



**CITY OF MOUNT VERNON  
CITY COUNCIL MEETING  
AGENDA  
September 23, 2020 6:00 p.m.**  
(Virtual Meeting)

*The Mount Vernon City Councilmembers will be participating in this meeting via video/teleconference technology.*

**To virtually attend the meeting, the public may:**

1. **Call the conference line:** 1-888-924-9240; Access Code: 3366211  
(please 'mute' your phone, if possible, to minimize distractions)
2. **Watch the meeting live on TV10:** Comcast/Xfinity Channel 10
3. **Watch the meeting live, online:**  
[https://www.youtube.com/channel/UCUob\\_hcQUmd4S93YkletdrA](https://www.youtube.com/channel/UCUob_hcQUmd4S93YkletdrA)

**I. OPENING CEREMONIES**

- A. Call to Order
- B. Roll Call of Councilmembers

**II. CONSENT AGENDA**

- A. Approval of February 26, 2020 Finance and Parks Committee Minutes
- B. Approval of September 9, 2020 Regular Council Meeting Minutes
- C. Approval of September 18, 2020 payroll checks numbered 110261 - 110283, direct deposit checks numbered 78707 – 78923 and wire transfers numbered 894 – 898 in the amount of \$1,151,348.46
- D. Approval of September 23, 2020 Claims numbered 10412 – 10641 in the amount of \$1,590,543.77

**III. REPORTS**

- A. Review of Emails from the Public  
(All public comments must be sent via email to [council@mountvernonwa.gov](mailto:council@mountvernonwa.gov). The comments will be read aloud into the record during the public comment portion of the agenda. All comments must be received by 5 p.m. on Wednesday, September 23, 2020)
- B. Parks and Enrichment Services Update
  - Update on Park Projects
  - Parks & Facility Use and Signage
  - Summer Virtual Programming
  - Arts Commission
- C. Finance Update
  - Resolution for Council Health Insurance
  - COVID-19 Financial Impact Update
  - CARE's Funding Spending Plan
  - 2021 Budget Revenue Projections
- D. Councilmember Comments
- E. Mayor's Report

#### IV. NEW BUSINESS

A. Skagit PUD Update

(Skagit PUD General Manager George Sidhu will update Council on PUD projects and plans.)

*(required action – none)*

*(staff contact – Peter Donovan)*

B. Emergency Adoption of Interim Regulations - Severe Weather Shelters

(Staff is requesting that Council declare an emergency and seeks approval of interim regulations to allow severe weather shelters for the homeless.)

*(required action – ordinance)*

*(staff contact – Rebecca Lowell)*

C. Emergency Adoption of Interim Regulations – Limited Temporary Homeless Encampments (i.e. Safe Parking)

(Staff is requesting that Council declare an emergency and seeks approval of interim regulations to allow limited temporary homeless encampments, otherwise known as safe parking.)

*(required action – ordinance)*

*(staff contact – Rebecca Lowell)*

D. Interlocal Agreement with Skagit County

(Staff is requesting that Council authorize the Mayor to enter into an interlocal agreement with Skagit County that would allow the City to provide library services to unincorporated residents of Skagit County.)

*(required action – motion)*

*(staff contact – Isaac Huffman)*

E. Bid Award – 2020 Curb Ramp Improvements

(Staff is requesting that Council award the bid for the 2020 Curb Ramp Improvements to Trinity contractors, Inc. in the amount of 476,280.00.)

*(required action – motion)*

*(staff contact – Bill Bullock)*

F. For the Good of the Order:

- COVID-19 pandemic response and discussion

#### COMMITTEE MEETINGS

Finance and Parks & Enrichment Services

Cancelled

Next Ordinance 3811

Next Resolution 982



**DATE:** September 23, 2020  
**TO:** Mayor Boudreau and City Council  
**FROM:** Peter Donovan, Project Development Manager  
**SUBJECT:** SKAGIT PUD UPDATE

**RECOMMENDED ACTION:**

None

**INTRODUCTION/BACKGROUND:**

Skagit PUD operates the largest water system in the county, providing nine million gallons of piped water to approximately 70,000 people every day. The PUD maintains over 650 miles of pipelines and has over 31 million gallons of storage volume.

Skagit PUD General Manager George Sidhu will update City Council on the most recent PUD projects and plans.

**FINDINGS/CONCLUSIONS:**

[Click here to enter text.](#)

**RECOMMENDATION:**

None

**ATTACHED:**

None



**DATE:** September 23, 2020

**TO:** Mayor Boudreau and City Council

**FROM:** Rebecca Lowell

**SUBJECT:** Request to Declare an Emergency and the Adoption of Interim Regulations for Severe Weather Shelters

**RECOMMENDED ACTION:**

Council adoption of the accompanying Ordinance that declares an emergency and adopts interim regulations to allow severe weather shelters for the homeless.

**INTRODUCTION/BACKGROUND:**

In 2019 Council adopted three different Ordinances authorizing, with conditions, severe weather shelters (Ordinances 3780, 3783, and 3794 that are all attached to this memo). Due to the COVID-19 pandemic the timelines that allow these regulations to be effective have expired. To allow these regulations to be in effect a new Ordinance needs to be adopted by Council.

