

## **City Council Minutes – February 26, 2018**

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At 6:00 p.m. Mayor Laurie Gere called to order the regular Anacortes City Council meeting of February 26, 2018. Councilmembers Eric Johnson, Anthony Young, Ryan Walters, Bruce McDougall and Matt Miller were present. Councilmembers Brad Adams and Liz Lovelett were absent. The assembly joined in the Pledge of Allegiance.

Mr. Young moved, seconded by Mr. Johnson, to excuse the absences of Ms. Lovelett who was ill and Mr. Adams who was traveling. The motion carried unanimously by voice vote.

### **Announcements and Committee Reports**

**Planning Committee:** Mr. Walters reported from the committee meeting earlier in the evening at which those present continued discussion of draft impact fee Ordinance 3022. He said committee members were please with the progress to date. Mr. Walters reported that the group also discussed amendments to Title 13, Public Services, which was due for a complete rewrite. He said interim amendments to that chapter would be proposed soon to reduce general facility charges for low income housing projects.

### **Public Comment**

Tom Glade, representing Evergreen Islands, talked about the history of Ship Harbor which, he said, exists in its current state because Evergreen Islands filed an appeal with the Shorelines Hearing Board regarding Shoreline Permit 125 that was filed for the Ship Harbor Marina project. Mr. Glade described and displayed a site plan of the proposed project, then a site plan of the project following EI's appeal which moved the marina east and moved all construction out of the wetland. Mr. Glade closed with a current aerial photograph of Ship Harbor which shows nothing but wetlands and trees. Mr. Glade's exhibits were added to the packet materials for the meeting.

### **Consent Agenda**

Mr. Johnson moved, seconded by Mr. Miller, to approve the following Consent Agenda items. The motion carried unanimously by voice vote.

- a. Minutes of February 20, 2018
- b. Approval of Claims in the amount of: \$255,954.49

The following vouchers/checks were approved for payment:  
EFT numbers: 88188 through 88232, total \$73,811.52  
Check numbers: 88233 through 88276, total \$168,833.91  
Wire transfer numbers: 227722 through 228768, total \$4,086.47

## **OTHER BUSINESS**

### **Community Action of Skagit County Presentation: Services Center**

Joan Penney, Community Action of Skagit County, requested City Council support for the agency's new services center. She referred to her slide presentation which was included in the packet materials for the meeting. Ms. Penney introduced CA board members and volunteers present including Dan Peek, Mayor Gere, Councilmember Anthony Young and Planning Commissioner Jeff Mount. Ms. Penney described the steadily increasing demands on human service non-profit agencies in response to expanding need in a difficult economy in the face of rapidly increasing housing costs. She presented CA's plan to purchase a new service center at 160 Cascade Place in Burlington, which would be less expensive than building a new facility or expanding the existing services center and would expand CA's available space from 12,000 SF to 26,988 SF. Ms. Penney

explained the planned layout of the new facility and the programs each section would house to address and prevent homelessness. She stressed that CA serves all of Skagit County including Anacortes and requested that Anacortes contribute \$50K over three years towards the cost of the new center. Bill Henkel, Executive Director of Community Action of Skagit County, then elaborated on the specific services provided to Anacortes citizens and the number of Anacortes seniors and youth served, both on site in Anacortes and through CA's office in Mount Vernon. Ms. Penney noted that 60% of CA's clients are employed but still are in need of services to meet daily needs. She shared an infographic depicting nearly 30,000 Skagit County residents served by CA in 2017 and \$5.6M spent in the local economy. Ms. Penney said that a \$50K contribution from the City of Anacortes would equate to \$24 per Anacortes citizen served in 2016.

