City of Oak Harbor

City Council Meeting

For

Tuesday
March 3, 2009

7:00 p.m.

Oak Harbor City Council
7:00 p.m.
Tuesday, March 3, 2009

Welcome to the Oak Harbor City Council Meeting

*As a courtesy to Council and the audience, **PLEASE TURN YOUR CELL PHONES OFF** before the meeting begins. The City Council values your ideas, and sets aside time at the beginning of each meeting, from 6:45 p.m. to 7:00 p.m., to talk with citizens. During the meeting's Public Comments section, Council will listen to your input regarding subjects of concern or interest that are not on the agenda. For scheduled public hearings, please sign your name to the sign up sheet, located in the Council Chambers if you wish to speak. The Council will take all information under advisement, but generally will not take any action during the meeting. To ensure your comments are recorded properly, state your name and address clearly into the microphone. Please limit your comments to three minutes in order that other citizens have sufficient time to speak.*

Thank you for participating in your City Government!

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION **Dave Jenkins – Living Faith Christian Center**

ROLL CALL

MINUTES 1/29/09 – Special Meeting, 2/3/09 – Regular Meeting, 2/24/09 – Special Meeting

NON-ACTION COUNCIL ITEMS:

1. Introduction of New Employees – none this evening.
2. Proclamation – Classified School Employees Week
3. Proclamation – Women's Suffrage Centennial.
4. Proclamation – American Red Cross Month.
5. Proclamation – In Recognition of St. Patrick's Day.
6. Public Comments.

COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS:

7. Consent Agenda:

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a. Excused Absences – Mayor and Council Absences on March 17, 2009 and change of Council meeting date to March 24, 2009.

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b. Excused Absence Extended – Councilmember Eric Gerber.

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c. 2009-2010 Fuel Contract Award

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d. 2009 Surplus List

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e. Reappointment – Community Police Advisory Board, Bonnie LaForest.

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f. Reappointment – Public Transportation Benefit Area Board (Island Transit), Councilmember Jim Palmer.

g. Pay Bills.

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8. Public Hearing – Nightclub Application - Element.

Page 100

9. Public Hearing – Parks, Recreation, and Open Space Plan.

Page 264

10. Resolution – To Support Proposition No. 1 School Program Levy and Proposition No. 2 Math Technologies Levy.

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11. 2009 Conservation Futures Fund Application – Fidalgo Avenue Oak Tree.

Page 274

12. Biennial Budget Amendment – Engineering Department's move to Public Works.

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13. Green Power Challenge.

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14. Engineering Contract – Pioneer Way Improvements.

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15. Affordable Housing – Stage II Application.

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16. Executive Session – Property Acquisitions.

17. City Administrator's Comments.
18. Councilmembers' Comments.
    - Standing Committee Reports
19. Mayor's Comments.

ADJOURN

If you have a disability and are in need of assistance, please contact the City Clerk at (360)279-4539 at least two days before the meeting.

"To improve the golden moment of opportunity and catch the good that is within our reach, is the great art of life."
- Samuel Johnson

Oak Harbor City Council
Special Meeting
January 29, 2009
City Council Chambers

IN ATTENDANCE

Mayor Jim Slowik
Six members of the City Council,
Rick Almberg
James M. Campbell
Beth Munns
Danny Paggao
Jim Palmer
Bob Severns

Paul Schmidt, City Administrator
Margery Hite, City Attorney
Doug Merriman, Finance Director
Cathy Rosen, Public Works Director
Mike McIntyre, Senior Services Director
Mack Funk, Harbormaster
Renee Recker, Executive Assistant

Mayor Slowik called the meeting to order at 6:00 p.m.

Audience members and staff joined the Mayor and City Council in the Pledge of Allegiance.

City Administrator Schmidt reviewed the purpose of the meeting and the agenda items.

- **Discussion regarding retaining City Council Standing Committee Format**

City Administrator Schmidt introduced this item, noting the current format has been in place for a year and the intent of this discussion is to determine whether the Council wishes to continue with the same type of format. He added the goal of the standing committee is to provide an opportunity for direct time for the committee members to exchange information with staff on upcoming Council agenda bills. He discussed options to the current format such as meeting prior to the Council meeting to review the agenda packet. The current Standing Committee Format is attached as Exhibit A.

Council discussion followed regarding the current format. Councilmember Campbell noted in the past, Council held workshops if needed one hour prior to the regular meeting.

Mr. Schmidt noted the provision contained in the Oak Harbor Municipal Code for a 15 minute workshop before every regular meeting for the purpose of affording Council an opportunity to ask questions of administration (OHMC 1.04.010(4). He added this 15 minute window is available for the public to ask questions as well.

Councilmember Paggao stated he is in favor of keeping the current format. He asked if staff has found the extra work associated with the committees cumbersome.

Mr. Schmidt replied that staff was aware of the intent of the committees and are appreciative of the opportunity to provide thorough information to Council and engage in dialogue regarding the agenda items prior to the Council meeting. He noted staff uses the same information for the committee reports and agenda bills. He added while the committee meeting requires more preparation and time, it is felt the benefits outweigh the additional work.

Councilmember Almberg stated he is happy with the current format and complimented staff for their excellent work.

Councilmember Severns agreed with Mr. Almberg and expressed his satisfaction with the current format.

Councilmember Munns added she enjoys the current format and the exchange of project information with staff. She added is a great opportunity to get to know staff and their particular expertise.

General discussion followed regarding the importance of putting the committee agendas on the City website and ensuring that members of the public realize these are public meetings and their attendance is welcome.

It was agreed upon consensus to retain the current standing committee format.

- **Discuss Possible Reassignments to City Council Standing Committees**

City Administrator Schmidt noted when the Committees were first established, the Mayor had suggested initial assignments for each Committee to get the meetings started. He added it is the Council's prerogative to set membership and asked Council if they wanted the assignments to change.

Mayor Slowik added the Council may change the Chairman of the Committees as well if they so chose.

Councilmember Munns noted Council members are elected for a four year term and it may be a good idea that Committee terms are two years to enable the member to have a good understanding of their particular area and see projects through to completion. She suggested the Committee rotation be two years.

Councilmember Severns noted he was not elected to a full four year term as he was elected to fill a term vacated by a previous Councilmember prior to term completion. He agreed with Councilmember Munns on the two year rotation. He added he does have an interest on being on the Finance Committee in the future.

Council members Almberg, Campbell and Paggao agreed with the two year rotation

Mayor Slowik summarized the discussion by saying the Council members all agreed to keep their current assignments with a two year rotation.

- **Discuss Earlier Start Time for Regular Council Meetings**

City Administrator Schmidt referred to Oak Harbor Municipal Code Chapter 1.04 (attached as Exhibit B), which, in part, sets the time and place of Council meetings. He added it is up to the Council if they would like to set a different time. He noted a 6:00 p.m. start time would give Council more time should the agenda be heavy. He also noted the importance of public participation and convenience of meeting time for the public.

Mayor Slowik discussed concerns regarding staff remaining at work until 7:00 p.m. to wait for the meeting, noting many of them live out of town and there is not enough time for them to go home for dinner and come back for the meeting.

Councilmember Campbell advised he would prefer to keep the meeting time at 7:00 p.m., but would go with what everyone else decides.

Councilmember Paggao stated he would prefer to keep the current meeting time of 7:00 p.m. as he felt 6:00 p.m. would be too early for the public.

Councilmember Palmer stated he personally would not have a problem with changing the start time to 6:00 p.m., but is concerned it may be early for the public. He suggested the current start time remain.

Councilmember Almberg stated he would be agreeable to either start time. He suggested the Council discuss an ending time as well.

Councilmember Severns stated he is agreeable to either start time, but prefers 6:00 p.m. He suggested this topic be placed on a future agenda for additional public comment.

Councilmember Munns stated she would prefer 6:00 p.m., but does not want to short the public. She suggested the City have a blog page to obtain public comment, and agreed with the idea of having this item on a future agenda.

Mayor Slowik suggested the possibility of putting a survey in the upcoming utility bill mailing. He asked staff their opinion and the general consensus was 6:00 p.m.

City Administrator Schmidt noted the survey will take some time and this matter will be reviewed and placed on a future agenda for follow-up discussion.

Discussion followed regarding setting a stop time. Suggestions included tightening up the length of time members of the public are allowed to speak. [The current limit is three minutes, but in many instances that limit is not enforced]. It was also suggested that light issues be placed at the end of the agenda. No ending time was set.

- **Discuss the Purchase of Laptop Computers for City Council Members**

City Administrator Schmidt advised this agenda item discussion is for the reaffirmation of Council that they would like to have a laptop computer for their use on City business.

He added funding for the purchase of 8 laptops is included in the 2009 budget.

Councilmember Munns stated it is great to have a City email address but she has a difficult time utilizing it on her personal computer. She is unable to forward messages and is not able to use the email program as it was intended. She added she would like a City laptop to address the problems she has encountered using her personal computer.

Councilmember Severns discussed the importance of keeping personal business separate from City business and stated he would like a City laptop.

Councilmember Almberg also discussed the importance of keeping personal and business information separate. He noted he does not want to involve his personal computer in City business as the City computer is subject to public disclosure at any time. He added the upfront costs appear expensive but in the long run the City will be able to save money in copying costs as more information will be distributed electronically.

Councilmember Palmer agreed he does not like to mix City business with personal on his computer and stated he would like a City laptop.

Councilmember Paggao stated he would like a City laptop and encouraged staff to distribute information electronically once everything is up and running.

Councilmember Campbell advised he is willing to use his personal laptop for City business as long as the proper software is installed.

General discussion followed regarding costs associated with the laptops such as maintenance and software updates, internet use and electronic packets.

City Administrator Schmidt advised associated costs have been provided for in the budget.

- **Receive Presentation from City Attorney Margery Hite Regarding Legal Role as an Elected Official**

City Attorney Hite stated the purpose of her presentation is to apprise Council members and the Mayor of the legal parameters in which they act as elected representatives of the City. She added topics of discussion will include the relationship with legal counsel, rules of special interest to City Council members and the Mayor, and Legislative vs. Quasi-judicial proceedings. Ms. Hite gave a power point presentation attached as Exhibit C.

During her presentation, Ms. Hite reviewed the duties of the City Attorney, attorney-client privilege, open public meetings, executive sessions, criminal provisions, ethical violations and conflicts of interest as they relate to the City Council and Mayor, official misconduct, remote interests, appearance of fairness and *ex parte* contacts.

Ms. Hite presented a series of hypothetical scenarios for Council's review and discussion, which are attached as Exhibit D.

Each scenario invoked an interesting exchange of comments and information, based upon earlier discussion topics. Additional topics discussed included adult entertainment ordinances, attendance at executive sessions and the hearing examiner process.

The Mayor and Council thanked Ms. Hite for her informative and thought-provoking presentation.

The meeting adjourned at 8:10 p.m.

_____
Karen Crouch, Deputy City Clerk

Due to the size and number of attachments referenced in these minutes, they have not been reproduced in the packet. They are available for review in the City Clerks office.

Exhibit H

City Council Standing Committee Assignments

Finance

Jim Palmer – Chairman, Jim Campbell, Beth Munns

Budget Process
Expenditure Review
Investment Oversight
Revenue Enhancement
Strategic Planning
City Insurance
Human Resources
Risk Management
Records Management
2% Lodging Tax Committee
Finance/Investment Committee
Travel Policy

Governmental Services

Jim Campbell – Chairman, Rick Almberg, Bob Severns (Interim)

Planning
Building
Engineering
Economic Development
Senior Center
Marina
Website/Network
Historic Areas Committee
Municipal Pier

Public Safety

Bob Sevens – Interim Chairman, Jim Palmer, Danny Paggao

Police/Animal Control
Fire/Emergency Planning
Prosecutor
Municipal Court
I-COM
Youth Services
Animal Shelter Committee
Youth Program and Activities Committee

Public Works and Utilities

Danny Paggao – Chairman, Rick Almberg, Beth Munns

Streets/ROW
Storm Drain
Solid Waste Committee (City)
Wastewater Committee
Water
Park Maintenance
Sidewalk Committee
Facilities – Equipment Rental
Environmental Task Force
Island County Solid Waste
Garry Oak Committee
OSS Committee

*Councilmember Gerber was initially the Chair of the Public Safety Standing Committee and a member of the Governmental Services Standing Committee. As Councilmember Gerber will be absent October 2008 through April 2009 due to military commitment, the following changes occurred in October 2008:

- Councilmember Severns has been named Chair of the Public Safety Standing Committee
- Councilmember Severns has been appointed to the Governmental Services Standing Committee
- Councilmember Paggao has been appointed to the Public Safety Standing Committee

Exhibit B

Chapter 1.04
COUNCIL MEETINGS

Sections:

1.04.010 **Time and place of council meetings.**
1.04.020 **Public notice for council agenda – Introduction of action.**
1.04.030 **Sale or exchange of real property.**

1.04.010 Time and place of council meetings.

(1) The council of the city of Oak Harbor shall meet on the first Tuesday of each month. There shall be a second regular council meeting each month, except in the months of July and August, on the second Tuesday following the first monthly council meeting.

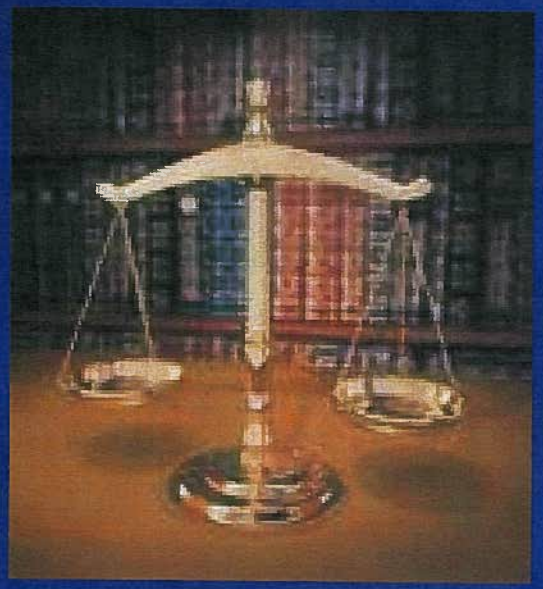
(2) If the date of any of the council meetings above scheduled falls on an official holiday, as set forth in the statutes of the state of Washington, or on a day on which a general election or on a day of a primary for a general election is to be conducted or on National Night Out, the council meeting shall be held at the same time on the following day.

(3) Regular meetings will be held at City Hall in the city of Oak Harbor and shall start at 7:00 p.m.

(4) Before each regularly scheduled council meeting, there shall be a regularly scheduled workshop starting at 6:45 p.m., and lasting until the regular meeting starts. No motion may be made or passed during such workshop and the time shall be primarily used for the council to ask questions of administration, to receive short reports on projects and to discuss agenda items other than quasi-judicial items such as preliminary plat approval, rezones and PRD overlay zonings. (Ord. 1407 § 1, 2005; Ord. 1308 § 1, 2002; Ord. 1070 § 1, 1996; Ord. 351 § 2, 1973).

Exhibit C

OAK HARBOR CITY COUNCIL LEGAL WORKSHOP



By Margery Hite

January 29, 2009

Purpose of the Workshop

To appraise city council members and mayor of the legal parameters in which they act as elected representatives of the city of Oak Harbor.

Legal Workshop Topics

- Relationship with legal counsel
- Rules of special interest to city council members and the mayor
- Legislative vs. Quasi-judicial proceedings

City Attorney Relationship to Council Members

Duties of the city attorney:

The mayor may appoint for the city of Oak Harbor an attorney whose duty shall be to draft and prepare all ordinances, orders, resolutions, contracts, agreements, forms, pleadings and other papers and documents as the mayor or council of the city may direct or require him to make or may be necessary, and to appear and defend the city of Oak Harbor in all actions of law or in equity or otherwise wherein the city may be interested or be a party and appear for the city in municipal court on all charges brought in the name of the city ...

OHMC 2.06.010

The city attorney has an attorney-client relationship with the city; and with its representatives to the extent that they are acting in the capacity of representatives of the city.

There is no personal or individual attorney-client relationship between the city attorney and any representative of the city.

HYPOTHETICAL #1

Council member has consulted directly with the city attorney on legal issues facing the city. Subsequently, the council member has a dispute with the city. The council member argues that the city attorney has acted as his lawyer and cannot act against his interests.

- Is the city attorney precluded from representing the city in the case against the council member?

Attorney-Client Privilege

- Applies to communications between the attorney and the client.
- Individuals may seek legal advice from the city attorney and those communications are attorney-client confidences.
- The privilege is not held by the individual but by the city.
- Individual council members may seek legal advice from the city attorney on matters pertaining to their offices but the advice is shared with the entire council and mayor.

HYPOTHETICAL #2

A council member discusses a legal question with the city attorney on his or her own. Later, the city attorney is asked what was asked and what the advice was.

- Is the council member's discussion with the city attorney subject to the attorney-client privilege?
- Can the city attorney say what was discussed without the permission of the council member?
- Does it matter who asks the city attorney the question?

Open Public Meetings

- If a question concerning the law or legal advice is asked by a council member or the mayor in an open public meeting such as a council meeting, the advice of the city attorney given in the meeting is not confidential.
- If the question asked involves a matter of liability and potential litigation against the city, the city attorney may suggest that the advice be sought in executive session.
- If the council decides to act against its attorney's advice, this may create liability for the city and, possibly, for the council members individually.

Discussion Question

Under what circumstances might the council wish to obtain confidential legal advice? Are all legal questions answerable with a “yes” or a “no”?

HYPOTHETICAL #3

Applicant for development permit has met all the requirements and Development Services recommends to city council that the permit be issued. The council holds a hearing and the public convinces them that the permit is a bad idea. The council then asks the city attorney whether they can legally deny the permit and the city attorney says "no".

- Can the council deny the permit?
- What are the possible consequences?

HYPOTHETICAL #4

After public testimony that traffic was too heavy at a location, the city council votes "no" on a grading permit for the developer who was building at the location. The city attorney advised the council that they had no basis for denying the permit. On motion to deny the permit, a council member stated:

"You know, I guess I would add that, you know, with all due respect, I think we owe an obligation to the other members of the community who have serious concerns about the traffic problems up in that area ... I guess too my feeling is, and I think this is a great motion. We have the opportunity to put a stop to this and let's just see what happens. Let's see how confident they are. If they bring a suit, we can always turn around and issue the permit, that's an option still available to us."

- What will happen if the council votes to deny the permit?

Executive Sessions

Under the Open Public Meetings Act, the council may go into executive session to receive legal advice under certain specified circumstances:

> "To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency."

- The privilege is held by the city which means that individual council members, the mayor and other city agents do not have the authority to waive the privilege.
- Waiving the privilege involves revealing the confidential communications to others outside city government.
- Council as a whole may waive the privilege but an individual council member does not have the authority to waive the privilege.
- Intentionally doing so without council approval may constitute a violation of law.
- The nature of the matter to be discussed must meet the requirements of an executive session.

HYPOTHETICAL #5

City attorney gives legal advice in an executive session. Outside of the executive session, a council member says "The city attorney told us that this isn't legal".

- Is this a waiver?
- Was it authorized?

HYPOTHETICAL #6

City council discusses whether or not to join suit challenging constitutionality of I-695 in executive session. City manager and city attorney are present with the council for the discussion.

- Is presence of the city manager outside the scope of exemption?
- Is this a proper use of exemption, which is "to discuss litigation or potential litigation ... when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence"?

Rules of Special Interest to City Council and the Mayor

- Criminal provisions
- Ethical violations
- Conflicts of interest

Criminal Provisions

Areas of greatest concern involve financial gain for the public official since those are the most likely to lead to prosecution.

- Bribery – RCW 9A.68.010
- Receiving and granting unlawful compensation – RCW 9A.68.030
- Trading in public office – RCW 9A.68.040

Official Misconduct

- Official misconduct is a gross misdemeanor even if no money changes hands.
- Official misconduct is defined in RCW 9A.80.010 as follows:

"A public servant is guilty of official misconduct if, with intent to obtain a benefit or to deprive another person of a lawful right or privilege (a) he intentionally commits an unauthorized act; or (b) he intentionally refrains from performing a duty imposed by law."

HYPOTHETICAL #7

The secretary of state of the state of Illinois refuses to certify the selection of Roland Burris as U.S. senator to replace President Obama because the governor who made the selection has been arrested for attempting to "sell" the senate seat.

- Would the secretary's refusal to certify the senator be a criminal violation under Washington law?

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Ethical Violations

- Not necessarily criminal in nature.
- Involve violation of ethical rules for the public official involved.
- May result in voiding any contract in violation, personal fines imposed on the public official guilty of a violation and even forfeiture of office.
- Municipal officer ethical rules are set out in Ch. 42.23 RCW.

Ch. 42.23 RCW

- Ch. 42.23 RCW deals with conflicts of interest in contracts and prohibited acts.
- Expressly prohibited acts include receiving or granting compensation, gifts, etc., for a matter connected with the officer's official duties; putting oneself in a position where confidential information obtained in an official role might be disclosed or used in one's occupation; or disclosing such confidential information for personal gain.

RCW 42.23.070(1)

RCW 42.23.070(1) expressly precludes giving special treatment to anyone:

"No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself or others."

HYPOTHETICAL #8

A very kind and well-regarded person in the community has applied for a special event permit but has not met the ordinance requirements for timely submission. Also, a very unpleasant person has made the same mistake.

- Can the city council waive the requirements for applying on time?
- If so, how could this be done in a lawful manner?
- If not, why not?

Conflicts of Interest

There is a broad prohibition against any municipal officer having a "beneficial interest" in any contract made by, through or under the supervision of the officer. This means that such a contract may not be entered, regardless of whether the officer recuses himself.

HYPOTHETICAL #9

A city council member owns a gravel company that sells gravel to contractors. Some of those contractors do business with the city. A construction contract for a major project before the city council (for approval) will utilize gravel.

- Can the council member's business supply the gravel?
- What can the city council member do?
  (See *City of Raymond v. Runyon* (1998))

Exceptions/Exemptions

There are 12 exceptions for specific circumstances.

One exception/exemption occurs where the total amount received under the contract by the municipal officer does not exceed $1,500 in any calendar month.

RCW 42.23.030(6)(a).

If an exception applies:

"A municipal officer may not vote in the authorization, approval, or ratification of a contract in which he or she is beneficially interested even though one of the exemptions allowing the awarding of such a contract applies. The interest of the municipal officer must be disclosed to the governing body of the municipality and noted in the official minutes or similar records of the municipality before the formation of the contract."

HYPOTHETICAL #10

The same circumstances apply as in Hypothetical #9, but the amount that will be paid for the gravel is less than $1,500 in any month.

- May the council member vote on the contract?
- Is that sufficient to allow the city to enter into the contract?
- Why or why not?

Remote Interests

Remote interests are:

- those of a non-salaried officer of a non-profit corporation
- that of an employee of a contracting party whose compensation is fixed salary or wages
- a landlord or tenant of a contracting party
- a holder of less than 1% of the shares of a contracting party

Remote interests do not count as contract interests if the extent of the interest is disclosed to the governing body, noted in the minutes and the vote of the one with a remote interest is not counted toward the vote approving the contract.

However, if the municipal officer influences or attempts to influence any other municipal officer concerning the contract, all bets are off.

HYPOTHETICAL #11

There is a contract before the city council for approval with a dance company to provide dancing classes in the city's youth program. A council member is the landlord of the dance company.

- What should the council member do when the council reaches the contract with the dance company on the agenda?

Legislative vs. Quasi-judicial Proceedings

- Legislative matters are ones in which the council sets policy. Policies may be said to be principles that will apply to activities within the city's jurisdiction.
- Quasi-judicial decisions are ones that apply policy to specific individuals in specific cases.

HYPOTHETICAL #12

A council member is also a real estate agent. The council member campaigned vigorously against a building moratorium that the council has imposed, saying that he could not make any money with the moratorium in place.

- May the council member vote on the building moratorium?

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Quasi-judicial Hearings

When the council is acting in a legislative capacity, it has broad discretion to set policy (within the limits of the state and federal constitutions and laws).

When council is acting in a quasi-judicial capacity, it is constrained to follow the policy and laws that have been adopted and to apply the city's rules in a consistent and impartial fashion.

Quasi-judicial decision-making is also bound by two important legal principles:

- Appearance of Fairness
- Prohibition on *ex parte* contacts

Appearance of Fairness

- Appearance of fairness applies to quasi-judicial proceedings and not to legislative actions.
- Council members must not only be fair but appear to be fair so they are asked prior to sitting in judgment whether they have apparent interests in the matter to be decided.
- After disclosing any potential interest in the case, the public or applicant may challenge a council member.
- The decision whether the council member can be fair or whether there is a valid concern about the appearance of fairness by that council member is made first by the council member but may be reversed by the council as a whole.

HYPOTHETICAL #13

A council member has run for office, broadly campaigning on a family values platform. In the course of the campaign, the council member has stated that she will never allow adult entertainment in the city. After the election, a new business owner has applied for a license under the city's adult entertainment ordinance. The council determines whether to issue the license.

- Is there an appearance of fairness problem?

HYPOTHETICAL #14

A rezone is a decision of the city council. The rezone application includes property owned by a council member.

- What should the council member do?
- Does it matter how much property is being rezoned?

Ex parte Contacts

- *Ex parte* contacts are communications that occur outside of the proceedings.
- *Ex parte* communications do not disqualify a council member necessarily, unless the council member feels he/she has been influenced by them.
- *Ex parte* communications must be disclosed at the outset of any proceedings to give the other party the opportunity to respond and/or rebut them.

HYPOTHETICAL #15

Late one night before a hearing on a permit, a council member gets a call from a friend. The friend lives next to the proposed development and has been observing the developer on the site with an engineer. The friend has overheard conversations between the developer and the engineering saying "We'll put in a storm water detention pond but we won't have to maintain it."

The friend is concerned about flooding and is afraid storm water from the new development will spill over into his property. However, he doesn't want to alienate the developer and asks the council member to keep their conversation confidential.

- What should the council member do at the hearing on the permit application?

Questions
and
Answers

Exhibit D

OAK HARBOR CITY COUNCIL
LEGAL WORKSHOP

January 29, 2009
Oak Harbor City Council
Open Public Meeting

I. Purpose of the workshop: To apprise city council members and mayor of the legal parameters in which they act as elected representatives of the city of Oak Harbor.

Topics:

A. Relationship with legal counsel.
B. Rules of special interest to city council members and the mayor.
C. Legislative vs. Quasi-judicial proceedings.

II. Relationship with legal counsel.

A. **City Attorney:** Having a city attorney is a requirement for mayor-council code cities. Provision shall be made for obtaining legal counsel for the city, either by appointment of a city attorney on a full-time or part-time basis, or by any reasonable contractual arrangement for such professional services.[1]

The duties of the city attorney are established by ordinance:

> *The mayor may appoint for the city of Oak Harbor an attorney whose duty shall be to draft and prepare all ordinances, orders, resolutions, contracts, agreements, forms, pleadings and other papers and documents as the mayor or council of the city may direct or require him to make or may be necessary, and to appear and defend the city of Oak Harbor in all actions of law or in equity or otherwise wherein the city may be interested or be a party and appear for the city in municipal court on all charges brought in the name of the city...*

OHMC 2.06.010.

Under the Oak Harbor Municipal Code, the city attorney has an attorney-client relationship with the city; and with its representatives to the extent that they are acting in the capacity of representatives of the city. *There is no personal or individual attorney-client relationship between the city attorney and any representative of the city.*

[1] RCW 35A.12.020.

HYPOTHETICAL #1

Council member has consulted directly with the city attorney on legal issues facing the city. Subsequently, the council member has a dispute with the city. The council member argues that the city attorney has acted as his lawyer and cannot act against his interests. Is the city attorney precluded from representing the city in the case against the council member?

B. **Attorney-Client Privilege:** The attorney-client privilege applies to communications between the attorney and the client. Since the city only acts through its agents and representatives, individuals may seek legal advice from the city attorney and those communications are attorney-client confidences. However, *the privilege is not held by the individual but by the city.* That means that the confidences may not be restricted to the individuals involved – they may be shared with the city elected and administrative officials, in their capacity as agents of the city. For this reason, for example, individual council members may seek legal advice from the city attorney on matters pertaining to their offices but the advice is shared with the entire council and mayor.

HYPOTHETICAL #2

A council member discusses a legal question with the city attorney on his or her own. Later, the city attorney is asked what was asked and what the advice was. Is the council member's discussion with the city attorney subject to the attorney-client privilege? Can the city attorney say what was discussed without the permission of the council member? Does it matter who asks the city attorney the question?

C. **Open Public Meetings:** If a question concerning the law or legal advice is asked by a council member or the mayor in an open public meeting such as a council meeting, the advice of the city attorney given in that meeting is not confidential. If the question involves a matter of liability and potential litigation against the city, the city attorney may suggest that the advice be sought in executive session. However, the city council may still elect to have the advice given publicly. However, if the council decides to act against its attorney's advice, this may create liability for the city and, possibly, for the council members individually.

DISCUSSION QUESTION

Under what circumstances might the council wish to obtain confidential legal advice? Are all legal questions answerable with a "yes" or a "no"?

HYPOTHETICAL #3

Applicant for development permit has met all the requirements and Development Services recommends to city council that the permit be issued. The council holds a hearing and the public convinces them that the permit is a bad idea. The council then asks the city attorney whether they can legally deny the permit and the city attorney says "no". Can the council deny the permit? What are the possible consequences?

HYPOTHETICAL #4

After public testimony that traffic was too heavy at a location, the city council votes no on a grading permit for the developer who was building at the location. The city attorney advised the council that they had no basis for denying the permit. On motion to deny the permit, a council member stated:

"You know, I guess I would add that, you know, with all due respect, I think we owe an obligation to the other members of the community who have serious concerns about the traffic problems up in that area... I guess too my feeling is, and I think this is a great motion. We have the opportunity to put a stop to this and let's just see what happens. Let's see how confident they are. If they bring a suit, we can always turn around and issue the permit, that's an option still available to us." What will happen if the council votes to deny the permit?

D. **Executive sessions:** Under the Open Public Meetings Act, the council may go into executive session to receive legal advice under certain specified circumstances:

To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency.[2]

The fact that the privilege is held by the city also means that *individual council members, the mayor and other city agents do not have the authority to waive the privilege*. Waiving the privilege involves revealing the confidential communication to others outside city government. The council as a whole may waive the privilege but an individual council member does not have the authority to waive the privilege. Intentionally doing so without council approval may constitute a violation of law.

HYPOTHETICAL #5

City attorney gives legal advice in an executive session. Outside of the executive session, a council member says "The city attorney told us that this isn't legal". Is this a waiver? Was it authorized?

[2] RCW 42.30.110(1)(i).

However, just because an attorney is present for the meeting does not mean that it qualifies for an executive session – the nature of the matter to be discussed must meet the requirements of an executive session.

HYPOTHETICAL #6

City council discusses whether or not to join suit challenging constitutionality of I-695 in executive session. City manager and city attorney are present with the council for the discussion. Is presence of the city manager outside the scope of exemption? Is this a proper use of exemption, which is "to discuss litigation or potential litigation ...when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence"?

III. Rules of special interest to city council members and the mayor: There are three main types of rules which may be of concern to elected representatives of city government: criminal offenses; ethical violations; and conflicts of interest.

A. Criminal provisions. There are some criminal statutes that apply specifically to public officials. The areas of greatest concern involve financial gain for the public official since those are the most likely to lead to prosecution. These include bribery (RCW 9A.68.010), receiving or granting unlawful compensation (RCW 9A.68.030), and trading in public office (RCW 9A.68.040). However, it is important to bear in mind that the assumption of a public trust carries with it the requirement to fulfill that trust in accordance with legal requirements. For that reason, the crime of *official misconduct* is a gross misdemeanor, even if no money changes hands. It is defined as:

A public servant is guilty of official misconduct if, with intent to obtain a benefit or to deprive another person of a lawful right or privilege:

(a) He intentionally commits an unauthorized act; or

(b) He intentionally refrains from performing a duty imposed by law. [3]

Note that the statute does not require that the public official derive a financial benefit but the action or failure to act must be intentional.

[3] RCW 9A.80.010.

HYPOTHETICAL #7

The secretary of state of the state of Illinois refuses to certify the selection of Roland Burris as U.S. senator to replace President Obama because the governor who made the selection has been arrested for attempting to "sell" the senate seat. Would the secretary's refusal to certify the senator be a criminal violation under Washington law?

B. **Ethical violations.** Ethical violations are not necessarily criminal in nature. They involve violation of the ethical rules for the public official involved. Violation of ethical rules may result in voiding any contract in violation, personal fines imposed on the public official guilty of a violation, and even forfeiture of office.[4]

State ethical rules for municipal officers are set out in Ch. 42.23 RCW. The first part of this chapter deals with conflicts of interests in contracts. The second half deals with prohibited acts. Expressly prohibited acts include receiving or granting compensation, gifts, etc. for a matter connected with the officer's official duties; putting oneself in a position where confidential information obtained in an official role might be disclosed or used in one's occupation; or disclosing such confidential information for personal gain. RCW 42.23.070(1) also expressly precludes giving special treatment to anyone:

No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself or others.

This provision does not require that the municipal officer benefit him or herself in any way – it is a violation to secure "special privileges or exemptions" for another.[5] The Washington State Supreme Court holds that this states a public policy against a firing based on resisting the violation.[6]

HYPOTHETICAL #8

A very kind and well-regarded person in the community has applied for a special event permit but has not met the ordinance requirements for timely submission. Also, a very unpleasant person has made the same mistake. Can the city council waive the requirements for applying on time? If so, how could this be done in a lawful manner? If not, why not?

C. **Conflicts of interest:** There is a broad prohibition against any municipal officer having a "beneficial interest" in any contract made by, through or under the supervision of the officer. This means that such a contract may not be entered, regardless of whether the officer recuses himself.

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[4] RCW 42.23.050.

[5] RCW 42.23.050 imposes a fine of $500 "in addition to such other civil or criminal penalty" as may otherwise be imposed by law for any violation of Ch. 42.23 RCW.

[6] *Hubbard v. Spokane County,* 146 Wn.2d 699, 50 P.3d 602 (2002).

HYPOTHETICAL #9

A city council member owns a gravel company that sells gravel to contractors. Some of those contractors do business with the city. A construction contract for a major project before the city council (for approval) will utilize gravel. Can the council member's business supply the gravel? What can the city council member do? (See *City of Raymond v. Runyon* (1998))

1. **Exceptions/Exemptions:** There are twelve exceptions for specific circumstances. One of those exceptions/exemptions occurs where the total amount received under the contract by the municipal officer does not exceed one thousand five hundred dollars in any calendar month. RCW 42.23.030(6)(a). If an exception applies:

   "A municipal officer may not vote in the authorization, approval, or ratification of a contract in which he or she is beneficially interested even though one of the exemptions allowing the awarding of such a contract applies. The interest of the municipal officer must be disclosed to the governing body of the municipality and noted in the official minutes or similar records of the municipality before the formation of the contract."

HYPOTHETICAL #10

If the same circumstances apply as in Hypothetical #9 but the amount that will be paid for the gravel is less than $1500 in any month, may the council member vote on the contract? Is that sufficient to allow the city to enter into the contract? Why or why not?

2. **Remote interests:** *Remote interests* do not count as contract interests if the extent of the interest is disclosed to the governing body, noted in the minutes and the vote of the one with a remote interest is not counted toward the vote approving the contract. Remote interests are: those of a non-salaried officer of a nonprofit corporation; that of an employee of a contracting party whose compensation is fixed salary or wages; a landlord or tenant of a contracting party; a holder of less than one percent of the shares of a contracting party.[7] However, if the municipal officer influences or attempts to influence any other municipal officer concerning the contract, all bets are off.

[7] RCW 42.23.040.

HYPOTHETICAL #11

There is a contract before the city council for approval with a dance company to provide dancing classes in the city's youth program. A council member is the landlord of the dance company. What should the council member do when the council reaches the contract with the dance company on the agenda?

IV. Legislative vs. Quasi-judicial Proceedings.

A. Identifying type of proceeding: Legislative matters are ones in which the council sets policy. Policy may be said to be principles that will apply to activities within the city's jurisdiction. Some examples of legislative actions are ordinance and resolution adoptions and adoption of a comprehensive plan.

Quasi-judicial decisions are ones that apply policy to specific individuals in specific cases. For example, the issuance of a building permit is a quasi-judicial decision since it applies directly to a specific application. The council may determine the conditions that are required for all building permits by legislative action, but when it decides whether those conditions have been met in a specific case, it is acting in a quasi-judicial capacity (like a judge).

HYPOTHETICAL #12

A council member is also a real estate agent. The council member campaigned vigorously against a building moratorium that the council has imposed, saying that he could not make any money with the moratorium in place. May the council member vote on the building moratorium?

B. Quasi-judicial hearings: When the council is acting in a legislative capacity, it has broad discretion to set policy (within the limits of the state and federal constitutions and laws). When the council is acting in a quasi-judicial capacity, it is constrained to follow the policy and laws that have been adopted and to apply the City's rules in a consistent and impartial fashion.

Quasi-judicial decision-making is also bound by two important legal principles: the appearance of fairness; and the prohibition on *ex parte* contacts.

1. **Appearance of fairness**. Appearance of fairness applies to quasi-judicial proceedings and not to legislative actions. Council members must not only be fair but appear to be fair so they are asked prior to sitting in judgment whether they have apparent interests in the matter to be decided. The city has adopted seven questions, based on the appearance of fairness rules for land use proceedings, but these are used in all quasi-judicial cases. After disclosing any potential interest in the case, the public or

applicant may challenge a council member. The decision whether the council member can be fair or whether there is a valid concern about the appearance of fairness by that council member is made first by the council member but may be reversed by the council as a whole.

HYPOTHETICAL #13

A council member has run for office, broadly campaigning on a family values platform. In the course of the campaign, the council member has stated that she will never allow adult entertainment in the city. After the election, a new business owner has applied for a license under the city's adult entertainment ordinance. The council determines whether to issue the license. Is there an appearance of fairness problem?

HYPOTHETICAL #14

A rezone is a decision of the city council. The rezone application includes property owned by a council member. What should the council member do? Does it matter how much property is being rezoned?

2. ***Ex parte* contacts.** *Ex parte* contacts are communications that occur outside of the proceedings. It is difficult for a council member to avoid all *ex parte* communications, since he or she may not know that is the reason for a particular constituent contact. For this reason, *ex parte* communications do not disqualify a council member necessarily, unless the council member feels he or she has been influenced by them. They must be disclosed at the outset of any proceedings, to give the other party the opportunity to respond and/or rebut them.

HYPOTHETICAL #15

Late one night before a hearing on a permit, a council member gets a call from a friend. The friend lives next to the proposed development and has been observing the developer on the site with an engineer. The friend has overheard conversations between the developer and the engineer saying "We'll put in a storm water detention pond but we won't have to maintain it." The friend is concerned about flooding and is afraid storm water from the new development will spill over into his property. However, he doesn't want to alienate the developer and asks the council member to keep their conversation confidential. What should the council member do at the hearing on the permit application?

Regular City Council Meeting
Tuesday, February 3, 2009, 7:00 p.m.

CALL TO ORDER Mayor Slowik called the meeting to order at 7:00 p.m.

INVOCATION Pastor Randy Beumer, Oak Harbor Christian Reformed Church

ROLL CALL

Mayor Jim Slowik
Five members of the Council,
James M. Campbell
Beth Munns
Danny Paggao, Mayor Pro Tem
Jim Palmer
Bob Severns

Paul Schmidt, City Administrator
Margery Hite, City Attorney
Doug Merriman, Finance Director
Cathy Rosen, Public Works Director
Eric Johnston, City Engineer
Rick Wallace, Chief of Police
Mike McIntyre, Senior Services Director
Renée Recker, Executive Assistant to the Mayor

Council Members Rick Almberg and Eric Gerber were formally excused and absent from this meeting.

MINUTES

MOTION: **COUNCILMEMBER PALMER MOVED TO APPROVE THE MINUTES OF THE 1/20/09 REGULAR MEETING, THE MOTION WAS SECONDED BY COUNCILMEMBER CAMPBELL AND CARRIED UNANIMOUSLY.**

NON-ACTION COUNCIL ITEMS

Recognition of Danny Paggao – 15 Years of Service

Mayor Pro Tem Danny Paggao was recognized for fifteen years of service as a City Council Member. Al Koetje, Richard Davis, Paul Brewer, Nora O'Connell-Balda, Bob Morrison, Rosemary Morrison, and Mr. Paggao's family were all in attendance (as a surprise) to honor his commitment to the City.

Former Mayor, Al Koetje

Mr. Koetje talked about Mr. Paggao's dedication to the people of Oak Harbor, his community, and his position as a Council Member. Mr. Paggao always does his homework. Mr. Koetje thanked Mr. Paggao for his commitment and enthusiasm and commitment to his family.

Former City Council Member, Bob Morrison

Mr. Morrison congratulated Mr. Paggao on his years of service and appreciated the time he had spent on Council with Mr. Paggao. Mr. Paggao is always prepared and reads and researches everything that comes before Council. Mr. Morrison thanked Mr. Paggao for his dedication to the City of Oak Harbor and the job he has done for fifteen years.

Former City Council Member, Paul Brewer

Mr. Brewer talked about Mr. Paggao's fifteen years on Council and hoped he would continue for another term. Mr. Brewer was on Council for twelve years with Mr. Paggao and complimented Mr. Paggao for being the peacemaker, doing his homework, and always supporting who and what was right. Mr. Paggao's integrity is beyond reproach. Mr. Brewer talked about his friendship with Mr. Paggao – Your friendship is worth a million dollars to me.

Former City Council Member, Nora O'Connell-Balda

Mr. Paggao was Mayor Pro Tem during Ms. O'Connell-Balda's term on Council and sat next to Ms. O'Connell-Balda. You have done a wonderful job and have a huge commitment to Oak Harbor which is appreciated by everyone.

Former City Council Member, Richard Davis
Mr. Davis had also sat next to Mr. Paggao during his term as a Council Member. Thank you for the quiet way that you led the Council. Mr. Davis also commented on Mr. Paggao's thorough reading of Council materials. Thank you for your leadership.

Mayor Jim Slowik
Mayor Slowik introduced Mr. Paggao's wife, Nita Paggao, and then talked about Mr. Paggao's belief in fair play, fair treatment for all, his leadership, and his ability to run a good meeting. Mr. Paggao has two children and six grandchildren and he and his family came to Oak Harbor with his Navy service. He retired from the Navy in the early 1980s and decided to stay. Mr. Paggao is extremely active in the Fil-Am Association of Oak Harbor and is an elected official of Washington State's Commission on Asian Pacific American Affairs (CAPAA). We are fortunate to have his service to the community for all of these years.

Employee Recognition – Lt. John Dyer, Oak Harbor Police Department, 25 years
Chief of Police Rick Wallace introduced Lt. John Dyer and talked about his tenure with OHPD. Lt. Dyer joined the department in 1984. He was the department's first DARE Officer, (and first DARE officer in the county) and designed and implemented OHPD's DARE program. There are many adults in town who were 5th graders in the 80s and 90s and recognize John today with regard to the DARE training he provided. He has been a DARE Mentor, (tasked with training new DARE officers statewide) and past president of the State DARE Officers Association. He was promoted to Sergeant in 1995, supervising the Crime Prevention, DARE, and high school resources officer programs as well as being a Patrol Team Supervisor. In December 2007, he was promoted to Lieutenant in charge of the Patrol Division. Lt. Dyer is a member of the five state regional WRI COPS organization and tasked to travel through out the region and assist other police agencies in their transition to Community Oriented Policing. He was the 1991 Officer of the Year, Whidbey News Times Officer of the Year eight times, and in 2002 he was awarded the department's Distinguished Service Award. Lt. Dyer holds several Associate in Arts degrees and a BA in Organizational Management from Ashford University. His community service includes:

Founder of the Oak Harbor Parent Network
Past member of the Island County/Stanwood Community Health and Safety Network
Past member of the North Whidbey Youth Coalition
Past Oak Harbor School Board Member (10 years)
Current Board member of Island Thrift
Current member of the Island County Children's Commission
Founder of Big Brothers / Big Sisters of Island County

Lt. Dyer introduced his wife, Peggy, and talked about his pride in wearing the OHPD uniform and the privilege to have served Oak Harbor for the past 25 years (27 total years with the City). He thanked his wife and family for their support with police shift work and thanked fellow officers whom he considers a part of his family. Bill Russell was thanked, Chief Wallace was thanked for his supervision and patience over the past 15 years, and in closing, Lt. Dyer thanked the Mayor and Council and past Councils for the opportunities they've provided to give back to our community.

Employee Recognition – Bob Williams, Public Works Department, 15 years
Public Works Director Cathy Rosen introduced Mr. Williams who began his public works career in the Solid Waste Division. He transferred to the Streets Division as a Streets Specialist 1 and then cross-trained in the public works labor pool. Mr. Williams was promoted to Streets Specialist 2 in 2005 which covers all public works functions. He is also in charge of pavement markings, has a great attitude, is hardworking, dependable, provides positive input, and is a tremendous asset. Ms. Rosen noted that Bob is a second generation public works employee. His father, Bud Williams, was in the Solid Waste Division for twenty-six years. Mr. Williams thanked Council for this recognition and is proud of his work and the City. He also thanked the Council and Mayor for their work.

Council Comments – Mayor Pro Tem Paggao
Mayor Slowik turned to Council for continued comments in recognition of Mayor Pro Tem Paggao.

Councilmember Beth Munns
There is never a question that he will not take the time to answer, and he has taught us the ropes.

Councilmember Jim Campbell
He is very thorough, makes many notes, and is truly appreciated.

Councilmember Jim Palmer
I have known you for many years, especially from church. You have long-term knowledge and know the ins and outs; continue to stay with us.

Councilmember Bob Severns
I haven't known you for a long time but feel like I have. Thank you for your patience and loyalty to the City.

Mayor Pro Tem Danny Paggao
This was a surprise and thank you all for coming out tonight. Mr. Paggao named and thanked his former colleagues who had spoken earlier and also thanked former City Clerk, Rosemary Morrison. Thank you for the opportunity to serve Oak Harbor and quality of life is our main service.

Mayor Slowik called for a recess at 7:25 p.m. to allow Council and staff to congratulate those honored this evening. The meeting reconvened at 7:40 p.m.

Public Comments
Glen Groenig, P.O. Box 2235, Oak Harbor. Mr. Groenig spoke in support of Oak Harbor School District's Proposition No. 1 - School Program Levy, and Proposition No. 2 - Math and Technology Levy. He asked that support of these levies be placed on City Council's next meeting agenda. Mayor Slowik noted that a motion would need to be made to place this item on City Council's agenda.
Helen Chatfield-Weeks, 1415 SE 9th, Oak Harbor. Ms. Chatfield-Weeks spoke on behalf of the Oak Harbor Parks Board regarding the importance of the Park Plan and praised Senior Planner Cac Kamak for his work on this project. Please support this effort and our parks.
Mel Vance, 275 NW 8th, Oak Harbor. As another reminder of our natural risks (the recent 4.5 earthquake), get involved with disaster preparedness. The Red Cross offers courses as does Island County's Department of Emergency Management.
Jerry Schisler, Schisler Trucking, 545 West Technical Drive. Schisler Trucking is based in Oak Harbor and Mr. Schisler came before Council since he is having difficulty reaching U.S. Representative Rick Larsen. Mr. Schisler has a problem with the Federal Motor Carry Administration. He is losing money to rules written by the Federal Motor Carry Administration; rules which were meant for larger companies. Mr. Schisler was seeking help from the City regarding legal issues. Mayor Slowik asked Ms. Recker to make an appointment for Mr. Schisler to talk with him about these concerns.

COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS
Consent Agenda

a. Excused Absence – Councilmember Jim Campbell, three consecutive absences.
b. Excused Absences – Mayor and Council Absences on February 17, 2009.
   The February 17, 2009 regular meeting will be cancelled.
c. Pay Bills.

MOTION: **COUNCILMEMBER MUNNS MOVED TO APPROVE CONSENT AGENDA ITEMS A, B, AND C WITH ITEM C PAYING ACCOUNTS PAYABLE CHECK NUMBER 135809 IN THE AMOUNT OF $37,176.35; ACCOUNTS PAYABLE CHECK NUMBER 135810 IN THE AMOUNT OF $177.48; ACCOUNTS PAYABLE CHECK NUMBERS 135811 – 135974 IN THE AMOUNT OF $502,761.24; AND PAYROLL CHECK NUMBERS 92638 – 92695 IN THE AMOUNT OF $917,994.63. THE MOTION WAS SECONDED BY COUNCILMEMBER SEVERNS AND CARRIED UNANIMOUSLY.**

Pioneer Way Water Main Replacement – Contract Close-out
City Engineer Eric Johnston presented this agenda bill which sought Council approval to increase the contract amount for Contract No. 08-01 by $3,726.33, and to closeout Contract No. 08-01 with Interwest Construction, Inc., for construction of the new water main on Pioneer Way. After the work was physically completed, staff verified final quantities and determined that two bid item quantities exceeded the contract amount by more than 100%. The two items are Bid Item 6, "Crushed Surfacing Top Course" and Bid Item 8, "Temporary Cold Mix Asphalt Concrete." The additional materials were necessary for temporary and permanent street repairs to Pioneer Way. The contractor placed the material at the direction of City staff and in accordance with the design plans. The contract specifications allow the City to request a renegotiated contract price for material quantities in excess of 1.25 times the original contract amount. Staff initiated renegotiation of prices for Bid Items 6 and 8 and Interwest Construction stated they did not realize any unit cost savings due to the increased quantities of materials and provided appropriate documentation. Staff feels that the unit costs are reasonable, that the contractor provided sufficient justification to prove the unit prices are valid, and that no unit price reduction is warranted. Staff recommended that Change Order 3 be approved with payment at the contract unit price for 306 additional tons of "Crushed Surfacing Top Course" and 60 additional tons of "Temporary Cold Mix Asphalt."

Mayor Slowik opened the meeting to public comments.
Mel Vance, 275 NW 8th, Oak Harbor. Mr. Vance noted that this project was well-handled and had the least amount of negative impact possible on Pioneer Way.
There were no other public comments.

Council Discussion
Council talked about the additional $3,726.33 being requested, the work represented by the change orders, the bidding process, and if this additional amount would impact the other bidders. Mr. Johnston reviewed the bidding process and noted that, even with this addition, the Interwest contract remained lower than the next qualified bid amount. Council also asked about the 1% designation to public art. It will be 1% of the new amount. City Attorney Hite noted that two motions would be required authorizing (1) the additional amount, and (2) the contract close-out.

MOTION: **COUNCILMEMBER PAGGAO MOVED TO AUTHORIZE THE ADDITION OF $3,726.33 TO CONTRACT 08-01 WITH INTERWEST CONSTRUCTION, INC. THE MOTION WAS SECONDED BY COUNCILMEMBER PALMER AND CARRIED UNANIMOUSLY.**

MOTION: **COUNCILMEMBER PAGGAO MOVED TO ACCEPT AS COMPLETE CONTRACT 08-01 WITH INTERWEST CONSTRUCTION, INC. AS AMENDED IN THE AMOUNT OF $341,826.33, AND BEGIN THE 45-DAY CLAIMS AND LIEN PERIOD. THE MOTION WAS SECONDED BY COUNCILMEMBER PALMER AND CARRIED UNANIMOUSLY.**

Waterloo Road Waterline – Contract No. ENG 08-09, Accept as Complete
City Engineer Johnston presented this agenda bill. At the October 21, 2008 regular business meeting the City Council awarded a contract to C. Johnson Construction, Inc., in the amount of $115,034.08 including sales tax to construct the Waterloo Road Waterline Extension Project. The award was made pursuant to the bidding process (RCW 39.04 and OHMC 2.330). Council also authorized funds in the amount of $10,000.00 as a contingency for contract changes. City staff has inspected the finalized product and found that the work has been satisfactorily completed and is in compliance with the terms of the contract. After completing the work, making minor adjustments for unknown conditions, and tabulating the final quantities, the final contract amount including sales tax, is $111,528.15 which is under the contract amount. This agenda bill is to accept the contract work as complete and to authorize contract closeout including the standard 45-day claims and lien period and final payment.

Mayor Slowik called for public comments but there were none.

MOTION: **COUNCILMEMBER PALMER MOVED TO ACCEPT CONTRACT ENG-08-09 WITH C. JOHNSON CONSTRUCTION, INC. IN THE AMOUNT OF $111,528.15 AS COMPLETED AND BEGIN THE 45-DAY CLAIMS AND LIEN PERIOD. THE MOTION WAS SECONDED BY COUNCILMEMBER SEVERNS AND CARRIED UNANIMOUSLY.**

Addition of an Agenda Item for the 3/3/09 Council Meeting in support of Oak Harbor School District's Propositions/Levies
MOTION: **COUNCILMEMBER MUNNS MOVED TO ADD AN AGENDA ITEM AND RESOLUTION TO THE MARCH 3, 2009 CITY COUNCIL MEETING IN SUPPORT OF:**
1. RESOLUTION 08-08 PROPOSITION NO. 1 SCHOOL PROGRAM LEVY, AND,
2. RESOLUTION 08-09 PROPOSITION NO. 2 MATH AND TECHNOLOGY LEVY.
THE MOTION WAS SECONDED BY COUNCILMEMBER SEVERNS AND CARRIED UNANIMOUSLY.

City Administrator's Comments
City Administrator Schmidt reviewed the standing committee replacements during Councilmember Almberg's absence: Councilmember Campbell will join the Public Works Standing Committee and Councilmember Palmer will join Government Services. Mr. Schmidt noted that the February 17, 2009 regular Council meeting is cancelled due to lack of a quorum. He mentioned the special meeting notice that is posted for February 17th's meeting of Council members and legislators in Olympia, and talked about a potential second special meeting in Olympia on February 19th which will be posted if scheduled. Council's next regular meeting will be March 3, 2009. The March 17, 2009 regular Council meeting also lacks a quorum but will be held as a continued or special meeting on March 24, 2009. An agenda bill will be presented on March 3rd which will define the March 24th' meeting.

Councilmembers' Comments
Council talked about the standing committees and that the public is welcome to attend. Councilmember Palmer thanked everyone for their support and cards regarding his father's passing. A memorial service will be held Saturday, February 7th in Tacoma and several thousand people are expected to attend. Councilmember Severns noted that the Greater Oak Harbor Chamber of Commerce is celebrating its 50th birthday on Saturday.

Mayor's Comments
Mayor Slowik talked about the grand opening ceremony on February 5th from 2:00 p.m. – 4:00 p.m. which will welcome Waste Management to the community.

ADJOURN
With no further business coming before Council, **Councilmember Campbell moved to adjourn; the motion was seconded by Councilmember Palmer and carried unanimously.** The meeting adjourned at 8:05 p.m.

_____
Connie T. Wheeler
City Clerk

Special City Council Meeting
Tuesday, February 24, 2009, 4:00 p.m.
City Hall Council Chambers

CALL TO ORDER

Mayor Slowik called the meeting to order at 4:00 p.m.

ROLL CALL

Mayor Jim Slowik
Four members of the Council,
James M. Campbell
Beth Munns
Jim Palmer
Bob Severns

Paul Schmidt, City Administrator
Renée Recker, Executive Assistant to the Mayor

PAY BILLS

Councilmember Campbell moved to pay accounts payable check numbers 135975 – 136051 in the amount of $55,952.42; accounts payable check numbers 136052 – 136156 in the amount of $597,403.56; and payroll check numbers 92696 – 92703 in the amount of $87,440.00. The motion was seconded by Councilmember Munns and carried unanimously.

ADJOURN

With no other business coming before Council, Councilmember Campbell moved to adjourn; the motion was seconded by Councilmember Severns and carried unanimously. The meeting adjourned at 4:10 p.m.

_____
Connie T. Wheeler
City Clerk

City of Oak Harbor

OFFICE OF THE MAYOR
JIM SLOWIK
MAYOR

PROCLAMATION IN RECOGNITION OF

CLASSIFIED SCHOOL EMPLOYEES WEEK
MARCH 9-13, 2009

WHEREAS, Classified School Employees are an essential part of the Oak Harbor School District; and,

WHEREAS, classified employees work directly with our children, staff, parents, volunteers, business partners and community members and are responsible for the transportation, nutrition and general well-being of our children; and,

WHEREAS, with their diverse talents and true dedication classified employees nurture our youth throughout their K-12 years; and,

WHEREAS, we recognize the roll classified school employees hold in our education system and salute them for the valuable service they provide to our students and community.

NOW, THEREFORE, WE, Jim Slowik, Mayor, and Councilmembers of the City of Oak Harbor do hereby proclaim the week of March 9 – 13, 2009 as Classified School Employee Week.

Signed this 3rd day of March, 2009

Jim Slowik, Mayor

City of Oak Harbor

OFFICE OF THE MAYOR
JIM SLOWIK
MAYOR

PROCLAMATION IN RECOGNITION OF

WASHINGTON'S WOMEN'S SUFFRAGE CENTENNIAL
AND
WOMEN'S HISTORY MONTH

WHEREAS, Washington has had a history of advancing women's rights from the Territorial period, enacting women's suffrage from 1883 to 1888 before it was taken away by judicial action, and;

WHEREAS, the all-male Washington State Legislature authorized a vote to amend the Washington State Constitution for women's suffrage in February, 1909, and;

WHEREAS, women actively worked for equal rights through media, lobbying, organizing and using well-reasoned arguments during a 20 month ratification campaign, and;

WHEREAS, during the 1909-1910 campaign, Island County women used poster brigades; conducted suffrage institutes in Oak Harbor, Coupeville, Maxwelton, Lone Lake and Woodland; hosted speakers and used the 1910 Chautauqua on the Island to campaign for suffrage, and;

WHEREAS, on November 8, 1910 the men of Washington in every county voted to amend the constitution for women's right to vote, voting 273 to 110 in favor in Island County, and;

WHEREAS, Washington is the fifth state to permanently enact women's suffrage and the first state in the 20th century and the state's victory in 1910 helped revitalize the movement leading to the federal 19th amendment empowering women to vote nationally in 1920, and;

WHEREAS, 2009 marks the beginning of the Centennial Commemoration of Washington's Women's Suffrage.

NOW, THEREFORE, WE, Jim Slowik, Mayor, and Councilmembers of the City of Oak Harbor do hereby designate March 2009 as Women's History Month honoring the historic and contemporary achievements of women and the legislative victory in 1909 leading to the permanent enactment of women's right to vote in Washington in 1910.

Signed this 3rd day of March, 2009

Jim Slowik, Mayor

City of Oak Harbor

OFFICE OF THE MAYOR
JIM SLOWIK
MAYOR

PROCLAMATION IN RECOGNITION OF

AMERICAN RED CROSS MONTH

WHEREAS, During the month of March, we honor the Island County Chapter of the American Red Cross, and;

WHEREAS, for more than 90 years, Island County residents have relied on the American Red Cross for disaster relief. Each year, the Island County Chapter responds to an average of 10 disasters including house or apartment fires, wind storms, and other natural and human caused disasters, and;

WHEREAS, the Island County Chapter makes every effort to save lives long before tragedy strikes by providing training in first aid, CPR, water safety and use of automated external defibrillators, and;

WHEREAS, under its charter, the American Red Cross is entrusted with providing volunteer aid in time of war to the sick and wounded of the armed forces. So far this year, the Island County Chapter has assisted in sending over 40 emergency messages to active duty personnel and their families, and;

WHEREAS, without the help of over 100 Island County volunteers and the generosity of its donors, this chapter would not be able to fulfill the humanitarian mission that is the cornerstone of the organization. We are grateful and pay tribute to this remarkable organization and all those who have answered the call to serve.

NOW, THEREFORE, WE, Jim Slowik, Mayor, and Councilmembers of the City of Oak Harbor do hereby proclaim March 2009 as American Red Cross Month and urge all citizens to take part in activities and training designed to increase their ability to prevent, prepare and respond to emergencies.

Signed this 3rd day of March, 2009

Jim Slowik, Mayor

City of Oak Harbor

OFFICE OF THE MAYOR
JIM SLOWIK
MAYOR

PROCLAMATION IN RECOGNITION OF

ST. PATRICK'S DAY

WHEREAS, By 1776 nearly 300,000 natives of Ireland had immigrated to the United States, and;

WHEREAS, in 1858 Irish immigrants arrived in Oak Harbor, Washington, and;

WHEREAS, at least eight signers of the Declaration of Independence were of Irish ancestry, and;

WHEREAS, the Irish and their descendants have helped to enrich the quality of life in the United States and have served with distinction in all areas of American society, and;

WHEREAS, St. Patrick's Day parades and celebrations have taken place in Oak Harbor for over 35 years.

NOW, THEREFORE, WE, Jim Slowik, Mayor, and Councilmembers of the City of Oak Harbor do hereby proclaim March 17, 2009 as St. Patrick's Day and .

Signed this 3rd day of March, 2009

Jim Slowik, Mayor

City of Oak Harbor
City Council Agenda Bill

Bill No. 6

Date: MARCH 3, 2009

Subject: **PUBLIC COMMENTS**

FROM: **Jim Slowik, Mayor**

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

Jim Slowik, Mayor
Paul Schmidt, City Administrator
Doug Merriman, Finance Director

- Budgeted Item: Yes No N/A
- Budget Adjustment Required: Yes No N/A
- Funds Available for Appropriation: Yes No N/A
- Budget Strategy Approved: Yes No N/A

Margery Hite, City Attorney

SUMMARY STATEMENT

City Council will accept public comments for items not otherwise on the agenda for the first 15 minutes of the Council meeting. You may also speak to any of the consent agenda items.

City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. ~~4A~~ 7A
Date: March 3, 2009
Subject: Excused Absences for Mayor and and Councilmembers and Council Meeting Date Change

FROM: Jim Slowik, Mayor

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

Jim Slowik, Mayor
Paul Schmidt, City Administrator
Doug Merriman, Finance Director
Margery Hite, City Attorney, as to form

SUMMARY STATEMENT:

Mayor Jim Slowik, Councilmember Jim Campbell and Councilmember Beth Munns will be attending the National League of Cities (NLC) Congressional City Conference in Washington, D.C. March 14 – 18, 2009. Councilmember Rick Almberg and Councilmember Eric Gerber have approved excused absences in place so there will not be a quorum for City Council's March 17, 2009 regular meeting.

Pursuant to RCW 42.30.090, the City Council may direct the City Clerk to adjourn the March 17th regular City Council meeting on that date and time for lack of a quorum. Further, the City Clerk shall be directed to set a new meeting date of March 24, 2009, at 7:00 p.m. in City Council Chambers. The City Clerk should then provide the appropriate notices as required by RCW 42.30.090. The meeting on March 24, 2009 at 7:00 p.m. will constitute a regular meeting of the Oak Harbor City Council.

RECOMMENDED ACTION

1. Approve the absences of Mayor Jim Slowik, Councilmember Jim Campbell and Councilmember Beth Munns to allow for their attendance of the NLC Conference in Washington, D.C., on March 14 – 18, 2009.

2. Direct the City Clerk to adjourn the regular meeting on March 17, 2009 (for lack of a quorum) to a new regular meeting date of March 24, 2009 at 7:00 p.m. in City Council Chambers and provide appropriate notice of the adjournment on March 17th and as required by RCW 42.30.080.

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City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. N/A 7B
Date: March 3, 2009
Subject: Councilmember Eric Gerber Excused Absence Request

FROM: Jim Slowik, Mayor

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

Jim Slowik, Mayor
Paul Schmidt, City Administrator
Doug Merriman, Finance Director
Margery Hite, City Attorney, as to form

SUMMARY STATEMENT:

Purpose: The purpose of this agenda bill is to approve Councilmember Gerber's request for excused absences from the April 7, April 21 and possibly May 5, 2009 Council meetings.

Description: Councilmember Eric Gerber's original excused absence request advised he would be out of town due to military service (National Guard) beginning with the November 2008 Council meeting through March 2009's Council meetings. These excused absences were approved by City Council on June 16, 2008.

Mr. Gerber has now advised he will be absent, due to continued military service, for the following Council meeting dates:

April 7, 2009
April 21, 2009
Possibly May 5, 2009

Per RCW 35A.12.060, three consecutive absences would create a vacancy if not excused by the Council.

> *RCW 35A.12.060 -- In addition, a council position shall become vacant if the councilmember fails to attend three consecutive regular meetings of the council without being excused by the council.*

Per RCW 73.16.041, Council is required to grant a leave of absence to a councilmember who enters into active military service or training.

> *RCW 73.16.041 -- When any elected officer of this state or any political subdivision thereof, including any judicial officer, shall enter upon active service or training as provided in RCW 73.16.031, 73.16.033 and 73.16.035, the proper officer, board or other agency, which would ordinarily be authorized to grant leave of absence or fill a vacancy created by the death or resignation of the elective official so ordered to such service, shall grant an extended leave of absence to cover the period of such active service or training and may appoint a temporary successor to the position so vacated. No leave of absence provided for herein shall operate to extend the term for which the occupant of any elective position shall have been elected.*

This provision of state law was enacted to "guarantee employment rights of members of the reserve and national guard forces who are called to active duty", with the intention of providing them the same rights that are afforded to federal personnel. RCW 73.16.005. "Service in the uniformed services" includes service on a voluntary as well as an involuntary basis, and training as well as active duty. RCW 73.16.031(12). The absence of a councilmember to serve and train in the national guard, therefore, must be excused and a leave of absence granted by the council.

STANDING COMMITTEE REVIEW:
None

RECOMMENDED ACTION:
Approve Councilmember Gerber's request to be excused from the April 7, 2009, April 21, 2009 and May 5, 2009 Council meetings.

ATTACHMENTS:
None

MAYOR'S COMMENTS:

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City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. N/A 7c
Date: March 3, 2009
Subject: 2009-2010 Fuel Bids

FROM: Cathy Rosen, Public Works Director

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

Jim Slowik, Mayor
Paul Schmidt, City Administrator
Doug Merriman, Finance Director
Margery Hite, City Attorney, as to form

SUMMARY STATEMENT:

Purpose: The purpose of this agenda item is to authorize the purchase of fuel for the remainder of 2009 until December 31, 2010 off of the State Contract Number 07005.

Description: The City provides fuel in house to all of the City's fleet. The fuel site is located at the Public Works Facility and consists of one 2,000 gallon tank with unleaded fuel and one 2,000 gallon tank with diesel fuel. The City uses approximately 40,000 gallons of unleaded and 50,000 gallons of diesel fuel per year.

Per OHMC 2.320.040, a formal bid process was required. Therefore, on January 3rd and 10th of 2009, staff advertised in the Whidbey News Times and the Seattle Daily Journal of Commerce for bulk fuel delivery to be delivered twice a week, more if necessary during the winter months, and to include unleaded, diesel and bio-diesel fuel. Staff also advertised around the clock availability and on-call service in case of emergencies.

On January 30, 2009, two formal bids were received and opened. In order to determine the lowest responsible bidder, staff compared these two bids against the State Contract pricing which is available as well. The results have been included in this chart below:

		REGULAR		DIESEL		BIO-DIESEL (99)	
VENDOR	LOCATION	OPIS PRICE	MARK UP	OPIS PRICE	MARK UP	OPIS PRICE	MARK UP
State Contract - Associated Petroleum	Tacoma, Wa	$ 1.31	$ 0.03	$ 1.45	$ 0.04	$ 3.00	$ 0.10
Skagit Farmers	Burlington, Wa	$ 1.34	$ 0.05	$ 1.45	$ 0.05	$ 2.76	$ 0.20
Nelson Petroleum	Everett, Wa	$ 1.34	$ 0.15	$ 1.44	$ 0.15	$ 2.65	$ 0.25

All data is based on January 30, 2009 pricing and by gallon price.

The City does not presently use bio-diesel for bulk demand. Therefore, based on these results, it has been determined that the State Contract Number 07705 pricing is the lowest most responsible bid and will fulfill the City's needs and requirements.

Staff has reviewed the State Contract requirements and found that their procedures satisfy the competitive bidding requirements under OHMC 2.320.040 for the purchase of materials, supplies and equipment over $30,000.00.

In review of the State Contract requirements, City staff has confirmed that the State Contract procedures are in compliance with OHMC 2.320.040 as follows:

1. **Invitation for bids**: Per the State of Washington Purchasing Manual rev. 11/1/08, an invitation for bids was made on October 13, 2005 for bulk fuel delivery.

2. **Public notice**: Per the State of Washington Purchasing Manual rev. 11/1/08, public notice was published on the State website titled Washington's Electronic Business Solutions otherwise known as WEBS.

3. **Opened publicly**: Per the bidding invitation, the bids received from the vendors for Smart Buying Fuel were opened, recorded and made available for public inspection on December 22, 2005.

4. **Bid evaluations**: Per the State of Washington Purchasing Manual rev. 11/1/08, the bids were evaluated based on objective factors including discounts, transportation costs, life-cycle costs, quality, and the particular suitability for the bid purpose.

5. **Bid award**: Per the State of Washington Purchasing Manual rev. 11/1/08, after the prospective bids were evaluated, the lowest responsible bidder was awarded the contract on April 13, 2005. Associated Petroleum was identified as the successful bidder for Peninsula, North Puget Sound, Central Puget Sound Keep Full regions, North Puget Sound and Central Puget Sound Bulk Land Regions and the Bulk Marine Region.

STANDING COMMITTEE REVIEW:
The Public Works Standing Committee reviewed this item at their meeting on February 5, 2009.

RECOMMENDED ACTION:
1. Award the bid for purchase of regular and diesel fuel to Associated Petroleum of Tacoma, WA., off of State Contract Number 07705 for the remainder of 2009 until December 31, 2010.

ATTACHMENTS:
None

MAYOR'S COMMENTS:

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City of Oak Harbor
City Council Agenda Bill

Bill No. C/A 7D
Date: March 3, 2009
Subject: Surplus List 2009

FROM: Cathy Rosen, Public Works Director

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

Jim Slowik, Mayor
Paul Schmidt, City Administrator
Doug Merriman, Finance Director
Margery Hite, City Attorney, as to form

SUMMARY STATEMENT:

Purpose: The purpose of this agenda item is to approve the attached list of surplused items for auction.

Description: Each year the City Council declares a list of certain obsolete equipment items as surplus and approves the list for disposal, as the equipment has been determined to no longer be of practical use to the City. Attached is the list of items submitted by Department Heads for disposal. Authorization is requested to dispose of the items at the Annual City Wide Auction scheduled for April 4, 2009. City councilmembers, Mayor, Administrator and Public Works staff participating in the sale on behalf of the City shall not be allowed to bid on the sale of surplus City items. RCW 47.32.020.

STANDING COMMITTEE REVIEW:

The Public Works Standing Committee reviewed this item at their meeting on February 5, 2009.

RECOMMENDED ACTION:

Approve the surplus list and authorize the disposal of obsolete equipment subject to the limitations on self-dealing in RCW 42.32.020.

ATTACHMENTS:

City of Oak Harbor 2009 Surplus List.

MAYOR'S COMMENTS:

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CITY OF OAK HARBOR 2009 SURPLUS LIST

ITEM	COMMENTS	DEPARTMENT
LARGE METAL DESK	NO PRACTICAL USE	DEVELOPMENT SERVICES
LUSCENT TECHNOLOGIES AT&T ANSWERING MACHINE	OUTDATED	DEVELOPMENT SERVICES
DRAFT CHAIR BLUE	NO PRACTICAL USE	DEVELOPMENT SERVICES
SMITH CORONA TYPEWRITER	OUTDATED	FINANCE
6 INCH FIRE HOSE	NO PRACTICAL USE	FIRE
PRESSURE WASHER	NO PRACTICAL USE	FIRE
PALLET AIR TANKS	NO PRACTICAL USE	FIRE
AEG OLYMPIA ELECTRCIC TYPEWRITER	NO PRACTICAL USE	FIRE
MOTOROLA RADIO HANDSET	NO PRACTICAL USE	FIRE
PLECTRON FM RADIO RECEIVER W ANTENNA RED	NO PRACTICAL USE	FIRE
PLECTRON FM RADIO RECEIVER W ANTENNA BLACK	NO PRACTICAL USE	FIRE
PLECTRON FM RADIO RECEIVER W ANTENNA BEIGE	NO PRACTICAL USE	FIRE
FEDERAL SIGNAL CORP PAD300 ELECTRONIC SIREN BLK	NO PRACTICAL USE	FIRE
FEDERAL SIGNAL CORP ELECTRONIC SIREN BROWN/BEIGE	NO PRACTICAL USE	FIRE
BELKIN SABC-03S DATA SWITCH	NO PRACTICAL USE	FIRE
MOTOROLA CHARGERS FOR PAGERS	NO PRACTICAL USE	FIRE
TYPEWRITER TABLE	NO PRACTICAL USE	FIRE
KOKAK DC-50 DIGITAL ZOOM CAMERA	NO PRACTICAL USE	FIRE
HP 8200C CD WITER	NO PRACTICAL USE	FIRE
AOPEN SPEAKER SYSTEM X2	NO PRACTICAL USE	FIRE
MEDIA VISION SPEAKER	NO PRACTICAL USE	FIRE
STORAGE BINS	NO PRACTICAL USE	FIRE
FELLOWS DOCUMENT HOLDER	NO PRACTICAL USE	FIRE
HP 92285A TONER	NOT COMPATIBLE	FIRE
HP 92295A TONER	NOT COMPATIBLE	FIRE
GRAY CABINET	NO PRACTICAL USE	FIRE
SMALL DESK	NO PRACTICAL USE	FIRE
COMPUTER KEYBOARDS BOX 11 QUANTITY	NO PRACTICAL USE	FIRE
OFFICE CAHIR	NO PRACTICAL USE	FIRE
ROLLING CART	NO PRACTICAL USE	HUMAN RESOURCE
LEGAL BOOKS	OUTDATED MATERIALS	LEGAL
MISC WOOD FURNITURE-DRAWERS, LATER FILE, DESK PARTS	MISC PIECES	LEGAL
GALVANIZED METAL BASES FOR 4X4 ROOF SUPPORTS	NO PRACTICAL USE	MARINA
PRESSURE WASHER GAS POWERED	NO PRACTICAL USE	MARINA
WOOD DINGHY 6'	NO PRACTICAL USE	MARINA
PLASTIC DINGHY 7'	NO PRACTICAL USE	MARINA
FIBERGLASS DINGHY10'	NO PRACTICAL USE	MARINA
YELLOW FIRE HOSE 5"X50' ROLLS X2	NO PRACTICAL USE	MARINA
AGGREGATE STYLE CONCRETE RECYCLE/TRASH BINS	NO PRACTICAL USE	MARINA
FIBERGLASS BROKEN CARTS	NO PRACTICAL USE	MARINA
BICYCLE	NO PRACTICAL USE	MARINA
GEN SET	INOPERABLE	POLICE
VEHICLE SEATS X4	NOT COMPATIBLE	POLICE
BLK CABINET METAL	NO PRACTICAL USE	POLICE
SHREDDER 1000	OUTDATED	POLICE
MISC OFFICE PARTS	MISC PIECES	POLICE
DOG PLATFORMS	NO PRACTICAL USE	POLICE
MAT PURPLE	NO PRACTICAL USE	POLICE
BRIGGS 4 HP ENGINE	NO PRACTICAL USE	POLICE
FERTILIZER SPREADER	NO PRACTICAL USE	PUBLIC WORKS
WOODS MOWER	NO PRACTICAL USE	PUBLIC WORKS
HYDRAULIC PRESS	WORN OUT	PUBLIC WORKS
BAND SAW	WORN OUT	PUBLIC WORKS
PALLET AMBER STROBES	NOT COMPATIBLE	PUBLIC WORKS
PALLET LIGHTING ITEMS	NOT COMPATIBLE	PUBLIC WORKS

PALLET AIR FILTERS	NOT COMPATIBLE	PUBLIC WORKS
HYDRAULIC CYLINDERS	NOT COMPATIBLE	PUBLIC WORKS
HP PLOTTER	PRINT PROBLEMS	PUBLIC WORKS
ELECTRIC VEHICLE	INOPERABLE	PUBLIC WORKS
ELECTRIC VEHICLE	INOPERABLE	PUBLIC WORKS
PORTO POTTIE	HOLE IN IT	PUBLIC WORKS
PORTO POTTIE	HOLE IN IT	PUBLIC WORKS
2 DRAWER FILE CABINET X2	NO PRACTICAL USE	PUBLIC WORKS
HEATING DUCT AIR DIFFUSERS	NO PRACTICAL USE	PUBLIC WORKS
SANITARY NAPKIN DISPENSER	NOT COMPATIBLE	PUBLIC WORKS
BI FOLD TOWEL DISPENSERS	NOT COMPATIBLE	PUBLIC WORKS
MOP BUCKETS X2	RUSTED AND WORN OUT	PUBLIC WORKS
FLOOR BUFFER	WORN OUT	PUBLIC WORKS
BLACK END TABLE	NO PRACTICAL USE	PUBLIC WORKS
LIGHT FIXTURE FREE STANDING	NO PRACTICAL USE	PUBLIC WORKS
ALUMINUM WALKER	NO PRACTICAL USE	PUBLIC WORKS
250 GALLON PLASTIC TOTE	HOLE IN IT	PUBLIC WORKS
ACER MONITOR AL1714B	BROKEN	PUBLIC WORKS
HP DESKJET PRINTER D4260	BROKEN	PUBLIC WORKS
HP PRINTER CB637A	BROKEN	PUBLIC WORKS
HP PRINTER C90178A	BROKEN	PUBLIC WORKS
CANON CAMERA	BROKEN	PUBLIC WORKS
3 DRAWER METAL FILE CABINETS X2	NO PRACTICAL USE	PUBLIC WORKS
4 DRAWER METAL FILE CAINET	NO PRACTICAL USE	PUBLIC WORKS
BLUE CHAIRS X4	NO USE	PUBLIC WORKS

City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. NA 7E
Date: March 3, 2009
Subject: Community Police Advisory Board Appointment

FROM: Jim Slowik, Mayor

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

Paul Schmidt, City Administrator
Doug Merriman, Finance Director
Margery Hite, City Attorney, as to form

SUMMARY STATEMENT: Pursuant to OHMC 2.50.020, the Police Department has a nine member citizen's advisory board known as the "Community Police Advisory Board". This Board, which has been in existence since 1991, meets every other month in accordance with OHMC 2.50.060(1) to, among other things, make recommendations concerning the provision of police protection and service.

Per OHMC 2.50.030(1), Mayor Slowik has appointed Bonnie LaForest to a second 4-year term, subject to confirmation by the City Council. Ms. LaForest has held a position on the Board since 2003 when she was appointed to fill the remaining term of Bob Jacobs. Her first 4-year term began March 4, 2005. Ms. LaForest is a resident of the city of Oak Harbor and her appointment would continue to meet the board member residency requirement of OHMC 2.50.020(1). All other qualifications listed under OHMC 2.50.020 would be met.

Ms. LaForest's second term would commence March 4, 2009 and would terminate on March 4, 2013.

STANDING COMMITTEE REVIEW: There was no standing committee review.

RECOMMENDED ACTION:
Confirm the re-reappointment of Bonnie LaForest to the Community Police Advisory Board for a term of four years beginning March 4, 2009 and terminating March 4, 2013.

ATTACHMENTS:
None

MAYOR'S COMMENTS:

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City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. CA 7F
Date: March 3, 2009
Subject: Island County Public Transportation Benefit Area (Island Transit) Board of Directors Appointment

FROM: Jim Slowik, Mayor

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

Jim Slowik, Mayor
Paul Schmidt, City Administrator
Doug Merriman, Finance Director
Margery Hite, City Attorney, as to form

SUMMARY STATEMENT:

Purpose: The purpose of this agenda bill is to recommend re-appointment of Councilmember Palmer to the Island Transit Board of Directors.

Description: Mayor Slowik is forwarding this agenda bill to the City Council to recommend re-appointment of Councilmember Jim Palmer to the Island County Public Transportation Benefit Area Corporation (a/k/a Island Transit) Board of Directors.

According to Article II, The Governing Body -- Board Composition, Section 2.1 of the Island County Public Transportation Benefit Area Corporation Bylaws:

> *The governing body of the Corporation shall consist of a Board of five (5) members, all of whom shall be elected officials selected by and serving at the pleasure of the governing bodies of the component cities within the area and the County Commissioner in the area. The membership of the Board shall be determined on the following basis:*
>
> *a. Two (2) members who are elected officials of the governing body of the County.*
> *b. The cities of Oak Harbor, Coupeville and Langley shall each have one (1) member on the Board.*

Island Transit has requested that the City of Oak Harbor confirm its representative to the Island County Public Transportation Benefit Area Corporation. The confirmation of the appointment of

Councilmember Palmer will satisfy the County that Mr. Palmer still serves in this capacity at the pleasure of the Oak Harbor City Council.

STANDING COMMITTEE REVIEW:
None

RECOMMENDED ACTION:
Approve this board re-appointment.

ATTACHMENTS:
None

MAYOR'S COMMENTS:

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City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. 9
Date: March 3, 2009
Subject: 2009 Parks, Recreation and Open Space Plan

FROM: Steve Powers RSP
Development Services Director

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

Jim Slowik, Mayor
Paul Schmidt, City Administrator
Doug Merriman, Finance Director
Margery Hite, City Attorney, as to form

SUMMARY STATEMENT

This agenda bill presents the 2009 Parks, Recreation and Open Space Plan. The proposed Plan is structured in 3 tiers to better address the various levels of necessary planning for our parks, recreation and open space needs. The Plan includes a vision with guiding principles, recommendations for neighborhood parks, community parks and trail system, inventory of existing facilities, analysis of existing facilities, impact fees and implementation projects. The City Council is asked to conduct a public hearing and approve the proposed Plan.

PURPOSE

This item seeks the approval of the 2009 Parks, Recreation and Open Space Plan. Approval of the Plan, by itself, would not change the City's Comprehensive Plan, the existing level of service standards used in measuring park facilities or the existing park impact fees.[1] Likewise, no new impact fees would be created. Each of these items will require separate action by the City Council at subsequent meetings.

AUTHORITY

The City has the authority to plan for parks and recreation under the Planning Enabling Act, RCW 36.70.070.

BACKGROUND

The update of the 2001 Parks and Recreation Plan began in 2007 with the expiration of the Plan's eligibility with the Recreation and Conservation Office (RCO). RCO is a State agency responsible for distributing grant money through various programs, some of which require an adopted plan. The process of updating the Plan provided an opportunity to restructure the Plan and to expand the scope of the Parks and Recreation Plan to include the Open Space element. It also allowed for organizing information within the Plan based on

[1] If approved, portions of the Plan will be considered for inclusion in the City's Comprehensive Plan as part of the 2009 Comprehensive Plan amendment cycle.

additional tools to determine service and maintenance levels, and structuring implementation projects that will accomplish identified goals and meet the needs of the community.

Information on the update process and highlights of the proposed Plan can be found in the Planning Commission report that is attached to this agenda bill. However, some aspects of the Plan have been highlighted below for Council consideration.

DISCUSSION

Document Structure

The tiers within the proposed Plan are intended to work with each other. Tier I, which includes the Vision, Guiding Principles, Comprehensive Planning Goals and Recommended Plan, is designed to be incorporated as the Parks, Recreation and Open Space Element of the Comprehensive Plan. Though this tier can be separated from the Plan for incorporation into the Comprehensive Plan, it must be noted that recommendations contained within this tier are based on analyses in Tier II. Tier II contains the inventory of facilities, assesses existing conditions, performs service analysis, determines community demand and needs and recommends the projects for implementation over the next six years. Tier III contains the administrative policies that govern the decisions and activities of parks administration.

Level of Service

The proposed plan recommends an increase to the adopted 2001 Level of Service (LOS) standards for neighborhood parks and community parks. The 2001 adopted standards recommend 1 acre of Neighborhood Park for every 1000 population and 4 acres of Community Park for every 1000 population. The proposed Plan recommends increasing the standard to 2 acres of Neighborhood Park and 7 acres of Community Park for every 1000 population. The details of this analysis are provided in the Level of Service section (Page 44) of the Plan. The recommendations are based on the limited service of some existing parks, the need to provide parks in underserved areas and the quantity of recreational facilities required to serve the population.

The recommended LOS for community parks (7/1000) and neighborhood parks (2/1000) increases the current need for land for neighborhood parks to 14 acres and for community parks to 77 acres (Community Need – Page 85). This is a substantial increase from the 2001 Parks and Recreation Plan. The need for more neighborhood and community parks can be met by a variety of ways. It is not always necessary to develop parks only where growth occurs. Existing facilities within the City, such as school facilities, can be included in the Level of Service calculation if long term use agreements can be established along with some physical improvements. Since this is a potential, the implementation program includes a goal to pursue use of existing facilities.

The increase in LOS level for neighborhood and community parks will also affect the impact fees collected for these parks since the amount is determined on the acreage needed. The current impact fee collected for neighborhood parks and community parks was adopted in 2006 as an interim fee and was based on the need identified in the 2001 Parks and Recreation Plan. The impact fees will have to be recalculated based on the need identified in this Plan

after adoption. However, please note that adoption of the Plan will not by itself change the current level of service standards or the amount of the impact fees. The Council will have to adopt a separate ordinance to change the level of service standards and fees. Staff anticipates bringing these revisions forward later this year.

Trail Construction and Impact Fees
The community's desire for more trails became apparent during the public participation portion of the Plan update. These facilities, while related to parks, are obviously different. The present park impact fees are not intended for the acquisition and construction of trails. Therefore, this emerging community element may require its own funding mechanism for implementation. The proposed Plan recommends a trail impact fee in addition to the existing neighborhood and community park impact fee. A methodology for the calculation of a trail impact fee is suggested in the Plan (page 91). Again, please note that the adoption of the Plan does not adopt a trail impact fee. Similar to the neighborhood and community park impact fee, any trail impact fee should be adopted separately by ordinance. It is anticipated to be brought forward after the adoption of the Plan.

Maintenance Funding
The impact fees for neighborhood parks, community parks and trails provide a funding mechanism for new facilities. These fees cannot be used for maintenance of existing parks and facilities. Increasing the inventory of parks to meet the needs of the community adds to the maintenance responsibilities of the Parks Division staff. To meet the challenges of maintenance demands, the Plan includes the concept of Level of Attention (LOA) as a tool to measure the required maintenance levels of each park within the City based on available resources. The Plan also includes an implementation project with a goal to determine consistent funding for maintenance of parks.

Recommended Plan
The Recommended Plan includes recommendations on the future of various facilities within the Parks, Recreation and Open Space Plan. Recommendations contained within this section can be pursued as the opportunity presents itself. There are no fixed timelines or procedures that dictate how and when these ideas are implemented. Therefore, ideas and scenarios contained in this section may take a very long time to achieve. The scenarios that involve plans outside the city limits are not under the City's authority or jurisdiction. However, the City should work with the County when there is opportunity to further the Recommended Plan.

STANDING COMMITTEE REVIEW
The Plan was reviewed by the Public Works Standing Committee as well as the Governmental Services Committee in January and February 2009. Questions were raised about funding and the use of existing facilities some of which have been addressed in this agenda bill.

PLANNING COMMISSION

The Planning Commission held a public hearing on the proposed 2009 Parks, Recreation and Open Space Plan on January 27, 2009 and unanimously recommended that the City Council approve the Plan.

RECOMMENDATION

- Conduct the public hearing
- Approve the 2009 Parks, Recreation and Open Space Plan

ATTACHMENTS

•Resolution
•Memo to Planning Commission from Cac Kamak, Senior Planner, dated January 22, 2009
•Public Comments from the Blogsite
•Draft 2009 Parks, Recreation and Open Space Plan

MAYOR'S COMMENTS:

RESOLUTION No. 09-_____

Resolution approving the 2009 Parks, Recreation and Open Space Plan of the City of Oak Harbor.

WHEREAS, the City of Oak Harbor adopted the 2000 Oak Harbor Comprehensive Parks and Recreation Plan in 2001 by Resolution No. 2001-03; and

WHEREAS, changes in the community have occurred since the adoption of the 2000 Oak Harbor Comprehensive Parks and Recreation Plan, making it desirable to update the plan; and

WHEREAS, the City of Oak Harbor, in the public interest, has prepared the 2009 Parks, Recreation and Open Space Plan in conformance with the Washington State Growth Management Act; and

WHEREAS, early and continuous citizen involvement was accomplished through a combination of a public opinion survey, focus group, blogsites, several workshops with the Parks Board and the Planning Commission, numerous press releases in the local newspaper, and public hearings before the Planning Commission and City Council; and

WHEREAS, adoption of the 2009 Parks, Recreation and Open Space Plan is required to maintain eligibility for grant-in-aid programs with the Washington State Recreation and Conservation Office (RCO);

NOW, THERFORE BE IT RESOLVED by the City Council of the City of Oak Harbor as follows: that the 2009 Parks, Recreation and Open Space Plan is herby approved to serve the public interest.

PASSED and approved by the City Council of the City of Oak Harbor this _____ day of _____, 2009

THE CITY OF OAK HARBOR

_____
Mayor

Attest:

_____
City Clerk

Approved as to form:

_____
City Attorney

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MEMO

CITY OF OAK HARBOR
Development Services Department

To: Members of the Planning Commission

From: Cac Kamak, Senior Planner

CC: Steve Powers, Director

Date: January 22, 2009

Re: Parks, Recreation and Open Space Plan

Introduction

This memo presents the draft Parks, Recreation and Open Space Plan. The draft Plan is structured in 3 tiers. The Plan includes a vision with guiding principles, recommendations for neighborhood parks, community parks and trail system, inventory of existing facilities, analysis of existing facilities, impact fees and implementation projects. The Planning Commission is requested to hold a public hearing on the proposed plan.

The Update Process

Public Input - Survey

The update to the Parks, Recreation and Open Space Plan began with a public input process. A community wide survey was distributed through the utility bills. Approximately 575 survey responses were received. The results of the survey have been included in the appendix of the Plan. The surveys provided citizen opinions on the current parks, recreation and open space facilities, provided feedback on activities and preferences, quality and quantity of parks and provided a direction on the desired facilities.

Focus Group

A focus group of representative from various agencies was formed to collect and share information on the proposed plan. The focus group had representatives from Island County, NAS Whidbey Island, School District, City Council, Park Board, North Whidbey Parks and Recreation District, Youth Council and the City's Parks Division. The focus group met several times to share information on the surveys, discuss ideas about new measuring tools and scenarios in the recommended plan.

Park Board Discussions

The update of the Plan included regular updates, information sharing and discussions at the monthly Park Board meetings.

Planning Commission Workshops
The Planning Commission was briefed regularly on the update to the Plan as the project progressed. The discussions and updates covered the restructuring of the Plan, the vision and guiding principles, the introduction of measuring tools such as the Level of Attention (LOA) and the spatially-based Level of Service (LOS), and the scenarios for trail layout in and outside the City.

Interdepartmental Review
The update process involved staff from several divisions within the City. The Parks Division was involved throughout the process from formulating questions for the survey, and including measuring tools such as LOA and spatially based LOS to the implementation projects and administrative policies. The Harbormaster was involved in providing information on updates to projects and policies related to the Marina. The update process also involved staff from the Engineering and Planning and Development Services Divisions.

Blogsite – www.cohparkplan08.blogspot.com/
A blogsite was created in April of 2008 to post information related to the update of the plan. The blogsite had more than 250 visitors. The implementation projects included in the proposed Plan received the most feedback. The proposal to seek opportunities for a softball complex received the most comments and support. The comments received on the blogsite have been included with this memo for your reference.

The Proposed Parks, Recreation and Open Space Plan
Scope
The proposed Plan combines the Open Space Element, which is a separate element in the City's Comprehensive Plan, with the Parks and Recreation Plan. The combining of the two furthers RCW 36.70A.020 Planning Goals of the Growth Management Act and also meets the RCW 36.70A.070 Comprehensive Plan - Mandatory Element requirements. The combination of the two elements extends the scope of the plan beyond the city limits. Recommendation contained within the Plan to preserve natural features, critical areas and wildlife habitats that are beyond the UGA will require coordination with the County and provide a regional approach to achieving goals.

No information lost
The proposed Plan incorporates all applicable information of both the Comprehensive Plan Open Space Element and the 2001 Parks and Recreation Plan. Information that was contained in the previous Goals and Policies sections of the both the Open Space Element and the Parks and Recreation Plan may be found either in the Guiding Principles, Comprehensive Planning Goals or the Administrative Policies. Also, Standards from the current plans have been discussed and analyzed in the proposed Plan and changes have been recommended where appropriate.

Vision and Guiding Principles
The proposed Parks, Recreation and Open Space Plan includes a vision and a set of guiding principles. The vision statement has been formulated broadly not only to provide a general

direction for the community but to also provide an individual citizen a personal perspective of the future of their environment. The guiding principles were formulated by drawing on statements from the existing Goals and Policies of the Park Plan and Open Space Element that expressed qualities and characteristic that seldom change or are questioned. These principles include expressions of quality, recognition of the importance of nature and its preservation, the importance of communication and collaboration, and the requirements of meeting the laws of fairness and process. The section was created to provide these timeless statements a special place in the Plan that stands out from the Goals and Policies that have a tendency to change more frequently with time and social changes.

Scenario Planning

The proposed plan includes scenarios to work towards as a community. These scenarios are contained within the Recommended Plan section. The scenarios provide recommendation on neighborhood and community parks, layout of trails and open space within the community as well as areas adjacent to the City beyond the UGA. The fulfillment of these scenarios will take time and continued coordination with other agencies such as Island County, the School District and NAS Whidbey.

Measuring Tools

The proposed plan provides additional measuring tools to help in assessing resources, service levels and community need. The current Parks and Recreation Plan uses a ratio-based Level of Service analysis to determine if there are adequate parks and recreation facilities to serve the City's population. The proposed plan introduces a spatial-based LOS analysis to work in conjunction with the ratio-based analysis to determine if all areas of the city are being served by the facilities. The combination of the two LOS tools will help provide a quantitative and qualitative measure of park facilities.

The proposed plan also introduces the concept of Level of Attention (LOA) as a measuring tool for maintenance of existing parks. This measuring tool will aid in the assessment of current maintenance and will also help determine the resources required to increase the service of existing parks. LOA levels can be raised or lowered depending on the resources that are available. The tool can help the City Council and the Administration establish clear expectations and avoid false expectations.

Impact Fees

The proposed plan retains the impact fee methodology adopted in the current plan for neighborhood parks and community parks. However, it recommends creation of a new impact fee for trails. The new fee is recommended to provide an implementation tool for the proposed trail system in the Plan. The proposed trail system is a new component of the Plan and therefore cannot use the impact fee collected for neighborhood parks and community parks. Use of the existing impact fees towards trails would compromise the City's obligation in meeting the demand for neighborhood and community park land. This is because the impact fee calculations for parks are dependent on acquiring land specifically to meet the demand for parks (not trails) generated by growth in population (ratio-based).