**FINDINGS/CONCLUSIONS:**

Staff finds it necessary to have these regulations in place to allow severe weather shelters when needed.

**RECOMMENDATION:**

Adopt the accompanying Ordinance declaring an emergency and adopting interim regulations to allow severe weather shelters.

**ATTACHED:**

Proposed Ordinance for Council's consideration  
Ordinance 3780  
Ordinance 3783  
Ordinance 3794

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, DECLARING AN EMERGENCY, ADOPTING INTERIM CONTROL REGULATIONS FOR SEVERE WEATHER SHELTERS TO PROVIDE TEMPORARY HOUSING OF THE HOMELESS DURING SEVERE WEATHER EVENTS, AND DECLARING AN EMERGENCY**

**WHEREAS**, people are considered homeless when they do not have accommodation that is safe, secure, and appropriate; and

**WHEREAS**, the current crisis of homelessness is impacted by a broad number of societal challenges including but not limited to, growth in poverty, mental health, substance abuse, erosion of foster care, federal and state investment in criminal justice and other safety net systems, which have a cumulative and compounding effect resulting in an alarming trend in homeless population statewide and in our local community; and

**WHEREAS**, the City of Mount Vernon's specific role and the role of government in general to address, mitigate or reduce homelessness is limited by constitutional, statutory, and budgetary constraints. Nonetheless, the City finds a response is required to address the public health and safety impacts to the community; and

**WHEREAS**, the current crisis requires the response of not just government but of the entire community; and

**WHEREAS**, the City of Mount Vernon is dedicated to reducing homelessness while also recognizing the government's role in protecting the public health and safety for the community including both those persons with and without homes; and

**WHEREAS**, the City of Mount Vernon finds that current city regulations do not directly address severe weather shelters; and

**WEHEREAS**, there is a need to provide housing for the homeless during severe weather events such as periods of cold weather, or other conditions deemed severe enough to present a substantial threat to the life or health of homeless persons; and

**WHEREAS**, RCW 35A.63.220 and RCW 36.70A.390, as well as interpretative judicial decisions, authorize adoption of interim zoning controls and regulations with certain limitations, including the requirement to hold a public hearing on the adopted interim zoning controls/regulations within 60 days of its adoption, and the adoption of findings of facts and, if appropriate, a work plan; and

**WHEREAS**, in accordance with RCW 35A.63.220, interim zoning controls may be effective for no longer than six months, but may be effective for up to a year if a work plan is developed for related studies providing for such a longer period, and

**WHEREAS**, there is an urgent need, pending completion of and the adoption of permanent zoning and regulatory ordinances relating to severe weather emergency shelters, to adopt interim regulatory ordinances regarding such land uses to address the impacts to public health and safety; and

**WHEREAS**, staff has prepared a draft interim ordinance that impose conditions to address impacts to public health and safety as a result of severe weather emergency shelters; and

**WHEREAS**, the City Council finds the interim ordinance: i) is necessary to protect the public health and safety and ii) that conditions herein do not substantially burden the decisions or actions of a religious organization regarding location of the housing or provision of shelter for homeless persons on property owned by the religious organization; and

**WHEREAS**, the City Council shall hold a public hearing within 60 days at a regularly held meeting of the City Council on this Ordinance to consider public testimony regarding adoption of this Ordinance and adopt findings of fact justifying its action in the event such findings are not adopted prior to the hearing.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**SECTION 1.** Recitals Incorporated. That the City Council adopts the recitals set forth above as findings justifying adoption of this Ordinance and incorporates those recitals as if set forth fully herein. The Council may adopt additional findings in the event that additional public hearings are held or evidence presented to the City Council.

**SECTION 2.** New Section. A new Chapter 8.50, Severe Weather Shelters, is added to the Mount Vernon Municipal Code as shown on the accompanying **EXHIBIT 1**.

**SECTION 3. Hearing To Be Held.** Pursuant to RCW 36.70A.390 and/or RCW 35A.63.220, the City Council shall hold a public hearing on this interim regulation within 60 days of adoption of this interim regulations ordinance.

**SECTION 4. City to Consider Permanent Regulations.** The City Council hereby directs that the City Community and Economic Development Department to study the issue of temporary severe weather shelters within the City and begin the process of drafting proposed permanent regulations to be considered through the City's public participation process including allowing for public input and providing for public hearings at both the Planning Commission and City Council.

**SECTION 5. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**SECTION 6. Savings Clause.** All previous ordinances which may be repealed in part or their entirety by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

**SECTION 7. Effective Date and Declaration of Emergency.** The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority plus one of the whole membership of the Council, and that the same is not subject to a referendum. Without an immediate interim regulation on the City's acceptance of business licenses, building applications, permits or other types of land use/development permits/approvals, such applications could become vested under regulations subject to change by the City in this comprehensive review and regulation amendment/adoption process. This Ordinance will not affect any existing rights, or any vested applications previously submitted to the City.

