

Anacortes City Council Minutes - October 17, 2022

Call to Order

Mayor Matt Miller called to order the Anacortes City Council meeting of October 17, 2022 at 6:00 p.m. Councilmembers Ryan Walters, Anthony Young, Christine Cleland-McGrath, Carolyn Moulton, Bruce McDougall and Amanda Hubik were present.

Councilmember Jeremy Carter was absent. Mr. Young moved, seconded by Ms. Hubik to excuse the absence of Mr. Carter. The motion carried unanimously by voice vote.

Pledge of Allegiance

The assembly joined in the Pledge of Allegiance.

Executive Session

Mayor Miller announced that City Council and the City Attorney would convene in Executive Session per RCW 42.30.110 (i) for approximately 20 minutes to discuss litigation. The mayor advised that the regular meeting would then adjourn with no final action having been taken. Councilmembers Anthony Young, Ryan Walters, Christine Cleland-McGrath, Carolyn Moulton, Bruce McDougall and Amanda Hubik attended the executive session.

Announcements and Committee Reports

Mayor Miller provided an update on the threats to Anacortes High School, sharing that the Anacortes Police Department is continuing to investigate in cooperation with federal agencies and that similar threats were received in other communities throughout the United States. He expressed appreciation for the quick work of law enforcement professionals in securing affected school buildings and the close partnership with the Anacortes School District. Mayor Miller then provided a Tommy Thompson Trestle Trail update, mentioning that a larger section of the trail west of the trestle was re-opened for public use, staff is in the final stages of the permit process, the necessary materials have been ordered, and a more definite work schedule will be available pending completion of a final cost estimate. He concluded by announcing an Open House at Fire Station 1 on October 23, 2022 from 12pm-4pm.

Public Works Committee

Ms. Moulton reported from the Public Works Committee meeting held earlier in the evening. The topics discussed included the ongoing sidewalk improvement plan, identifying priority areas on Hillcrest Drive near Grand View Cemetery, a 10-foot wide shared use path on H Avenue from 41st Street to the first Anacortes Community Forest Lands trailhead, and Safe Routes to School grants for Anacortes Middle School to Anacortes High School, and improvements between Commercial Avenue and M Avenue between 14th Street and 20th Street. Additionally, the committee discussed public works capital facilities projects and the 12th Street and Commercial Avenue roundabout.

Skagit County Law and Justice Council

Mayor Miller announced that Mr. Carter, who was absent from the meeting, will report on the Skagit County Law and Justice Council meeting held on October 11, 2022 at the October 24, 2022 City Council Meeting.

Housing Affordability and Community Services Committee

Mr. Walters reported from the Housing Affordability and Community Services Committee meeting held the previous Thursday. The topics discussed included interviews of Libby Teerink of A Way Home Washington and Kat Lohman, Executive Director of Social Impact with the Skagit YMCA, whose agencies are working on addressing youth and young adult homelessness. Their goals are functionally zero homelessness, with more people leaving than entering homelessness within 90 days of receiving services from their agencies. They are developing a by-name list of youth homeless to facilitate coordination and analysis for agencies to address the

local situation and are currently working in Anacortes, funded by the State Office of Homeless Youth. Mr. Walters also mentioned a discussion with Ms. Lohman regarding the Skagit County homeless housing plan that is currently under review to explore the possibility of writing a similar plan for Anacortes that could open up funding opportunities for the City.

Public Comment

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

Megan Schorr of Anacortes addressed the Council regarding public safety and health, expressing concern for her own safety. She detailed an interaction with a homeless individual on T Avenue, who used threatening language when approached. She opined that compassion is offering help and structure for homeless individuals and requiring them to take some responsibility for their situation, including their litter, sewage, and drug addiction. She continued, asserting that it is not compassionate to tolerate stealing, to allow refuse, including drug paraphernalia and human waste, to foul public streets, to tolerate open drug use, and to let dangerous mentally ill individuals take up permanent residence on those streets. Ms. Schorr suggested that the addictions of homeless individuals are negatively impacting the freedoms of the citizens of Anacortes, calling the current situation a world of chaos created by the permissive treatment of people who steal, abuse drugs, and threaten other people. She asked that the City Council communicate with state legislators to address the situation, declaring that their inaction aids and abets the destruction of civil society. She advocated enforcing current laws and revising ineffective ones, as well as demanding more funding for law enforcement, prisons, rehabilitation centers, and mental institutions. She concluded by asking for the celebration of civil society rather than contributing to its breakdown, saying that order is needed.

