

City Council Minutes – August 20, 2018

At 6:00 p.m. Mayor Pro Tem Matt Miller called to order the regular Anacortes City Council meeting of August 20, 2018. Councilmembers Eric Johnson, Anthony Young, Ryan Walters, Brad Adams, Liz Lovelett and Matt Miller were present. Councilmember Bruce McDougall was absent. The assembly joined in the Pledge of Allegiance.

Announcements and Committee Reports

Parks & Recreation Committee: Mr. Adams reported from the committee meeting the prior Thursday. He described projects discussed: Grand View cemetery expansion including removing the poplar trees along the border of the property and expanding towards St. Mary's; continued revision and review of the Parks & Recreation Comprehensive Plan with adoption by Council targeted by year end; ongoing work on the Guemes Channel Trail wetland phase and mitigation for Phase 7; replacement of the aging artificial turf on the fast pitch softball field using private donations; design work on Pickett Pocket Park; and the Washington Park camping reservation policy, which committee members felt was by and large working well.

Public Works Committee: Ms. Lovelett reported from the committee meeting earlier in the evening. She said that the group received a fiber broadband update and that the fiber business plan was still being developed. She reported that Mr. Buckenmeyer had outlined increased staffing requests that would be included in the public works budget for 2019/2020 and added that the additional FTE that would be requested in the engineering department would help reduce an expected \$1.6M of consulting fees over the next six years if that workload all had to be outsourced. Ms. Lovelett said the committee had also reviewed the bidding process for the chlorine conversion contract appearing later on the evening's agenda.

Public Comment

John Morgan, 1110 27th Court #4B, asked which department was responsible for spraying the Roundup chemical, if the city was still using that. Mr. Miller asked if Forestlands and Operations Manager Jonn Lunsford or Public Works Director Fred Buckenmeyer could respond. Mr. Lunsford suggested that staff would provide answers at the next regular meeting. Mr. Morgan also reported that he had attended National Night Out at Storvik Park and was somewhat impressed but said the event seemed more like a family with kids event rather than a serious event to inform the public about emergency preparedness. Mr. Morgan shared information regarding the All County Picnic held at Chimacum in Jefferson County every year to promote emergency preparedness in the community. Mr. Morgan left a copy for the mayor and city staff which was added to the packet materials for the meeting.

Consent Agenda

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

- a. Minutes of August 13, 2018
- b. Approval of Claims in the amount of: \$236,747.31
- c. Contract Awards: Treatment Plant Chemicals 18-118-IDS

The following vouchers/checks were approved for payment:
EFT numbers: 90268 through 90310, total \$161,877.70
Check numbers: 90311 through 90372, total \$73,174.22
Wire transfer numbers: 236076 through 236804, total \$3,387.42

OTHER BUSINESS

Ms. Lovelett asked to reorder the agenda to move Item 7b before 7a. No councilmembers objected.

Contract Award: WTP Chlorine System Conversion Project – Construction 18-036-WTR-004

Mr. Buckenmeyer requested City Council consent to award a contract in the amount of \$898,380.00 to Award Construction, Inc., for the construction of the water treatment plant Chlorination System Conversion Project which had been discussed with Council at prior meetings. He reported that two bids were received with the low bid from Award Construction. Mr. Buckenmeyer advised that contract completion was expected before year end. He recommended approval of the contract. Ms. Lovelett noted that the retail water system share of the contract cost would be only roughly 10% of the total, the rest being paid by the other regional customers. Mr. Adams noted that the plant's current gaseous chlorine technology worked fine but that the Washington State Department of Labor and Industries had directed the change to hypochlorite solution technology. Mr. Johnson moved, seconded by Ms. Lovelett, to authorize the Mayor to sign contract 18-036-WTR-004 with Award Construction, Inc. in the amount of \$898,380.00 for the construction of the Chlorination System Conversion Project. Vote: Ayes – Young, Walters, Miller, Adams, Lovelett and Johnson. Motion carried.

Skagit County Public Health Presentation: Vaping in Public Places Ordinance for Skagit County

Danica Sessions, Behavioral Health Education Specialist at Skagit County Public Health, and Margaret Shield of Community Environmental Health Strategies LLC, public health policy consultant to Skagit County, addressed Council about an e-cigarette use and vaping ordinance being developed by Skagit County Public Health. Ms. Sessions and Ms. Shield referred to their slide presentation that was included in the packet materials for the meeting.