**SECTION 9. Ordinance to be Transmitted to Department.** Pursuant to RCW 36.70A.106, this Interim Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

**PASSED AND ADOPTED** this 23<sup>rd</sup> day of September, 2020

**SIGNED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2020

\_\_\_\_\_  
Doug Volesky, Finance Director

\_\_\_\_\_  
Jill Boudreau, Mayor

Approved as to form:

\_\_\_\_\_  
Kevin Rogerson, City Attorney

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_

# EXHIBIT 1

## Chapter 8.50 SEVERE WEATHER SHELTERS

### Sections:

- 8.50.010 Purpose and Objective.
- 8.50.020 Definitions.
- 8.50.030 Determination of a severe weather event.
- 8.50.040 Permitting of severe weather shelters.

### **8.50.010 Purpose.**

The purpose of this chapter is to allow for emergency shelters and implement procedural and substantive regulations to coordinate public and private resources and address impacts to public health and safety when temperatures or other conditions outside could pose an immediate danger to the health, safety, and welfare of unsheltered people and there is a need to provide emergency, temporary, severe weather shelters. The provisions of this chapter shall not apply to religious organizations to the extent they are exempted by the provisions of RCW 35A.21.360.

### **8.50.20 Definitions.**

For the purposes of this chapter, certain terms are defined in this section.

- A. "Basic Building Safety Standards" means the below listed conditions are met in building(s) used/operated as a "severe weather shelter" as defined herein:
  - 1. The property or building is of sufficient size to accommodate the proposed number of residents and the on-site facilities required by this section.
  - 2. Adequate provision shall be made for the provision of drinking water, disposal of human waste, disposal of garbage and other solid waste, and the provision of other services. Adequate access for fire and emergency medical apparatus shall be provided.
  - 3. Adequate means of exiting the facility shall be provided including safe and unobstructed travel distances from portions of the shelter's sleeping area to egress doors.
  - 4. Adequate fire alarm system(s) installed that complies with current fire code.
  - 5. Adequate heating system in compliance with current building, mechanical, and fire codes.The Fire Marshal and/or Building Official has authority to place specific conditions to severe weather shelters in order to satisfy the criteria above and to place any other requirements on structures used/operated as "severe weather shelters" to ensure the safety, health, and welfare of prospective occupants and the general public. Attached as **Exhibit A** are illustrative but not exhaustive examples of permissible means of achieving compliance for some of the standards set forth in this subsection.
- B. "Mayor" means the City of Mount Vernon's Mayor, the Mayor pro tempore, or his/her appointed designee.
- C. "Severe weather" means the following:
  - 1. A period of two or more days where temperatures are forecasted by the National Weather Service (National Oceanic and Atmospheric Administration) or actually reach 32 degrees Fahrenheit or below. This may include the National Weather Service Wind Chill Chart found in **Exhibit B** to determine if a combination of forecasted wind & temperature combinations result in a corrected temperature below 32 degrees Fahrenheit; and/or
  - 2. Snow accumulation exceeding or expected to exceed three inches in depth; and/or
  - 3. Other conditions deemed severe enough to present a substantial threat to life or health. This includes but is not limited to:

- a. Severe weather alerts/warnings by reputable weather services or emergency providers; or
  - b. Flooding or flood alerts/warnings by the National Weather Service involving waters located in the City; or
  - c. Other major adverse events resulting from natural processes of the Earth such as mudslides, tsunamis, hurricanes, tornadoes, volcanic eruptions, earthquakes, and other geologic processes.
- D. "Severe weather shelter" or "shelter" means a building(s) owned and/or operated by a religious establishment, fraternal organization, public agency or other entity that meets basic building safety standards for temporarily housing homeless persons as determined by the city's Building Official and the city's Fire Marshal.

**8.50.30 Determination of a severe weather event.**

- A. The Mayor is responsible for determining a severe weather event as defined in Section 2.40.020. The Mayor may consult with the Skagit County Department of Emergency Management when making a determination under Section 2.40.01 O(C). The Mayor is also responsible for determining when a severe weather event has concluded.
- B. The Mayor shall immediately notify the city council, city police department, fire department and Skagit County Department of Emergency Management upon making a determination of a severe weather event. A list of known severe weather shelters may be provided with the notification.

**8.50.40 Permitting of severe weather shelters.**

- A. Once a determination of a severe weather event is made, the Building Official is authorized to issue a temporary use permit as provided for in the International Building Code Section I 08 for severe weather shelters. The permit shall be considered a Type I permit pursuant to MVMC 14.05.050 B I. The limit as to time of service for operating a severe weather shelter shall not extend more than two days beyond the cessation of the severe weather conditions.
- B. A temporary use permit is required before operating a severe weather shelter. There is no fee for the temporary use permit. A notice of the temporary use permit issuance shall be given to the emergency service providers such as Skagit County Department of Emergency Management, police and fire departments, and other fire and emergency response agencies and to social service organizations serving the homeless. Such temporary use permit shall be valid during a severe weather event.

