Anacortes City Council Minutes - April 10, 2023

Call to Order
Mayor Matt Miller called to order the Anacortes City Council meeting of April 10, 2023 at 6:00 p.m. Councilmembers Ryan Walters, Anthony Young, Carolyn Moulton, and Bruce McDougall were present. Councilmembers Christine Cleland-McGrath and Jeremy Carter were absent. Councilmember Amanda Hubik participated in the meeting remotely via Zoom.

Ms. Moulton moved, seconded by Mr. Young, to excuse the absence of Ms. Cleland-McGrath. The motion carried unanimously by voice vote.

Mr. Young moved, seconded by Mr. McDougall, to excuse the absence of Mr. Carter. The motion carried unanimously by voice vote.

Closed Session

Collective Bargaining topics per RCW 42.30.140(4)(b) (30 minutes)
At approximately 6:01pm Mayor Miller announced that the Council will enter in a closed session pursuant to RCW 42.30.140(4)(b) regarding collective bargaining topics. The closed session lasted 30 minutes and no action was taken.

Pledge of Allegiance
At approximately 6:31 pm, Mayor Miller reconvened the meeting. The assembly joined in the Pledge of Allegiance.

Ms. Moulton moved, seconded by Mr. Young, to amend the agenda to add item 8.e. – 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. The motion carried unanimously by voice vote.

Announcements and Committee Reports
Mayor Miller thanked Mr. Young for presiding over the Easter Egg Hunt, the public works department for the cleanup over the past weekend, and announced that the A-Town magazine would be mailed out next week.

Planning Committee
Mr. Walters reported from the Committee meeting held earlier in the evening. The topics discussed included the proposed Arts Center lease and the MJB development process.

Port / City Liaison Committee
Mr. Young reported from the Port/City Liaison Committee meeting held the previous Tuesday. The Port topics discussed included an update on the west basin development, the restroom closure at the harbormaster office, tourism, the north basin development, and rapid electric vehicle chargers. City topics included the Tommy Thompson Trestle reopening, a fiber update, police vacancies, Stabberts Marina and the purchase of the former Lovrics property, and a situation update on T Avenue.

Planning Commission Appointment
Mayor Miller presented the proposed appointment of William McCombs to the Planning Commission filling the remainder of the term of Gary Molyneaux effective through December 31, 2026.

Mr. Young moved, seconded by Mr. McDougall, to approve the appointment of William McCombs to the Planning Commission filling the remainder of the term of Gary Molyneaux effective through December 31, 2026. The motion carried unanimously by voice vote.

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

Pat Gardner of Anacortes addressed the MJB development, asking for an overhead map layout or diagram published in the newspaper or posted to inform the public of what the proposed development will look like. She then addressed T Avenue, stating that they were setting up camp in the area and that it looked pretty bad. Mayor Miller responded that the MJB plan is still in the permitting process and it is private property, so the city cannot render what it would look like. He promised to ask the developer if they could provide information to the public.

Consent Agenda
Mr. McDougall moved, seconded by Ms. Moulton, to approve the following Consent Agenda items. The motion carried unanimously by voice vote.
a. Minutes of April 3, 2023
b. Approval of claims in the amount of $252,095.76
The following vouchers/checks were approved for payment:
EFT numbers: 105962 through 105997, total $137,297.18
Check numbers: 105998 through 106017, total $88,683.66
Wire transfer numbers: 321922 through 322343, total $26,114.92

Public Hearings

Amending the 2023-2028 Capital Facilities Plan - Continued from April 3, 2023
Mayor Miller opened the continued public hearing for amending the 2023-2028 Capital Facilities Plan and introduced Finance Director, Steve Hoglund, who announced that the two-week public comment period remains open until the end of this week. Mayor Miller announced that the public hearing would remain open until next week.

