

City Council Minutes – August 27, 2018

At 6:00 p.m. Mayor Laurie Gere called to order the regular Anacortes City Council meeting of August 27, 2018. Councilmembers Eric Johnson, Anthony Young, Ryan Walters, Liz Lovelett, Bruce McDougall and Matt Miller were present. Councilmember Brad Adams was absent. The assembly joined in the Pledge of Allegiance.

Mr. Walters moved, seconded by Mr. Young, to excuse the absence of Mr. Adams who had been detained on a business trip. The motion carried unanimously by voice vote.

Announcements and Committee Reports

Mayor Gere reported on the successful Open Streets event held downtown on Sunday, August 26, and thanked the staff and volunteers who made the event possible.

Mr. Johnson reported from the Traffic Safety Committee meeting on August 21, 2018. He said the members continued discussion of the traffic calming devices in the vicinity of Quail Avenue, continued discussion of reconfiguring stop signs at 32nd Street and H Avenue to include only a stop sign in the northbound direction, and considered and supported adding a four-way stop at Commercial Avenue and 4th Street.

Planning Committee: Mr. Walters announced that the committee meeting scheduled for earlier in the evening had been cancelled.

Finance Committee: Mr. Walters reported from the committee meeting the prior week at which the members received a preview of departmental budget requests from Finance Director Steve Hoglund. Mr. Johnson added that the committee also reviewed a draft of the Capital Facilities Plan which would be considered in conjunction with the budget.

Ms. Lovelett reported from the Depot Master Planning Committee meeting the prior week. She said the group took a first look at architectural renderings for the proposed stage and improved access to the madrone grove, including disabled access. Ms. Lovelett advised that the committee would review the concept drawings one more time, then bring the project before Council in the next few months to begin a public review process.

Public Comment

Joshua Parriera, 988 West Riser Lake Road, Ferndale, Executive Director of Saints and Abolitionists, shared an educational presentation regarding pornography leading to sex trafficking and arguing that pornography is a health crisis. Mr. Parriera's slides were added to the packet materials for the meeting. He urged the U.S. Department of Justice to enforce existing federal laws against illegal pornography distributors and producers. Mr. Parriera said he was working with others to introduce and pass a bill that would classify pornography as a health crisis in Washington state. He urged Anacortes to support that bill, noting that ten other states have already enacted such bills. Mr. Parriera also encouraged the audience to become intolerant of pornography and to determine to be a part of the solution, not the problem. He offered local businesses assistance to develop policies against porn and prostitution and offered to make his presentation available to other groups locally. Mr. Johnson asked if Mr. Parriera's organization was in contact with the local Soroptimist groups actively engaged in anti-trafficking efforts. Mr. Parriera's said he was in contact with Skagit Coalition Against Trafficking. Mr. Young asked about efforts to educate the public to recognize sexual trafficking and make safe places available for victims. Mr. Parriera explained how Saints and Abolitionists works to decrease demand for pornography and also partners with advocacy groups supporting victims and survivors.

John Morgan, 1110 27th Ct, 4B, followed up on the Skagit Public Health presentation at the August 20, 2018 City Council meeting on vaping in public places. Mr. Morgan said he hoped the city would put up signs in city

parks saying no smoking or vaping allowed, especially parks with playgrounds. Mr. Morgan also asked if there was an ordinance regulating how tall front lawns can be, noting he had a neighbor with brown grass three to four feet high which could be a hazard in this very dry season. Mayor Gere invited Mr. Morgan to call the Planning Department with specific addresses of concern so the Code Enforcement officer could work with those residents. Mr. Morgan also spoke representing Transition Fidalgo, following up on his question at the August 20, 2018 City Council meeting about the city's use of Roundup. Mr. Morgan cited the response he had received from Public Works Director Fred Buckenmeyer indicating that Public Works staff follow the direction and expertise of the Washington State Department of Agriculture, Pesticide Management Division on the use and application of weed control measures and stating that the Washington State Department of Agriculture authorizes the application of what is commonly known as "roundup". Mr. Morgan provided internet documentation saying that Roundup is not safe for human exposure. Mr. Morgan's materials were added to the packet materials for the meeting. Mr. Young encouraged speakers to share ideas for alternatives to practices they question. Mr. Morgan suggested that a solution of Epsom salts and vinegar had proven effective for weed control.

Consent Agenda

Mr. Young removed Item 5a, Minutes of August 20, 2018, from the Consent Agenda. Mr. Johnson moved, seconded by Ms. Lovelett, to approve the following Consent Agenda items. The motion carried unanimously by voice vote.

