



WORKSHOP MEETING NOTICE OAK HARBOR CITY COUNCIL

NOTICE IS HEREBY GIVEN that the Oak Harbor City Council will hold a Workshop Meeting on:

Date: Wednesday, July 22, 2015

Time: 3:00 p.m. – 5:00 p.m.

Location: City Hall Council Chambers, 865 SE Barrington Drive, Oak Harbor, WA 98277

Note that no action will be taken.

AGENDA

1. Departmental Briefings

- a. Police Department staffing update – PD
- b. Marina Convenience Store – Dev/Services

2. Pending Agenda Items

- a. Ordinance No. 1741: Policy for Grinder Pump Systems (8/05) – Legal
- b. Ordinance No. 1740: Medical Marijuana Code (9/01) – DS
- c. WWTP – Boundary Line Adjustment – Legal/ PW
- d. WWTP – Good Neighbor Communications Plan with Enviro-Issues – PW
- e. Purchase Authorization – Granicus Software (8/05) – Admin
- f. Purchase Authorization – Front Load Refuse Trucks (8/05) – PW
- g. Purchase Authorization – Wachs Tool (8/05) – PW
- h. Purchase Authorization – CrossMatch Guardian Livescan System (8/05) – PW
- i. Surplus – Sleeper Road Timber (8/05) – PW

3. Emerging Issues

Anna M. Thompson
City Clerk
Posted on July 17, 2015

POSTED: City Hall Bulletin Boards
www.oakharbor.org

EMAILED: editor@whidbeynewsgroup.com
Jordan.Brennan@pse.com
news@skagitpublishing.com
Mayor Scott Dudley
Oak Harbor City Council
Directors

REMOVE: After July 22, 2015

The City Council may meet informally in workshop sessions (open to the public) to do concentrated strategic planning, to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the City Administrator, provided that all discussions and conclusions thereon shall be informal. Council shall make no disposition of any item at a workshop meeting. Public comment is not normally allowed at workshop meetings, although Council may allow, or request participation.



Workshop Item

Departmental Briefing

Item 1.b
Marina Convenience Store

Chris Sublet, Marina Manager

Attachments

Attachment A: Draft Agenda Bill

City of Oak Harbor City Council Agenda Bill

Bill No. _____
Date: July 22, 2015
Subject: Marina Convenience Store

FROM: Chris Sublet, Harbormaster
Steve Powers, Director Development Services

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

- _____ Scott Dudley, Mayor
- _____ Larry Cort, City Administrator
- _____ Doug Merriman, Finance Director
- _____ Nikki Esparza, City Attorney

PURPOSE

This agenda bill requests the City Council to authorize the Mayor to sign the Stationary Vendor Agreement allowing for a convenience store to operate at the Oak Harbor Marina.

AUTHORITY

OHMC 6.14.090 Selling articles or distributing literature.

It is unlawful to sell refreshments or merchandise, or to distribute literature in any park, without a written permit, or a concession contract with the council. (Ord. 214 § 10, 1965).

OHMC 6.14.030 Definitions, section (4)

“Parks” means all parks and well sites maintained by the city, public squares, park drives, parkways, boulevards, bathing beaches, play and recreation grounds owned by or under the jurisdiction of the city, and marine facilities. Most but not necessarily all parks as defined herein are identified and described in the comprehensive plan as is now in effect or hereafter amended.

FISCAL IMPACT DESCRIPTION

Funds Required: _____ N/A

Appropriation Source: _____ N/A

SUMMARY STATEMENT

In an effort to provide more amenities at the Oak Harbor Marina and to aid with economic development of the City of Oak Harbor, staff is proposing to allow Ms. Diana Cullen and Mr. Brian Punch to operate a convenience store at the Oak Harbor Marina.

Ms. Cullen and Mr. Punch will set up a convenience store in shed 1-11 and will be charged \$106.64 per month (based upon the current monthly rental rate for storage sheds). The shed is on the north side of building one, next to the parking lot. The convenience store will sell small items such as non-alcoholic drinks, snacks,

City of Oak Harbor City Council Agenda Bill

toiletries, trinkets and small boat items. Shed 1-11 has electricity to power the refrigerators, freezers and other equipment associated with this type of business. Ms. Cullen and Mr. Punch will be charged the normal rate of \$0.115 per kilowatt hour for electricity used.

Ms. Cullen and Mr. Punch will also rent shed 1-24 (it is located directly behind shed 1-11 and has an access door), where they will store extra supplies and install a hand cleaning sink. They will also be charged \$106.64 per month for this shed as well. The total monthly rent for both sheds will be \$213.28.

The store will operate year round, during peak boating days and hours. The primary focus will be on supplying marina live aboards and visiting boaters with small items they may need or have forgotten.

Per OHMC 6.14.090, City Council approval is required to allow the sale of concessions in any park. Per OHMC 6.14.030, the Oak Harbor Marina is a “park” and therefore, approval is being requested to ensure compliancy with City ordinances.

MARINA ADVISORY COMMITTEE REPORT

This item was not reviewed the Marina Advisory Committee.

CITY COUNCIL WORKSHOP RECOMMENDED ACTION

Authorize the Mayor to sign the Stationary Vendor Agreement allowing for a convenience store to operate at the Oak Harbor Marina.

ATTACHMENTS

- Washington State Business License (Attachment A)
- Washington State Reseller Permit (Attachment B)
- Island County Public Health Letter (Attachment C)
- Steve Richardson Insurance Letter (Attachment D)
- Stationary Vendor Agreement (Attachment E)



BUSINESS LICENSE

STATE OF
WASHINGTON

Partnership

Unified Business ID #: 603 488 258
Business ID #: 1
Location: 1

ON DE HOOK
BLDG 1 UNIT 11
1401 SE CATILINA DR
OAK HARBOR WA 98277

TAX REGISTRATION

PARTNERS:

DIANA D CULLEN

BRIAN D PUNCH

REGISTERED TRADE NAMES:

ON DE HOOK

This document lists the registrations, endorsements, and licenses authorized for the business named above. By accepting this document, the licensee certifies the information on the application was complete, true, and accurate to the best of his or her knowledge, and that business will be conducted in compliance with all applicable Washington state, county, and city regulations.

