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- The public may also watch, listen to, or participate in the meeting live by visiting <https://us02web.zoom.us/j/89255646791> or by telephoning 1-253-215-8782 and entering Meeting ID 892 5564 6791.
- The public is encouraged to comment via email to cityclerk@cityofanacortes.org or via written comment addressed to City Clerk, P.O. Box 547, Anacortes, WA 98221. Public comments received by the [City Clerk](#) prior to 3:00 p.m. the day of the meeting will become part of the record for the meeting, just as if presented in person.
- Complete guidelines for virtual participation in Anacortes City Council meetings are available [here](#). View the quick video example for connecting to the meeting [here](#).



Anacortes City Council
Municipal Building Council Chambers
904 6th Street

April 10, 2023
6:00 PM

PRELIMINARY AGENDA
[Packet Materials](#) / [Watch Meeting](#)

1. **Call to Order**
2. **Closed Session**
 - a. Collective Bargaining topics per RCW 42.30.140(4)(b) (30 minutes)
3. **Pledge of Allegiance**
4. **Announcements and Committee Reports**
 - a. Planning Committee (Report)
 - b. Port / City Liaison Committee (Report)
 - c. Planning Commission Appointment (Discussion/Action)
5. **Public Comment**
 - a. Public Comment Sign-In Sheet -
6. **Consent Agenda**
 - a. Minutes of April 3, 2023 (Action)
 - b. Approval of claims in the amount of \$252,095.76 (Action)
7. **Public Hearings**
 - a. * Amending the 2023-2028 Capital Facilities Plan - Continued from April 3, 2023 (Discussion)
8. **Other Business**
 - a. * Ordinance 4047: Amending the 2023-2028 Capital Facilities Plan (Discussion)
 - b. * Ordinance 4048: Amending the 2023 Annual Budget (Discussion)
 - c. Public Works Quarterly Update (Report)
 - d. * Ordinance 4045: Title 9 Update (Discussion/Possible Action)
 - e. Resolution 3117: A resolution authorizing the signature and execution of a Collective

Per Resolution 3051, citizens wishing to comment on items not on the agenda may do so under Public Comment. Citizens wishing to comment on items indicated with an asterisk () may do so as those items are considered by Council during the course of the meeting.*

The City of Anacortes is committed to making public meetings available and accessible to all members of the community.
 For assistance with special needs, please contact the City Clerk at 360-299-1960 in advance of the meeting.

Bargaining Agreement between the City of Anacortes and Teamsters Union Local No. 231. (Action)

9. **Adjournment**

Per Resolution 3051, citizens wishing to comment on items not on the agenda may do so under Public Comment. Citizens wishing to comment on items indicated with an asterisk () may do so as those items are considered by Council during the course of the meeting.*

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City Council will now enter into a closed session pursuant to RCW 42.30.140(4)(b) regarding collective bargaining topics.

This closed session is expected to last 30 minutes. No action will be taken.

Upon completion of the closed session, Council will return to the open meeting and resume our agenda.

CLOSED SESSION

MAYOR MATT MILLER



CITY COUNCIL MEETING APRIL 10,
2023



City Council Memo

TO: Anacortes City Council
FROM: Matt Miller, Mayor
DATE: April 10, 2023
RE: Planning Commission Appointment
Appointed by the Mayor Requiring Confirmation by City Council

Summary Statement:

The following appointment to the Planning Commission is being presented at the regular City Council meeting on April 10, 2023.0

I would like to thank Gary Molyneaux for his service to the Planning Commission and present my recommendations for appointment:

- William McCombs
-

Planning Commission Appointment

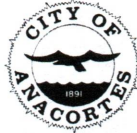
It is my recommendation that the following appointment to the Planning Commission be confirmed by Council:

- William McCombs (for remainder of Gary Molyneaux's term ending 12/31/2026)

Recommended Motion:

I move to confirm the appointment of William McCombs as presented.

Our mission is to maintain and improve the quality of life reflecting community expectations through a focus on public participation and employees-mayor-council teamwork.



Anacortes City Council

**Municipal Building Council Chambers
904 Sixth Street**

**April 10, 2023
6:00 p.m.**

PUBLIC COMMENT SIGN IN SHEET

Per Resolution 3051, citizens wishing to comment on items not on the agenda may do so under the Public Comment portion of the agenda. Citizens wishing to comment on agenda items indicated with an asterisk (*) may do so as those items are considered by Council during the course of the meeting. Citizens wishing to speak will please sign in at the back of the Council Chambers prior to the start of the meeting. The Mayor may limit comments to those who have signed in and may limit the time allotted to each speaker to facilitate the orderly progress of the meeting. These rules are intended to promote an orderly system of holding a public hearing or meeting, to give every person who wishes to speak an opportunity to be heard, and to ensure that no individual is embarrassed by exercising his or her right to free speech.

Please print your name legibly so we can recognize you correctly in the minutes. Thank you!

Name	Topic
PAT GARDNER	NIB - MAP/DIAGRAM

Continue on back of sheet as needed

Anacortes City Council Minutes - April 3, 2023

Call to Order

Mayor Matt Miller called to order the Anacortes City Council meeting of April 3, 2023 at 6:00 p.m. Councilmembers Ryan Walters, Anthony Young, Christine Cleland-McGrath, Carolyn Moulton, and Bruce McDougall were present.

Councilmember Amanda Hubik participated in the meeting remotely via Zoom.

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.

Announcements and Committee Reports

Mayor Miller shared a recap of his attendance at the National League of Cities conference. Highlights included rail safety, American Rescue Plan Act funds, a discussion with the Department of Defense regarding the importance of Naval Air Station Whidbey Island, and a meeting with Representative Larsen regarding Federal Emergency Management Agency permitting.

Mayor Miller continued with an update on the Anacortes Police Department accreditation process, reporting that the department received a perfectly clean review. He also remarked that WT Preston museum is now open on weekends, and thanked the Samish Indian Nation for hosting the Tommy Thompson Trail Trestle re-opening ceremony that was held at Fidalgo Bay Resort on March 31, 2023. He then announced being a charter member of the Anacortes Young-McCool Veterans of Foreign Wars Post 12220.

Mayor Miller then addressed the situation on T Avenue, mentioning partnerships with the Anacortes Family Center to provide social workers to respond with the Anacortes Police Department and Community Paramedic to struggling residents. He remarked that the city has been monitoring the situation and is working diligently to support alternative options for those in need. He continued by reporting that the number of tents and RVs had increased in February and March 2023, along with the amount of refuse in the area having created an increased risk to public health and safety, and that a fire which occurred on March 18th made immediate response necessary. Mayor Miller reported that on March 22nd he directed a cleanup operation for the health and safety of those living on T Avenue and the surrounding area no later than March 31, 2023. Cleanup notices were posted on March 24th. On March 28th, the Parks and Recreation and Public Works departments supported by the Anacortes Fire and Police departments removed nearly 6,000 pounds of refuse from the area and four unoccupied tents. He added that shelter space was available for anyone who needed it, but no one took up the offer. He continued by detailing that city staff cataloged and stored all personal property, which will be retained for 60 days to allow owners to collect it and that city staff were able to clean the entire area with minimal risk to public and staff safety. He concluded that the city will use this effort as a model for future efforts to keep the streets clean and safe. He then mentioned longer term efforts at addressing the problem, including the Council working on a Title 9 update outlawing public drug use and depositing drug paraphernalia, parking code updates, revised street sweeping and possible addition of no-camping ordinances. He thanked the Council and public for their support in the challenging environment, and that this effort is at least owed to the other 17,800 residents not living on the streets who also have the same rights to health and safety.

Public Works Committee

Ms. Moulton reported from the Public Works Committee meeting held earlier in the evening. The topics

discussed included the contract for Cartegraph implementation at the Wastewater Treatment Plant, See-Click-Fix application roll-out, the boulders on 6th Street and H Avenue, wildlife corridor signs for Oakes Avenue and 12th Street, the proposed 71% Guemes Ferry rate increase and paid parking.

Public Comment

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

Beth Bell of Old Town Anacortes thanked the Council for the cleanup on T Avenue and expressed hope that the City would continue to monitor the situation and do what is needed. She then addressed Ordinance 4044, expressing shock that the Council took action when it did not need to, as she termed the ordinance as being unclear and written in circles, referencing questions by Mr. Walters and Ms. Moulton about when, how and should the re-write take place. She mentioned that it was irresponsible, though probably well-intentioned, of the Council to take action in light of the Finance Director not knowing the number of affected multi-use buildings. She then asked if business owners on the first floor, taxpayers, or a city slush fund would be used to pay the difference for discounting the cost of utilities. She asked when the city will have a multi-meter system for current and future multi-use buildings.

Mike Pearl of Anacortes asked if this was the day that the bonus height moratorium expired? Mayor Miller responded that it may have expired at the end of March. Mr. Pearl noted the expiration of the bonus height ordinance, calling attention to public input against the original ordinance that put the bonus height incentives in place that precipitated the moratorium. He expressed a belief that only the minimum legal information was provided, and mentioned a presumption that the city and county would confirm any tax levy on a bonus height building, referencing a recent instance that resulted in \$46,000 being brought back to the county. He continued by recounting that only 25 people attended the original public hearing at the Senior Center because it was only regarding the parking lot for Fidalgo Flats and then former Mayor Gere called another public hearing due to public demand. He asserted that the city's lack of transparency has engendered mistrust between the public and some Councilmembers and Planning, Community, and Economic Development staff, and advocated for greater transparency in the future. He asked where the shelters are located for those on T Avenue? Mayor Miller responded that they are at the First Step Center.

Evan Saxton of Anacortes mentioned that those who were ousted from T Avenue during the recent city cleanup effort did not end up at the First Step Center. He recounted that there was a recreational vehicle that was being towed, which belonged to his friend, Randy, who has lived on T Avenue for some time and is on a recovery program for substance use, which was offered to him. He continued that Randy was doing the right thing to address his issues and comply with what the community had asked of him, but not in the particular way the mayor and police demanded of him. He then commented that with the vehicle being towed containing all of his personal property, that he is currently unavailable to retrieve those items and is accruing the cost of having his vehicle towed, stored and does not have an income to pay those costs. He termed this situation as unconscionable and pointed to a number of ordinances and rules that are directed against a very specific portion of the population and decried that when those individuals try to do the right thing, they are harmed again. He remarked that as a person of means, it is difficult for him to imagine the day to day experience of someone in that situation, but that when someone overcomes their circumstances, they are knocked down again. He expressed disgust with local leaders for congratulating themselves on recent cleanup efforts in light of the result.

Consent Agenda

Mr. McDougall moved, seconded by Mr. Young, to approve the following Consent Agenda items. Mayor Miller took additional discussion on item d. reminding the Council that there has been successful staff work done internally to save on expenditures for fiber network construction, and that without such efforts, there would have been a \$4 million project cost. The motion carried unanimously by voice vote.

a. Minutes of March 27, 2023

b. Approval of claims in the amount of \$301,613.90

The following vouchers/checks were approved for payment:

EFT numbers: 105920 through 105939, total \$228,301.85

Check numbers: 105940 through 105961, total \$62,830.17

Wire transfer numbers: 321531 through 321876, total \$10,481.88

c. Contract Award: WWTP Odor Control Heat Trace Project - Insulation Installation #23-115-SEW-001

d. Contract Award: Guemes View Aerial Fiber Construction #23-127-FBR-001

Public Hearings

Ordinance 4047: Amending the 2023-2028 Capital Facilities Plan

Parks and Recreation Director, Jonn Lunsford, introduced Ordinance 4047: Amending the 2023-2028 Capital Facilities Plan, outlining a plan to convert the Depot Pavilion into an event center by referring to a slide presentation that was added to the packet materials for the meeting.

At 7:13pm, Mayor Miller opened the public hearing.

Mr. Young expressed appreciation for the idea of replacing the iconic Transit Shed venue with the town being able to use it for other purposes, in addition to hosting events of appropriate size for Anacortes. He expressed support for the idea.

Ms. Moulton asked how this ties into the Depot Master Plan of 2006. Mr. Lunsford responded that this does fit into the plan for finding covered space for the Farmers Market. Ms. Moulton responded that this is a new process in her experience, and that she generally supports the idea, though she expressed discomfort with supporting the addition of an \$800,000 building until the process is further developed. Mr. Lunsford responded that he needs the project added to the CFP to be able to apply for grant funding for the project, otherwise he would be compelled to spend reserve funds to initiate the project. Mayor Miller mentioned that it would have been better to have the project added to the CFP earlier on, but that the timing of the project becoming larger was in late December and early January.

Mr. McDougall mentioned that there is a chicken and egg problem, and expressed support for adding the item to the CFP, clarifying that there are categories of items on the plan for which this would fall into if funds are available. He expressed support for categorizing the project as something that should move forward if funding is available.

Ms. Cleland-McGrath commented that providing shelter for the Farmers Market to extend their season makes sense, but how would market activities be coordinated to avoid conflict with other scheduled events? She asked if research accomplished by the Port could be used to determine how such issues might be effectively managed. She also added that \$800,000 for a structure of that size would not be enough, citing heating and acoustics considerations. She expressed support for adding it to the CFP with the aforementioned reservations, and suggested taking advantage of research that had already been done.

