

Anacortes City Council Minutes - November 21, 2022

Call to Order

Mayor Matt Miller called to order the Anacortes City Council meeting of November 21, 2022 at 6:01 p.m. Councilmembers Jeremy Carter, Anthony Young, Christine Cleland-McGrath, Carolyn Moulton, Bruce McDougall and Amanda Hubik were present. Councilmember Ryan Walters participated in the meeting remotely via Zoom.

Pledge of Allegiance

The assembly joined in the Pledge of Allegiance.

Closed Session

Collective Bargaining topics per RCW 42.30.140(4)(a)

Mayor Miller announced that City Council would convene in closed session for no more than 25 minutes to discuss the interpretation or application of a labor agreement, per RCW 42.30.140. He advised that the regular meeting would reconvene at 6:30 p.m. with no action having been taken. Councilmembers Jeremy Carter, Anthony Young, Christine Cleland-McGrath, Carolyn Moulton, Bruce McDougall and Amanda Hubik attended the closed session. Councilmember Ryan Walters attended the closed session remotely.

Announcements and Committee Reports

Mayor Miller thanked all who set up the Washington Transportation Commission meeting last week and reported on the commission's consideration of splitting rural and urban transportation grants. He then provided an update on the Tommy Thompson Trail Trestle re-building project, announcing the fundraising kickoff event at 5 pm on December 6th in City Council Chambers. He wished everyone a Happy Thanksgiving and announced that City Hall would be closed on Thursday and Friday, November 24th and 25th for the holiday observance.

Parks and Recreation Committee

Ms. Hubik reported from the Parks and Recreation Committee meeting held on November 17th. The topics discussed included Senior Center holiday events, fall and winter recreational events, an update on the skate park project, new restrooms at Washington Park, and grant matching fund requirements.

Traffic Safety Committee

Ms. Moulton reported from the Traffic Safety Committee meeting held the previous week. The topics discussed included painting curbs near Island View Elementary School, possible traffic scheme adjustments after an accident on Anaco Beach Road, proposed crosswalks and a speed trailer on Edwards Way, and moving boulders on 6th Street near the Guemes Island Ferry Terminal to facilitate additional parking. Mr. Carter added discussion items including stop signs on West 11th Street and West 12th Street, parking enforcement on Kansas Avenue, adding a crosswalk on the turn from A Avenue to D Avenue near 37th Street, and a reminder that the Guemes Island ferry haul out is from February 27 - March 19, 2023.

Assistant Fire Chiefs Swearing In and Pinning

Fire Chief, Bill Harris, introduced Assistant Chief Mannix McDonnell and Assistant Chief Joseph Burbank. Mayor Miller administered the oath of office to Assistant Chief McDonnell and Assistant Chief Burbank.

Public Comment

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

Kim Halley of Anacortes commented on health and safety. She expressed appreciation for the health and safety round table meeting held earlier that evening. She suggested a location online where citizens can find

information about what Anacortes is doing to address health and safety issues, a written action plan with measurable steps, and a schedule of future health and safety meetings. She suggested that there be a part-time homeless liaison to handle all questions and gather information regarding the issues, a citizens' task force for problem solving and ideas, and steps and suggestions for further action to address issues related to community health and safety.

Ms. Moulton mentioned the League of Women Voters trifold pamphlet, which is available at the Library or online, that contains contact information for all local and state government representatives.

Consent Agenda

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

a. Minutes of November 14, 2022

b. Approval of claims in the amount of \$323,107.68

The following vouchers/checks were approved for payment:

EFT numbers: 104807 through 104838, total \$241,164.21

Check numbers: 104839 through 104859, total \$77,091.55

Wire transfer numbers: 313375 through 313670, total \$4,851.92

c. Interlocal Agreement #23-015-STM-001 with Skagit Conservation District for National Pollutant Discharge Elimination System (NPDES) Phase II Public Outreach & Education

Public Hearings

Ordinance 4033: 2023-2028 Capital Facilities Plan

Finance Director, Steve Hoglund, re-introduced Ordinance 4033: 2023-2028 Capital Facilities Plan (CFP), citing an increase in the overall budget to account for \$26,000 for a ballot measure to undertake a possible levy lid lift in support of two proposed additional full-time firefighters.

Mayor Miller invited the public to comment as part of the continued public hearing which had begun at the regular City Council meeting on November 7, 2022. Mr. Hoglund mentioned a public comment received from Fidalgo Marina detailing an upcoming development project over the next two years.