Director, Department of Revenue



STATE OF
WASHINGTON

RESELLER PERMIT

Washington State Department of Revenue

PO Box 47476 • Olympia, WA 98504-7476 • 1-800-647-7706

Issued to:
603 488 258
ON DE HOOK
PO BOX 647
OAK HARBOR WA 98277 0647

Permit Number: A33 1445 17

Effective Date: 04-22-2015

Expiration Date: 04-21-2017

Business Activities:
CONVENIENCE STORES

This permit can be used to purchase:

- Merchandise and inventory for resale without intervening use
- Ingredients, components, or chemicals used in processing new articles of tangible personal property produced for sale
- Feed, seed, seedlings, fertilizer, and spray materials by a farmer
- Materials and contract labor for retail/wholesale construction
- Items for dual purposes (see Purchases for Dual Purposes on back)

This permit cannot be used to purchase:

- Items for personal or household use
- Promotional items or gifts
- Items used in your business that are not resold, such as office supplies, equipment, tools, and equipment rentals
- Materials and contract labor for public road construction or U.S. government contracting (see Definitions on back)
- Materials and contract labor for speculative building

This permit is no longer valid if the business is closed.

The business named on this permit acknowledges:

- It is solely responsible for all purchases made under this permit
- Misuse of the permit:
 - Subjects the business to a penalty of 50 percent of the tax due, in addition to the tax, interest, and penalties imposed (RCW 82.32.291)
 - May result in this permit being revoked

Notes (optional): _____

Important: The Department of Revenue may use information from sellers to verify all purchases made with this permit were qualified.

Reseller: Keep this original permit on file. Provide copies to sellers from which you make purchases.



ISLAND COUNTY PUBLIC HEALTH

P.O. Box 5000
Coupeville, WA 98239
www.islandcounty.net/health

April 16, 2015

To Whom It May Concern:

I met with Diane and Brian at the space where they are interested in opening a convenience store. We discussed the types of food that could be sold. And the requirements that need to be met to comply with Island County Food Code. They will need to install a handwashing sink with hot and cold running water. No other sinks are required in the space as they can use the mop sink at the Marina for floor washing and they will not be allowed to do any food preparation or cooking in the unit.

Once the sink is installed, they can be approved as a Convenience Store.

Sincerely,

Sally Waters, RS/REHS, CP-FS
Environmental Health Specialist III
Food Program Manager

Steve Richardson Insurance Inc

860 SE Bayshore Drive Suite 202 Oak Harbor, WA 98277

Phone: (360)675-2800 (877)715-2800

Fax: (360)675-1811

April 17, 2015

Attn: City Council of Oak Harbor

RE: Brian Punch & Diana Cullen - On The Hook

Mutual of Enumclaw has provided a quote to Brian & Diana for their planned mini-mart at 1401 SE Catalina Dr, Building 1, Unit 11. They will be insured for \$1,000,000 liability, plus their business personal property.

Please let me know if you need any further documentation that they are insurable for this business.

Sincerely,



Amber Reed

amber@sr-insurance.net

Stationary Vendor Agreement

This Stationary Vendor Agreement is made effective this 1st day of September 2015, by and between the City of Oak Harbor (CITY) and Diana Cullen and Brian Punch (VENDOR).

WHEREAS, the VENDOR is engaged in the operation of a convenience store, and;

WHEREAS, the VENDOR wishes to sell non-alcoholic drinks, snacks, toiletries and small boat items at the City of Oak Harbor Marina, and;

WHEREAS, the CITY wishes to encourage local businesses and promote economic development.

NOW, THEREFORE, the parties agree as follows:

1. General Provisions. The CITY agrees to allow VENDOR to operate, manage, and maintain a convenience store for the general public within the designated area of the Marina during agreed upon operating days and hours.
 - a. The VENDOR agrees to provide non-alcoholic drinks, snacks, toiletries and small boat items at reasonable prices to the general public.
 - b. The VENDOR agrees to provide and maintain all equipment. Improvements or additional service connections are the responsibility of the VENDOR and shall be done as per City or State of Washington code(s).
 - c. The VENDOR agrees to ensure that public sidewalks and/or walkways within the Premises are kept clear and unobstructed and in all ways compliant with Americans with Disabilities Act (ADA) requirements.
 - d. The VENDOR shall remove any litter or debris from the Premises at the end of each day.
 - i. The CITY reserves the right to enter and inspect the Premises to ensure that all requirements are complied with.
 - j. The VENDOR agrees that the Premises will be used as a site to operate a convenience store for patrons. VENDOR agrees not to let or sublet the whole or any part of the Premises allocated for VENDOR or assign this Agreement, or any interest within the property described.
 - k. The VENDOR agrees to pay and provide all governmental licenses, fees and/or permits for the operation of described services within this Agreement.

1. The VENDOR shall comply with the laws, rules and regulations regarding food handling and all vehicles, equipment, devices or structures used for the preparation, handling, storage, transportation and/or sale of food shall comply with WAC Chapter 246-215, in addition to any other rules and regulations respecting such vehicles, equipment, devices or structures as may be established by the Island County Health Department, the Oak Harbor Municipal Code or by the Marina.
 - m. The VENDOR shall pay all taxes, wages and other costs associated with the operation of On De Hook convenience store.
 - n. The VENDOR shall have a valid Oak Harbor business license.
2. Indemnification/Hold Harmless. The VENDOR shall defend, indemnify and hold harmless the CITY, its officers, officials, employees and volunteers from and against any and all claims, suits, actions, or liabilities for injury or death of any person, or for loss or damage to property which arises out of the use of Premises or from any activity, work, or thing done, permitted, or suffered by VENDOR in or about the Premises, except such injury or damage as shall have been occasioned by the sole negligence of the CITY.

The VENDOR agrees that all personal property kept at the Premises shall be at the risk of the VENDOR. VENDOR further agrees not to hold the CITY liable in any manner or account for any loss or damage sustained by action of fire, water, elements, theft or any third party. All equipment and machinery associated with VENDOR shall be owned exclusively by the VENDOR.

3. Insurance Requirements. The VENDOR shall procure and maintain for the duration of the Agreement, insurance against claims for injuries to persons or damage to property which may arise from or in connection with products and materials supplied to the CITY.
 - a. No Limitation. VENDOR's maintenance of insurance as required by the Agreement shall not be construed to limit the liability of the VENDOR to the coverage provided by such insurance, or otherwise limit the CITY's recourse to any remedy available at law or in equity.
 - b. Minimum Scope of Insurance. VENDOR shall obtain insurance of the type described below:

Commercial General Liability insurance shall be written on Insurance Services Office (ISO) occurrence form CG 00 01 and shall cover products liability. The CITY shall be named as an insured under the VENDOR's Commercial General Liability insurance policy using ISO Additional Insured-Vendors Endorsement CG 20 15 or a substitute endorsement providing equivalent coverage.