Mr. Walters expressed concern with integrating the proposed building design with the existing Depot building and reluctance to categorically support the amendment without having an architecturally sound plan. He suggested that lodging tax funds could be spent on the project and that he shared the concern voiced by Ms. Cleland-McGrath about scheduling. Mr. Lunsford responded that it is done currently with events at the Farmers Market, by not allowing even setup until after 2pm on Farmers Market days, proposing that there would be a Farmers Market that could host events. Mr. Walters responded that a public events center owned by a public entity is what the community wants, and one that honors its maritime heritage and is located on the water. He added that it is the city's problem to figure out, positing that many community members would be upset if

architectural integration with the existing structures were not considered. Mr. Lunsford responded that this is a rudimentary drawing and that more funding would provide a higher quality rendering. Mr. Walters specified that he would like to see higher quality rendering, expected funding sources, and an estimate of the operating and replacement costs prior to lending his support.

Mr. Young cited that the challenge lies in finding the resources and that it will be an open public process. He expressed concern that without a draw to downtown in light of the MJB development and the Port's North Basin development, that the city could lose out, and added that in order to move forward, it must be in the CFP, and that it is an exploratory effort with conditions.

Ms. Cleland-McGrath commented that the challenge with this proposal is the changes in Anacortes over the past 17 years, and that putting a building there would result in the loss of the special open plaza, and that how the plaza is to be used should be articulated in the CFP to ensure that the space is enhanced rather than simply enclosed.

Mayor Miller expressed his hope that the Port or MJB would build a hotel and convention center that the community needs with set aside for non-profits that have typically used the Transit Shed, offering that 2025 would be the most optimistic of scenarios to realize such a development and reminded the Council that the Transit Shed is closing at the end of 2023.

Other Business

Community Action of Skagit County Quarterly Update

Administrative Services Director, Emily Schuh, introduced Sandi Phinney, Division Director, and Executive Director at Community Action of Skagit County, who presented a quarterly update on the organization's activities, referring to a slide presentation that was included in the packet materials for the meeting.

Ms. Phinney answered questions from the Council.

Mr. Young expressed appreciation for the report, citing his previous experience as a member of the organization's board. He mentioned that he saw the organization providing many beneficial services to the community without substantial funding and pointed out that the physical presence of Community Action in Anacortes will allow the local community to benefit from those services firsthand. He welcomed a regular update to the Council in order to demonstrate the tremendous good being done by Community Action and how it complements the work being done by other community organizations.

Mr. Walters mentioned the fundraising event held the previous weekend and the impressive stories that were related there of those being helped by the organization, including veterans and seniors, and the importance of having it here in Anacortes, especially for seniors. He expressed appreciation for having office space here in town and the participation with the street outreach team. Ms. Phinney responded that she would include stories in future updates to the Council. Mr. Walters asked that Steve Simmons present to the Council a second quarter update on his street outreach efforts.

Ms. Cleland-McGrath expressed appreciation for the accurate data and cited the change in the care coordination services model. She asked Ms. Phinney to expand on the program. Ms. Phinney described the old program, and described the changes to include an immediate meeting with a care specialist to identify and address other needs (e.g. healthcare, employment) while waiting for housing. She added that the care specialist or street outreach team stays in contact with participants on a more frequent basis.

Ms. Moulton underscored the partnerships with the Anacortes Housing Authority and Anacortes Family Center, pointing out that those organizations exercise good communication to provide effective services without

duplication of efforts. Mr. Walters added that Community Action is filling gaps along with Helping Hands, the Salvation Army and others, which demonstrates the need for city coordination of those efforts.

Contract Award: Microsoft Enterprise Agreement - Office 365 Renewal #23-122-ITS-001

Administrative Services Director, Emily Schuh, introduced the proposed Microsoft Enterprise Agreement - Office 365 Renewal contract #23-122-ITS-001. She detailed that the agreement is the result of an annual audit of Microsoft computing needs, and that the renewal brings automatic updates for the Windows operating system and associated software applications. She added that this year's agreement includes access to unique phone numbers for Microsoft Teams meetings for department heads and the mayor, multi-factor authentication and conditional access rules.

Mr. Walters asked if a one-year term is the right duration, should there be a three-year term? Ms. Schuh responded that the agreement is regarded as a three-year contract with a series of one-year agreements, so that it does not necessarily change the pricing. Mr. Walters posited that a longer-term contract might lock in better pricing. He asked if the city was still operating on premises exchange servers to enhance security. Ms. Schuh responded that the city is in the final stages of migrating all exchange servers off site to the cloud. Mr. Walters asked if the city could revisit the security audit, and expressed a desire for the city to implement multi-factor authentication in the near term. Ms. Schuh mentioned that the Washington Cities Insurance Authority is working with Critical Insights and the city to update the critical incidents operations plan specific to the Information Technology division, including on-site training.

Mr. McDougall asked if Microsoft Teams was part of Microsoft Office 365 license. Ms. Schuh responded affirmatively.

BRUCE MCDUGALL moved, seconded by AMANDA HUBIK, to approve contract #23-122-ITS-001 as presented. Vote: Ayes - ANTHONY YOUNG, RYAN WALTERS, CHRISTINE CLELAND-MCGRATH, CAROLYN MOULTON, BRUCE MCDUGALL, AMANDA HUBIK. Nays - None. Result: Passed

Adjournment

There being no further business, at approximately 7:21 p.m. the Anacortes City Council meeting of April 3, 2023 was adjourned.

The following claims against the City of Anacortes have been preaudited and certified by the Clerk-Treasurer as ready for City Council approval at the April 10, 2023 City Council meeting:
[Download this file in OpenDocument spreadsheet format.](#)

Invoice Doc #	Invoice Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
321935	1/12/2023	162	SECRETARY OF THE STATE	2023 OVERDRIVE CONSORTIUM	\$ 14,513.28	publib
322320	1/19/2023	INUS132201	AXON ENTERPRISE, INC.	UAS BUNDLE (EQUIP AND SOFTWARE)	\$ 23,916.50	apd
322011	2/28/2023	M22613A-IN	LAND TITLE CO	RESEARCH FEE - 20 PARCELS X \$100 EACH	\$ 2,172.00	legal
322109	2/28/2023	917	WIDENER & ASSOCIATES	WWTP OUTFALL PERMITTING SERVICES - FEBRUARY 2023	\$ 5,626.40	pw1
322200	3/7/2023	359798	DEPT OF LABOR & INDUSTRIES	MAINTENANCE BOILER/PRESSURE VESSEL INVOICE	\$ 269.10	dwwtp
322013	3/13/2023	300000000343	PUGET SOUND ENERGY INC	PARKS/CEM/WASH. PARK/FAC/DEPOT 2/8-3/8/23	\$ 1,811.69	parks1
322091	3/13/2023	300000300008	PUGET SOUND ENERGY INC	WWTP 2/8-3/8/23	\$ 24,176.60	dwwtp
322083	3/14/2023	200024889996	PUGET SOUND ENERGY INC	WTP INTAKE ELECTRICITY 12/10-3/10/23	\$ 20,686.81	dwtpt
322097	3/16/2023	0233632	POLLARD WATER	SWABS- WATER DEPT	\$ 649.73	wdist
322319	3/20/2023	186110	FIDALGO ANIMAL MEDICAL CENTER	APD CASE; 23-A01701	\$ 343.38	apd
322201	3/20/2023	9930619404	VERIZON WIRELESS	SCADA COMMUNICATIONS - PUMP STATIONS 02/21-03/20/23	\$ 1,235.40	dwwtp
321922	3/21/2023	989 800 0000 8	CASCADE NATURAL GAS CORP.	WWTP 2/16-3/20/23	\$ 15.52	dwwtp
321923	3/21/2023	2023-BA0020257	DEPARTMENT OF ECOLOGY	BIOSOLIDS ANNUAL PERMIT FEE - WWTP	\$ 1,067.89	dwwtp
321933	3/22/2023	32343	SKAGIT PUBLISHING LLC	PUBLISH AA-346646	\$ 81.20	plan
321931	3/22/2023	32344	SKAGIT PUBLISHING LLC	PUBLISH AA-346650	\$ 85.26	plan
321930	3/22/2023	32345	SKAGIT PUBLISHING LLC	PUBLISH AA-346663	\$ 77.14	plan
321934	3/22/2023	32346	SKAGIT PUBLISHING LLC	PUBLISH AA-347340	\$ 129.92	plan
321929	3/22/2023	32347	SKAGIT PUBLISHING LLC	PUBLISH AA-347953	\$ 64.96	legal
321932	3/22/2023	32348	SKAGIT PUBLISHING LLC	PUBLISH AA-348287	\$ 109.62	plan
322289	3/23/2023	34338	BRAUN NORTHWEST, INC	ELECTRIC STEP #204	\$ 2,549.26	dshop
322337	3/23/2023	0233728	POLLARD WATER	PRES TEMP DATA LOGGER	\$ 1,261.28	wdist
322089	3/25/2023	225718	LAKE SIDE INDUSTRIES, INC.	ASPHALT	\$ 1,443.54	dshop
322015	3/25/2023	225881	LAKE SIDE INDUSTRIES, INC.	WA PARK MAINTENANCE SUPPLIES	\$ 258.22	parks1
322328	3/26/2023	9931134538	VERIZON WIRELESS	WTP SCADA 2/27-3/26/23	\$ 527.00	dwtpt
322334	3/27/2023	9331416815	GRAYBAR ELECTRIC COMPANY, INC	EXTERIOR WALLBOXES FOR FIBER	\$ 569.44	fiber

Invoice Doc #	Invoice Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
322086	3/27/2023	12P28288	MOTOR TRUCKS, INC	PARTS- #610	\$ 270.77	dshop
322288	3/27/2023	42780	ZUMAR INDUSTRIES, INC.	ROAD SIGNS	\$ 242.78	dshop
322020	3/28/2023	001	ANACORTES FAMILY CENTER	OUTREACH TEAM PAYMENT: JAN, FEB. 1/2	\$ 11,806.02	medic
321927	3/28/2023	S202310487	SUPERIOR SYSTEMS, INC	MAINTENANCE SUPPLIES	\$ 260.64	dwwtp
322081	3/28/2023	S202310495	SUPERIOR SYSTEMS, INC	PART- STREET DEPT	\$ 1,498.68	dshop
322316	3/28/2023	51030755	UNIVAR USA INC	SODIUM HYDROXIDE	\$ 4,847.31	dwwtp
322197	3/28/2023	9931208090	VERIZON WIRELESS	City Cell Phones 3/1-3/30/23	\$ 14,194.78	finance
322318	3/28/2023	360-293-4900-0912865	ZIPLY FIBER	APD BAC LINE 3/28-4/27/23	\$ 94.97	apd
322019	3/28/2023	360-293-6427-0218975	ZIPLY FIBER	CITY HALL 911 3/2-4/27/23	\$ 88.55	finance
322021	3/28/2023	360-299-0973-1017915	ZIPLY FIBER	WWTP 3/28-4/27/2023	\$ 492.52	dwwtp
322343	3/28/2023	360-299-2484-0726025	ZIPLY FIBER	LIBRARY 3/28-4/27/2023	\$ 65.67	publib
322090	3/28/2023	360-299-3674-0214175	ZIPLY FIBER	OPS 03/28-04/27/23	\$ 79.28	dshop
322317	3/28/2023	360-299-6615-0615165	ZIPLY FIBER	APD 911 LINE 3/28-4/27/23	\$ 82.36	apd
322108	3/29/2023	1642	BLYTHE MECHANICAL, INC	HVAC ANNUAL PREVENTIVE MAINTENANCE 2023 - FIRE STATION 1	\$ 771.39	pw1
322107	3/29/2023	1643	BLYTHE MECHANICAL, INC	HVAC ANNUAL PREVENTIVE MAINTENANCE 2023 - FIRE STATION 2	\$ 286.14	pw1
322106	3/29/2023	1644	BLYTHE MECHANICAL, INC	HVAC ANNUAL PREVENTIVE MAINTENANCE 2023 - FIRE STATIONS 1 & 2 CO-RAY VAC	\$ 725.70	pw1
322105	3/29/2023	1645	BLYTHE MECHANICAL, INC	HVAC ANNUAL PREVENTIVE MAINTENANCE 2023 - DEPOT	\$ 424.32	pw1
322321	3/29/2023	98080402	ECO SERVICES OPERATIONS CORP	ALUMINUM SULFATE	\$ 4,579.72	dwwtp
322092	3/29/2023	I6350366	HD FOWLER COMPANY INC	BLUE LOCATE PAINT- WATER DEPT	\$ 275.83	wdist
322292	3/29/2023	52466	KRIEG CONSTRUCTION, INC	ASPHALT DISPOSAL	\$ 73.18	dshop
322096	3/29/2023	12P28289	MOTOR TRUCKS, INC	BELT #610	\$ 149.31	dshop
322095	3/29/2023	12P28332	MOTOR TRUCKS, INC	PART #610	\$ 476.53	dshop
322100	3/29/2023	IN950128	NOANET	MUNICIPAL FIBER NETWORK COORDINATED SERVICES - MARCH 2023	\$ 486.00	fiber
322101	3/29/2023	IN950129	NOANET	MUNICIPAL FIBER NETWORK COORDINATED SERVICES - MARCH 2023	\$ 4,374.00	fiber