Other Business

Ordinance 4047: Amending the 2023-2028 Capital Facilities Plan and Ordinance 4048: Amending the 2023 Annual Budget
Finance Director, Steve Hoglund, introduced Ordinance 4047: Amending the 2023-2028 Capital Facilities Plan (CFP) and Ordinance 4048: Amending the 2023 Annual Budget, briefing on the main tenets of the proposed ordinances, including the estimated cost of the proposed Depot Pavilion of $800,000 and the accompanying operating budget amendment to include funding for the unmanned aerial vehicle system and body camera systems for the police department, and the Fire Station 3 purchase.

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

Mayor Miller clarified that the CFP amendment is required for the county grant, but not for other grants such as a Lodging Tax Advisory Committee (LTAC) grant.

Mr. Young mentioned the iconic nature of the Port Transit Shed and said that there is a need for an event venue to replace it that would allow for combined use by local and visiting organizations for events and the Farmers Market. Mayor Miller reminded the Council and the public that the Port will close the Transit Shed to events at the end of this year. Ms. Moulton expressed support for a covered structure at the Depot Pavilion, but that there is still not enough information to categorically support a $800,000 investment, mentioning other priorities such as the Heart Lake Plan and Guemes Channel Trail. She added that an events center may not be built before 2025 in the MJB development and that the proposed Depot Pavilion would not be built before 2024. Mayor Miller reminded the Council that this is not a request to spend $800,000, but rather a request for inclusion of the project in the CFP to allow the city to potentially apply for the county .09 grant funding for which there are no other competing city projects. Mr. McDougall asked if the .09 grant is competitive and single-use. Parks and Recreation Director, Jonn Lunsford, responded that it is a competitive grant, and this project would have a good chance for success because of the Farmers Market extended season and the economic benefits to the city. Mr. McDougall asked if we could only use the grant money for the specific purpose in the application. Mr. Lunsford responded affirmatively. Mr. McDougall followed up by asking if there was a financial cost to the city if the grant application were successful. Mr. Lunsford replied that there would be a funding match requirement of 30% or less, which could be covered by LTAC or Real Estate Excise Tax revenues.

Mr. Walters asked if the city had received .09 grant money for fiber. Administrative Services Director, Emily Schuh, responded that it had been awarded $500,000 for Guemes View construction and the measure needed to be added to the CFP in order to be considered. Mr. Walters suggested that the city could request additional funding for fiber, adding that he is not ready to approve $800,000 for the Depot Pavilion, expressing disapproval of the concept drawing shown last week. He pointed out that LTAC reserve funds could be used immediately with LTAC approval to fund the project, and proposed asking the Port to extend the deadline for the closure while the city developed the project further. He concluded that the design needs to be developed and that it could be placed in a different location.

Mr. Young acknowledged his colleagues' points, pointing out that we are not certain about the inclusion of an events center in the MJB development, and that it would be important to link the Port North Basin project, the MJB development, the South Commercial district and the downtown. He concluded that if we have a chance at the grant, then the city should proceed and conditionally add it to the CFP despite not having a refined design, and that this is the known area that the city can explore.

Mayor Miller asked about the timeline for the .09 grant. Mr. Lunsford responded that the grant application is due by April 28, 2023. Mayor Miller offered the Council to apply for other suggested projects if requested.

Mr. McDougall asked if the grant was awarded would the city be committed to moving forward. Mr. Lunsford responded that he had asked the county this question and would pass their feedback to the Council once received. Mr. Young asked if there was any disadvantage posed by the short timeline. Mr. Lunsford responded that the grant is already drafted and ready to submit. Mr. Young followed up by asking if the city would have flexibility related to the design. Mr. Lunsford cited the installation of the restroom at the Depot Plaza, pointing out that the provisional design concept was approved, but that the specifics changed subsequent to the grant award. Mr. Young asserted that this process would be adequate to address the design and aesthetic concerns expressed by Ms. Moulton and Mr. Walters. Mr. Lunsford responded that the Council buy-in for the concept would be needed to apply and then the design could be further refined through a planning process. Mr. Walters pointed out that it is bad practice to apply for a grant for a facility that would not actually be built, and expressed difficulty envisioning how this would work. He expressed reservations about proceeding with the grant application and suggested proceeding with a design plan. He added that he would not approve the items as presented.