Mr. Young mentioned a possible initiative for a seismic retrofit of the Municipal Building, and asked why it was not included in the CFP. Public Works Director, Henry Hash, estimated that such a project would be from \$7-\$10 million. Mr. Young remarked that if this project is added as a line item, then we have an idea of what needs to be done regarding this project.

Ms. Moulton commented on \$4 million planned to be allocated to building a new fire station in 2024, asking if there would be sufficient funds in light of the fiber buildout and possible staffing increases. Mayor Miller reminded the Council that consultants have been hired with the Council's approval to explore the project. Mr. Hoglund added that the estimate was based on the best estimate available at the time and that work is ongoing to refine the estimate.

Ms. Cleland-McGrath wondered if the antique fire engine display section of the CFP had been updated, as it did not properly reflect the title of the project. She then asked about adequate training facilities for six-story buildings being included in training for firefighters. Fire Chief, Bill Harris, said that the cost estimate for a new fire station is nearly complete. He reported that he will be touring fire stations in early December to ascertain what pricing levels would be commensurate with the Anacortes Fire Department needs for a new station. He mentioned that the potential purchase of the Molly Lane property would put such a plan aside and then referred to a planned 2025 expenditure for a larger training tower, as the current training structure supports training to two stories. He added that the antique fire engine should have been pulled from the CFP, and that an ongoing

effort is underway to consider the former Tommy Thompson train shed as a display site. Mayor Miller asked if there was an amendment to the CFP. Ms. Cleland-McGrath said that page 38 of the pdf needs to be removed.

Mr. Walters pointed out that per statute, the Capital Facilities Plan and 2023 Budget ordinances must be adopted together.

No one else wishing to address the City Council on this agenda item, at 7:03 p.m. Mayor Miller closed the advertised public hearing.

Ordinance 4034: 2023 Budget

Mayor Miller opened the discussion by mentioning the proposed additional two full-time firefighters for 2023. Ms. Moulton mentioned the lack of sustainability of funding the positions through reserve funds and asked if the budgeted cost included equipment. Mr. Hoglund responded that it costs \$8,000 for equipment, which would not include training for a new firefighter. Chief Harris mentioned that there are lateral candidates who would not need to attend the academy, which would realize a cost savings. Ms. Moulton expressed discomfort with hiring two new employees without a solid funding mechanism to replace the reserve funding. Chief Harris explained that without the Staffing For Adequate Fire and Emergency Response (SAFER) grant funds from 2021, the City would fund three positions from reserve funds in 2024. He acknowledged that the initiative was a calculated risk that he hoped would only be necessary for one year, though he understood it to be a policy decision. Mr. Carter voiced support for the proposal, saying that it is a worthwhile risk that demonstrates the Council's commitment to accessing qualified candidates in the short term. Ms. Cleland-McGrath expressed support for using reserve funds after the lid lift ballot measure was passed and having the reserves to support other expenditures. Mr. McDougall asked if there is a significant risk associated with not hiring them now. Chief Harris responded that he could hire others, though balancing out shifts in the near term will address the current staffing shortfall and allow for more flexibility sooner. Mr. McDougall expressed general support of the initiative upon a successful ballot measure and a successive budget amendment. Ms. Moulton expressed support for a budget amendment after having a secured funding source. Ms. Hubik asked that it be kept in the budget, citing a busy upcoming summer season with the potential return of the Sidney, B.C. ferry run and a commitment to keeping citizens safe. Mr. Young expressed support for the idea, but was concerned about funding them without an identified sustainable funding source and that he is torn by balancing public safety with fiscal responsibility. He concluded that he was leaning toward supporting inclusion of the two positions. Mr. Walters expressed support for funding new firefighters after the proposed levy lid lift was passed. He warned that other programs could be cut if the additional positions were funded with reserves for 2023 and the lid lift is not passed, adding that it would be inconsistent with what the Council has done in the past. Ms. Cleland-McGrath agreed with Mr. Walters and pointed out that the long-term solution is to educate the public that there is a need for increased public safety personnel to maintain the level of service, adding that reserve funds are normally spent on capital projects. Mr. Carter asked what would be the worst case scenario if reserves were used to hire two full-time employees and the levy lid lift failed. Chief Harris said in the worst case there would be layoffs and that if the ballot measure were to fail, he would not fill the next vacant position until a different long-term funding strategy was identified. Mr. Carter asked if the additional firefighters could mean a difference in saving someone's life or not. Chief Harris replied that, in his opinion, it would. Mr. Walters said there is a larger question about using reserve funds for a public safety threat, and remarked that he would not support laying off the new positions and would seek funding to support them from other departments. He concluded by proposing the Council take the path of funding ongoing expenses with ongoing funding. Ms. Cleland-McGrath asked if having the levy lid lift in February would be possible to focus efforts on addressing the staffing shortfall in the Fire department. Mayor Miller responded that getting the ballot issue accomplished in February is not possible with only twelve working days remaining before the deadline for ballot measure submission, and that the Council is looking for a two-month relief from the risk associated with the current staffing shortage. He continued by expressing confidence that with the combined efforts of staff and the