Invoice Doc #	Invoice Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
322102	3/29/2023	IN950130	NOANET	MUNICIPAL FIBER NETWORK COORDINATED SERVICES - PER DIFM - MARCH 2023	\$ 175.00	fiber
322301	3/29/2023	1720007263	PATEL DDS, RAMAN	DENTAL SERVICES, LEOFF1 RETIREE	\$ 248.00	hr
322088	3/29/2023	0298948-IN	REISNER DISTRIBUTOR INC	LUBRICANTS- SHOP STOCK	\$ 6,030.72	dshop
321936	3/29/2023	SA Invoice #2	THE SALVATION ARMY	FEB MAR 2023 COLD WEATHER SHELTER	\$ 10,560.00	plan
322313	3/29/2023	ReimbWynn	WYNN, REILLY	GAS MILEAGE REIMB. FOR AWC HEALTHY WORKSITE SUMMIT	\$ 56.76	hr
322084	3/30/2023	14477031	BROWN AND CALDWELL	WTP SEEQ ADVANCE ANALYTICS SUPPORT - 1/27/23-2/23/23	\$ 3,241.56	dwtpt
322344	3/30/2023	7283783785	CARDINAL HEALTH 110, INC.	PHARMA: ONDANESTRON, ATROPINE, NALOXONE	\$ 527.42	medic
322327	3/30/2023	248 984 6277 5	CASCADE NATURAL GAS CORP.	WTP 3/2-3/29/23	\$ 6,983.35	dwtpt
322308	3/30/2023	1059549	FERGUSON ENTERPRISES, INC	MXU'S PRORATED	\$ 516.07	wdist
322306	3/30/2023	1059556-1	FERGUSON ENTERPRISES, INC	MXU'S PRORATED	\$ 344.05	wdist
322303	3/30/2023	1068932-1	FERGUSON ENTERPRISES, INC	MXU'S PRORATED	\$ 344.05	wdist
322305	3/30/2023	1068939	FERGUSON ENTERPRISES, INC	MXU'S PRORATED	\$ 344.05	wdist
322310	3/30/2023	1068945	FERGUSON ENTERPRISES, INC	MXU'S PRORATED	\$ 516.07	wdist
322309	3/30/2023	1074557	FERGUSON ENTERPRISES, INC	MXU'S PRORATED	\$ 516.07	wdist
322296	3/30/2023	1081776	FERGUSON ENTERPRISES, INC	MXU'S PRORATED	\$ 172.02	wdist
322297	3/30/2023	1095495	FERGUSON ENTERPRISES, INC	MXU'S PRORATED	\$ 516.07	wdist
322299	3/30/2023	1117235	FERGUSON ENTERPRISES, INC	MXU'S PRORATED	\$ 344.05	wdist
322314	3/30/2023	ReimbGundersen	GUNDERSEN, JENNIFER	AWC HEALTHY WORKSITE SUMMIT MILEAGE REIMBURSEMENT	\$ 95.00	hr
322342	3/30/2023	30MAR2023-269316	MILES SAND & GRAVEL CO.	ECOLOGY BLOCKS	\$ 1,436.18	dshop
322307	3/30/2023	10687527	NAVIA BENEFIT SOLUTIONS, INC	MARCH FLEXIBLE SPENDING PARTICIPANT FEE	\$ 132.80	hr
322098	3/30/2023	220015149234	PUGET SOUND ENERGY INC	8147 S MARCHS PT RD ST LIGHTS: 3/1-3/30/23	\$ 148.39	dshop
322113	3/30/2023	112799	WALTON BEVERAGE COMPANY, INC	10 LBS. COFFEE - 3/30	\$ 140.00	medic
322080	3/30/2023	112800	WALTON BEVERAGE COMPANY, INC	OPS BREAKROOM SUPPLIES	\$ 195.00	dshop
322207	3/31/2023	8264	ANACORTES TOWING, LLC	TOW VEH #204	\$ 326.40	dshop
322335	3/31/2023	FB-2112	CITY OF MOUNT VERNON	DARK FIBER	\$ 350.00	fiber
322093	3/31/2023	Ref000322093	CLUMPNER, BOB	Refund per Email	\$ 1,000.00	bldg
322094	3/31/2023	Ref000322094	CLUMPNER, BOB	Refund per Email	\$ 1,000.00	bldg

Invoice Doc #	Invoice Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
322104	3/31/2023	April 2023	COMMUNITY ACTION OF SKAGIT CTY	ANACORTES COMMUNITY ACTION OFFICE & CARE SPECIALIST - APRIL 2023	\$ 5,454.55	admsrv
322312	3/31/2023	TR-INV001886	CPS HR CONSULTING	APD ONLINE EXAMS - CODE ENFORCEMENT RECRUITING	\$ 260.00	hr
322341	3/31/2023	6098	GRINDLINE SKATEPARKS INC	SKATE PARK DESIGN AND BID DOCUMENTS - 02/01 - 03/01/2023	\$ 3,067.99	pw1
322103	3/31/2023	2029	IPV4 MARKET GROUP, LLC	IPV4 BLOCK PURCHASE - 2023 BLOCK	\$ 41,984.00	fiber
322295	3/31/2023	1987616	MILES SAND & GRAVEL CO.	ROCK STOCKPILE	\$ 848.64	dshop
322333	3/31/2023	33808	ORCA INFORMATION, INC	BACKGROUND CHECKS - NEW HIRES	\$ 117.00	hr
322338	3/31/2023	3030120	UTILITIES UNDERGROUND LOCATION	MARCH LOCATE TICKETS	\$ 215.43	dshop
322348	4/1/2023	INVPR115569	LEXIPOL, LLC	POLICEONE ACADEMY - ONLINE TRAINING PLATFORM	\$ 2,406.08	apd
322291	4/1/2023	2705	OAB ENGINEERING, LLC	STA 3 INTERNET APRIL	\$ 150.00	medic
322198	4/1/2023	5067075133	RICOH USA, INC	S/N C86152062 HR COPIES 3/1-3/31/23	\$ 6.78	hr
322199	4/1/2023	5067075542	RICOH USA, INC	S/N C86086497 PUB DEF COPIES 1/1-3/31/23	\$ 67.72	finance
322323	4/1/2023	5067075765	RICOH USA, INC	S/N C86138599 APD FRONT OFFICE COPIES 3/1-3/31/23	\$ 40.05	apd
322322	4/1/2023	00005W5A83133	UNITED PARCEL SERVICE, INC	UPS SHIPPING; WEEK ENDING 4-1-23	\$ 26.34	apd
322311	4/1/2023	0542005-001	UNUM LIFE INS CO OF AMERICA	APRIL UNUM LONG TERM CARE INSURANCE	\$ 1,247.70	hr
322330	4/1/2023	137149	VENTEK INTERNATIONAL	WA PARK PAYSTATION	\$ 135.00	parks1
322347	4/2/2023	75308047	INGRAM LIBRARY SERVICES, LLC	ADULT BOOKS	\$ 1,192.73	publib
322346	4/2/2023	75308048	INGRAM LIBRARY SERVICES, LLC	JUVENILE BOOKS	\$ 79.65	publib
322203	4/3/2023	7284456095	CARDINAL HEALTH 110, INC.	PHARMA: FENTANYL, MORPHINE	\$ 97.82	medic
322205	4/3/2023	1823	LAW OFFICE OF CARA LORENZO	PUB DEF CONFL	\$ 172.50	court
322206	4/3/2023	1824	LAW OFFICE OF CARA LORENZO	PUB DEF CONFL	\$ 7.50	court
322208	4/3/2023	1825	LAW OFFICE OF CARA LORENZO	PUB DEF CONFL	\$ 157.50	court
322209	4/3/2023	1826	LAW OFFICE OF CARA LORENZO	PUB DEF CONFL	\$ 112.50	court
322210	4/3/2023	1827	LAW OFFICE OF CARA LORENZO	PUB DEF CONFL	\$ 202.50	court
322211	4/3/2023	1828	LAW OFFICE OF CARA LORENZO	PUB DEF CONFL	\$ 30.00	court
322294	4/3/2023	1829	LAW OFFICE OF CARA LORENZO	PUB DEF CONFL	\$ 420.00	court
322332	4/4/2023	251658M-2	BIRCH EQUIPMENT CO., INC	GENERATOR RENTAL FOR INTAKE TRANSFORMER	\$ 6,304.74	dwtp
322324	4/4/2023	23-45659	BUDGET TOWING & AUTO REPAIR	TOWING; APD CASE 23-A02012 (MH T AVE)	\$ 533.12	apd

Invoice Doc #	Invoice Date	Invoice #	Vendor Full Name	Description	Total Amount	Approval Queue
322213	4/4/2023	ReimbChute	CHUTE, FREDERICK	WA PARK REFUND	\$ 52.00	parks1
322287	4/4/2023	RefundLowrie	LOWRIE, TODD	WA PARK CAMPING REFUND	\$ 18.00	parks1
322326	4/4/2023	23005456	WASHINGTON STATE PATROL	BACKGROUND CHECKS; MARCH 2023	\$ 119.25	apd
322290	4/4/2023	23005511	WASHINGTON STATE PATROL	SENIOR CENTER BACKGROUND CHECKS	\$ 22.00	parks1
	Total				\$ 252,095.76	



City Council Agenda Bill

Meeting Date: April 10, 2023 **Agenda Item:** 7.a.

Agenda Item Title: Amending the 2023-2028 Capital Facilities Plan - Continued from April 3, 2023

Staff Contact(s): STEVE HOGLUND, JONN LUNSFORD

<u>Approved for Submittal to Council by</u>	<u>Action Type</u>
GREG FRANCIOCH	Ordinance
STEVE HOGLUND	

Item Summary: Continued public hearing from April 3, 2023 regarding the proposed addition of a Depot Pavilion to the 2023-2028 Capital Facilities Plan

Budget Impact:

Previous Action:

Recommended Motion:

Alternative Actions:

Attachments (listed in order presented): None



City Council Agenda Bill

Meeting Date: April 10, 2023 **Agenda Item:** 8.a.

Agenda Item Title: Ordinance 4047: Amending the 2023-2028 Capital Facilities Plan

Staff Contact(s): STEVE HOGLUND

<u>Approved for Submittal to Council by</u>	<u>Action Type</u>
STEVE HOGLUND	Ordinance
STEVE HOGLUND	
STEVE HOGLUND	
DARCY SWETNAM	

Item Summary: The Depot Pavilion is being added to the Capital Facilities Plan to meet granting agency requirements of inclusion in the City's long term capital plan, in order to apply for a grant to provide funding for the Depot Pavilion project.

Budget Impact:
\$800,000

Previous Action: 12/5/2022 Ordinance 4033 adopting the 2023-2028 CFP approved

Recommended Motion: I move to approve ordinance 4047 amending the 2023-2028 CFP

Alternative Actions: Direct staff as to next steps

Attachments (listed in order presented):

1. Ordinance 4047 Amending 2023-2028 CFP

ORDINANCE NO. 4047
AN ORDINANCE AMENDING ORDINANCE NO. 4033 ENTITLED "AN ORDINANCE ADOPTING THE CAPITAL
FACILITIES PLAN (CFP) FOR THE 6-YEAR PERIOD 2023-2028

WHEREAS, RCW 36.70A.070(3) requires jurisdictions operating under the Growth Management Act to include a capital facilities element in their comprehensive plan, which the City of Anacortes is, and does, so therefore needs to amend the Capital Facilities Plan (CFP) in conjunction with the City Budget, and

WHEREAS, in advocating the City's business an opportunity for resources that would support a Parks Construction project emerged that requires inclusion the City's Capital Facilities Plan, and

WHEREAS, the referenced project is in the Parks Department related to capital improvements at the Depot.

NOW, Therefore be it ordained by the City Council of the City of Anacortes, Washington:

Ordinance No. 4033 dated December 5, 2022 adopting the Capital Facilities Plan for the six year period 2023 – 2028 is hereby amended to reflect the following revisions to expenditures and revenues in the Parks Department:

- Parks is amended to add the Depot Pavilion to budget year 2023 of the CFP at an estimated cost of 800,000.

This Ordinance shall take effect from and after five (5) days after its passage and publication, as required by law.

PASSED AND APPROVED this 17th day of April, 2023
CITY OF ANACORTES, WASHINGTON

BY:

Matt Miller, Mayor

ATTEST:

Steven D. Hoglund, City Clerk

APPROVED AS TO FORM:

Darcy J. Swetnam, WSBA # 40530
City Attorney



City Council Agenda Bill

Meeting Date: April 10, 2023 **Agenda Item:** 8.b.

Agenda Item Title: Ordinance 4048: Amending the 2023 Annual Budget

Staff Contact(s): STEVE HOGLUND

<u>Approved for Submittal to Council by</u>	<u>Action Type</u>
STEVE HOGLUND	Ordinance
STEVE HOGLUND	
STEVE HOGLUND	
DARCY SWETNAM	

Item Summary: A few budget items have come up since the 2023 operating budget was approved that require amendment to the 2023 spending plan, including \$800,000 for the Depot Pavilion, \$20,000 to pay for the Police Department drone (UAV), \$18,888 for a progress payment for Police Department body cameras, and \$1,857,773 to purchase the building that Fire Station 3 is located in.