- b. Approval of Claims in the amount of: \$238,989.53
- c. Contract Modification: Blue Heron Reservoirs Construction 16-039-WTR-004

The following vouchers/checks were approved for payment:
EFT numbers: 90373 through 90400 and 90435, total \$63,647.40
Check numbers: 90401 through 90434, total \$175,138.78
Wire transfer numbers: 236413 through 236988, total \$2,117.26

- a. Minutes of August 20, 2018

Mr. Young corrected the draft minutes, page 3, paragraph 2, to read "the limited data on the effects of secondhand vapor" rather than "the dearth of data on the effects of secondhand vapor". Mr. Young moved, seconded by Mr. Johnson, to approve the minutes of August 20, 2018 with the correction noted. The motion carried unanimously by voice vote.

OTHER BUSINESS

Ordinance 3027: Extending a Moratorium on Processing Applications for Wireless Facilities and Telecommunications Franchises

City Attorney Darcy Swetnam presented Ordinance 3027 to extend the previously-adopted moratorium as extended on new applications for wireless facilities and telecommunications franchises for an additional six months to allow time for the City to adopt new sections of the Anacortes Municipal Code. Ms. Swetnam's slide presentation was added to the packet materials for the meeting. She summarized the original moratorium established on August 28, 2017, Resolution 1995 establishing a work plan for code updates, the ordinance extending the moratorium for six months on February 20, 2018, and the problems with the current municipal code regarding these topics. Ms. Swetnam then reported on the status of the work plan and advised that staff was working with outside counsel at Foster Pepper on the code updates due to the interplay of federal, state and local law and rapidly evolving technology. She emphasized the goals of ensuring that the revised code is easy both to administer and to understand, that it is consistent with development regulations currently under revision, and that it incorporates input from industry stakeholders. She outlined the public process still ahead following

additional drafting and advised that staff fully intended to complete the code revisions and submit them for Council adoption by the end of the calendar year. Ms. Swetnam reminded Council of its authority for moratoria and said the subject moratorium is consistent with FCC guidelines.

Several councilmembers acknowledged the need for an extension of the moratorium but indicated that the process needed to conclude in 2018. Mr. Walters clarified with Ms. Swetnam that AMC Titles 19 and 5 would be affected, Title 19 only to update the procedures matrix to include siting of facilities. Mr. Walters said the code needed to address the question of appurtenances that hang off of poles. Ms. Swetnam indicated that would be addressed. Mr. Miller asked if the one applicant who had submitted since the moratorium was established had been made aware of the proposed extension on the evening's agenda. Ms. Swetnam said that applicant had not been specifically notified of the proposed extension but had been participating with other industry stakeholders in the process. Mr. McDougall asked if Foster Pepper was working with any of the cities 5G providers had identified as trial cities (e.g. Sacramento, Raleigh-Durham, Atlanta). Ms. Swetnam said she would address that with Foster Pepper later in the week. Mr. McDougall asked if the stakeholders contacted to date included application providers other than Wi-Fi service and cell phone companies. Ms. Swetnam indicated that the prior stakeholder meeting had been attended by wireless providers and cell phone companies but she invited councilmembers to identify other service providers to invite. Mr. McDougall indicated he would also like to attend.

Mr. Johnson moved, seconded by Mr. Young, to approve Ordinance 3027 as stated in the agenda bill.

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

Vote: Ayes – Young, Walters, Lovelett, McDougall, Miller and Johnson. Motion carried.

Memorandum of Understanding with Anacortes School District #103 for Assessment of Anacortes Community Youth Center

Ms. Swetnam presented an MOU with ASD #103 regarding a joint planning process to identify, evaluate, and analyze design, operation, and location options for a proposed community center to serve children in the Anacortes community. Ms. Swetnam's slide presentation was added to the packet materials for the meeting. She summarized the discussions and studies undertaken beginning in 2016 leading up to the subject MOU. Ms. Swetnam outlined the parties' shared goals for the facility, then reported on the feasibility study which examined five potential locations and settled on the school district's property at 22nd Street and J Avenue as the most desirable location. She advised that the feasibility study also projected construction costs and explored funding options. Ms. Swetnam then outlined the drafting of the MOU and reported the School Board's decision on June 14, 2018 to execute the MOU. She emphasized that the MOU provides a process for the City and School District to work cooperatively to evaluate and plan options for the community center. Ms. Swetnam highlighted the terms of the agreement and the two phases of the planning process, noting that the City would absorb the cost of facility design but the parties would share the costs of site master planning.

Several councilmembers questioned why the city alone would pay the costs of facility design. Mayor Gere and Ms. Swetnam indicated that the district would contribute significant value to the shared effort through a long term lease of its property. Councilmembers asked the anticipated cost of the design. No estimate was available this early in the process but Ms. Swetnam advised that any contract for design services would come before Council for approval. Councilmembers emphasized that the facility should be a multi-use building with room to expand and to meet a variety of community needs over time. Mayor Gere confirmed that the concept drawing included space that was not initially allocated to a specific purpose. Ms. Lovelett reiterated her earlier suggestion that the facility include dorm style residential space to support staffing needs for the center including possibly Boys and Girls Club staff or school district AmeriCorps volunteers, noting that such space could reduce the city's long term operating costs for the facility. Mr. Johnson inquired about the capital campaign. Mayor

Gere indicated that community foundations had indicated willingness to assist and that private donors had also expressed interest.