**Exhibit A**  
**(Severe Weather Shelter Guidelines)**

**FOR STRUCTURES THAT DO NOT HAVE AUTOMATIC FIRE SPRINKLER SYSTEMS  
INSTALLED:**

1. The occupancy shall not exceed one person per 100 square feet of floor area designated for sleep areas.
2. One toilet and one sink for every 50 occupants and refuse receptacles meeting the requirements of the city's solid waste division.
3. Exit doors that comply with all of the following:
  - a. The minimum size of any exit door shall be 44-inches. The total width of exit doors shall be calculated by taking the occupant load and multiplying it by 0.2-inches (for example, if a severe weather shelter had an occupancy of 300 the total width of its egress doors would be required to be no less than 60-inches).
  - b. No less than two exit doors shall be provided.
  - c. All exit doors shall swing in the direction of egress travel.
4. The travel distance from all portions of the shelter's sleeping area to its egress doors shall be no more than 75 feet. Said travel distance shall be an unobstructed width of no less than 44-inches.
5. An automatic, commercial, fire alarm system installed that complies with current fire code.
6. A minimum of two (2) qualified personnel shall be on duty when the shelter is open. One of the staff members is to remain in the sleeping area at all times. The other member is required to inspect the premises and building every 30 minutes and complete (and maintain subject to inspection by the city officials) the below- described activity log. The activity log shall include all of the following.
  - a. Name of the person completing the log
  - b. Date and time of activity
  - c. Inspection of exit doors for operation, clear pathways, and to make sure they are not locked or blocked from the inside. These inspections shall occur every 30 minutes.
  - d. Inspection of unoccupied and occupied areas. These inspections shall occur every 30 minutes.
  - e. Inspection of fire extinguishers before the encampment opens every evening.
  - f. Inspection and testing of emergency lights and exit signs before the shelter opens every evening.
  - g. Garbage cans emptied daily while the shelter is in operation.
  - h. Inspection to make sure that emergency evacuation plan is posted at all exits in the sleeping area before the shelter opens every day/night.
  - i. Verify that the emergency evacuation plan is practiced by occupants each and every day the shelter is in operation.
  - j. Verify that information is compiled in writing and provided to the staff in charge that lists/describes each of the occupants at the shelter every day the shelter is in operation. This form will be used to account for everyone in the building in the event of an emergency
7. The two shelter staff on duty shall have certified fire extinguisher training in the last 12 months. Each member shall have their card upon request.
8. No cooking in the structure will be allowed.
9. No smoking or open flame allowed in building. Smoking may take place at least 25 feet from the building. Smoking materials to be placed in an approved metal container. Smoking signs to be posted in areas where occupants are permitted

10. The buildings fire alarm(s) shall be operational at all times, if the fire alarm becomes inoperable for any reason the shelter shall be closed until the alarm is repaired.
11. Partitions (if used) shall be non-combustible or limited so that it is not easily ignited by open flame.

**FOR STRUCTURES THAT HAVE AUTOMATIC FIRE SPRINKLERS AND AUTOMATIC FIRE ALARMS INSTALLED:**

1. The occupancy shall not exceed that which the exiting door widths would allow per the IBC adopted by the City.
2. One toilet and one sink for every 50 occupants and refuse receptacles meeting the requirements of the city's solid waste division.
3. Exit doors that comply with all of the following:
  - a. The minimum size of any exit door shall be 44-inches. The total width of exit doors shall be calculated by taking the occupant load and multiplying it by 0.2-inches (for example, if a severe weather shelter had an occupancy of 300 the total width of its egress doors would be required to be no less than 60-inches).
  - b. No less than two exit doors shall be provided.
  - c. Where the occupant load more than 49 all exit doors shall swing in the direction of egress travel.
4. The travel distance from all portions of the shelter's sleeping area to its egress doors shall be no more than 200 feet. Said aisle width shall not be less than that which is identified in the IBC adopted by the City for the occupant load permitted, as determined by the Building Official.

EXHIBIT B

**NATIONAL WEATHER SERVICE**  
NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

HOME FORECAST PAST WEATHER SAFETY INFORMATION EDUCATION

## Wind Chill Chart

[Weather.gov](#) > [Safety](#) > Wind Chill Chart

Extreme Cold Safety    Wind Chill Warning vs Watch    Prepare for Extreme Cold    During Extreme Cold    After Extreme Cold

### Wind Chill Chart

		Temperature (°F)																	
		40	35	30	25	20	15	10	5	0	-5	-10	-15	-20	-25	-30	-35	-40	-45
Wind (mph)	Calm	40	35	30	25	20	15	10	5	0	-5	-10	-15	-20	-25	-30	-35	-40	-45
	5	36	31	25	19	13	7	1	-5	-11	-16	-22	-28	-34	-40	-46	-52	-57	-63
	10	34	27	21	15	9	3	-4	-10	-16	-22	-28	-35	-41	-47	-53	-59	-66	-72
	15	32	25	19	13	6	0	-7	-13	-19	-26	-32	-39	-45	-51	-58	-64	-71	-77
	20	30	24	17	11	4	-2	-9	-15	-22	-29	-35	-42	-48	-55	-61	-68	-74	-81
	25	29	23	16	9	3	-4	-11	-17	-24	-31	-37	-44	-51	-58	-64	-71	-78	-84
	30	28	22	15	8	1	-5	-12	-19	-26	-33	-39	-46	-53	-60	-67	-73	-80	-87
	35	28	21	14	7	0	-7	-14	-21	-27	-34	-41	-48	-55	-62	-69	-76	-82	-89
	40	27	20	13	6	-1	-8	-15	-22	-29	-36	-43	-50	-57	-64	-71	-78	-84	-91
	45	26	19	12	5	-2	-9	-16	-23	-30	-37	-44	-51	-58	-65	-72	-79	-86	-93
	50	26	19	12	4	-3	-10	-17	-24	-31	-38	-45	-52	-60	-67	-74	-81	-88	-95
55	25	18	11	4	-3	-11	-18	-25	-32	-39	-46	-54	-61	-68	-75	-82	-89	-97	
60	25	17	10	3	-4	-11	-19	-26	-33	-40	-48	-55	-62	-69	-76	-84	-91	-98	

