officer have reached out to certain individuals in excess of forty times. He said that the city takes seriously the public safety and housing needs of

the community and would enforce existing laws. He cited instances of some recreational vehicle inhabitants refusing services, while admitting that some mental health resources are not readily available. He continued saying that the City is exploring all options in light of recent court decisions that make taking action very challenging. He mentioned that court decisions and recent state laws make the problem very difficult to confront directly, and that illicit drug activity and crime that follows are often associated. He continued by saying that he would continue to work with Police Chief Floyd and the legal team to confront the problem, with the City Council to modify the nuisance laws, and addressing state legislators on the deleterious effects of their recent police reform legislation. He concluded by thanking the public for their input and suggested solutions, and asked that they continue to reach out to him and his staff to address this very important issue.

Joanne Dares of Cap Sante in Anacortes expressed concern about a family encroaching on City property in the area on 5th Street. She asked for a specific timeline for the removal of encroachment material from city property that would allow citizens to use the Cap Sante public trail and park.

John Campbell of Anacortes stated that he is the property owner that others are commenting on and that they are working with the relevant City departments as required to address the issues of concern. He added that as long as he is addressing the issue with the City, it should not be of any concern to his neighbors and that they should not be able to publicly humiliate him and his family.

Mr. Walters asked the record reflect that he joined the meeting remotely at approximately 6:40pm.

Consent Agenda

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

a. Minutes of September 12, 2022

b. Approval of claims in the amount of \$416,012.56

The following vouchers/checks were approved for payment:

EFT numbers: 104263 through 104314, total \$382,951.45

Check numbers: 104315 through 104334, total \$19,178.87

Wire transfer numbers: 310176 through 310475, total \$13,882.24

d. Addendum To Interlocal Cooperation Agreement Between Fire Districts #11, #13, #17 And The City Of Anacortes

e. Interlocal Agreement with Skagit County for Probation Services 2023-2025 #23-001-MCT-001

f. Interlocal Agreement with Skagit County for the Community Court Program 2023-2025 #23-002-MCT-001

Other Business

Resolution 3098: Declaring an Emergency and Waiving State Competitive Bidding Requirements for the Restoration of the Tommy Thompson Trail

Parks and Recreation Director, Jonn Lunsford, introduced Resolution 3098 Declaring an Emergency and Waiving State Competitive Bidding Requirements for the Restoration of the Tommy Thompson Trail.

Ms. Moulton asked Mr. Lunsford to give the public a brief overview of the resolution. Mr. Lunsford responded that the resolution allows the City to move forward with haste to put aside competitive bidding requirements to contract with entities for emergency demolition and repairs of the Tommy Thompson Trail Trestle. He then provided the justification as an emergent public safety issue with nearly a hundred individuals going past the warning signs this past Saturday alone, and expressed concern that someone could go past the gates and access the fire damaged area. He concluded that urgent repairs would get cyclists back on the trail that provides the safest route of travel across Fidalgo Bay.

Mr. Walters asserted that the resolution is sensible and justified regarding the situation and asked for ongoing

briefings in the future about how the resolution is being used.

Ms. Moulton thanked Mr. Lunsford for providing the statistics of people going past the warning signs and agreed with Mr. Walters about receiving regular updates regarding the progress of restoration efforts.

Ms. Cleland-McGrath agreed with Mr. Walters and Ms. Moulton and asked that the public receive news of cost estimates and possible opportunities for fundraising or donations.

CAROLYN MOULTON moved, seconded by CHRISTINE CLELAND-MCGRATH, to approve Resolution 3098 as presented. Vote: Ayes - JEREMY CARTER, ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON. Nays - None. Abstain - BRUCE MCDOUGALL. Result: Passed

Executive Session

Potential Real Estate Transaction per RCW 42.30.110(1) (15 minutes)

Mayor Miller announced that City Council and the City Attorney would convene in Executive Session per RCW 42.30.110 (1) for approximately 30 minutes to discuss potential real estate transactions. The mayor advised that the regular meeting would then adjourn with no final action having been taken. Councilmembers Jeremy Carter, Anthony Young, Ryan Walters, Christine Cleland-McGrath, and Carolyn Moulton attended the executive session.

Adjournment

There being no further business, at approximately 7:37 p.m. the Anacortes City Council meeting of September 19, 2022 was adjourned.