

City Council Minutes – November 4, 2019

Mayor Laurie Gere called to order the Anacortes City Council meeting of November 4, 2019 at 6:00 p.m. Councilmembers Eric Johnson, Anthony Young, Ryan Walters, Brad Adams and Carolyn Moulton were present. Councilmembers Bruce McDougall and Matt Miller were absent.

The assembly joined in the Pledge of Allegiance.

Ms. Moulton moved, seconded by Mr. Walters, to excuse the absence of Mr. McDougall who had been called away unexpectedly. The motion carried unanimously by voice vote.

Announcements and Committee Reports

Mayor Gere announced that Agenda Items 7c and 7f would be removed from the agenda and considered at a future meeting.

Public Works Committee: Ms. Moulton reported from the committee meeting earlier in the evening at which the members discussed the South Fidalgo Water System MOU and the senior center roof repairs.

Mayor Gere reminded the public of the rules of conduct and decorum in effect for City Council meetings. The mayor asked that everyone listen carefully and attentively with respect to each speaker and said that each speaker would be given three minutes to speak.

Ms. Moulton reported that Halloween downtown trick or treating had been a smashing success on Commercial Avenue. She thanked the Chamber of Commerce for arranging the event and city staff for closing the street to cars for the safety of the children participating.

Public Comment

Mike Pearl addressed Council regarding the Madrona apartments at 18th Street and O Avenue. He said that someone had released the balloons that had been put up to mark the site. Mr. Pearl said a group of people interested in the project had been meeting at Village Pizza on Sundays from 6-8 p.m. and he invited councilmembers and anyone who was interested to join them.

Doug Thurber said that anything over three stories in Anacortes is a high rise building in the local context. He asked that anyone within a quarter mile radius of a proposed building over three stories be notified because of the effect on views. Mr. Thurber also said there should be no buildings over three stories west of Commercial Avenue in the R4 zone. He called opposition to the proposed 5-story building at 18th Street and O Avenue “universal”.

Rene Janzen, 713 34th Street, commented on Fidalgo Flats and its affordable aspect. He said there should be some sort of specific cost associated with affordable. He asked Council to define “affordable”.

Brett Rosson addressed Council regarding recently adopted Resolution 2060. Mr. Rosson referenced controversial passages in the religious texts of many faiths and asked if that would now be defined as hate speech in Anacortes. He questioned Council setting itself up as a judge of what is hate speech.

Mary Jo McArdle, 1514 M Avenue, asked if Council had begun the code examination mentioned at a recent Council meeting. Mayor Gere said that process would begin the first week of December and that a calendar would be published soon. Ms. McArdle asked to be part of that process.

Consent Agenda

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

- a. Minutes of October 28, 2019
- b. Approval of Claims in the amount of: \$138,527.86
- c. Contract Award: Materials for Fiber Network Library to MSTs #19-175-FBR-001

The following vouchers/checks were approved for payment:
EFT numbers: 95122 through 95171, total \$73,853.23
Check numbers: 95172 through 95204, total \$108,215.30
Wire transfer numbers: 257939 through 258382, total \$4,209.69

PUBLIC HEARINGS

Public Hearing: Ordinance 3057: Amending the 2019 – 2024 Capital Facilities Plan

Finance Director Steve Hoglund explained the three public hearings on the agenda and said action on Ordinance 3057 would be postponed to be considered at the same time as Ordinance 3055 under Other Business.

Mr. Hoglund explained the CFP update, referring to his slide presentation that had been included in the packet materials for the meeting. He responded to councilmember questions about specific projects and about Council's involvement in evaluating which projects were included in the CFP and which funding sources were allocated to each project.

Mayor Gere opened the public hearing on Ordinance 3057.

Wim Houppermans, 3412 K Avenue, addressed impact fees. He said the sewer plant expansion should be paid for by impact fees because the expansion was needed because of growth in town. He disagreed that Pickett Pocket Park should be funded by impact fees since adding that park was not related to growth.