Mr. Young observed that CA works in concert with local Anacortes non-profits and that poverty is affecting everyone at every level, including those who are fully employed. Mr. Johnson asked why CA had elected to move rather than expand at its current site. Ms. Penney said that CA's building was not structurally sound to add a second story and that the site did not provide adequate parking to expand. Mr. McDougall asked if the 2013 Community Needs Assessment was being updated. Mr. Henkel said that updated data had recently been collected and would be released for community use on March 27. Mr. Johnson asked if other Skagit County cities were supporting the new center. Ms. Penney said Sedro-Woolley had agreed to contribute \$25K and that CA was asking both Burlington and Mount Vernon to contribute \$50K each as well. Mr. Walters noted that the ask was not proportional to the citizens served in each city. He asked when CA needed the funds and if it was asking for cash or a pledge. Ms. Penney said either would work towards the 2018 closing date and added that CA was preparing to take out a bridge loan until all pledged funding was collected. Several councilmembers said they preferred that any Anacortes funding be contingent on complete funding and execution of the project.

Mayor Gere invited members of the audience to comment on this agenda item. No one present wished to address the Council.

Mayor Gere suggested that the request be studied in committee, then brought back to full Council for action. She thanked CA for its work throughout the county.

### **Ordinance 3021: Budget Amendment**

Finance Director Steve Hoglund presented Ordinance 3021 amending the 2018 budget. Mr. Hoglund explained each line item of the amendment, referring to his memo which was included in the packet materials for the meeting. Mr. Walters asked about the library items that had been included when the draft budget amendment had been reviewed by the Finance Committee. Mr. Hoglund advised that Mayor Gere suggested postponing action on those pending arrival of the new library director. Mr. Walters requested more information on the Washington Park item. Washington Park Manager Bob Vaux described the work performed by city staff on the upper restroom remodel project and said the budget amendment would cover contracting the HVAC system for the building to complete the project, which he anticipated would total out at \$160K rather than the \$260K originally budgeted. Mr. Walters asked if the Azure cloud based disaster recovery system would allow city computers to be fully functional in case of a building fire or a natural disaster. Mr. Hoglund said that the Azure solution had been selected precisely to achieve that result.

Mr. Johnson moved, seconded by Mr. Young, to approve Ordinance 3021 amending the 2018 budget. Vote: Ayes – Young, Walters, McDougall, Miller and Johnson. Motion carried.

### **Contracting Update**

City Attorney Darcy Swetnam presented an update on ongoing improvements to the city's contracting process. Her slide presentation was added to the packet materials for the meeting. She introduced Contract Specialist Tiffany Matson. Ms. Swetnam outlined the life cycle of contracting including procurement, contract administration and archiving. She summarized the contracting process and changes in it since 2016 as the city moved from decentralized contracting by departments to the current centralized contracting service administered

by the Legal Department, largely by Ms. Matson whose position was created in 2017. Ms. Swetnam listed further refinements under way including revisions to the purchasing policy which would come to Council for consideration and eventual adoption, pending decision on key policy questions. She mentioned that the contracting rules could also be adopted by ordinance into municipal code. Ms. Swetnam explained the contract routing process beginning with staff review, through approval by Council if required, and ultimately concluding with signature by the mayor. She highlighted additional information recently added to agenda bills for contracts presented to City Council for approval, including links to prior action on agreements. She invited Council to advise if additional information was desired. Ms. Swetnam concluded with a preview of further enhancements planned for 2018 during implementation of Laserfiche, including public access to all contracts via a website portal.

Mr. Johnson asked about the large number of contract modifications that come before Council for approval and suggested several alternative thresholds used by other jurisdictions to determine which modifications require Council action. Ms. Swetnam reiterated that staff are currently strictly interpreting the mayor's signature authority delegated by Council but invited Council to revisit that threshold. Mr. Walters and Mr. Miller praised the revised agenda bill format with links to prior Council action on each contract. Mr. Young observed that Laserfiche would soon let the public do some of its own research and achieve more direct access to documents.

Mayor Gere invited members of the audience to comment on this agenda item. No one present wished to address the Council.