- c. **Minimum Amounts of Insurance.** VENDOR shall maintain the following insurance limits:
- Commercial General Liability insurance shall be written with limits no less than \$1,000,000 each occurrence, \$1,000,000 general aggregate and a \$2,000,000 products liability aggregate limit.
- d. **Other Insurance Provision.** The VENDOR's Commercial General Liability insurance policy or policies are to contain, or be endorsed to contain that they shall be primary insurance as respect the CITY. Any Insurance, self-insurance, or insurance pool coverage maintained by the CITY shall be excess of the VENDOR's insurance and shall not contribute with it.
- e. **Acceptability of Insurers.** Insurance is to be placed with insurers with a current A.M. Best rating of not less than A:VII.
- f. **Verification of Coverage.** VENDOR shall furnish the CITY with original certificates and a copy of the amendatory endorsements including, but not necessarily limited to, the additional insured endorsement, evidencing the insurance requirements of the VENDOR before business shall commence on the Premises.
- g. **Notice of Cancellation.** The VENDOR shall provide the CITY with written notice of any policy cancellation, within two (2) business days of their receipt of such notice.
- h. **Failure to Maintain Insurance.** Failure on the part of the VENDOR to maintain the insurance as required shall constitute a material breach of contract, upon which the CITY may, after giving five (5) business days' notice to the VENDOR to correct the breach, immediately terminate the contract.
4. **Term.** The terms of this Agreement shall be effective through August 31, 2016. Upon expiration of the Agreement, the CITY may extend the Agreement for an additional period or season. Either party may terminate this Agreement prior to the end of the agreed term with thirty (30) days' written notice. This Agreement shall automatically terminate in the event that the VENDOR ceases convenience store activities on the Premises for any unauthorized reason for a period of ten (10) or more consecutive days. Upon the expiration or early termination of this Agreement, the VENDOR will surrender the location in good condition as they were at the commencement of the Agreement term.
5. **Payment.** The VENDOR agrees to pay the CITY a total of One Hundred Six Dollars and Sixty Four Cents (\$106.64) for each space rented plus an additional Eleven and One Half Cents (\$0.115) per kilowatt hour for electricity used per month for payment to operate the convenience store on the aforementioned Premises. Payment will be made not later than

the 15th day of each month, payable to the CITY. Should the term of the agreement be extended as provided for above, the City reserves the right to re-negotiate the monthly charge.

6. Notices and Communication. Notices to the CITY shall be sent to the following address:

City of Oak Harbor
Chris Sublet, Harbormaster
865 SE Barrington Drive
Oak Harbor, WA 98277

Notices to the VENDOR shall be sent to the following address:

On De Hook
Bldg 1 Unit 11
1401 SE Catalina Dr
Oak Harbor WA 98277

Receipt of any notice shall be deemed effective three (3) days after deposit of written notice in the U.S. mail with proper postage and address.

7. Modification. No provision of this Agreement may be amended or modified except by written Agreement signed by the parties.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date herein above first written.

Dated _____

By _____

Diana Cullen and Brian Punch
On De Hook

CITY OF OAK HARBOR

By _____

Scott Dudley
Mayor of the City of Oak Harbor

Approved as to Form:

Nikki C. Esparza

City Attorney

L:\LGLG\Forms\Stationary Vendor Agreement #3.docx

DRAFT



Workshop Item

Pending Agenda Items

Item 2.b
Ordinance No. 1740: Medical Marijuana Code

Steve Powers, Development Services Director

Attachments

Attachment A: Staff Report

**City of Oak Harbor
Report to the City Council**

Date: July 22, 2015
Subject: 2SSB 5052 Cannabis Patient Protection Act (Medical Marijuana)

FROM: Steve Powers, AICP
Development Services Department - Director

PURPOSE

This report focuses on the City of Oak Harbor’s “next steps” in response to the passage of the Cannabis Patient Protection Act (2SSB 5052) in April 2015.

BACKGROUND

ESSB 5073 (July 2011) attempted to create a regulatory framework for licensing medical marijuana producers, processors, and dispensers. The bill also permitted individual cultivation in collective gardens¹ and permitted cities, towns, and counties to adopt and enforce requirements for zoning, business licensing, health and safety and business taxes relating to the “production, processing, or dispensing of cannabis or cannabis products within their jurisdiction.” Under federal pressure, Governor Gregoire vetoed several key sections of the bill which effectively eliminated medical marijuana dispensaries as a legally viable model of operation under State law. Collective gardens remained under local jurisdiction.

With the knowledge that the Washington State Legislature was working towards legislation that could potentially align the medical marijuana regulations with those of recreational marijuana, the City Council adopted Ordinance No. 1666 (September 3, 2013) instituting a six-month moratorium on the establishment, licensing, and permitting of medical marijuana dispensaries and collective gardens.

After Washington State voters approved I-502, the Oak Harbor City Council adopted Ordinance No. 1685 (February, 2014) which established specific regulations and locations recreational marijuana producers, processors, and retailers may operate within the city. The medical marijuana industry continued to lack the regulatory framework and legal protections provided to recreational marijuana under I-502.

Since no Legislative action occurred within the six-month time period established under Ordinance No. 1666, the City Council adopted Ordinance No. 1686 extending the moratorium an additional six months, to September 2, 2014. The State Legislature, again, failed to pass legislation changing the medical marijuana laws within the extended six-month time frame prompting the City Council to adopt Ordinance No. 1692. This Ordinance extended the

¹ Collective gardens allow up to ten qualifying patients to produce, process, transport, and deliver cannabis for personal medical use.

moratorium an additional twelve months to September 2, 2015 and established a work plan to develop a medical marijuana ordinance.

In April 2015, Governor Inslee signed 2SSB 5052 (Cannabis Patient Protection Act - CPPA) which overhauls regulation of the medical marijuana industry. The CPPA brings medical marijuana into the same regulatory scheme that the Liquor Cannabis Board (formerly Liquor Control Board) had established for recreational marijuana under I-502. Key provisions of the CPPA include: creation of a medical marijuana database²; medical marijuana producers, processors, and retailers must be 1,000 feet from sensitive public areas³; a medical marijuana endorsement is established for recreational retail license holders who opt to include the sale of medical marijuana; collective gardens are not permitted effective July 1, 2016; and, four-member cooperatives are permitted effective July 1, 2016.

DISCUSSION

On June 23, 2015, staff presented to the Planning Commission the background of the marijuana industry in Washington State and an analysis of existing conditions resulting from local and state controls and restrictions for both recreational and medical marijuana producers, processors and retailers. After the presentation, the Planning Commission had several questions and concerns. A summary of questions, staff responses, and concerns is listed below.

General:

Does the city have an option to not adopt regulations allowing medical marijuana in city?

The Supreme Court decided in the favor of the City of Kent⁴ who utilized their zoning authority to prohibit collective gardens. However, collective gardens will be replaced July 1, 2016 with cooperatives, a smaller scale medical marijuana grow opportunity which will be required to be in the domicile of one of the four qualified members.

Have we had any applications for medical marijuana producers, processors, or retailers?

No.

Cooperatives:

Can people register for cooperatives before July 1, 2016?

2SSB 5052 only indicates that cooperatives will become effective July 1, 2016 but is not clear if qualified patients may register prior to this date.