Brian Wetcher, 814 26th Street, suggested that the parks section of the CFP should include foreseeable maintenance and emergency repair reserves for park facilities. Mr. Wetcher also said that staff was already spending time on a proposed bike skills park but that park was not in the CFP.

Mr. Hoglund reminded that the CFP only includes projects anticipated to cost more than \$25K or that will be funded by REET and/or impact fees. He said the bike skills park did not meet those criteria.

No one else wishing to address the Council, Mayor Gere closed the public hearing.

Public Hearing: Ordinance 3058: 2019/2020 Budget Mid-biennial Review and Modification

Mr. Hoglund referenced his previous presentation of this item at the October 14, 2019 City Council meeting. He invited councilmembers and the public to present questions or feedback as part of the public hearing or following the meeting and said the ordinance would come back to Council for action at its November 12, 2019 meeting if no changes were requested.

Mr. Walters requested additional detail regarding the budget adjustments proposed for 2020. Mayor Gere requested that staff bring back additional information at the November 12, 2019 City Council meeting.

Mayor Gere opened the public hearing on Ordinance 3058. No one present wished to address Council on this matter. The mayor left the public hearing open, to be continued at the November 12, 2019 City Council meeting.

Public Hearing: Resolution 2063: Setting the City's Year 2020 Property Tax Regular Levy Increase

Mr. Hoglund introduced the Resolution 2063 setting the city's property tax levy for 2020, referencing the materials included in the packet materials for the present meeting and the October 14, 2019 meeting. Mr. Walters and Ms. Moulton spoke in support of the resolution.

Mayor Gere opened the public hearing on Resolution 2063.

Sara Holahan, 1511 38th Street, spoke in support of Resolution 2063.

No one else wishing to address the Council, Mayor Gere closed the public hearing.

OTHER BUSINESS

Ordinance 3055: Amending the 2019/2020 Biennial Budget - 3rd Quarter Budget Amendment

Mr. Hoglund referred to his initial presentation of Ordinance 3055 at the October 21, 2019 City Council regular meeting, noting that action on the ordinance required simultaneous adoption of Ordinance 3057 amending the 2019-2024 Capital Facilities Plan. Mr. Johnson asked if the amendment line item relating to Skagit Community Action was consistent with Resolution 2019 adopted on July 2, 2018 since SCAA was no longer intending to build an entirely new Services Center building. City Attorney Darcy Swetnam said she would review the matter and advise if any additional action would be required by Council in that regard.

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. Adams, to approve Ordinance 3055 as presented with the provision that prior to its execution Mr. Hoglund and Ms. Swetnam would first ensure that the ordinance was not in violation of Resolution 2019. Vote: Ayes – Young, Walters, Adams, Moulton and Johnson. Motion carried.

Mr. Adams moved, seconded by Mr. Young, to approve Ordinance 3057. Mr. Hoglund alerted Council to two typographical errors that would be corrected prior to execution of the ordinance. Mr. Walters requested that the duplicate word “emerged” also be corrected in the second whereas clause. Council unanimously consented to that amendment to the motion. Vote: Ayes – Adams, Moulton, Johnson and Young. Nays - Walters. Motion carried.

Ordinance 3056: Amending Section 1.30.070 (A) and (B) of the Anacortes Municipal Code and Adding New Section 1.30.080 of the Anacortes Municipal Code Regarding Numbering, Recording, and Executing Contracts for Residential and Business Class Internet Services

Ms. Swetnam recalled that Council had requested a minor revision to the language of this ordinance following its second reading at the October 28, 2019 City Council meeting. She said the packet materials included a revised version of the ordinance which included the requested change.

The clerk restated the pending motion from the October 28, 2019 meeting: *Mr. McDougall had moved, seconded by Mr. Johnson, to adopt Ordinance 3056 as revised in the packet materials for the October 28, 2019 meeting. Mr. Walters then moved, seconded by Mr. Young, to postpone consideration of the motion on the floor for one week. Vote: Ayes – Miller, Johnson, Young, Walters, Adams, Moulton and McDougall. Motion carried.*

Mr. Walters moved, seconded by Mr. Young, to amend the motion on the floor to adopt Ordinance 3056 as presented in the City Council packet for November 4, 2019. Vote on the amendment: Ayes – Adams, Moulton, Johnson, Young and Walters. Motion carried.