Mr. Walters asked Mr. Hoglund about the long-term funding for Fire Station 3. Mr. Hoglund responded that the funds used to make the purchase came out of cash reserves from the general fund and that the city could apply for a commercial loan or go into the bond market to replenish the cash reserves by the end of the year.

Mr. Walters asked why the city would not apply for .09 money for fiber as had been done in the past. Ms. Schuh responded that the majority of the Guemes View expansion project expenses are accounted for and that the Economic Development Administration (EDA) grant expansion area costs would be covered by grant funds. Mr. Walters suggested that .09 funds could be used for fiber installation costs, pointing out that previous grant monies had been used to fund network backbone construction. Ms. Schuh responded that granting agencies do not want to act on projects that cross into private property. Mr. Walters asked if there was a match requirement from the EDA grant. Ms. Schuh responded that there is a match funding requirement. Mr. Walters asserted that there could be money available for general expenses related to fiber. Ms. Schuh responded that there could be other options for .09 grant funding if the Council decided not to choose the Depot Pavilion project.

Mr. McDougall asked if there could be a proposal for building fiber on Guemes Island? Ms. Schuh responded that the project must be part of the Economic Development Plan and priority is given to projects located in the incorporated or unincorporated Urban Growth Area (UGA) and preference is given to projects that have matching revenue. She concluded that they are looking for projects that create or retain family wage jobs, of which 9 businesses have grown from the Farmers Market. Mr. McDougall acknowledged that the UGA preference would make such a proposal non-competitive. Mayor Miller pointed out that the city was successful with the .09 grant for fiber for economic development reasons.

Mr. Young pointed out that projects are ranked in the CFP and that there is an opportunity with the Depot Pavilion to fill the void of an events center, and by placing it on the CFP it would allow the Council to determine if there are available resources. Mayor Miller encouraged the Council to reach out to their constituents and city staff to determine what is the best path forward.

Public Works Quarterly Update

Public Works Director, Henry Hash, commenced the public works quarterly update by providing an overview of the essential services the public works department provides on a daily basis with great teamwork and excellent customer service. He mentioned that the Resource Conservation position is not currently filled and that the Commercial Avenue roundabout.

He then introduced the Waste Water Treatment Plant Manager, Brian Walker, who provided an activity update including current staffing, operations statistics, equipment purchases and upgrades, operator training, current and future projects, and announced the June 1st open house.

Water System Manager, Brian McDaniel, followed by mentioning statistics of water provision that exceeds standards and is one of 10 Level 4 plants in the state. He provided a staffing update, citing a current opening that exists for an operator and an internal promotion, project updates on the Former Water Treatment Plant demolition, Craley leak detection program, 36-inch transmission main final repair, water system modeling, advanced metering infrastructure, water treatment plant transformer replacement. He then mentioned the consumer confidence report results, techniques for cleaning water mains, the tentative August 1st acquisition of the South Fidalgo water system, and participation in the upcoming water meter Olympics.

Operations Manager, WiL Ludemann, provided an update on operations and facilities ongoing projects including generator replacement at the library and police department, a fleet update, solid waste collection statistics, and street department activities. Ms. Moulton asked about the recycling rate? Mr. Ludemann responded that 47% of refuse goes into recycling and 53% to solid waste.

Geographic Information Systems and Asset Management System Manager, Rob Hoxie, detailed the See-Click-Fix program roll-out, the Cartegraph integration with the Wastewater Treatment Plant, assisting with water modeling, monthly Cartegraph trainings with divisions, and a new GIS program that will be implemented over the next year.