Budget Impact:
\$2,696,661

Previous Action: 12/5/22 [Ordinance 4034](#) adopting 2023 budget

Recommended Motion: I move to approve ordinance 4048 amending the 2023 annual budget.

Alternative Actions: Direct staff as to next steps.

Attachments (listed in order presented):

1. Ordinance 4048 Amending 1Q23 Budget

ORDINANCE 4048

AN ORDINANCE AMENDING ORDINANCE NO. 4034 ADOPTED ON NOVEMBER 28, 2022, ENTITLED "AN ORDINANCE ADOPTING THE BUDGET FOR ALL MUNICIPAL PURPOSES AND USES FOR THE YEAR 2023"

WHEREAS, Ordinance 4034 was adopted on November 28, 2022 that established the annual budget for fiscal year 2022, and

WHEREAS, An opportunity has come up for the Parks Department to apply for a grant related to the Depot Pavilion, but the project needs to be included in the City's long term capital plan, which will require it to be in the current operating budget, and

WHEREAS, The Police department received a donation in fy 2022 to fund the purchase of a Unmanned Aerial Vehicle (UAV) but the purchase actually took place in fy 2023 requiring a rollover of that budget authority, and

WHEREAS, The Police department received a grant in 2021 to pay for police officer body cameras, the payments for which are being made over a multi year period which were not incorporated into the current year's budget, requiring amendment to the existing budget to accommodate the current year's payment, and

WHEREAS, The City had an opportunity to purchase the building that Fire Station 3 is in, the sale of which was not known at the time of budget development, requiring an amendment to the current year budget.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Anacortes, Washington, as follows:

108.410.594.76.60	Depot Pavilion	800,000	
108.410.337.00.00	County Grant		800,000
001.310.521.70.35	UAV (Drone)	20,000	
001.000.308.90.00	Cash reserves, 2022 donation		20,000
001.310.521.70.31	Body Cam	18,888	
001.000.308.90.00	Cash reserves, 2021 grant		18,888
001.320.594.22.62	Station 3	1,857,773	
001.000.308.90.00	Long Term loan		1,857,773

Section 1. Ordinance No. 4034 dated November 28, 2022 adopting the Budget for all Municipal purposes and Uses for the fiscal year 2023 is hereby amended to reflect the aforementioned revisions to expenditures and revenues in the following areas:

Section 2. Effective date. This Ordinance shall take effect from and after five (5) days after its passage and publication, as required by law.

PASSED AND APPROVED THIS 17th day of april, 2023.

CITY OF ANACORTES, WASHINGTON

BY: _____
Matt Miller, Mayor

ATTEST:

(Corporate Seal)

Steven D. Hoglund, City Clerk

APPROVED AS TO FORM

Darcy Swetnam, WSBA #40530
City Attorney



City Council Agenda Bill

Meeting Date: April 10, 2023 **Agenda Item:** 8.c.

Agenda Item Title: Public Works Quarterly Update

Staff Contact(s): Henry Hash

<u>Approved for Submittal to Council by</u>	<u>Action Type</u>
GREG FRANCIOCH	Staff Report
Henry Hash	

Item Summary: Director and Division Managers Giving a Report on the Past, Current, and Upcoming Projects and Happenings in Public Works.

Budget Impact:
N/A

Previous Action: N/A

Recommended Motion: N/A

Alternative Actions: N/A

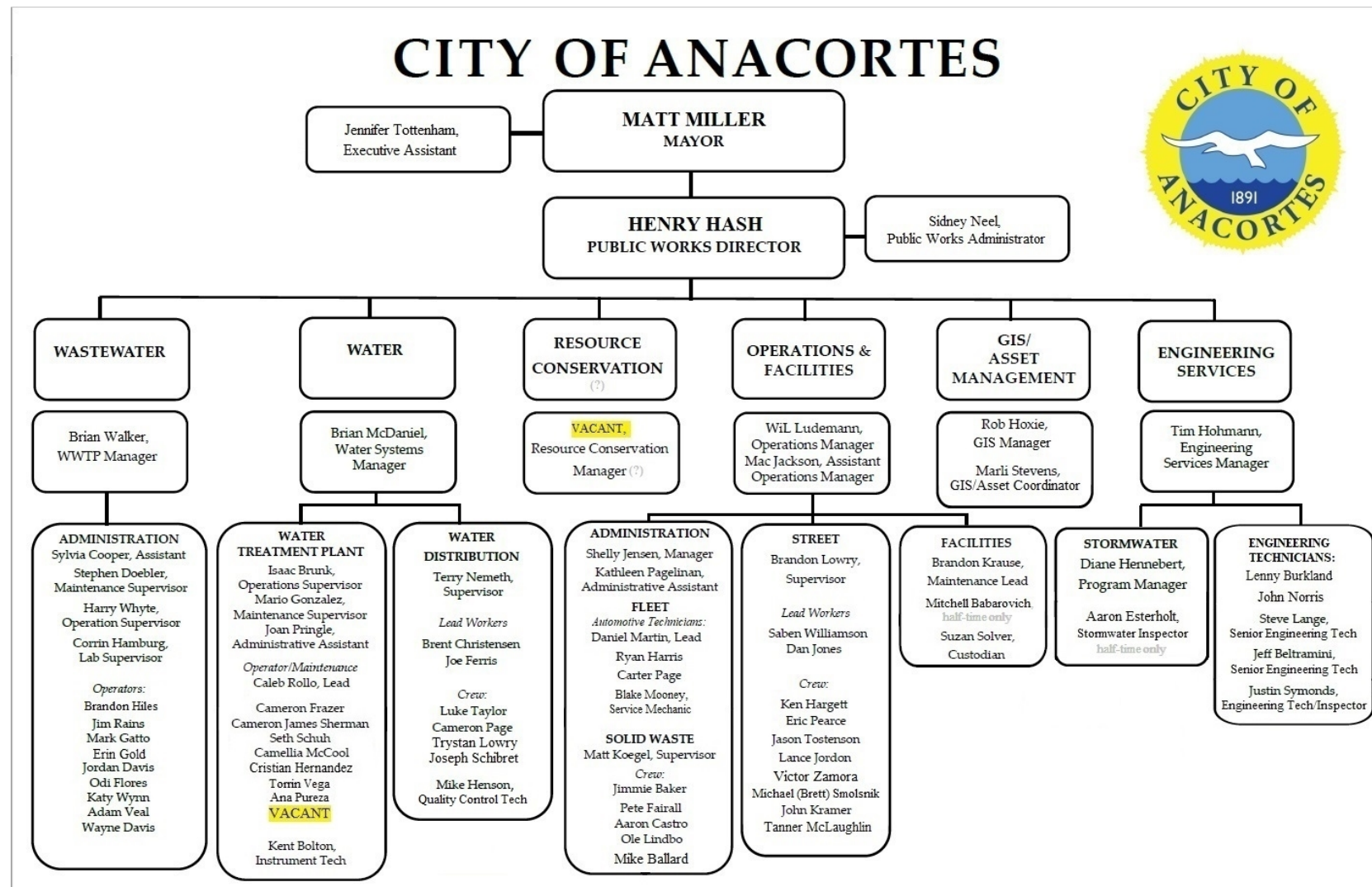
Attachments (listed in order presented):
1. Public Works Quarterly Update

Public Works City Council Update

April 10th, 2023



Who we are and what we do



Wastewater

❑ Staffing

- Our 9th operator, Erin Gold, will be testing for her Operator's license and completing a full crew.
- Currently advertising for much needed plant cleanup and summer maintenance help (full time temporary).
- The new Plant Manager is doing a FANTASTIC job of not screwing anything up

❑ Past Quarter

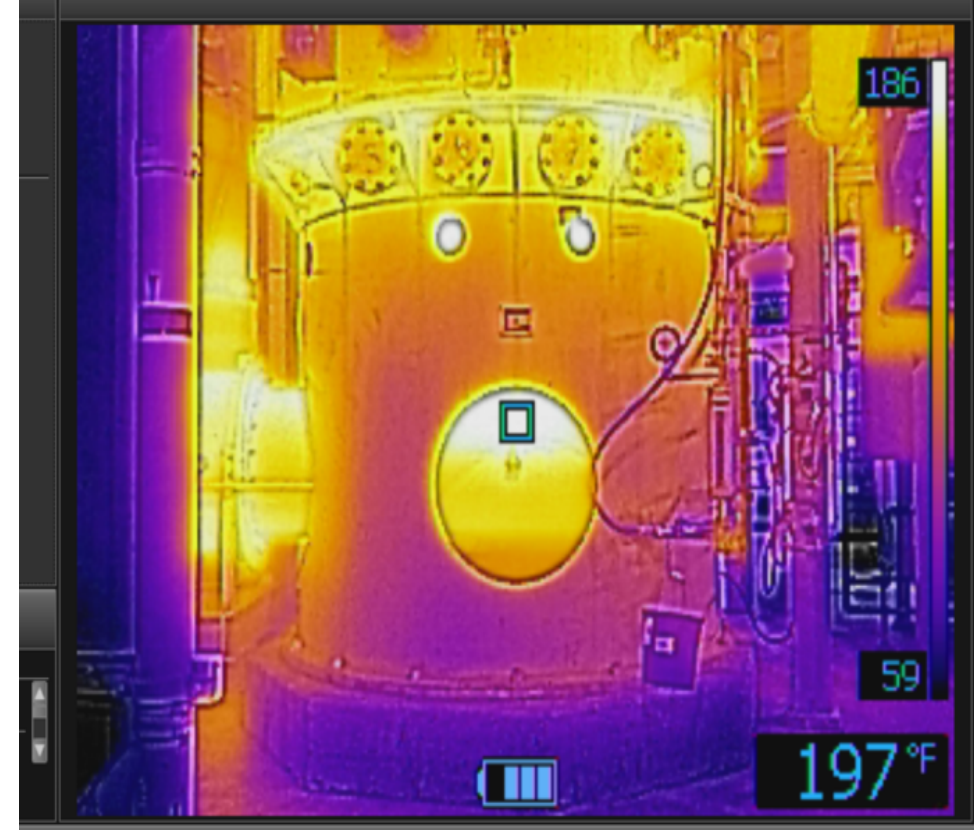
- 100% effluent and incinerator compliance, and zero CSOs or bypasses.
- Installed new Incinerator expansion joints, and purchased new Hg modules.
- Repaired a force main leak at March's Point
- Upgraded our chlorine analyzers, allowing us to reduce call-outs and reduce hypochlorite dosages by 20%. At \$1.15 (soon to be \$2.26) per gallon, the project is expected to pay for itself in about a year.
- Conducted operator training with Callan and Brooks (Paul Klopping). An incredibly successful training event. All operators received annual CEUs.

❑ Projects in motion

- Receiving **\$127k grant** to help directly fund nutrient reduction optimization. Submitted the first annual Nutrient Optimization Report to Dept of Ecology, and will soon submit the Nutrient Reduction Evaluation. Both reports funded by a previous grant through AWC and Ecology. Stay below action limit of **167,000 lbs TIN/year!**
- Purchasing 2 new clarifier drive units and bidding the installation. Goal is to complete the installation by October 15th.
- Purchasing new Anoxic mixers. To be installed this summer.
- Completed the annual incinerator maintenance shutdown. Continuing to survey and assess the service life and capacity of this critical component of the wastewater process.
- Continuing regular replacement of critical pumps and components reaching the end of their service life.

❑ Looking forward

- **Outfall, Outfall, Outfall!** WWTP (along with every other division) doing everything to support green light for digging this fall.
- Assuming ownership of Pump station 24, and beginning the engineering for upgrades of PS3, PS4, and PS16
- Replacing the in-street vault lid for the Skyline conveyance above PS14
- Continuing to research needed upgrades to septage receiving. On track to meet or exceed last year's **4.5 million gallons (\$600k)** of septage received – a significant source of revenue.
- Beginning the transition to Cartegraph for asset management. This process will take... a while. A good long while.
- Looking forward to our Public Works Open House - Thursday June 1st!



Water

☐ Staffing

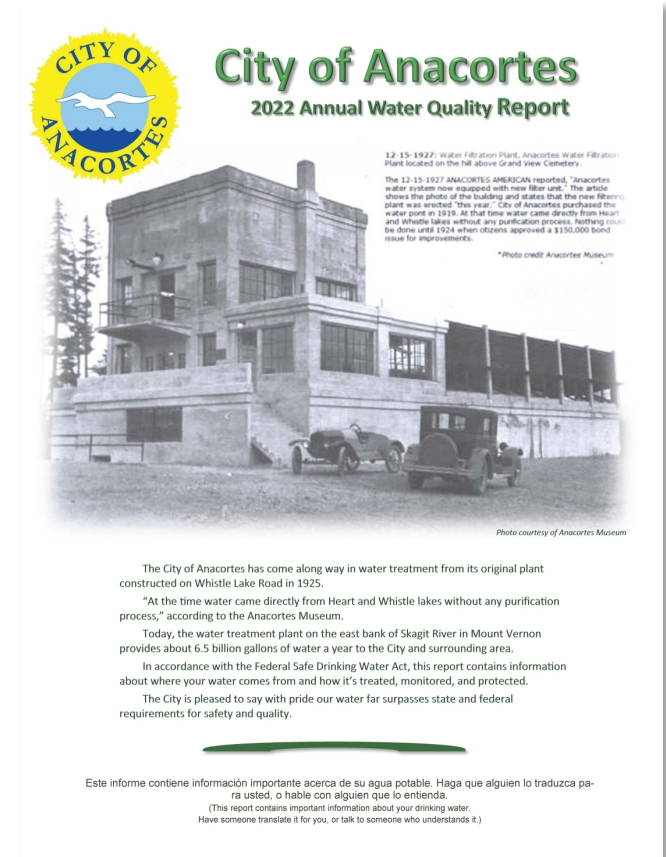
- Water Treatment Plant is seeking a qualified level III certified operator to fill a vacancy from a retirement.
- Water Distribution reclassified a position to Quality Control Technician to focus on cross-connection control and water quality issues. Mike Henson was promoted to the new classification
- Filled vacancy from reclassification with internal applicant and set to start April 3.