Will there be a local notification process by the LCB to inform us of registered cooperatives?

It is unknown to what degree local jurisdictions will be informed of registered cooperatives. The required database will be accessible to law enforcement officers who are engaged in a bona fide investigation relating to the use of marijuana.

² Patients and providers who are entered into the database are provided protection from arrest. Database members may grow up to 15 plants and may possess three times the amount than what is permitted for the recreational user. Patients and providers who do not sign up may grow marijuana for their medical use but are limited to four plants and six ounces of useable marijuana and are provided an affirmative defense to charges of violating the law.

³ Perimeter of the grounds of any elementary or secondary school, playground, recreation center or facility, child care center, public park, public transit center, library, or any game arcade admission to which is not restricted to persons aged twenty-one years or older.

⁴ Cannabis Action Coalition v. City of Kent, 90204-6

Are cooperatives to be inspected?

The LCB or law enforcement may inspect a registered cooperative to ensure members are in compliance with 2SSB 5052. The LCB is further required to adopt rules on reasonable inspection hours and reasons for inspections.

Who has control/enforcement mechanism over cooperatives and the provision of marijuana to non-registered individuals?

It is unclear how enforcement of non-registered individuals will occur. 2SSB 5052 indicates that the use or display of medical marijuana in a manner or place which is open to the view of the general public is considered a class 3 civil infraction. It is further indicated that no personal (maximum of 15 plants) or cooperative may grow or process marijuana plants if any portion of the activity may be viewed or smelled by the public or the private property of another housing unit.

Can a medical marijuana qualified patient not be a cooperative member and still grow for personal use?

Qualified patients may grow medical marijuana for their personal use and are provided an affirmative defense to charges of violating the law on medical use of marijuana. If a patient is registered in the LCB database are allowed higher quantities of plants, useable marijuana, and marijuana-infused products and are provided protection from arrest so long as they are in compliance with the law.

Moratorium:

What happens if the moratorium is not extended and a code amendment addressing medical marijuana is not adopted?

The moratorium in place prevents establishment of collective gardens and medical marijuana dispensaries. In theory, if the moratorium expires, someone could try to establish one or both of those uses.

Are there negative ramifications from extending the moratorium again?

It is doubtful that we would be perceived as having a rolling moratorium since we could demonstrate we are working to make forward progress on this effort.

Comments:

It would be valuable to perform a more focused outreach to gather citizen input, in particular regarding the potential of cooperatives in their neighborhood.

If we created a medical marijuana code and the state makes changes, we may have to amend our code.

Monitoring evolution of law may be best “short-term” position for us.

RECOMMENDATION

The uncertainty of several sections of 2SSB 5052 and the very short timeframe to prepare a code amendment locally regulating medical marijuana have prompted the Planning Commission to advocate for an extension to the existing moratorium. The Planning Commission indicated that

such an extension would provide an opportunity to gather additional information, monitor state progress and 2SSB 5052 refinements, and engage in public outreach.

Staff supports the Planning Commission position. While the bill provides a needed regulatory framework for the medical marijuana industry, it contains areas of concern and unanswered questions:

Cooperatives become authorized next July and are required to be in the domicile of a qualified patient. The only restriction in 2SSB 5052 is a 1-mile buffer from an existing recreational retailer. Domiciles are permitted in over half of our zoning districts which leads to the potential that several cooperatives could be within 1,000 feet of a school or park. Enforcement of non-registered cooperative members, inspection hours and reasons, and the lack of statutory control are all issues which should become clearer in the coming months.

The Legislature has mandated the LCB to allow existing recreational producers, processors, and retailers to become endorsed for medical marijuana. 2SSB 5052 further requires the LCB to conduct an analysis to ensure the quantity of medical marijuana dispensaries are sufficient to meet the user need. If there is a shortfall of dispensaries, additional licenses may be permitted. It is unclear how and where those additional licenses will be distributed, if necessary.

It is staff's belief that legislation as widespread as this will experience areas of refinement and clarification. Other Washington jurisdictions will share similar concerns in the lack of regulatory control and enforcement mechanisms. Time will be needed to monitor the aforementioned concerns to ensure that the proposed code amendment will reflect the most recent legislative and judicial decisions.

ATTACHMENTS

Attachment 1 – June 23, 2015 Planning Commission meeting minutes.

Nexis Alinsky (Food Forest) spoke in favor of the homeless encampment code.

Planning Commissioners asked if there was a need to include estimated number of homeless in the beginning of the ordinance since that number fluctuates. Mr. Powers said that the number was intended to demonstrate the need.

Chairman Wasinger closed the public hearing.

MOTION: MR. PIERCE MOVED, MR. FREEMAN SECONDED, MOTION CARRIED TO RECOMMEND THAT THE CITY COUNCIL APPROVE ORDINANCE 1712 AS WRITTEN.

ZONING CODE AMENDMENT – Public Hearing

Mr. Powers reported that this amendment was recommended by the Washington Cities Insurance Authority (WCIA) to update the definitions of ‘child day care center’ and ‘family day care provider’ to be consistent with current state law. They also recommended the definition of ‘family’ be updated and a ‘reasonable accommodation’ section to be added to the code.

Chairman Wasinger opened the public hearing for public comment. Seeing none, Chairman Wasinger closed the public hearing.

Planning Commissioners asked when the ordinance was originally established with the original definitions and where the new language comes from. Mr. Powers said the definition of “family” has been in the code since he has been with the city (17 years). The “child day care center” was updated about 13 or 14 years ago to change the number of kids from 6 to 8 and then to 12. Mr. Powers said the definitions came straight out of the Washington Administrative Code (WAC) and the “family” definition was provided by the City Attorney. The simplest most straight-forward language was chosen for reasonable accommodation.

MOTION: MS. WALKER-WYSE MOVED, MS. SCHLECHT SECONDED, MOTION CARRIED TO RECOMMEND THAT THE CITY COUNCIL APPROVE ORDINANCE 1739 AS WRITTEN.

MEDICAL MARIJUANA CODE – Public Meeting

Mr. Lefevre displayed a PowerPoint presentation (Attachment 1) and discussed the state and federal medical marijuana background, current moratorium ordinances and recreational marijuana ordinance that the city has adopted and the land use implications of the code. Mr. displayed the following table to illustrate the land use implications.

Legislation	Recreational	Medical
I-502 (2012)	1,000 feet from public places	Does not apply
19.22, OHMC (2014)	1,000 feet from public places; only in PIP & I zones (production & process); C-4 & I zones (retailers). Retailers must be 1,000 feet from producers & processors.	Does not apply
2SSB 5052 (2015)	Does not apply	1,000 feet from public places; Cooperatives must be 1 mile from licensed retailer.

