

City Council Minutes – October 14, 2019

Mayor Pro Tem Matt Miller called to order the Anacortes City Council meeting of October 14, 2019 at 6:00 p.m. Councilmembers Eric Johnson, Anthony Young, Ryan Walters, Brad Adams, Carolyn Moulton, Bruce McDougall and Matt Miller were present. The assembly joined in the Pledge of Allegiance.

Announcements and Committee Reports

Mayor's Award of Merit: Mr. Miller presented the Award of Merit to Engineering Technician Tim Hohmann.

Finance Committee: Mr. Walters reported from the committee meeting the prior Wednesday. He indicated that the committee and board members of the Anacortes Housing Authority and the Anacortes Family Center discussed the affordable housing sales tax. Mr. Walters said a proposal on this topic would be presented to City Council at its October 28, 2019 meeting.

Mr. Walters reported on a community meeting the prior Tuesday with residents interested in the 5-story building proposed behind Starbucks at 18th Street and O Avenue. He said that Mayor Gere and councilmembers Adams, Moulton and Walters attended.

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

Ms. Moulton announced the Friends of the Forest benefit event scheduled for November 2, 2019 at the Port Transit Shed.

Mr. Young reported that he recently spoke at NAS Whidbey regarding cultural sensitivity and military suicides.

Public Comment

Doug Thurber, PO Box 159, expressed objection to a proposed high rise building at 18th Street and O Avenue. He asked that the project be reassessed and that City Council reopen the comment period on the project for four weeks.

Ellen Chevalier, 16th Street and M Avenue, said her neighborhood had not received adequate notification about a proposed high rise building at 18th Street and O Avenue. She requested more time for the public to comment on the project. Ms. Chevalier discussed what would be an affordable rent for someone earning \$12-\$15/hour and said the proposed apartments would not be affordable for those who actually need affordable housing.

Patty Carp, A Avenue, expressed concern about impacts of a proposed high rise building at 18th Street and O Avenue on view corridors and parking.

Siggy Janzen, 713 34th Street, owner of 1019 17th Street and 1012 17th Street, expressed concern about impacts of a proposed high rise building at 18th Street and O Avenue on parking in the vicinity. She said 1015 18th Street had recently sold to Madrona Real Estate and wondered if that acquisition was to build more high rise buildings or to provide more parking. Ms. Janzen also asked that the dumpsters behind the building be cleaned up.

Karl Essig, 2314 20th Street, supported others who spoke against a proposed high rise building at 18th Street and O Avenue. Mr. Essig shared his experience of development in southern California and observed that tall buildings next door to single family residences look directly down into residents' back yards.

Mike Pearl, 1617 O Avenue, expressed concern about impacts of a proposed high rise building at 18th Street and O Avenue on parking and traffic in the vicinity. Mr. Pearl questioned the public notice that had been provided about the project and said neighbors outside the 300 foot notification boundary were also affected. Mr. Pearl questioned whether the apartments would actually be affordable. He asked City Council to extend the public comment period on the project.

Cheryl Kidd, 2016 Cascade Court, expressed concern about a proposed high rise building at 18th Street and O Avenue. Ms. Kidd said the building would be the only one taller than three stories all the way along Commercial Avenue and said there was no guarantee the apartments would be affordable. She said she hoped the project would be reconsidered.

Mary Jo McCardle, 1514 M Avenue, supported the comments of the previous speakers. She said she lives in the R3 zone but that the proposed project would impact her view corridor and the views all the way from O Avenue to J Avenue. She said the entire area should receive notice of such projects. Ms. McCardle also expressed concern about the impacts of exterior lighting and window glare on surrounding properties. She urged a smaller scale building and starting over with active participation by everyone impacted.