#### **Contract Modification: Fiber Build 14-056-IDS-001**

Public Works Director Fred Buckenmeyer requested consent to issue a contract modification to Henkels and McCoy, Inc. in the amount of \$16,520.07, increasing the total contract price to \$1,060,383.20, in order for the contractor to provide an additional 14,000 feet of conduit as well as labor to install the four fiber termination panels purchased under Modification 02 for the fiber telemetry project. Mr. Johnson asked for a status report on the overall budget for the project. Mr. Buckenmeyer said the project was well within budget. Mr. Miller pointed out that the original contract bid was approximately \$30K below the engineering estimate but that the final contract total with all modifications would be slightly over the estimated cost. Mr. McDougall asked where the extra 14,000 LF of conduit had been installed. Mr. Buckenmeyer explained that the city had supplied the materials for the project under separate contract and that designer NoaNet's quantity estimate was slightly low but that conduit could only be purchased in spools of 14,000 LF so a portion of the additional conduit was still available for a future phase. Mr. Walters asked that contract agenda bills include that type of explanatory information.

Mr. Walters moved, seconded by Mr. Miller, to approve Contract Modification 03 for Henkels and McCoy as presented. Vote: Ayes – Walters, McDougall, Miller, Johnson and Young. Motion carried.

#### **Guemes Channel Trail Update**

Parks & Recreation Director Gary Robinson updated Council on the Guemes Channel and Tommy Thompson trails. His slide presentation was added to the packet materials for the meeting. He summarized the history of the trail from initial acquisition of the BNSF rail corridor over twenty years prior through construction of the six segments currently completed. Mr. Robinson mentioned the segment currently under construction between the east end of the Tommy Thompson trestle and the March Point park and ride and potential enhancements for the future. He depicted potential alternative routes from 11<sup>th</sup> Street to connect to the 6<sup>th</sup> Street segment depending on whether signage, striping, lane adjustment or sidewalk adjustments would best facilitate that connection. Mr. Robinson discussed the future waterfront section between the Triton and GEMS properties and the Vision to Action exercise that was intended to facilitate conception and realization of that section. He noted that the GEMS to Lovrics section included multiple private property/home owners with whom the city was working. He depicted two possible routes along that section, one in the railroad corridor along the water and one above the

bank along the Oakes Avenue corridor. He then briefly discussion the Lovrics property, which the trail could go through or around.

Mr. Robinson then discussed the future trail segment between Edwards Way and the Washington State Ferry Terminal. He noted strong community desire to move the trail forward and said this was one section where progress was more possible due to fewer ownership questions to resolve and some available grant funding. Mr. Robinson enumerated the remaining land ownership and topographical challenges in that area. He explained the survey directed by the city to explore a route that would minimize to the extent possible the impacts on the wetland buffer. He noted that he requested a survey for a 12-foot wide path to be consistent with the rest of the trail corridor but acknowledged that the trail might have to narrow and change in other ways in order to be permitted in specific locations. Mr. Robinson said the neighborhood connections shown on the drawing were purely conceptual. He then displayed photos of what trail surfaces could look like.

Mr. Robinson then briefly discussed factors affecting routing the trail across the Washington State Ferry Terminal and through Western Washington University's property at Shannon Point. He concluded by emphasizing that the city had made no proposal for a trail at this time in any of the remaining unbuilt sections, that a public trail within a wetland buffer is an allowed conditioned use with mitigation, that public access to nature is an important part of the Anacortes community, and that the six sections of the trail successfully built thus far had included significant debate and discussion. He encouraged continued spirited, open, honest, fact based discussion about these trails, noting that how and where they were constructed was important to the community.

Mr. Walters requested a formal planning process for continuing the GCT resulting in a document that would be approved by City Council. He also requested a comprehensive geotechnical review of the bluff above the existing trail. He also asked for a report on the status of mitigation activities required by the final phase of the eastward expansion of the trail, which the Swinomish Tribal Community had indicated to Mr. Walters had not been completed. Mr. Robinson said he could not respond to allegations that had not been presented to him but advised that staff was working with the consultant who permitted that portion of the trail as well as state agencies to report on the mitigation measures called for and the success of the mitigation steps taken to date, including repeated replanting of some sections.