☐ Projects in motion

- The former water treatment plant demolition project
- The Craley Leak Detection program was brought online in February.
- A 36-inch transmission main at the WTP was temporarily repaired after failing in January.
- The pipe-in-pipe fiber install project to Oak Harbor continues with aerial section completed. Underground pending WSDOT permit.
- Water System Plan with the current focus on gathering information to implement a new water model.
- The Advanced Metering Infrastructure (AMI)
- Water Treatment Plant Power Emergency

☐ Looking Forward

- Consumer Confidence Report published
- The Water Quality Assessment
- The South Fidalgo Island Water System acquisition tentative transfer date August 1, 2023
- Anacortes participation in Hydrant Hysteria Kennewick – Go Team Anacortes!



Operations & Facilities

☐ Facilities

- Rebuild and expand Equipment shed to fit the new replacement Sewer Vac truck we just received.
- Worked with Fleet on Library generator sound attenuation.
- Spec'd and prepared for Police generator install this summer
- Worked with PD to install Camera on T Ave

☐ Fleet

- Turned 1 replacement Fire vehicle into 2 new vehicles. We saved enough money by building the Wildfire truck in house we where able to also able to build a Ems rig:
 - Forrest land EMS/Rescue vehicle
 - Wildfire/Brush truck (in process)
- Designed and installed a sound attenuating housing adaptation onto the Library generator
- Spec'd, ordered and Upfit 13 new pieces of equipment and placed into service.
- Maintain Approx. 420 units with an average age of 10 years.

☐ Solid Waste -2022

- 10,321 Tons collected 51% commercial 49% Residential
- 47% residential recycle rate

☐ Street/Storm & Sewer Conveyance

- Major snow Event in Dec. Successfully kept downtown open for Christmas shopping
- 250ft New sidewalk 9th street from Q-R connecting downtown to the Marina
- New Crosswalk with RRFB and advanced warning at A Ave ACFL trailhead
- Successful first season with RC Mower for detention ponds and ROW, Saved a lot of time and potential Injuries (50% Stormwater grant)
- 500ft Sidewalk replacement on M Ave 13-12th along Whitney school

GIS/Asset Management

- See Click Fix – A public app that is used to report issues. Example.... a down street sign or a pothole.
- WWTP conversion to Cartegraph.
- Water Distribution Materials migration into Cartegraph from standalone Access database.
- Monthly get-togethers & training with all divisions of public works.
- Water model training.
- Training for new GIS Pro program implementation for this summer.
- AutoCad training for Marli currently.

Engineering Services

■ Engineering

- 32nd Street & M Ave Intersection Improvements
- Guemes View Fiber Expansion: Approx. 40% Complete
- Water Line Projects:
 - 2022: Sands Way/Parkside Neighborhood, Puget Way – 6300 LF Total
 - 2023: Kingsway, Fidalgo Ave – Approx. 6200 LF
- Chip Seal Projects
 - 2022: 37th Street, O Ave & Whistle Lake Rd. - Approx. 1 Mile
 - 2023: Q Avenue – 20th to 35th, Fidalgo Bay Rd. - Approx. 5.5 Miles
- Paving Projects
 - 2023 Skyline Way, Sands Way/Parkside neighborhood – Approx. 1 Mile
- Sewer Lining Project
 - E Avenue Basin – Storvik Park – 3500 LF
- R Avenue Long Term Improvements
- Ben Root Skate Park
- Fiber EDA Area Site Certificate
- Transportation Grants Awards in 2022: Over \$5 Million

■ Stormwater

- Mt. Erie Elementary Rain Garden
- Source Control Program
- Storm Water Inspector – Aaron Esterholt
- Fidalgo North Stormwater Management Action Plan (SMAP)





City Council Agenda Bill

Meeting Date: April 10,
2023

Agenda Item: 8.d.

Agenda Item Title: Ordinance 4045: Title 9 Update

Staff Contact(s): DARCY SWETNAM

Approved for Submittal to Council by **Action Type**

GREG FRANCIOCH
DARCY SWETNAM
STEVE HOGLUND

Ordinance

Item Summary: This ordinance rewrites the City's Title 9 regarding Public Peace, Safety, and Welfare. It incorporates by reference various crimes identified in the Revised Code of Washington, which allows the City to recover a portion of penalties collected for violations of those crimes. It also adds a chapter prohibiting the use of controlled substances on public property and depositing controlled substances or paraphernalia.

Budget Impact:

N/A

Previous Action: Council first considered the Ordinance at the March 27, 2023 meeting.

Recommended Motion: I move we adopt Ordinance 4045 repealing and replacing Title 9 regarding Public Peace, Safety, and Welfare and including prohibitions against the use of controlled substances in public places and other crimes.

Alternative Actions: N/A

Attachments (listed in order presented):

1. 230410 Police - Ord 4045 Title 9 Rewrite
2. 230327 Title 9 Presentation
3. 230410 Title 9 Presentation

City of Anacortes
Ordinance No. 4045

**An Ordinance Repealing and Replacing Title 9 Regarding Public Peace, Safety, and Welfare
and Adding Prohibitions Against the Use of Controlled Substances in Public Places**

Whereas Title 9 of the Anacortes Municipal Code, which is the primary source of the City's criminal code, has not been comprehensively updated since its adoption;

Whereas much of Title 9 was adopted in 1986 and is overdue for a comprehensive review;

Whereas the City of Anacortes is authorized by RCW 35A.11.020 to create misdemeanors and gross misdemeanors, but requires the punishment for any criminal ordinance to be the same as the punishment provided in state law for the same crime;

Whereas adoption of state misdemeanors and gross misdemeanors by reference harmonizes local offenses with statewide laws and avoids potential state preemption;

Whereas persons using controlled substances can become addicted to such substances resulting in negative physical and mental health consequences and damage to family and personal relationships;

Whereas the use of controlled substances without a prescription and the supervision of a medical professional can result in physical injury or death and exacerbates mental health conditions, is more likely to result in addiction, and is correlated with criminal behavior;

Whereas the City has taken steps to address these problems through teaming police officers with social workers and mental health professionals and the municipal court's therapeutic Community Court Program;

Whereas state law now requires that persons subject to arrest for possession of a controlled substance be referred to assessment and services in lieu of arrest at least twice before he or she may be arrested;

Whereas prior to 2021, former RCW 69.50.4013 made possession of a controlled substance in violation of the Uniform Controlled Substances Act a felony;

Whereas in *State v. Blake*, 197 W.2d 170 (2021), the Washington State Supreme Court found former RCW 69.50.4013 unconstitutional because the felony statute did not include a *mens rea* element, i.e., a requirement that the defendant knowingly possessed the controlled substance;

Whereas in response to *Blake*, the State Legislature adopted RCW 69.50.4013 during its 2021 legislative session, which temporarily amended the law to add a knowledge requirement, make possession a misdemeanor rather than a felony, and via RCW 10.31.115, require law enforcement to twice refer offenders to voluntary drug treatment before from arresting or charging someone for unlawful possession of a controlled substance;

Whereas the state referral requirement has resulted in increased use of controlled substances in public;

Whereas RCW 69.50.608 declares that the State of Washington fully occupies and preempts the entire field of setting penalties for violations of the Uniform Controlled Substances Act, and allows cities to enact laws only if consistent with RCW chapter 69.50 and requires the same penalties as provided by state law;

Whereas no state law addresses the use of controlled substances in public;

Whereas the use of controlled substances in public increases public disorder, negatively affects children and youth, and normalizes the use of controlled substances without a prescription;

Whereas prohibiting the use of controlled substances in public will enhance public health and safety;
and

Whereas the City also desires to minimize the public health and safety risks posed by discarded needles
and other drug paraphernalia;

Now, therefore, the City Council of the City of Anacortes does ordain as follows:

Section 1. The Anacortes Municipal Code is amended as follows:

Existing AMC Chapter 8.16, Sale of Fireworks, is repealed.

New AMC Chapter 12.90, Obstruction, is created.

Existing AMC 9.24.010, Obstructing streets or alleys, is recodified to AMC 12.90.020.

Existing AMC 9.24.014, Sidewalk obstruction, is recodified to AMC 12.90.030.

Existing AMC Chapter 9.44, Killing or Trapping Animals, is recodified to AMC Chapter 6.18.

Existing AMC Chapter 9.56, Motorized Scooters, is recodified to AMC Chapter 10.38.

AMC Title 9 is amended to read as shown in Attachment A.

Section 2. Severability. If any section, subsection, sentence, clause, phrase, or word of this ordinance is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof may not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase, or word of this ordinance.

Section 3. Consistent with RCW 35A.12.130, this ordinance takes effect five days after passage, approval, and publication in the manner required by law.

PASSED and APPROVED this ____ day of _____, 2023.

CITY OF ANACORTES:

Matt Miller, Mayor

Attest:

Steve Hoglund, City Clerk-Treasurer

Approved as to Form:

Darcy Swetnam, City Attorney

Attachment A

Title 9 Public Peace, Safety, and Welfare	5
Chapter 9.02 General Provisions	5
9.02.010 Applicability	5
9.02.020 Definitions.....	5
9.02.030 General Provisions	6
9.02.040 Adoption by reference.....	6
9.02.050 Restitution	6
9.02.060 Use of Therapeutic Courts	6
9.02.800 Disposal of forfeited firearms.	6
9.02.900 Severability	7
Chapter 9.06 Anticipatory Offenses.....	7
9.08.010 Adoption by reference.....	7
Chapter 9.08 Offenses against Government	7
9.08.020 Obstructing a Public Officer	7
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Title 9 Public Peace, Safety, and Welfare

- i** This title is based on the existing AMC Title 9, Public Peace, Morals, and Welfare.
- i** We have slightly renamed this title to be more consistent with contemporary language and other jurisdictions' codes. Other jurisdictions frequently name this title their "Criminal Code" or "Penal Code" however we disfavor that because other code chapters will likely also include criminal provisions.
- i** This title is intended for general criminal provisions. Other provisions in the AMC may also include criminal penalties (e.g., traffic regulations in Title 10, health/sanitation in Title 8, animals in Title 6).
- i** Note that this ordinance does not attempt to rewrite or replace AMC Chapter 9.06. The tools provided in that chapter are already covered in AMC Title 20, the International Property Maintenance Code adopted under AMC 19.14.050, and other code provisions.
- i** Generally, this title seeks to incorporate by reference criminal state law provisions and avoid re-inventing the wheel in description of offenses.

- Each chapter is organized with a section .010 that incorporates by reference relevant state laws, leaving space in the numbering scheme for additional city-specific offenses in the subsequent numbered sections.
- All city-specific prohibitions are written in the form "It is unlawful to ____". The final subsection in each section identifies the class of civil infraction or type of crime (misdemeanor/gross misdemeanor) for the offense. We leave out any description of the maximum penalty for each punishment type. Fewer words is better.

- i** Why is it important to locally adopt these laws? Because RCW 3.50.100 provides that fees imposed by municipal court for the violation of any municipal ordinances are deposited in the city's general fund. (N.B. that 32% of the money received, other than for parking infractions, must be remitted to the state treasurer.)

Chapter 9.02 General Provisions

- i** This is a new chapter for some important universal provisions. No part of existing 9.04 remains.

9.02.010 Applicability

This chapter applies to the entirety of AMC Title 9.

9.02.020 Definitions

The provisions of RCW 9A.04.110 Definitions as presently constituted or hereinafter amended are adopted by reference.

9.02.030 General Provisions

- A. The provision of a criminal penalty for any unlawful act does not preclude the City's use of civil remedies.

- B. Where not otherwise specified, a violation of the Anacortes Municipal Code that is categorized as a crime is to be considered a misdemeanor.
- C. It is the policy of the City of Anacortes to exercise the provisions of RCW 38.52.430 to recover the expenses of emergency response where that response is related to a person's intoxication.

9.02.040 Adoption by reference

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

- RCW 9.01.110 Omission, when not punishable.
- RCW 9A.04.060 Common law to supplement statutes
- RCW 9A.04.070 Who amenable to criminal statutes
- RCW 9A.04.090 Application of general provisions of code.

9.02.050 Restitution

The municipal court may require any defendant convicted under this code, or any person subject to a civil infraction per RCW 7.80.120, to make restitution.