Frostbite Times: ■ 30 minutes ■ 10 minutes ■ 5 minutes

**Wind Chill (°F) = 35.74 + 0.6215T - 35.75(V<sup>0.16</sup>) + 0.4275T(V<sup>0.16</sup>)**  
Where, T = Air Temperature (°F) V = Wind Speed (mph) *Effective 11/01/01*



**DATE:** September 23, 2020  
**TO:** Mayor Boudreau and City Council  
**FROM:** Rebecca Lowell  
**SUBJECT:** Emergency Adoption of Interim Regulations to allow Safe Parking for Homeless

**RECOMMENDED ACTION:**

Council adoption of the accompanying Ordinance that declares an emergency and adopts interim regulations to allow safe parking for homeless.

**INTRODUCTION/BACKGROUND:**

The City has existing regulations that allow permanent homeless shelters, emergency shelters, and temporary homeless encampments. However, the City does not have regulations that would permit the homeless to park overnight in a vehicle at a facility. Programs that allow this type of use are generally referred to as Safe Parking.

In 2019 Council adopted two different Ordinances authorizing, with conditions, safe parking programs (Ordinances 3790 and 3790 that are all attached to this memo). Due to the COVID-19 pandemic the time lines that allow these regulations to be effective have expired. To allow these regulations to be in effect a new Ordinance needs to be adopted by Council.

**FINDINGS/CONCLUSIONS:**

Staff finds it necessary to have these regulations in place to allow safe parking for the homeless.

The accompanying Ordinance declares an emergency and adopts interim regulations to allow the homeless to sleep in vehicles at properties owned by religious organizations.

**RECOMMENDATION:**

Council declare an emergency and adopt the accompanying interim ordinance.

**ATTACHED:**

Proposed Ordinance for Council's consideration

Ordinance 3790

Ordinance 3793

**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, DECLARING AN EMERGENCY AND ADOPTION OF INTERIM CONTROL REGULATIONS FOR TRANSITORY ACCOMMODATIONS**

**WHEREAS**, people are considered homeless when they do not have accommodation that is safe, secure, and appropriate; and

**WHEREAS**, “Sheltered” homeless are those persons that are accommodated in emergency shelters, with family or friends, or in other transitory housing. The “unsheltered” homeless are those who have yet to be accommodated by such housing and are living on the streets, in vehicles, impromptu encampments on private or public property or otherwise do not have shelter; and

**WHEREAS**, homelessness occurs in a variety of ways and result in different needs. For example, some people may become suddenly homeless requiring short term crisis accommodation while others may be chronically homeless; and

**WHEREAS**, the current crisis of homelessness is impacted by a broad number of societal challenges including but not limited to, growth in poverty, mental health, substance abuse, erosion of foster care, federal and state investment in criminal justice and other safety net systems, which have a cumulative and compounding effect resulting in an alarming trend in homeless population statewide and in our local community; and

**WHEREAS**, recent data presented by Community Action of Skagit County’s Housing Resource Center shows that those defined as chronically homeless and those at imminent risk of losing housing in Skagit County are on the rise. This county-wide trend is of concern to the City because Mount Vernon has the greatest number of residents of any incorporated city or town in Skagit County; and

**WHEREAS**, the City of Mount Vernon’s specific role and the role of government in general to address, mitigate or reduce homelessness is limited by constitutional, statutory, and budgetary constraints. Nonetheless, the City finds a response is required to address the public health and safety impacts to the community; and

**WHEREAS**, the current crisis requires the response of not just government but of the entire community; and

**WHEREAS**, the City of Mount Vernon is dedicated to reducing homelessness while also recognizing the government’s role in protecting the public health and safety for the community including both those persons with and without homes; and

**WHEREAS**, the City recognizes the need to improve the safety and health of people experiencing homelessness that reside in vehicles; and

**WHEREAS**, the City of Mount Vernon finds that while current city regulations address transitory accommodations such as tent encampments and mitigate their health and safety impacts that such regulations do not account that smaller encampments or less intensive uses may warrant different less onerous substantive criteria and procedural safeguards; and

**WHEREAS**, the City of Mount Vernon is organized as a code city granting to it all the powers of home rule and those afforded by the State. In addition, RCW 35A.21.360 explicitly allows cities to impose conditions to such encampments when necessary to protect the public health and safety so long as such conditions do not substantially burden the decisions or actions of a religious organization regarding location of housing or shelter for homeless persons on property owned by the religious organization; and