Mayor Gere thanked Mr. Robinson for his comprehensive presentation.

At approximately 9:12 p.m. Mayor Gere called a 3-minute break. At 8:18 p.m. the mayor called the meeting back to order.

Mr. McDougall said that he agreed with the points made by Mr. Walters prior to the break.

Mayor Gere invited members of the audience to comment in the order in which they had signed up before the meeting.

Alan Hanson, president of the Sunset Cove HOA, expressed support the trail north of Sunset Cove through the WWU property. He thanked Mr. Robinson for his efforts and supported immediate construction of that western segment.

Katherine O'Hara, speaking as a board member of the Skagit Audubon Society, said Audubon was concerned about the plan to build a large paved walkway with retaining walls through a wetland buffer zone with its likely adverse impact on bird life in that area. She urged public discussion of other possible routes. Ms. O'Hara then added her own comments as a private citizen and frequent trail user, saying she was troubled by the lack of public discussion of a route through the wetland buffer. She said the city should take more time to consider the shared and competing interests and to discuss openly and publicly alternatives to a route through the wetland



buffer zone. She said there was no need to rush through the process for western segments of the trail since it still ended at the Lovrics gate to the east.

Warren Tessler, speaking as an active cyclist and occasional walker and as Parks Foundation board member, said Mr. Robinson had raised many points on planning to date and on significant planning yet to occur. Mr. Tessler agreed that perhaps a more formal planning process ought to be put in place. He asked the community to keep in mind that the trail system built to date was a tremendous asset that many community members enjoyed every day and that the completed system would be an even greater asset. He urged the community to work together to find a way to do that. He reminded that other communities have faced and resolved similar challenges.

John Pope, 4001 Peters Lane, said he personally had been working on the GCT/TTT concept for 20 years and reminded that many citizens had been very supportive of it. Mr. Pope said he was surprised to learn that during good faith outreach efforts by the city, concept drawings had resulted in miscommunication. He said wetlands advocacy needed to be understood and worked with. Mr. Pope said a perimeter upland trail might be the best way to protect the Ship Harbor wetland buffer, which would keep spurious trails from damaging the wetland. He urged professionals and community members to work as partners to achieve two ecological ends: alternative transportation and wetland preservation.

Michele Pope, 4001 Peters Lane, remarked on the room full of familiar faces to whom she had presented the trail concept over the years at many community gatherings and from whom trail supporters had collected over 500 signatures in just two years. Ms. Pope urged the community to use conversation instead of confrontation and work together to achieve access.

John Lucke, 1405 Portalis Court, speaking personally and for his HOA, said Mr. Walters had addressed many of Mr. Lucke's concerns. He said the primary thing is to get community input. He said access points to his neighborhood were shown on the plan but there had been no discussion with the local homeowners. The HOA board then received requests from homeowners to get involved. He said his neighbors use the trail on a regular basis via deeded access through San Juan Passage. He said Portalis supports and appreciates the trail but would like to see the landscaping better maintained.

Tom Glade, 210 Mansfield Court, representing Evergreen Islands, said EI was generally supportive of the GCT but was resolutely opposed to the route currently proposed for Phase II which was inside the Ship Harbor wetland buffer for its entire length. Referencing a letter submitted earlier, Mr. Glade said EI had been deeply involved with the Ship Harbor property for at least 30 years and was a major stakeholder in determining the future of the wetlands. He summarized the history of the critical areas ordinance in Anacortes. On behalf of Evergreen Islands, Mr. Glade asked the city to prohibit any uses in the Category 1 wetland of regional significance and to manage the wetland as an environmental preserve rather than a park. He suggested that in the near term, a bike lane along SR20 would be an option that would satisfy the intent of EI's settlement agreement and restricted covenant.

