

City Council Minutes – March 9, 2020

Mayor Laurie Gere called to order the Anacortes City Council meeting of March 9, 2020 at 6:00 p.m. Councilmembers Jeremy Carter, Ryan Walters, Christine Cleland-McGrath, Carolyn Moulton, Bruce McDougall and Matt Miller were present. Councilmember Anthony Young was absent.

The assembly joined in the Pledge of Allegiance.

Executive Session

Mayor Gere announced that City Council and the City Attorney would convene in Executive Session per RCW 42.30.110 (i) for approximately 30 minutes to discuss potential litigation or litigation. The mayor advised that the regular meeting would then resume with no action having been taken. Councilmembers Jeremy Carter, Ryan Walters, Christine Cleland-McGrath, Carolyn Moulton, Bruce McDougall and Matt Miller attended the executive session.

At 6:30 p.m. Mayor Gere reconvened the regular meeting. Mayor Gere advised that in executive session City Council and City Attorney Darcy Swetnam had discussed a proposed CR2A Settlement Agreement in the matter Young and Mulcahy v. City of Anacortes, et al. Mr. Miller moved, seconded by Ms. Moulton, to amend the agenda to add Item 3b, Settlement Agreement. Vote: Ayes – Cleland-McGrath, Moulton, McDougall, Miller and Carter. Nays – Walters. Motion carried.

Ms. Swetnam briefly summarized the terms of the proposed settlement agreement, which was added to the packet materials for the meeting. Mr. Miller moved, seconded by Mr. McDougall, to the reject settlement agreement as presented. Vote: Ayes – Cleland-McGrath, Moulton, McDougall, Miller, Carter and Walters. Motion carried.

Mr. Walters circulated a draft resolution to allow meeting participation in absentia by multiple councilmembers if necessary to achieve a quorum. Mr. Walters moved, seconded by Mr. Carter, to amend the agenda to add Item 8e, Resolution 2079. Vote: Ayes – Moulton, McDougall, Miller, Carter, Walters and Cleland-McGrath. Motion carried.

Announcements and Committee Reports

Housing Affordability & Community Services Committee: Ms. Moulton reported from two recent meetings of this committee. She reported on the meeting the prior week with Anna Fahey from Sightline Institute to discuss messaging and outreach. She also reported on the meeting earlier in the day at which the members discussed the affordable housing sales tax recently approved by the voters and next steps with the Anacortes Family Center and Anacortes Housing Authority to pursue shovel ready projects; the 2020 CDBG grant; and a possible future housing summit modeled on the Skagit County summit the prior year.

Community Center/Pool Committee: Mr. Carter reported from the committee meeting the prior week. He characterized the discussion as a broad overview of what a potential facility would look like and space needs. Mr. Carter said the group also discussed three options for constructing on the available site. He said the committee aimed to have rough cost estimates prepared by the end of the month. Mayor Gere added that funding for the consultant had been provided by a private donor.

Planning Committee: Mr. Walters reported from the committee meeting earlier in the evening. He elaborated on topics discussed including comments received regarding the Critical Areas Ordinance which would begin public hearings before City Council on March 16; housing affordability and outcomes of the recent public meeting

regarding height restrictions in the R4 zone; a possible fee in lieu program for parking and how such a program could be structured and set up; and adjustments to the city's impact fees.

At approximately 6:45 p.m. Councilmember Anthony Young joined the meeting.

Mayor Gere announced that Skagit County Public Health would be issuing updated COVID-19 recommendations the next morning and that the city would follow the County recommendations at that point. The mayor described Island Hospital's preparations in case an emergency was declared and assured that the city's first responders were also prepared in the event of a confirmed case of COVID-19 in the county.

Public Comment

Arlene Stadler, 24th Court, objected to neighbors setting out feeders for deer. Ms. Stadler said she has to fence and spray to keep the deer out of her garden. She also indicated that rats and racoons had been attracted by the feeders and become pests in the neighborhood. Ms. Stadler asked what she had to do to get an ordinance passed about this problem. Mr. Walters indicated he had received similar complaints from constituents in the past. Mayor Gere indicated she would follow up with Police Chief John Small and Mr. Walters.

Doug Thurber expressed concern that visitors from King County who stopped to shop in Anacortes grocery stores with their reusable shopping bags might contaminate grocery carts. Mr. Thurber proposed postponing implementation of the ban on single use plastic bags in Anacortes for six months as an emergency public health measure. Mr. Thurber also expressed concern about what he termed collusion between the Planning Department and the [City Council Affordable] housing committee. He said that at the recent public forum regarding height restrictions in the R4 zone most homeowners present asked for no new buildings over three stories west of Commercial Avenue but, he said, that was not one of the options staff put on the display boards. Mr. Thurber had distributed a handout of discussion questions presented to Anna Fahey at a recent meeting which was added to the packet materials. He read from this list and argued that it did not represent the concerns of the public. Mr. Thurber emphatically asked that the housing committee be composed of public citizens, not elected officials, and emphasized that elected officials were supposed to represent the wishes of those who elected them.

In response to Mr. Thurber's comments, Mr. Walters clarified that the Housing Affordability and Community Services Committee was a City Council committee so by definition had to include councilmembers. Mr. Walters also reported that a statewide plastic bag ban had been passed by the legislature earlier in the day. He suggested that the city verify that its own bag ban was in harmony with the state legislation, or perhaps repeal the city ban entirely and yield to the state ban. Mayor Gere indicated that staff would investigate the city's bag ban in light of both the COVID-19 recommendations and the new state legislation.