9.02.060 Use of Therapeutic Courts

i This is a new section encouraging the use of Community Court.

- A. The prosecutor is encouraged to utilize therapeutic courts or other alternatives to prosecution for all crimes described in this title.
- B. The prosecutor is required to file a reason with the court for any objection to the use of a therapeutic court.

9.02.800 Disposal of forfeited firearms.

i The following section is a recodification of existing AMC 9.36.020.

- A. Applicability. This section applies to firearms that come into the possession of the Anacortes Police Department that are judicially forfeited under RCW 9.41.098 and no longer needed for evidence, or are forfeited due to a failure to make a claim under RCW 63.32.010.
- B. Definitions. For the purpose of this section:
 - 1. "Firearm that is illegal for any person to possess" means a firearm that is illegal to possess as a private citizen under Washington State or federal law.
- C. Disposal. The Police Department must dispose of firearms as follows:
 - 1. Except as provided below, a firearm may be disposed of by the Police Department by one or more of the following methods:
 - a. retained for Anacortes Police Department use;
 - b. traded to commercial sellers;
 - c. auctioned to commercial sellers;
 - d. destroyed.

2. A firearm that is illegal for any person to possess must be destroyed. If such a firearm may be rendered legal to possess by removal or alteration of components, the Police Department may, in its discretion, remove the relevant components and thereafter dispose of the firearm under paragraph (1).
3. An antique firearm or a firearm recognized as a curio, relic, or firearm of particular historical significance by the United States Treasury Department Bureau of Alcohol, Tobacco, and Firearms may be disposed of by auction or trade to licensed dealers.

D. Any proceeds from the trade or auction of firearms must be deposited into the city's general fund.

9.02.900 Severability

If any section, sentence, clause, or phrase of this title is held invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality may not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this title.

Chapter 9.06 Anticipatory Offenses

i The following adopted sections make any attempt, solicitation, and conspiracy for all Class C felonies prosecutable by the City as gross misdemeanors.

9.08.010 Adoption by reference

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW 9A.28.020 Criminal attempt.

RCW 9A.28.030 Criminal solicitation.

RCW 9A.28.040 Criminal conspiracy.

Chapter 9.08 Offenses against Government

i This provision mirrors existing AMC 9.12.010, which makes it a crime to lie to the City Council. The other sections of Chapter 9.12 are covered by new chapter 9.16.

9.08.020 Obstructing a Public Officer

A. It is unlawful to do any of the following:

1. refuse or knowingly fail to make or furnish any statement, report, or information lawfully required of him by a public officer;
2. in any statement or report make any knowingly untrue statement to a public officer;
3. knowingly hinder, delay, or obstruct any public officer in the discharge of his official powers or duties.

B. A violation of this section is a misdemeanor.

Chapter 9.10 Offenses against Persons

i This chapter replaces existing AMC Chapter 9.16 Offenses Against the Person.

9.10.010 Adoption by reference

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW 9.61.230 Telephone harassment

[RCW 9.61.240 Telephone harassment - Permitting telephone to be used.](#)

[RCW 9.61.250 Telephone harassment - Offense, where committed](#)

RCW 9A.36.041 Assault in the fourth degree

RCW 9A.36.050 Reckless endangerment

RCW 9A.36.070 Coercion

RCW 9A.36.160 Failing to summon assistance.

RCW 9A.36.161 Failing to summon assistance—Penalty.

[RCW 9A.44.010 Definitions](#)

[RCW 9A.44.115 Voyeurism](#)

[RCW 9A.44.170 Custodial sexual misconduct in the second degree.](#)

RCW 9A.46.020 ~~Harassment~~[Definition—Penalties.](#)

[RCW 9A.46.030 Place where committed.](#)

RCW 9A.46.040 Court ordered requirements upon person charged with crime – Violation

RCW 9A.46.080 Order restricting contact – Violation

RCW 9A.46.110 Stalking

RCW 9A.49.030 Unlawful discharge of a laser in the second degree

RCW 9A.86.010 Disclosing intimate images

RCW 9A.90.120 Cyber harassment

[RCW 9A.90.130 Cyberstalking.](#)

Chapter 9.12 Offenses against Property

i This chapter replaces existing AMC 9.28 Offenses Against Property.

9.12.010 Adoption by reference

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

~~RCW 9A.45.062 Failure to deliver leased personal property.~~

RCW 9A.48.010 Definitions.

RCW 9A.48.050 Reckless burning in the second degree.

RCW 9A.48.060 Reckless burning – Defense.

RCW 9A.48.090 Malicious mischief in the third degree.

RCW 9A.48.100 Malicious mischief - "Physical damage" defined.

RCW 9A.48.105 Criminal street gang tagging and graffiti.

~~RCW 9A.52.060 Making or having burglar tools.~~

RCW 9A.52.010 Definitions.

RCW 9A.52.060 Making or having burglar tools.

RCW 9A.52.070 Criminal trespass in the first degree.

RCW 9A.52.080 Criminal trespass in the second degree.

RCW 9A.52.090 Criminal trespass – Defenses.

RCW 9A.52.100 Vehicle prowling in the second degree.

RCW 9A.52.105 Removal of unauthorized persons - Declaration - Liability - Rights.

RCW 9A.52.115 Removal of unauthorized persons - Declaration form - Penalty for false swearing.

RCW 9A.56.010 Definitions

RCW 9A.56.020 Theft - Definition, defense.

RCW 9A.56.050 Theft in the third degree

RCW 9A.56.060 Unlawful issuance of checks or drafts

RCW 9A.56.063 Making or possessing motor vehicle theft tools

RCW 9A.56.096 Theft of rental, leased, lease-purchase, or loaned property.

RCW 9A.56.140 Possessing stolen property - Definition - Presumption.

~~RCW 9A.56.060 Unlawful issuance of checks or drafts~~

RCW 9A.56.170 Possessing stolen property in the third degree

RCW 9A.56.180 Obscuring the identity of a machine

[RCW 9A.56.220 Theft of subscription services.](#)

[RCW 9A.56.240 Forfeiture and disposal of device used to commit violation.](#)

RCW 9A.56.270 Shopping cart theft

[RCW 9A.56.330 Possession of another's identification.](#)

[RCW 9A.56.410 Metal property deception.](#)

RCW 9A.61.010 Definitions

RCW 9A.61.020 Defrauding a public utility

RCW 9A.61.050 Defrauding a public utility in the third degree

[RCW 9A.61.060 Restitution and costs.](#)

RCW 9A.90.030 Definitions

RCW 9A.90.50 Computer trespass in the second degree

[RCW 9A.90.070 Spoofing](#)

[RCW 9A.90.090 Electronic data tampering in the second degree.](#)

 The following section addresses catalytic converter theft.

[RCW 19.290.010 Definitions.](#)

RCW 19.290.100 Scrap metal license—Penalties

Chapter 9.14 Offenses against Public Morals

9.14.010 Adoption by reference

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW 9A.42.010 Definitions.

RCW 9A.42.035 Criminal mistreatment third degree

RCW 9A.42.037 Criminal mistreatment fourth degree

[RCW 9A.42.039 Arresting officer, notification by.](#)

[RCW 9A.42.050 Defense of financial inability.](#)

RCW 9A.42.080 Abandonment of a dependent person [in the third degree - Exception.](#)

RCW 9A.42.090 ~~Defense to abandonment of a dependent person~~ [Abandonment of a dependent person - Defense.](#)

RCW 9A.44.130 Registration of sex offender

RCW 9A.44.132 Failure to register as a sex offender or kidnapping offender – Refusal to provide DNA

RCW 9A.88.010 Indecent exposure

RCW 9A.88.030 Prostitution

[RCW 9A.88.040 Prosecution for prostitution under RCW 9A.88.030 - Affirmative defense.](#)

[RCW 9A.88.050 Prostitution - Sex of parties immaterial - No defense.](#)

RCW 9A.88.090 Permitting prostitution

RCW 9A.88.110 Patronizing a prostitute

[RCW 66.44.090 Acting without a license.](#)

RCW 66.44.100 Opening or consuming liquor in public place—Penalty

[RCW 66.44.130 Sales of liquor by drink or bottle.](#)

RCW 66.44.150 Buying liquor illegally

RCW 66.44.180 General penalties—Jurisdiction for violations

RCW 66.44.270 Furnishing liquor to minors

[RCW 66.44.290 Minor purchasing or attempting to purchase liquor - Penalty.](#)

[RCW 66.44.325 Unlawful transfer to minor of age identification.](#)

[RCW 66.44.328 Preparation or acquisition and supply to persons under age twenty-one of facsimile of official identification card - Penalty.](#)

[RCW 66.44.380 Powdered alcohol.](#)

Chapter 9.16 Offenses against Public Order

9.16.010 Adoption by reference

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

[RCW 9.41.010 Definitions.](#)

[RCW 9.41.050 Carrying firearms.](#)

[RCW 9.41.060 Exceptions to restrictions on carrying firearms.](#)

[RCW 9.41.250 Dangerous weapons - Penalty.](#)

i Note the following RCW requires the City to post signs providing notice of the restriction on possession of firearms.

[RCW 9.41.305 Open carry of weapons prohibited on state capitol grounds and municipal buildings.](#)

RCW 9.40.100 Tampering with fire alarm or firefighting equipment.

RCW 9A.50.020 Interfering with access to health care.

RCW 9A.60.045 Criminal impersonation in the second degree.

[RCW 9A.60.050 False certification.](#)

[RCW 9A.72.040 False Swearing](#)

[RCW 9A.72.060 Perjury and False Swearing - Retraction](#)

RCW 9A.72.150 Tampering with physical evidence.

RCW 9A.76.020 Obstructing a law enforcement officer.

RCW 9A.76.030 Refusing to summon aid for a peace officer.

RCW 9A.76.040 Resisting arrest.

[RCW 9A.76.050 Rendering criminal assistance - Definition of term.](#)

[RCW 9A.76.060 Relative defined](#)

[RCW 9A.76.080 Rendering criminal assistance in the second degree.](#)

[RCW 9A.76.090 Rendering criminal assistance in the third degree.](#)

[RCW 9A.76.100 Compounding.](#)

RCW 9A.76.130 Escape.

[RCW 9A.76.160 Introducing contraband in the third degree.](#)

[RCW 9A.76.170 Bail jumping.](#)

[RCW 9A.76.175 Making a false or misleading statement to a public servant.](#)

[RCW 9A.76.190 Failure to appear or surrender - Affirmative defense - Penalty.](#)

RCW 9A.84.010 ~~Riot~~[Criminal mischief.](#)

RCW 9A.84.030 Disorderly conduct

RCW 9A.84.020 Failure to disperse.

RCW 9A.84.040 False reporting.

9.16.020 Aiming or discharging weapons.

i This is a rewrite of existing AMC Chapter 9.36 except that AMC 9.36.020 (disposal of forfeited firearms) is recodified to AMC Chapter 9.02.

A. It is unlawful for any person to:

1. aim any firearm, whether loaded or not, at or toward any human being;
2. willfully discharge any firearm;
3. willfully discharge an air gun, bow and arrow, sling shot, or like weapon in any place where persons or property might be unreasonably endangered thereby, whether or not injury or damage results.

- B. This section does not apply to:
1. police officers while in the discharge of their lawful duties;
 2. persons exercising the right specified in RCW 9A.16.020;
 3. persons continuing with best farm management practices currently in existence, including, but not limited to, the slaughtering or humane destruction of livestock or wildlife, or the hazing of wildlife or wildfowl in conformance with the requirements of the Washington State Fish and Wildlife Department, the U.S. Department of Agriculture, and the United States Fish and Wildlife Service;
 4. persons discharging firearms loaded with blank cartridges for signal or ceremonial purposes in any athletic or sports event, recognized public event, any public ceremonial functions such as military funeral salutes, or by any memorial or military organizations or service groups for ceremonial purposes.
- C. A violation of this section is a misdemeanor.

9.16.040 Pedestrian Interference.

i This section replaces recodifies AMC 9.24.050 with no substantive changes and changes the misdemeanor penalty to a class 2 civil infraction.

- A. It is unlawful to, in a public place:
1. obstruct pedestrian traffic; or
 2. aggressively beg.
- B. Definitions. The following definitions apply to this section:
1. “Aggressively begs” means to beg with intent to intimidate another person into giving money or goods.
 2. “Beg” means to ask for money or goods as a charity, whether by words, or other means.
 3. “Intimidate” means to coerce or frighten into submission or obedience.
 4. “Obstruct pedestrian traffic” means to intentionally walk, stand, sit, lie, or place an object in such a manner as to block passage by another person, or to require another person to take evasive action to avoid physical contact. Acts authorized as an exercise of one’s constitutional right to picket or to legally protest, and acts authorized pursuant to permits issued by the city do not constitute obstruction of pedestrian traffic.
 5. “Public place” means the area generally visible to public view and includes alleys, bridges, buildings, driveways, parking lots, parks, plazas, sidewalks, and streets open to the general public, including those that serve food or drink or provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds enclosing them.
- C. A violation of this section is a class 2 civil infraction.

Chapter 9.18 Offenses against Juveniles

9.18.010 Adoption by reference

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW 9.68A.011 Definitions.