**WHEREAS**, RCW 35A.63.220 and RCW 36.70A.390, as well as interpretative judicial decisions, authorize adoption of interim zoning controls and regulations with certain limitations, including the requirement to hold a public hearing on the adopted interim zoning controls/regulations within 60 days of its adoption, and the adoption of findings of facts and, if appropriate, a work plan; and

**WHEREAS**, in accordance with RCW 35A.63.220, interim zoning controls may be effective for no longer than six months, but may be effective for up to a year if a work plan is developed for related studies providing for such a longer period, and

**WHEREAS**, staff has prepared a draft interim ordinance that imposes conditions to address impacts to public health and safety as a result of safe parking for the homeless; and

**WHEREAS**, the City Council finds the interim ordinance: i) is necessary to protect the public health and safety and ii) that conditions herein do not substantially burden the decisions or actions of a religious organization regarding location of housing or shelter for homeless persons on property owned by the religious organization; and

**WHEREAS**, the City Council shall hold a public hearing within 60 days at a regularly held meeting of the City Council on this Ordinance to consider public testimony regarding adoption of this Ordinance and adopt findings of fact justifying its action in the event such findings are not adopted prior to the hearing; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**SECTION 1.** Recitals Incorporated. That the City Council adopts the recitals set forth above as findings justifying adoption of this Ordinance and incorporates those recitals as if set forth fully herein. The Council may adopt additional findings in the event that additional public hearings are held or evidence presented to the City Council.

**SECTION 2.** Section 17.210.015, Definitions, of the Mount Vernon Municipal Code is hereby amended as follows:

**17.210.015 Definitions.**

The following words used in this chapter are defined as follows:

A. "Director" means the director of the city of Mount Vernon's development services department or designee.

B. “Encampment host” or “Safe Parking Host” means a religious organization (including but not limited to an owner, tenant, or lessee) that has the legal right to occupy the site of a temporary homeless encampment and/or safe parking accommodations. An “encampment host” and/or a “safe parking host” may be the same individual, group, organization, or entity as the encampment sponsor or the encampment manager of a temporary homeless encampment.

C. “Encampment manager” or “Safe Parking Manager” means an individual, group, organization, or entity that organizes, manages or operates a temporary homeless encampment and/or safe parking accommodations. An “encampment manager” and/or “safe parking manager” may be the same individual, group, organization, or entity as the encampment host or the encampment sponsor of a temporary homeless encampment.

D. “Encampment sponsor” or “Safe Parking Sponsor” means an individual, group, organization, or entity which, in conjunction or by agreement with the encampment host or encampment manager, provides services or support on an ongoing basis for the residents of a temporary homeless encampment and/or safe parking accommodations. An “encampment sponsor” and/or “safe parking sponsor” may be the same individual, group, organization, or entity as the encampment host or the encampment manager of a temporary homeless encampment.

E. “Safe Parking Accommodations” means areas on a site or property owned or controlled by a religious organization that accommodates vehicles in parking lots that individuals park and sleep within as means of shelter.

F. “Temporary homeless encampment” means a temporary encampment for homeless persons on property owned or controlled by a religious organization, whether within buildings located on the property or elsewhere on the property outside of buildings. This definition does not include safe parking accommodations.

**SECTION 3.** A new section to be named 17.210.070, Safe Parking Accommodations, shall be added to Chapter 17.210 of the Mount Vernon Municipal Code as follows:

- A. Purpose. The purpose of this section is to provide homeless individuals with vehicles a place to temporarily park overnight to assist in transitions to permanent housing.
- B. There is no permit, or permit fees for Safe Parking Accommodations. Safe Parking Accommodations are an allowed outright use, but are required to comply with the following:
  - 1. The Safe Parking Host, Manager or Sponsor must provide notice of the Safe Parking Accommodations as required in 17.210.070(C).
  - 2. Vehicles that individuals park and sleep within as means of shelter are limited to one vehicle per every ten on-site parking spaces in the parking lot located on property owned or controlled by a religious organization.
    - i. Parking must continue to abide by existing on-site parking minimum requirements so that the provision of safe parking spaces does not reduce the total number of available parking spaces below the minimum number of spaces required by the City. However, the City may enter into a memorandum of understanding with a safe parking host that reduces the minimum number of on-site parking spaces required.
  - 3. Restroom access must be provided either within the buildings on the property or through use of portable facilities.
  - 4. Access to a hand washing station and trash facilities shall be provided on the site during hours vehicles are allowed to remain.