Mr. Lefevre also displayed maps showing the city and what the 1,000 foot buffer looks like when applied.

Mr. Lefevre asked the Planning Commission to discuss what restriction would be appropriate for medical marijuana producers, processors and retailers and what can/should we do with cooperatives. Mr. Lefevre also offered the following options:

1. Separate medical marijuana chapter in OHMC;
2. Combine recreational & medical regs. In OHMC;
3. Continue moratorium & monitor state/other jurisdictions

Planning Commission Discussion

The Planning Commissioners asked if there were any medical marijuana facilities in the city. Mr. Lefevre indicated that there were no medical marijuana facilities in the city.

There was some discussion about the recreational facilities in the city and questions about enforcement/inspections for cooperatives.

Planning Commission asked whether any jurisdictions that said no to medical marijuana. Mr. Lefevre said that he hadn't found any cities that said no. There was a question about whether there was a mandate to allow medical marijuana. Mr. Powers indicated that the courts have held that even though there is legislation at the state level that would allow recreational marijuana to be established in your community, local communities have the ability to make that local choice and say no if they choose. Now people are wondering if that same parallel will exist for the medical marijuana regulation.

Planning Commissioners asked if extending the moratorium would have any affect on whether people register and form cooperatives within the city limits. Mr. Lefevre explained that cooperatives won't come into being until July 1, 2016. Mr. Powers said the benefit of the state establishing an effective date for the cooperatives was to give us time to make the transition. The reason we would extend the moratorium on collective gardens is to see if there is guidance coming from the organizations that we look to such as the Association of Washington Cities (AWC) and the Municipal Research and Services Center (MRSC).

Planning Commissioners asked what staffs thoughts are about combining recreational and medical regulations in the code. Mr. Lefever indicated there were a lot of parallels and he would be in favor of combining the two. Mr. Powers also stated he was leaning toward combining the two.

Planning Commissioners indicated that they would like more information on cooperatives and see some support from the community. Mr. Power indicated that they could do some outreach. Planning Commissioners noted concern about the "moving target" created by the state actions. Planning Commissioners asked if there were any applications. Mr. Powers said there were none.

Planning Commissioners indicated that they would like more information and would likely recommend an extension of the moratorium.

2016 COMPREHENSIVE PLAN UPDATE – Public Meeting

Mr. Kamak displayed a PowerPoint presentation (Attachment 3) which presented a review of the Land Use Element and items discussed at the June 17th Planning Commission workshop.



Workshop Item

Pending Agenda Items

Item 2.c
WWTP - Boundary Line Adjustment

Joe Stowell, City Engineer

Attachments

Attachment A: Draft Boundary Line Adjustment Map

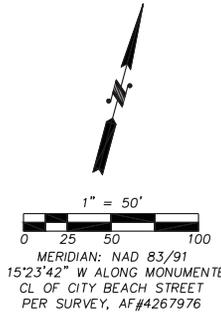
Attachment B: Draft Overall Site Plan with BLA

CITY OF OAK HARBOR BOUNDARY LINE ADJUSTMENT BND 15-XXXX

CITY OF OAK HARBOR
S6565-00-00B05-2 & S6565-00-00B13-1
& R13202-106-0750

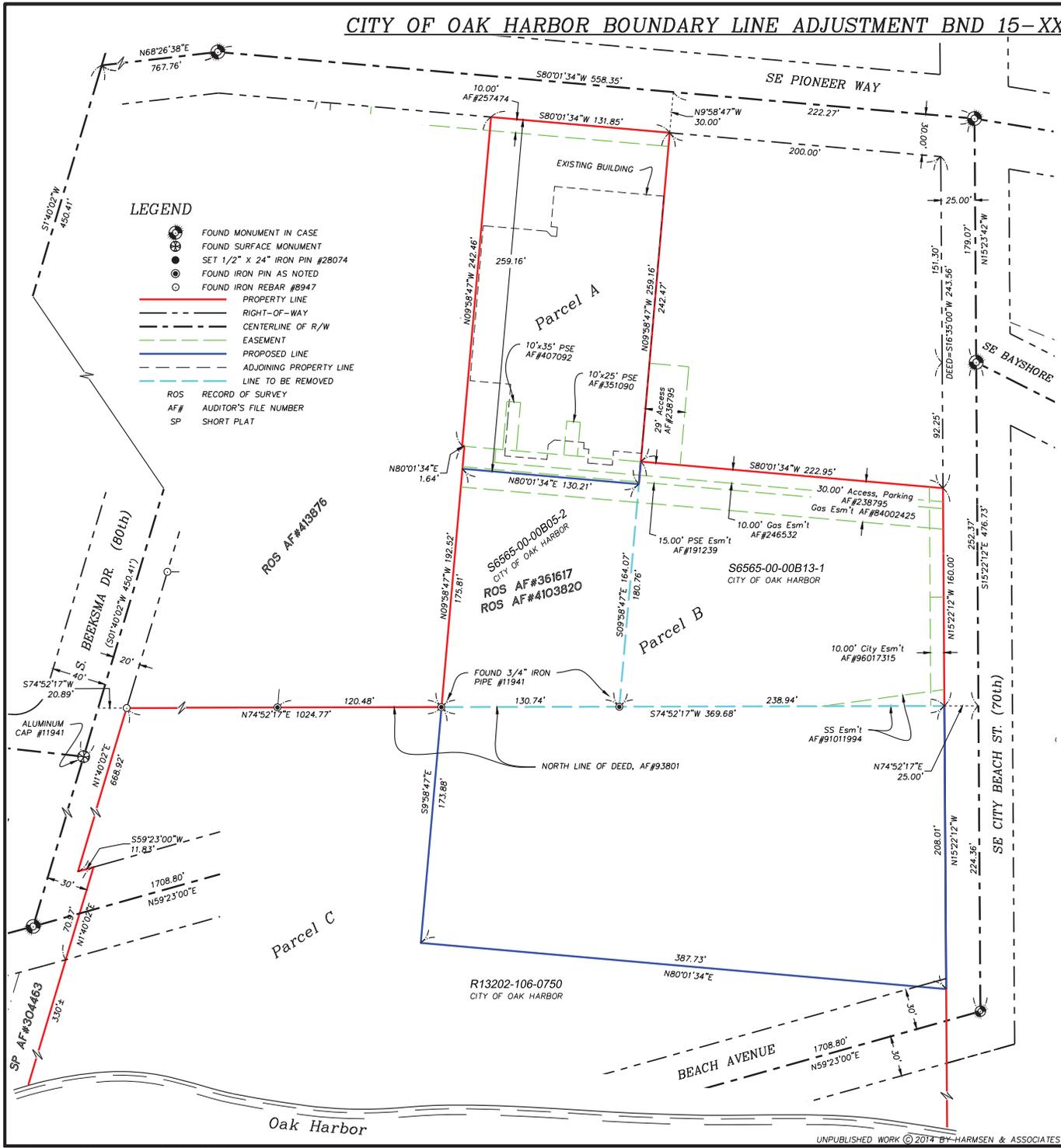
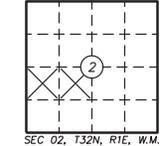
LEGEND