RCW 9.68A.090 Communicating with a minor for immoral purpose

RCW 9.68A.103 Permitting commercial sexual abuse of a minor - Penalty - Consent of minor does not constitute defense.

RCW 9.68A.150 Allowing minor on the premises of a live erotic performance

RCW 9.69.100 Duty of witness of offense against minor or any violent offense

RCW 9A.44.096 Sexual misconduct with a minor in the second degree

RCW 13.32A.080 Harboring a minor

i RCW 26.28.080 regarding sales of tobacco to a minor includes vapor products.

RCW 26.28.080 Selling or giving tobacco to a minor

RCW 70.345.010 Definitions

RCW 70.345.030 License required [for sale of vapor products]

RCW 70.345.100 Product tastings—Requirements—Penalty.

RCW 70.345.140 Purchase or possession [of vapor products] by persons under eighteen

9.18.020 Leaving children unattended in parked automobile

i RCW 9.91.060 governs leaving children unattended in parked automobile, but only while the adult enters a tavern. This section mirrors that provision without the restrictive clause. Note that RCW 46.61.685, in the traffic code that is adopted by Title 10, governs leaving children unattended in standing vehicle with motor running.

- A. It is unlawful for a person having the care and custody, whether temporary or permanent, of minor children under the age of twelve years, to leave such children in a parked automobile unattended by an adult.
- B. A violation of this section is a misdemeanor.

Chapter 9.20 Domestic Violence Violations and Orders

9.20.010 Adoption by reference

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW 7.105.010 Definitions.

RCW 7.105.450 Enforcement and penalties – Other than antiharassment protection orders and extreme risk protection orders.

RCW 7.105.455 Enforcement and penalties – Antiharassment protection orders.

RCW 7.105.460 Enforcement and penalties – Extreme risk protection orders – False petitions.

RCW 7.105.465 Enforcement and penalties – Knowledge of order.

[RCW 7.105.470 Enforcement - Prosecutor assistance.](#)

RCW 9.41.040 Unlawful possession of firearms – Ownership, possession by certain persons.

RCW 9.41.800 Surrender of weapons or licenses – Prohibition on future possession or licensing.

RCW 9.41.810 Violation – Penalty.

RCW 9A.36.150 Interfering with the reporting of domestic violence.

RCW 9A.40.010 Definitions.

RCW 9A.40.070 Custodial interference in the second degree.

RCW 9A.40.080 Custodial interference – Assessment of costs – Defense – Consent defense, restricted.

RCW 10.99.020 Definitions.

RCW 10.99.040 [Duties of court – No contact order. Restrictions upon and duties of court.](#)

RCW 10.99.045 Appearances by defendant – [Defendant's history –](#) No-contact order.

RCW 10.99.050 Victim contact – Restriction, prohibition – Violation, penalties – Written order – Procedures.

RCW 10.99.055 Enforcement of orders.

RCW 10.99.070 Liability of peace officers.

RCW 26.09.300 Restraining orders – Notice – Refusal to comply – Arrest – Penalty – Defense.

Chapter 9.22 Substance Abuse

9.22.010 Adoption by reference

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

[RCW 9.47A.010 Definition.](#)

[RCW 9.47A.020 Unlawful inhalation - Exception.](#)

[RCW 9.47A.030 Possession of certain substances prohibited, when.](#)

[RCW 9.47A.040 Sale of certain substances prohibited, when.](#)

[RCW 9.47A.050 Penalty](#)

RCW 69.38.010 "Poison" defined.

[RCW 69.38.040 Inspection of poison register - Penalty for failure to maintain register.](#)

RCW 69.38.050 False representation—Penalty.

RCW 69.38.060 Manufacturers and sellers of poisons—License required—Penalty.

RCW 69.41.010 Definitions.

RCW 69.41.030 Legend drug without prescription or order prohibited—Exceptions—Penalty

RCW 69.41.350 Steroid—Penalties.

RCW 69.50.101 Definitions.

RCW 69.50.412 Prohibited acts: E—Penalties.

RCW 69.50.445 Cannabis in view of general public or public place—Penalty

RCW 69.50.4011 Counterfeit substances—Penalties

RCW 69.50.4013 Possession of controlled substance—Penalty

RCW 69.50.4014 Possession of forty grams or less of cannabis—Penalty

9.22.020 Possession of Drug Paraphernalia

i This section replaces existing AMC Chapter 9.52 Drug Paraphernalia.

i Note that the *use* of drug paraphernalia is prohibited by RCW 69.50.412, incorporated by reference above.

- A. It is unlawful to possess “drug paraphernalia,” as defined in RCW 69.50.102, for any purpose related to any controlled substance other than cannabis.
- B. A violation of this section is a misdemeanor.

9.22.030 Use of a Controlled Substance in a Public Place

i This is a new section that addresses a gap in the state statutory drug framework. Note the definition of “controlled substance” in RCW 69.50.101 (incorporated by reference above) excludes hemp/cannabis.

- A. It is unlawful to intentionally use a controlled substance in a public place, except as now or hereafter authorized or expressly permitted by the laws of the state or except upon written or oral order or prescription of a physician, surgeon, dentist, or other medical professional licensed to practice in the state and legally authorized to prescribe controlled substances.
- B. Definitions. For the purpose of this section:
 - 1. "Public place" means an area generally visible to public view, including without limitation any place where the public has a right of access, including establishments or conveyances to which the public is invited and their associated parking lots, parking structures, walkways, doorways, entrances, and restrooms.
 - 2. "Use" means any effort taken in furtherance of an attempt to inject, ingest, inhale, or otherwise introduce a dangerous drug into the human body.
- C. A violation of this section is a gross misdemeanor.

9.22.040 Unlawful Deposit of Controlled Substances and Drug Paraphernalia

- A. It is unlawful for any person to knowingly dump, throw, deposit, or discharge onto the ground or into any body of water, any controlled substance or drug paraphernalia.
- B. A violation of this section is a misdemeanor.

Chapter 9.40 Fireworks

i This chapter would replace existing AMC Chapter 8.16.

9.40.010 Adoption by reference

The following provisions of the Revised Code of Washington as presently constituted or hereinafter amended are adopted by reference:

RCW 70.77.485 Unlawful possession of fireworks—Penalties.

RCW 70.77.488 Unlawful discharge or use of fireworks—Penalty.

RCW 70.77.510 Unlawful sales or transfers of display fireworks—Penalty.

RCW 70.77.515 Unlawful sales or transfers of consumer fireworks—Penalty.

RCW 70.77.520 Unlawful to permit fire nuisance where fireworks kept—Penalty.

RCW 70.77.540 Penalty.

RCW 70.77.545 Violation a separate, continuing offense.

9.40.020 Definitions

- A. The definitions in RCW Chapter 70.77, State Fireworks Law, are incorporated by reference.
- B. “Sky lantern” means any sky candle, fire balloon, or other airborne lantern made of paper or other combustible material with a wood frame containing a candle, fuel cell composed of waxy flammable material or other open flame which serves as a heat source to heat the air inside the device to cause it to lift into the air.

9.40.030 Purchase and Sales.

- A. It is unlawful to sell or purchase fireworks within the City of Anacortes.
- B. A violation of this section is a class 1 civil infraction.

9.40.030 Use and Discharge.

- A. It is unlawful to use or discharge fireworks within the City of Anacortes except for a properly licensed display of fireworks as defined in RCW Chapter 70.77.
- B. It is unlawful for any person to sell, use, transfer, discharge, or ignite any sky lantern within the city or to cause a lighted sky lantern to float into the city at any time.
- C. A violation of this section is a class 2 civil infraction.

Chapter 9.50 Conduct and Trespass from City Property

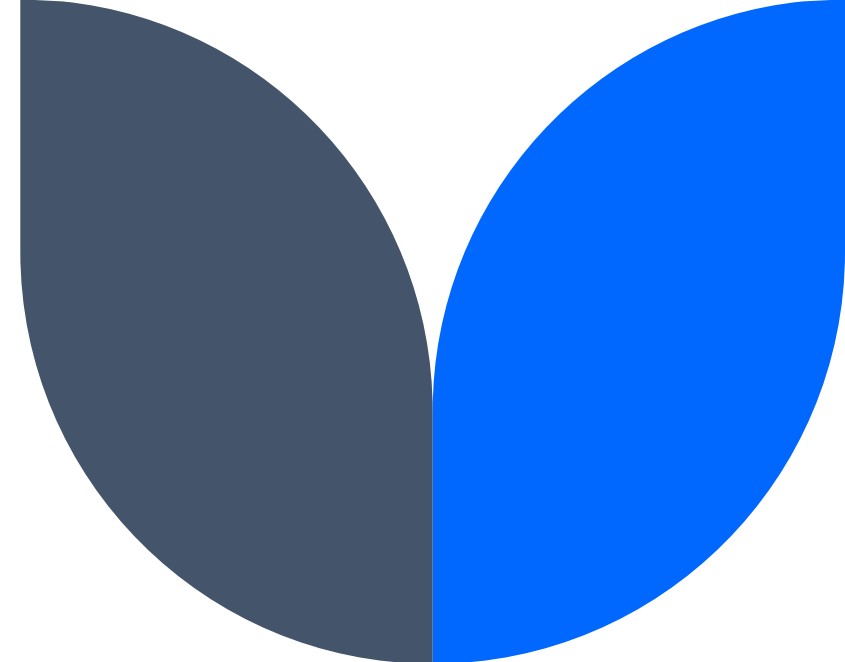
i No change to existing chapter except for the following section, which is required to provide progressive periods of exclusion.

9.50.010-9.50.060 [no change]

9.50.070 Duration of exclusion.

- A. An officer who issues a trespass warning under this Chapter must determine a duration of exclusion consistent with this section.
- B. If the person subject to the trespass warning:
 - 1. Has not been excluded from City property by a trespass warning issued within one year prior to the violation, then the warning may exclude the person for a period not exceeding 7 days.
 - 2. Has been the subject of only one prior trespass warning issued within one year prior to the current violation, then the warning may exclude the person up to 90 days.
 - 3. Has been the subject of two or more prior trespass warnings issued within one year prior to the current violation, then the warning may exclude the person up to one year.

9.50.080-9.50.100 [no change]



Ordinance 4045: Title 9 Update

First Read - March 27, 2023

Background

- Title 9 currently entitled “Public Peace, Morals and Welfare” regulates criminal activity
- Other Chapters in Anacortes Municipal Code also create criminal offenses (Title 6, Title 12, Title 13, Title 19 etc.)
- No comprehensive update of Title 9 since 1986
- Some periodic updates have been made of Chapters (2000, 2004, 2016, 2022)
- This Ordinance updates and replaces the entire Title on Public Peace, Safety, and Welfare

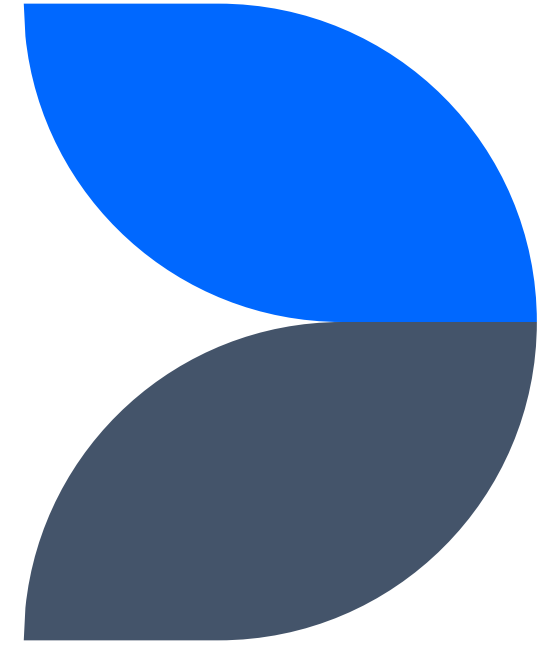
Need for Update – Court Penalties

- Incorporate State Crimes by Reference: RCW 3.50.100: fees imposed by municipal court for the violation of municipal ordinances are deposited into the City's general fund
- Clarify that penalties do not include additional assessments

Need for Update – Blake Response

- *State v. Blake* invalidated state law making possession of a controlled substance a strict liability offense (no knowledge required)
- RCW 10.31.115 prohibits law enforcement from arresting someone for unlawful possession of a controlled substance until the offender has been twice “diverted” to voluntary social services

Ordinance 4045



Chapter Structure

9.02 General Provisions

9.06 Anticipatory Offenses

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9.14 Offenses against Public Morals

9.16 Offenses against Public Order

9.18 Offenses against Juveniles

9.20 Domestic Violence Violations and
Orders

9.22 Substance Abuse

9.40 Fireworks

9.50 Conduct and Trespass from City
Property

Noteworthy Provisions

- Multiple criminal violations adopted by reference from Revised Code of Washington (RCW)
- 9.02.030(D): Unless otherwise provided, any penalties identified under this Title do not include fees, costs, and assessments

Noteworthy Provisions – Controlled Substances and Paraphernalia

- 9.22.030: Use of Controlled Substance in a Public Place: Makes it a gross misdemeanor to use controlled substance in public places, including streets, public establishments, parking lots, etc.
- 9.22.040: Unlawful Deposit of Controlled Substances and Drug Paraphernalia: Makes it a misdemeanor to deposit drugs or paraphernalia on the ground or in bodies of water