5. The Safe Parking Host shall provide immediate cleanup of any litter, wastewater, sewage, or waste material discharge onto or deposited upon the surface of the ground or parking area, whether as a result of leaks from plumbing fixtures, wastewater, sewage, or waste.
  6. The Safe Parking Host shall comply and enforce compliance of applicable state statutes and regulations and local ordinances concerning, but not limited to, drinking water connections, solid waste disposal, human waste, outdoor fire or burning, and electrical systems.
  7. Safe Parking Accommodations can be located on a site for no more than a total of six months during any calendar year.
    - i. City Council can grant extensions of time to allow Safe Parking Accommodations to be located on a site for more than a total of six months during any calendar year upon finding that the public health and safety of those utilizing the safe parking accommodations and the residents of the City are not being negatively impacted with the existence of the safe parking accommodations.
- C. Prior to the opening of Safe Parking Accommodations the Safe Parking Host shall put on a meeting open to the public for the purpose of providing a forum for discussion of related neighborhood concerns, unless the use is in response to a declared emergency. If a meeting open to the public is not advisable due to public health concerns, such as the COVID-19 pandemic, the Safe Parking Host can provide alternative means of providing public notice that provide a forum for discussion of neighborhood concerns related to proposed safe parking accommodations.
1. If a meeting open to the public is held the Safe Parking Host must provide written notice of the meeting to the Mayor's office at least one week (if possible) but no later than ninety-six hours prior to the meeting. The notice must specify the time, place, and purpose of the meeting.
  2. If a meeting open to the public is held the City shall provide public notice of the meeting described in 17.210.070(C)(1) by taking at least two of the following actions any time prior to the time of the meeting:
    - i. Delivering to each local newspaper of general circulation and local radio or television station that has on file with the governing body a written request to be notified of special meetings.
    - ii. Posting notice of the meeting on the code city's web site.
    - iii. Prominently displaying, on signage at least two feet in height and two feet in width, one or more meeting notices that can be placed on or adjacent to the main arterials in proximity to the location of the meeting.
    - iv. Prominently displaying the notice at the meeting site.
  3. Prior to the opening of the Safe Parking Accommodations the Safe Parking Host shall complete a form provided by the City listing the following information. This information is required as it will allow the City to provide accurate information to the public regarding the safe parking accommodations.
    - i. The name, telephone number, and email address (if applicable) of at least two individuals responsible for receiving, responding, and resolving all complaints/concerns about the safe parking accommodations.
    - ii. Dates that the limited Safe Parking Accommodations will be located on a property.

**SECTION 4. Hearing To Be Held.** Pursuant to RCW 36.70A.390 and/or RCW 35A.63.220, the City Council shall hold a public hearing on this interim regulation within 60 days of adoption of this interim regulations ordinance.

**SECTION 5. City to Consider Permanent Regulations.** The City Council hereby directs that the City Community and Economic Development Department to study the issue of temporary homeless encampments within the City and begin the process of drafting proposed permanent regulations to be considered through the City’s public participation process including allowing for public input and providing for public hearings at both the Planning Commission and City Council.

**SECTION 6. Severability.** If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

**SECTION 7. Savings Clause.** All previous ordinances which may be repealed in part or their entirety by this ordinance, shall remain in full force and effect until the effective date of this ordinance.

**SECTION 8. Effective Date and Declaration of Emergency.** The City Council hereby declares that an emergency exists necessitating that this Ordinance take effect immediately upon passage by a majority plus one of the whole membership of the Council, and that the same is not subject to a referendum. Without an immediate interim regulation on the City's acceptance of business licenses, building applications, permits or other types of land use/development permits/approvals, such applications could become vested under regulations subject to change by the City in this comprehensive review and regulation amendment/adoption process. This Ordinance will not affect any existing rights, or any vested applications previously submitted to the City.

**SECTION 9. Ordinance to be Transmitted to Department.** Pursuant to RCW 36.70A.106, this Interim Ordinance shall be transmitted to the Washington State Department of Commerce as required by law.

**PASSED AND ADOPTED** this 23<sup>rd</sup> day of September, 2020.

**SIGNED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Doug Volesky, Finance Director

\_\_\_\_\_  
Jill Boudreau, Mayor

Approved as to form:

\_\_\_\_\_  
Kevin Rogerson, City Attorney

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_



**DATE:** September 23, 2020  
**TO:** Mayor Boudreau and City Council  
**FROM:** Isaac Huffman, Library Director  
**SUBJECT:** INTERLOCAL AGREEMENT WITH SKAGIT COUTY

**RECOMMENDED ACTION:**

Motion

**INTRODUCTION/BACKGROUND:**

Every year Skagit County provides funds to support the use the library by unincorporated residents. In 2020 we will receive an amount slightly smaller than 2019, at \$14,054. The library values this support because it allows us to charge unincorporated families about 50% less for out of district cards. This makes the library an affordable destination for those outside our city.

**FINDINGS/CONCLUSIONS:**

The terms in this agreement align with past interlocal library agreements and this agreement helps us better support people with Mount Vernon Addresses outside of city limits.

**RECOMMENDATION:**

Approve

**ATTACHED:**

INTERLOCAL COOPERATIVE AGREEMENT FOR LIBRARY MATERIALS

**INTERLOCAL COOPERATIVE AGREEMENT  
FOR  
LIBRARY MATERIALS**

This Interlocal Cooperative Agreement for Library Materials is entered into between Skagit County, hereinafter referred to as the “County”, and the City of Mount Vernon, hereinafter referred to as the “City” pursuant to RCW 39.34.