The framework for the use of impact fee has been prescribed by the state and should therefore be used to meet the demands of growth. If adopted, the use of the trail impact fees will work well with the scenario for trails around the City in the Recommended Plan. The use of impact fees on the proposed trail system will occur after annexation and as development occurs.

The proposed plan recommends the addition of the trail impact fee and the methodology to determine the fee. However, the adoption of the impact fee for trails will require a separate action by the City Council.

Restructured

The proposed Plan has been restructured to highlight and separate the various timelines normally contained within a plan. The proposed plan is structured in 3 tiers. Tier I provides the Vision, Guiding Principles, Comprehensive Planning Goals and the Recommended Plan. Tier I helps the community keep its eye on the horizon. Tier II contains all the information that is needed to guide the community through the next six years. A six year timeframe has been chosen to respond and reflect Washington State's requirement on the Capital Facilities Plan and RCO's requirement for eligibility for grants. Tier II provides the inventory of facilities, assesses existing conditions, performs service analysis, determines community demand and needs, and recommends the projects for implementation over the next six years. Tier III accommodates the administrative policies that govern the decisions and activities of the administration. It helps guide staff, applicants and citizens in interacting with the facilities that make the parks, recreation and open space system. Tier III is a dynamic section of the document that can be modified frequently to align policies with the demands of service.

Points of Interest

Document Structure

The tiers within the proposed Plan are intended to work with each other. Tier I, which includes the information necessary to keep the eyes of the community on the horizon, is designed to be incorporated as the Parks, Recreation and Open Space Element of the Comprehensive Plan. Though this tier can be separated from the Plan for incorporation into the Comprehensive Plan, it must be noted that recommendations contained within this tier are based on analyses in Tier II. One of the drawbacks of this approach is that information contained within the Plan is not linear, i.e. sections in the beginning of the Plan will have cross references to sections contained later in the Plan. This is a minor disadvantage compared to the overall benefits the restructuring provides. It is also seldom that the Plan is read from beginning to end like a novel. The Plan is often used as a reference and source of information where a reader may go directly to a chapter of interest.

Level of Service

The proposed plan recommends an increase to the adopted 2001 LOS standards for neighborhood parks and community parks. The 2001 adopted standards recommend 1 acre of Neighborhood Park for every 1000 population and 4 acres of Community Park for every 1000 population. The proposed plan recommends increasing the standard to 2 acres of

Neighborhood Park and 7 acres of Community Parks for every 1000 population. The details of this analysis are provided in the Level of Service section of the Plan. The recommendations are based on limited service of some existing parks, the need for parks in underserved areas and the recreational facilities required to serve the population.

Currently there is no concurrency requirement for parks as there is for transportation facilities. Therefore, the LOS standards recommended in the Plan are goals to achieve and are not aligned with current resources. For example, the current spatially-based LOS for trails is LOS 5 and the recommended standard is LOS 2. The recommended LOS is based on the City's ability to reach that standard with the implementation of the Plan overtime. In the event, the state adopts requirements for concurrency for parks, the Level of Service chapter must be revisited to determine if Level of Service standards need to be amended or the standards by which they are measured need to changed. For example, if we are to meet concurrency at this time, the recommended standards may be LOS 4 with funding for trail projects scheduled in the six-year Capital Facilities Plan or increase the service area for trails from ½ mile to 1 mile. The pros and cons of making these adjustments should be discussed to determine the significance of such changes. The Guiding Principles should help in these discussions to balance between the quality of service and the resources available.

Trail Impact Fee

The proposed plan recommends a trail impact fee in addition to the existing neighborhood and community park impact fee. This additional fee will be essential in developing trails in and around Oak Harbor. The eventual adoption and collection of the trial impact fee obligates the City to follow through with implementation which will require spending public funds. The State allows the collection of impact fees but requires that it cannot be collected to cover 100% of the cost of trail construction. Therefore a certain percentage (determined by the City Council) of implementing the trail system will be borne by the public.

Recommended Plan

The Recommended Plan provides some general recommendation on considering the future of the various facilities within the Parks, Recreation and Open Space Plan. Recommendations contained within this section can be pursued as opportunity presents itself. These are no fixed timelines or procedures that dictate how and when these ideas are implemented. Therefore ideas and scenarios contained in this section can take a very long time to achieve. The scenarios that involve plans outside the city limits are not under the City's authority or jurisdiction. However, the City should work with the County when there is opportunity to further the Recommended Plan.

Tentative Schedule

The Plan will be reviewed by the Public Works Standing Committee as well as the Governmental Services Committee in February. The tentative schedule is that the City Council holds its hearing for the Plan at its first meeting in March.

Public Hearing
Public notice of the hearing was provided by publishing a legal notice in the official city newspaper. It is at the Planning Commission's discretion to close or continue the hearing based on the issues presented or the testimony given during the public hearing. Any action of the Planning Commission on the proposed plan will take the form of a recommendation to the City Council.

Recommendations
Staff recommends that the Planning Commission conduct the public hearing for the Parks, Recreation and Open Space Plan and forward it to the City Council for approval.

Attachments
Public Comments from the Blogsite
The proposed Draft Parks, Recreation and Open Space Plan

PUBLIC COMMENTS FROM THE BLOGSITE

Anonymous said...

I think this plan is a fantastic idea.

Not only will it allow adults to have a sport suited for their needs (size), it will bring more business to the community as we start to host tournaments and create more leagues.

It's hard to gain access to the base, with many rules and regulations to abide by. If we have a park located in the city, more civilians will be encouraged to use the fields- thus yielding a greater profit for maintenance and improvements over the years.

I will do what I can to help this project take shape, and I look forward to it succeeding!

-Jessica Newton

Thursday, November 13, 2008 11:20:00 AM

Joe Buenaventura said...

Ballpark Complex: It's a great plan.

Spot-on Jessica! I totally agree.

In regards to the social and health benefits, this plan can definitely benefit our community and abroad. For many it's a great way to take a break from the indoor gym and enjoy what is out there. And for others it's all about the fun: a great time with family and friends. It's good to have a sport activity for adults to participate in rather than just standing or sitting on the sidelines. Let the adults become heros to their kids for a change. Bring back one of our greatest pastimes in our community!

I totally support this effort 100%. I too, would do what I can to help. [So long as I don't have to pay anymore taxes. :)]

Joe Buenaventura

Thursday, November 13, 2008 5:20:00 PM

Stacie Moran said...

I am excited to see that folks are at least thinking of improving and expanding our usage of the great outdoors. Our children are able to compete against other towns/cities through soccer, football, baseball; it would be great if the adults could too. I love the Ft. Nugent play fields. It is a great example of how our community can come together and sistered with our military friends create a wonderful place for families to live, learn, and love! I use the Flinestone Drive trail nearly everyday and would love to see it reach more ground along such a scenic area! The softball fields on base are awesome, but if you are not military can be cumbersome to access at times. Something to add to the idea/thought process...perhaps an indoor stadium of some sort would be great too! The kids could play soccer year round. The city could start a volleyball league that could host other towns/cities in tournaments. The possibilities are endless and I would support a fee or temporary tax to get started!

Friday, November 14, 2008 10:25:00 AM

Kory Dyer said...

This plan is a great idea!!!

As an avid softball player, having an adult sized complex would be fantastic.

Playing in many other complexes, I've seen the potential and the realization of income the city can bring in.

I am more than willing to give my time and effort to make this happen!!!

Kory Dyer

Friday, November 14, 2008 1:05:00 PM

Anonymous said...

Some decent "adult" sized softball fields are way overdue for our community. I have been part of the Naval Base leauge for 9 years, and this year we actually had to turn teams away due to field usage limitations. This speaks volumes about the amount of people interested in playing softball. This project "WOULD" become a great source of revenue for the City by hosting tournaments. I know teams that would come from other cities (I have personally spoke to many players in the Mount Vernon area that say they wish there were tournaments in Oak Harbor). Tournaments could be created for charities as well to help our community.

I have built many great friendships from my involvement in softball, and having fields off base would expand the possibilties.

I am asking everyone that has a love for this sport to please do what you can to make your voice heard - let's make this happen.

Mark Douglass

Friday, November 14, 2008 1:13:00 PM

timesthepain said...

I think that the "Action Plan" goal refering to the adult softball complex would be, by far, the best addition that the city could make. Why are we so focused on expanding jogging/hiking routes and nature walks in this city? The beachfront in Oak Harbor isn't even that nice, not compared to some of the beachfront in other parts of Whidbey Island. Besides, how does connecting a jogging path all the way from Scenic Heights to Maylor Point bring revenue to the city? Exactly. It doesn't. An adult softball complex that is capable of supporting tournament play, brings teams from as far as Eastern Washington and even other states such as Oregon and Idaho. Those teams stay in Oak Harbor hotels and eat in Oak Harbor resturaunts. Not to mention the tens of thousands of dollars that the Parks Department would gain through league and team fees alone during the tournament season. Just look at the Skagit County softball complex. Two tournaments a month, six months a year, 20-30 teams in a tournament, three to four hundred dollars per team. Talk about a boost to the Parks Department revenue, and a boost to the local economy. Then, in the fall, start a kickball league on the same fields. Skagit County does, and its successful. If the joggers/hikers feel left out surround the entire softball complex with a jogging trail. Everyone wins.

Friday, November 14, 2008 2:54:00 PM

Robert Bailey said...

This plan is a winning situation for all parties involved. Not only for the softball community, but for the town as well. This is also a great idea because it is a "low impact" development with added "green" instead of more buildings and black top. The bottom line is that this is a long overdue idea that would be great for everyone involved and a healthy community developer.

Let's make it happen.

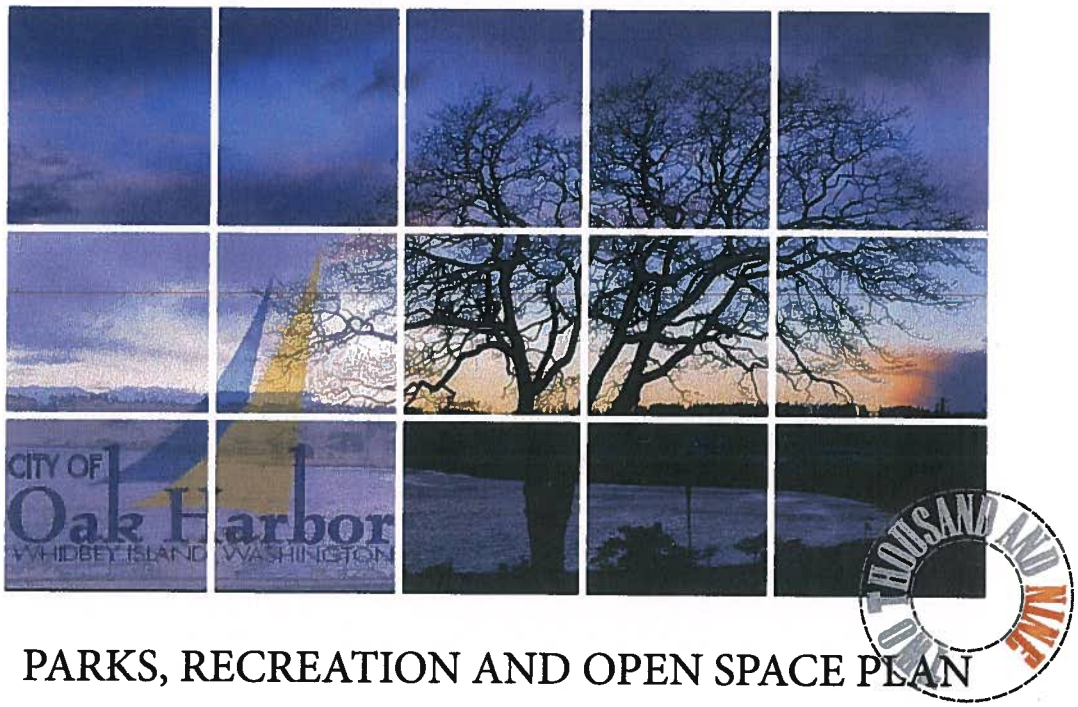
Bob Bailey

Monday, November 17, 2008 3:04:00 PM

Anonymous said...

The base has been a wonderful partner in the years Ive played softball but to have a park in the city of Oak Harbor would only enhance our partnership. This can only bring our community closer and have families become more involved. Excellent idea!
Maria McGee

Tuesday, November 18, 2008 3:37:00 PM



PARKS, RECREATION AND OPEN SPACE PLAN

DRAFT

PREPARED BY THE CITY OF OAK HARBOR DEVELOPMENT SERVICES DIVISION

DRAFT

Cover photo by Arnold Peterschmidt

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ACKNOWLEDGEMENTS

2008 City Council

Mayor Jim Slowik
Danny Paggao
Eric Gerber
Jim Campbell
Beth Munns
Rick Almberg
Jim Palmer
Robert Severns

2007 City Council

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Jim Campbell
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Nicki Luper – School District
Whitney Weber – Island County
Craig Carlson – North Whidbey Rec
Peggy Dyer – Big Brothers and Sisters

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HOW TO USE THIS DOCUMENT

STRUCTURE

The document is structured in three Tiers. This structure is intended to provide a balance between consistency and flexibility in policy making. The three tier structure provides sound principles and guidelines to form a good foundation for the long term, tools to assess the current conditions and make adjustment when updating the Plan as per the requirements of the State, and the option and flexibility to amend policies based on current circumstances.

Tier I contains the vision, guiding principles, the comprehensive planning goals and the recommended plan. These are meant to be long term intentions that will help the community keep its eyes on the horizon. The vision is a vivid mental image of the future. It is broadly written to allow the reader to uniquely perceive it in his/her own mind. The guiding principles are intended to provide consistent framework for the application of policies and reliable decision making. The Comprehensive Planning Goals is a collection of the many goals, ideas, projects and procedures that have been gathered over the past 30 years from the citizen, commissions, boards and other entities that contribute towards achieving the vision. The Recommended Plan is the long term physical plan for the expansion of Park Elements in Oak Harbor. Since the Tier I contains the broad vision and principles for the City over space and time, this is the section that will form the Parks, Recreation and Open Space Element of the City's Comprehensive Plan.

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Tier II contains the strategic plan that will help the community achieve its vision one six-year period at a time. The six year period is chosen to align the plan with Washington State's Recreation and Conservation Office requirements of eligibility. This tier contains data to provide a snapshot in time of the infrastructure and facilities available while creating/updating the document. This tier contains the inventory of existing facilities, current maintenance levels through the Level of Attention (LOA) analysis, determines the current Level of Service (LOS), and determines the community need established by survey and other public input forums. This tier also includes the projects for implementation over the next six years. This section is considered the workhorse chapter of the Plan.

Tier III contains the administrative policies that aid in the implementation of the Plan. These policies will be tested and may need to be amended as implementation of projects move forward. This Tier is separated from the remainder of the document and

adopted by resolution so that the City Council can amend it on a need-to basis and as existing programs are altered or new programs are created.

UPDATES

The scope of periodic amendments and updates can be determined by considering the information provided below.

Tier I – The vision and the guiding principles are not intended for frequent changes. However, the Comprehensive Planning Goals must be reviewed every six years using the following criteria:

- Are there additional goals that need to be added?
- Are there goals that can be determined as complete?
- What are the goals that the community would like to continue to implement?
- Are there additional goals that the community would like to implement in the next six years?
- Does the Recommended Plan need to be amended?
- Is there a sense of change in community needs that must be tested by a community wide survey?

The answers to the above questions can be gathered/determined on an ongoing basis through existing public outreach procedures such as public comments period at Council, Commission and Board hearings, public hearings for implementation projects, Capital Improvement Planning, budget process, the annual Comprehensive Plan updates, election of new council members, etc.

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Tier II – This section of the Plan needs to be amended every six years to provide the most up-to-date information and data for the various analyses contained within this section. The scope of the update can be determined by considering the following:

- Is a different methodology prescribed for the Level of Service analysis?
- Is there a strong indication that the community need has substantially changed?
- Is there a need for a community wide survey?
- What are the goals that need to be accomplished over the next six years?

Update of this section provides any directional changes required for the long term vision expressed in Tier I. If the community has strong indications that the need has changed, a public opinion survey that has similar questions to the 2007 survey is recommended. This would allow data collection to determine trends. A copy of the 2007 survey is included in the appendix.

Tier III – This section is adopted by resolution as a policy document that can be amended frequently as challenges and unique situations arise.

General Use of Document

This document was created to provide information to a wide range of readers since this document in intended for a variety of uses and applications. It is difficult to determine every scenario under which a reader may intend to use this document. Below are a few pointers to help with finding information within this document based on three broad categories of readers and users:

- Interested citizen, agency or organization
- City Administration (Council, Commissions, Staff etc.)
- Developers, engineers, contractors, project managers

An interested citizen, agency, or organization may benefit most by reading the Tier I section which provides a broad vision for the community and the many goals slated to be achieved. The Guiding Principle provide information on the basis for decision making, project design and the overall approach for implementation of the Plan. The Recommended Plan in Tier I provide a long term physical layout of infrastructure for the community. An interested citizen, agency, or organization may also be interested in the Action Plan contained in Tier II of the Plan.

The City Administration will use all Tiers and sections within the Plan.

Developers, engineers, contractors etc may be interested in Tier III of the Plan since it contains information on specific requirements an criteria for project development.

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TIER I

VISION

The City of Oak Harbor is a beautiful place where the natural environment is woven into the urban environment with such care and precision that the sense of where the built form stops and nature begins is not known.

It's a place where human nature has the opportunity to find its balance with its surroundings by merging of the urban and natural environment in seamless ways, inviting nature into the community and creating a wide range of spaces and experience where community can gather as one or the energy of one can rest in solitude and peace.

It is a town where the residents of all age groups are active and healthy, and have a wide range of choices for recreation, engaging themselves in mental and physical activity all year round.

It's a City where the environment is clean with beautiful landscapes that line the streets and pathways, opening up to breath taking views of the water and mountains. It invites boaters and kayakers into the community compelling them to spend time at this premier waterfront community.

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GUIDING PRINCIPLES

Guiding principles set the basic foundation for the users of this plan. These principles are a memorandum of understanding. The principles help to provide the user/reader with the right perspective, role and understanding necessary to speak or act on behalf of this community accepted Plan.

A. The City of Oak Harbor recognizes, respects, preserves and protects areas where nature will and must take its own course in shaping itself. However, the City also recognizes that it is the ambassador for change that is required to create space for the healthy existence of nature within the built environment.

B. The City recognizes, designates and differentiates between the spaces that need to be protected and preserved from the spaces that need to be restored and re-vegetated.

C. The management, acquisition and development of open space, parks and recreation must be done in a fashion concurrent with development so that a resident's mind should seldom contemplate the question of sufficiency or quality.

D. The recreational choices provided by the community, for the community, are of a community nature and will therefore reasonably provide opportunities for all within the community.

E. Man-made structures are designed with aesthetic quality and built with natural and environmentally-friendly materials to last a very long time.

F. City owned lands that are regional attractions must be welcoming so that a visitor to that space will savor the experience long after departing.

G. Creating the experiences of these spaces includes meaningful public input, balancing the needs of the community, and determining the impacts to the vision.

H. The community of Oak Harbor acknowledges preservation of the natural environment and in the necessity to protect nature and wildlife may restrict or preclude public access from some open space.

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I. All open spaces, parks and recreational facilities will be maintained to their designated level of service recognizing that "no-maintenance" is also a chosen form of maintenance.

J. Elements of nature can and should be introduced to all public owned lands that will help connect the various spaces and form a complex network of paths between the community's open spaces, parks and recreational facilities.

K. The Parks and Recreation Plan must always remain in compliance with the GMA, State and County agencies.

L. A two-way communication system between residents and City administration, to share, inform and receive input, is essential for the success of the Vision.

M. Reasonable safety measures will be incorporated into all aspects of the design of new facilities and equipment, acknowledging that people by choice indulge in sport and recreation activity that do have the potential for risks, accidents and danger.

N. Recreational choices shall be provided to meet the needs of youth, adult, elderly and disabled population.

O. The acquisition of land and easement to meet required levels of service shall be mandated concurrent with development of property. Donation of land for parks, recreation, open space and trails, above and beyond the requirements, is encouraged.

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P. Recreation facilities are planned for use all year and in most weather conditions.

Q. Partnerships and relationships with other agencies, such as, but not limited to North Whidbey Parks and Recreation District, Island County, NAS Whidbey Island, Washington State, not-for-profits and other public and private entities, must be continuous, proactive and enhanced through communication, coordination and participation.

R. Funding options and opportunities must be explored to provide a consistent revenue stream that will finance the success of the Vision.

S. Existing facilities shall be upgraded to meet health and safety standards and to assure the longevity of its service.

T. All projects initiated or partnered by the City, from conception to completion, will follow established planning processes, effective notification, public input/discussion, fair treatment and equal opportunity for all.

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COMPREHENSIVE PLANNING GOALS

The goals listed below are an end result envisioned for the community. The goal statements in this section are a compilation of goals from the previous plan as well as new ones that have been added based on the most recent public input process. Since the previous plan was an update of the Plan originally drafted in 1989, it is acknowledged that 20 years worth of public input has gone into forming those statements. The spirit and essence of the goals have been included in this plan with the intent that it carries forward a community vision that may take several decades to achieve.

The Comprehensive Planning Goals include two types of goals. Some goals are "continuing" and others are "conclusive". An example of a continuing goal is "Work with North Whidbey Parks and Recreation District to establish recreational programs in the community". An example of a conclusive goal is "Provide additional RV spaces in or around Windjammer Park" or "Establish a trail connection between Windjammer Park and Flintstone Park". A conclusive goal can be removed from this chapter after it has been completed.

The end result of an accomplished goal can also take various forms. Some may result in the construction or acquisition of a physical structure, building or space and some may result in the approval of codes, regulations, policies, agreements etc.

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Goals included here can be accomplished or furthered in several ways. Some goals can be accomplished by a proactive approach such as including them in the six-year strategic plan. Others can be furthered by using them in decision making for specific projects. They may also be used to support a private venture that may attempt to accomplish similar goals.

Every six years, when the Plan is updated, goals are selected from this comprehensive list to be included in the Action Plan (Tier II) for implementation. The selected goals are indicated with a seal and the year they were selected. The 2008 update cycle has "Selected 2008". When the Plan is updated in the year 2014, a new seal can be created to indicate the chosen goals at that time. Over time, this will not only provide an indication of accomplishments but will also reveal areas that need attention.

The goals have been broadly categorized into open space, parks and recreation. A general category has been created for goals that apply

to all the elements. The goals listed within each section are not arranged in any particular order nor are they prioritized.

Open Space

a. Identify, designate and protect open space lands that provide forage, migration, and habitat for wildlife.

b. Partner with NAS Whidbey Island to formulate a Plan acceptable to both parties for the continuation of the Waterfront Trail to Maylor Point.

c. Construct a waterfront trail system linking providing public access to the waterfront from Scenic Heights Road to Maylor Point.
   I. Connection between Windjammer and Flintstone Park
   II. City and Navy to determine extension on Navy Property to Maylor Point
   III. Extend the Freund March Trail to the waterfront

SELECTED 2008

d. Design and build trails around the 7th Avenue Wetlands Tract.

SELECTED 2008

e. Provide safe and convenient trails for walking and bicycling between parks, neighborhood and major activity centers throughout the City, and to other recreation sites on North Whidbey.

SELECTED 2008

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f. Prepare a bicycle and pedestrian trails plan that establishes design standards and provides connections between city parks, residential areas and major activity centers.

g. Integrate Island County's proposed Bicentennial Trail, Pacific Northwest Trail and other County-wide trails plans into the City Trail Plans.

h. Identify and preserve open space lands that permit public access to the waterfront, and also to other areas where the public can interact with natural features.

i. Promote the conservation of open spaces that are in both public and private ownership.

j. Utilize open space conservation as a method to establish a "green belt" around the urban core of the city.

k. Identify and protect important "view corridors" that provide visual access to scenic vistas.

l. Protect open spaces that provide important ecological functions and values.

m. Work with Island County staff to identify opportunities for cooperation in preserving open space areas within the city's UGA, as well as within the city/county Joint Planning Area.

n. Promote a coordinated regional effort toward the preservation of open space.

o. Identify properties that may be suitable to create an open space link between Waterloo Marsh and Swantown Lake.

p. Recognize hydrologic and other features that create physical or visual linkages between properties and natural features.

q. Establish an "open space trust fund" for the protection, preservation, and potential acquisition of open spaces through which individuals, organizations, governments, trusts, foundations, businesses, and other entities may contribute.

r. Review and revise as necessary the city's development regulations to ensure that adequate provisions are made to preserve open space as land is developed.

s. Explore options to convert the property located on the southeast corner of SR 20 and Fakkema Road into an Oak Grove.

DRAFT
SELECTED 2008

Parks

a. Develop an informative brochure that includes an easy-to-read map of all the recreation sites on North Whidbey Island and publish it on all popular media.

b. Post a City Parks directory map at Windjammer Park that graphically incorporates key City landmarks.

c. Construct a concert/performance arts pavilion at Windjammer Park.

d. Provide additional public RV spaces in or around Windjammer Park.

e. Provide shoreline access, campgrounds and trail linkages for kayakers and others using human powered watercrafts.

f. Provide more facilities for large group gatherings in parks.

g. Provide upland facilities at Flintstone Park that will support the Municipal Pier Project. SELECTED 2008

h. Prepare a concessionaire policy and related ordinance for the City's shoreline and community parks.

i. Provide more attractions at Oak Harbor's shoreline parks, including opportunities for community events and vendors of appropriate refreshments and rental sports equipment.

j. Develop guidelines to promote private properties and existing developments to provide pocket parks along the City's arterial streets.

k. Upgrade existing structures and facilities to make them safe and extend their life and usefulness. SELECTED 2008

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Recreation

a. Develop the former landfill site, were appropriate, with supplemental recreational facilities.

b. Develop a regional ball park complex to serve local needs and attract tournament-level sports competition.

c. Assist in developing programs to utilize existing facilities within the City to provide recreational opportunities for all ages. SELECTED 2008

d. Work with the School District to establish long term use of existing facilities where feasible to meet established level of service standards for recreational facilities identified as needed in the level of service analysis. SELECTED 2008

e. Work with North Whidbey Parks and Recreation District to establish recreational programs for youth in the community.

f. Coordinate with Island County to establish funding for recreational programs.

g. Build a community center that serves as an indoor multiple purpose facility for active and passive recreational needs that serve the residents all year round.

h. Prepare a Marina Master Plan that analyses the community's perceptions and demand for marina services, determines market demand for tourism and commercial fishing, determines methods to establish long term funding, upland development alternatives and timing and enhance its connections to downtown.

SELECTED 2008

i. Improve the appearance of the Marina so as to make it welcoming to the boaters and other users that visit Oak Harbor.

j. Investigate long term funding options for the Marina that are consistent and can serve the facility well into the future.

k. Upgrade all existing facilities and utilities in the Marina to meet or exceed current safety standards.

SELECTED 2008

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General

a. Explore option to increase the revenues for parks, recreation, trails and open space projects.

SELECTED 2008

b. Develop new volunteer programs to improve city parks, recreation and trails system and other areas in need of beautification.

c. Prepare a lighting policy and associated ordinance for the City's community and neighborhood parks.

Recommended Plan

The Recommended Plan is a conceptual approach to planning for parks, recreation and open space in and around the community. This conceptual approach provides a desired scenario to work towards. Recommendations included in this section are targeted towards achieving a specific scenario.

This chapter provides general scenarios to work towards for the following elements of the Plan.

- Neighborhood Parks
- Community Parks
- Trails
- Open Space

The Recommended Plan draws from analyses and standards contained in other chapters of this document. References are provided where feasible.

Neighborhood Parks

Neighborhood Parks serve a smaller area than community parks and have facilities that are usually scaled down to serve the immediate neighborhood. Neighborhood Parks should be designed and located so that they are accessible by foot or bicycle. They should be safe and easy to access through local streets, pathways and trails and located away from barriers such as major streets.

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Neighborhood Parks should provide playgrounds and recreational facilities for children and young adults in the neighborhood. However, opportunities to provide passive recreation with natural areas should also be considered.

As the City grows, neighborhood parks should continue to be provided in residential areas as they develop. Opportunities should also be explored to provide neighborhood parks in areas within the City where service is not currently available[1].

Listed below are recommendations of areas to consider for neighborhood parks. These are general areas and exact park location will vary based on patterns of development, street layout, trail

[1] See Chapter on LEVEL OF SERVICE (page 44) and Map 7: Level of Service - Neighborhood Parks (page 49)

connections, natural features and availability of land. Recommended areas are:

- South of Whidbey Avenue and east of Midway Boulevard
- Between SR 20 and Scenic Heights
- West of SR 20 and south of SW 24th Avenue
- South of Swantown Road and west of Fairway Lane
- North of Swantown Road and west of Loreland Drive
- North of Crosby Avenue and west of Oak Harbor Road

Community Parks

Community Parks serve a larger area than neighborhood parks and include facilities that serve the entire community. Community Parks are larger in area and includes the larger recreational facilities such as playfields for team sports and structures for large community gatherings.

Community Parks are more efficient when various recreational facilities are concentrated in one location. This allows these facilities to share common infrastructure such as water, parking, restrooms, drainage etc. Community Park should also be located along arterial streets since users may access the park by automobiles and mass transit.

The City of Oak Harbor is deficient in many recreation facilities[2]. Most of the needed facilities best serve the City in a Community Park setting. More than one Community Park may be needed to provide the recreation facilities prescribed by the LOS standards[3]. Map 6: Level of Service - Community parks (Page 47) illustrates the service area of existing community parks. It indicates that the west/northwest portions of the city have the least coverage. Therefore it would be ideal to locate a future community park to provide coverage in that area.

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Open Space

Open space is a signature element that helps to define the quality of life in Oak Harbor. Open spaces are area of land or water in its natural or existing state that is essentially unimproved and designated, dedicated, reserved or preserved for scenic quality, or for sustaining sensitive ecosystems, or for public or private use.

The protection of open space is an issue of importance to city residents, and also to visitors to the city. Open space provides important and sometimes irreplaceable habitat for wildlife. It also

[2] Table 8: Existing and Future LOS for Recreational Facilities (page 87)
[3] Table 6: Recommended Ratio-based LOS Standards (page 55)

provides places where people can enjoy the area's scenic beauty and cultural heritage, which may be passed to succeeding generations of residents and visitors alike.

Open space can serve many functions within a community. Those functions may include agriculture and forestry, wildlife habitat, wetlands protection, groundwater protection, flood management, shoreline access, preservation of view corridors, or similar functions. Individual open space tracts may provide more than one function. While each community may place different priorities on these functions, each can provide an important component of an area's quality of life.

Open space helps to create livable neighborhoods, to soften the edges of the built environment, to enhance property values, and to buffer incompatible land uses. Because the city is already built out to a significant extent, identifying opportunities to acquire or otherwise protect open space can be critical. The extent of the built environment also suggests that the discussion of open space should occur within a regional context.

The City should work with the County and other organizations to help identify and designate natural areas, wetlands, wildlife habitats etc. around the City as open space. Some of these areas have been identified in Map 3: Recommended Plan - Long Term Trail Layout as nodes.

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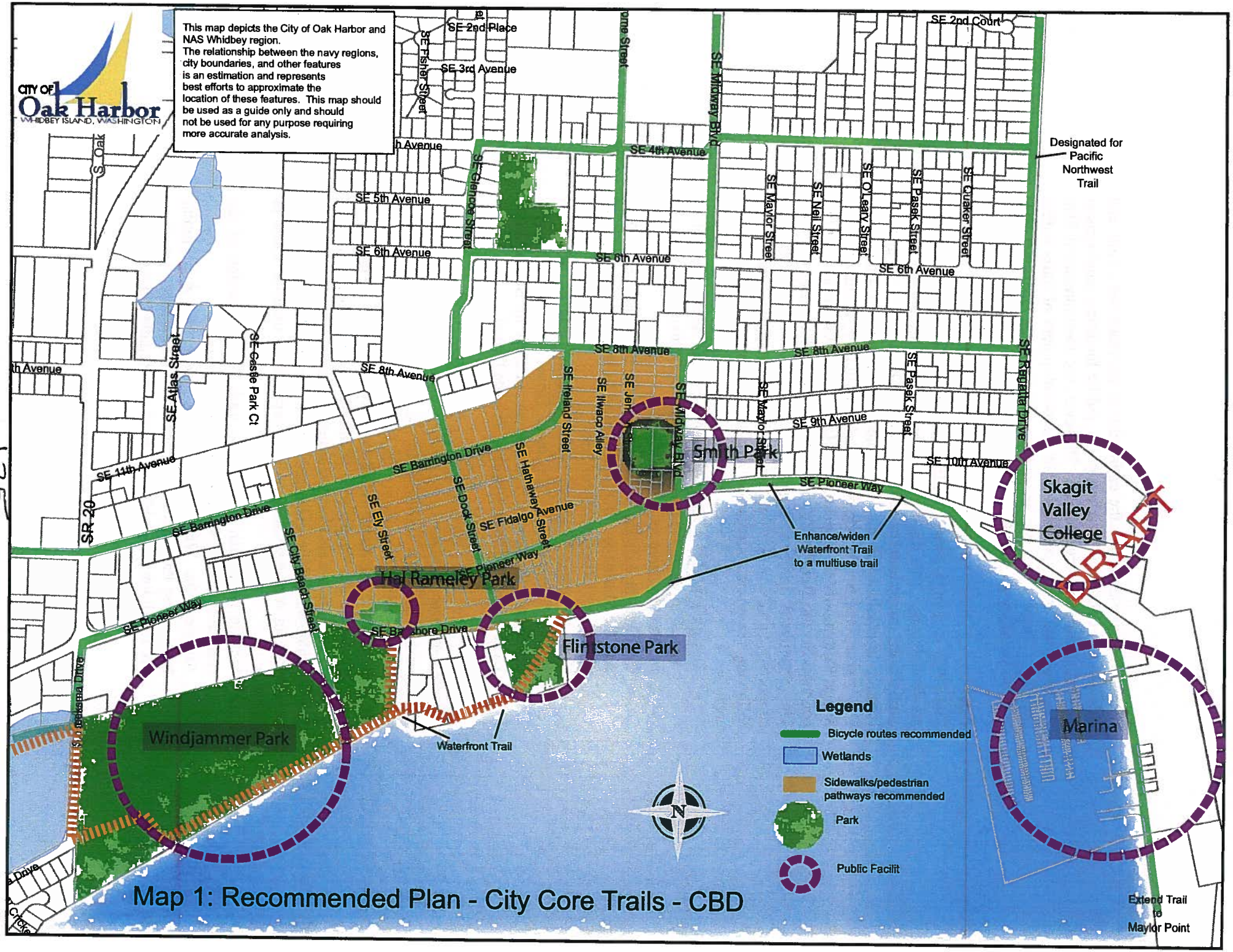
Trails

Trails can broadly include dedicated (separate from right-of-way) multi-use paths, marked lanes on roadways and sidewalks. Trails also serve multiple purposes. They can be designed, built and located primarily for recreation or they could be integrated into street projects for transportation. An ideal trail system would be designed to serve both purposes.

The Recommended Plan provides two different scenarios for trail development. One scenario provides concepts for connections within the city limits and the other scenario provides concepts for trail development outside the City in the UGA and beyond.

Recommended Plan for Trails within the City

Providing dedicated trails within the city can be challenging because of the existing built environment. Therefore trails within the city should be designed or designated along existing transportation corridors. Since they are adjacent to existing transportation systems, care must be taken to make them safe.


CITY OF
Oak Harbor
WHIDBEY ISLAND, WASHINGTON
This map depicts the City of Oak Harbor and NAS Whidbey region.
The relationship between the navy regions, city boundaries, and other features is an estimation and represents best efforts to approximate the location of these features. This map should be used as a guide only and should not be used for any purpose requiring more accurate analysis.
SE 2nd Place
SE 3rd Avenue
SE 2nd Court
SE Fisher Street
SE 4th Avenue
SE 5th Avenue
SE 6th Avenue
SE 8th Avenue
SE 9th Avenue
SE 10th Avenue
SE 11th Avenue
SE Barrington Drive
SE Pioneer Way
SE Midway Blvd
SE Mayor Street
SE Neil Street
SE O'Leary Street
SE Pasek Street
SE Quaker Street
SE Regatta Drive
SE Ireland Street
SE Iliwaco Alley
SE Jerome Street
SE Hathaway Street
SE Fidalgo Avenue
SE Dock Street
SE Ely Street
SE City Beach Street
SE Beachcomber Drive
SE Bayshore Drive
SE Catalina Drive
SE Atlas Street
SE Castle Park Ct
S Oak
SR 20
Designated for Pacific Northwest Trail
Smith Park
Hal Rameley Park
Flintstone Park
Windjammer Park
Skagit Valley College
Marina
Waterfront Trail
Enhance/widen Waterfront Trail to a multiuse trail
Extend Trail to Maylor Point
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Legend
Bicycle routes recommended
Wetlands
Sidewalks/pedestrian pathways recommended
Park
Public Facilit
N
Map 1: Recommended Plan - City Core Trails - CBD

Ideally it is preferred that the entire city be provided with trails and sidewalks to connect the various parks, public facilities, employment centers, commercial centers etc. However, the Recommended Plan identifies two areas specifically for the development of trails within the City. These two areas are the Central Business District (CBD) and the Whidbey Avenue Corridor.

CBD

The CBD is a high density district with a mix of commercial and residential uses. This district's commercial uses are geared towards capitalizing on pedestrian traffic. The CBD district is in an ideal location to create a hub for interconnectedness between some of the City's prime assets - Windjammer Park, Smith Park, Flintstone Park, Skagit Community College and the Marina. The waterfront trail that connects Scenic Heights Road to the Marina is adjacent to this area. The waterfront trail, a community asset, can benefit from a supporting bicycle/pedestrian trail network in the CBD district. The following recommendations are proposed to improve trails in this area:

- Design guidelines and regulations in this district should be written to guide the physical environment toward a pedestrian oriented environment.
- Enhance the existing trail connection between Flintstone Park and the Marina to a multiuse trail and extend the existing trail from the Marina to Maylor Point.
- Provide marked bicycle path along the primary east-west streets (Pioneer Way, Bayshore Drive, and SE Barrington Drive) and the primary north-south streets (City Beach Street, Dock Street, Midway Blvd and Regatta Drive).

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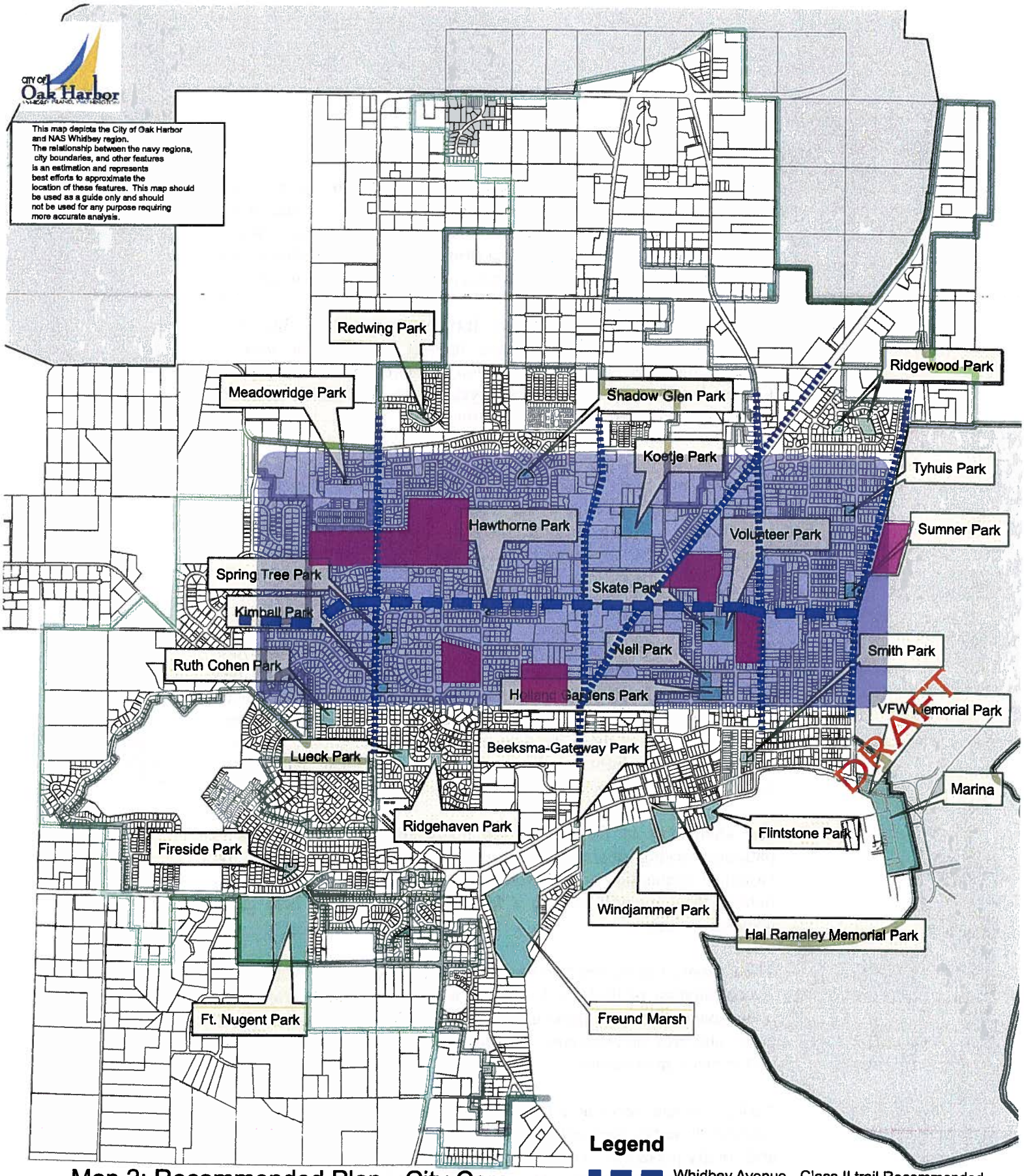
Whidbey Avenue Corridor

This corridor has been identified in the Recommended Plan since almost all the public schools in Oak Harbor are primarily located in the heart of the City along Whidbey Avenue. Several other public facilities such as the Vanderzicht Memorial Pool, the Senior Center, and the skate park are also located along this major east-west arterial. This corridor should be enhanced for all modes of transportation. The following recommendations are proposed to improve trails in this area:

- Include pedestrian and bicycle trails into the design of the reconstruction of Whidbey Avenue.
- Augment the Whidbey Avenue Corridor trail with similar trails along the other major roadways that intersect it such as SR 20, Heller Road, Midway Blvd and Regatta Drive.



Map 2: Recommended Plan - City Core-Whidbey Avenue Corridor

1 inch equals 0.452920 miles

0 1,200 2,400 4,800 Feet

- Support the Whidbey Avenue Corridor trail system with sidewalks or a trail system along local streets so that it can provide for a dispersed funneling system to the major public facilities located in this area from organized/scheduled remote drop-off and pick-up locations, preferably, at nearby parks.

The above recommendations are further supported by the 2007 Transportation Plan. Since these options consider the existing transportation system as a foundation, it is recommended that the City undertake a pedestrian and bicycle study to establish standards and create a detailed plan to achieve this goal.

Trails along existing roadways do not have to wait for road improvements to be implemented. Normally there is adequate right-of-way to accommodate a trail adjacent to existing pavement or storm drain. Trails can be installed temporarily until funding becomes available for street improvements.

UGA and Beyond

This section of the Plan lays out a vision for the Parks, Recreation and Open Space Plan outside the city limits so that the community can plan ahead of possible growth and development. Recommendations within this section are ideas and general directions to follow. Since the City does not have jurisdictional authority beyond the city limits, it is important to coordinate with Island County to pursue the scenario recommended below.

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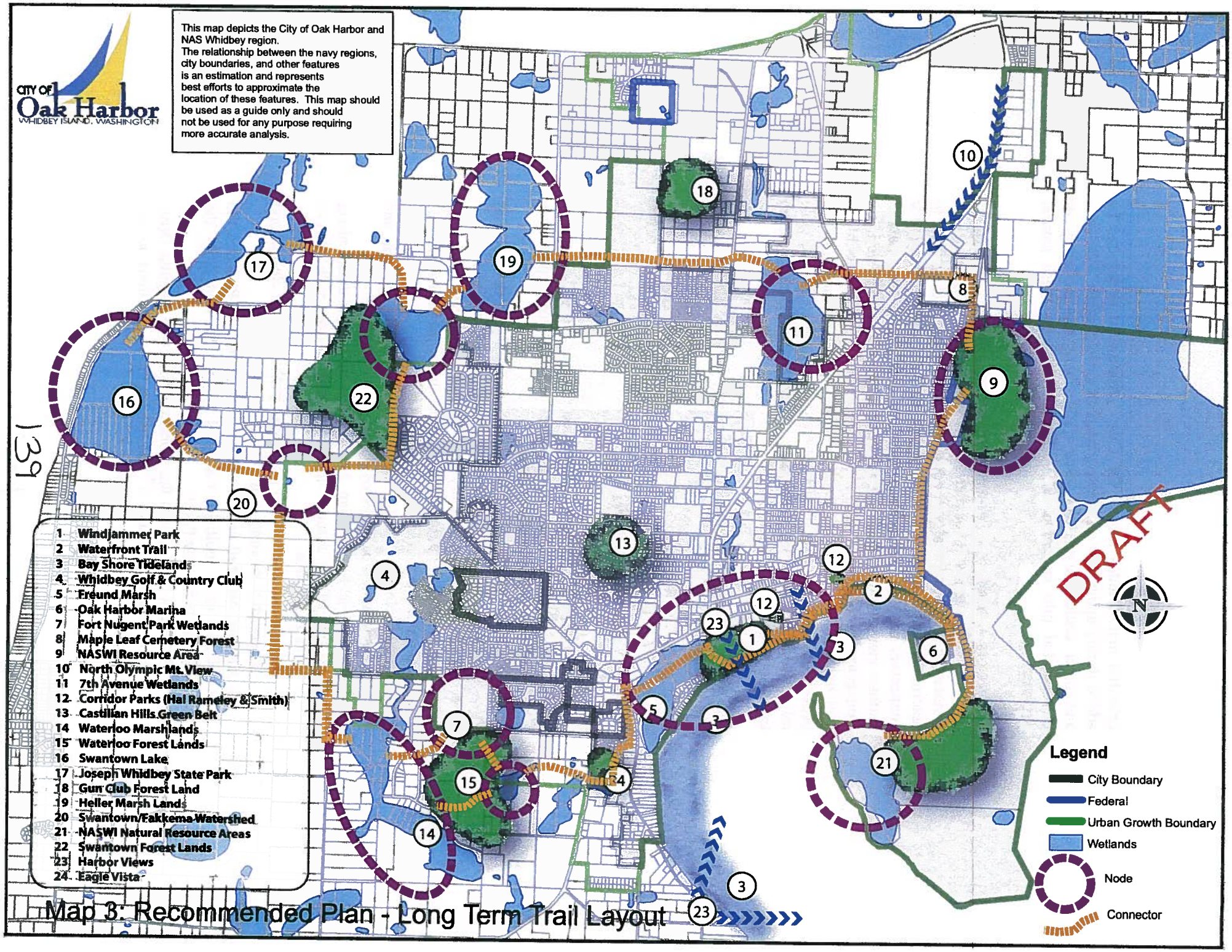
The challenges in these areas are many such as land ownership patterns, varying lot sizes and shapes, critical areas, right-of-way and easement acquisition etc. Therefore the recommended plan for areas outside the City will rely on a few basic principles to help guide decision making.