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

Mr. Walters moved, seconded by Ms. Lovelett, to approve the Memorandum of Understanding between the City of Anacortes and Anacortes School District #103. Vote: Ayes – Walters, Lovelett, McDougall, Miller, Johnson and Young. Motion carried. Ms. Lovelett thanked Mayor Gere for her longtime championship of the project.

Memorandum of Understanding with Port of Anacortes regarding Cap Sante Marina Uplands Redevelopment

Ms. Swetnam introduced an MOU with the Port of Anacortes setting out the general outline of the actions and areas of responsibility of the Port and City respectively to work together to develop the Cap Sante Marina Uplands and repurpose the Port's Transit Shed Property. Ms. Swetnam's slide presentation was added to the packet materials for the meeting. She summarized the goals identified in the Port's strategy which was completed in April 2018 and reviewed by City Council at its joint meeting with the Port on June 11, 2018. Ms. Swetnam listed highlights from the terms of the MOU, including provision for a subsequent development agreement to address particulars of redevelopment, noting that the current MOU did not obligate either party to expend funds.

Port of Anacortes Executive Director Dan Worra then addressed Council. Mr. Worra advised that the MOU had been drafted by the Port, reviewed by City staff, and also reviewed and accepted in principle by the Port Commission. He stressed the cooperative nature of the agreement and highlighted the goals of the redevelopment strategy. Mr. Worra said the biggest thing the Port needed from its partners at this stage was realignment of 9th Street to allow for the campus style events center planned by the Port. He indicated that the Port budget included \$50K in 2018 and \$700K in 2019 to begin the project but that the Port did not want to begin expending funds for geotechnical review and event center design without knowing that the city was willing to realign 9th Street.

In response to councilmember questions about the public engagement process for the Port's redevelopment strategy, Mr. Worra explained that the north and west basin concept plan had been extensively publicly reviewed in 2013 and that the current drawings had been presented at a well-attended open house late in 2017 with positive feedback. Mr. Walters asked how the Depot area fit in with the Port's strategy. Mr. Worra indicated that the Port would love to partner with the city for the entire area to be part of one public complex and suggested that the subsequent development agreement would address that. Mr. Walters inquired about the timeline, noting that the term of the MOU was ten years but the Port's schedule showed completion much sooner than that. Mr. Worra said the MOU term could be shortened and explained that the bulk of the work would occur by 2021/2022 depending on permitting and funding. He emphasized that the Cap Sante Marina redevelopment was a top priority for the Port and that it would move forward as soon as the MOU was in place. Mr. Miller asked about the potential for associated land use decisions such as conditional uses, street vacations, or boundary line adjustments. Ms. Swetnam assured that land use decisions related to the project would follow established processes but explained the flexibility allowed by the development agreement process. Ms. Lovelett cautioned that the proposed 9th Street alignment appeared to go very close to or through the Altair-Americus Memorial Park. She urged the Port to communicate with the families and community members about that very sensitive area. Ms. Lovelett also asked how sufficient parking for the complex would be provided. Mr. Worra cited the Port's parking study indicating that the overall design would provide sufficient parking. Councilmembers inquired about paragraph 2.b.i calling for the city to support the Port's funding efforts. Mr. Worra clarified that such support could include collaboration on grant opportunities but that the Port District's tax levy was set solely by the Port Commissioners. Mr. Walters urged that the city be prepared with its own initiative to connect the downtown business district to the Depot plaza and the marina complex. He also called

for adding a provision for development agreements to the AMC. Regarding the present MOU, Mr. Walters said it was lacking a termination clause and a no joint venture clause. He asked that those be added. Ms. Swetnam confirmed for Mr. Johnson that the MOU would be entered into under the interlocal cooperation act so any amendments to it would also have to come before Council for action.

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

Mr. Johnson moved, seconded by Mr. Miller, to authorize the mayor to execute the Memorandum of Understanding between the City of Anacortes and the Port of Anacortes for Redevelopment of the Cap Sante Marina Uplands. Mr. Walters requested unanimous consent to amend the motion to add a termination clause and a no joint venture clause consistent with other city memoranda of understanding. Mr. McDougall seconded the amendment. The motion to amend carried unanimously by voice vote. Vote on amended motion: Ayes – Lovelett, McDougall, Miller, Johnson, Young and Walters. Motion carried.

There being no further business, at approximately 7:38 p.m. the Anacortes City Council meeting of August 27, 2018 was adjourned.