This Agreement is based upon the following facts and circumstances:

- The County does not, nor is it required by statute to provide general library services to the residents residing in unincorporated Skagit County.
- Historically, the City has provided library access to residents and nonresidents alike.
- Non-residents are required to pay a fee for library access.
- Due to increasing competition for funding and increasing library usage, the City is having difficulty providing access to residents and non-residents.
- The County, in 2020, has made funding available for a portion of the costs to provide for the purchase of materials for use by residents and non-resident users of libraries located within the City.

In consideration of the facts listed above, the parties agree as follows:

1. During 2020 the County will provide the City a total sum of \$14,054 to assist in providing library materials to the residents of unincorporated Skagit County. The sum will be distributed to the City based upon the library book, audio, film, video and subscription collection and circulation of each municipal library.
2. None of the County funds received by the City may be used to supplant funding that the City would otherwise provide for library services.
  - 2.1 The City must provide documentation that non-resident library users pay at least \$10 per library card.
  - 2.2 Funds distributed to the City must be used to purchase materials for circulation that will benefit non-resident library users.
3. It is agreed that any portion not used for its intended purpose will be returned to the County within a reasonable time period after the close of the fiscal year.
4. All assets acquired as a result of this funding will become the property of the City. The City will be responsible for all aspects of library operation.

5. Administration: The following individuals are designated as representatives of the respective parties. The representatives shall be responsible for administration of this Agreement and for coordinating and monitoring performance under or greater than this Agreement. In the event such representatives are changed, the party making the change shall notify the other party.
  - 5.1 The County's representative shall be the Budget and Finance Director.
  - 5.2 The City's representative shall be the Library Director.
6. Indemnification: Each party agrees to be responsible and assume liability for its own wrongful and/or negligent acts or omissions or those of their officials, officers, agents, or employees to the fullest extent required by law, and further agree to save, indemnify, defend, and hold the other party harmless from any such liability. It is further provided that no liability shall attach to the County by reason of entering into this contract except as expressly provided herein.
7. Changes, Modifications, Amendments and Waivers: The Agreement may be changed, modified, amended or waived only by written agreement executed by the parties hereto. Waiver or breach of any term or condition of this Agreement shall not be considered a waiver of any prior or subsequent breach.
8. Severability: In the event any term or condition of this Agreement or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications of this Agreement which can be given effect without the invalid term, condition, or application. To this end the terms and conditions of this Agreement are declared severable.
9. Entire Agreement: This Agreement contains all the terms and conditions agreed upon by the parties. All items incorporated herein by reference are attached. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.
10. The term of this agreement is the date of execution through December 31, 2020.

**CITY OF MOUNT VERNON**

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Jill Boudreau, Mayor

ATTEST:

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Clerk, City of Mount Vernon

APPROVED AS TO FORM:

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Attorney, City of Mount Vernon

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

**BOARD OF COUNTY COMMISSIONERS  
SKAGIT COUNTY, WASHINGTON**

\_\_\_\_\_  
Ron Wesen, Chair

\_\_\_\_\_  
Kenneth A. Dahlstedt, Commissioner

Attest:

\_\_\_\_\_  
Lisa Janicki, Commissioner

\_\_\_\_\_  
Clerk of the Board

For contracts under \$5,000:  
Authorization per Resolution R20030146

Recommended:

\_\_\_\_\_  
County Administrator

\_\_\_\_\_  
Department Head

Approved as to form:

\_\_\_\_\_  
Civil Deputy Prosecuting Attorney

Approved as to indemnification:

\_\_\_\_\_  
Risk Manager

Approved as to budget:

\_\_\_\_\_  
Budget & Finance Director



**DATE:** September 23, 2020  
**TO:** Mayor Boudreau and City Council  
**FROM:** William Bullock, City Engineer  
**SUBJECT:** AWARD OF BID FOR PROJECT #TS-2020-001: 2020 CURB RAMP IMPROVEMENTS

**RECOMMENDED ACTION:**

Staff recommends a motion be made by Council to award the 2020 Curb Ramp Improvements project including the base bid and additive schedule C to Trinity Contractors, Inc. for the bid amount of \$476,280.00.

**INTRODUCTION/BACKGROUND:**

On September 16, 2020, bids were opened and read for the 2020 Curb Ramp Improvements project. The project includes improvements to curb ramps at approximately one hundred street corners. Work includes demolishing existing sidewalks, ramps, curbs, and gutters, and installing accessible curb ramps, sidewalks, pedestrian curb, traffic curbs and gutters, detectable warning surfaces, and restoring pavement and landscaping, and retrofitting existing curb ramps with detectable warning surfaces. A total of 8 bids were received and considered. A tabulation of the bids is attached.

**FINDINGS/CONCLUSIONS:**

After reviewing the bids, staff determined that the bid submitted by Trinity Contractors, Inc. for \$476,280.00 was the lowest bid from a responsible bidder per the contract and per RCW 39.04.010 and RCW 39.04.350.

**RECOMMENDATION:**

In order to contract for the work, the bid must be awarded by Council in accordance with MVMC Chapter 2 and RCW 39.04.

**ATTACHED:**

Bid Tabulation