The scenario establishes two basic elements – nodes and connectors. A combination of these will result in a network of trails, parks and open space that will provide interconnectedness, preserve critical areas, and provide open space and parks to meet the needs of growth and increase in population.

Nodes – Nodes serve as a hub for connectors (trails). They can be community parks, wetlands, natural areas such as forests, lakes, state and county parks etc. They serve to protect the natural environment, natural features, views etc. The attached map identifies some



Map 3: Recommended Plan - Long Term Trail Layout

potential major nodes around the City. Additional nodes can be added during updates or on closer studies of certain areas. Wetlands and other critical areas can have trails along the periphery or incorporated into an enhanced buffer that protects these natural features.

Connectors – These are primarily trails that connect the various nodes to form a network for pedestrians and bicycles. The proposed connectors are conceptual and additional studies need to be done to determine actual locations and alignments. A good location for connectors is to follow drainage patterns. Following such natural features can provide a quality experience to the recreational activity. Connectors in these new areas should preferably be, were possible, a trail network that provides dedicated right-of-way or easement for pedestrians and bicyclists. Trails in areas outside the City will also rely on existing roads for connection. Care must be taken to design them for safety.

The above recommendations are consistent with the Island County Trails Plan.

Summary of recommendations

- Continue to develop neighborhood parks as the city grows
- Find opportunities to provide neighborhood parks in underserved areas of the city.
- Explore options to develop a community park that can accommodate a concentration of recreational facilities.
- Work with Island County and other organizations to identify and designate natural areas, critical areas, wetlands, wildlife habitat as open space.
- Include bicycle paths and sidewalks in the design and reconstruction of Whidbey Avenue.
- Develop a trail system for bicycles and pedestrians along existing streets in the Whidbey Avenue corridor with links to parks in the area.
- Incorporate bicycle and pedestrian paths into the design and construction of street in the CBD.
- Enhance the trail connection between Flintstone Park and the Marina as a multiuse trail and extend the trail from the Marina to Maylor Point.
- Develop a trail system that connects SR 20 to Regatta Drive along Barrington and 8th Avenue with connections to the waterfront trail.

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- Work with developers to provide trails in new development that provides connectivity to parks and open spaces.
- Develop design guidelines for new developments that encourage connectivity and use of the trail system.

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TIER II

SIX YEAR STRATEGIC PLAN

The six year strategic plan helps the community advance goals from the comprehensive planning goals. Determining the goals for the next six years should be based on the immediate needs of the community and other mandated projects. Prior to establishing the list of projects and goals to be accomplished in the next six years, it is important to assess an inventory the existing facilities and determine their existing conditions. This allows the Plan to identify projects to meet maintenance and upgrade needs and requirements.

The six-year strategic plan includes an inventory of existing structures, outlines the Level of Service (LOS) policies, Level of Attention (LOA) analysis, establishes the needs of the community and list the goals to be accomplished along with implementation projects.

A six year time frame is selected since Washington State Recreation and Conservation Office (RCO) requires that the plan be updated at the end of six years in order to stay eligible for grants and other funding.

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INVENTORY OF EXISTING FACILITIES

The City of Oak Harbor is a major provider of recreational services in the Urban Growth Area (UGA). The city's 30+parks provide both passive and active recreational opportunities on over 150 acres, including walking trails, picnic areas, and ball fields; neighborhood parks and playgrounds: a marina, senior center and recreational vehicle park; and access to over one mile of public shorelines. In addition, North Whidbey Parks and Recreation District operates an indoor swimming center and Oak Harbor School District manages 95 acres of playgrounds and sports fields within the UGA.

The Comprehensive Plan also designates areas in and around the City as open space. These areas range between publicly owned land, private land and Navy property. Some of these areas include an 18-hole golf course and country club west of Swantown Road, 207 acres of park land managed by Naval Air Station (NAS) Whidbey Island and various private facilities owned by churches, private schools, health clubs and other developments. Beyond the immediate planning area, Washington State Parks, the Department of Natural Resources, Department of Wildlife and Island County manage over 5,000 acres of public forest areas and shorelines on North Whidbey Island, including camping facilities, boat launches, picnic areas and hiking trails.

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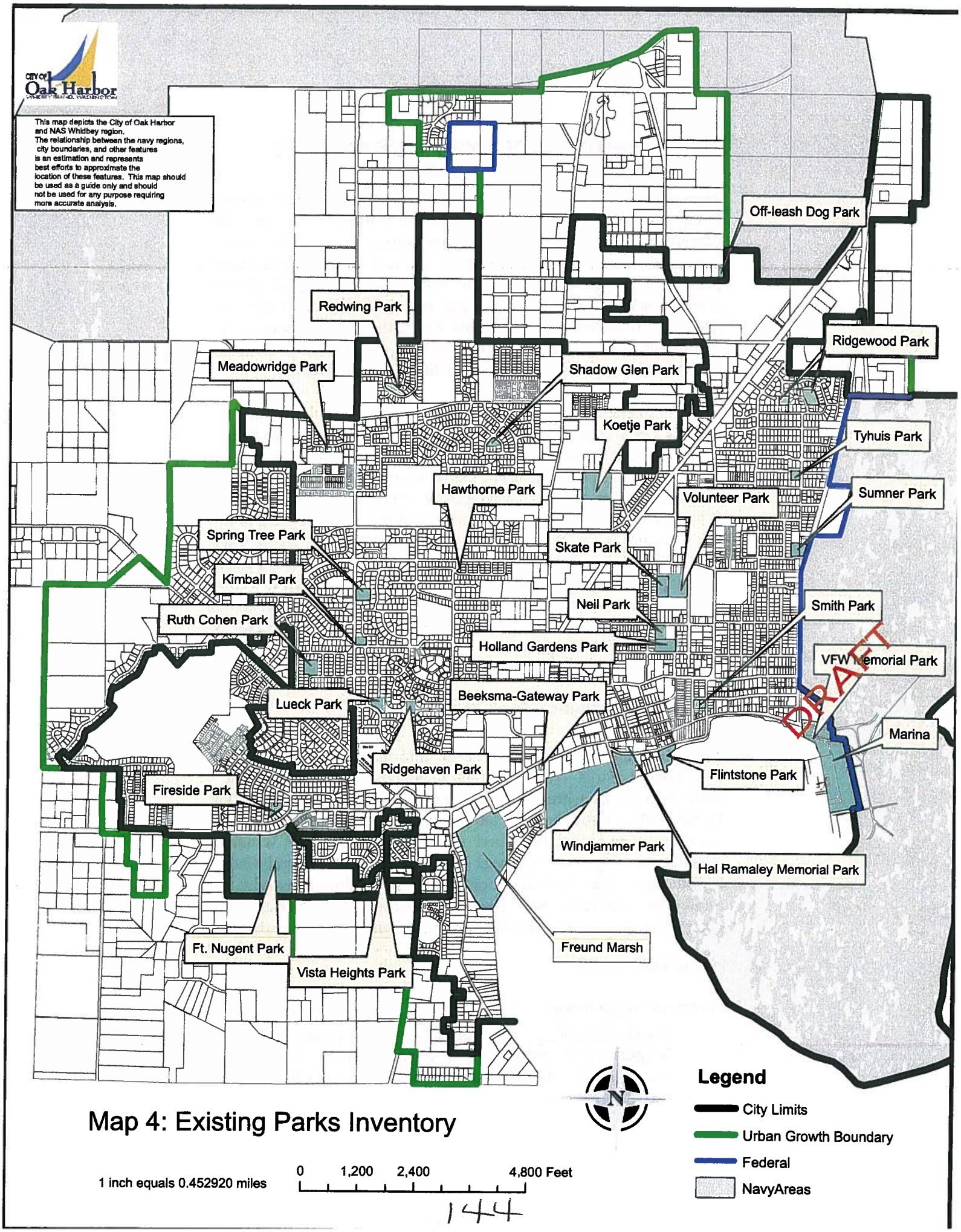
Parks and Recreation Facilities

The following inventory is based on information provided by the Oak Harbor Parks Department or obtained from other agencies. Field inspections were completed for all facilities within the Oak Harbor Urban Growth Area. Park sites under the city's jurisdiction are inventoried by neighborhood; with State Route 20 and Whidbey Avenue serving as east-west and north-south neighborhood boundaries. The neighborhoods are as follows: Northwest, Southwest, Northeast and Southeast (Harborside/Waterfront) All other parks and recreational facilities are inventoried by jurisdiction.

City of Oak Harbor

Northwest Neighborhood

Koetje Park, NE 7th Ave. & NE Ellis St., 3.5 acres.
Neighborhood park with playgrounds on one tot lot, one soccer/practice field, picnic tables, one basketball court and off-street parking.



Map 4: Existing Parks Inventory

Neil Water Tower, NE Barron Dr. 0.25 acres.
This is historic landmark containing a museum. This facility was donated to the city in 1993 by the Oak Harbor Historical Society.

Navy Gateway Park, 1 acre.
This is a gateway park maintained by the City. The park includes a static display of an A6 and A6B airplane.

Woodbury Park, .5 acres.
This is a neighborhood park with a playground, picnic tables and benches. This park is irrigated.

Redwing Park, 1 acres.
This is a neighborhood park with a playground, picnic tables and benches. This park is irrigated.

Shadow Glen Park, NW Clipper Dr. & NW Dory Dr., 0.8 acres
This is neighborhood park with playgrounds on one tot lot, picnic tables and one youth softball/practice field. This lot was dedicated to the city as part of the Shadow Glen Planned Unit Development in the 1960s. The park playgrounds were re-graded and new equipment was installed in 1993, through a $10,000 donation from Island Thrift Stores.

Meadowridge Park, NW Prow St, & NW 8th Ave., 0.3 acres
This is a neighborhood park with tot lot and picnic tables.. Expansion to a one acre neighborhood park is planned when future residential development occurs to the south.

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Northeast Neighborhood

Ridgewood Park, NE 11th Ave., 5.8 acres.
This is a neighborhood park with a ADA accessible playground and picnic tables: includes 5 additional acres of open space connected by trails.

Sumner Park, NE 6th Ave. & Regatta Dr., 4.0 acres.
This is a neighborhood park with two tennis courts, covered and open picnic facilities, open space and off-street parking.

Tyhuis Park, 655 NE Ronhaar Drive, 0.8 acres.
This is a neighborhood park with playgrounds on one tot lot and picnic tables in a wooded setting.

Woodberry Park, NE 10th Avenue, 0.5 acres.
This is a neighborhood park with playgrounds on one tot lot and picnic tables in a wooded setting.

Southwest Neighborhood

Fort Nugent Park, SW Fort Nugent Abenue, 40 acres.
This community park meets the needs of the south and west portions of the city as well as provide needed ball fields for the entire community. The park contains a large community built playground, 6 soccer fields, 3 softball fields, 1 multi-use field (accommodating football and adult baseball), 1 football field, 2 volleyball courts, 1 full-court basketball court, play meadow, 18 hole Frisbee golf, restrooms/concession building, walking trails, wetland/natural area, public art display and over 350 parking spaces. The City owns 20 acres of the park site, while the Oak Harbor School District owns the other 20 acres which is leased to the City.

Kimball Memorial Park, SW 6th Ave. & SW Heller St., 0.8 acres.
This is a neighborhood park with playgrounds on one tot lot. This site is fenced due to its proximity to Heller Street. The property was dedicated to the City as part of the Kimball Heights development.

Spring Tree, SW 4th Ave. & SW Heller St., 1.5 acres.
This is a neighborhood park with playgrounds on one tot lot and picnic tables. This forested site gets little use from people outside of the immediate neighborhood due to poor visibility and limited access.

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Pocket Parks/Picnic Sites, State Route 20, 0.25 acres.
Two parks on the east side of SR-20, and one on the west side of the highway. These parks were developed in city right-of-way; picnic tables and benches provide important rest stops for pedestrians along SR-20.

Well Site #10, SW 6th Ave. & SW Judson Dr., 0.5 acres.
This site does not have any facilities receives little use due to its proximity to Broadview Elementary School playgrounds.

Lueck, SW Barrington Dr. , 1.5 acres.
This is neighborhood park with picnic tables, and playgrounds on one tot lot. A greenbelt connects this park to Ridge Haven Park.

Ridge Haven, SW Kalama Loop & SW Kittitas Ct., 0.8 acres.
This is a neighborhood park with picnic tables, and playgrounds on one tot lot. A greenbelt connects this park to Lueck Park.

Ruth Cohen Memorial, SW 8th Ave., West of SW Puffin St., 5 acres
This is a neighborhood park with tot lot and picnic tables. Approximately 3 acres of the park are in wetland/natural areas.

Vista Heights, SW Vista Park Drive, North of SW 24th Avenue, 0.5 acres
This is a neighborhood park with tot lot and picnic tables.

Fireside Division #4, N. of Ft. Nugent Ave., W. of SW Quince St., 1.2 acres
This park meets the neighborhood park needs of the Fireside subdivisions. The park has a playground, picnic tables, and benches and is irrigated.

Southeast Neighborhood

Windjammer Park, Waterfront, between Beeksma Drive and City Beach St. 28.5 acres.
Major community park with three little league baseball fields, two tot lot playgrounds, shoreline picnic tables and barbecue pits with wind breaks, covered picnic facilities and kitchens for large groups, two accessory buildings, a windmill landmark, seasonal gardens, one practice field, two basketball courts, two volleyball courts, horseshoe pits, one boat launch, a recreational vehicle park with 55 serviced stalls and 30 non-serviced spaces, a tent camping area, a swimming lagoon with dock and slide, two wading pools, 2,100 lineal feet segment of Oak Harbor Waterfront Trail and two public rest rooms (one with showers). The west side of the park has a gazebo and covered outdoor barbecue pit.

The first phase of Windjammer Park was funded by a grant from the Interagency Committee for Outdoor Recreation (IAC) in the 1970s. Since then, the City has worked toward improving the park as funding allows. During 1992, repairs were made to the windmill and the swimming lagoon was

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dredged. The lagoon bridge was replaced and other improvements were completed during 1993. Local service organizations have donated money, time and equipment for Windjammer Park improvements.

Volunteer Park, E. Whidbey Avenue & SE Jerome Street.
This Park includes the Oak Harbor Senior Center, John Vanderzicht Pool (operated by the North Whidbey Parks and Recreation District) and a six (6) acre community park with three Little League fields and a skateboard park.

Flintstone Park., SE Bayshore Dr., 1.5 acres.
This is considered a community park with covered picnic facilities, a mini-pier for small visiting boats, rest rooms and approximately 500 lineal feet of Oak Harbor Waterfront Trail. The park also includes a concrete "play" car modeled after the Flintstones cartoon. The proposed Municipal Pier Project takes its access from this park. The upland improvements for the Municipal Pier Project will be built in Flintstone Park and is expected to begin in 2010.

Hal Ramaley Memorial Park, SE Bayshore Dr. & SE City Beach, 0.5 acres.
This is a community park with picnic sites and seasonal gardens; contains approximately 0.5 acres additional undeveloped land on an irregularly shaped parcel, located across from the little league fields at Windjammer Park.

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Neil Park, SE 6th Ave. and SE Ireland St., 3.5 acres.
This is Neighborhood park with one tot lot, Holland Gardens and one half court basketball court.

Oak Harbor Waterfront Trail. (not shown on map)
The current trail extends from Scenic Heights Road to the Oak Harbor Marina. The trailhead at Scenic Heights is being improved to include restrooms and public art display. The trail extends through Fruend Marsh and Windjammer Park. The trial is being connected along the waterfront between Windjammer Park and Flintstone Park. The trail follows along the Pioneer Way to the Marina. Future plans include extending this trail to Maylor Point. The total length of the trail on completion to Maylor point will be 2+ miles

Pocket Parks/Picnic Sites, Pioneer Way 0.3 acres.
There are three landscaped pocket parks with benches and/or picnic tables between Harborside Shops and the Marina

along Pioneer Way. The newest park was completed in 1993 in conjunction with improvements to Skagit Valley Community College.

VFW Park, SE Catalina Drive, 0.8 acres

This is a walk-in commemorative park dedicated to the veterans of foreign wars. It includes a VFW memorial with flag pole with views of Oak Harbor. There are park benches and a drinking fountain in the park.

Smith Park, SE Midway Blvd. & SE 9th Ave., 5 acres

This is a community park with gazebo, benches, picnic tables and playground equipment. The park contains a significant stand of old growth Garry Oak trees.

Table 1: Inventory - Parks and Facilities

PARKS	acerage	community park	neighborhood park	playground	picnic tables	park benches	tot lots	soccer	basketball	Little League	baseball	softball	tennis	trails	volleyball	handball	football	Skateboard aprk	off-street parking	landmark	restrooms
North West Section																					
Koetje Park	3.50	✓	✓	✓	✓		✓	✓	✓										✓		
Neil Water Tower	0.25																			✓	
Shadow Glen Park	0.80		✓	✓	✓		✓					✓									
Meadow Ridge Park	0.50		✓		✓		✓														
Redwing Park	1.00		✓				✓														
North East Section																					
Summer Park	4.00		✓		✓								2✓						✓		
Tyhuis Park	0.80		✓	✓	✓																
Ridgewood Park	5.80		✓	✓			✓							✓							
South West Section																					
Fort Nugent Park	40.00	✓		✓	✓			5✓			✓						✓		✓		✓
Kimball Memorial Park	0.80		✓				✓														
Spring Tree Park	1.50		✓		✓		✓														
Well Site #10	0.50		✓																		
Lueck Park	1.50		✓		✓		✓		✓												
Ridge Haven Park	0.80		✓		✓		✓														
Ruth Cohen Memorial Park	5.00		✓		✓		✓							✓							
Vista Heights Park	0.50		✓		✓		✓														
Fireside Park	1.20		✓																		
Hawthorne Park	0.35																				
South East Section																					
Beeksma Gateway Park	0.50					✓															
Volunteer/Skate Park	6.00	✓							3✓									✓			
Flintstone/Mini Harbor Park	1.50	✓			✓									✓							✓
Hal Ramaley Memorial Park	0.50	✓			✓																
Holland Garden/Neil Park	3.50		✓				✓		✓											✓	
Oak Harbor Marina	2.00	✓			✓										✓						✓
Fruend Marsh	35.00													✓							
Waterfront Trail														✓							
SR 20 Paocket Parks	0.25				✓	✓															
Heritage Way																					
Smith Park	5.00	✓		✓	✓																
VFW Memorial Park	0.80				✓																
Windjammer Park	28.50	✓			✓		2✓		2✓	3✓					2✓					✓	2✓

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Oak Harbor Marina, Catalina Drive, 29 acres and 1,000 feet of shoreline.

The Oak Harbor Marina is a public use facility owned and operated by the City of Oak Harbor. It provides a total of 352 permanent moorage slips, both open and covered, ranging in size from 24 feet to 50 feet. Additionally, a new and modern breakwater dock and associated walkways make it possible for the Marina to accommodate up to 100 additional boats in guest moorage. The facility is open seven days per week. The facility includes dock space and a pump-out barge for visiting boats.

Marina facilities and services also include:

- A total of 96 storage units, which are leased to the general public for storage of boats and other items.
- A full service fuel dock, selling gasoline, diesel, propane, oils and additives. The fuel dock also provides fresh water, a boat pump-out station, and a port-a-potty dump station.
- On the guest dock, restroom and pump-out/dump facilities are provided by "SS Waterloo", a floating barge facility.
- On-shore heads, showers and Laundromat, plus an ice vending machine.
- A large public boat-launching ramp.
- An overhead hoist capable of handling boats up to 6,500 pounds in weight.
- Long-term parking storage for boats on trailers, boat trailers, vehicles and RV's.
- Ample short-term parking for both vehicles and trailers.
- An upland community park consisting of approximately 1 acre, with playground equipment, volleyball courts, horseshoe pits, barbecue grills and picnic tables.
- An on-site concessionaire for engine and boat repairs, who also offers a ship's store.

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Oak Harbor School District Playgrounds and Sports Fields

The School District's facilities are included in the inventory since most of their facilities are available to the community. The facilities primarily serve many of the organized sport leagues for practice. Although the facilities serve the community, it should be noted that many of the fields and facilities are not improved and some have not been maintained for its intended use. This provides an opportunity for the City and other agencies to collaborate with the School District to improve these facilities.

Memorial Stadium, E. Whidbey Ave. & Midway Blvd., 4 acres.
There is one natural turf field with lights located on this property.

Broadview Elementary, SW 6th Ave. & NW Fairhaven Dr., 10 acres.
There is one practice field and three backstops that serve as softball/ baseball fields.

Clover Valley Elementary, NAS-Ault Field, 10 acres.
The school building is temporarily being used by the high school during the renovations at the Oak Harbor High School on Heller Street. There are open fields that can be used for soccer and three backstops that can serve as softball fields. There are two outdoor basketball courts and one playground.

Crescent Harbor Elementary, Crescent Harbor Rd., 5 acres.
There are three backstops that serve as softball fields, one outdoor basketball court, one playground and one play field; primarily serves residents of unincorporated Island County east of Oak Harbor.

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Oak Harbor Elementary, E. Whidbey Ave. & Midway Blvd., 8 acres.
There are two play fields and three backstops that serve as softball/ baseball fields.

Oak Harbor Middle School, NW 2nd Ave. & NW Jib St., 8 acres.
There is one regulation-size soccer field that also has 3 backstops that can be used as softball/baseball, 1/4 mile athletic track, and playgrounds and half-court basketball.

North Whidbey Middle School, E. Whidbey Ave. & NE Izett St., 12 acres.
There is one football field, three softball /baseball fields, four tennis courts and a 1/4 mile paved athletic track; often used for

community-wide events such as the annual American Cancer Society Relay for Life Run. The City provides maintenance for the farmer's market on this school district property (Lions Park).

Oak Harbor High School, NW 2nd Ave. & NW Jib St., 22 acres.
The High School has a stadium the includes an artificial turf football field and a 1/4 mile paved athletic track. The campus also includes six tennis courts, and one baseball field. The school has land that is planned for additional recreational facilities.

Olympic View Elementary, NE 5th Ave. & NE Regatta Dr., 6 acres.
There is one play field and three backstops that serve as softball /baseball fields.

Hillcrest Elementary, NW 2nd Ave. & Heller St., 10 acres.
Two baseball field, playgrounds, covered outdoor basketball and handball courts, soccer field and other sports fields.

North Whidbey Parks and Recreation District

John Vanderzicht Pool, E. Whidbey Ave. & SE Jerome St., Civic Center Complex. The complex has one swimming pool, one sauna and therapeutic/ training pools. This facility is centrally located to serve Oak Harbor residents.

Clover Valley Ball Field, Clover Valley & Goldie Roads, 4 acres.
There are two baseball /softball fields.

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Island County Parks on North Whidbey

Hastie Lake Rd. & West Beach Rd., 0.75 acres.
Boat ramp, parking and beach access west of Oak Harbor.

Mariner's Cove, 0.25 acres.
Boat ramp and parking area east of Oak Harbor.

Monroe Landing, 0.25 acres.
Boat ramp, beach access and parking area south of Oak Harbor, in cooperation with the Department of Wildlife.

Moran Beach, 0.5 acres.
Beach access and parking north of Ault Field.

Penn Cove Park, 0.75 acres.
Picnic area on Scenic Heights Road near Monroe Landing.

Washington State Parks

Deception Pass State Park, 4,134 acres.
1,195 acres of the park's 1,248 acres cover the northern tip of Whidbey Island. The park is the most heavily visited state park in Washington.

Deception Pass contains 254 camping spaces, 245 picnic units, an environmental center, boat moorage and docks, an outdoor amphitheater and 8.5 miles of hiking trails. In addition, it has approximately 30,000 feet of shoreline on Whidbey Island and includes several lakes and islands.

Joseph Whidbey State Park, West Beach Rd., 112 acres.
Joseph Whidbey State Park is located three miles west of Oak Harbor, near where West Beach Road meets Swantown Road. The park has beach access, hiking trails and picnic facilities, including one large shelter and portable rest rooms.

U.S. Department of Navy

Naval Air Station Whidbey Island
Includes 207 acres with three official size softball fields, four softball/practice fields, two football fields, one soccer field, six tennis courts, two volleyball courts, four basketball courts, one unpaved running track, one paved running track, two fitness trails, one 18 hole golf course, several picnic areas (Rocky Point) and indoor recreation buildings with a pool, training tank, regulation basketball court, handball courts, weight room showers, and changing room, and outdoor recreation equipment checkout. With the exception of the golf course, these facilities are not accessible to the general public.

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Open Spaces

The inventory of existing open space includes a wide variety of properties, located both inside and outside of the city's corporate boundary. While virtually all of these sites are publicly owned, some may also be owned privately and/or restricted from public access. Some trail areas and open space corridors may combine public and private ownership. While public access is often a desirable attribute of open space, some sites may require restricted access due to public safety concerns or the needs of wildlife habitat management. This inventory groups sites by location, either within the city, in the UGA,

or in the city/county JPA. The sites identified in this inventory are shown on Map 5: Open Space Inventory.

Parks within the City serve several functions and therefore not all of them have characteristics of open space. Parks that provide primarily active recreation facilities are not included in this inventory. However, the inventory does include some city parks. The inclusion of these parks in the following narrative denotes that those parks are a part of a larger system of open space trails or corridors.

Oak Harbor

Trails, General

In 2006 Island County adopted a Non-motorized Trails Plan. That plan shows a mixture of planned and existing on-road and off-road trails for walking and cycling in and around Oak Harbor, some with regional connections.

Trails, Waterfront

The city currently has a trail that extends from Scenic Heights Road to the Marina. The trail is approximately 2 miles long with a major portion of it being along the waterfront. Currently there is also a trail that extends to Maylor Point and it located on Navy property. The City is working with the Navy to connect the trails. The connected trail will be approximately 3 miles long providing the public access to the waterfront.

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Oak Harbor Marina

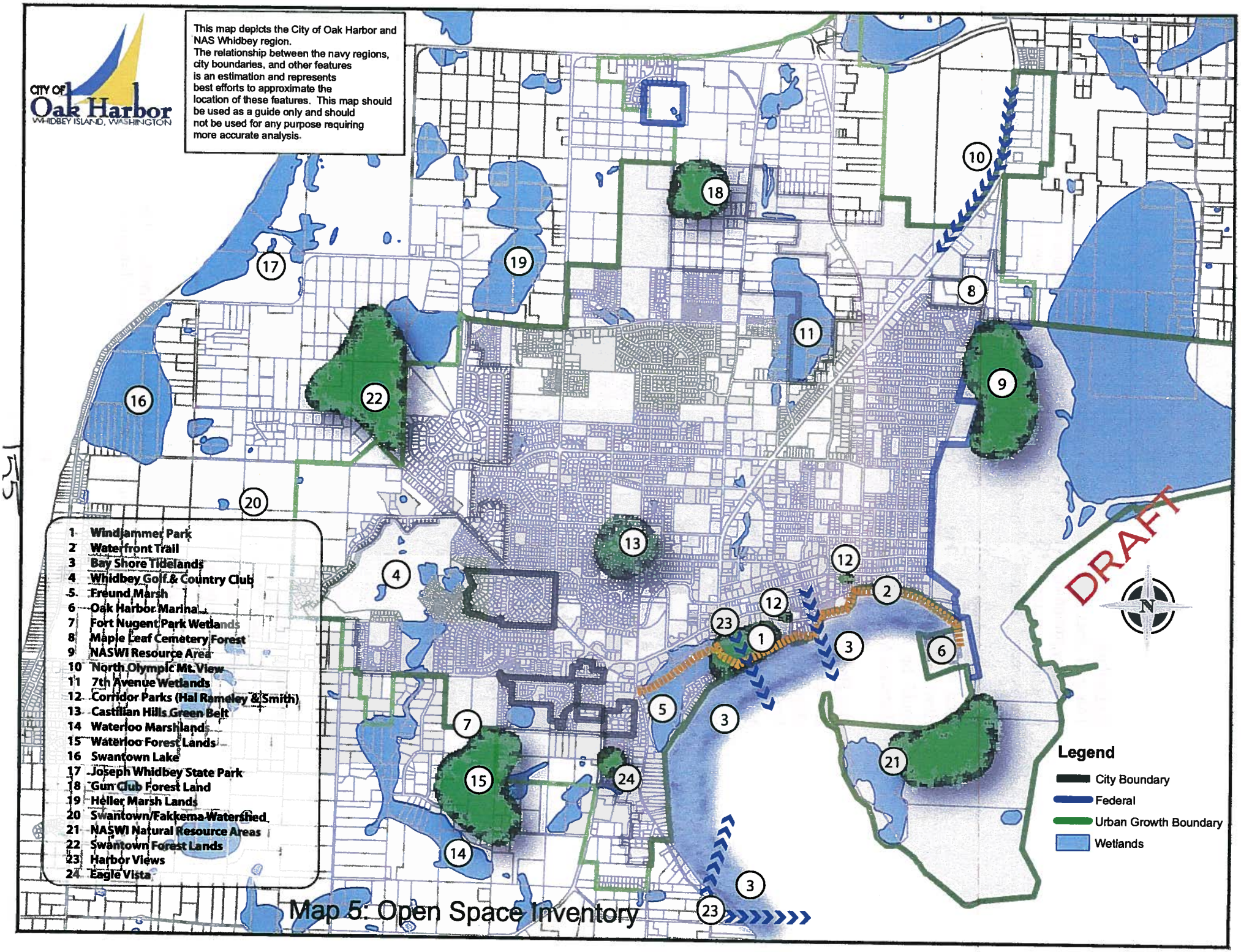
Although this site is developed for active recreation, it is included herein due to its value as a node along the waterfront trail, and also to document its potential as a landing area and terminus for a water trail for kayaks and other nonmotorized water craft.

City Beach Park

This community park includes recreational facilities but a major portion of the park serves as open space and also serves as the central node for the waterfront trail system.

Hal Ramaley Memorial Park

This downtown park has no recreational facilities and provides an oasis in the downtown area for passive recreation. It is also an important link in the waterfront trail system.



Map 5: Open Space Inventory

Smith Park
This park does not have any major recreational facility. It does have some playground equipment. This park serves as an open space since it contains a significant stand of old-growth Garry Oaks. Garry Oaks are protected under the Critical Area Ordinance.

Fort Nugent Park
This 40-acre park is primarily developed as a recreational park. However, the park is home to wetlands and trails. These features could be important links in an open space corridor connecting Waterloo Marsh to the golf course and beyond.

Oak Harbor Bay Tidelands
At low tide, these tidelands provide an important open space corridor allowing for wildlife migration and human recreation. Island County's 2006 Non-Motorized Trails Plan identifies these tidelands as low tide trails that connect Freund Marsh to Grasser's Lagoon.

Freund Marsh
This waterfront site consists of approximately 37 acres of marsh land. The property has the potential for use as a fresh water or saltwater marsh. Aside from its obvious importance as a significant wildlife habitat area, the property is an important potential link in the city's waterfront trail. This property is designated as open space on the city's zoning map.

Castilian Hills greenbelt
Castilian Hills is the city's largest 'cluster' development, combining a mix of residential densities with areas of open space that act as buffers between groups of residences. Based on the generally positive public response to this development, it may be possible to encourage other builders to adopt this development style.

Maple Leaf Cemetery forest
This wooded stand provides a green area within a larger residential area of the city.

Seaplane Base

Although under Navy jurisdiction, the following three areas were identified by residents as important open space in the 2001 Open Space Element update.

Maylor Point Marsh and forested areas
The marsh area consists of Federally protected wetlands. The forested areas are identified in the NAS Whidbey Island Integrated

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Natural Resources Master Plan (INRMP) of 1996 as several forest units that are recommended to be left undisturbed and managed for wildlife habitat and wetland protection. Additionally, the INRMP of 1996 recommends that consideration should be given to reforesting several areas to the northeast, east and south outside of the existing forest units.

Forested area surrounding Olympic View Elementary School
The INRMP of 1996 identifies this area as "Forest unit 5" and recommends leaving it undisturbed and managing it for wildlife habitat and wetland protection.

Polnell Point
Polnell Point is an area of coastal beaches and multiple forest units. The INRMP of 1996 recommends planting additional trees between existing ones to increase stock levels.

Urban Growth Area

7th Avenue Wetland
This 77-acre wetland area is partially owned by the city (approximately 17.6 acres). The balance is broken into several privately owned parcels of land. The property is located in the northern portion of the city, with development encroaching on all sides. Some of the wetland is located in the unincorporated portions of the UGA.

Gun Club area
The shooting range located north of the city is a land use that requires a significant buffer for reasons of public safety and noise abatement. The wooded area surrounding the gun club appears to adequately meet that need.

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Joint Planning Area

Whidbey Golf and Country Club
This 146-acre site is an important part of the area's open space inventory. The site contains large amounts of green space, including wetlands and wooded areas that provide significant habitat for a variety of wildlife.

Fakkema farm
This 377-acre property includes both agricultural and forested lands. A portion of this property may help establish an open space corridor between Waterloo Marsh and Swantown Lake.

Waterloo Marsh

This large wetland area located to the south of the city (west of SR-20, at the Waterloo Road alignment) provides significant habitat for a variety of flora and fauna. It is also a part of a larger, hydrological corridor of surface and groundwater that extends to the north and west through Fort Nugent Park, the Whidbey Golf and Country Club, and eventually to the Swantown Lake area.

Heller Marsh

This prominent wetland feature is located west of Heller Road and north of Crosby Road.

Swantown Forested Area

This large forested area, encompassing several parcels, may present open space preservation or conservation opportunities.

Important Regional Connections

Swantown Lake

This highly complex environment is identified as a critical wildlife habitat. It may also provide a link to an open space corridor that extends east and south toward Waterloo Marsh.

Joseph Whidbey State Park

Although the smallest state park on Whidbey Island at 112 acres, this park provides significant scenic vistas of the Strait of Juan de Fuca. It also provides public access to forests and waterfront walking trails.

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LEVEL OF SERVICE

Level of Service (LOS) is a method used to measure the amount and quality of a public service or facility that should be provided to meet a community's adopted goal for that service or facility. LOS is commonly used in transportation systems planning and analysis. In parks and recreation, LOS standards are used to establish the number, type and location of parks and facilities that are deemed necessary to adequately serve its residents.

The 1994 Comprehensive Parks and Recreation Plan established the first LOS standards for the City's parks and recreation needs. The LOS measures were expressed using ratios of facility capacity relative to demand by park/facility users such as 4 acres of neighborhood park per 1000 people, 1 basketball court per 5000 people etc.

The 2000 update to the Parks and Recreation Plan continued the use of the same methodology but expanded the categories of facilities used within the model by adding LOS standards for baseball, football and volleyball.

The 2007 update to the Parks and Recreation Plan will continue to use the same methodology for measuring acreage needs and recreational facilities but will expand its use to a spatially-based approach for service and location of such facilities. This spatially-based approach is recommended by RCO[4] and provides a qualitative approach in determining the service of facilities. This approach measures the relationship between parks and the city with an emphasis on access to parks and recreation facilities. It is expressed in terms of the area or population that a single park serves such as 60 percent of the population or area within ½-mile of a neighborhood park. A combination of the ratio-based and the spatially-based approach is a useful tool in assessing the community's future parks, recreation and open space needs as well as locating these facilities throughout the city for ease of access and increased usability.

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[4] Defining and Measuring Success: The Role of State Government in Outdoor Recreation, June 2008, prepared by Washington State Recreation and Conservation Office.

Existing LOS Analysis

This section provides information on how the existing parks serve the community under the spatial-based approach and the ration-based approach. There are approximately 3 pocket parks, 5 community parks, 18 neighborhood parks and one public trail in Oak Harbor. In determining LOS for the various facilities, there are some exemptions. Pocket parks are designed to serve corridors as opposed to an area and will therefore not be included in the LOS spatial-based analysis as well as the ratio-based analysis. Community parks such as Smith Park and Hal Ramaley parks are not included in the spatial-based approach since they encompass a small area and do not include recreation facilities. These parks have been categorized as community parks since they are valued as community wide assets.

There are also some exemptions in considering the land area within the City of Oak Harbor. The City of Oak Harbor encompasses a total area of approximately 9.4 square miles[5]. This includes approximately 4.5 acres of Navy property (seaplane base). Since the land uses on the seaplane base are scattered and since the Navy provides recreational facilities for its personnel, its property has not been included in the spatial-based analysis. Therefore, for the purpose of the analysis provided below, the total city area is approximately 4.8 square miles.

Spatial-based LOS

The spatially-based approach in determining LOS for parks is based on an area that a single park serves. This approach allows a community to determine if all areas of the City are being served by a facility. This is a qualitative measure. The standards for service area vary based on the size of the City. A city that encompasses a large land area may choose a larger service area (3 miles) and a city that encompasses a smaller land area may choose a smaller service area (I mile). By definition and design, a community parks serves a larger area than a neighborhood park. Trails are also included in the spatially-based approach. They can serve as a community asset and a neighborhood amenity. The area of service for trails within a community is normally smaller since they are designed primarily for access by foot or bicycle.

The ratings for LOS can vary between 1 and 5 with one being the best service and 5 the least service. The guidelines for the ratings for

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[5] City of Oak Harbor Facts as of January 1, 2008 – prepared by the Engineering Department.

the various facilities are provided in Table 2: Level of Service Rating Guidelines as recommended by RCO[4].

Table 2: Level of Service Rating Guidelines

	LOS 1	LOS 2	LOS 3	LOS 4	LOS 5
Trails	80% of the City within ½ mile of trail	75% of the City within ½ mile of trail	50% of the City within ½ mile of trail	30% of the City within ½ mile of trail	<20% of the City within ½ mile of trail
Neighborhood Parks	90% of the City within ½ mile of neighborhood park	75% of the City within ½ mile of neighborhood park	60% of the City within ½ mile of neighborhood park	35% of the City within ½ mile of neighborhood park	<20% of the City within ½ mile of neighborhood park
Community Parks	90% of the City within ½ mile of community park	75% of the City within ½ mile of community park	60% of the City within ½ mile of community park	35% of the City within ½ mile of community park	<20% of the City within ½ mile of community park

Community Parks

Community parks serve a larger area than neighborhood parks. They are larger in size and have recreational facilities that serve more people. Since the City of Oak Harbor encompasses a small area of 4.8 square miles, the spatial coverage analysis for a community park has been based on a one mile service area. Also, as mentioned above, only community parks with recreation facilities is included in the analysis. Community Parks such as Smith Park and Hal Rameley Park are considered community assets and do not have the same characteristics or service as Fort Nugent or Volunteer Park.

The Community Parks Service Area Map (Map 6) shows the spatial coverage of community parks with a level of service of one mile. As seen from the map, approximately 80% of the City's land area is within one mile proximity of a community park. This puts the City under the category of LOS 2. Although, this is considered as a good rating for community parks, it must be noted that the ratio-based analysis provided later in this section indicates the need for recreational facilities that requires additional community park land. The map indicates that the northwest portion of the City has the least coverage for community parks.

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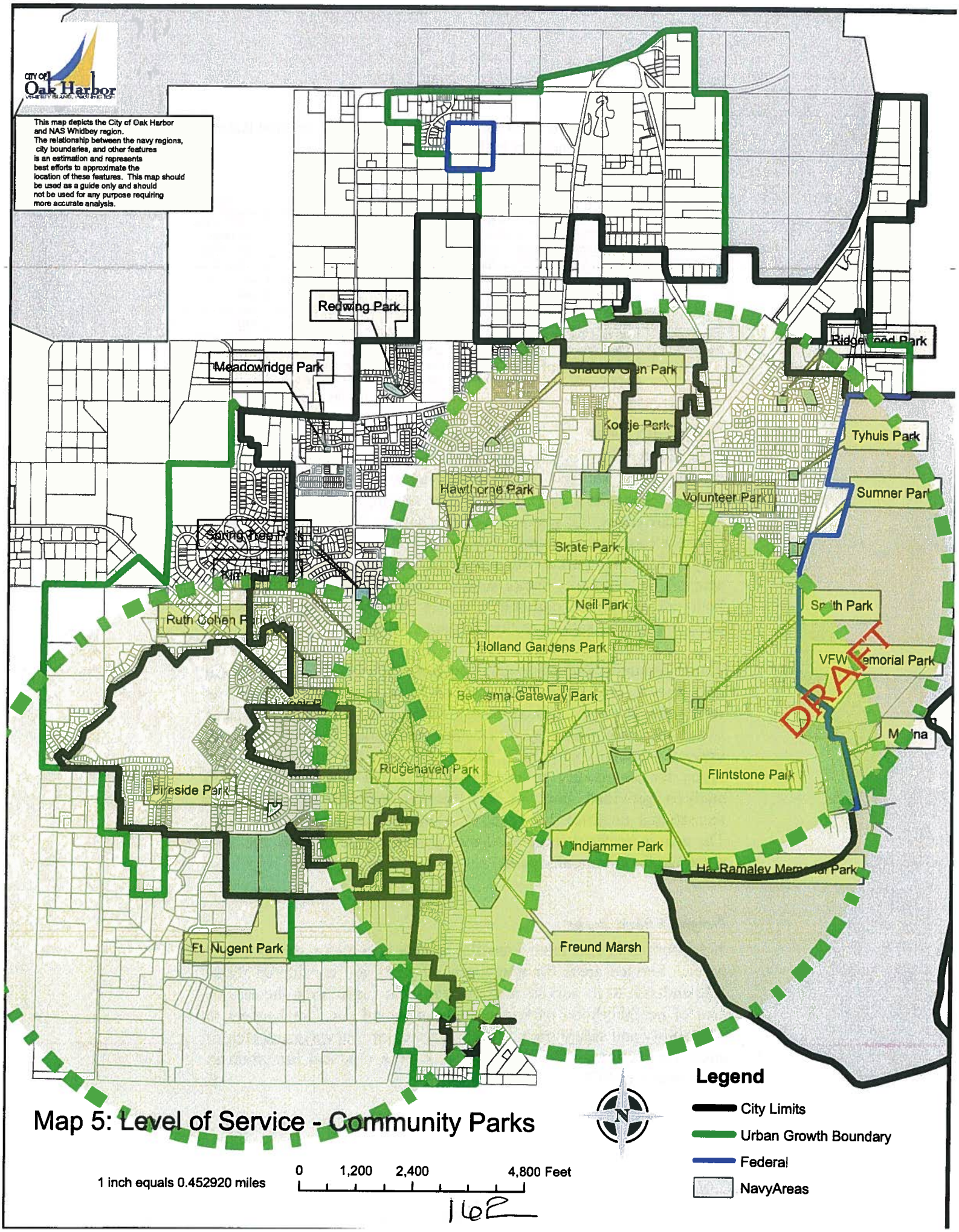
Neighborhood Parks

Neighborhood Parks have a smaller service area than the community parks. Service areas for neighborhood parks are considered walk-able and safe to its service area residents. In considering the service area of neighborhood parks the analysis should consider barriers to walkability and safety such as highways, major roadways and lack of street connections. These barriers provide a practical limitation to the measure of LOS.



Map 5: Level of Service - Community Parks

The Neighborhood Parks Service Area Map (Map 7) graphically illustrates the service area of neighborhood parks taking into consideration the major barriers. As seen on the map, although the City has a good inventory of neighborhood parks, their service area is limited. For example, the Redwing Park serves a small area since the streets in its proximity does not connect to east or south. Note that, the area south of Whidbey Avenue and east of Midway Boulevard and the areas along Scenic Heights are not served by any neighborhood parks. The City's current LOS rating for neighborhood parks is 3 i.e. approximately 60% of the City is served by the existing neighborhood parks.

Trails

Trails can broadly include dedicated multi-use paths, marked lanes on roadways and sidewalks. Trails also serve multiple purposes. They can be designed, built and located primarily for recreation or they could be integrated into street projects for transportation. An ideal system would be designed to serve both purposes.

Since trails serve both transportation and recreation, they are covered by the Transportation Plan and the Parks, Recreation and Open Space Plan. Since the spatially based LOS system is not designed for sidewalks or roadway lanes that are part of the transportation network and existent throughout the City, the LOS analysis in this plan will focus on the trails designed and built primarily for recreation.

Trails are similar to neighborhood parks in terms of service. They are intended to be in close proximity to its users so that they are accessible by foot or bicycle. Therefore, the service area for trails is ½ mile area similar to the neighborhood park service area.