In response to the public comments, Mr. Walters clarified that the proposed multifamily tax credit program was unrelated to the project at 18th Street and O Avenue, which was not an affordable housing project and would charge market rate rent. He cited the provisions of the current code which would allow the height bonus at 18th Street and O Avenue. Mr. Walters said the notice and public comment periods applied for the subject project were per code and could not be altered by Council or by staff for any specific project; City Council can only create the code. Mr. Walters supported the code currently adopted, in certain locations, but proposed an emergency ordinance creating a moratorium on acceptance of applications utilizing the bonus height provisions in the R4 zone west of O Avenue. Mr. Miller and Mr. Adams agreed.

Consent Agenda

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

- a. Minutes of October 7, 2019
- b. Approval of Claims in the amount of: \$916,031.00
- c. Contract Award: Ray Auld Drive Paving #19-168-TRN-001

The following vouchers/checks were approved for payment:
EFT numbers: 94874 through 94919, total \$478,268.14
Check numbers: 94920 through 94957, total \$303,573.68
Wire transfer numbers: 256982 through 257296, total \$81,998.28

PUBLIC HEARINGS

Public Hearing: Ordinance 3049 vacating the west 150.1 feet of the alley in Block 3, Stewart's First Addition to the City of Anacortes (platted, unopened, alley running from Commercial Avenue to "Q" Avenue in block between 21st Street and 22nd Street)

Mayor Pro Tem Miller opened the public hearing.

Parks and Recreation Director Jonn Lunsford reminded the audience of the process for the proposed street vacation to allow construction of Pickett Pocket Park. Mr. Lunsford's slide presentation was added to the packet materials for the meeting.

Mayor Pro Tem Miller invited members of the audience to comment on this agenda item.

Mike Pearl, 1617 O Avenue, spoke in favor of Pickett Pocket Park. He said it would be a great gift to former Planning Commissioner and City Councilmember Erica Picket and would show that Anacortes cares about the community and those who contribute to it.

No one else present wished to address the Council on this matter. Mr. Miller closed the public hearing.

Ms. Moulton moved, seconded by Mr. Young, adopt Ordinance 3049, vacating the west 150 feet of the alley in Block 3, Stewart's First Addition to the City of Anacortes for Pickett Pocket Park. Vote: Ayes – Young, Walters, Miller, Adams, Moulton, McDougall and Johnson. Motion carried.

OTHER BUSINESS

Contract Award: WTP Controls Modifications Project – Phases 2 & 3 BAS Trains Controls Upgrade #19-031-WTR-003

Water System Manager Jeff Marrs requested Council consent to award a contract in the amount of \$163,145.00 to Quality Controls Corporation to perform Phases 2 & 3 BAS Trains Controls Upgrade of the Water Treatment Plant Controls Modifications Project. Mr. Marrs's slide presentation was added to the packet materials for the meeting. He summarized the objectives and background of the multi-phased project background, reported on the status of the project through Phase 1, and outlined the proposed scope of work for Phases 2 and 3. Mr. Marrs recommended approval of the contract. He responded to councilmember questions about evolving technology standards and the proven emergency operations procedures at the plant.

Mr. Johnson moved, seconded by Ms. Moulton, to authorize the Mayor to sign contract 19-031-WTR-003 with Quality Controls Corporation in the amount of \$163,145.00 to perform the WTP Controls Modifications Project – Phases 2 & 3 BAS Trains Controls Upgrade. Vote: Ayes – Walters, Miller, Adams, Moulton, McDougall, Johnson and Young. Motion carried.

Resolution 2060: Resolution of Equality and Inclusion

Ms. Moulton introduced draft Resolution 2060 and summarized its development and purpose as outlined in the agenda bill. She invited discussion of the resolution.

Mayor Pro Tem Miller invited members of the audience to comment on this agenda item.

Reverend Terry Kylo thanked Council for considering the resolution and thanked councilmembers McDougall, Moulton and Young for researching and developing the legislation. He encouraged its adoption.

Mr. Young moved, seconded by Mr. McDougall, to approve Resolution 2060, a Resolution of Equality and Inclusion that affirms the City's commitment to being accessible, open, and welcoming to all.