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

Vote an amended Ordinance 3056: Ayes – Moulton, Johnson, Young, Walters and Adams. Motion carried.

Waste Management Recycling Update

This agenda item was postponed to a future agenda.

Parks and Recreation Comprehensive Plan

Parks and Recreation Director Jonn Lunsford presented the updated draft Parks and Recreation Comprehensive Plan and explained its adoption schedule. Mr. Lunsford's slide presentation was added to the packet materials for the meeting. Councilmembers reviewed the document with Mr. Lunsford, discussed mechanisms for prioritizing and funding projects and conforming the comprehensive and capital facilities plans.

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

Robert Barry, 1914 22nd Street, requested confirmation that the draft plan under discussion by Council was the same version that had been published in the packet materials for the meeting. Ms. Moulton provided Mr. Barry with her hard copy of the packet materials. Mayor Gere assured Mr. Barry that the documents were the same. Mr. Barry questioned whether the draft plan was sufficiently specific; he suggested that the document described current facilities but didn't adequately plan for adding and maintaining park facilities consistent with the current quality of life in Anacortes as a projected 6000 new residents arrive.

Neil O'Hara, 4407 Anaco Beach Place, followed up on comments by Mr. Walters regarding using survey data as a planning device. Mr. O'Hara said the plan overemphasized mountain biking relative to that activity's 14th position on the community's list of priorities. Mr. O'Hara also commented on the language on page 50 relating to routing the Guemes Channel Trail through Kiwanis Waterfront Park and suggested that issue should be resolved before continuing work on the GCT in the Ship Harbor area.

Mary Jo McArdle, 1514 M Ave, questioned the use of survey data in the plan and urged that all citizens be able to comment and offer input. Ms. McArdle also expressed concern about the maintenance of Causland Memorial Park, which she noted is on the National Historic Register, and inquired about arranging volunteer work parties at the park. Mr. Lunsford invited Ms. McArdle to contact him after the meeting in that regard.

Gene Derig asked how long written comments on the plan would be accepted. Mayor Gere and councilmembers advised that there was no specific defined public comment period. Mayor Gere encouraged members of the public to submit their comments within the next month or so.

Brian Wetcher, 814 26th Street, supported including projects in the plan that did not yet have identified funding sources, noting that Anacortes and neighboring communities have had good success at raising private funds for projects supported by their residents.

Mr. Johnson requested a Gantt chart of the proposed projects to assist with prioritizing them. Mr. Adams suggested adding a goal of ensuring historical preservation of existing parks. He also asked that the public be given two weeks warning before the close of any public comment period on the plan. Mr. Walters urged a review and revision of park impact fees.

Mary Jo McArdle cautioned that web-based surveys and other solicitation of public input were likely to be missing significant portion of the senior members of the community.

Sara Holahan, 1511 38th Street, echoed Ms. McArdle's comments about reaching seniors. She urged balancing park facilities to ensure sufficient options that are accessible to seniors. Ms. Holahan also mentioned DNR discussions about replacing the Tommy Thompson trestle and causeway in the Fidalgo Bay Aquatic Reserve and asked that that be specifically addressed in the plan.

Ordinance 3053: Regulating the Distribution of Single-use Carryout Bags by Retail Establishments

Mr. Walters presented a revised version of Ordinance 3053 following its initial presentation at the October 21, 2019 City Council meeting, based on public comments received during and following that meeting. He outlined the changes in the new version as enumerated in the agenda bill.

Mayor Gere invited members of the audience to comment on this agenda item and called them forward in the order in which they had signed up to speak prior to the meeting.

Holly Chisa, NW Grocery Association, explained why the Association supported the thicker plastic bags and requiring retailers to charge for both paper and plastic bags.

Marie Burnett, 2026 M Avenue, spoke in favor of the ordinance.