- FOUND MONUMENT IN CASE
- FOUND SURFACE MONUMENT
- SET 1/2" X 24" IRON PIN #28074
- FOUND IRON PIN AS NOTED
- FOUND IRON REBAR #8947
- PROPERTY LINE
- RIGHT-OF-WAY
- CENTERLINE OF R/W
- EASEMENT
- PROPOSED LINE
- ADJOINING PROPERTY LINE
- LINE TO BE REMOVED
- ROS RECORD OF SURVEY
- AF# AUDITOR'S FILE NUMBER
- SP SHORT PLAT



SURVEY NOTES:

1. Survey procedures & equipment:
Equipment - Leica TC805i Total Station with retro-prisms calibrated against NGS baseline at Bayview Airport.
Procedure: Field traverse and use of existing monumentation, all control traverse angles and distances double measured, meets or exceeds the standards contained in WAC 322-130-090.
2. Distances are in feet and decimals thereof.
3. All controlling monuments shown are of record, are locally accepted as representative of their purported positions, and were visited during the course of this survey unless otherwise noted.



AF# _____

CITY OF OAK HARBOR
BOUNDARY LINE ADJUSTMENT

SCALE: 1" = 50'		SHEET 3 OF 4
DRAWN BY: drs MAY 20, 2015		DWG: 12-170 C3d14
REVISED:	840 SE 8TH AVENUE, SUITE 102	S.T.R. INDEX
F/B: LL	OAK HARBOR, WA 98277	02 - 32N - 1E
JOB#: 12-170	TEL: (360) 675-5973	N 1/2, SW 1/4



Workshop Item

Pending Agenda Items

Item 2.d
WWTP - Good Neighbor Communications Plan with Enviro-Issues

Joe Stowell, City Engineer

Attachments

Attachment A: Communication and Good Neighbor Plan Outline



Communication and Good Neighbor Plan Outline

City of Oak Harbor Clean Water Facility Project

DRAFT updated: 7/14/15

Overview

The Construction Communication and Good Neighbor Plan (GNP) is intended to outline the City of Oak Harbor's commitment to the community for the following:

- Principles of public engagement and community outreach
- How and when the community can expect to receive updates and project notifications
- Provide notification and clearly communicate anticipated construction impacts
- Day to day management of potential impacts and questions surrounding specific construction activities
- Mitigation and best practices for construction practices, during and following construction

Outline

I. Construction Communication Plan*

- A. Purpose and principles of public communications
- B. Construction reality: potential public impacts
- C. Audience identification
- D. Communication tools
- E. Implementing the plan: a week in the life of the project, including resolving day to day questions or issues, and when emergencies arise
- F. Frequently asked questions

II. Attachment: Good Neighbor Plan*

- A. Purpose
- B. Definition of being a good neighbor
- C. Identification of community attributes
- D. Description of work and environment
- E. Expectations for the community to receive information
- F. Applicable mitigation and best practice measures associated with GNP
May include, but not be limited to: assumed work hours, noise, hauling practices

**By nature, a communications plan must be implemented, then adapted over time based on techniques that gain traction/prove most useful to meet its audiences. It is intended that the Good Neighbor Plan focus on the City's standing commitment to being a good neighbor in doing treatment facility construction on the "front porch" of the City of Oak Harbor, and define best practices to showcase that commitment. The Good Neighbor Plan is anticipated to be adopted by Council resolution.*



Workshop Item

Pending Agenda Items

Item 2.e
Purchase Authroization - Granicus Software

Sandra Place, Purchasing Specialist
Kellye Mazzoli, Executive Assistant to the Mayor

Attachments

Attachment A: CLMS Cost Analysis

Attachment B: Granicus General Product Info

Attachment C: RFP Legislative Management Solutions Scoring Results

Attachment D: Scoring Matrix-CLMS

Citywide Legislative Management Solution

COST ANALYSIS

Current Legislative Software Cost	Proposed Legislative Software Cost
\$9,750 eCivis	\$11,040 Grancius-Startup cost
\$9,500 OpenGov	\$10,800 Granicus on-going cost at \$900/mo.
\$1,788 Agendase at \$149/mo.	
\$8,400 Riney Productions at \$700/mo.	
Annual Expense \$29,438	Annual Expense \$21,840 (Year 1) Annual Expense \$10,800.00 (Year 2 and beyond)
	Cost Savings \$7,598.00 (Year 1) Cost Savings \$21,840 (Year 2 and beyond)

Additional features

- Agenda Management – save time for staff across all departments (Directors, Management)
- Agenda & Minutes Posting – save time for City Clerk and media staff
- Boards and Commissions Management – saving staff time across all departments (Liaisons)
- Legislative Management – save time for Video production and posting
- Less likely to have errors with posting links
- Easier to find videos, agendas, and minutes for the public
- More transparent and open Boards and Commissions process for the public
- Single solution that connects each module handling different aspects of our legislative process, integrated seamlessly with one another
- 24/7 Support
- Redundant data in multiple locations across the US is safer, more secure
- Unlimited storage of data
- Uptime of 99.9%

Granicus

A cloud-based platform dedicated to improving the flow of government through increased-

- Government Transparency
 - Live Streaming video
 - Archived, one stop shop for agendas, minutes, and archived videos
- Citizen Participation
 - Portals available and accessible online
 - Available on all types of devices (computer, tablet, and phone)
- Meeting Efficiency
 - Paperless agendas and materials on ipad through app
 - Automated voting and minutes
- Legislative Management
 - Automated agenda preparation

OVERVIEW

Fully hosted, cloud-based foundation for all Granicus Suites

- Cloud-based content delivery platform that expands as your needs grow
- Manage and store unlimited public meeting data
- Upload and publish content including documents, videos and more
- Create a paperless agenda environment with iLegislate® for the iPad

Staff

Granicus applications were created to help improve staff efficiency and effectiveness behind the scenes when preparing meeting agendas, minutes, and other meeting related documents.

The cloud structure will also allow iLegislate, the digital agenda iPad app, to be automatically updated with the latest meeting agendas, simplifying distribution and increasing efficiency.

Citizens

Then it helps create a powerful website experience for citizens through a web portal. We can easily publish video, audio, and documents on our website using the portal. Granicus hosts an unlimited amount of government meeting information for us.

We can improve our web presence by adding a centralized, up-to-date repository of public meeting information including meeting agendas, minutes and on-demand video. All information is available through a portal that matches the look and feel of our existing website. Citizens could easily subscribe to RSS feeds and receive notifications when new content is published online.