Mary Ann Ryan of Anacortes expressed appreciation for recent actions regarding parking near the marina. She termed the current situation a humanitarian crisis, citing that Washington has the fifth largest homeless population in the United States and that the City of Seattle included \$200 million in the 2022 budget for affordable housing. She added that other cities, including San Francisco, Portland, and Los Angeles have been appropriating significant sums of money to address the lack of affordable housing without success. She termed the problem as complex without easy solutions, and proposed addressing drug addiction as a pathway to homelessness. She mentioned that as other jurisdictions such as Everett and Seattle are clearing people out of homeless encampments, those individuals are coming to Anacortes and refusing offered services. She expressed compassion for addicted individuals, and warned that these individuals would do anything, including illegal activity, to feed their habit. She expressed concern that these individuals would target Anacortes youths as customers, mentioning past outreach experiences abroad in Romania and as an educator in southern California. She emphasized the need to protect local young people against drug use and addiction, pointing out that she witnesses daily illegal drug transactions occurring on Market Street close to her home. She asked the Council to work with law enforcement to enforce the law and protect our children.

Kim Halley of Anacortes mentioned the homeless, drug crime, and mental health crisis and the resulting public health and safety impacts as the greatest community concerns. She expressed her interest in hearing about the actions of the Housing Affordability and Community Services Committee, citing the good progress they have made in addressing affordable housing. She then related learning about a presentation made by the committee in January 2022, the various programs available under the auspices of the Anacortes Housing Authority, listening sessions and meetings with local leaders and service providers, and the committee's priority areas of communication and coordination, housing and behavioral health. She suggested that an additional priority should be public health and safety related to the ongoing situation of crime and open street camping. Ms. Halley then pointed out the committee's founding goals of finding ways to make housing more affordable, identifying gaps in services, and to make recommendations on budget and Community Development Block Grants related to social services. She then asked why public health and safety were not included as part of the committee's scope of concern. She suggested that the Council review what other jurisdictions are doing, mentioning the

Mayor's Task Force and Police Advisory Committee in Auburn, the Tacoma department of Neighborhood and Community Services, the Edmonds Homeless Task Force, Everett's commitment to creating and preserving safe public spaces for the whole community as examples. She summarized that each of these examples places public health, safety and public participation at the core of the effort to address the issues.

Anne Kisner of Anacortes agreed with what was said by the previous speakers.

Diana Bartlett signed in for public comment, but was not present when her name was called.

Bruce Baglien of Anacortes expressed his thanks to the City for making an offer to purchase the property on Molly Lane. He recommended removing contingencies from the offer to be more competitive and termed \$2.5 million as a bargain, suggesting that increasing the offer might be worthwhile. He then expressed fear about witnessing a drug deal in Anacortes for the first time on N Avenue that occurred near a recreational vehicle he claimed had been parked there for years. He asked why the police department does not station a unit in the area to discourage this activity or offer these vehicles space in the Anacortes Police Department parking area, which is secure and would alleviate citizens' worries regarding the activities surrounding these vehicles. He asserted that the affordable housing crisis is resolved through the Anacortes Housing Authority and other entities, including the San Juan Motel process for obtaining affordable housing. Mr. Baglien then asked the Council to consider raising the minimum wage in Anacortes to \$25 per hour, concluding that affordable housing was not economically viable in the area.

Consent Agenda

Mr. McDougall moved, seconded by Ms. Hubik, to approve the following Consent Agenda items. The motion carried unanimously by voice vote.

a. Minutes of October 10, 2022

b. Approval of claims in the amount of \$ 656,081.55

The following vouchers/checks were approved for payment:

EFT numbers: 104502 through 104558, total \$332,623.87

Check numbers: 104559 through 104583, total \$312,835.46

Wire transfer numbers: 311564 through 311914, total \$10,622.22

Mayor Miller reminded the public if they feel unsafe to call 911 or the non-emergency number and law enforcement would respond as quickly as possible. He then mentioned a recent visit out to T Avenue to talk with homeless individuals, recent code updates to address the issue, and a letter to state legislators he signed along with other local mayors requesting relief from recent law enforcement reforms that have hindered police from taking certain enforcement actions to address the situation.

