

Anacortes City Council Minutes - October 2, 2023

Call to Order

Mayor Matt Miller called to order the Anacortes City Council meeting of October 2, 2023 at 6:00 p.m. Councilmembers Ryan Walters, Christine Cleland-McGrath, Bruce McDougall and Amanda Hubik were present. Councilmember Carolyn Moulton participated in the meeting remotely via Zoom. Councilmembers Jeremy Carter and Anthony Young were absent.

Ms. Hubik moved, seconded by Ms. Cleland-McGrath, to excuse the absence of Mr. Carter and Mr. Young. 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 an update on his recent attendance at the You've Been Served conference hosted by the Washington State District and Municipal Court Judges Association on September 27th, a citizen report thanking the Anacortes Fire and Emergency Medical Services Department for a lifesaving response, the Senior Activity Center 50th anniversary celebration and ribbon cutting for the Sally Hill Pavilion on September 30th, his attendance at the Skagit 911 Strategic Planning Committee meeting, and a coming nationwide emergency alert test scheduled for 11:20am PDT on October 4, 2023 over mobile phones, television and radio.

Fiber Committee

Mr. McDougall reported from the Fiber Committee meeting held September 28th. The topics discussed included an update on customer installs (>2,100), take rate (~46%), an updated service area map on the website, the contract with Puget Sound Energy for utility pole make ready work, and longer term financing options.

Housing Affordability and Community Services Committee

Ms. Cleland-McGrath reported from the Housing Affordability and Community Services Committee meeting held on September 27th. The topics discussed included a discussion with Anacortes Housing Authority Boardmember, Bill French, about providing a public portable shower, laundry, and bathroom facility downtown, future partnerships with the Anacortes Housing Authority, and an update on the Olson Building renovation design.

Public Works Committee

Ms. Moulton reported from the Public Works Committee meeting held earlier in the evening. The topics discussed included the South Fidalgo water system transfer, the Wastewater Treatment Plant Odor Control Heat Trace project contract amendment, the R Avenue long-term improvement project, and electric vehicle charging station grants.

Library Committee

Mr. McDougall reported from the Library Committee meeting held on September 29th. The topics discussed included budget items for 2024, welcoming the new Childrens Librarian, Stacy Paull, the near completion of the new Children's section thanks to a generous donation from Rober and Sylvia Maxson, and design work for a potential remodel of the Teen area. He thanked the Library Foundation for the annual \$150,000 contribution for the purchase of library materials.

Public Comment

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

Public comment was given as follows:

Joseph Coomer of Oak Harbor spoke about alleged corruption associated with Cal Fire contract aircraft.

Consent Agenda

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

a. Minutes of September 25, 2023

b. Approval of claims in the amount of \$604,875.45

The following vouchers/checks were approved for payment:

EFT numbers: 107461 through 107487, total \$417,369.39

Check numbers: 107489 through 107497, total \$182,746.79

Wire transfer numbers: 331928 through 332291, total \$4,759.27

c. Special Event Application: Downtown Trick or Treating

d. Contract Modification: WWTP Odor Control Heat Trace Project - Electrical Components Installation #23-115-SEW-002

Closed Record Decision Hearing

Appeal Hearing - Port of Anacortes / SDP-2023-0002

Mayor Miller called to order the Closed Record Hearing of the Planning Commission's approval with conditions of the Port of Anacortes Shoreline Substantial Development Permit (SDP-2023-0002). City Attorney, Darcy Swetnam, introduced the process history, hearing procedures, City Council options, applicable rules and regulations, standard of review, and governing statutes, referring to a slide presentation that was added to the packet materials for the meeting.

Mayor Miller read the Appearance of Fairness doctrine and asked the Council to confirm that they could hear the matter with fairness.

Mr. Walters acknowledged that the Planning Committee received an email from Chris MacKenzie prior to the appeal, and it was provided to all parties. Mr. Walters, Ms. Cleland-McGrath, and Ms. Moulton acknowledged that they could hear the matter with fairness. Mayor Miller conducted the swearing in of all hearing participants.

Mr. Timothy D. Schermetzler, attorney for the Port of Anacortes, presented the appeal for the Port of Anacortes, referring to the appeal document that was included in the packet materials for the meeting.

Mr. Kevin Anderson of the Planning, Properties and Environment department for the Port of Anacortes delivered an overview of the 2nd Street / Curtis Wharf Access Improvements Project, referring to a slide presentation that was added to the packet materials for the meeting.

Executive Director of the Port of Anacortes, Dan Worra, addressed the importance of the project to the Port, and the partnership with the city in getting things done. He expressed appreciation to Mayor Miller for allowing for more time to seek an agreement with city staff.