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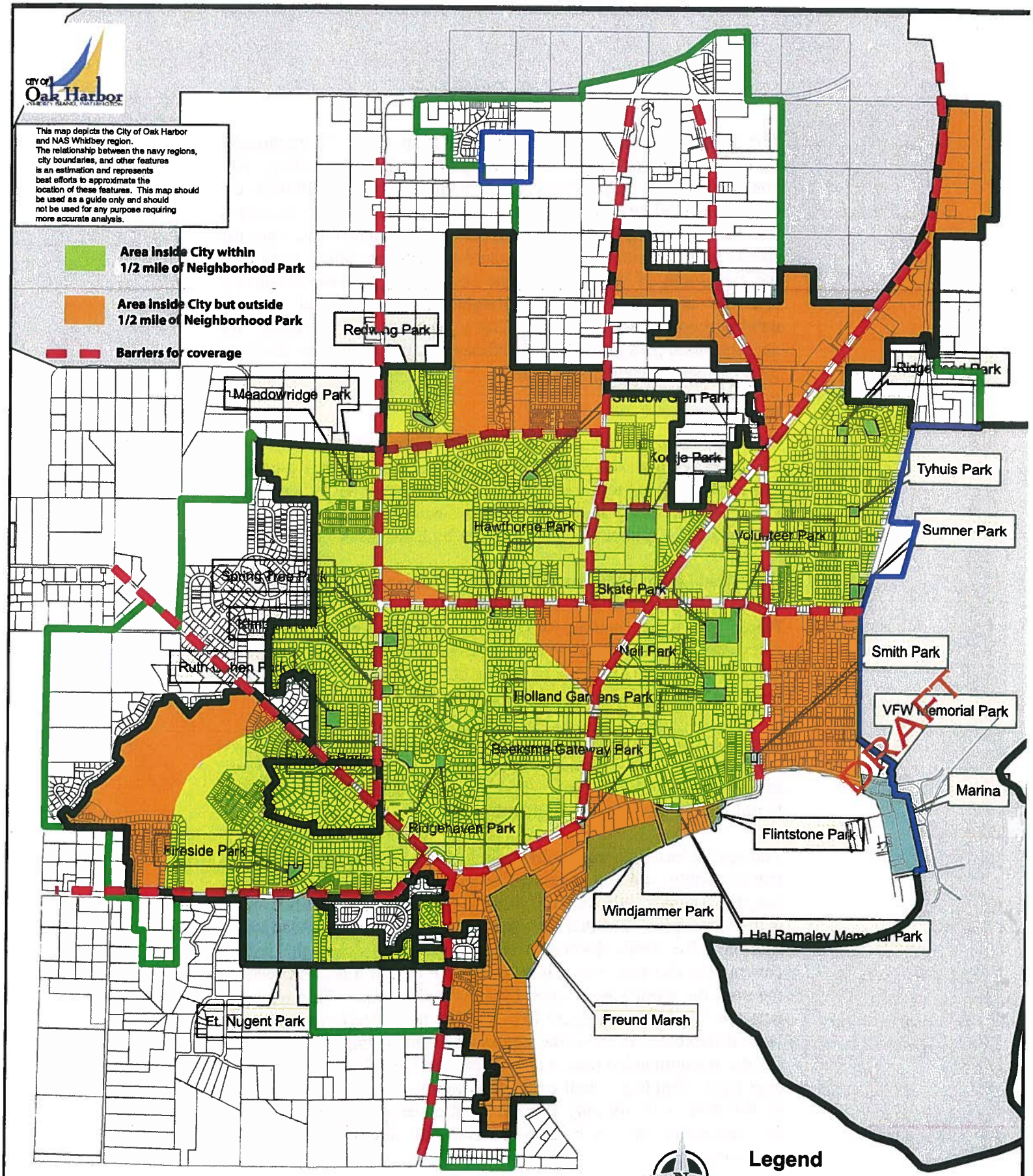
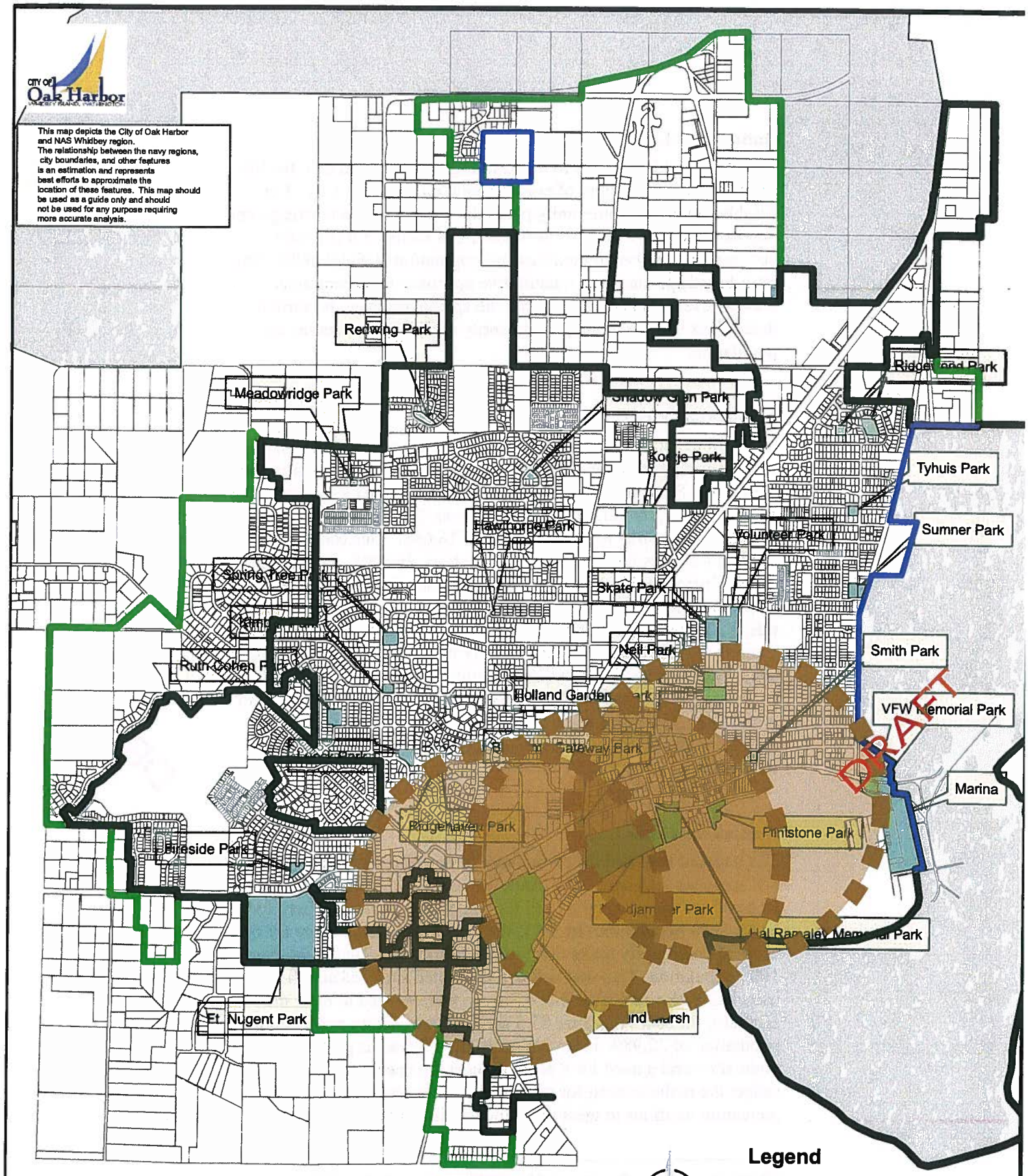
The spatial-based approach for trails includes service areas for trails that are public and at a minimum is contiguous for at least a mile in length. There is only one trail in the community that qualifies and it is the Waterfront Trail that stretches from Scenic Heights Road to the Marina. The Trails Service Area Map (Map 8) shows the spatial coverage of this trail with a level of service of half mile. As seen on the map, the service area covered by this trail is small. This coverage puts the City in the category LOS 4. The map clearly indicates the lack of dedicated trails in the community. Providing more trails as per the recommended plan will increase the LOS for the community over time. Building a well established trail system, as recommended by this Plan, will not only provide good coverage and opportunities for recreation, but will also provide an alternative mode of transportation.



Map 6:Level of Service-Neighborhood Parks



Map 7: Level of Service - Trails

1 inch equals 0.452920 miles

0 1,200 2,400 4,800 Feet

Ratio-based LOS

The ratio-based approach in determining LOS is based on a facility serving a certain number of people (population) in the City. For neighborhood and community parks the ratio is between acreage and population (1 acre/1000). For recreational facilities it is a ratio between the number of facilities and population (1 field/3000). The ratio-based approach is a quantitative approach in determining service levels. It is different from the spatial approach because it determines if there is adequate quantity of facilities to serves the population.

Neighborhood Park

The national standard for neighborhood parks ratio is recommended as 1-2 acres per thousand. The 2001 City of Oak Harbor Parks and Recreation Plan adopted a LOS for neighborhood parks as 1 acre for every 1000 population. In 2001, there was 26.5 acres of neighborhood parks for a population of 16,698. This established as LOS of 1.6 acres for every 1000 population. In 2008, there are 32.2 acres of neighborhood parks for a population of 22,980[6]**Error! Bookmark not defined.**. Using the same standard of 1 acre/1000, this establishes a LOS of 1.4 acres for every 1000 population. Though the LOS indicates that the City meets that standard, the spatial analysis has indicated that neighborhood parks are needed in existing areas and more will be needed to meet the needs of growth in the UGA. Therefore, it is recommended that the City consider increasing the LOS standards from 1 acre/1000 to 2 acres per thousand.

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Community Parks

The national standard for community parks ratio is recommended as 4-8 acres per thousand. The 2001 City of Oak Harbor Parks and Recreation Plan adopted a LOS for community parks as 4 acre for every 1000 population. In 2001, the LOS analysis was done for 61.5 acres of community parks that yielded a LOS of 3.7 acres for every 1000 population. This was below the adopted standard and the calculation also indicated that 5.3 acres were needed to meet the standard. In 2008, there are 83.5 acres of community parks serving a population of 22,980. This yields a LOS of 3.6 acres per 1000 population and a need for 8 acres to meet the need. This does not reflect the realistic need for community parks since the need for recreation facilities to meet the standards in 2008 will exceed 8 acres.

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[6] Based on population data provided by Washington State Office of Financial Management, April 2008.

Therefore it is recommended that the City consider amending the LOS standards for community parks from 4 acres/1000 to 7 acres/1000.

Table 3: LOS in 2000 and 2008 for Neighborhood and Community Parks based on existing standards

Facility	Standards adopted in 2001	Acres in 2000[7]	LOS in 2000[7]	Need in 2000[7]	Acres in 2008	LOS in 2008	Need in 2008
Neighborhood Parks	1 acre /1000	26.5	1.6 /1000	0 acres	32.2	1.4 /1000	0 acres
Community Parks	4 acre /1000	61.5	3.7 /1000	5.3 acres	83.5	3.6 /1000	8 acres

Recreational Facilities

The ratio-based approach in determining LOS is based on a recreational facility serving a certain number of people (population) in the city. For example, one tennis court per 2000 of the population. Therefore a city with a population of 10,000 will need 5 tennis courts based on the 1/2000 standard. This approach is very suitable for recreational facilities since it help the community determine the number of facilities that it needs to provide to serve its population.

The standards for recreational facilities in Oak Harbor are similar to the standards recommended by the National Parks and Recreation Association. A summary of the standards, LOS and the resulting need are provided below.

Table 4: LOS in 2000 and 2008 for Recreational Facilities based on existing standards

Facility	Standards 2001[7]	Quantity in 2000[7]	LOS 2000[7]	Need 2000[7]	Quantity 2008	LOS 2008	Need 2008
Basketball Courts	1/5000	3.5	1/4771 (1.0)	0	3.5	0.8	1
Tennis Courts	1/2000	5	1/3340 (0.6)	3	2	0.2	9
Softball Fields	1/4000	0	0/16698 (0)	4	0	0	6
Little League Fields	1/4000	6	1/2821 (1.4)	0	6	1.0	0
Baseball Fields	1/7000	1	1/16698 (0.4)	1	1	0.3	2
Soccer Fields	1/7500	6	1/2783 (2.7)	0	6	2.0	0
Football Fields	1/7500	1	1/16698 (0.4)	1	3	1.0	0
Volleyball Courts	1/5000	3	1/5566 (0.9)	0	5	1.1	0

[7] 2001 Parks and Recreation Plan – Table 1. Recreation Service Standards and Needs Forecast

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As indicated in Table 4 there is a need for recreational facilities to serve the growing population of Oak Harbor. The amount of land to serve the 2008 recreational facilities need can range from 60 acres to 100 acres based on the infrastructure (parking, stormwater) that is required to serve these needed facilities. Therefore it is recommended that the LOS standard for community parks be amended to serve this need.

Recommended LOS

Spatial- based approach

The recommended spatial-based LOS standards for Parks and Trails in Oak Harbor are proposed based on the City's need to maintain existing levels and to meet the desire of the community residents over the foreseeable future.

Community Parks

The analysis of the existing conditions indicates that the current LOS for community parks is LOS 2. This provides good coverage for most of the City except areas to the west and north of the City. Since there is a need for more community parks as indicated by the ratio-based analysis for recreational facilities, the City should look for opportunities to meet the need. The strategic location of a future community park can provide service to areas that are currently not covered thus elevating the City to LOS 1. Since this is achievable, it is recommended that the City adopt a LOS 1 for community parks.

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Neighborhood Parks

The spatial-based analysis for neighborhood parks indicates that the city is currently a LOS 3. The analysis indicates that there are areas within the City limits that are not served due to the barriers of major streets and lack of connectivity. As the City grows great care must be taken to locate neighborhood parks to achieve the maximum service area. The City should also look for opportunities to provide neighborhood parks in areas that are currently not covered and underserved. Since playgrounds and neighborhood parks are ranked high in the community wide survey, it is important for the City to improve the level of service for this facility. Therefore it is recommended that the City adopt a LOS 1 for parks.

Trails

Currently the LOS rating for trails within Oak Harbor is low. The only trail that can be considered in the analysis is the Waterfront Trail that stretches from Scenic Heights Road to the Marina. This is a community asset and is used frequently by the community. Since trails were ranked highest[8] in use and desire for this community, it is important to increase the network of trails in and around the community. Over time, if the City implements the recommended plan for trails within the City, the UGA and beyond, there will be 75% coverage for the City by trails. Since this is achievable over the long term it is recommended that the City adopt a LOS 2 for this facility.

A summary of the recommended service levels for each facility under the spatially-based approach is listed below.

Table 5: LOS Standards for Parks and Trails

Park Type	Description of Service	LOS
Pocket Parks	Develop when opportunity arises along major transportation corridors	None
Neighborhood	90% of the population within ½ mile of a neighborhood park	1
Community	90% of the population within 1 mile of a community park	1
Non-motorized trails	75% of the population within ½ mile of a trail	2
Park/Trail	90% of the population within ½ mile of park or trail	1

DRAFT

Ratio-based approach

The ratio-based LOS levels are recommended based on the need established by existing standards. Where adopted standards have not met the need of the community, recommendations have been made to increase the standards.

Neighborhood Parks

The analysis of existing conditions using the standards adopted in 2001 indicates that the standard of 1 acre for 1000 population will not be able to meet the need of the City as it grows. There are areas within the City that are not served and growth in the UGA will need additional facilities to serve their needs. Therefore it is recommended that the LOS for neighborhood Parks be increased from 1 acres/1000 to 2 acres/1000. This will provide the City with opportunities to continue providing the excellent service that neighborhood parks offer but also take the opportunity to find land for neighborhood parks in underserved areas.

[8] See survey results included in Appendix B

Community Parks

The analysis of existing community parks using the standards adopted in 2001 indicates that the standard of 4 acre for 1000 population falls short of meeting the needs of the community in 2008. The 2001 LOS standard indicates that 8 acres of community parks are needed in 2008. This does not reflect the realistic need since the amount of land required to meet the needs for recreation facilities is greater than 8 acres. Table 4: LOS in 2000 and 2008 for Recreational Facilities based on existing standards indicates that the City needs 1 basketball court, 9 tennis courts, 6 softball fields and 2 baseball fields. The footprints of these facilities alone require approximately 31 acres[9]. The footprints of these facilities usually take up only 30%-50% of the total land that is required since they need supporting infrastructure such as parking, stormwater, open space etc. If we consider the footprints to take 40% of the needed land, the acres needed for these facilities are approximately 77 acres. Therefore it is recommended that the LOS standard of 4acres/1000 be amended to 7acres/1000 to reflect the need based on the standards for recreational facilities.

Recreational Facilities

The ratio based LOS standards for recreational facilities has been a good indicator of community needs as seen in the previous adopted Park Plans. The standards in Table 6 closely follow the standards recommended by the National Parks and Recreation Association and are the same as the standards adopted in 2001.

DRAFT

Table 6: Recommended Ratio-based LOS Standards

Facility	LOS Standard (quantity/population)
Neighborhood Park	2 acre/1000
Community Park	7 acres/1000
Basketball Courts	1 court/5,000
Tennis Courts	1 court/2,000
Softball Diamonds	1 field/4,000
Little League Ball fields	1 field/4,000
Baseball Diamonds	1 field/7,000
Soccer Fields	1 field/7,500
Football Fields	1 field/7,500
Volleyball Courts	1 court/5,000
Multiuse field	1 field/10,000

[9] See Appendix D Table Recreation Service Standards and Needs Forecast

LEVEL OF ATTENTION

Maintenance of park facilities is an important aspect of providing service to the community and park users. However, the quality and quantity of maintenance can be subjective without a proper measuring tool. The Level of Attention (LOA) system provides such a measuring tool that helps in conveying the appropriate levels of care for a facility, decision making and conserving resources.

Level of Attention (LOA) is the amount of time (as measured by frequency) dedicated to a maintenance task. Maintenance tasks are activities such as turf care, irrigation, pruning, repairs etc. The LOA standards are divided into six levels and were derived in part from the National Recreation and Park Association's Park Maintenance Standards[10]. They describe a level of care one would expect when encountering various types of spaces.

The LOA system categorizes service into 6 levels with 1 being the highest level of service and 6 the lowest. The first level is one of very high expectations. It is reserved for a special, high visibility area that requires maintenance levels beyond the norm. Level 2 is the norm one expects to see on a regular, recurring basis. Level 3 and 4 are lower then the norm and are associated with low use or budget restrictions. Level 5 is the minimum amount of maintenance needed to prevent the land from returning to its original natural state. Level 6 is the point at which the land is allowed to return to its natural state. The detailed breakdowns of the various levels have been included in the Appendix.

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Existing LOA analysis

To effectively use this tool, it is important to determine the LOA provided currently to all existing parks. The chapter on Existing Conditions provides a detailed breakdown of the LOA for each park along with the improvements that are needed. A summary of the LOA for all parks are provided in Table 7. The overall LOA for all City parks is 2.86.

Recommended LOA

By adopting an overall goal for a desired LOA for all parks, the City can program changes and improvements to achieve that standard.

[10] Operational Guidelines for Grounds Management. Published by: APPA: The Association of Higher Education Facilities Officers, National Recreation and Parks Association, Professional Grounds Management Society. (2001)

The recommended LOA for the 2009 Parks, Recreation and Open Space Plan is LOA 2.0.

Table 7: Level of Attention

PARKS	LOA Turf Care	LOA Fertilizer	LOA Irrigation	LOA Pruning	LOA DI Control	LOA Repairs	LOA Surfaces	LOA Inspection	LOA Floral	Level of Attention
North West Section										
Koetje Park	3	3	2	2	3	2	3	3	3	2.67
Neil Water Tower				2	3	2	4	3	3	2.83
Shadow Glen Park	3	3	4	3	3	3	4	3	4	3.33
Woodberry Park	3	2	2	2	2	2	3	3	4	2.56
Meadow Ridge Park	3	2	2	2	2	2	3	3	4	2.56
Redwing Park	3	2	2	2	2	2	3	3	4	2.56
North East Section										
Summer Park	3	3	4	2	3	3	2	3	3	2.89
Tyhuis Park	3	3	4	3	3	3	4	3	4	3.33
Ridgewood Park	3	3	4	3	3	3	3	3	4	3.22
South West Section										
Fort Nugent Park										
Phase I & II	2	2	2	2	2	2	2	2	3	2.11
Phase III(sand based field)	1	1	1	2	1	1	1	2		1.25
Kimball Memorial Park	3	3	4	3	3	3	4	3	4	3.33
Spring Tree Park	3	3	4	3	3	3	4	3	4	3.33
Well Site #10	5	5	5	5	5	5	5	5	5	5.00
Lueck Park	3	3	4	3	3	3	4	3	4	3.33
Ridge Haven Park	3	3	4	3	3	3	4	3	4	3.33
Ruth Cohen Memorial Park	3	2	2	2	2	2	3	3	4	2.56
Vista Heights Park	3	2	2	2	2	2	3	3	4	2.56
Fireside Park	3	2	4	2	2	2	3	3	4	2.78
Fruend Marsh	6	6	6	6	6	6	3	3	4	5.11
Hawthorne Park	3	3	4	4	4	4	4	3	4	3.67
South East Section										
Beeksma Gateway Park	2	2	2	1	2	2	2	2	2	1.89
Volunteer/Skate Park	2	2	2	2	3	2	3	2	4	2.44
Flintstone/Mini Harbor Park	2	2	2	2	2	2	3	2	3	2.22
Hal Ramaley Memorial Park	2	2	2	1	1	2	2	2	1	1.67
Holland Garden	2	2	2	2	2	2	4	3	3	2.44
Neil Park	3	3	4	3	3	3	3	3	4	3.22
Catalina Park	3	3	4	4	3	3	3	3	4	3.33
Waterfront Trail				3	3	3	2	3	4	3.00
SR 20 Pocket Parks		2	4	2	3	4	3	3	3	3.00
Heritage Way	3	2	2	2	2	2	2	3	3	2.33
Smith Park	3	2	4	3	2	2	3	3	4	2.89
VFW Memorial Park	2	2	2	2	2	2	2	2	2	2.00
Windjammer Park	2	2	2	2	2	4	2	3	2	2.33
AVERAGE LOA FOR CITY PARKS										2.86

DRAFT

EXISTING CONDITIONS

This chapter of the Plan documents the existing conditions of the Parks in the City. It utilizes the LOA standards described in the previous section for the assessment. This section also documents the improvements of parks. The improvements have been broadly categorized into two categories to differentiate the maintenance (needed) improvements and the desired improvements.

Each park was evaluated for the LOA standard categories mentioned in the previous chapter. This provides a fairly accurate description of the maintenance performed on each park. This also provides an opportunity for a detailed approach in considering improvements to a particular park. For example, if the City wanted to consider improvements to Sumner Park since it is along a prominent corridor in the community, it can choose to do so by installing an irrigation system or introducing floral plantings. The final decision can be based on available funding and the long term goal for the park.

DRAFT

Windjammer Park

Community Park

28.5

3 Little League Baseball Fields
2 Tot lots
Picnic tables and barbecue pits
Covered picnic facilities
Kitchen for large groups
Windmill landmark

2 basketball courts
2 volleyball courts
Horseshoe pits
Boat launch
RV park
Swimming lagoon
2100 ft of waterfront trail
2 public restrooms

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Windjammer	2	2	2	2	2	4	3	2	2	2.3

DRAFT

Improvements needed

Existing bridge on trail needs to be replaced	Parking lots need to be resurfaced and drainage provided
Roof on existing structures need to be replaced	East approach needs to be upgraded with streetscape
Basketball court needs resurfacing	East wading pool needs to be upgraded
West playground is outdated and needs to be replaced	East playground – minor repairs and work
Trail needs overlay	Upgrade the RV parking pads

Other Improvements

Swimming lagoon could use aesthetic improvements	Sewer Plan can be adapted into a community facility
See Windjammer Plan	

Flintstone Park

Community Park

1.5

Picnic facilities
Mini-pier
Restrooms
500 ft of waterfront trail
Concrete replica of Fred Flintstone's

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Flintstone	2	2	2	2	2	2	3	2	3	2.22

DRAFT

Improvements needed

Surfaces could use an asphalt overlay	Shelter (donated by Lions in 80s) needs to be replaced
Rails on approach dock needs to be galvanized	Shoreline is unstable and needs repair and reinforcement
Light should be added along the trail	

Other Improvements

Dock needs to be upgraded	

Hal Ramaley Park

Community Park

.5

Picnic sites
Seasonal Gardens

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Hal Ramaley	2	2	2	1	1	2	2	2	1	1.67

Improvements needed

Upgrade the lighting fixtures	Repair and resurface the hard surfaces

Other Improvements

Build a gazebo	Expand park to the west

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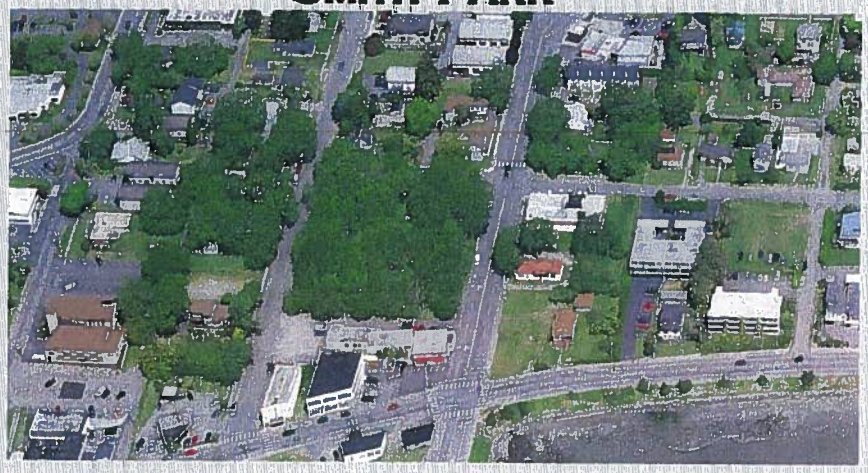
Smith Park



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Gazebo
Benches
Picnic tables
Playground
Old growth Garry
Oaks

Community Park

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Smith	3	2	4	3	2	2	3	3	4	2.89

Improvements needed

Upgrade existing structures – playground and gazebo	Maintain and retain existing merry-go-round
Replace the existing chain-link fences	

Other Improvements

None	

DRAFT

VFW Memorial Park

.8

Flag Pole
Park Benches
Picnic tables

Pocket Park

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
VFW Memorial	2	2	2	2	2	2	2	2	2	2

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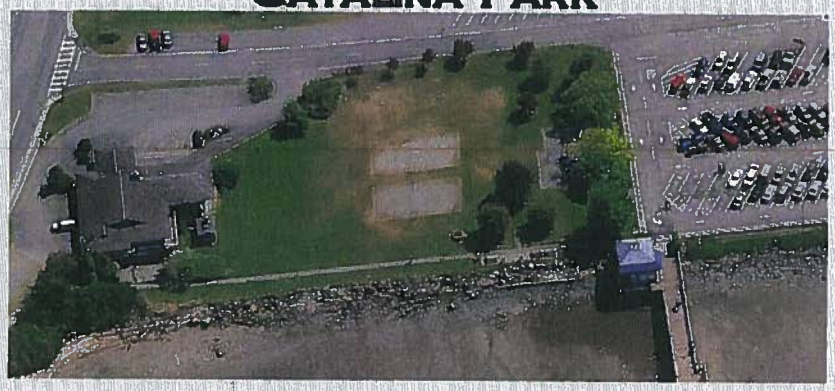
Improvements needed

None	

Other Improvements

Access to beach	

Catalina Park



2

2 sand volleyball courts
Horseshoe pits
Picnic tables
Playground

Community Park

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Catalina	3	3	4	4	3	3	3	3	4	3.33

Improvements needed

Irrigation system to be installed	Upgrade volleyball courts
Playground surface to be upgraded	

Other Improvements

Upgrade fence	
Beach improvements with ADA access	

DRAFT

Neil and Holland Gardens Park

Neighborhood Park

3.5

1tot lot
Holland Gardens - windm l
½ Basketba l court

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Holland	2	2	2	2	2	2	4	3	3	2.44
Neil	3	3	4	3	3	3	3	3	4	3.22

DRAFT

Improvements needed – Neil Park

Playground to be upgraded	Resurface the basketball court
Re-grade park surface	

Other Improvements - Neil

Add tennis courts	

Other Improvements - Holland

Return park to garden status	Improvements for event gathering

Volunteer Park

6

Community Park

Senior Center
Swimming Pool
3 little league baseball fields
Skateboard park

Level of Attention

	Turf-Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Volunteer	2	2	2	2	3	2	3	2	4	2.44

Improvements needed

Minor repairs and improvements to skate park	

Other Improvements

Install playground equipment	Lighting to extend hours of use during winter

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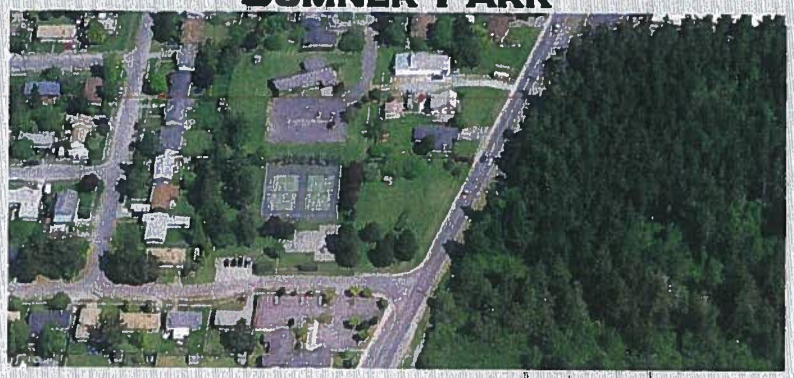
Sumner Park



Neighborhood Park

4

2 tennis courts
Picnic facilities
Playground
Off-street parking

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Sumner	3	3	4	2	3	3	2	3	3	2.89

Improvements needed

Surface improvements	Install irrigation system
Re-striping	

Other Improvements

Lighting to extend hours of use in Winter	

DRAFT

Ridgewood Park

Neighborhood Park

5.8

1 tot lot
Playground
Open space with trail connection

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Ridgewood	3	3	4	3	3	3	3	3	4	3.22

Improvements needed

Some playground equipment to be replaced	Upgrade pathways

Other Improvements

None	

DRAFT

Tyhuis Park

Neighborhood Park

.8

Playground
Picnic tables

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Tyhuis	3	3	4	3	3	3	4	3	4	3.33

Improvements needed

Playground to be replaced	Install irrigation system

Other Improvements

Improve pathway and sidewalks	

DRAFT

Koetje Park

Neighborhood Park

3.5

1 tot lot
Picnic facilities
Playground
1 soccer/practice field/T ball
1 basketball court
Off-street parking

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Koetje	3	3	2	2	3	2	3	3	3	2.67

Improvements needed

Playground to be upgraded	Minor improvements to T ball field

Other Improvements

Sidewalks	

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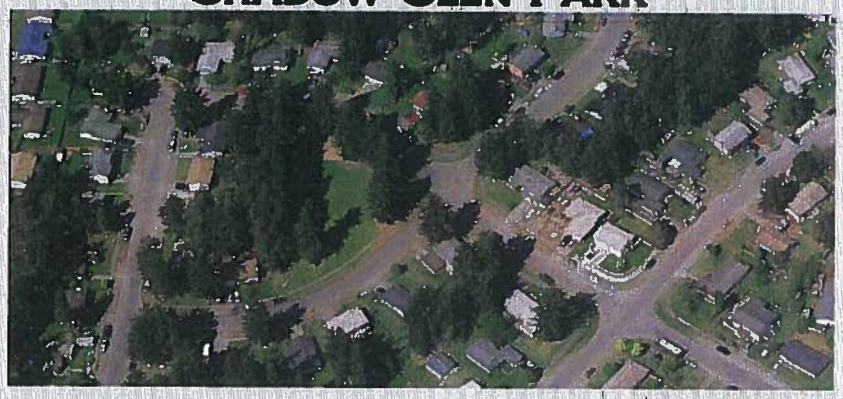
Shadow Glen Park



Neighborhood Park

.8

1 tot lot
Picnic facilities
Playground
Youth softball/practice field

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Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Shadow Glen	3	3	4	3	3	3	4	3	4	3.33

Improvements needed

Playground to be upgraded	Irrigation system needs repair

Other Improvements

Redwing Park

Neighborhood Park

1

1 tot lot
Open play area

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Redwing	3	2	2	2	2	2	3	3	4	2.56

Improvements needed

Needs park furniture	

Other Improvements

Room for additional recreation facilities	

DRAFT

Woodberry Park

Neighborhood Park

.5

Playground

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Woodbury	3	2	2	2	2	2	3	3	4	2.56

Improvements needed

Needs fence	Irrigation system to be installed

Other Improvements

DRAFT

Meadowridge Park

Neighborhood Park

.5

1 tot lot
Picnic tables
Expansion planned

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Meadow Ridge	3	2	2	2	2	2	3	3	4	2.56

Improvements needed

Other Improvements

Will be expanded	

DRAFT

Spring Tree Park

Neighborhood Park

1.5

1 tot lot
Picnic facilities
Partly forested with native vegetation

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Spring Tree	3	3	4	3	3	3	4	3	4	3.33

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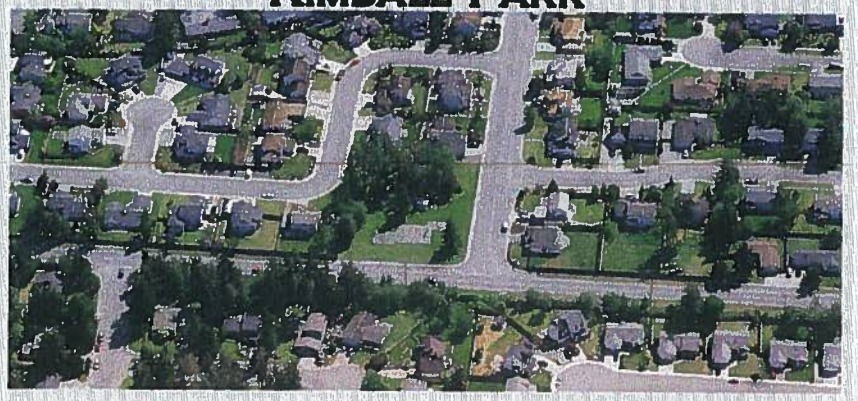
Improvements needed

Upgrade trails in the parks	

Other Improvements

Irrigation system	

Kimball Park



Neighborhood Park

.8

1 tot lot
Fenced

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Kimball	3	3	4	3	3	3	4	3	4	3.33

Improvements needed

Upgrade playground

Other Improvements

Install irrigation system

DRAFT

Ruth Cohen Park

Neighborhood Park

5

1 tot lot
Picnic facilities
Wetland/ natural areas
Trail

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Ruth Cohen	3	2	2	2	2	2	3	3	4	2.56

Improvements needed

Other Improvements

Consider upgrade to bridge	Add more trails

DRAFT

Lueck and Ridgehaven Park

Neighborhood Park

1.5 & .8

Tot lots
Basketball hoop
Picnic facilities
Trail connection

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Lueck	3	3	4	3	3	3	4	3	4	3.33
Ridge haven	3	3	4	3	3	3	4	3	4	3.33

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Improvements needed

Upgrade playground	Install irrigation system
Upgrade basketball surface	

Other Improvements

Fireside Park

Neighborhood Park

1.2

Tot lot
Open play area

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Fireside	3	2	4	2	2	2	3	3	4	2.78

Improvements needed

Install irrigation system	Plant shade trees
Park furniture	

Other Improvements

DRAFT

Ft. Nugent Park

40

5 soccer fields
2 football fields
1 multi-use field
1 baseball field
1 basketball court

Trails
Open space
Playground
Restrooms
Picnic shelters

Community Park

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Phase (I & II)	2	2	2	2	2	2	2	2	3	2.11
sand based fields	1	1	1	2	1	1	1	2		1.25

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Improvements needed

Soccer and baseball fields to be upgraded for drainage	Park furniture
Drinking fountains	

Other Improvements

Frisbee golf	Perimeter trails

Vista Heights Park

Neighborhood Park

.5

1 tot lot
Picnic facilities

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Vista Heights	3	2	2	2	2	2	3	3	4	2.56

Improvements needed

Other Improvements

DRAFT

Freund Marsh

35

Open space
Wetland/natural areas
trail

Trails and Open Space

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Fruend Marsh	6	6	6	6	6	6	3	3	4	5.11

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Improvements needed

Trailhead construction	Trail signs
Trail furniture	

Other Improvements

Extend trail to beach	

Beeksma - Gateway Park

.5

Landscaping
Benches
flagpole

Pocket Park

Level of Attention

	Turf Care	Fertilizer	Irrigation	Pruning	Disease Control	Repairs	Surface	Inspection	Floral	Average LOA
Beeksma	2	2	2	1	2	2	2	2	2	1.89

DRAFT

Improvements needed

None	

Other Improvements

COMMUNITY NEED

Community needs for the next several years can be determined by several methods. The City of Oak Harbor is determining its needs by two distinctive and equally important methods. One method is by engaging the public, and the other is to determine facility needs by performing a level of service analysis. Both methods are described below.

Engaging the Public

A survey was conducted for the 2009 Parks, Recreation and Open Space Plan as a primary method to determine the needs of the community. Needs were also established/determined by input from the City Council, Planning Commission, Park Board, Parks Division and any other City department that have frequent meetings, hearings and input from the public. This was appropriate since needs of the community are expressed in various ways throughout the year through public comment and hearings on a multitude of projects and plan.

The survey was designed to provide input/information on the following:

- How frequent are facilities used?
- What activities people participated in and how frequently?
- Where did they go to participate in their favorite activities?
- How satisfied are residents with the quality and quantity of existing parks?
- What would they like to see in the future?
- Are they willing to fund improvements?

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A complete copy of the survey is included in A0ppendix A along with the results and tally of the data. A summary of the needs identified by the survey are highlighted below.

Needs identified from public survey:

- Parks are used most during the summers, followed by spring and fall with activity levels dropping off during winter. As trivial as this information may seem, this indicates that there is need to provide opportunities during the winter season to keep activity levels up.

- Community parks are most the frequently used parks followed by neighborhood parks. This indicates the

importance of providing community parks and the need for the City to plan for them.

- Hiking/jogging/walking is the most popular and frequent activity. Playgrounds came in second followed closely by biking. Other notables are swimming and soccer. This information identifies the need to cater to these activities and improve on them.

- With many choices available to the residents of Oak Harbor, respondents chose City Parks over Navy, School and County facilities to indulge in their favorite activities primarily because of convenience and availability. This speaks to the location and quantity of existing parks and the need to continue this level of service.

- Locations of community and neighborhood parks are convenient but trails are not. This information combined with the indication of the most popular activities speaks to the need to provide more trails and at more convenient locations.

- Respondents rated the general condition of parks as "good". The results indicate that lighting can use some improvement. The lighting can refer to both safety issues and the extended use of parks during the winter season when daylight is limited.

- Respondents are satisfied with the size and quantity of community and neighborhood parks but are dissatisfied with the trails. Again, this establishes the need for more trails within the City. Addressing trail issues will also have positive impacts on other areas such as transportation, public health etc.

- Respondent ranked natural forest areas as No.1 in desired facilities followed closely by multi-use trails. The category "Other" came in third. A close look at the information provided under "Other" revealed a desire for more trails and tennis courts. Playground, swimming pool and soccer fields are other notables. "Indoor" was used as an adjective on more than 50% of the activities listed under "Other". This information combined with the activity levels during the seasons demonstrates the need for such facilities. Splash pool/water parks came in fourth on the desired facilities.

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- Approximately 46% of the respondents indicated support for sales tax and user fees to support parks. More than 50% of the respondents did not support using property tax to further parks.

- Who were the respondents? More than 60% of the respondents were female. More than 60% were the head of households. The households that responded had more people in the age group of 35 to 65+.

Recreation Needs established by Level of Service assessments:

The survey provides a qualitative approach in determining the needs of the community. A quantitative approach to determining the needs of the community can be determined by a Level of Service analysis that is based on the recommended standard[11]. It takes into account the existing facilities and compares it to the population it serves. If the existing facilities do not meet the standard, it indicates that there is a current need for that facility. Table 8 below provides information on the current level of service. For example, the current level of service for baseball fields is .3/7000 which is below the minimum standard of 1/7000. Therefore, to meet the minimum standard for the 2008 population 2 baseball fields are needed. By projecting population growths into the future, the need for additional facilities can be determined.

Table 8: Existing and Future LOS for Recreational Facilities

Facility	Existing conditions		Minimum Standard	Need in 2008 based on standard	Need in 2018 based on standard
	Quantity (acres or # of facilities)	Current Level of Service			
Neighborhood Park	32.2	1.4 acres/1000	2 acres/1000[12]	14	24
Community Park	83.5	3.6 acres/1000	7 acres/1000[12]	77	114
Basketball Courts	3.5	0.8 court/5000	1 court/5000	1	2
Tennis Courts	2	0.2 court/2000	1 court/2000	9	12
Softball Fields	0	0 field/4000	1 field/4000	6	7
Little League Fields	6	1 field/4000	1 field/4000	0	1
Baseball Fields	1	0.3 field/7000	1 field/7000	2	3
Soccer Fields	6	2 field/7500	1 field/7500	-3(0)	-2(0)
Football Fields	3	1 field/7500	1 field/7500	0	1
Volleyball Courts	5	1.1 court/5000	1 court/5000	0	1

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[11] Table 6: Recommended Ratio-based LOS Standards (page 55)

[12] These standards have been increased from the 2001 Parks and Recreation Plan to meets the land requirements for the needed recreational facilities. The standard in the 2001 Plan was 1acre/1000 for neighborhood parks and 4acres/1000 for community parks

The analysis provided in Table 8 is based on the population data provided by the Office of Financial Management which is 22,980 for 2008. The population of 2018 was determined by a linear projection method that extrapolates the percentage increase of previous years into the future.

The above table indicates a current deficiency in recreational facilities and also indicates the increase in deficiency as population levels increase. If acreage requirements were assigned to these recreational needs with the assumption that these fields and courts take up 40% of a park, the current deficiency in land is 78 acres and will increase to 110 acres in 2018. (See Appendix for details)

The survey results and the level of service analysis provides a framework for assessing needs for the next ten years. The decision to include projects in the six year strategic plan is a balance between community need expressed through the survey, input from boards and commissions and LOS analysis.

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Funding

The funding, budgeting and implementation of projects within this Plan will rely on the annual update of the Capital Improvements Plan (CIP) and the adoption of the budget. The Parks, Recreation and Open Space Plan recommends the direction and the steps necessary to advance the vision, and the CIP and annual budget is the vehicle of implementation. The number of park projects that are scheduled in the CIP is dependent on the many factors such as current revenues, revenue projections, available funding, private partnerships, grants etc. The Action Plan recommends the projects to accomplish over the next six years, but the financial atmosphere will determine how many of those projects can be funded and implemented through the CIP and the budget.

Funding Sources

The funding for projects within the Park Plan relies on various sources such as the Real Estate Excise Tax, General Funds, Grants and Park Impact Fees. The policies that govern the financial resources and expenditure are outlined in the Capital Improvements Plan.

Real Estate Excise Tax

The state authorizes a tax of 1.28% on the sale of all real estate. RCW 82.46 authorizes cities, planning under the GMA, to assess an additional tax on real estate sales of ¼%. These funds must be spent for capital facility projects listed in their Capital Facilities Plan. A second ¼% may also be levied to help defray the costs of implementing the GMA.

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Grants

The City applies for grants from various sources within the state and the county for parks and open space land acquisition, improvements and maintenance. Some of the grants require a local match of funds. For a complete list of applicable grants and loans available to the City, see the adopted Capital Improvements Plan, Appendix F.

Park Impact Fee

ESHB 2929 authorizes impact fees to pay for park and recreation facilities required due to new development. These fees are usually collected at the issuance of building permits or certificates of occupancy. Park and Recreation fees are usually based on a flat rate for dwelling units by type. The City of Oak Harbor collects both a

neighborhood and a community park impact fee. The current fee schedule is provided below. This fee was adopted in 2006 as an interim fee.

Table 9: Existing Impact Fees

	Single Family Residential	Multifamily Residential
Neighborhood Park	$430	$354
Community Park	$1243	$990
Totals	$1,673	$1,344

Adjustments must be made to fee calculations to account for park and recreation costs that are paid by other sources of revenue. Additional credit can also be given to developers who contribute land, improvements or other assets. These impact fees are in addition to any mitigation or voluntary payments authorized by SEPA or local improvement districts for example.

Impact fees must be used for capital facilities needed for growth. They can not be used to meet current deficiencies or cannot be used for operating expenses.

Impact Fee Methodology

Impact Fee for Community and Neighborhood Parks

The calculations of Impact Fee for community and neighborhood parks will use the same methodology used in the 2001 update. The methodology takes into account the amount of land required to meet the needs of growth, population projections, land costs, park improvements and household to determine the impact fee for both single family residential units and multifamily units.

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The impact fee was originally adopted in 1994. The impact fee was recalculated in 2006. A copy of this calculation is provided in the appendix. The calculations indicated that the impact fee for a single family residential unit should be $2,678 and $2,257 for a multifamily unit. Since this fee amount was substantially higher than the existing fee at that time, the City Council decided to adopt 50% of fee amount as an interim fee.

It is recommended that the current methodology continue to be used with updated values to determine impact fees. Since, the amount of acres needed per 1000 population has increased[13] it is recommended that an updated fee be adopted.

[13] See Table 8: Existing and Future LOS for Recreational Facilities (page 87)

Impact Fee for Trails

Historically, trails have not been included as part of the impact fee calculations primarily because of the lack of national standards to determine need and establish benchmarks. With the introduction of the spatially based level of service by the State, a new methodology can be derived to determine needs and thus a calculation of service and impacts.

The impact fee calculations are based on the recommended LOS for trails that establishes a ½ mile service area. Therefore it can be determined that I mile of trail serves approximately 21,904,456 square feet of land area which is approximately 500 acres. Within this one mile radius, the distribution of various land uses must be determined. The ratio of land use distribution can be assumed to be similar to the land use distribution within the entire City. The City's Comprehensive Plan notes that only 60% of the City's land is used as residential. Therefore it is assumed that only 60% of the one mile radius will be residential uses (approx. 13,142,673 square feet). According to the Comprehensive Plan the distribution of land uses between single family dwelling and multifamily units is 86% to 14%. Therefore using minimum lot size (7200 square feet) and an average of the multifamily zoning classification densities (16 units per acre) it is determined that one mile of trail will serve approximately 1,570 single family homes and 675 multifamily units.

The amount of fee charged to each unit is determined based on the average construction cost of one mile of trail. This may change based on terrain, construction material, need for culverts and bridges etc. Once the cost is established for 1 mile of trail, the same percentage of 86% to 14% must be used to determine the cost that will be covered by a single family residence and a multifamily unit. The resulting amount will provide an approximate fee that single family or a multifamily unit will have to bear for the construction of one mile of trail.

The GMA also states that the impact fees cannot be calculated by imposing 100% of the cost of such facilities on growth alone. In other words, a reasonable percentage of the cost of the facilities must be borne by the community. This percentage can be determined by the City Council. Communities around the State of Washington have used anywhere between 50% to 25% to be borne by the community.

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Goals selected for 2009

A selected list of goals has been chosen from the Comprehensive Planning Goals for implementation over the next few years based on the needs of the community established by the survey and the LOS analysis. This by no means prevents other goals in the Comprehensive Planning Goals from being furthered. The list below is the proactive plan chosen based on established current need. There will always be times when opportunity and projects not listed below will present themselves. The decision to react to those situations must be based on the guiding principles and the ability to further goals in the Comprehensive Planning Goals. The decision must also evaluate the status of existing goals listed in the strategic plan and determine if schedules need to be amended.

Action Goals

The goals below have been selected from the Comprehensive Planning Goals based on the needs identified by the survey and the LOS analysis. The goals have been selected to advance more trails, provide recreational facilities that are needed and on demand, cooperating with other agencies to provide services, identifying and preserving natural features/open spaces, and repair and upgrade to existing facilities.

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a. Partner with NAS Whidbey Island formulate a Plan acceptable to both parties for the continuation of the Waterfront Trail to Maylor Point.

b. Construct a waterfront trail system linking providing public access to the waterfront from Scenic Heights Road to Maylor Point.
    1. Connection between Windjammer and Flintstone Park
    2. City and Navy to determine extension on Navy Property to Maylor Point
    3. Extend the Freund Marsh trail to the waterfront

c. Provide upland facilities on Flintstone Park that will support the Municipal Pier Project.

d. Develop a regional ball park complex to attract tournament-level sports competition.

e. Assist in developing programs to utilize existing facilities within the City to provide recreational opportunities for teenagers, senior citizens and retirees.

f. Work with the School District to establish long term use of existing facilities where feasible to meet established LOS standards.

g. Explore options to convert the property located on the southeast corner of SR 20 and Fakkema Road into an Oak Grove.

h. Explore options to increase the revenues for parks, recreation, trails and open space projects.

i. Design and build trails around the 7th Avenue Wetlands.

j. Work with Island County staff to identify opportunities for cooperation in preserving open space areas within the City's UGA, as well as within the city/county Joint Planning Area.

k. Provide safe and convenient trails for walking and bicycling between parks, neighborhood and major activity centers throughout the City, and to other recreation sites on North Whidbey.

l. Prepare a Marina Master Plan that analyses the community's perceptions and demand for marina services, determines market demand for tourism and commercial fishing, determines methods to establish long term funding, upland development alternatives and timing and enhance its connections to downtown.

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Maintenance Goals

m. Upgrade existing structures and facilities to make them safe and extend their life and usefulness.

n. Upgrade all existing facilities and utilities in the Marina to meet or exceed current safety standards.

Implementation Projects

This Chapter provides general guidelines on how to further the selected goals and related projects. This Chapter is intended to provide options, establish in general a year for the project to be initiated, and identify a possible funding source.

This Chapter may not include information on the cost of a project if the scope of the project is yet to be determined. This is because most the projects are in the initial stages and part of the process will be to determine the project scope and cost.

Projects within this Chapter will require varying degrees of additional preparation and study prior to implementation. Each project will require its own public input, planning and permitting process. For example, the project to build a trail around the NE 7th Avenue wetlands will require involvement from adjacent property owners and additional public input, environmental review and permitting.

The Guiding Principles listed in the Plan must be applied to all projects proposed in this Chapter. This includes quality of construction, artistic value, public input, preservation, etc.

Action Goals

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Goal: Partner with NAS Whidbey to formulate a Plan acceptable to both parties for the continuation of the Waterfront Trail to Maylor Point.

Goal: Construct a waterfront trail system linking providing public access to the waterfront from Scenic Heights Road to Maylor Point.