Mr. Walters reminded the public that the Council adopted ordinances that close parks and the Anacortes Community Forest Land at night, as well as prohibiting camping, fires and the consumption of alcohol. He then clarified that the Housing Affordability and Community Services (HACS) committee does not address public safety issues, as there is a separate Public Safety committee. He mentioned that the HACS committee has drafted an ordinance that, if adopted, would prescribe a trespassing protocol at all City buildings if individuals do not adhere to a uniform code of conduct, prohibit recreational vehicles from parking in residential areas longer than 4 hours, and sleeping on the sidewalk in commercial zones during the day. He added that all these provisions must fit within the constraints of preserving the constitutional rights of homeless individuals as construed by the courts and keeping police officers safe from any undue liability while taking enforcement actions. He concluded by saying that there would be an opportunity for public comment and discussion of policy gaps when the ordinances come before the Council. Mayor Miller mentioned that he had informed the homeless individuals who had refused services that he would enforce every applicable element of the code in an effort to change their perspective on accepting available services. However, he has found it difficult to find a

judge that would incarcerate an individual for any period of time for littering.

Public Hearings

Ordinance 4025 Critical Areas Regulation Amendments to address Riparian Management Zones AMC 19.70.330

Associate Environmental Planner, Nathan Goldschmidt, introduced Ordinance 4025 Critical Areas Regulation Amendments to address Riparian Management Zones under Anacortes Municipal Code 19.70.330 in accordance with best available science. He referred to a slide presentation that was included in the packet materials for the meeting.

Mayor Miller invited the public to comment on the agenda item.

Marlene Finley, President of Evergreen Islands, urged the Council to adopt the staff's recommendations as presented in the draft ordinance. She highlighted the limits on buffer reductions and the use of the best available science as the basis for delineating and protecting riparian management zones based on site potential tree height. She applauded the City for using the Washington Department of Fish and Wildlife riparian recommendations and thanked the Council for the public process that has allowed all parties to engage on the issues.

Brian Wetcher of Anacortes commended the staff, the Council and Planning Commission for the collaborative efforts in constructing the critical areas ordinance that will be effective into the future as long as it is adhered to. He asked if there were reasonable parameters on the term 'reasonable use' within the code, as he said this is up to the staff to determine. He noted that there are guardrails in the document and wondered if there should be a future discussion that more clearly defines the term. He urged the Council to adopt the ordinance as drafted, and asserted that reasonable use might be the term upon which future enforcement acts are predicated.

Mayor Miller closed the public hearing.

Mr. Walters mentioned that there is a reasonable use provision in the existing code to protect the constitutional rights of those property owners who could not otherwise develop their property. He went on to say that such development requires a variance permit and a type three hearing examiner review. He asked Mr. Goldschmidt how many variance permits have been issued in the last six years. Mr. Goldschmidt responded that none were issued during that period.

Mr. Young commended staff and all parties for working together to improve the critical areas ordinance and expressed his support for the ordinance as drafted.

ANTHONY YOUNG moved, seconded by CAROLYN MOULTON, to Approve Ordinance 4025 as presented. Vote: Ayes - ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, BRUCE MCDOUGALL, AMANDA HUBIK. Nays - None. Result: Passed

Other Business

Resolution 3100 Establishing Real Property Purchase Checklist

Mayor Miller updated the Council that the City submitted an offer for the Molly Lane property that houses City of Anacortes Fire Station 3 and that the City is currently the second buyer in line for the property. City Attorney, Darcy Swetnam, introduced Resolution 3100 Establishing Real Property Purchase Checklist referring to a slide presentation that is included in the final packet materials for the meeting. She mentioned that the City does have a purchasing policy and that this resolution would supplement and not replace any provisions of that policy.

Mayor Miller reminded the public that there is not much available property for the City to purchase. Ms. Swetnam answered questions from the Council. Mr. Walters pointed out that these steps are necessary to use public funds. He said that he is generally not in favor of adopting one-off resolutions, but would rather place such provisions into code. He added that if the City is considering the purchase of the property and is not totally certain about its intended use, the matter should be revisited with the Council for further evaluation prior to finalizing the purchase with information gathered during the feasibility process. He concluded that the checklist is not ready for adoption by the Council, but he finds the checklist useful. Ms. Swetnam responded that the resolution could be attached to the purchasing policy as an exhibit and offered to circulate it to the Council prior to bringing it back for further consideration. Mr. Young asked if there was any urgency to adopt the resolution in light of possible near-term transactions. Ms. Swetnam replied that there was no particular urgency. Mr. McDougall expressed agreement with Ms. Swetnam's suggestion and recommended bringing it back on a future agenda.