Mr. Schermetzler summarized the Port of Anacortes appeal as an unnecessary revisiting of the issues that were covered under the Interlocal Agreement. He asked that the Council remove conditions 1-3 or remand it back to the Planning Commission to revise the permit so that it is in the spirit of the interlocal agreement.

Ms. Swetnam reminded the Council that the standard of review is whether a clear error was made and covered the standard for final review. She then presented the City's position on the Port of Anacortes appeal, referring to staff responses to the appeal that were included in the packet materials for the meeting.

Ms. Swetnam answered questions from the Council.

Mayor Miller allowed the appellant to rebut the argument that Ms. Swetnam presented on behalf of the City. Mr. Schermetzler rebutted the City's argument, referring to a map of the project area contained in Mr. Anderson's slide presentation.

Discussion between City staff, the Council and Port representatives ensued.

RYAN WALTERS moved, seconded by AMANDA HUBIK, to continue the hearing until October 9, 2023. Vote: Ayes - CHRISTINE CLELAND-MCGRATH, RYAN WALTERS, BRUCE MCDUGALL, CAROLYN MOULTON, AMANDA HUBIK. Nays - None. Result: Passed

Other Business

Community Action of Skagit County 3rd Quarter Update on Community Action Services available in Anacortes

Administrative Services Director, Emily Schuh, introduced Community Action of Skagit County Executive Director, Sandi Phinney, and Resource Center Manager, Dulce Vazquez-Cruz, who presented the third quarter update for Community Action of Skagit County, referring to a slide presentation that was added to the packet materials for the meeting.

Discussion topics included:

- Expected opening date, support areas for energy and utilities, program eligibility, Energy Outreach for Seniors and coordination with the Anacortes Senior Center, coupling food and energy assistance, follow-up check-ins, Community Action of Skagit County participation in filling in the gaps for area seniors, and street outreach efforts.

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

Utility Pole Attachment Make-ready Work for Section B of the EDA Expansion Aerial Construction Area of the City's Fiber Project

Administrative Services Director, Emily Schuh, introduced the Utility Pole Attachment Make-ready Work for Section B of the EDA Expansion Aerial Construction Area of the City's Fiber Project, referring to a slide presentation that was included in the packet materials for the meeting.

Discussion topics included:

- Notice requirements, timeline for other pole attachment area estimates, total cost of make-ready work, contacting Puget Sound Energy government relations representative, alternative pole locations, construction contract bid timeline, reasons for the high price in area B and the potential for another area to come in at a high cost, negotiating position and strategy, possible alternatives to aerial fiber installation, reasons why six polls cost \$230k and potential risk.

Mayor Miller announced that the contract would be brought back before the Council at the next meeting, allowing staff additional time to gather information from Puget Sound Energy regarding project cost in Section B and the possibility of additional costs to be incurred in other sections of the EDA expansion area.

Resolution 3129: Setting a Date for a Public Hearing on a Vacation Petition

City Attorney, Darcy Swetnam, introduced Resolution 3129 that would set a date for a public hearing on a vacation petition submitted by Bob Evans on a portion of O Avenue and the associated code requirements. She detailed that the proposed hearing date would be November 20, 2023.

RYAN WALTERS moved, seconded by BRUCE MCDOUGALL, to approve Resolution 3129. Vote: Ayes - CHRISTINE CLELAND-MCGRATH, RYAN WALTERS, BRUCE MCDOUGALL, CAROLYN MOULTON, AMANDA HUBIK. Nays - None. Result: Passed

Contract Award: R Avenue Long-Term Improvement Project #20-127-TRN-004

Public Works Director, Andrew Rheaume, introduced City Engineer, Tim Hohmann, who outlined the proposed contract award for the R Avenue Long-Term Improvement Project #20-127-TRN-004, referring to a map of the project area.

Discussion topics included:

- Alternative placement of a roundabout at 32nd Street, possible compromise of a safe bike route on Q Avenue, safe bike and pedestrian routes in the greater project area, RV park access, and pedestrian and bicycle improvements on Q Avenue.

CHRISTINE CLELAND-MCGRATH moved, seconded by AMANDA HUBIK, to authorize the Mayor to sign contract #20-127-TRN-004 with SRV Construction .

Vote: Ayes - CHRISTINE CLELAND-MCGRATH, BRUCE MCDOUGALL, CAROLYN MOULTON, AMANDA HUBIK. Nays - RYAN WALTERS. Result: Passed

Adjournment

There being no further business, at approximately 9:02 p.m. the Anacortes City Council meeting of October 2, 2023 was adjourned.