City Engineer, Tim Hohmann, provided an update on the engineering division including current staffing, recently completed projects including the 32nd Street and M Avenue roundabout and ongoing projects including fiber backbone construction, waterline updates, road resurfacing, and sewer line upgrades to mitigate tree root intrusions, R Avenue improvement project, the Ben Root Skate Park reconstruction, Fiber Economic Development Administration grant project. He then announced that the public works department had been awarded nearly $6 million in transportation grants. He then recapped the stormwater division's role in installing a rain garden at Mount Erie Elementary School with assistance from partners including the Anacortes School District, Northwest Straits Foundation, Skagit Marine Resources, Holly Frontier, Azusa Nursery, and the Skagit Watershed Council. He concluded by mentioning the implementation of the Source Control Program and Stormwater Management Plan with the help of the recent addition of Stormwater Inspector, Aaron Esterholt, who is in the process of inspecting local businesses to ensure that they are following best practices.

Ordinance 4045: Title 9 Update

City Attorney, Darcy Swetnam, re-introduced Ordinance 4045: Title 9 Update, which was previously discussed at the March 27, 2023 City Council meeting. She referred to a presentation that was added to the packet materials for the meeting.

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

Mr. Walters pointed out that the state legislature is considering a measure to repair the *Blake* decision, and if passed, would pre-empt the city code, which could then be repealed. He emphasized the importance of community courts related to drug crimes and that the objective should be to get people into treatment and not tolerate such behavior. He then added that the prohibition of open carry of firearms in the City Council chambers is included and suggested that a sign be posted in the chambers. He recommended approval of the ordinance.

Mr. McDougall asked about the sliding scale for exclusion from city property and if there are existing enforcement scenarios with similar instances. Police Chief, Dave Floyd, responded that there is a current one-year exclusion from private property through an appeals process, which is important for refining the exclusion period and that the exclusions are tracked through the records management system. He clarified that the difficulty with using the sliding scale is determining if existing citations occur on city property and the number of offenses within the one-year period.

Ms. Moulton wondered how many individuals had been trespassed from public property. Chief Floyd responded that the majority of trespassing are from retail establishments from theft or disorderly conduct complaints. Mr. Walters added that the sliding scale was added because of guidance from the Municipal Research and Service Center and that it helps ensure due process considerations, as there should be some access to public facilities for the exercise of individual constitutional rights to interact with government.

RYAN WALTERS moved, seconded by CAROLYN MOULTON, to approve Ordinance 4045 as presented. Vote: Ayes - ANTHONY YOUNG, RYAN WALTERS, CAROLYN MOULTON, BRUCE MCDOUGALL, AMANDA HUBIK. Nays - None. Result: Passed

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.

Human Resources Director, Reilly Wynn, introduced Resolution 3117, a collective bargaining agreement with the Teamsters Union Local 231, referring to a slide presentation that was added to the packet materials for the meeting. The agreement would be effective from April 16, 2023 through December 31, 2025. Ms.Wynn mentioned that 30% of the salaries are covered by utilities.

Ms. Moulton expressed appreciation for the work done and termed the agreement as a successful outcome. CAROLYN MOULTON moved, seconded by AMANDA HUBIK, to approve Resolution 3117 to authorize the signature and execution of the collective bargaining agreement between the City of Anacortes and Teamsters Union Local No. 231. Mayor Miller invited additional discussion from the Council.

Mr. Walters thanked Ms. Wynn for following up with the Finance Director on the percentage of salary for Teamsters employees covered by utilities, and added that the amount not covered by utilities is covered by general revenue and other smaller revenue sources, amounting to about $1.4 million. He expressed support for compensating employees appropriately relative to the rate of inflation through cost of living adjustments, and wondered where we would get the $1.4 million. Ms. Wynn deferred to Mr. Hoglund. Mr. Walters mentioned that the remaining amount of money would need to come from somewhere, as property tax revenue only increases by $50,000 each year and this gap will continue to be a challenge to provide the same level of services moving forward.

Mayor Miller called for the vote. Vote: Ayes - ANTHONY YOUNG, RYAN WALTERS, CAROLYN MOULTON, BRUCE MCDOUGALL, AMANDA HUBIK. Nays - None. Result: Passed

Adjournment

There being no further business, at approximately 8:27 p.m. the Anacortes City Council meeting of April 10, 2023 was adjourned.