2023 Operating Budget, Public Works

Finance Director, Steve Hoglund, introduced the review of the 2023 Operating Budget for Public Works. He referred to a slide presentation that was included in the final packet materials for the meeting.

Mr. McDougall clarified that the salaries of Water Treatment Plant employees are partially funded by the consumers who are not part of the City of Anacortes, such as the refineries and the cities of LaConner and Oak Harbor. Mr. Hoglund responded that the City's portion corresponds to approximately 12% of those salaries and the remainder is split among other utility customers.

Discussion

Ms. Moulton asked whether the \$600,000 left over from 2022 in the road maintenance fund be included in the 2023 budget. Mr. Hoglund responded affirmatively and that \$800,000 for 2023 includes the 2022 remainder. Ms. Moulton followed up asking if the budget typically includes more funding for road maintenance. Mr. Hoglund responded that in the past couple of years the fund has been supplied by real estate excise tax (REET) revenues, as property tax revenues were used for other projects, whereas for 2023 there would be \$650,000 of property tax revenue allocated to the road maintenance fund. Mr. Walters asked if spending of REET funds could be simplified to include just a few projects rather than being spread throughout different areas of the budget, thus simplifying the project descriptions in the Capital Facilities Plan. Mr. Hoglund responded that he liked the idea, but that he needed time to consider the suggestion. Mr. Walters added that the aim was to ensure that there are not hidden facilities projects that the Council does not know are being funded.

Mr. Young asked if all of the details for individual line items are available or will this happen over time, or should the Council reach out to the Finance Department for more information. Mr. Hoglund responded that it will be available to the Council and public via the OpenGov application.

Mr. Walters asked why the budgeted amount for supplies increased by \$400k from 2022 to 2023. Mr. Hoglund provided account code level details of the funds appropriated for this category in the 2023 operating budget. Mayor Miller clarified that Mr. Walters wanted to see a detailed view of the increased expenditures for supplies in the 2023 operating budget. Mr. Hoglund replied that unfortunately, such a query was not possible in OpenGov at this time, but noted that the greatest increase occurred in the wastewater fund. Wastewater Treatment Plant Manager, Becky Fox, explained that most operating and maintenance funds are included under the office supplies line item and detailed the costs for replacing the secondary clarifier drives, aeration basin mixers, heat trace for odor control, replacing duct heaters, adding instrumentation to aeration basins and other costs totaling \$260,000.

Mr. Young clarified that the Council would like to be able to see the details in the OpenGov application. Mr.

Walters voiced some skepticism about the value of OpenGov, but was willing to allow more time for the Finance department to increase their proficiency and further expressed a willingness to receive application use instruction from the Finance Department. Mayor Miller expressed confidence that the Finance Department has all of the information on planned expenditures for 2023, but the challenge is presenting the information in a format that allows the Council to easily evaluate the information and ask questions. Mr. Hoglund expressed a willingness to return to the previous "round-table" format where the Council referenced spreadsheet copies of the budget and could ask questions of the relevant departments. Ms. Cleland-McGrath asked for a complete copy of the budget, either paper or pdf., to supplement the view on the OpenGov application. Mr. Walters clarified that a .pdf and / or Excel copy would be sufficient. Mr. Young agreed that a cross reference tool in either paper or pdf form would be helpful and asked that OpenGov provide visibility of greater detail for particular line items. Mr. Walters expressed a desire to continue working with the OpenGov application, and advocated having an Excel version to supplement OpenGov. Mayor Miller summarized that the Council wants to see specific details regarding the individual line items. Ms. Hubik suggested that when in the 'Reports' view to test exporting it to an Excel file.

Mr. Walters suggested a catch-up meeting after covering all other departments to follow up on the public works budget. Mayor Miller and the Council agreed with Mr. Walters' suggestion. Mr. Young expressed appreciation for the hard work that the staff had put in to the OpenGov transition and implementation.

Adjournment

There being no further business, at approximately 8:15 p.m. the Anacortes City Council meeting of October 17, 2022 was adjourned.