Martha Hall, 2617 16<sup>th</sup> Street, said that the Shoreline Master Program, the Critical Areas Ordinance, and wetlands standards all required no net loss of ecological function and value and no effect on endangered species for Phase 7. Ms. Hall said that had not been achieved and that the plantings were not optional. She suggested that the city meet the requirements for Phase 7 before considering any other phases. Ms. Hall reminded that the Shoreline Master Program called for public access to be balanced with protection, which means not replacing trees with pavement along a shoreline or in a wetland buffer. Ms. Hall said there was no balance in Anacortes and that nearly the entire shoreline had a paved pathway along a treeless shoreline lined with rip rap which was not healthy for marine species.

Catherine Houck, 2318 20<sup>th</sup> Street, observed that as a cyclist, as a supporter of safe routes to school and bicycle trails, and as an ecologist, she was in a tough spot. She said she supported the Guemes Channel Trail concept but that Anacortes could do much better at balancing access to the shoreline and the way it builds trails with environmental stewardship. She urged learning from trail sections already built, including the need for more geotechnical engineering before permitting construction on slopes that are going to fail and building trails under those failing slopes. She also observed that the planting pockets aren't working because there's not enough space or soil for trees which also suffer from deer predation. Ms. Houck said applying lessons learned from existing GCT segments could result in a better future phases. Regarding the route depicted through the Ship Harbor wetland buffer, Ms. Houck said she had walked the route and recommended putting it elsewhere. Instead, she suggested locating the trail upland, outside the wetland buffer, and planting native trees and plants along the route to buffer the trail from the neighborhoods and create an additional beautiful place. She said this was an opportunity to do something really well and to balance cycling, waterfront views and natural resources.

Vicki Stasch, 2003 39<sup>th</sup> Street, said that her household moved to Anacortes because of its trail system and that she had previously served on the GCT committee. Ms. Stasch said the GCT would make a big difference in the community, enhancing quality of life. She added that trail systems are incredibly important to economic development because quality of life draws people. She concurred that the trail plan needed to balance precious resources with the need to transport walkers and cyclists. Ms. Stasch cited Victoria's example of making a waterside trail work through a variety of surfaces, fences, and signage.

Brian Wetcher, 814 26<sup>th</sup> Street, summarized his 35 years of involvement with the Ship Harbor wetlands and actively promoting connecting trails and wildlife corridors throughout Anacortes. Mr. Wetcher noted that the Ship Harbor agreement expressly prohibited incursion into the wetland buffer. Mr. Wetcher hoped that the concept of a paved trail would turn into a trail more like the ACFL trails located outside the wetland buffer. He expressed concern that the substrate bedding required for a paved trail may affect the hydrology of the wetland. Mr. Wetcher urged the city to consider major bike and handicapped access traffic in some other alternative access outside the buffer.

Ramona Hammerly, 1710 7<sup>th</sup> Street, said her concern was putting a trail across a bluff for several miles, between Lovrics and Ship Harbor. She said it's started to slough and the sloughed material has been dumped on the water side of the trail which smothers plantings. Ms. Hammerly said the trail was wider than what was there from the railroad and that the shoreline had been hardened. She said the bluff closer to the Guemes Ferry dock was even steeper and she hoped that the city would get a geologist to look at that.

Mr. Young noted that he had been a supporter of the GCT and that as a new councilmember he was listening to and learning from all sides of the issue. He said he would be walking the area in the week ahead. Mr. Walters and Mr. Johnson made additional suggestions for a planning process for the GCT. Mr. Walters suggested that Council's next consideration of this topic ought to consider a Parks Department proposal for a process.

Johnny Chase, 4211 Glasgow Way, said he was worried about fiscal responsibility for any of these trails. He referenced agenda item 5c from the November 13, 2017 City Council meeting at which Council approved a change order for the environmental consultant for Phase 2 of the GCT. Mr. Chase said the consultant received a \$50K modification on a \$79K contract and that the information the consultant provided to the Parks Department was extremely unacceptable for \$129K. He said that if the planning cost had already increased by 64.5%, what would happen when the trail was constructed? He anticipated additional costs for planning and design. Mr. Chase indicated he would prefer to eliminate some of the current controversy that arose from a lack of knowledge of wetland buffers. He asked that Council and staff make sure the city was getting its money's worth from consultants.