Ms. Sessions outlined the ongoing challenges of tobacco use and the public health concerns with vaping in public places, particularly rapidly increasing use by teens and young adults. Ms. Shield clarified that the nicotine contained in e-cigarettes and vaping devices is still derived from tobacco and so is considered a tobacco product by the federal government. She provided an overview of Washington State Law regarding smoking, vaping and marijuana use in public places. She noted that smoking has been prohibited by RCW 70.160 since 2005 to protect the public from secondhand smoke but that e-cigarettes, in the marketplace since roughly 2007, are regulated differently. Ms. Shield said that since 2016 state law has prohibited vaping in specific areas where children are commonly present but doesn't cover outdoor sports fields nor other public places where smoking is prohibited. She outlined the differences in required signage and labeling between combustible tobacco and vapor products. Ms. Sessions displayed and described the use of a range of vapor products including cigalikes, vaping pens, mods, and juul devices. In response to councilmember questions about the secondhand impact of essentially smokeless devices, Ms. Sessions explained the lack of ingredient labeling required for vapor products and the potential impact of inhaling heated solvents, flavoring chemicals, and metals that form the heating coils. Ms. Shield stressed the public health risk of nicotine use by youth due to the highly addictive nature of nicotine. She acknowledged that longitudinal studies of the effects of secondhand exposure to the relatively new vaping technology are not yet available but cited studies showing that non-vapers surrounded by vapers do show nicotine in their blood. She reminded that the U.S. Surgeon General has recommended adding vaping to no smoking laws in public places. The speakers clarified that emissions from vaping devices are not always visible and that the "cloud" emitted can be controlled by users in some devices by adjusting the heat of the device.

Ms. Shield then shared a slide listing regulatory options available to local jurisdictions for vapor products. She reported that Whatcom, Snohomish, King, Pierce, Clark, Kittitas, Grant and Spokane counties have all enacted Board of Health regulations regarding vaping, typically prohibiting vaping wherever smoking is prohibited. She also cited existing municipal anti-smoking ordinances in Skagit County but said none of the cities have yet adopted ordinances addressing vaping. Ms. Sessions reported on Skagit Public Health's grant funded education and assistance efforts to curb use of vapor products. She said Public Health supports vaping restrictions in indoor public places and places of employment and supports requiring signage where vaping is prohibited, just

as for combustible cigarettes. Ms. Sessions emphasized that reducing nicotine exposure and addiction among children and youth requires establishing societal norms that don't include public vaping. She said that her department was developing a draft ordinance for consideration and action by the Skagit County commissioners, acting as the Skagit County Board of Health, and would continue its education and outreach efforts. Ms. Sessions and Ms. Shield said the commissioners sought input from local jurisdictions on the ordinance.

Mr. Walters asked about enforcement of a county ordinance. Ms. Shield said that in counties that have already enacted such ordinances, enforcement is typically by county public health officials, complaint based, and focused on achieving compliance through education but with a civil penalty available for repeat offenders. She said some counties provide no vaping signage to affected businesses such as restaurants, others require but do not provide signage. Mr. Walters supported county provision of signage to businesses and urged that civil penalties in the form of citations be an option for local law enforcement. Mr. Miller agreed that Skagit County providing signage would answer his concern about increasing the burden on businesses. Mr. Young cautioned about adding to the enforcement burden of local law enforcement which has even more pressing public health issues to address, particularly given the limited data on the effects of secondhand vapor, but supported limiting vaping in public places indoors and where youth are present. Several councilmembers suggested limiting e-cigarette and vaping use in the same way and to the same extent that cigarette smoking is currently limited. Ms. Shield said the only additional restriction that has been considered is disallowing vaping at outdoor athletic fields, where smoking is currently allowed.

Ms. Sessions shared a series of slides reporting increasing use of vapor products by youth even as traditional cigarette use has declined. She cited other health risks including poisoning of young children by (often flavored) nicotine e-juice and overheating, fires and explosions caused by vapor devices. The presenters thanked Council for its input and questions and advised they would share that information with the Skagit County commissioners.

There being no further business, at approximately 7:10 p.m. the Anacortes City Council meeting of August 20, 2018 was adjourned.