1. Connection between Windjammer and Flintstone Park
2. City and Navy to determine extension on Navy Property to Maylor Point
3. Extend the Freund Marsh trail to the waterfront

The above two goals will be accomplished by a building a trail from Scenic Heights to Maylor Point. These have been a long term goals for the City of Oak Harbor.

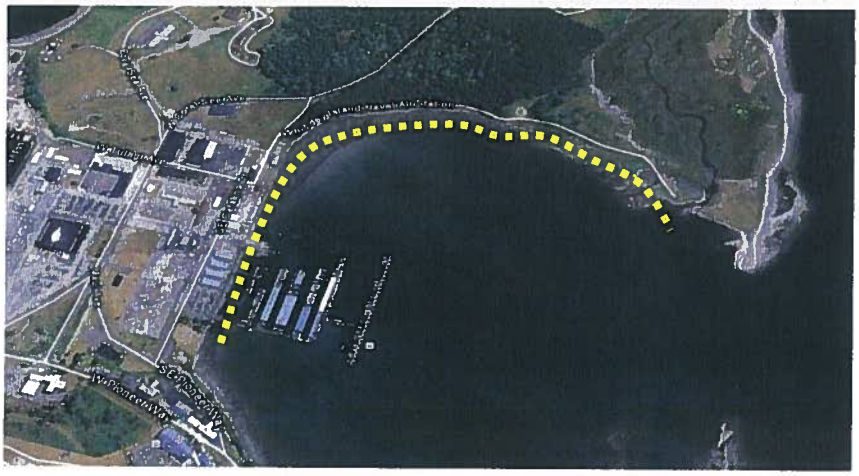
In 2008 the City initiated the project to build a trail connection along the waterfront between Windjammer Park and Flintstone Park. This project is expected to be complete in 2009. Simultaneously the City

has also been building trailhead improvements on Scenic Heights. This project is also expected to be completed in 2009.

The City has also been coordinating with NAS Whidbey Island to extend the trail past the marina to Maylor Point. At one time, this trail was open to the public. As needs for higher security measures were required for the Navy, the access to the trail was restricted.

Action: Memorandum of Agreement with NAS Whidbey Island, Engineering and Design, Bid Contract, Project Construction.

Time frame: 1-2 years
Year: 2009 - 2010
Funding: approximately $200,000; REET or General Funds



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The existing trail in the Freund Marsh area connects Scenic Heights to City Beach Drive and the Windjammer Park. A recent project to relocate an existing drainage channel resulted in an easement that will allow the trail to connect to the waterfront along the Freund Marsh.

Action: Identify trail location and connection
Year: 2010
Funding: Parks Department Work Program

Goal: Provide upland facilities at Flintstone Park that will support the Municipal Pier Project.

Upland improvements at the Flintstone Park will continue to move the Municipal Pier project ahead by preparing the park for the eventual construction of the pier.

This project will provide for the design and construction of the upland improvements associated with the Municipal Pier project. The improvements will include restrooms, a waiting area and other upgrades to the park.

Action:	Engineering and design of the facilities
Action:	Construct the facilities
Time frame:	1-2 years
Year:	2009 for design
	2010 for construction
Funding:	Federal Grants and local match from general fund

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Goal: Develop a regional ball park complex to attract tournament-level sports competition.

This goal has been selected to address the lack of softball fields in Oak Harbor. The need for this goal is established by the current demand and lack of adequate facilities as illustrated in the LOS analysis[14].

Softball fields best serve the public if built as a complex that has a minimum of 4 fields. The LOS analysis indicates that 6 fields are needed. Grouping the fields allows for leagues to play and practice in proximity of each other. It also provides opportunity to invite leagues from outside the area for tournaments and contribute towards the local economy.

A complex of 4, as described above, would need a minimum of 20+ acres to develop if it were adjacent to an existing park and share common support facilities such as parking, restrooms etc. A stand-alone ball park complex may need as much as 40+ acres.

Action:	Explore locations and perform site analysis
Year:	2010 – 2015
Funding:	Community Park Impact Fees in combination with REET, Grants and General Fund.

Below is an example of a softball complex.

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[14] Table 8: Existing and Future LOS for Recreational Facilities

Goal: Assist in developing a program to utilize existing facilities within the City to provide recreational opportunities for teenagers, senior citizens and retirees.

Goal: Work with the School District to establish long term use of existing facilities where feasible to meet established LOS standards.

These goals are to further the City's support for recreational opportunities and programs for youth and senior citizens. There is opportunity to consider using existing facilities by entering into joint agreements with the school district and the North Whidbey Recreation to meet the deficiencies in the LOS standards.

These are "continuing" goals and the City should find opportunities to coordinate with the school district for use of facilities and work with the North Whidbey Recreation for recreational programs.

Action:	Coordinate communication with the various interested parties
Year:	2009 – 2015
Funding:	Determined based on need and availability

Examples:
Improvements to existing fields for little league and softball practice
Upgrades to tennis courts on school property
Find opportunities for indoor space for recreation programs

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Goal: Explore option to increase the revenues for parks, recreation, trails and open space projects.

This will explore the possibilities to finance projects within this plan and fulfill the vision of the community. Option considered should include maintenance of existing parks at accepted LOS and build new facilities. Though grants are excellent resources for construction of new facilities, this option should look at a more consist method for financing.

Action: Perform a study on options available
Year: 2010 – 2015
Funding: Unknown

This goal may require the expertise of consultants to perform the study as well as a marketing strategy to help with citizen education and outreach.

Goal: Design and build trails around the 7th Avenue Wetlands Tract.

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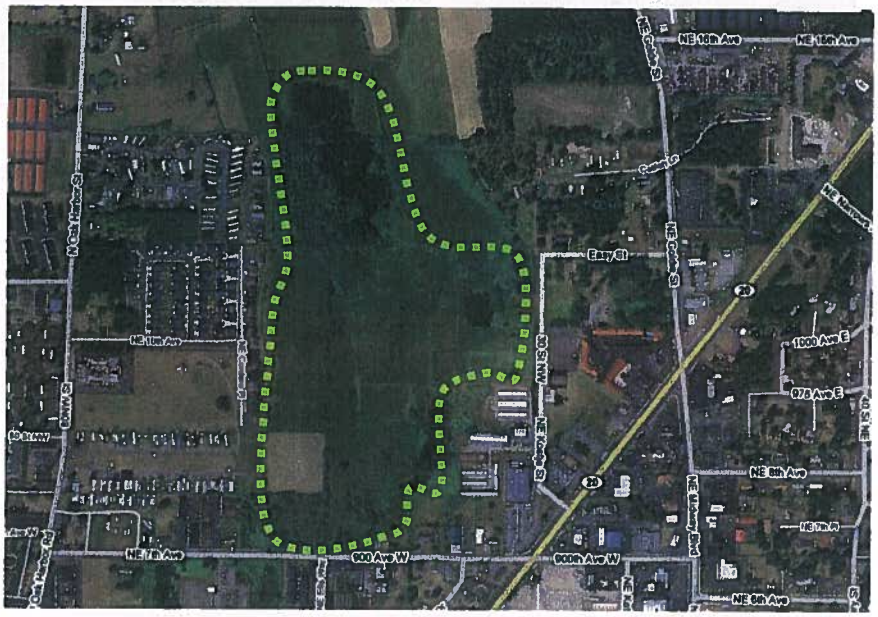
This goal is to further the need for trails that the community expressed through the survey. The NE 7th Avenue Wetland is a critical area that will be preserved as open space.

The Critical Area Ordinance protects this resource and restricts development in the wetland. The ordinance also requires buffers around the wetland from any development. This is an ideal place to build trails. The City owns two properties in and around the west side of the wetland.

This goal may require a study of the wetlands and its coverage to determine the location of buffers, etc. The study can be scoped to also identify trail locations. This study will enable the City to determine trail location if property surrounding this wetland is proposed for development. It is unknown at this time if additional property will need to be acquired by the City to further this goal.

Action: Perform a wetland study, identify trail locations, and determine permit requirements.

Year: 2010 – 2015
Funding: grants, may include local match



Explore options to convert the property located on the southeast corner of SR 20 and Fakkema Road into an Oak Grove.

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The property located on the southeast corner of SR20 and Fakkema Road was recently purchased by the City. The property is covered by easements to the Navy and the County that restrict development that is incompatible with the AICUZ study. The restrictive covenants allow open space as a permitted use.

The goal would explore options to convert the property into a Garry Oak Grove. The options may also explore the possibilities of using this property as a mitigation area for Garry Oaks.

Action: Site and soil analysis, general/conceptual layout etc.
Year: 2009 – 2015 (This update cycle can provide the groundwork to initiate this project. The project will take many to complete)
Funding: grants, development mitigation, donations/gifts etc

Goal: Work with Island County staff to identify opportunities for cooperation in preserving open space areas within the City's UGA, as well as within the City/County Joint Planning Area.

The Recommended Plan in the Comprehensive Planning Goals Chapter identifies a network of trails and open space/natural features in and around Oak Harbor. The Recommended Plan is consistent with Island County's Trail Plan which recommends similar trail connections around Oak Harbor. Since the Recommended Plan covers area outside the UGA, the City should find opportunities to work with Island County to further the Plan.

The Recommended Plan is a long term goal and will take many years to accomplish. It will likely be accomplished if it is broken down into small phases over an extended period of time. It would be logical to begin the first phase on the south of Oak Harbor since this is where the potential for expansion is highly likely over the next six years.

Every six year update should add a phase for implementation. This goal also depends on private development to provide connections as land is developed.

Action:	Work with Island County to include provisions related to the Recommended Plan in the Interlocal Agreement. Identify nodes and trails to implement in the next 6 years. Acquisitions may be needed.
Year:	2009-2015
Funding:	Mostly unknown at this time. Grants must be considered.

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Node Trail

Goal: Provide safe and convenient trails for walking and bicycling between parks, neighborhoods and major activity centers throughout the city, and to other recreation sites on North Whidbey.

A proposal by Harbor Pride for an in-town trail system called the Heritage Oaks Trail can be supported to further this goal. This project would designate a trail within the City along streets to connect Garry Oak sites. The project is being spearheaded by Harbor Pride and has support from various organizations. Since most of the trail would be along existing City streets, the City should be involved and provide support of signage, designation and possibly some improvements.

Action:	Support the project by providing assistance in determining sign location and installation, extension of trail east of Regatta will require Navy cooperation
Year:	2009 - 2013
Funding:	Private funds and grants, staff time

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Prepare a Marina Master Plan that analyses the community's perceptions and demand for marina services, determines market demand for tourism and commercial fishing, determines methods to establish long term funding, upland development alternatives and timing and enhance its connections to downtown.

The goal will provide a long term vision for the Marina and associated improvements. The Marina is a community asset and any

long term plan for this facility should start with a public input process to determine public perceptions and opinions. The plan will also provide policies and information for decision making. Recommendations that are generated from the planning process can provide ideas for enhancing the facility and improving connection to the downtown.

Action:	Initiate the planning process, public participation, evaluate existing conditions, and formulate goals, policies and recommendations.
Year:	2009 - 2010
Funding:	staff time

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Goal: Upgrade all existing facilities and utilities in the Marina to meet or exceed current safety standards.

The scope of this goal is to upgrade several facilities and utilities that are more than 40 years old and are essential in serving the marina over the next few years. Some of the needed improvements proposed for the next six years are listed below.

i. Dredging: The marina basin has not been dredged in many years and poses unsafe conditions for navigation and moorage.

ii. Navigational Aids: The navigational aids along the access channel to the Oak Harbor Bay and the marina need to be improved and enhanced to provide safe passage.

iii. Utilities: Electrical and water lines that serve the marina slips are at the end of their usefulness and need to be upgraded.

iv. Approach Gangway: The existing approach gangway needs to be replaced and extended to accommodate gentler slopes for ADA compliance. Phases of this project will include establishing accessible slips along the gangway for ADA compliance.

v. Marina Office/restrooms: ADA accessibility to the Marina Office and the restroom also need to be improved.

vi. Boat Ramp: The slope of the existing boat ramp needs to be upgraded for safe launching and loading of boats to and from trailers.

Year: 2009 – 2015
Funding: Marina Funds, Grants

Maintenance/Upgrade Goals

Goal: Upgrade existing structures and facilities to make them safe and extend their life and usefulness.

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Action: This project will include new roofing for the east and west restrooms, and the smokehouse. Upgrades will also include minor restroom fixture replacements and painting.
Year: 2011

Action: Replace the existing lagoon bridge in Windjammer Park. The bridge is deteriorating and needs replacement.
Year: 2010

Action: Build a splash pool facility to replace the existing splash pool in Windjammer Park

Year: 2011-2012

Example of a splash pool

Action: Upgrade or replace playground equipment in the following existing parks:

i. Neil Park
ii. Tyhuis Park
iii. Shadow Glen Park
iv. Kimball Park
v. Lueck Park
vi. Koetje Park
vii. Sumner Park
viii. Ridgehaven Park

Year: 2009 - 2015

Action: Install or repair irrigation system in the following existing parks.

ix. Catalina (Marina) Park
x. Kimball Park
xi. Lueck Park
xii. Tyhuis Park
xiii. Sumner Park
xiv. Shadow Glen

Year: 2009 – 2015

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TIER III

ADMINISTRATIVE POLICIES

Administrative Policies are guidelines that help City staff develop work programs, recommendations and decisions regarding parks, recreation and open space projects and activities. One of the primary reasons for separating these from the goals and objectives is to provide for their amendments outside of the Plan update cycles. This section of the Plan is meant to be a dynamic document that is reviewed and amended as issues arise. Since a document or policy cannot anticipate every possible situation that may arise in the future, there needs to be a mechanism to consider changing conditions and issues.

This section of the Plan can be amended by the City Council at any time with appropriate notification procedures as per the City's Public Participation Policies.

The City's Parks, Recreation and Open Space policies are categorized into the following sections:

General Policies
Level of Service Policies
Neighborhood Park Policies
Community Park Policies
Open Space Policies
Trails Policies
Financial Policies
Environmental Policies

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General Policies

a) The Parks, Recreation and Open Space Plan will be reviewed and updated every 6 years.
b) Projects recommended in the Action Plan will be included in the Capital Improvements Plan based on available funds.
c) Areas that are served least by facilities will be given priority for the development of parks and recreational facilities.
d) Acquisition of additional land should be based on Staff's ability to maintain and operate the facility.
e) Neighborhood and Community Parks will incorporate public participation into its design process.

f) Widely advertised Park Board Tours shall be conducted annually inviting citizens to participate and provide feedback on various parks.
g) Parks and open space acquisition outside the UGA should be based on the Recommended Plan.
h) The City will work with Island County to help preserve and protect open space and natural features outside the UGA that are included in the Recommended Plan
i) Pocket Parks are highly visible features and therefore should be maintained as a high standard and incorporate artistic expressions approved by the Arts Council.
j) Encourage the use of parks for educational programs and purposes.

Level of Service Policies

a) Priority will be given to projects that are required to meet the adopted Level of Service.
b) Level of Service calculations shall consider standard playfields that have the necessary improvements required for the particular activity. The calculations shall not include fields, grounds or open space that are sub-standard and do not have adequate improvements.
c) Staffing levels and resources shall be evaluated to determine they are to meet the adopted Level of Service and Level of Attention standards.
d) The Level of Service calculation shall be established based on the need of the community over the next 10 years. (RCO requirement)
e) Level of Attention (LOA) for parks and open space are as below unless specifically noted:
   i. Level of Attention for Pocket Parks is 1
   ii. Level of Attention for Community Parks is 2 and below
   iii. Level of Attention for Neighborhood Parks is 2
   iv. Level of Attention for Trails is 3
   v. Level of Attention for Open Space is 4 or less

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Neighborhood Park Policies

a) Neighborhood Parks shall at a minimum be not smaller than .5 acre
b) Neighborhood Parks shall be located away from arterial streets in a location that easily accessible.

c) A minimum of 30 feet of frontage must be provided for all neighborhood parks for access and maintenance.
d) Playground equipment shall be designed and built to accommodate relocation if needed.
e) Neighborhood Parks may be designed to serve both passive and active recreation.
f) Land dedicated for neighborhood parks shall have suitable soils, topography and other natural features.
g) Parks shall be compatible with adjacent development and consistent with the Naval Air Station Whidbey Island's Air Installation Compatible Use Zones (AICUZ) Plan.
h) Neighborhood Park facilities should be designed to meet ADA accessibility standards.
i) A minimum of 100 sq ft should be reserved for artistic expressions to display art approved by the Arts Council

Community Park Policies

a) Community Parks have city-wide significance and should provide facilities that serve the entire community.
b) Community Parks shall be located along arterial streets to provide easy access by automobiles and mass transit.
c) Land dedicated for community parks shall have suitable soils, topography and other natural features.
d) Community Parks shall provide landscaped areas with outdoor furniture and covered public use areas (restrooms, gazebos) that meet ADA accessibility standards.
e) Area shall be reserved for artistic expressions approved by the Arts Council.
f) Community Parks shall provide adequate public parking.
g) Low impact development techniques and materials shall be used in the design of stormwater facilities and other infrastructure.
h) Community Parks shall be located adjacent to compatible land uses and be consistent with Naval Air Station Whidbey Island's Air Installation Compatible Use Zones (AICUZ) Plan.

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Open Space Policies

a) Open Space can be either in private or public ownership.
b) Open Spaces should be protected with conservation easements.

c) Open spaces that are designated for preservation and intended to return to their natural status can also be prohibited from public access.
d) Buffers must be provided around sensitive open spaces.
e) Trails shall be provided in and around designated open spaces to provide access to the public and protect sensitive areas.
f) The following are some of the areas that can be considered as open spaces:
    i. Wetlands which serve a variety of ecological functions including stormwater retention
    ii. Natural shoreline systems such as lagoons, saltwater tidal flats, marshes and accretion beaches that serve a diversity of ecological functions
    iii. Critical wildlife habitats
    iv. Significant undisturbed natural communities and ecosystems
    v. Productive agricultural and forest lands
    vi. Watersheds necessary to protect drinking water sources and supply
    vii. Riparian ecosystems such as stream and river bank corridors, which are important plant communities and wildlife areas
    viii. Environmental conservation areas to protect biological communities such as eagle nests and heron rookeries

Trail Policies

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a) Trails should be incorporated into the design of all transportation projects.
b) Dead end streets, cul-de-sacs and other areas that lack interconnectedness should incorporate trails to provide access and connections.
c) Standards recommended for pedestrian and multipurpose trails are provided below:

1. <u>Pedestrian Trails</u>

ix. Class I – Trail is completely separated from vehicular traffic either on its own right-of-way or physically separated from the adjacent roadway.
    1. Max grade 20%
    2. Minimum tread width 6 feet
    3. Tread surface – gravel or asphalt

x. Class II – shoulder areas of existing roadways offset by a painted strip or curb and marked with signage

xi. Designed as per standards established by Washington Department of Transportation – Design Guide for Pedestrian Facilities

xii. Free of obstacles (Fire hydrants, street lights, over grown landscape, etc.)

2. Bicycle/Multiuse Trails

xiii. Class I – Trail is completely separated from vehicular traffic either on its own right-of-way or physically separated from the adjacent roadway.

1. Maximum grade 10%
2. Minimum width 8 feet
3. Tread surface – gravel or asphalt
4. no steps or stairs

xiv. Class II – a portion of the roadway that is designated by signs and/or pavement markings

xv. Class III – a street or highway that is designated with signs as a bicycle route but bicycles share the roadway with vehicles.

xvi. Class IV – shared roadway with no designation

Financial Policies

a) Impact fees shall be established for community parks, neighborhood parks and for trails.
b) Impact fees can be amended at anytime to reflect values and cost associated with the changing times but must at a minimum be recalculated once every five years.
c) Land dedication for neighborhood parks and trails without improvements can be made to offset the neighborhood impact fee or the trail impact fee by 60% of the required fee. The Community Park Impact fee can be offset unless the dedication is large enough to meet the requirements of a community park as determined by the City Council to meet the needs of recreational facilities that have been deemed necessary to meet the LOS requirements.
d) Trail impact fees should be used towards trails that support new growth and included in the Recommended Plan.
e) Trails are also eligible for the use of traffic impact fee.
f) User fees shall be established annually for the Marina, Recreational Vehicle Park and programs that use the City's Parks and Recreational facilities.

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Environmental Policies

a) Encourage the removal of invasive non-native plant species (noxious weeds) in natural areas and open spaces.
b) The City shall use native drought tolerant plant species, where appropriate, for planting in all parks.
c) Parks maintenance shall seek opportunities to reduce and minimize the use of synthetic fertilizers and explore options in the use of organic fertilizers.
d) Utilize Integrated Pest Management (IPM) practices for the maintenance of facilities.
e) Encourage recycling in all major parks, recreational facilities and large community gatherings.
f) Use water conservation measures for irrigation
g) Encourage and support agencies and groups that pursue environmentally friendly programs
h) Consider low impact development techniques and material into all parks related projects.

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Appendix

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Appendix

Level of Attention (LOA)

A detailed description of the various levels of attention is provided below:

LEVEL 1 – State-of-the-art maintenance applied to a high-quality landscape. This LOA is associated with high-traffic urban areas, such as public squares, government grounds or college/university campuses.

- Turf care
  - *Grass height maintained according to species*
  - *Mowed at least once every 5 days*
  - *Aerated not less than 4 times a year*
  - *Reseeding or sodding as needed*
  - *Less than 1 percent has weeds present*
- Fertilizer
  - *Adequate fertilizer applied according to optimum requirements*
- Irrigation
  - *Sprinkler irrigated*
- Litter Control
  - *Minimum of once a day*
  - *Seven days a week*
- Pruning
  - *Frequency dictated by species*
- Disease and insect control
  - *Avoid public awareness of the problem*
  - *Prevented or observed at a very early stage and corrected immediately*
- Surfaces
  - *Sweeping, cleaning and washing so that at no time dirt or leaves distract from the looks or safety of the area*
- Repairs
  - *Should be done immediately when problems are discovered*
- Inspections
  - *A staff member should conduct inspections daily*
- Floral Plantings
  - *Extensive or unusual floral plantings are part of the design*

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- *Multiple plantings are scheduled, usually for at least 2 blooming cycles per year*
- *Weeding flowers and shrubs is done a minimum of once per week*

LEVEL 2 – High Level maintenance. The LOA is associated with well-developed public areas, government grounds and campuses.

- Turf care
  - *Mowed at least once every 5 days*
  - *Aerated not less than 2 times a year*
  - *Reseeding or sodding when bare spots are present*
  - *Less than 5 percent has weeds present*
- Fertilizer
  - *Adequate fertilizer applied according to optimum requirements*
- Irrigation
  - *Sprinkler irrigated*
- Litter Control
  - *Minimum of once a day*
  - *Five days a week*
- Pruning
  - *Once a season unless species planted dictate more frequent attention*
- Disease and insect control
  - *Usually done when inflicting noticeable damage*
  - *Some preventive measures may be used*
  - *Some minor problems may be tolerated at this level*
- Surfaces
  - *Cleaned, repaired, repainted, or replaces when appearances have noticeably deteriorated*
- Repairs
  - *Should be done whenever safety, function or appearance is in question*
- Inspections
  - *A staff member should conduct inspections at least once a day when regular staff is scheduled (five times a week)*
- Floral Plantings
  - *No more complicated than two rotations of bloom a year*
  - *Care cycles at least once a week*

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- *Beds essentially kept weed free*

LEVEL 3 – Moderate level maintenance. The LOA is associated with locations that have moderate to low levels of development or visitation, or with operations that, because of budget restrictions, cannot afford a higher level of maintenance.

- Turf care
  - *Mowed once every 10 days*
  - *Aerated only when turf quality indicates a need*
  - *Reseeding or sodding when major bare spots appear*
  - *Weed control when 15% of the general turf is infested*
- Fertilizer
  - *Low level application done once a year*
- Irrigation
  - *Sprinkler irrigated – demand schedule programmed.*
  - *Manual servicing – two times per week*
- Litter Control
  - *Two or three times a week*
- Pruning
  - *When required for health or reasonable appearance. Most trees or shrubs would be once every two or three years*
- Disease and insect control
  - *Done only to address epidemics or serious complaints*
  - *Control measures may be put into effect when health or survival of the plant is threatened*
- Surfaces
  - *Cleaned on a complaint basis*
  - *Repaired, repainted, or replaces as budget allows*
- Repairs
  - *Should be done whenever safety or function is in question*
- Inspections
  - *Inspections are done once a week*
- Floral Plantings
  - *Only perennials or flowering trees or shrubs*

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LEVEL 4 – Moderately low-level maintenance. The LOA is associated with locations affected by budget restrictions that cannot afford a higher level of maintenance.

- Turf care
  - *Low frequency mowing scheduled based on species. Low growing grass may not be mowed.*
  - *Weed control limited to legal requirements for noxious weed*
- Fertilizer
  - *Not fertilized*
- Irrigation
  - *No irrigation*
- Litter Control
  - *Once a week or less*
- Pruning
  - *No regular trimming. Safety or weather damage may dictate schedule*
- Disease and insect control
  - *None except when where the problem is to address epidemics that threaten resources and the public*
- Surfaces
  - *Replaced or repaired when safety is a concern and when budget is available*
- Repairs
  - *Should be done whenever safety or function is in question*
- Inspections
  - *Inspections are done once a month*
- Floral Plantings
  - *None. May have wild flowers, perennials, flowering trees or shrubs*

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LEVEL 5 – Minimum level maintenance. The LOA is associated with locations affected by severe budget restrictions.

- Turf care
  - *Low frequency mowing scheduled based on species. Low growing grass may not be mowed.*
  - *Weed control limited to legal requirements for noxious weed*
- Fertilizer
  - *Not fertilized*

- Irrigation
  - *No irrigation*
- Litter Control
  - *On demand or complaint basis*
- Pruning
  - *No pruning unless safety is involved*
- Disease and insect control
  - *None except when where the problem is to address epidemics or safety situations*
- Surfaces
  - *Serviced only if safety is a consideration*
- Repairs
  - *Should be done whenever safety or function is in question*
- Inspections
  - *Inspections are done once a month*
- Floral Plantings
  - *None. May have wild flowers, perennials, flowering trees or shrubs*

LEVEL 6 – This LOA is associated with locations that are natural areas and that are not developed.

- Turf care
  - *Not mowed.*
  - *Weed control only if legal requirements demand*
- Fertilizer
  - *Not fertilized*
- Irrigation
  - *No irrigation*
- Litter Control
  - *On demand or complaint basis*

- Pruning
  - *No pruning unless safety is involved*
- Disease and insect control
  - *None except when where the problem is to address epidemics or safety situations*
- Surfaces
  - *Serviced only if safety is a consideration*
- Repairs
  - *Should be done whenever safety or function is in question*
- Inspections

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    - *Inspections are done once a month*
- Floral Plantings
    - *None.*

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CITY OF OAK HARBOR
PARKS AND RECREATION PLAN UPDATE
PUBLIC OPINION SURVEY

Please take a few minutes to fill out this survey. Drop-off/mail-in information is provided at the end of the survey. The survey should take less than 10 minutes to complete.

This survey provides the City Council, Park Board, Parks Division and City Staff with information to create policies that will impact Parks and Recreation facilities and programs in Oak Harbor for the next six years and beyond. This is an opportunity to provide your input and take part in crafting the future of parks and recreational facilities in Oak Harbor. This survey may not be able to capture all your thoughts and opinions regarding parks. However, space has been provided at the end of the survey to share additional thoughts, information and suggestions you may have. Thank you for participating.

1.	Please indicate how often do you or members of your household visit a park within the City of Oak Harbor during the various seasons?						
FREQUENCY		Almost everyday	3 times a week	Once a week	Once or twice a month	Once or twice a season	Never
	Spring (March - May)	☐	☐	☐	☐	☐	☐
	Summer (June - August)	☐	☐	☐	☐	☐	☐
	Fall (September - November)	☐	☐	☐	☐	☐	☐
	Winter (December - February)	☐	☐	☐	☐	☐	☐

2.	Oak Harbor has community parks, neighborhood parks and trails. Fort Nugent, Volunteer, Windjammer etc. are examples of community parks. Sumner, Koetje, Neil etc. are categorized as neighborhood parks. Please indicate how often do you or members of your household visit each type of park within the City of Oak Harbor?						
FREQUENCY		Almost everyday	3 times a week	Once a week	Once or twice a month	Once or twice a season	Never
	Community Parks	☐	☐	☐	☐	☐	☐
	Neighborhood Parks	☐	☐	☐	☐	☐	☐
	Designated Trails	☐	☐	☐	☐	☐	☐
	Marina	☐	☐	☐	☐	☐	☐

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3.	Which of the following activities do you or members of your household participate in and how often?						
FREQUENCY		Almost everyday	3 times a week	Once a week	Once or twice a month	Once or twice a season	Never
	Tennis	O	O	O	O	O	O
	Basketball	O	O	O	O	O	O
	Baseball	O	O	O	O	O	O
	Hiking/walking/jogging	O	O	O	O	O	O
	Soccer	O	O	O	O	O	O
	Football	O	O	O	O	O	O
	Volleyball	O	O	O	O	O	O
	Biking	O	O	O	O	O	O
	Playground	O	O	O	O	O	O
	Boating/kayaking	O	O	O	O	O	O
	Skateboarding /skating	O	O	O	O	O	O
	Swimming	O	O	O	O	O	O
	Picnic	O	O	O	O	O	O
	Fishing/crab/shellfish	O	O	O	O	O	O
	Other	O	O	O	O	O	O

4.	Where do you or members of your household go to participate in the most frequent activities mentioned in the previous question?	
WHERE	○ City Parks	Specific location:
	○ County Parks	Specific location:
	○ Navy Facilities	Specific location:
	○ School Facilities	Specific location:
	○ Off Island	Specific location:
	○ Marina	Specific location:
	○ Other _____	Specific location:

5.	Recreational facilities are made available to residents of Oak Harbor by the various agencies mentioned above. Please indicate your reasons for choosing the location mentioned above for your most frequent activity.
WHY	☐ Convenient
	☐ Availability
	☐ Better facilities/ equipment
	☐ Other _____
	☐ Other _____

6.	How convenient are the location of existing city-owned parks in Oak Harbor?					
WHERE		Very convenient	convenient	Neither convenient nor inconvenient	inconvenient	Very inconvenient
	Community Parks	○	○	○	○	○
	Neighborhood Parks	○	○	○	○	○
	Trails	○	○	○	○	○

7.	What are your reasons for visiting the Marina? *Please check all that apply.*
WHY	☐ Free boat ramp
	☐ Storage
	☐ Boating
	☐ Fishing
	☐ Picnic/relaxing/leisure activities
	☐ Other _____

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8.	In your opinion, how would you rate the general conditions (equipment & facilities) in these parks within Oak Harbor?					
QUALITY		Excellent	Good	Fair	below average	needs significant improvement
	Community Parks (in general)	○	○	○	○	○
	Neighborhood Parks (in general)	○	○	○	○	○
	Trails (within parks)	○	○	○	○	○
	Lighting conditions	○	○	○	○	○
	Playground equipment	○	○	○	○	○
	Safety	○	○	○	○	○
	Field conditions (baseball, soccer, football, basketball etc.)	○	○	○	○	○
	Accessibility (ADA, sidewalks etc)	○	○	○	○	○

9.	Recreational facilities are made available to residents of Oak Harbor by various agencies such as the School District, Navy, North Whidbey Parks and Recreation and the City of Oak Harbor. How satisfied are you with the existing size and quantity of City-owned parks within Oak Harbor?					
QUANTITY		Very satisfied	Satisfied	Neither satisfied nor dissatisfied	Dissatisfied	Very dissatisfied
	Community Parks (size)	O	O	O	O	O
	Neighborhood Parks (size)	O	O	O	O	O
	Trails (length)	O	O	O	O	O
	Community Parks (quantity)	O	O	O	O	O
	Neighborhood Parks (quantity)	O	O	O	O	O
	Number of Trails	O	O	O	O	O

10.	As the City grows, so does the need for diverse activities that are currently not being provided. Below are listed some recreational facilities to consider. Additional space has been provided for your suggestions. Please check five facilities that you think Oak Harbor needs and also rank their importance to you (1 - highest, 5 - lowest)		
FUTURE		Check only 5 that are important to you Five only	Rank
	Adult Softball	O	
	Splash pools/mini water parks	O	
	BMX terrain park	O	
	Roller hockey rink	O	
	Frisbee Golf	O	
	Natural areas/forested land	O	
	Multi-use Trails	O	
	Other	O	
	Other	O	
	Other	O	

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11.	The quantity and quality of parks and recreation facilities have a direct relation to funding levels. The City collects Park Impact Fees that are required to be allocated only to new parks as development occurs. Existing parks and their maintenance is funded from the general fund which also funds many other City functions and projects. As the number of parks increase, the funds to maintain them will spread thin and the quality of these facilities can be compromised. Listed below are some ideas on assuring a constant source of funds for improving, maintaining, upgrading and adding on to existing park facilities inside the City. Please indicate your preference and also add ideas to consider.				
FUNDING		Preference			Comments
		Yes	No	Indifferent	
	Property Tax	O	O	O	
	Sales Tax	O	O	O	
	User fees	O	O	O	
	Other	O	O	O	

12.	Which quadrant of the City do you live in?
DEMOGRAPHICS	O North of Whidbey Ave and west of Oak Harbor Road
	O South of Whidbey Ave and west of Oak Harbor Road
	O North of Whidbey Ave and east of Oak Harbor Road
	O South of Whidbey Ave and east of Oak Harbor Road
	O Do not live in Oak Harbor

13.	How many in your household? Please indicate the number of people in each age group.	
DEMOGRAPHICS		Number of people
	Under 5	
	6 to 13	
	14 to 18	
	19 to 24	
	25 to 34	
	35 to 44	
	45 to 54	
	55 to 64	
	65+	

14.	Please indicate the following?				
DEMOGRAPHICS	What is your gender?	O	Female	O	Male
	Are you the head of the household?	O	Yes	O	No
	Have you lived on the island for more than 2 years?	O	Yes	O	No
	Are you employed by NAS Whidbey?	O	Yes	O	No
	Do you live in Navy Housing?	O	Yes	O	No

ADDITIONAL COMMENTS

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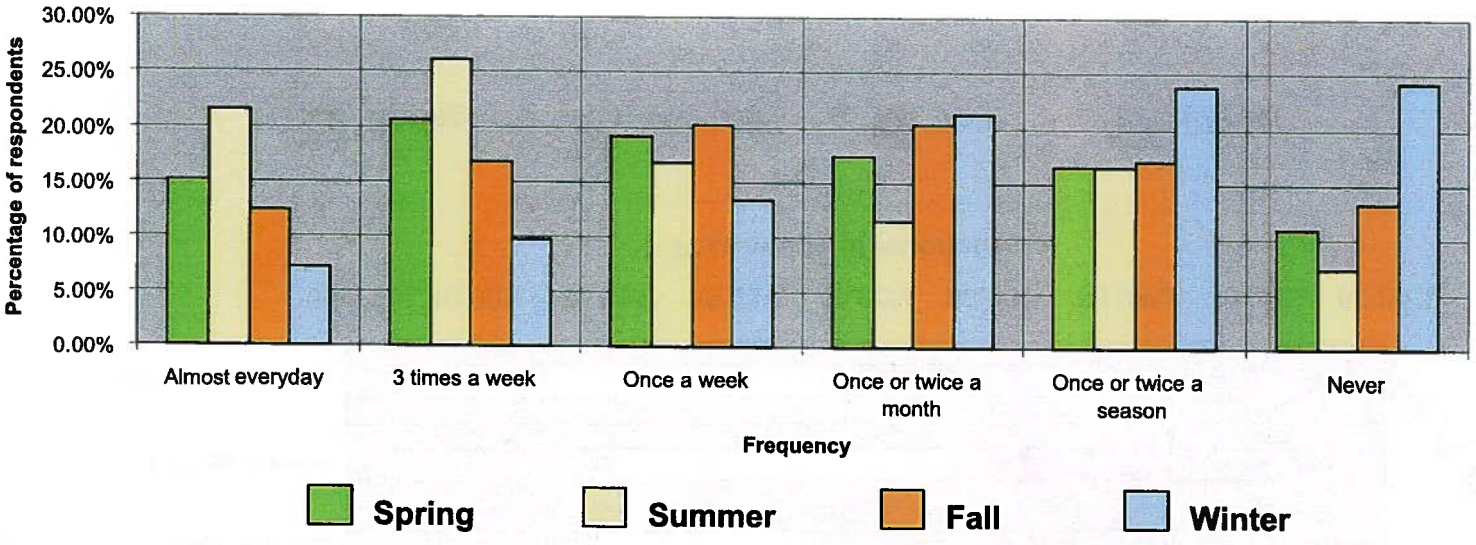
THANK YOU FOR PARTICIPATING IN THE SURVEY

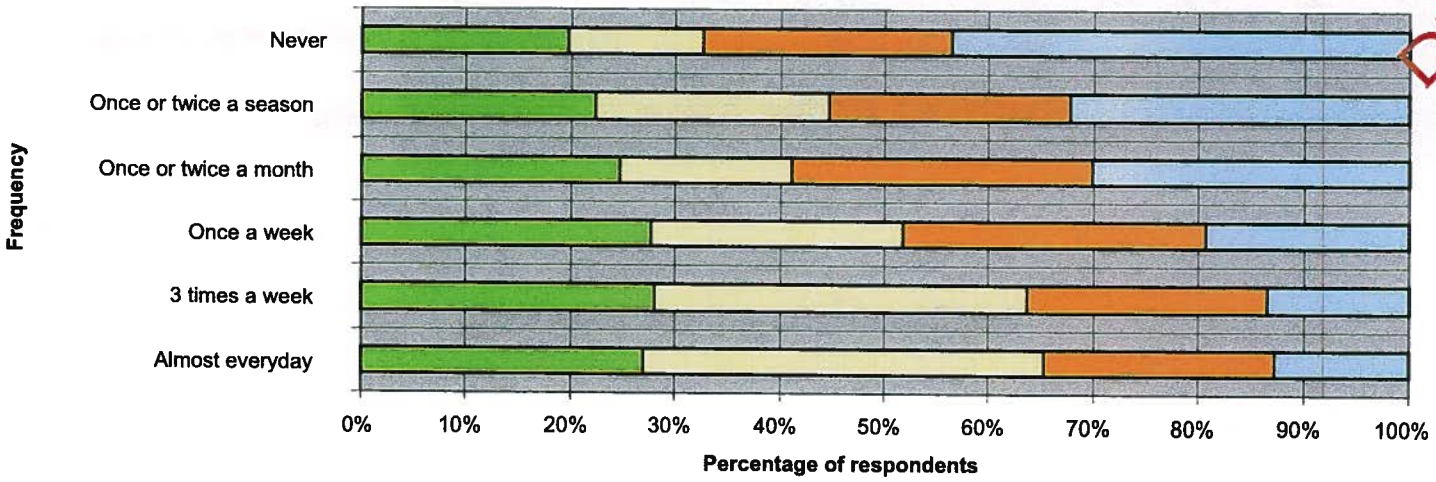
PLEASE MAIL OR DROP OFF YOUR SURVEY AT

DEVELOPMENT SERVICES DEPARTMENT
865 SE BARRINGTON DRIVE
OAK HARBOR, WA 98277

City Hall is open between 8am and 5pm, Monday through Friday.
Please use the drop box during non business hours.

Season and Frequencies





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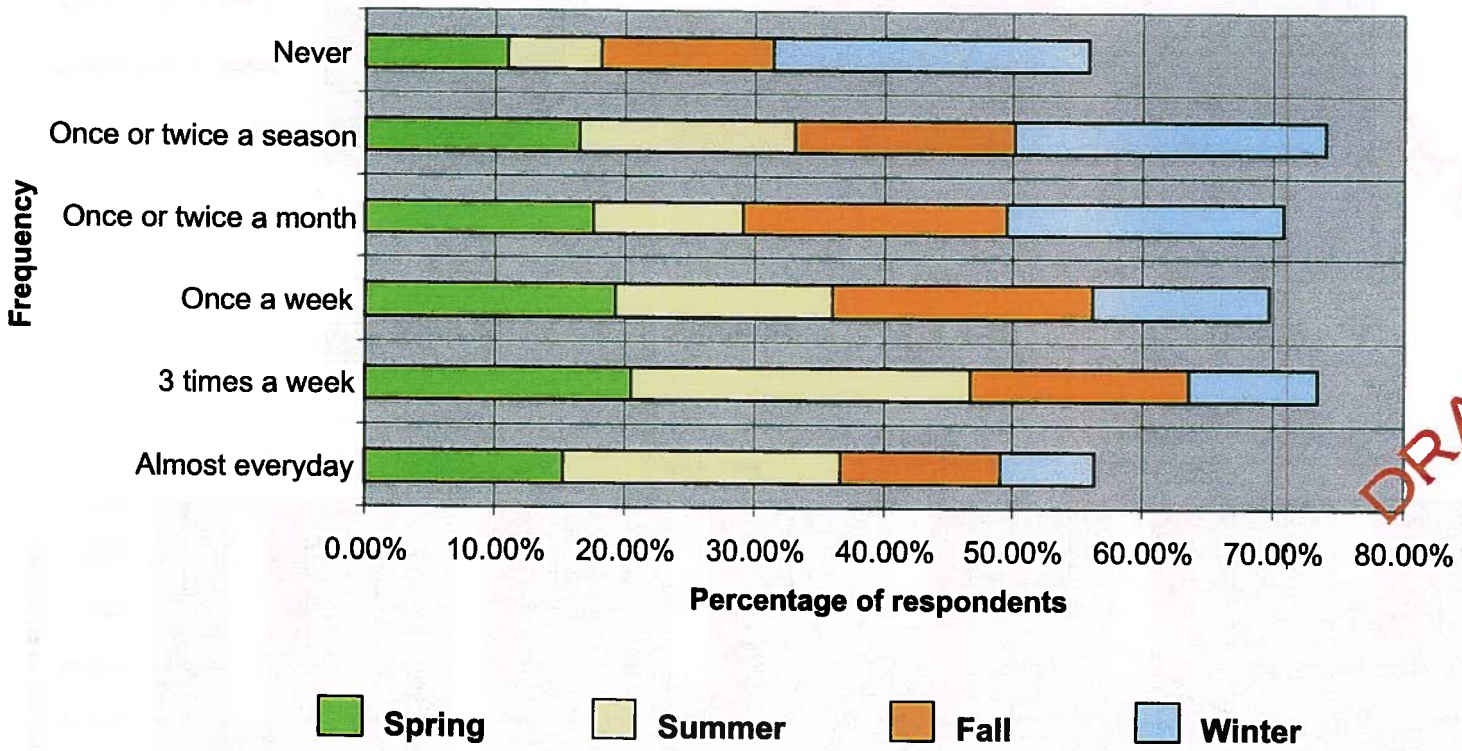
Season and Frequencies



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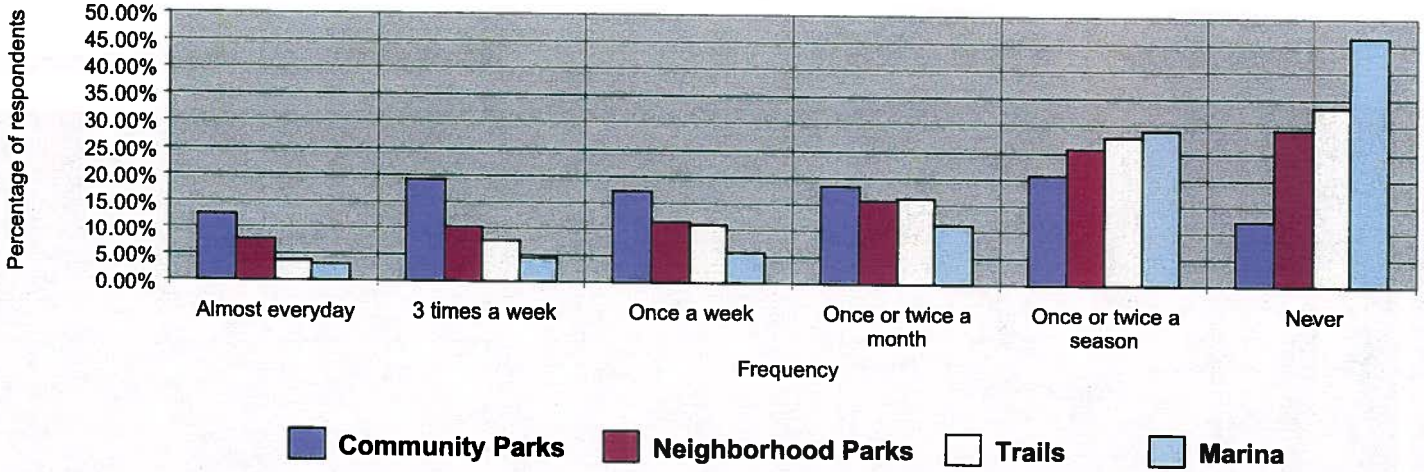
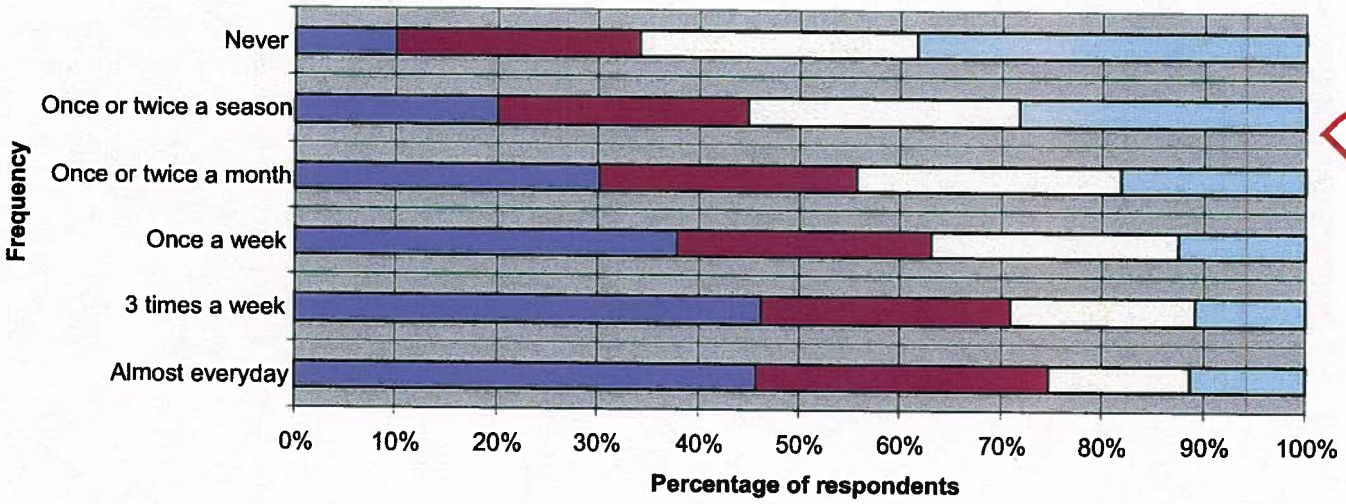
Park Type and Frequency