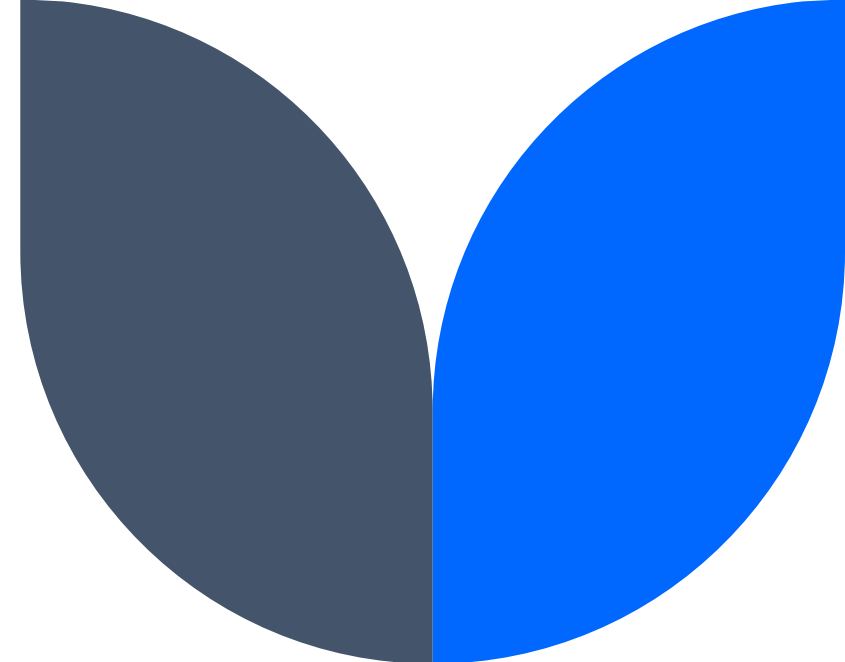
Policy Consideration – Trespass on City Property

- Proposed 9.50.070: Duration of exclusion
 - No violations in previous year: up to 7-day exclusion
 - One violation in previous year: up to 90-day exclusion
 - Two or more violations in previous year: up to 1 year exclusion
- Police recommend all exclusions being for up to 1 year to allow administration



Thank you

Questions?



Ordinance 4045: Title 9 Update

Second Read – April 10, 2023

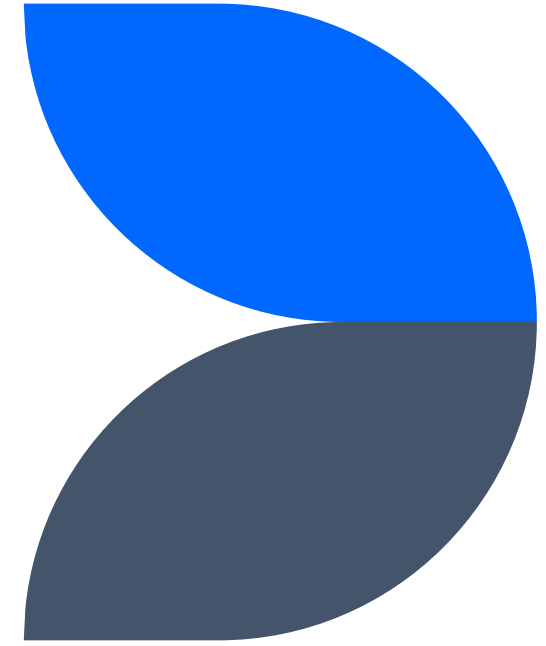
Need for Update – Court Penalties

- Incorporate State Crimes by Reference: RCW 3.50.100: fees imposed by municipal court for the violation of municipal ordinances are deposited into the City's general fund
- Clarify that penalties do not include additional assessments

Need for Update – Blake Response

- *State v. Blake* invalidated state law making possession of a controlled substance a strict liability offense (no knowledge required)
- RCW 10.31.115 prohibits law enforcement from arresting someone for unlawful possession of a controlled substance until the offender has been twice “diverted” to voluntary social services

Ordinance 4045



Chapter Structure

9.02 General Provisions

9.06 Anticipatory Offenses

9.08 Offenses against Government

9.10 Offenses against Persons

9.12 Offenses against Property

9.14 Offenses against Public Morals

9.16 Offenses against Public Order

9.18 Offenses against Juveniles

9.20 Domestic Violence Violations and
Orders

9.22 Substance Abuse

9.40 Fireworks

9.50 Conduct and Trespass from City
Property

Noteworthy Provisions

- Multiple criminal violations adopted by reference from Revised Code of Washington (RCW)
- 9.02.030(D): Unless otherwise provided, any penalties identified under this Title do not include fees, costs, and assessments

Noteworthy Provisions – Controlled Substances and Paraphernalia

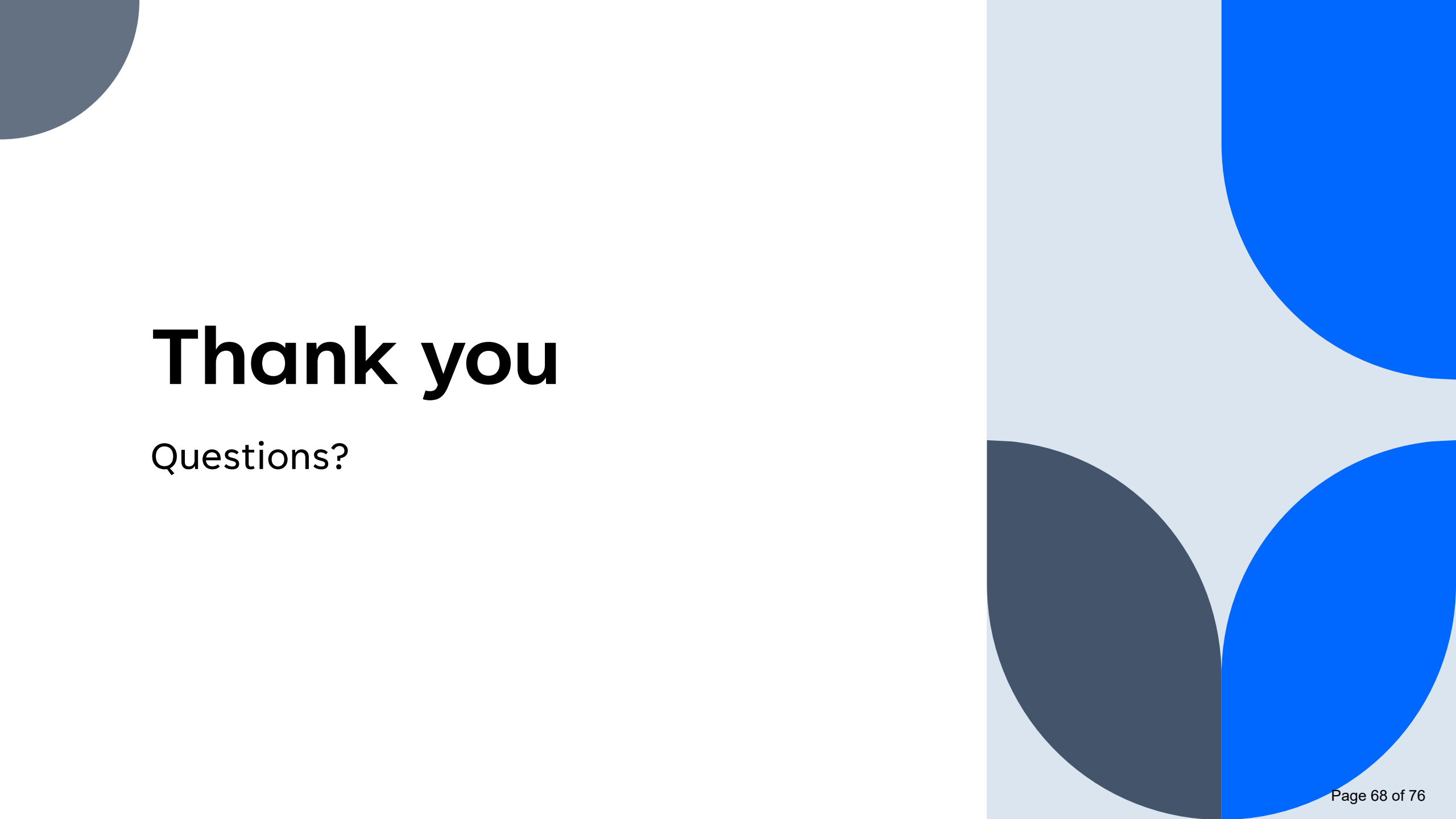
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Changes Since Last Reading

- Addition of Section 9.02.060 AMC – Use of Therapeutic Courts
- Addition of more RCW citations to crimes



Thank you

Questions?



City Council Agenda Bill

Meeting Date: April 10, 2023 **Agenda Item:** 8.e.

Agenda Item Title: Resolution 3117: A resolution authorizing the signature and execution of a Collective Bargaining Agreement between the City of Anacortes and Teamsters Union Local No. 231.

Staff Contact(s): Reilly Wynn

<u>Approved for Submittal to Council by</u>	<u>Action Type</u>
GREG FRANCIOCH	Motion
Reilly Wynn	

Item Summary: The City and the Union engaged in negotiation and mediation for the successor collective bargaining agreement. This collective bargaining agreement will remain in effect from April 16, 2023 to December 31, 2025.

Budget Impact:

The cumulative cost of the three-year collective bargaining agreement is \$2,048,209

Previous Action:

Recommended Motion: I make a motion that the City Council adopt Resolution 3117 authorizing the signature and execution of the Collective Bargaining Agreement between the City of Anacortes and Teamsters Union Local No. 231.

Alternative Actions: To not approve Resolution 3117.

Attachments (listed in order presented):

1. Resolution 3117
2. 2023.04.10 Council Presentation re Teamsters CBA

RESOLUTION NO. 3117

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANACORTES, WASHINGTON, authorizing the signature and execution of a Collective Bargaining Agreement between the City of Anacortes and Teamsters Union Local No. 231.

WHEREAS, the City of Anacortes ("the City") and the Teamsters Union Local No. 231 ("the Union"), (collectively "the Parties") had a Collective Bargaining Agreement in place effective January 1, 2022 through December 31, 2022; and,

WHEREAS, the Parties entered into collective bargaining negotiations followed by mediation and reached an agreement to a successor Collective Bargaining Agreement,

NOW, THEREFORE BE IT RESOLVED by the Anacortes City Council that the Mayor and City Clerk be authorized and directed to execute the attached collective bargaining agreement effective April 16, 2023 through December 31, 2025 by and between the City of Anacortes and the Teamsters Union Local 231.

The foregoing resolution was ADOPTED by the City Council of the City of Anacortes, Washington, at a regular, open public meeting thereof this 10th day of April 2023.

PASSED AND APPROVED this 10th day of April 2023.

CITY OF ANACORTES:

By: _____
Matt Miller, Mayor

ATTEST:

Steve Hoglund, City Clerk Treasurer

APPROVED AS TO FORM:

Darcy Swetnam, City Attorney

Collective Bargaining

April 10, 2023

Bargaining Units & Collective Bargaining Agreements

Anacortes Police Guild

Commissioned contract effective 2022-2024

Non-commissioned contract effective 2022-2024

International Association of Firefighters Local 1537

Contract 2022-2025

Teamsters Local 231

Contract expired December 31, 2022

Teamsters Local 231

Approximately 115 members

Falling under Fiber, Finance, Library, Municipal Court, Museum, Parks & Recreation, Planning, and Public Works departments.

Bargaining began in October 2022.

Tentative agreement between bargaining committees on March 24, 2022.

Summary of Negotiated Changes

Cumulative Costs				
Salaries (COLAs & steps)	2023	2024	2025	Total
2023 (4.5%)	\$ 268,350	\$ 268,350	\$ 268,350	\$ 805,049
2024 (3%)	\$ -	\$ 347,683	\$ 347,683	\$ 695,366
2025 (3%)	\$ -	\$ -	\$ 365,631	\$ 365,631
Lump Sum Payment (\$500)	\$ 56,500	\$ -	\$ -	\$ 56,500
Shift Differential (\$2/hour)	\$ 10,000	\$ 10,000	\$ 10,000	\$ 30,000
On Call Pay (\$3/hour)	\$ 8,601	\$ 8,601	\$ 8,601	\$ 25,803
Life Insurance (\$75,000)	\$ 13,221	\$ 13,221	\$ 13,221	\$ 39,663
Addition of Provisional PT Vacation	\$ 2,491	\$ 2,643	\$ 2,803	\$ 7,937
Boot Allowance Increase (\$240)	\$ 2,920	\$ 2,920	\$ 2,920	\$ 8,760
CDL Reimbursement (\$1,500)	\$ 4,500	\$ 4,500	\$ 4,500	\$ 13,500
Total	\$ 366,582	\$ 657,917	\$ 1,023,709	\$ 2,048,209

Recommendation to Adopt Resolution 3117

Resolution 3117 authorizes the signature and execution of the Collective Bargaining Agreement between the City of Anacortes and Teamsters Union Local No. 231 from April 16, 2023 to December 31, 2025.

Questions

Thank you