Mr. Miller said he was 95% supportive of the resolution but not as written. He proposed the following edits:

1. Strike the last sentence from the first bulleted paragraph (“While free speech is protected under the First Amendment, we will speak out against and discourage hate speech as contrary to our values.”)
2. Strike the word “hatred” from the second bulleted paragraph.
3. Strike the word “hatred” from the final paragraph.

Councilmembers discussed the wording of the resolution, its purpose, and legal definitions of terminology.

Ms. Moulton suggested perhaps retaining the last sentence in the first bulleted paragraph but changing the phrase “hate speech” to “discrimination”. Mr. Miller said he could accept that change. Mr. Walters said he could

accept Mr. Miller's proposed changes. Mr. Adams said he supported the resolution as written. Mr. Walters and Mr. McDougall suggested postponing action and rewording the resolution to allow unanimous adoption.

Mr. Walters moved, seconded by Ms. Moulton, to postpone consideration of the motion on the floor for two weeks and to send the resolution for review and possible revision to an ad hoc committee composed of Mr. Johnson, Mr. Miller and Mr. Walters. Vote: Ayes – Adams, Moulton, McDougall, Johnson, Walters and Miller. Nays – Young. Motion carried.

Municipal Fiber Update

Municipal Broadband Business Manager Jim Lemberg provided the monthly update on the fiber project. Mr. Lemberg's slide presentation was added to the packet materials for the meeting. He advised that online orders were now being accepted on the city's website. Mr. Lemberg and City Attorney Darcy Swetnam responded to councilmember questions about the procurement process for a contractor to perform customer premise installation. Mr. Lemberg unveiled the tentative fiber brand, A-Town Access. Mr. Walters and Mr. Miller said it was important to keep the word fiber in the brand name. Mr. Young said he liked the A-Town Access brand.

Ordinance 3051: Repealing Fees for Certain Administrative Land Use Actions and Resolution 2059: Updating Unified Fee Schedule to Add City Planning Fees and Implement a Credit Card Fee

Mr. Hogle invited Council to resume the discussion of this topic begun at the October 7, 2019 meeting. He advised that the unified fee schedule had been updated per councilmember requests at that meeting, as stated in the agenda bill in the packet.

Mr. Walters requested two additional edits: 1) change "Monthly Increment for WIFI" to "Monthly Add On for Optional City Managed WiFi" on the Fiber page of the fee schedule, and 2) correct the spelling of "single family" on page 7 of the fee schedule.

Mr. Walters moved, seconded by Mr. Johnson, to adopt Ordinance 3051 and Resolution 2059 as presented with the two additional corrections listed above. Vote: Ayes – Moulton, McDougall, Johnson, Young, Walters, Miller and Adams. Motion carried.

Mid Biennial Budget Review

Mr. Hogle presented a review of the second year of the 2019/2020 biennial budget, referring to his slide presentation that was included in the packet materials for the meeting. He outlined the schedule for the mid biennial review through the end of the year, then summarized the proposed revisions to both revenues and expenditures for 2020. Mr. Hogle also presented staff's proposed mechanism for year-end budget adjustments to automatically roll unspent allocated funding (non-payroll only) from the first year of the biennium into the second year. Mr. Miller and Mr. Walters supported the proposal in concept but favored Council review and potential intervention rather than an automatic rollover of unspent funds.

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

Executive Session

At approximately 8:35 p.m. Mayor Pro Tem Miller announced that City Council and the City Attorney would convene in Executive Session per RCW 42.30.110(i) for approximately 20 minutes to discuss potential litigation or litigation and that following the executive session the meeting would adjourn with no action having been taken. Councilmembers Eric Johnson, Anthony Young, Ryan Walters, Brad Adams, Carolyn Moulton, Bruce McDougall and Matt Miller attended the executive session.

There being no further business, at approximately 8:55 p.m. the Anacortes City Council meeting of October 14, 2019 was adjourned.