Mayor Gere thanked the assembly for their comments and said the topic would come back before Council with a process and a plan.

### **Parks and Recreation Comprehensive Plan Update**

Mr. Robinson introduced Washington Park Manager Bob Vaux to report on the Parks and Recreation Comprehensive Plan update process currently underway. Mr. Robinson noted that the Parks comprehensive plan had not historically aligned with the city's comprehensive plan but that for the current effort the city's adopted 2016 Comprehensive Plan had determined the goals and policies for the Parks and Recreation element which would shape the Parks Comp Plan update. Mr. Vaux reported that public input was being collected through an online survey which had already received over 400 responses, three community meetings, and staff/consultant interviews with Mayor Gere, the three councilmembers who serve on the Parks and Recreation Committee and the four sitting Park Commissioners. He advised that after the survey closed at the end of the week staff would begin tabulating the feedback and drafting a plan informed by those three data sources. Mr. Vaux added that Planning Department staff were guiding the process to be sure it coordinated with the adopted 2016 Comprehensive Plan and noted that the draft would include extensive public process before the Parks Commission, SEPA review, and the Planning Commission before coming to City Council for action. Mr. Vaux emphasized the value of constructing a plan with good grant funding potential.

Mayor Gere invited members of the audience to comment on this agenda item.

Martha Hall said she was surprised and not pleased to see that on the display boards at the public meetings the Ship Harbor Preserve was listed as a linear park. She said that didn't make sense. Ms. Hall said the Anacortes Community Forest Lands should be included in the Parks Comprehensive Plan update. She said the ACFL desperately needed a new management plan and that its current plan wasn't in compliance with the city comprehensive plan, the critical areas ordinance, or the Shoreline Master Program. Ms. Hall said the prior Parks comp plan had not been followed, specifically that Volunteer Park and Smiley's Bottom badly needed a master plan. She said mass projects had been built there impacting the buffer and wetlands. She asked why comp plans are developed if they aren't followed. Ms. Hall said she didn't see that public process was used at Volunteer Park as she was never allowed to give any input on the development of that park.

Vernon Lauridsen, 2219 32<sup>nd</sup> Street, said the Parks Department was using "comprehensive plan" in a different way than many community members thought of that term in relation to the 2016 Comprehensive Plan. Mr. Lauridsen said the plan prepared by the Parks Department met the department's needs to be competitive for state grant funding but said that was entirely different from what the Growth Management Act required. He said GMA requires a parks and recreation element to be integrated with the city's comprehensive plan and consistent with it. Mr. Lauridsen said the current departmental effort may be important but was not the comprehensive plan as most people think of it and would not be compliant. He asked that the Parks Department sit down with the Planning Department, read the terms of the GMA, and comply with them.

Mr. Walters urged the Parks department to be cautious about using the survey data as it was not statistically valid and urged using national survey data instead. He said he did not object to having a separate plan for management of the ACFL. Mr. Robinson clarified that the ACFL management plan had been updated and would be presented for adoption along with the updated Parks & Recreation Comprehensive Plan. Mr. Walters urged retention and expansion of the detailed capital facilities portion of the Park & Recreation Comprehensive Plan as that was the heart of what GMA requires per RCW 36.70a.070(3). He emphasized the need for detailed capital facilities planning including funding for long term maintenance.

### **Executive Session (15 Minutes) per RCW 42.30.110 (i)**

At approximately 9:25 p.m. Mayor Gere announced that City Council and the City Attorney would convene in Executive Session for approximately 15 minutes to discuss potential litigation and that following the executive session the meeting would adjourn with no action being taken.

There being no further business, at approximately 9:40 p.m. the Anacortes City Council meeting of February 26, 2018 was adjourned.