Government Transparency

Award-winning streaming solution for local, state, and federal agencies

Understand viewership with in-depth metrics and reporting

Check out the public engagement level, mobile usage, page visits, visitor location, originating links, and more, instantly on the video analytics page.

Save hours of time by importing agendas & indexing in real-time

Import agendas and index video live during the meeting. After the meeting, produce a public record with the agenda linked to the video.

Simplify media management through automation

Schedule events to broadcast live or record from any video source including cable, camera, VHS, or DVD. Archived files automatically transfer to internal and external distribution networks and are instantly published to the web with no additional steps.

Unlimited bandwidth, unlimited storage, and intelligent routing

Store files redundantly and intelligently route media to avoid network congestion. Our proven streaming solution ensures quality, speed and reliability. Get permanent storage, backups, systems monitoring, and dedicated support.

Unparalleled streaming performance and reliability

Reduce the burden on IT staff by leveraging a world-class hosted infrastructure and an on-site media server, backed by a comprehensive maintenance program.

Conveniently deliver media online and increase transparency

Review and annotate paperless meeting materials on the iPad

Staff and elected members can review agendas and supporting documents, as well as bookmark and take notes on items, through a native iPad application.

Ensure ADA compliance with a closed captioning integration

Easily stream meetings with scrolling closed captions. Also, quickly access and publish a full transcript and even search for any word spoken on video.

Proactively inform citizens with agenda and keyword subscriptions

Allow citizens to subscribe to your agenda or particular keyword searches to get real-time notifications when new content becomes available.

Maximize public access with a searchable integrated public record

Empower citizens to find what they need through a searchable public record on your website. All meeting audio, video, minutes, and agendas are tightly integrated together. Plus, citizens can subscribe to your agenda, or to a particular search, to get real-time notifications when new content is available.

Increase convenience with access any time, from anywhere

Citizens and staff can watch live streaming broadcasts or play archived videos through your website. Viewers can quickly jump to any topic through index points to review only the information that is important to them.

MEETING EFFICIENCY

Bring order and efficiency to the public meeting process

- Streamline meetings. Easily record roll call, motions and votes.
- Save time and ensure accuracy – capture meeting actions directly into the public record.
- Run more productive meetings with touch-screen voting displays for elected members.
- Easily publish minutes and supporting materials into a comprehensive public record.
- Help the audience follow fast-paced meetings with a public display.

The public meeting process is a cornerstone of democracy. Public policy takes shape based on important decisions, information, and government actions. It is critical that those actions and meeting outcomes are accurately recorded and made accessible to the public. However, creating meeting minutes generally require an extensive amount of time and effort.

The Meeting Efficiency Suite is an automated solution that streamlines the public meeting process and modernizes minutes creation. It helps clerk staff save countless hours in their post-meeting workflow and can provide elected officials with a more effective way to participate using touch-screen displays. This suite turns an otherwise lengthy process into a fast and accurate way to run public meetings and generate minutes.

Unlike any other solution, the Meeting Efficiency Suite combines action-style minutes with a digital recording of proceedings and publishes an integrated public record through your website, all while helping you save time and cut costs.

BENEFITS & FUNCTIONALITY

Modernize your minutes. Save time and effort.

Offer a complete, integrated public record and access to vote results.

Publish a searchable, integrated public record to your website that includes meeting video, agenda, minutes, and supporting documents all cross-linked. Help the public quickly discover the actions taken during meetings with VoteLog. Search legislation and retrieve details on a particular item: who motioned, seconded, the action take, vote result and how each member voted.

Finalize minutes quickly and easily—even in Microsoft Word™.

Complete your minutes in less time, from home or on the road. Whether you use the web solution or a more familiar Microsoft Word interface, you always have access to a complete video recording of the meeting to review.

Save time by capturing meeting actions and indexing video live.

Create draft minutes live during the meeting – record roll call, agenda items, speakers, motions, votes, and notes. Record the meeting video and create index points as you activate agenda items – all through a simple interface.

Reduce your minutes workload with meeting preparation tools.

Import agendas before the meeting and pre-load motions and meeting attendees. Integrate with third-party agenda systems or simply upload your existing agenda document from Microsoft Word™.

Add touch-screen and public displays for improved efficiencies and access.

Real-time meeting voting on the iPad*

iLegislate, our “Chief of Staff in an app”, which has brought meeting research, preparation, and collaboration to the fingertips of staff and elected officials, now functions as a real-time meeting voting tool. By integrating iLegislate with our VoteCast application, effortlessly capture votes and speaker requests live from the convenience of an iPad.

Give audiences real-time updates on meeting actions

Display live meeting actions including the current agenda item, vote results, and speakers over large monitors in the meeting chambers or at onsite televisions. Plus, stream the broadcast of the meeting live online at government websites.

Maintain order at meetings with modern touch-screen displays.

Give elected officials an easy-to-use touch-screen display with paperless access to the agenda and supporting materials. Members can cast votes and request to speak electronically. All actions recorded by elected members are captured directly into the public record in real-time, reducing the risk of inaccurately reporting policy actions and outcomes.

Boards and Commissions

Managing the entire citizen appointment process

Moving the board and commission application process online not only cleans up the clutter of paper, it automatically organizes all of the applications and makes them searchable and sortable. Boards & Commissions also provides numerous tools for all the phases of the citizen appointment process.

- 1. Public notice of vacancy**
With the Boards & Commissions application, all vacancies are displayed online. Promote the need to fill the open spot on your website and through social media with buttons and links to apply online.
- 2. Collection of applications**
Use Boards & Commissions to build applications for vacancies. Applicants can apply online to multiple boards at anytime. Customize email templates to notify applicants of process statuses.
- 3. Qualifying & balancing candidates**
While reviewing applications, check off important qualifiers such as residency or their oath of office. Search across all applications, filter by boards applied to, or demographics, such as ward, gender, ethnicity, or political leanings. View insightful graphs, searches, and filtering to quickly identify the best candidates.
- 4. Approving & appointing**
Quickly find candidates, print out packets and send them to the approving body. Import agenda items into our Legislative Management Suite. Appointing members automatically sends out pre-identified packets such as orientation manuals or welcome letters.