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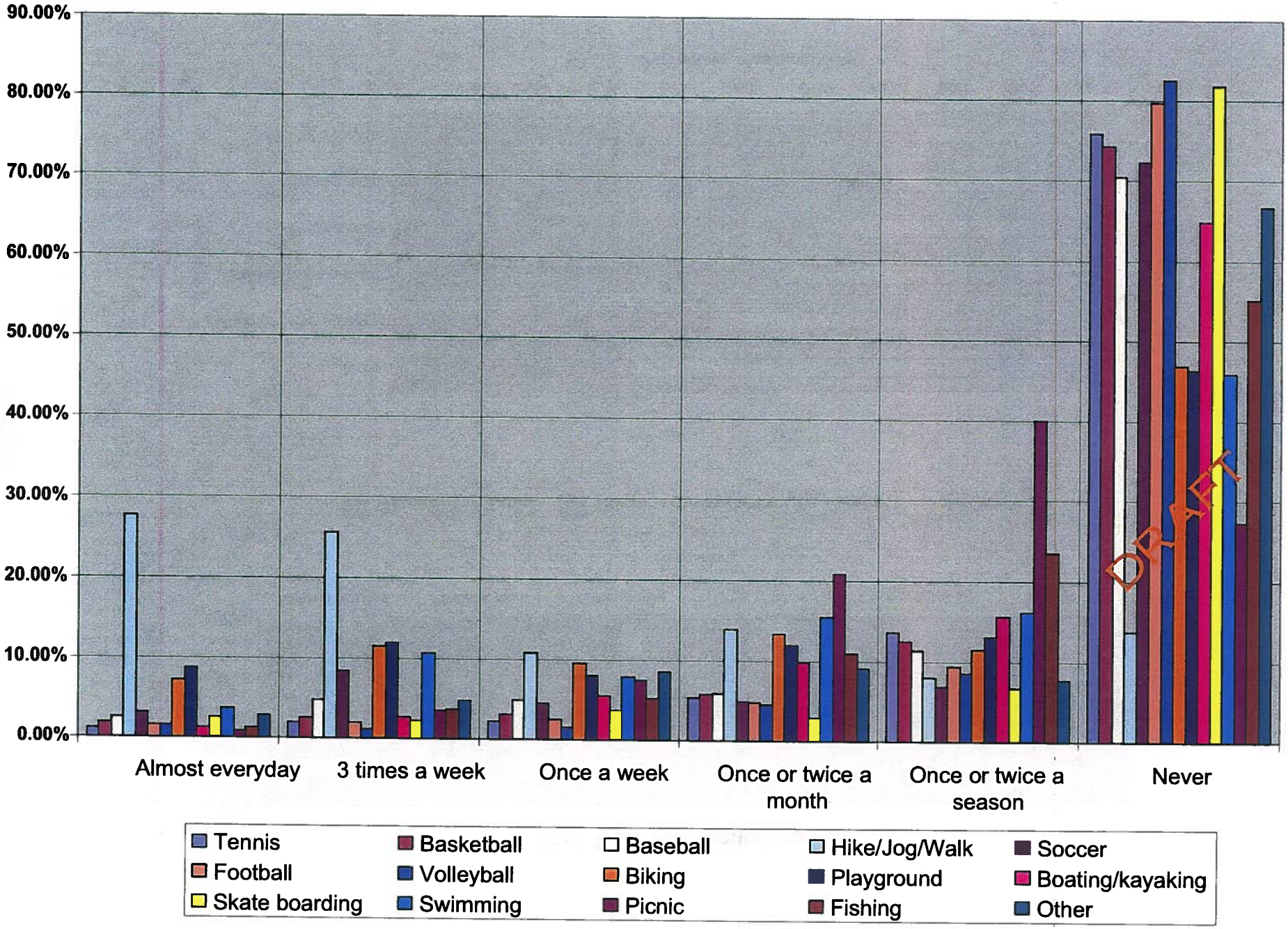
90.00%
80.00%
70.00%
60.00%
50.00%
40.00%
30.00%
20.00%
10.00%
0.00%
Almost everyday
3 times a week
Once a week
Once or twice a month
Once or twice a season
Never
Tennis
Basketball
Baseball
Hike/Jog/Walk
Soccer
Football
Volleyball
Biking
Playground
Boating/kayaking
Skate boarding
Swimming
Picnic
Fishing
Other
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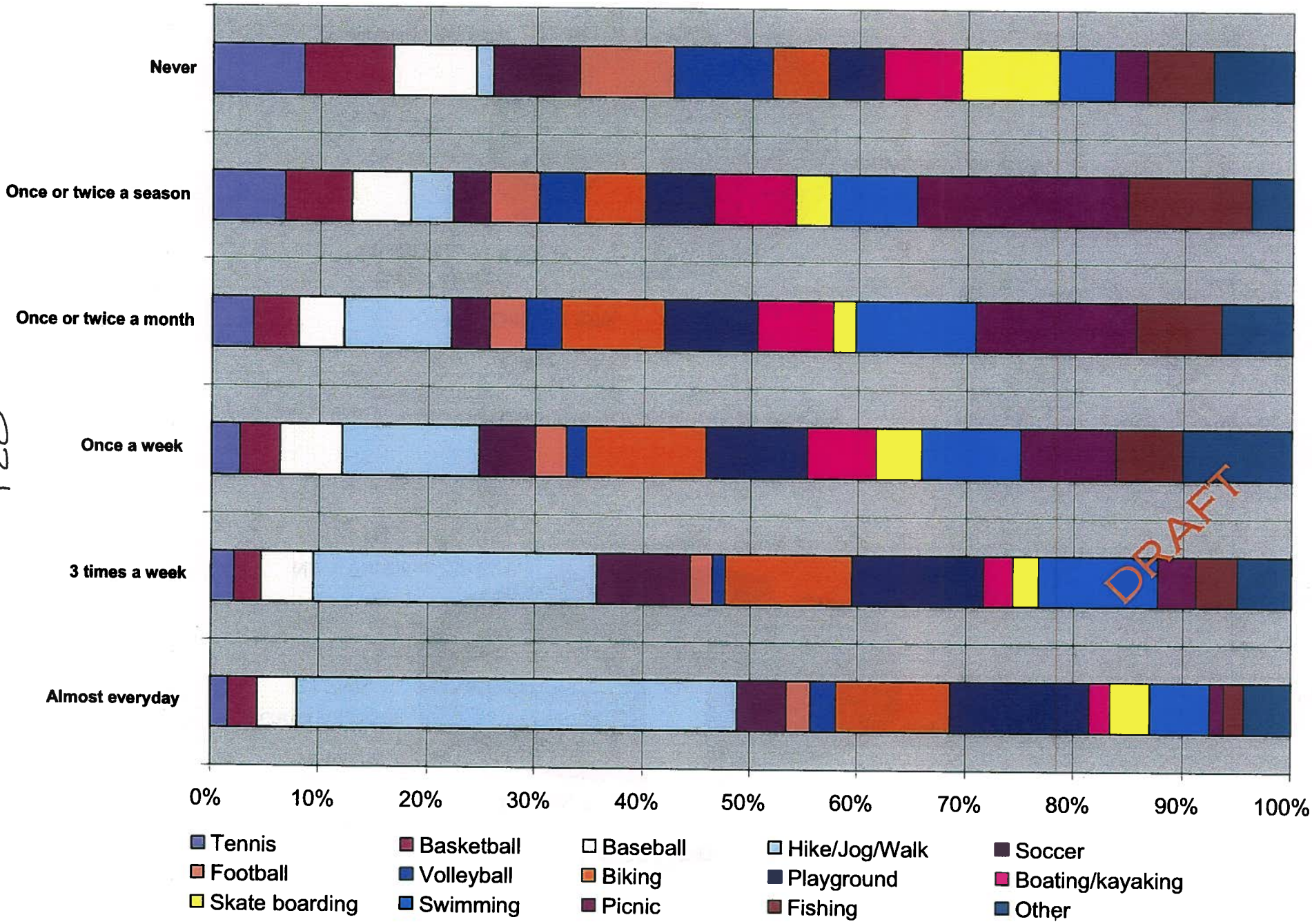
23C


Never
Once or twice a season
Once or twice a month
Once a week
3 times a week
Almost everyday
0%
10%
20%
30%
40%
50%
60%
70%
80%
90%
100%
Tennis
Basketball
Baseball
Hike/Jog/Walk
Soccer
Football
Volleyball
Biking
Playground
Boating/kayaking
Skate boarding
Swimming
Picnic
Fishing
Other
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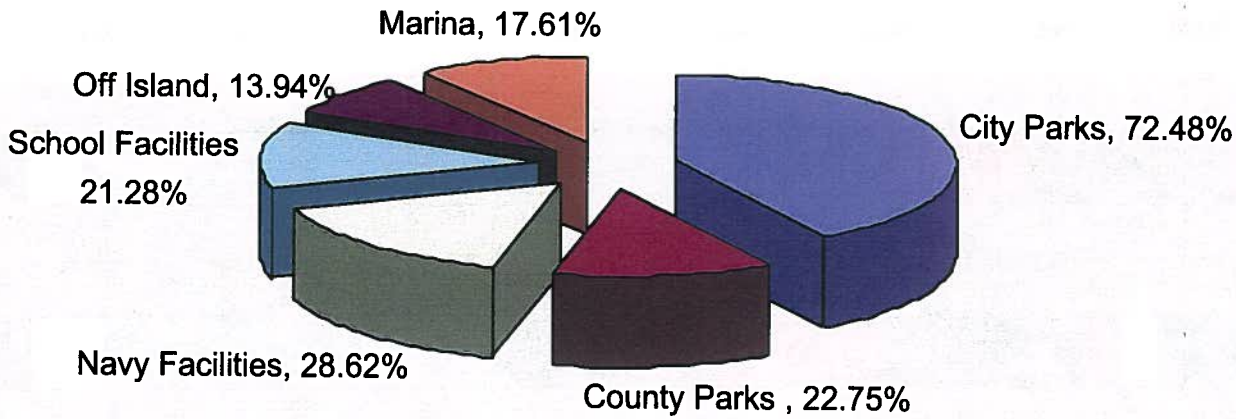
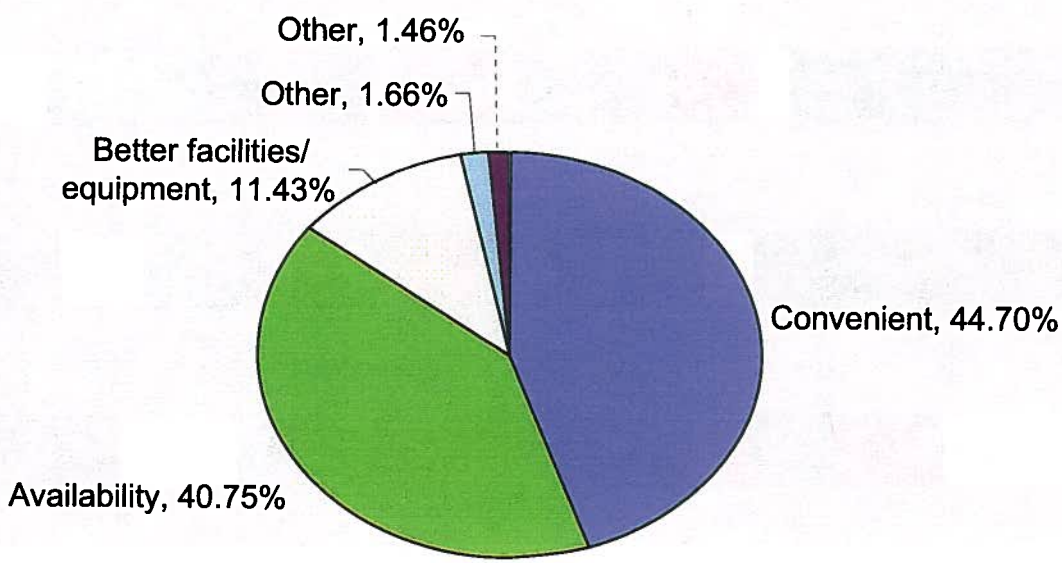
Location



Reasons for choice in Parks



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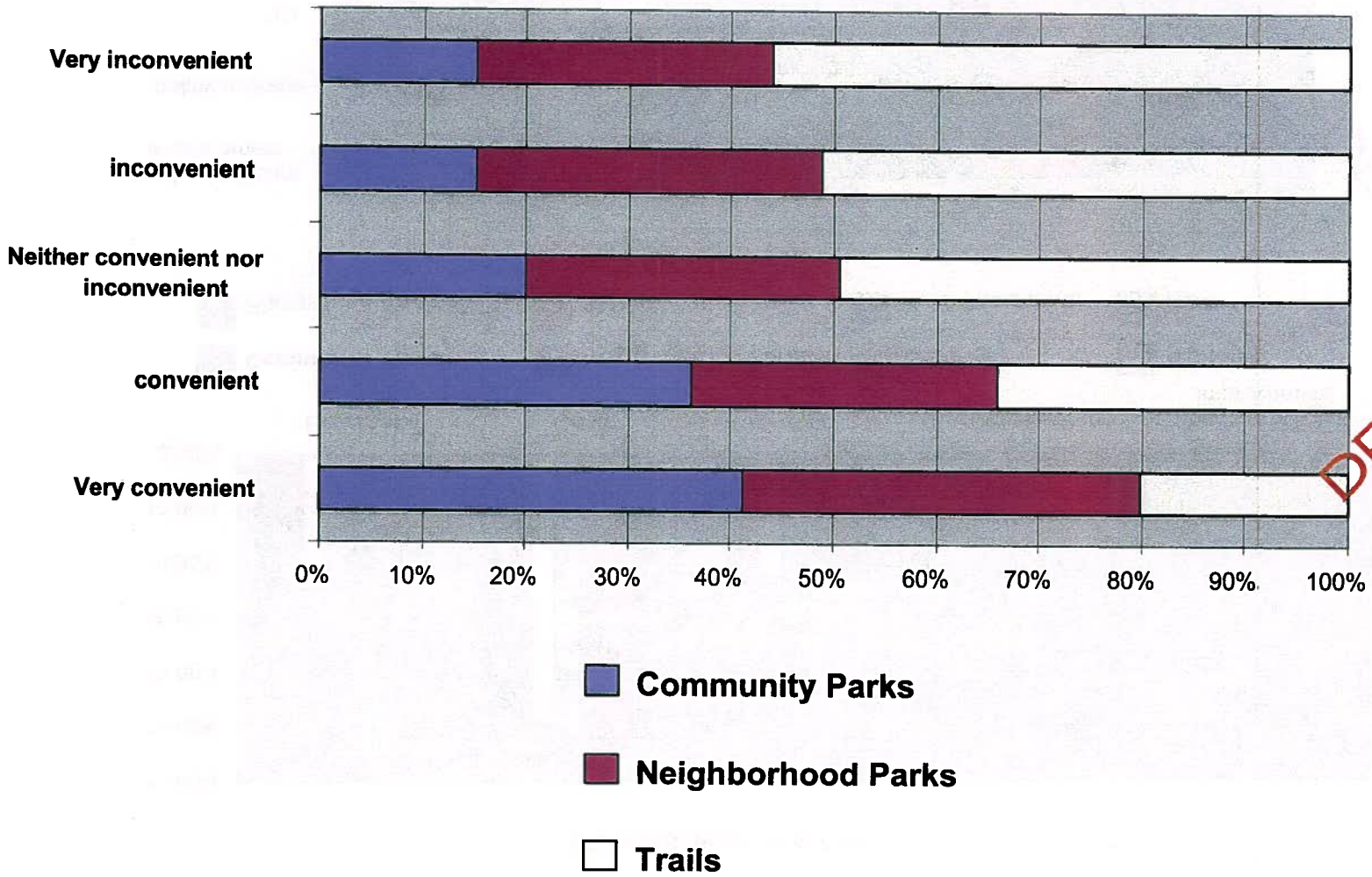
Convenience of Location



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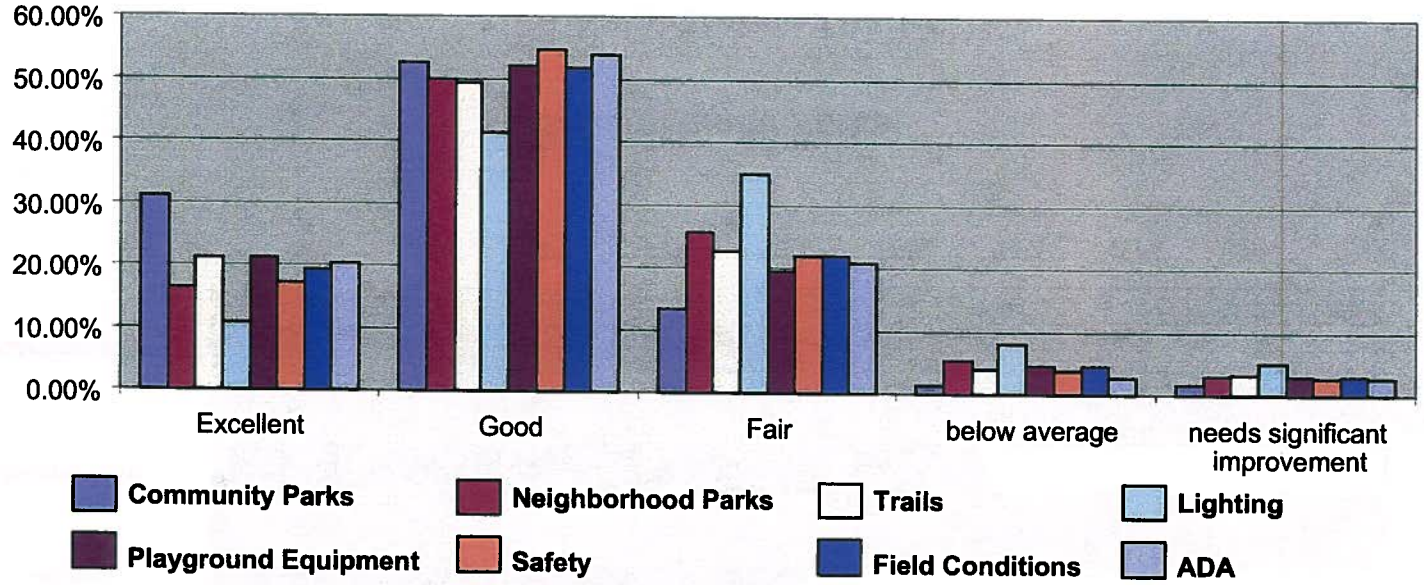
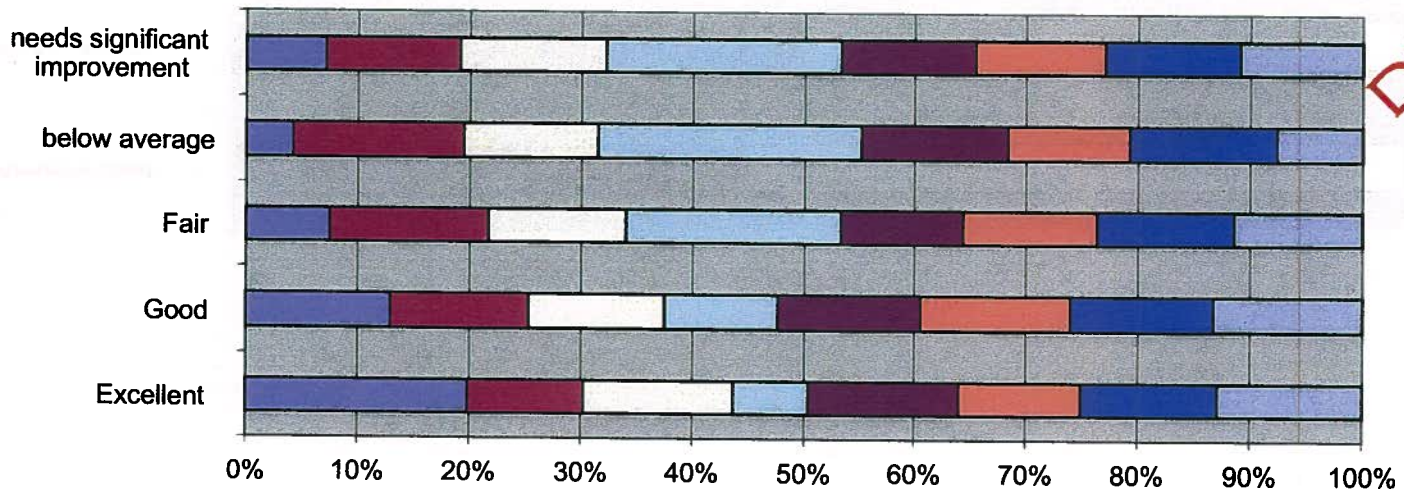
General Conditions of Parks





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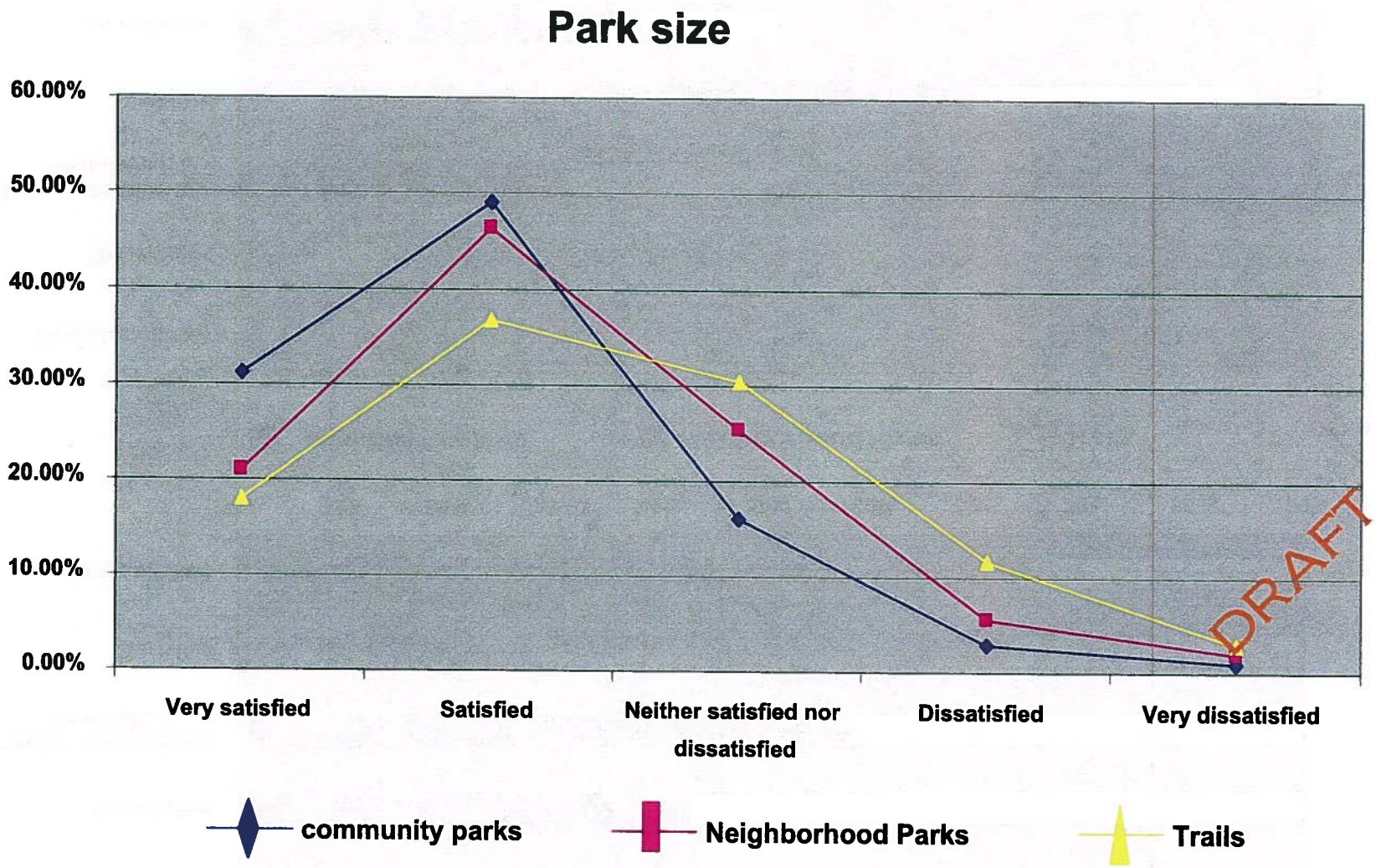
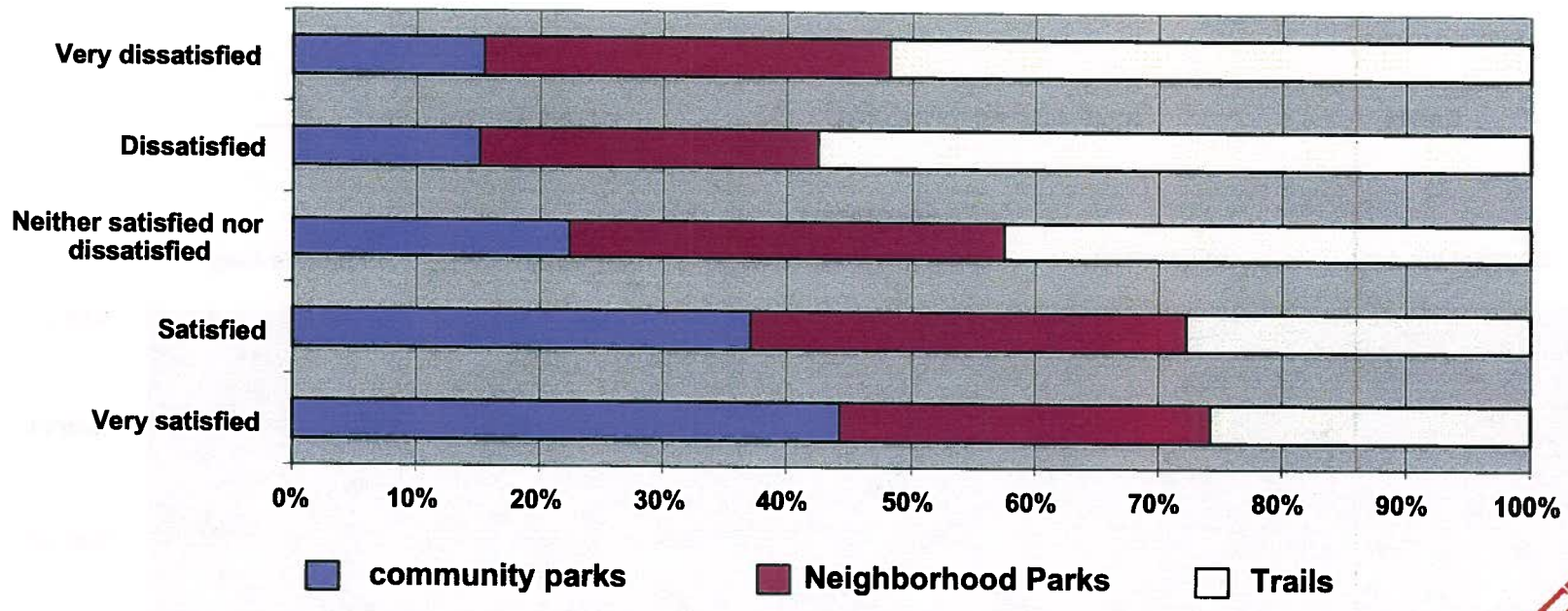
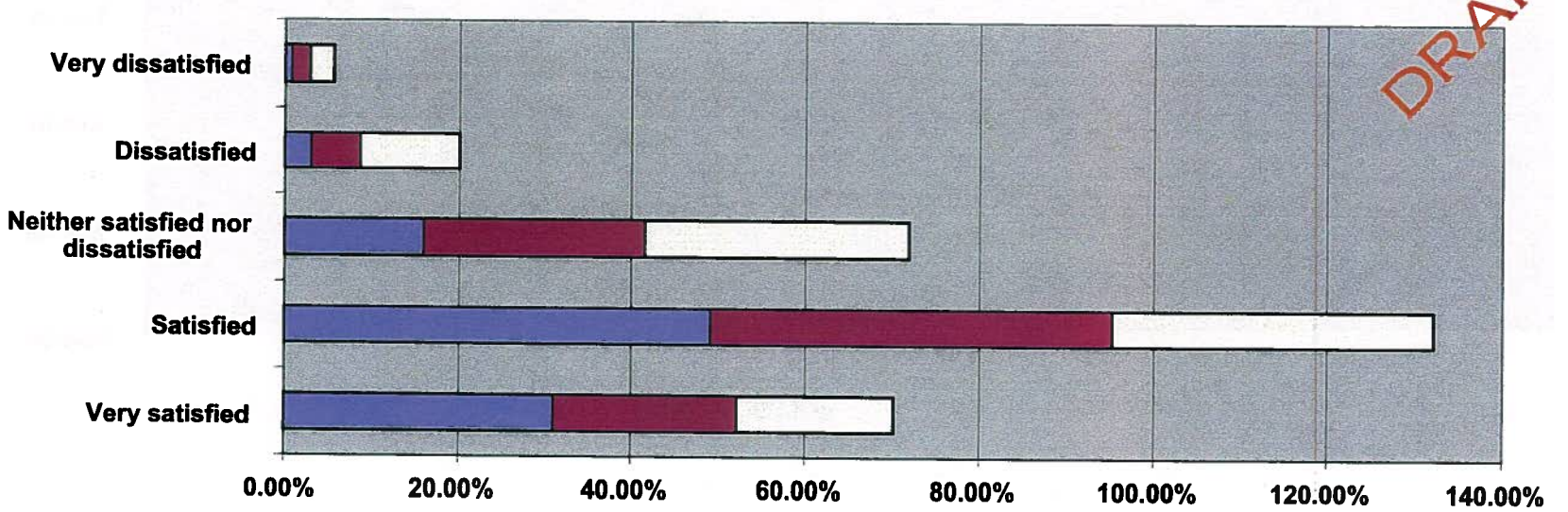

Park size
60.00%
50.00%
40.00%
30.00%
20.00%
10.00%
0.00%
Very satisfied
Satisfied
Neither satisfied nor dissatisfied
Dissatisfied
Very dissatisfied
community parks
Neighborhood Parks
Trails
DRAFT

Park size





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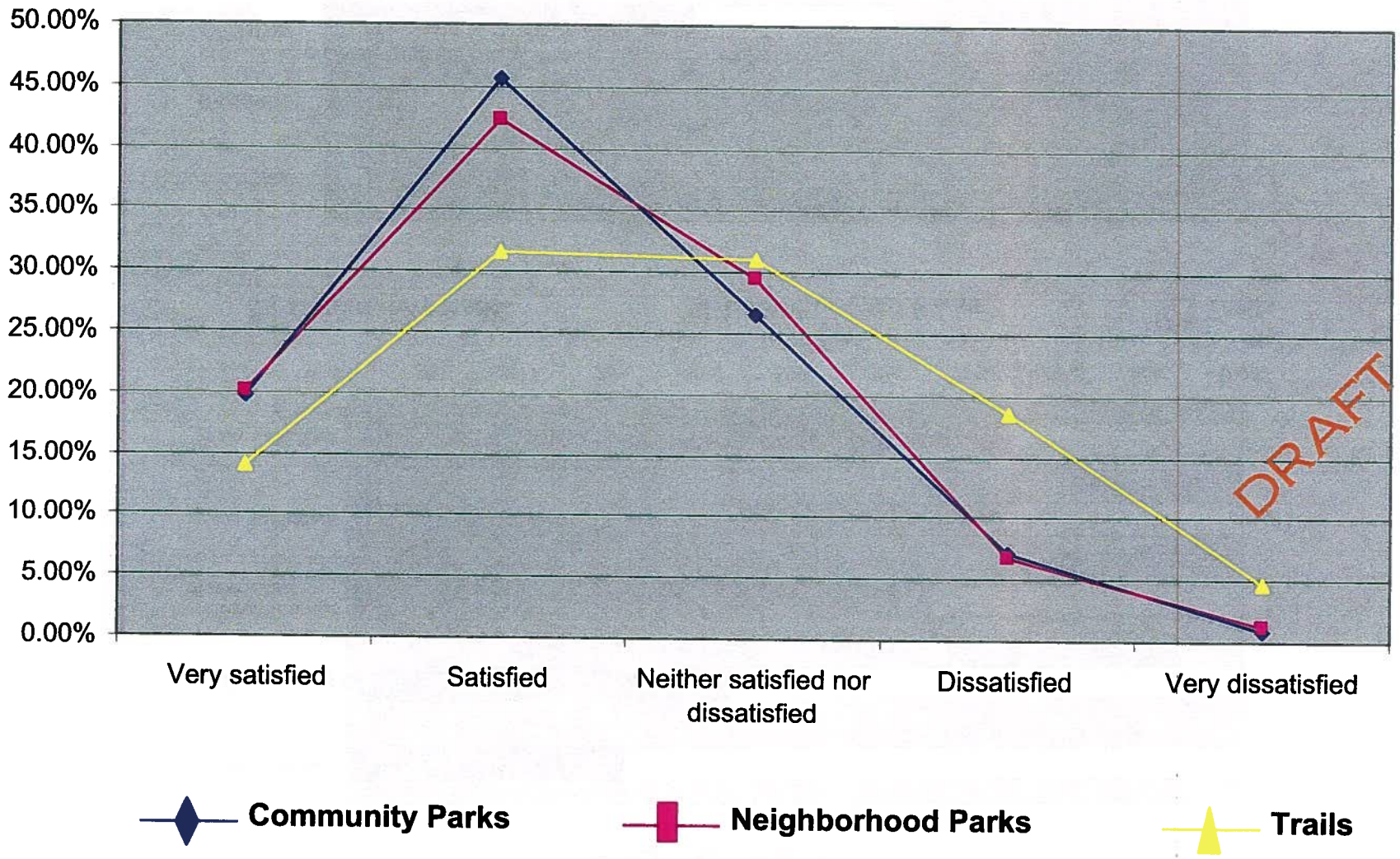
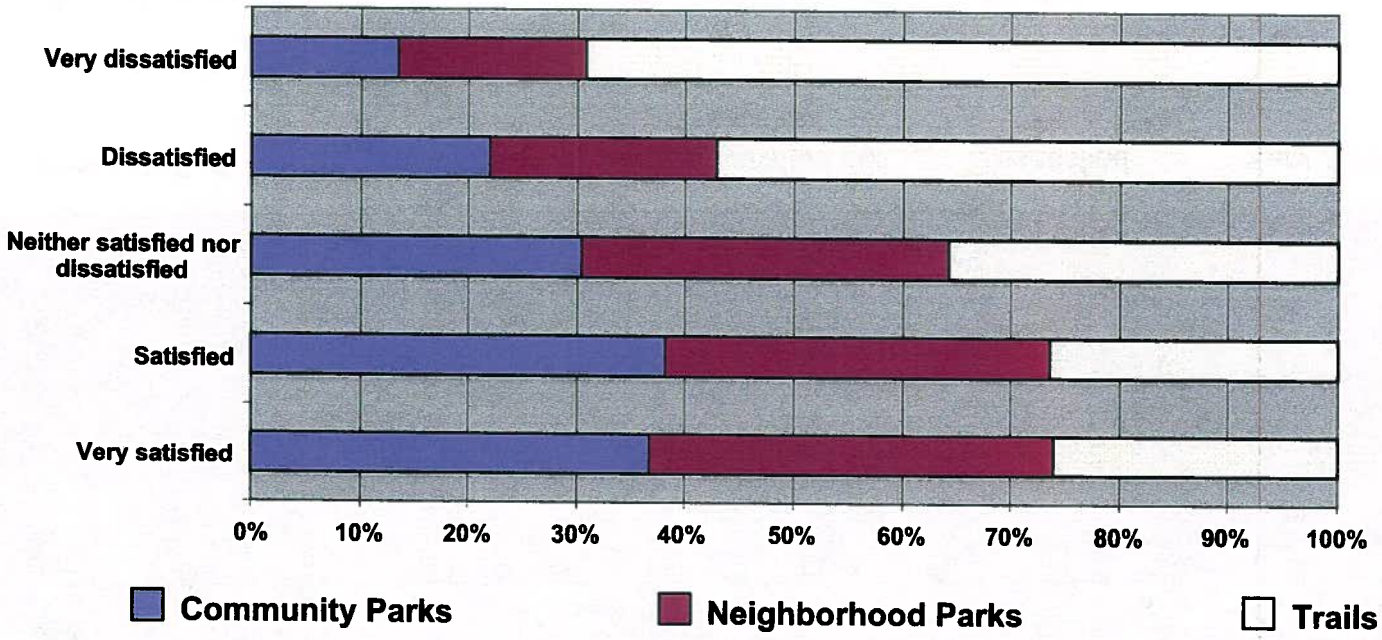
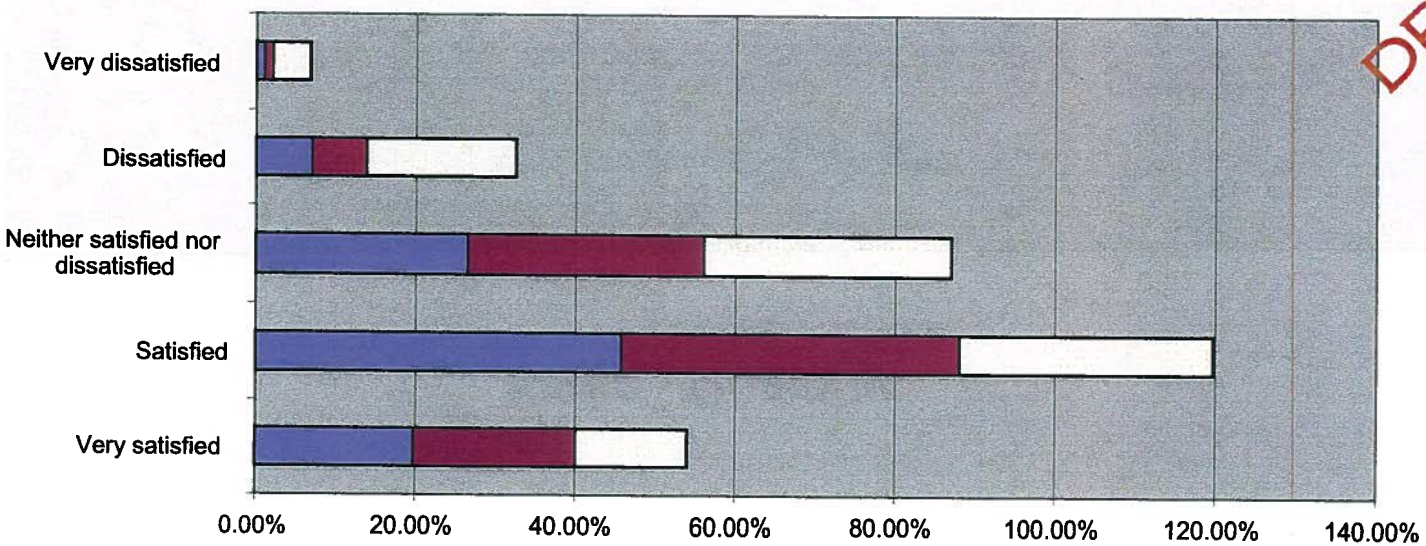
Parks - Quantity



Parks - Quantity





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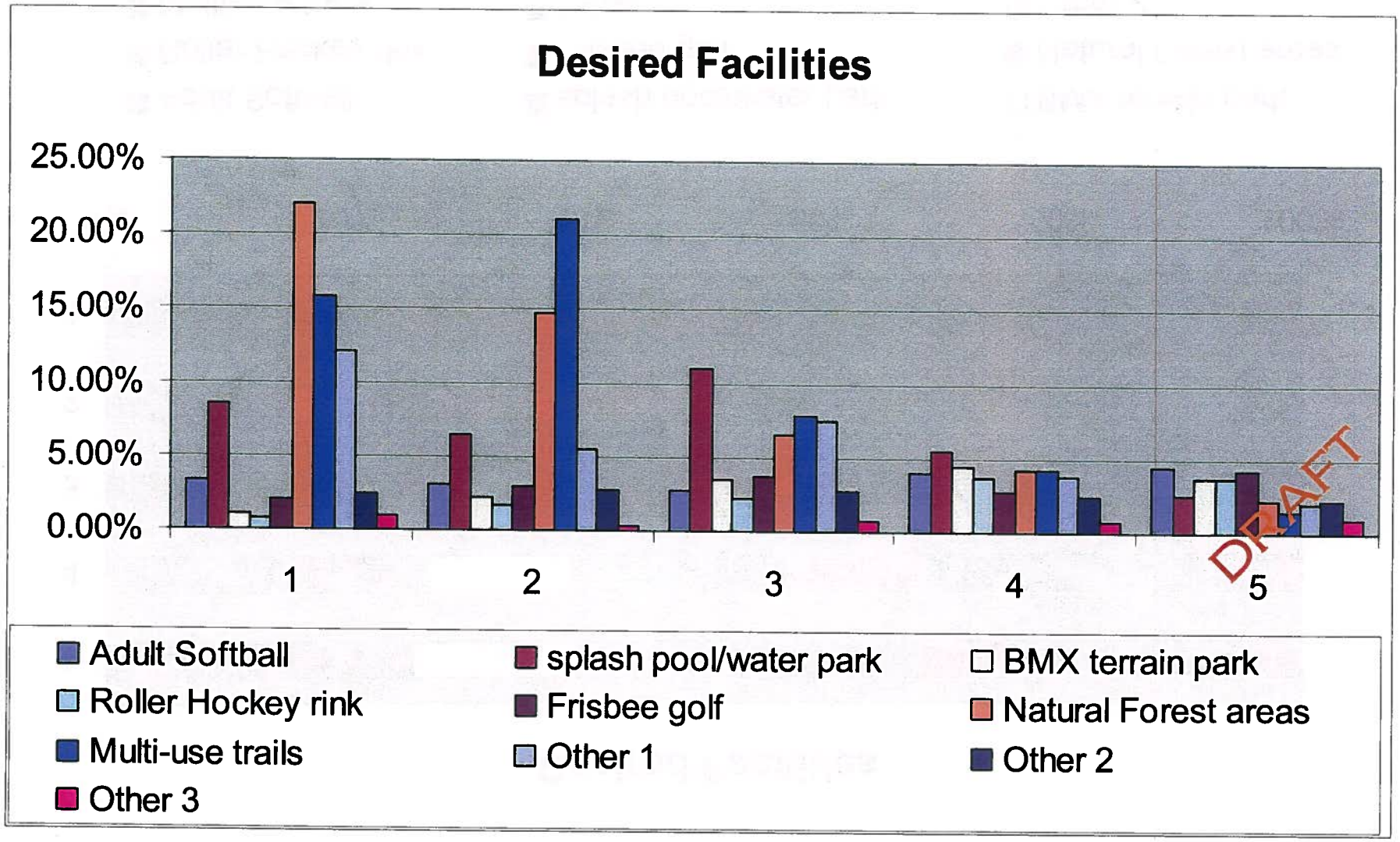
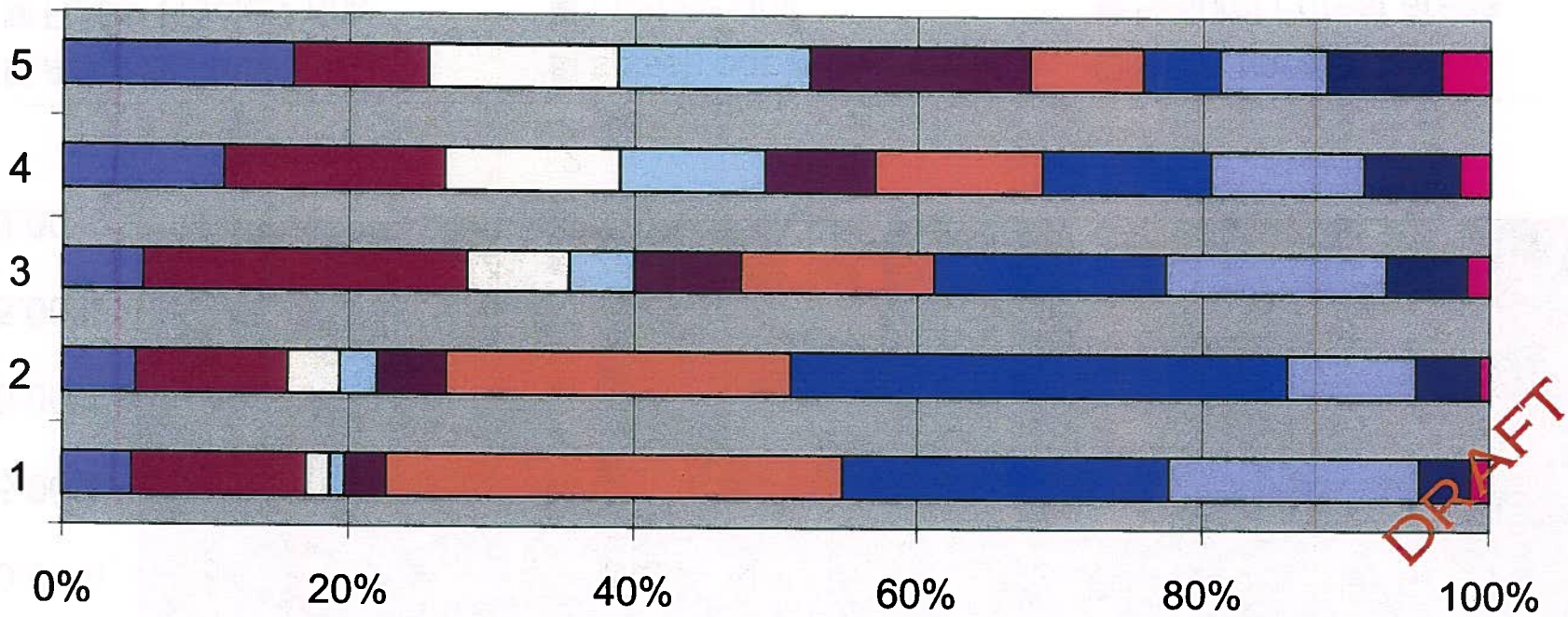
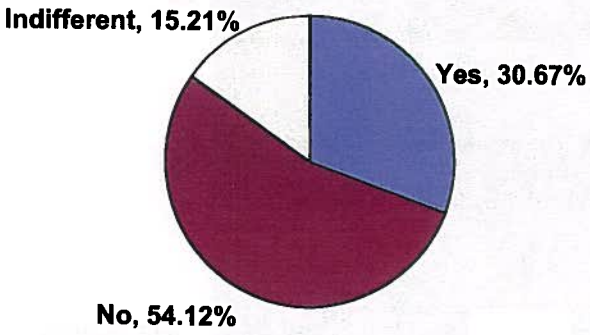

Desired Facilities
25.00%
20.00%
15.00%
10.00%
5.00%
0.00%
1
2
3
4
5
Adult Softball
splash pool/water park
BMX terrain park
Roller Hockey rink
Frisbee golf
Natural Forest areas
Multi-use trails
Other 1
Other 2
Other 3
DRAFT

Desired Facilities

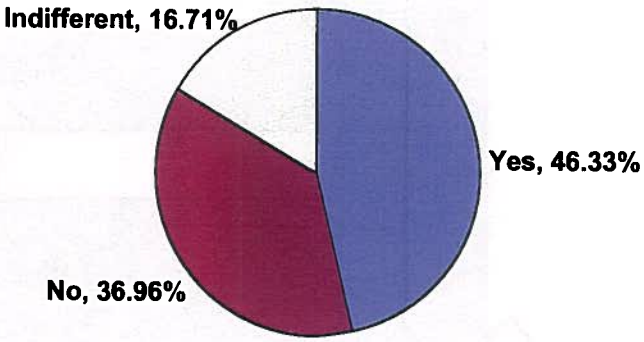


- Adult Softball
- splash pool/water park
- BMX terrain park
- Roller Hockey rink
- Frisbee golf
- Natural Forest areas
- Multi-use trails
- Other 1
- Other 2
- Other 3