Carol Sullivan, 1400 Lindsay Loop, Mount Vernon, spoke in support of legislation that would encourage shoppers to bring their own bags. Ms. Sullivan echoed her comments from the October 21, 2019 meeting.

Doug Thurber spoke in favor of encouraging thicker, reusable rather than single use thin film plastic bags.

John Strathman, Guemes Island, echoed his comments from the October 21, 2019 City Council meeting. He supported an ordinance that would require retailers to charge a dime for each paper or plastic bag provided at the register, stating that had been proven to result in shoppers bringing their own bags with them.

Heather Trim, Executive Director of Zero Waste Washington, reported on the bag bill that "almost passed" in the last legislative session. She spoke in favor of Ordinance 3053 but encouraged an 8 cent charge for paper or 2.25 mil plastic bags provided at the register in order to maintain consistency across the state. Ms. Trim shared information showing a substantial reduction in bag use following the implementation of SB270 in California.

Dana Keefe, Mount Vernon, addressed the miles and miles of plastic in the ocean that are damaging both marine and terrestrial wildlife

Brian Wetcher, 814 26th Street, admired the ambition of Ordinance 3053 but pointed out that it would have a minor impact on reducing plastic bags in the environment while at the same time Anacortes was not opposing the building of a xylene plant on Fidalgo Bay which would produce the raw materials for millions of plastic bags.

Mary Jo McArdle, 1514 M Avenue, said that a bag ordinance should apply to stores and restaurants of all sizes, not just those larger than 10,000 SF.

Councilmembers discussed the bag fees and the establishment sizes addressed in the ordinance.

Mr. Walters moved, seconded by Mr. Johnson, to adopt Ordinance 3053 as presented in the November 4, 2019 packet with the following changes:

5.47.010.C: change 3 mils thick to 2.25 mils thick

5.47.040.C: change \$1.00 fee for reusable bags to 10 cents for a reusable carryout bag made of film plastic

Mr. Johnson moved, seconded by Ms. Moulton, to amend the motion to also change 5.47.020 to apply to all retail establishments regardless of size.

Mayor Gere shared comments she had received from the councilmembers who were not able to attend the meeting, reporting that Mr. McDougall supported the ordinance and Mr. Miller did not.

Vote on amendment: Vote: Ayes – Johnson, Young and Moulton. Nays – Walters and Adams. Motion carried.

Vote on amended motion: Ayes – Young, Walters, Adams, Moulton and Johnson. Motion carried.

Memorandum of Understanding: Fidalgo Water System

This agenda item was postponed to November 12, 2019.

Resolution 2061: Special Election Ballot for Qualifying Local Tax for Affordable and Supportive Housing

Mr. Hoglund presented Resolution 2061 unchanged from its first reading at the October 28, 2019 City Council meeting.

Mayor Gere invited members of the audience to comment on this agenda item and called them forward in the order in which they had signed up to speak prior to the meeting.

Susan Rooks, 1219 10th Street, Anacortes Housing Authority Commissioner, discussed definitions of affordable housing, elaborated on the extent to which housing costs were burdening Anacortes residents, and contrasted federal subsidies for wealthy homeowners with federal support for low income households. Ms. Rooks asked Council to support the affordable housing sales tax credit legislation being presented.

Walter Guterbock, 2005 29th Place, spoke in support of the sales tax increase. Mr. Guterbock echoed his comments from the October 28, 2019 City Council meeting.

Marilyn Derig, 1302 K Avenue, spoke in support Resolution 2061.

No one else present wished to address Council on this topic.

Mr. Young moved, seconded by Mr. Walters, to adopt Resolution 2061 authorizing a vote by Anacortes citizens to increase sales tax from 8.7% to 8.8% to fund affordable housing.

Doug Thurber returned to the podium to note a discrepancy in the language of the first two recitals. Mr. Walters agreed with Mr. Thurber but said that the recitals did not change the binding text of the resolution.

Vote: Ayes – Walters, Adams, Moulton, Johnson and Young. Motion carried.

There being no further business, at approximately 9:10 p.m. the Anacortes City Council meeting of November 4, 2019 was adjourned.