FEATURE LIST

Online forms to apply for boards and commissions
Public listing of board rosters, details and vacancies
Custom form builder for citizen applications
Board roster management dashboard & reporting
Embeddable buttons and widgets
Citizen application search and filter tools
Automated confirmation and notification emails with editable templates
Integrates seamlessly with Granicus' Legislative Management toolset

SCORING RESULTS

	<u>GRANICUS</u>	<u>ACCELA</u>
KELLYE MAZZOLI	533	492
ANNA THOMPSON	452	449
SANDRA PLACE	750	700
DOUG MERRIMAN	733	640
DEANNA EMERY	482	450
BRUCE ROBERTS	789	657
GRAND TOTAL	3739	3388

SCORING MATRIX

LOW 1-HIGH 10
LOW 10-HIGH 50

VENDOR NAME _____

EVALUATION MEMBER NAME _____

EVALUATION DATE _____

MANDATORY REQUIREMENTS

Cover sheet	N/A	1	2	3	4	5	6	7	8	9	10
Non Collusion Certificate	N/A	1	2	3	4	5	6	7	8	9	10
Scope of Services Questions and Answers	N/A	1	2	3	4	5	6	7	8	9	10
Pricing Schedule	N/A	1	2	3	4	5	6	7	8	9	10
Maintenance and Support	N/A	1	2	3	4	5	6	7	8	9	10

TECHNICAL CAPABILITY & SOLUTION APPROACH

Agenda management	N/A	10	20	30	40	50
Legislative management	N/A	10	20	30	40	50
Boards and commissions management	N/A	10	20	30	40	50
Security management	N/A	10	20	30	40	50
Storage management	N/A	10	20	30	40	50
Long range expansion and customization	N/A	10	20	30	40	50
Customer service support	N/A	10	20	30	40	50
End user friendly	N/A	10	20	30	40	50
Management user friendly	N/A	10	20	30	40	50
IT user friendly	N/A	10	20	30	40	50

SAMPLE

MANAGERIAL AND STAFF CAPABILITY

Ability, capacity and skill of the vendor to perform the contract or provide the services required	N/A	1	2	3	4	5	6	7	8	9	10
Character, integrity, reputation, judgment, experience and efficiency of the vendor-REFERENCES	N/A	1	2	3	4	5	6	7	8	9	10
Ability to perform contract within the time specified	N/A	1	2	3	4	5	6	7	8	9	10
Quality of performance of previous public and private contracts or services	N/A	1	2	3	4	5	6	7	8	9	10
Experience in government market	N/A	1	2	3	4	5	6	7	8	9	10

COST PROPOSAL-One vendor will receive a 50 for being lower price, the other 40 for second lowest. If vendor did not provide costs, N/A for them.

Software	N/A	40	50
Labor	N/A	40	50
Training	N/A	40	50
Hardware	N/A	40	50
Maintenance and Support	N/A	40	50

TOTAL POINTS POSSIBLE	850
TOTAL POINTS AWARDED	_____



Workshop Item

Calls for Service

Oak Harbor Police Department - Calls for Service June 2014/ June 2015

Edgar J. Green, Chief of Police

Attachments

Attachment A: Calls for Service (for review): June 2014 / June 2015

OAK HARBOR POLICE
 Law Total Incident Report, by Nature of Incident
 June 2015

Nature of Incident -----	Total Incidents -----
911 Hang Up	118
Alarm Commercial	30
Alarm Residence	12
Animal	131
Assault Physical	13
Assist Agency	18
Assist Public	74
Bomb Threat	1
Burglary Attempt	4
Burglary Commercial	1
Burglary Residential	4
Civil	19
Court Detail	3
Court Order Violation	4
Custodial Interference	6
Death Invest Unattended	1
Disorderly Conduct	25
Physical Domestic	33
Verbal Domestic	31
Commercial Fire Alarm	1
Fire Commercial	1
Fireworks Complaint	3
Fraud Bad Check	1
Fraud Forgery	1
Fraud Other	15
Harassment	19
Information Report	10
Juvenile Complaint	10
Juvenile Neglect/Abuse	9
Juvenile Runaway	18
Littering	2
Malicious Mischief	12
Medical Emergency	9
Mental Non Criminal	1
Missing Person	5
Non Injury Accident	27
Unknown Injury Accident	6
Noise Complaint	17
Nuisance Other	1
Patrol Check	2
Lost or Found Property	26
Prowler	4
Sex Indecent Exposure	2
Sex Lewd Conduct	1
Sex Offense Other	2
Soliciting	3
Threatened Suicide	15
Suspicious Person/Circumstance	57

Theft	26
Theft Shoplift	8
Threats	5
General Traffic	27
Traffic Disable	7
TRAFFIC CRIMINAL DWLSR	7
Traffic Hazard	13
TRAFFIC POSSIBLE DUI	20
Trespass Other	26
Unsecure Premise	2
Utility Problem	26
VEHICLE ABANDON	10
Vehicle Impound	5
Prowl Motor Vehicle	7
Vehicle Theft	2
Verbal Dispute	8
Vice Liquor HBD	2
Vice VUCSA	16
Wanted Person	24
Weapon Offense	7
Welfare Check	33

Total Incidents for This Report: 1089

OAK HARBOR POLICE
 Law Total Incident Report, by Nature of Incident
 June 2014

Nature of Incident	Total Incidents
-----	-----
911 Hang Up	140
Alarm Commercial	29
Alarm Residence	13
Animal	118
Assault Physical	19
Assist Agency	25
Assist Public	99
Burglary Attempt	3
Burglary Commercial	1
Burglary Residential	5
Civil	11
Court Order Violation	11
Custodial Interference	8
Death Invest Unattended	3
Disorderly Conduct	18
Physical Domestic	26
Verbal Domestic	21
Fire Commercial	1
Fire Residential	3
Fireworks Complaint	11
Fraud Other	28
Harassment	13
Hazardous Material	1
Information Report	7
Juvenile Complaint	9
Juvenile Neglect/Abuse	8
Juvenile Runaway	10
Littering	3
Malicious Mischief	30
Marine Incident-Non Emergency	2
Medical Emergency	18
Mental Non Criminal	1
Missing Person	8
Non Injury Accident	37
Unknown Injury Accident	11
Noise Complaint	27
Nuisance Other	1
Lost or Found Property	14
Prowler	3
Reminder (office use)	15
Sex Indecent Exposure	2
Sex Offense Other	5
Soliciting	1
Threatened Suicide	6
Suspicious Person/Circumstance	65
Theft	37
Theft Services	2
Theft Shoplift	18

Threats	20
TMVWOP	2
General Traffic	49
TRAFFIC CRIMINAL FAIL TO STOP	1
Traffic Disable	4
TRAFFIC CRIMINAL DWLSR	7
Traffic Hazard	12
TRAFFIC POSSIBLE DUI	15
Trespass Other	17
Unsecure Premise	2
Utility Problem	15
VEHICLE ABANDON	11
Vehicle Impound	2
Prowl Motor Vehicle	8
Vehicle Theft	3
Verbal Dispute	6
Vice Liquor HBD	9
Vice VUCSA	24
Wanted Person	7
Weapon Offense	12
Welfare Check	49

Total Incidents for This Report:	1222
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