Consent Agenda

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

- a. Minutes of March 2, 2020
- b. Approval of Claims in the amount of: \$268,020.05
- c. Contract Award: Trenchless Outfall Rehabilitation #20-088-SEW-001
- d. Contract Award: ADA Curb Ramp Improvements #20-083-TRN-001
- e. Interlocal Agreement for Joint Establishment of Skagit County Tourism Promotion Area

The following vouchers/checks were approved for payment:
EFT numbers: 96482 through 96529, total \$224,295.75
Check numbers: 96530 through 96554, total \$181,715.52
Wire transfer numbers: 2641482 through 265320, total \$4,423.11

Mayor Gere invited Anacortes Chamber of Commerce Executive Director Stephanie Hamilton to provide background on the Interlocal Agreement for Joint Establishment of Skagit County Tourism Promotion Area, which she did.

PUBLIC HEARINGS

Public Hearing: Approval of a Master Permit for Telecommunications Use of Right of Way for City of Anacortes/ACCESS Anacortes Fiber Internet Installation in accordance with AMC Chapter 5.38.040

Mayor Gere opened the public hearing. No one present wished to address the Council on this topic. Mayor Gere continued the public hearing to March 16, 2020 to allow additional opportunity for public comment.

OTHER BUSINESS

Thompson Train Purchase Proposal

Museum Director Bret Lunsford thanked Anne Thompson for her donation of the Thomas G. Thompson Jr. Train to the City in 2012 and emphasized the City's agreement and commitment to honor the wishes of the Thompson family. He recounted the long history of community discussion of the stewardship of the train. Mr. Lunsford introduced Bret Iwan to present his proposed plan to purchase, restore and operate the train in Lincoln, California.

Mr. Iwan summarized his proposal, referring to his slides which were added to the packet materials for the meeting. He responded to councilmember questions about his proposal, about the Thompson family's response to the proposal, about other options for the train, about Mr. Iwan's March 31, 2020 offer deadline and about possible extension of that date. Ms. Moulton expressed full support of Mr. Iwan's proposal. Several other councilmembers expressed a desire to provide local groups one more opportunity to organize an alternative future for the train consistent with the City's agreements with the Thompson family. Mr. Lunsford responded to councilmember questions about previous explorations of both static exhibits and operational uses of the train. Mr. Walters suggested that staff outline terms of a potential legal agreement with Mr. Iwan that would include terms for returning the train to Anacortes if it were ever to cease operation as proposed by Mr. Iwan. After considerable additional discussion, Mayor Gere concluded that she and Mr. Lunsford would expedite both preparation of such an outline and solicitation of alternative proposal presentations from any local groups that were interested in doing so.

Ordinance 3067: Comcast Franchise Agreement

Finance Director Steve Hogle presented Ordinance 3067 to renew the city's franchise agreement with Comcast for cable service within the city limits, referring to the agenda bill included in the packet materials. Mr. Hogle introduced Vincent Buys, Comcast Government and Regulatory Affairs Manager. Mr. Buys read from his prepared remarks which were distributed to Council and added to the packet materials for the meeting. He asked for approval of the ordinance.

Mr. Walters moved, eventually seconded by Mr. McDougall, to approve Ordinance 3067 as presented.

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

Vote: Ayes – McDougall, Carter, Walters, Cleland-McGrath and Moulton. Nays – Miller and Young. Motion carried.

Access - Anacortes Municipal Fiber Update

Municipal Broadband Business Manager Jim Lemberg presented the monthly Access Anacortes Fiber Internet update, referring to his slide presentation which was added to the packet materials for the meeting. Councilmembers praised the GPON Customer Sign-Ups slide and asked that connection counts be added to that slide.

Mayor Gere inquired what if any action was requested of Council at this meeting. Ms. Schuh referred to Mr. Lemberg's staffing slide and said the Fiber team would like to transfer two Street Department employees to long term assignment in the Fiber Department. Councilmembers discussed the importance of keeping fiber teams fully staffed and the mayor's authority to staff city departments for effective operation.

MOA with Fidalgo Park and Recreation District on Community Center

Ms. Swetnam presented a Memorandum of Agreement between the City of Anacortes and the Fidalgo Park and Recreation District to continue discussions on the concept of developing a shared facility for the pool and the community center on the Pool District property. She reviewed the history of the agreement and summarized its key features. Councilmembers and Mayor Gere discussed the agreement and the larger project at some length.

Mr. Walters moved, seconded by Mr. Carter, to approve the agreement as presented. Vote: Ayes – Miller, Carter, Young, Walters, Cleland-McGrath, Moulton and McDougall. Motion carried.

Resolution 2079: Amending Council Procedures for Participation in Absentia

Mr. Walters presented draft Resolution 2079, noting that it would allow City business to continue in the event of a public health emergency or other situation that might prevent a quorum of councilmembers from attending Council meetings in person.

Mr. McDougall moved, seconded by Mr. Young, to approve Resolution 2079 as presented. Vote: Ayes – Young, Walters, Cleland-McGrath, Moulton, McDougall, Miller and Carter. Motion carried.

There being no further business, at approximately 8:55 p.m. the Anacortes City Council meeting of March 9, 2020 was adjourned.