Council, that an April ballot measure could be successful. Ms. Cleland-McGrath wondered how to balance public safety with fiscal policy. Mayor Miller responded that it was his position that, after consultation with Chief Harris, staff, and other field experts, that hiring two firefighters in the near term would have an immediate impact and that the levy lid lift is a separate financial topic. Ms. Moulton reminded the Council that an affordable housing levy was passed in a similar timeframe as what would be required for a February ballot measure. She added that there is a commitment to citizens to appropriate \$1.8 million to overlay roads, which is being funded at only \$400,000 in 2023. She concluded by pointing out that not honoring that commitment while adding a continuous \$300,000 funding obligation without an identified sustainable funding source does not add up. Mayor Miller responded that similar uncertainties exist with Fiber as well.

Mr. Hash detailed the \$400,000 level of funding for overlays, which excluded a planned project in the Skyline area due to a water main project that is not complete because of issues related to the COVID pandemic. He explained there are chip seal projects, which typically cost less than half of traditional overlay projects, that will save \$2.4 million over the next several years. Mr. Walters added that the promise to the public was in the form of increased sales tax as a result of a transit benefit district ballot measure, which has not been maintained at appropriate levels. He asked Mr. Hash if he needs more resources and if he has the list for 2023 projects. Mr. Hash responded that he would have the list at the next Public Works Committee meeting in two weeks' time and did not need any additional funding for staff or resources. Mayor Miller added that at least \$1 million will be spent on the delayed Skyline area overlay project. Mr. Hash confirmed this is the case. Mr. Walters asked if we are planning slurry seal for the Skyline area through an interlocal with Skagit County. Mr. Hash responded that Skagit County is behind and cannot help Anacortes this year, so the projects would be out for bid in early 2023. Mr. Walters asked if this would be a downgrade to the current roadway surface. Mr. Hash responded that it was not a downgrade because the asphalt is not in good condition. Mr. Young opined that the City is being flexible by allocating funds towards other projects and voiced support for the new administration in being conservative with public funds. Mr. Hash put forth the idea that chip seal is a viable alternative when funding is not readily available for overlays. Mr. Walters suggested further discussion of a permanent transfer to chip sealing and a re-evaluation of the overall deficit for all streets in Anacortes was needed. Mayor Miller assured Mr. Walters that the Public Works Director is working on a five-year street maintenance plan. Ms. Moulton asked Mr. Hash to bring the plan to the Public Works Committee.

RYAN WALTERS moved, seconded by CAROLYN MOULTON, to direct the Finance Director to return to the Council with a budget that does not include the two additional full-time employees for the Fire Department funded by general fund reserves and ambulance fund reserves. Vote: Ayes - RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, BRUCE MCDUGALL. Nays - JEREMY CARTER, ANTHONY YOUNG, AMANDA HUBIK. Result: Passed.

Mayor Miller invited the public to comment as part of the continued public hearing which had begun at the regular City Council meeting on November 7, 2022.

No one else wishing to address the City Council on this agenda item. At 8:02 p.m. the mayor closed the advertised public hearing.

Other Business

Contract Award: Unit-Priced Electrical Services 2023-2025 #23-007-FAC-001

Public Works Director, Henry Hash, introduced the proposed Unit-Priced Electrical Services 2023-2025 contract #23-007-FAC-001. Mr. Hash answered Councilmember questions.

JEREMY CARTER moved, seconded by ANTHONY YOUNG, to authorize the Mayor to sign contract 23-007-FAC-001 with Veca Electric & Technologies in the amount of \$350,000.00 to perform the Unit-Priced Electrical Services 2023-2025. Vote: Ayes - JEREMY CARTER, ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, BRUCE MCDUGALL, AMANDA

HUBIK. Nays - None. Result: Passed.

2023-2025 Cartegraph Solutions and Subscription Agreement #23-006-IDS-001

Public Works Director, Henry Hash, introduced the proposed 2023-2025 Cartegraph Solutions and Subscription Agreement #23-006-IDS-001. RYAN WALTERS moved, seconded by CAROLYN MOULTON, to authorize the Mayor to sign contract 23-006-IDS-001 with Cartegraph Systems LLC. Vote: Ayes - JEREMY CARTER, ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, BRUCE MCDOUGALL, AMANDA HUBIK. Nays - None. Result: Passed

Resolution 3100: Establishing Real Property Purchase Checklist

City Attorney, Darcy Swetnam, re-introduced Resolution 3100: Establishing a Real Property Purchase Checklist that was initially introduced on October 17th including changes recommended by the Council. Mr. Walters suggested that the resolution be amended to reflect that transactions come back to the Council prior to the end of the feasibility period, to include a statement that the closing official needs to confirm the wire transfer information so that the funds are not sent to the incorrect party, and a proviso that the Council authorizes the mayor to enter into a purchase and sale agreement. Ms. Swetnam agreed to make the changes and bring them back to the Council.

Amending the Qualifications for the Utility Discount Program and Adding to the Unified Fee Schedule

Finance Director, Steve Hoglund, introduced the discussion of possibly amending the qualifications for the Utility Discount Program and adding them to the Unified Fee Schedule. He referred to a spreadsheet of the proposal that was included in the packet materials for the meeting.

Mr. Young termed the program as a nod to compassion, as it can be difficult to afford to live in Anacortes, and expressed support for the initiative. Ms. Moulton asked about using the Housing and Urban Development area median income levels instead of the general federal levels to inform the program. Mr. Hoglund responded that he would bring back a version that does so for comparison next week. Mr. Walters pointed out that there should be discussion of what is involved in verifying income level and that an in-depth discussion should be held in the Finance Committee. Mayor Miller pointed out that this issue comes to light because of an impending water rate adjustment based upon the consumer price index.

Mayor Miller invited the public to comment on the agenda item. No one present wished to address the Council on the agenda item.

Ordinance 4035: Oversize Parking

City Attorney, Darcy Swetnam, introduced Ordinance 4035: Oversize Parking; providing an overview of existing case law referring to a slide presentation that was added to the packet materials for the meeting. Mr. Walters pointed out that these ordinances do not solely pertain to unhoused people.

Ms. Moulton asked for the difference between a misdemeanor and a class 2 civil infraction. Mr. Walters added that a misdemeanor has the stigma of being convicted of a crime, whereas a class 2 civil infraction is akin to a traffic violation.

Mayor Miller invited the public to comment on the agenda item. No one present wished to address the Council on the agenda item.

Ordinance 4036: Sidewalk Obstruction

City Attorney Darcy Swetnam introduced Ordinance 4036: Sidewalk Obstruction, referring to a slide presentation that was included in the packet materials for the meeting. Ms. Moulton mentioned the third 'whereas' in the recitals and recommended that it include language that could be more general to include safety considerations for people who do not have vehicles or children on their way to school. Ms. Hubik asked why 8 a.m. was chosen as a time to begin enforcement. Mr. Walters responded that the hours were for when

individuals needed to access businesses, but could be adjusted as the Council desired. Mayor Miller invited the public to comment on the agenda item. No one present wished to address the Council on the agenda item.

Ordinance 4037: Trespass on City Property

City Attorney, Darcy Swetnam, introduced Ordinance 4037: Trespass on City Property.

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

Lori Maul of Oak Harbor and owner of 711 Commercial Avenue in Anacortes expressed support for the ordinances to ensure consistent access to businesses and to mitigate the negative impacts of vandalism and discarded refuse on the reputation of the City.

Ms. Moulton asked about the commencement of the review period when the individual receiving a warning or citation is not immediately available. Ms. Swetnam responded that the seven-day review period commences when the individual personally receives the warning or three days after mailing if received by mail or fifteen days if notified by publication. Mr. Walters pointed out that the ordinance articulates a uniform standard of behavior and charges the police with determining whether a trespass warning is warranted, concluding that the ordinance is designed to protect individual due process rights and only applies to trespassing on city property.

Adjournment

There being no further business, at approximately 08:46 p.m. the Anacortes City Council meeting of November 21, 2022 was adjourned.