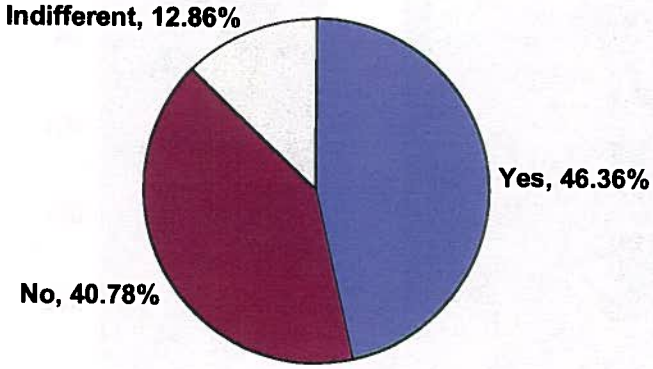
Property Tax



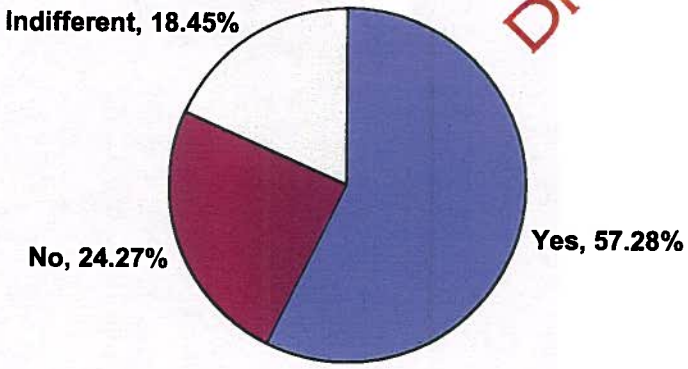
Sales Tax



User Fees



Other



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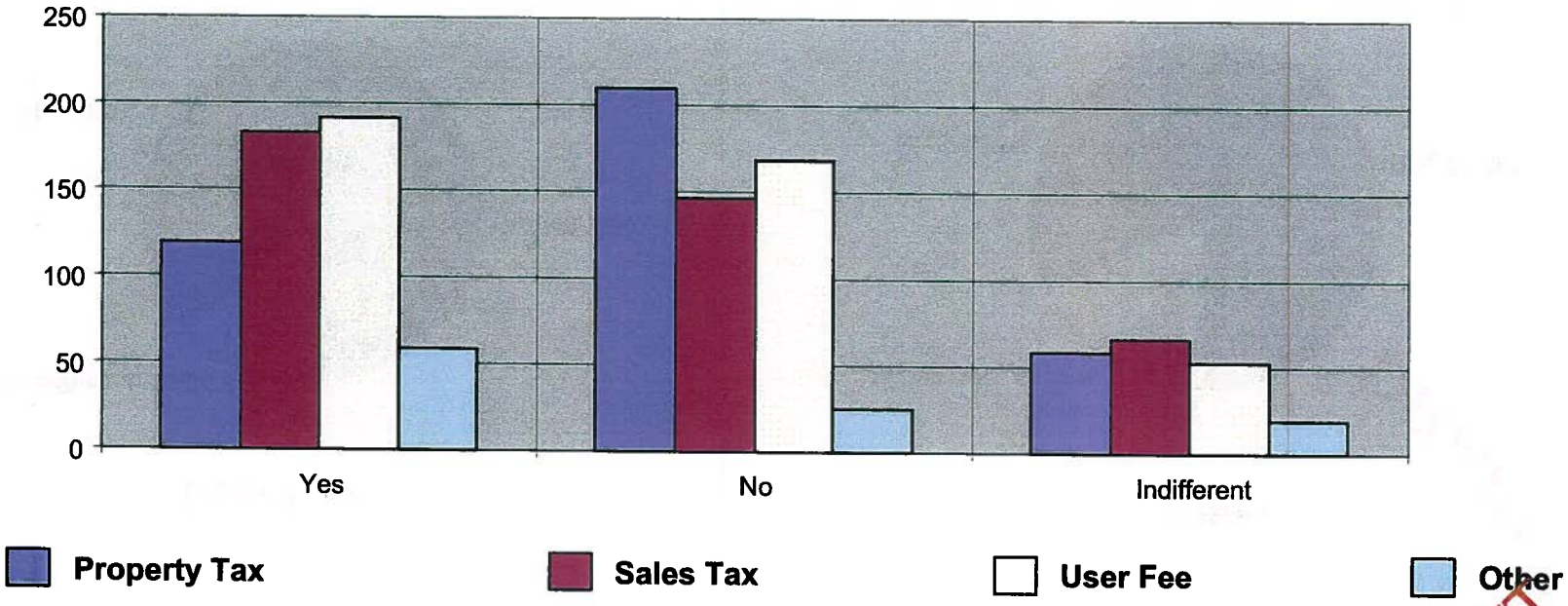
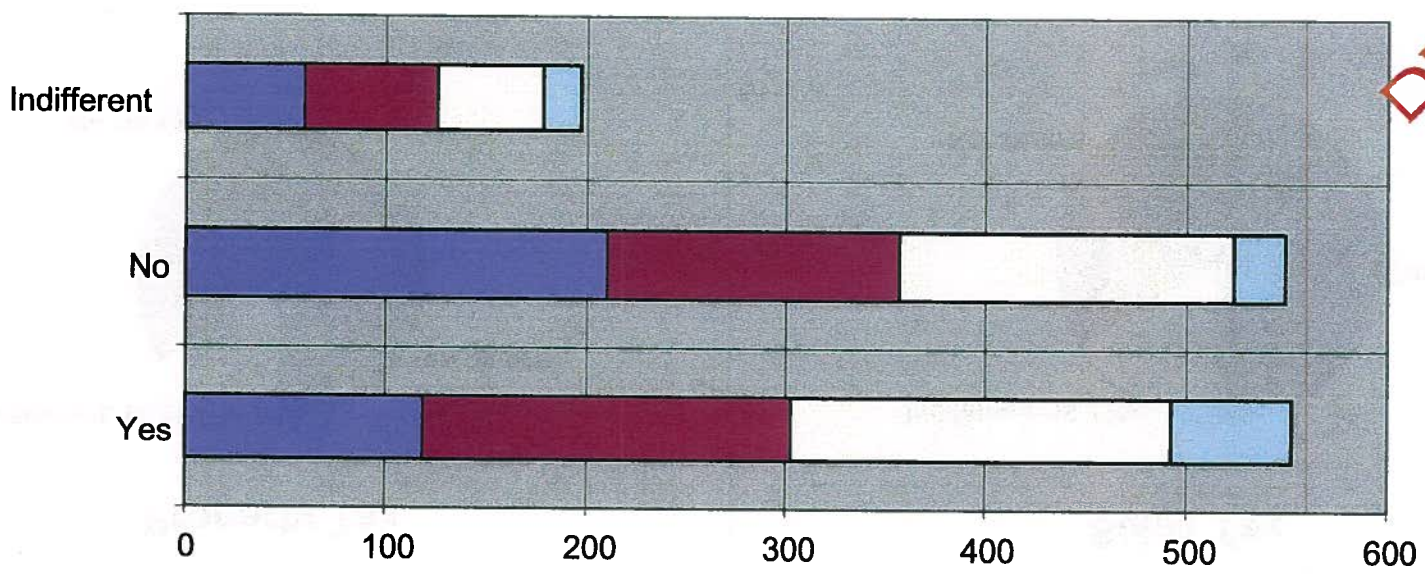
Funding Opinions





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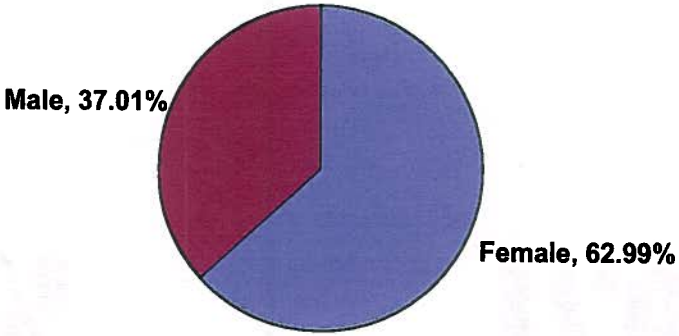
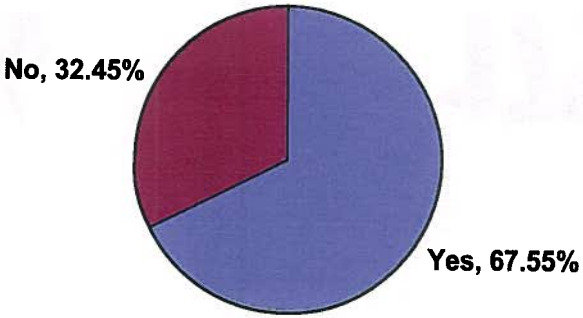
Gender



Head of Household



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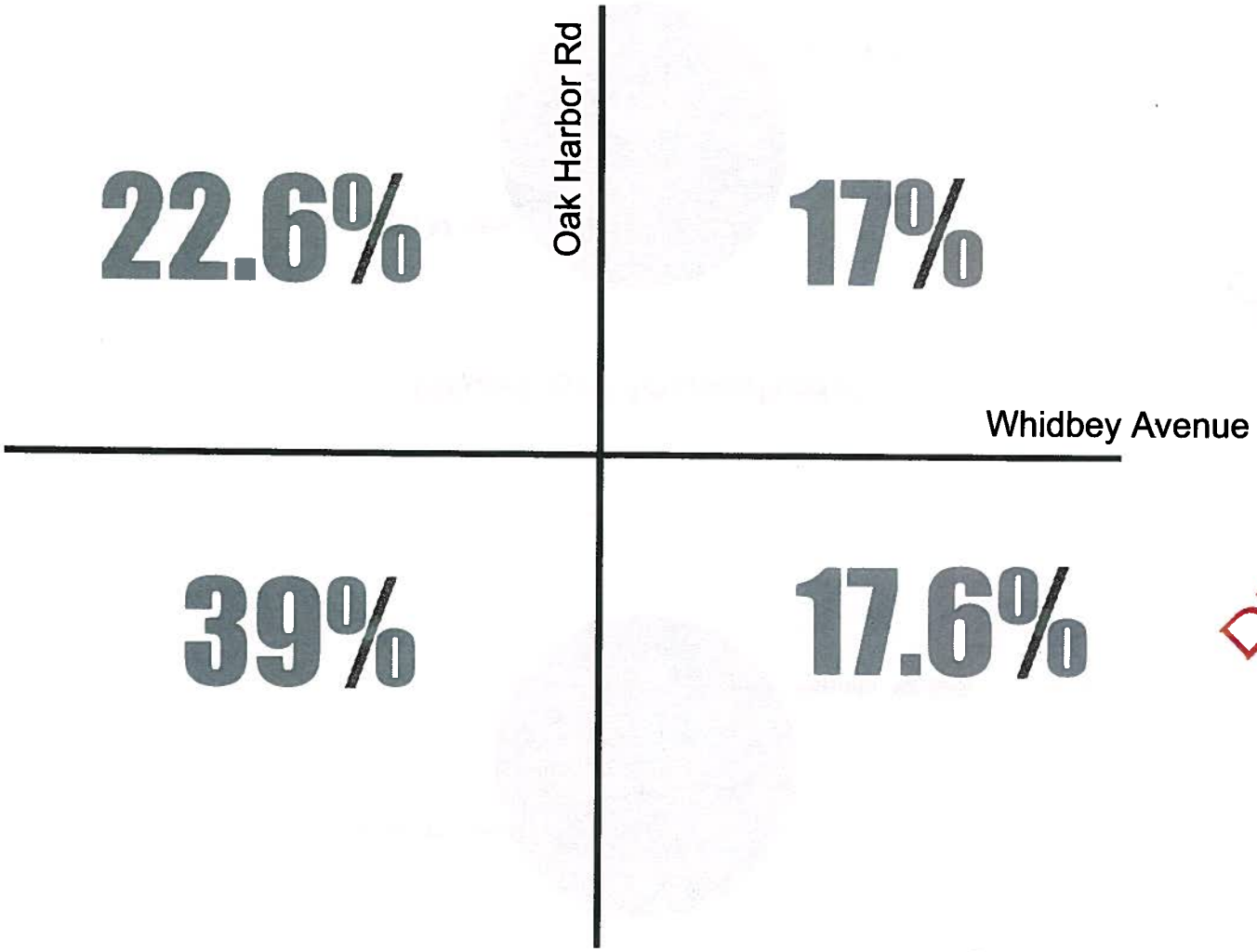
Location of Respondents



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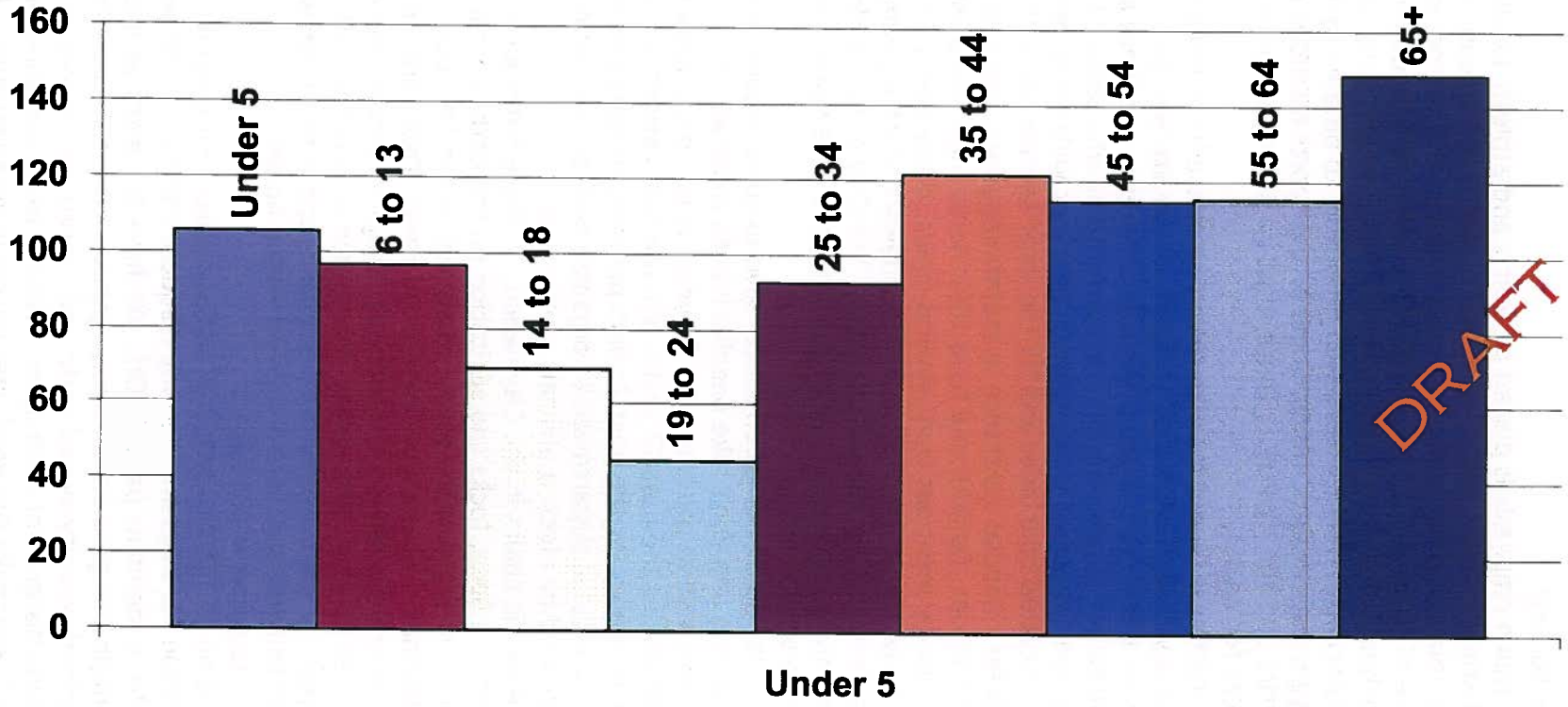
3.8% Out of Oak Harbor

Household population



ADDITIONAL COMMENTS AND SUGGESTIONS

- Nice Survey!
- Too much emphasis is placed on sports and athletic fields as parks. These are playgrounds and athletic fields. Some want real parks: green spaces, trails, wildlife viewing areas, and quiet places to enjoy the flora and fauna of this region; mature trees, native vegetation. A place of calm and quiet, with trails where the surroundings can be enjoyed, places of enrichment for the senses and continuum of habitat for our local animal and bird populations. The city has failed miserably to obtain anything in the past 25 yrs except playgrounds/athletic fields. Some of the sports facilities should be provided by the school district and the NWP&R. There must be places for children for sports and play, as well as places for adults.
- Oak harbor is unsafe for bike riding we ride allover town our bikes are our cars. if you look around you with open eyes you can see we are way past critical mass with the number of cars on the streets if you make more street space there are cars waiting to fill it up. we need to get people out of cars I know folks who drive 2 blocks to sarrs market, because they see the street is not safe for biking or walking at least move the parked cars out of the so-called bike lanes and fix the inter sections on sr20
- Look for financial assistance in maintaining facilities with large organizations, corporations, families and have their name mentioned with or on the facility.
- This survey mentions trails several times. If the city has public walking/hiking trails I do not know about them (besides the sidewalk at Windjammer Park) and I hope that you will do a better job of advertising them. The City of Mount Vernon (or possibly Skagit County) offer MANY public walking trails throughout the Mount Vernon community. It would be nice to see more in our area.
- Don't eat up all our green space--give us some indoor activities as well--a game park (Dave & Busters) and don't take peoples homes to do any of it.
- We have visited the Island for 40 years living in our owned vacation housing and have been residents for the past 12 years. We are now retired and working as campground host in various states for the next 2 years planning to return in 2009.
- Have a official department to organize and run recreational programs. Department not controlled by elected officials or elections.
- More picnic chairs in the City Beach. 2. More bathrooms, kitchens and lights in the City Beach. 3. Soap, locks and sanitation on the bathrooms in the park especially in the City Beach. 4. Remove the sewer treatment in the City Beach
- Question#9. Too many neighborhood parks. There are way to many parks in OH city limits, create more problems w/ loitering, drugs, mischief, behavior some parks are within a few hundred yards of each other. Windjammer & castle park can accommodate a lot of people.....unnecessary tax $ are being spent in a town w/o a lot of extra $. Close some down to generate more $ to keep within budget.
- 2 adults agree with answers
- Question #5. Other - It is still an open space, no trees have been taken down, pretty Question #8. Dogs are the only frequent users of Ft. Nugent Park!
- We have too many parks in OH. We have too many as it is, cut back & use that money to maintain the good ones. Once again we have too many parks in OH. I live between 2 neighborhood city owned parks and I rarely see anyone at either of them. They are within walking distance of each other. That is when you know you have to many parks. Cut back save $ and make the good ones better is my suggestion. Also, we need to get rid of the park board committee. They do not represent me or my age group.
- Periodically ask for people to pledge $ for parks.

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- The city needs to look towards a place or places for teens to do. Rather a video arcade or a dance place. Something for the teens and tens to do on the weekends.
- did not submit 2nd page of survey
- Question #8. Parks in this town awful. By far the worst of any town this size I have ever seen. Anacortes Park system should be what we should be. Needs landscaping with real grass instead of weeds - also - needs flowers, shrubs, trees for shade, picnic tables, benches, rest rooms not smelly porta potties.
- Question #3. Other - RV Park, car show Unsure of where trails are within parks. We need areas for outdoor weddings, bridal showers, special b-day parties, etc. Something upscale. Also an area for teenage concerts, dances, see attached brochures we picked up at Thousand Trails, Mt. Vernon,WA. We need kiosk at the RV Park with "Things To Do" for guest. Brochures, maps, what's happening calendar, in town, bus info etc.
- Question #8. City Beach Park needs help!
- My spouse is employed by NAS-WI.
- Windjammer Park needs more police patrol due to uncontrolled language and behavior by teens not as family friendly as it once was. Need more trails. I have begun to avoid city beach due to uncontrolled behavior by teens. I do not wish my children exposed to hollered obscenities etc. More police presence down there might help. We used to go there many nights and afternoons.
- Cut the size of the police and fire departments instead of raising any taxes
- We are being taxed too much. The developer's and realtors should be paying for the increase of parks and rec. areas. They are the ones making mega bucks not the local people.
- Need more trails
- We are a military family that recently moved from Oak Harbor and intend to move back soon to retire. One item of major concern to us the element that is encountered at city beach and the adjacent water front area. The area need to be cleaned up if residents are to feel safe bringing children there to play. More frequent OHPD presence is a good start.
- Post length of walking trail city beach, etc.
- Where are the designated trails?
- Lighting is always good in the parks during the day.
- The whole town would benefit if we had indoor areas for walk during rainy season.
- Not sure where the trails are.
- Question #3. Other-Neil Park needs new playground equipment. Safety Roads are too busy near Neil Park and OH Elementary sidewalks, speed humps needed. Question #7. Fishing - What!! Sandy bottom, 2ft of H2O, Poor fish habitat. Need a health advisory in OH Bay due to the sewage treatment plant being out of code. Moving or enclosing treatment plant needs to be a priority. Question #8. In the past 2 years I have witnessed a person injured by a rail breaking on the bridge over the lagoon. Also, a light pole had open wires sticking out of it about 1 foot from the ground in a playground area at Windjammer Park for months. H2O quality at lagoon, city beach, wading pools at windjammer should be checked.
- I am satisfied with living here, but too much housing development is bad for everyone. Stop wasting my money on survey's and think's no one want's like a football stadium. Why is my sewer bill so high? 73.04 for 1 person is ridiculous. Thank you for reading my rant.
- It would be nice to have better park equipment @ our neighborhood park. We frequent the park off of Ronhaar or @ the end of 7th also park off of NE 10th Ave. There is an awesome field there to upgrade for skating or rollerblading or even scooters.

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- We enjoy the public swimming pool but we think this will be our last year because of over crowding. By next year there will be more people using it plus the many personnel. It will probably be too expensive to add on another area. We in our opinion think it is the most popular activity on Whidbey Island.
- Before any additional monies are spent on Parks & Recreation, Oak Harbor's entire infrastructure needs to be overhauled and not band aided as it is today. Someone in City Gov. needs to get wise.
- We need a new mayor!!
- I love OH. I own a home here and my son has solid roots here. We intend to stay for a very long time. I think the # of parks in OH alone are amazing & very well kept over all, with the exception of the rest room facilities. The lighting cleanliness and availability to be specific.
- The amount of attention paid to sports like soccer and baseball should be equivalent to football. There is plenty of funding for soccer when there are more participants in football and less money for city participation in youth football. Contact information on survey form.
- Everyone should clean up after themselves. Thoughts for City fathers and staff: Your hard work is appreciated and everyone is highly esteemed. Focus on necessities. Preserve Whidbey Islands beautiful environment. Lets use and enjoy what we have and maintain it. Stay within budget and spend less. More emphasis on school curriculum and less on sports. Keep things simple-money doesn't grow on trees, as we were all taught. Too many committees, meeting, planners, etc. for things the city can't afford. Use microphones and tape recorders to replay what was said. TV cameras are not necessary for every meeting. Treat each other via the golden rule. One of the nicest outreach programs of the various city organizations is the Thanksgiving Dinner at the Elks Club, where everyone is welcome and no ID cards or fancy membership is required. Thank you.
- Great Job by Parks Dept !!
- More bike paths / bike lanes on Goldie rd and Heller More tennis courts are my main concern we typically use the ones on Regatta, but since there's only two we usually have to wait. Would use the courts on base, but it's not convenient and they're not as nice. I also bike a lot with my daughter in a trailer. Some roads (heller/goldie) I don't feel safe on; from the traffic or a separate bike route. Thanks :)
- I would like to see upgrades to our older parks first. Tyhuis Park playground equipment need improvement
- Consolidate recourses too support the most frequently used park areas & facilities. The marina should also be supported by a prorated amount of user fees from marina users (boats) and tax for non boat users.
- This is a waste of paper and money.
- Windjammer Park - the wet area walking trail should be expanded. 1. Where are the trails you are talking about? 2. It would be nice to have more bike riding and walking trails/jogging trails in the area. 3. When is the trail west of our city campground going to be enlarged? It's fun walking there but it needs enlarging. It would be nice to see it travel south to the dike and come back to Windjammer Park.
- Question #10. Other - Soccer fields that are not monopolized by the local clubs. We have trails, where are they?
- We are getting on in years and use the facilities less each year. Used to use them a lot in past 40 years.
- retired military
- Live on 9th ave East has lived in OH 79 years. We are retired OH School district - retired navy, post office

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- I just went through the marina and I am going to go know - I loved it. I would like to see more benches and more of a park there. my boyfriend, his son live with me and my daughter. His other children come to visit on the weekends and we spend a lot of time at the parks. We love Rosario Beach Park. We haven't been to Ft Nugent yet I can not wait to go. It looks great.
- The marina free boat ramp is usually to steep for safe launch. With grown children out of the area, we seldom use OH parks except when the grandchildren visit as they did this summer. Personal recreation time has not existed for us in recent years. We do try to launch our boat for fishing between May & September, unfortunately, not at all (so far) in 2007. Hunting excursions are in Eastern WA.
- Question #11 We have a park tax on our property tax - it should be used wisely.
- Having creative outlets for OH citizens is of extreme importance, especially for youths. Due to the lack of creative facilities more and more kids are getting into trouble. I suggest facilities such as an art center or book publishing establishment. This will not only give OH citizens a place to display their work but it will also make it easier for young authors and artists to boost their carrier.
- As city grows - tax base grows - No tax increase needed!!!!!!
- More should be done to help the lower income families to be able to get their kids swim lessons they can't afford. Also, these kids want to be able to participate in community activities (ie baseball,soccer,football, cheer) but the families can't afford it. There are families that are not military in this town that pay property taxes, etc. and are forgotten. Everyone is so worried about what the military and their families want!
- I can not imagine a park of any kind that does not (at least in summer months) provide a bathroom or porta potty. I know bad kids do damage to them and they need to be caught and punished.
- Question #12 - Note added - If you do not pay city taxes why are you in the survey?
- City Beach area - Putt Putt Golf a nice one as in Leavenworth. Upgrade play apparatus in existing all play areas.
- We have moved here to the Island this month. From what I can tell it has great resources. I have been very pleased!
- I got this at the YMCA and filled it out as the exe director of the Y. I used our attendance numbers. Regards Exe Director.
- I do believe in growth, as long as it is organized and controlled. The city should also have a very public master plan regarding the use areas around the city and potential annex properties. A lot of the sections in this survey deal with very important concerns, this is good. But what will it all look like in the end? What's the plan, is there one? Don't be asking the current residents to bare the full burden of it all, they are not going to be the causes of the congestion and potential chaos. This city should quit giving itself away. It's still a nice enough place that others will still want to live here. The sincere will pay the cost, and when they do just maybe it will help them to have a greater sense of belonging / ownership and real concern for caring about this community! Gary B.
- Don't change anything except put back the pier. Would bring lots of people back to the board walk. Senior Center pool area
- I am the boss in the house and I have my wife's permission to say so!
- As the parks (number/locations) increase - Police monitoring will become necessary and should be addressed as part of the maintenance costs to assure safety and deter vandalism.
- What trails?
- Nice town to live while husband is deployed. Lots of things to do with kids around town. Safe community!

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- Husband employed by NAS. I think for new comers like me, an information flyer with location and facilities at the parks would help people find/use them. Should pay to use park -minimum fee, make it affordable. Pay parking, pay for flyers, catalog or make a book of parks and sell it.
- Use funds to maintain the upkeep of existing ones. Don't build new parks.
- Those who use the parks should bear the cost
- Please make funding for our parks; they are an important part of our city. Anyone can use the parks, unlike the marina, you need a boat! Which means you need $$$. I would like to find a better place for teens to hang out besides the free bus stop downtown. Maybe a larger skate/bike park.
- I suggest more animal parks
- Bike & Boat rentals. Watch Victoria & do as they do!
- Bike & boat rentals, concession stands. We need activities available in parks
- In Germany there are paved and unpaved trails that go on for miles. These trails are found in the cities and throughout the countryside, connecting both with signs that point how far it is to a certain district of the city. They are very popular and widely used. More nature trails would be nice.
- Don't throw away any trails !
- I believe the parks on Whidbey Island & Oak Harbor are the most beautiful in the state. If they are maintained as they have been in the past it's a winning situation. There no need to upgrade or change them. I'm not sure we really need any new parks. I've lived here for 20 years, it still works just fine.
- Oak Harbor needs to make the city pier its #1 priority for all of our community to enjoy, not just those with large boats in the marina. It also needs to develop and market more festivals; street fairs not just those that sell cheap vendor items, more along the Anacortes & Coupeville fairs.
- i USE PARKS PRIMARILY WHEN GRANDCHILDREN ARE HERE. I AM STILL WORKING HOPPE TO USE THE FACILITIES PROVIDED MORE AFTER RETIRING
- City Beach Park needs more trees, especially on North side to mask view of back of buildings along Pioneer. Also in trail area for same purpose. Parking at westside insufficient for use of Gazebo & Picnic area. How about a bridge or two to parking lots in back of all business, There are no neighborhood parks in SW area except for schools. New development should be required to furnish green belts and parks. More roadside trees all over town.
- As development occurs existing taxes are paid by new residents increasing the general fund to pay for maintenance
- Install prominent sign at entrance of Ft.Nugent Park that dogs must be leashed. Some people regularly use it as a off-leash facility. Large dogs are let loose on the Soccer fields and even on the playground. There must be enforcement of the Leash law !
- I would love a sprinkler park like Bellingham which also has really nice rental facilities for parties, reunions, etc.
- Trails not safe due to lack of sidewalks, bike/walk paths. I would love to rent a kayak/sailboat from marina. Please examine the lack of safe walking/bike routes on Heller, loreland, Crosby roads. There needs to be a crosswalk @6th so kids from Highlands West can cross to the Park & bus stop and walk or bike ride to OHMS. There needs to be a crosswalk at loerland & Roeder for children to walk or bike ride safely to Hillcrest Elem. Joseph Whidbey is a great park but is inaccessible on a bike along the 1st part of Crosby road. Later on there is a good shoulder/bike path there needs to be a path directly west of the light@heller& Crosby.

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- I would be supportive of increased property taxes to fund more parks, recreation areas (trails,frisbee,golf etc.). I especially enjoyed volunteering to build Ft.Nugent. Its a great park. I really enjoyed the morale of the community. Oak harbor could benefit greatly by improving the existing neighborhood parks. Also include more recycling more frequently at facilities. Thank you very much for collecting our opinions. I'm a big fan of surveys when they are applied to planning. If you need Park Organizing Volunteers in the future contact Ryan Lipstein - 360 920 1850
- I love that there are off-leash parks; Could "doggie bags" be provided at regular off-leash parks, for when we run out of or forget to bring our own? Thanks.
- Our Neighborhood park near Cathlemet Dr., is in horrible shape. The equipment is always either broken or partially missing, and the park is filthy. I am afraid to let my kids play there, which is a shame since it is only 2 blocks from our home. Please increase maintenance to the neighborhood parks.
- Cut out money spent on directional signs, and renaming parks, stop throwing away money on stupid crap and put it to a good use.
- Major update to the marina & another Pier closer to downtown would pay themselves. No need to increase taxes. How much did this waste of time cost ?
- Please enclose envelope for bills and stop raising your rates. More expensive to live in the island than in the mainland.
- I would answer more on several areas if the selection of weather permitting was added. We love going out to the parks but when the rainy season starts, we don't have many physical activities due to lack of a place to do them
- Please stop the development over paving of Oak Harbor before the Oak Harbor is entirely ruined. No more big box stores and housing developments. Develop, cleanup, refresh development. - Judy Craft 240-8270
- More than just "things to do" parks and Rec.areas need to add to the people and the area. Maintaining the natural beauty of the island, any park or future activity area needs to have plenty of trees and shrubs planted to keep the beauty and small town feel. Plenty of Benches & gardens next to Future hockey or along trails need to be an overall plan and not just an addition for the sake of more.
- More activities for kids
- Don't change City Park (Windjammer). Its good like it is. Lots of room for all kind of activities
- Oak Harbor desperately need Bike/jogging paths throughout the city and island. As a community we are getting less healthy and over weight. We need easy opportunities to get healthier. We should tax the vices that are ruining our lives and do more to encourage health. Tax Gs, Alcohol, Cigarettes, Restaurants - all the things that make you fat and lazy
- We are past the age where we use parks very much, but I think they are very important, if only because they help keep the island green. Smith Park is the most deserted park I have seen, but it is lovely to look at and I hate it to see it let go.
- Please put a park in Cherry Hill. And Benches would be nice. Many cities have lovely fountains that shoot up water from concrete base. They are beautiful and allow the children to get wet when it is hot.
- Parks should be funded from Several Revenue and should not be placed on the backs of developers and we would have a better parks program.
- I bike for 2-4 times per week for 10-20 miles per day. I find the bike paths in Oak Harbor and surrounding areas appalling. Fortunately most people are courteous but some are not. Whidbey, Oak Harbor, Goldie, Ft.Nugent, Heller, & Swantown all have room for Bike paths. But one has to take ones life in own hands to ride portions of the road. West beach

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isn't much better. I would be more than happy to pay a bit more Property tax to have better Bike paths.

- We need more for kids to do here in Oak Harbor! There's nothing for the kids here.
- Always giving to the navy. What has the navy done in return for Oak Harbor to show their kindness?
- I run frequently around Oak Harbor and my husband cycles often. We noticed there were several areas where a sidewalk or shoulder would taper off, leaving us either on a grassy slope of in a traffic lane. Whidbey Island is such a beautiful place to live and enjoy the great outdoors, thanks so much for your consideration
- Windjammer is a spectacular place - so many diverse people are drawn to it. It is well kept and is user friendly for those wanting to have gatherings. It saddened me when the 4th of July carnival rides were setup in it definitely causing damage to the well kept grounds. maybe another place will be designated for this. Fort Nugent Park is fantastic. When our Grand-daughter (6yrs) visits from California, its the first place we take her. The John Vanderzight pool is another fantastic opportunity. It is hoped that an Olympic sized pool will be built. We certainly need it !
- Thanks for sending this out! We sure would love to see OH and the surrounding area more bicycle friendly.
- As the city Harbormaster I see dozens of citizens using the trail fro town that ends at the marina. I think that working with the nave to extend the trail part the Marina to the south and the east should be put on a very high priority. That could enhance the public's enjoyment of Oak Harbor
- City Park is beautiful, well kept, however is does need to have someone of authority to watch the trash done or left by teenagers who trash and leave their garbage and also the smoking cigarettes in the park !
- Stop building parks, there's enough of them in Oak harbor
- How and when was "Neil" park named and why? Serina Neil sold the property to the City at market value when Dr Heap was the mayor.
- We walk around town a lot and seldom see children in the neighborhood parks. Ft Nugent Park is well used and our grandchildren love it. We also take grandchildren to Windjammer Park a lot and we all love it. But we mostly bike at the county parks and deception pass state park when our children were growing up we used the baseball and softball fields almost daily in season and swimming pool frequently.
- Windjammer, ft Nugent Park and playgrounds are great! Also, kiddies pools at Windjammer are nice, but the one by the basketball courts would be better if it had some grass inside the fence. Some of the neighborhood parks could use new playground equipment and perhaps at least one infant/toddler swing per park would be nice. Quit spending so much city money on consultants that don't lead us anywhere and reallocate it to the parks.
- Please move sewage treatment plant out of park. Please, Please, Please do not expand the RV park at Windjammer Park. It is wasted space most of the year. RV tourists are not what Oak Harbor needs in the most beautiful stretch of Beach Park in town! The Freud marsh and windjammer park should be preserved and enjoyed - not paved for RV's
- We truly appreciate the beauty of our hometown. We would appreciate tax dollars going towards maintaining the parks we already have (litter control, mowing, lighting) before more are added - Quality vs Quantity!
- Public Restrooms need a lot of attention.
- We have lived in OH for 35 years. The trail through Freund Marsh is great. Please do whatever it takes to preserve the last small section of forested land on Freund marsh south of Barrington. The new sub-division has destroyed the natural landscape not to

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mention replaced it with more houses squeezed together on small lots stripped of all trees and natural vegetation. Please save the last wooded section for trails and maybe a picnic/playground area. Think about the quality of life and not just tax revenue!

- Oak harbor requires a facility for live theatre and performing arts. Not all recreation is outdoors.
- Litter is a Huge Problem!!
- My husband is blind - need good walkways for guide dog.
- Maintain what the city has now. Do not add additional parks. We are currently under-using what we have now
- You could at least have one city bridle trail! The soccer fields are great but one day I saw 3 girls on horseback there and they lost their riding and when the fields went in, others lost their dog walking area. A perimeter tail of bark or dirt with grass or without would serve for both and not take anything away from the soccer,
- We need to build a community/Business centre to handle natural disaster. A multipurpose facility for our children to use
- For wonderful parks go to Bellingham: Cornwall Park and Lake Padden Park. These parks have a great mix of open spaces, activity areas, picnic areas,etc. Oak Harbor missed its chance to get such a park in the Freund Farm. Now we are stuck with acres of Walmart/Albertsons Parking lot and a hillside where all the trees were cut down for million-dollar homes. The average Oak Harbor resident has no use for the marina, and probably couldn't care less about. Perhaps the marina should support itself off the user fees charged to keep a boat there etc. Same goes for the remodeling job proposed for the marina. Looks to me like the tax payers paying for it so that a bunch of rich guys can have a place to moor their boats.
- We would use City Beach on a much more regular basis if it didn't smell due to the sewage treatment plant and if you couldn't hear the P.A. system from the car dealership! Some of the most accessible / beautiful municipal waterfront on Puget Sound = car dealerships, condos and sewage treatment plant.....What a shame!
- winter activities for kids would be desirable
- For those of us who are handicapped (disabled) and wheelchair or mobility scooter: It is difficult to access the water for fishing and just looking. I am wondering if you could publish a brochure hi lighting specific activities and parks and trails where handicapped people can have some fun. Thank you for asking about our opinions. I would also like to see more support for the senior swimmers in the form of a pool that is heated. We share Vanderzicht pool with the people who are lap swimmers and many personnel and a heated pool that is ok for them is cold for those of us who are just exercising. We don't get as hot as they do. We love Oak Harbor and our service men so I am not asking you to do anything detrimental to anyone.
- i think the public fees are too high. I have lived in 32 states as well as in foreign countries. I have never paid as much as I do here for water, sewage and trash. Storm drain fees are irrelevant. Sewage is very high.
- In my opinion what I see is good. But if the majority wants more I would be willing to pay for it.
- Taxes imposed on property owners are already to high, please consider other options. Please consider military facilities provided. We do not need to financially over burden residence.
- We have traveled in all 50 states! Whidbey Island ranks at the top of the most beautiful places in our country. Do to our lack of a strong tax base it seem that our parks state / county and city are not maintained as wall as across our country. A small fee could help

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defer this to those of us who live here and use the parks - or even donation boxes at parks to put $ in or a voluntary fee on the utilities.

- We are fast loosing so many trees and open spaces in Oak Harbor with all the housing. Why not have the developers leave some trees and/or open areas to save our island charm.
- grandkids come from Spokane springbreak in summer, they use the playgrounds and the splash pool
- Oak Harbor is not a senior friendly town if you are not connected to the navy
- We all really enjoy Ft Nugent Park, Windjammer Parks location is great however, some of the playground equipment is old and raggedy. The small pools are fun but they are often very dirty. We also don't enjoy the smell of the treatment plan, but understand why it smells. We use the city pool often. Perhaps the pool could be expanded, especially because swim lessons are too crowded.
- An indoor park or play area would be a fantastic addition to our often cold, windy and rainy town
- If the parks are to grow proportional to the increased population (city growth). Why won't the taxes they pay be proportional and pay for the additional park facilities? Unless there is more waste and padding!!!
- A steeper ramp is needed to launch boats to prevent vehicles wheels from getting into seawater (truck/car) ok for trailer.
- Need more trees. Please stop housing sprawl. The animals need homes too! Too much water use.
- I love Ft Nugent Park and local trails. I hope Oak Harbor will remember to build (green space) in to the plans for continual growth. Bellingham seems to be using a very good model as they incorporate urban trails, parks, and natural vegetation in to their city as it grows. Everyone Benefits!
- If more businesses were here we would have more tax revenue to work with
- consider a 2% motel occupancy fee to pay for recreational facilities
- Windjammer is such a horrible name. Myself and others will always think of it as city beach
- Concrete trails kill my knees for jogging. We require more trails with no concrete. The swimming pool is so overcrowded I no longer do laps there. The Navy Guys run me over in the lane.
- People are concerned about food on the table not more parks with higher taxes.
- We moved here in Dec. last year. My husband was assigned to NAS Whidbey. It was difficult at first but we learnt to love Oak Harbor. Its a beautiful city and a great place to raise kids. We truly appreciate the efforts of the city Govt. to make this place clean, beautiful and well maintained. However I truly believe that the residents of Oak harbor deserve a place to unwind, relax and have fun. It takes time to drive to Burlington just so we can go window shopping. I hope that sooner or later you would see the benefits of having a shopping mall within the city limits. Since there is no mall in OH and Wal-Mart is getting to be a bore, we have no choice but to go to these places so as to preserve our sanity and prevent depression. Thank you for your time. From A Mother of 2
- Oak Harbor is located in one of the most beautiful marine location in Puget Sound & it's a Navy base. Focus should be on Water related enhancements & the incredible wealth of marine & bird life. Get the sewer treatment plant off the City Beach!!!
- Retired couple -walk to the City Beach and along trails to the marina. Boat & Crab sometimes from Marina or from the Seaplane base. Fees - I guess user fees, but not for the city beach

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- When building new park areas there should be more consideration for the neighbors. Things such as dust, noise, diesel fumes etc. have been ignored at Ft.Nugent Park. It makes us wish we hadn't bought a house here. I believe there's a WA State Clean Air Act RCW 70.94 that should be enforced.
- I think a lot of taxes and fees for the city are too high right now with all the low income families. It's real hard to make ends meet right now!!!
- We very much enjoy the neighborhood parks, but we are concerned that maintenance is beginning to suffer. We are especially concerned that the trails which provide access to all the parks from many of the neighborhoods are not maintained at all and are very poorly worked. These trails and parks could provide an enjoyable and readily accessible urban walking /hiking experience. if they were well marked and properly maintained, and if the system of neighborhood parks and trails were generally available. If anyone is interested in following up on these ideas I would be glad to discuss and help out: David A Macy, 235 SW Judson Sr. 240-8650
- As a Retiree, you guys are taxing us out off town!
- I use the parks and playgrounds whenever my Grandkids come. So those are important to me, So far the parks I use have been excellent.
- By Daniel Stewart - The city of OH appears to me to believe that NAS Whidbey Facilities are available to all residents as implied in the survey. Therefore it relies on this belief as if the base was more open like pre 2001 period. This is simply not true. The city should proceed with its planning as its base and its facilities did not exist. The residents at OH are city residents and not Base Residents. Not everyone hare is in the Navy. Plan like a city and not like a naval base. The city needs a Indoor recreation centre. Try to remember that it rains for the better half of 8 months in a year. I cannot believe that the City declined a proposal by a non-profit Organization to build a Indoor Tennis Court. Should have bent over backwards to try and take advantage of external funding like that!
- Nearly every family I know with young children is adamant about the need for more parks. Yet one only one and half blocks away, pavements broken, kids have to play on streets or in the yards. This is simply too much to handle. Voices for more parks, maybe, but voices for more time..in reality !
- The ability to get to Band Stand with instruments and equip. Parking for Older people is not available
- Ft.Nugent is awesome. Coupeville has active fundraisers who maintain parks. City Beach is Ok. Kind of old, pool is often yucky, stinky, bird poop. Does marina make $ - should you sell it to a private enterprise. Serves few people.
- In my opinion the city needs an aquatic Olympic pool and a smaller pool for ladies and children
- Thank you for the American flags that fly on Govt. Holidays! I love it!!
- connect bike lanes in the city

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Recreation Service Standards and Needs Forecast

Facility	Quantity (acres or # of facilities)	Level of Service (per # of people)	Minimum Standard	Need in 2008 based on standard	Need in 2018 based on standard
Neighborhood Parks	32.2	1.4	2 acre/1000	14	24
Community Parks	83.5	3.6	7 acres/1000	77	114
Basketball Courts	3.5	0.8	1 court/5000	1	2
Tennis Courts	2	0.2	1 court/2000	9	12
Softball Fields	0	0.0	1 field/4000	6	7
Little League Fields	6	1.0	1 field/4000	0	1
Baseball Fields	1	0.3	1 field/7000	2	3
Soccer Fields	6	2.0	1 field/7500	-3	-2
Football Fields	3	1.0	1 field/7500	0	1
Volleyball Courts	5	1.1	1 court/5000	0	1

2008 Population estimate 22980

2018 Population estimate 28149 (% projection)

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Minimum acres	per population	minimum standard acres	Area per field or court (sq. ft.)	Area required based on meed in 2008 (sq. ft.)	Area required based on meed in 2018 (sq. ft.)
2	1000	2			
7	1000	7			
1	5000	1	6600	6600	13200
1	2000	1	7100	63900	85200
1	4000	1	160000	960000	1120000
1	4000	1	144000	0	144000
1	7000	1	160000	320000	480000
1	7500	1	74800	0	0
1	7500	1	80000	0	80000
1	5000	1	4000	0	4000
Total				**1350500**	**1926400**
			Acres	31.00	44.22

Based on 30% rule	103.3440465	147.4135292
Based on 40% rule	77.50803489	110.5601469
Based on 50% rule	62.00642792	88.44811754

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2006 PARK IMPACT FEE STUDY
Calculations using the 1994 formula

Purpose

The purpose of the study is to determine the current Level of Service (LOS) for parks and recreation within the City of Oak Harbor and calculate the impact fee amount necessary to continue to provide facilities for the increase in population as projected by the State of Washington Office of Financial Management.

Scope

The scope of the project is to determine the amount of currently designated parks and recreation facilities within the City of Oak Harbor and their current level of service for neighborhood and community parks. The study will then use the LOS standards, along with population projections, census data and land values to calculate the amount of neighborhood and community park impact fees for single family and multifamily residential units. The formula to calculate the impact fees will be the same as the one used in 1994.

Data Collection and Analysis

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Inventory

The first step in the process is to collect information of existing parks in the City of Oak Harbor. This information was collected from recent inventories done by the Parks Divisions and in conversation with personnel regarding recent improvements such as Fort Nugent Park. The inventory also accounted for the facilities such as playgrounds, soccer fields, basketball courts etc. within each park.

The parks were categorized as either Community or Neighborhood Parks in the 2001 update. This study follows that categorization without any changes. There are some points to be noted here that impact the accounting of the parks. These are listed below:

- The Regional Ball Park (46 acres) located on Goldie Road is not included in the calculations. This Park lies right on the line that divides noise district B and C. These noise districts are intended to discourage or prohibit outdoor recreational area. Furthermore, recent tests seem to indicate rising levels of methane close to the surface.

- The calculations do not include trails, landmarks or other areas that may be maintained by the Parks division but not designated as a park.

Fruend Marsh is also not included in the calculations. It encompasses 35 acres and is mainly planned for trails and wetlands

The table below lists the parks currently within the City and also quantifies the facilities and amenities within them. It also includes the acreage for every park and queries them into their designation as either a neighborhood or a community park.

Table A

PARKS	acerage	community park	neighborhood park	playground	picnic tables	park benches	tot lots	soccer	basketball	Little League	baseball	softball	tennis	trails	volleyball	handball	football	Skateboard aprk	off-street parking	landmark	restrooms	comminity parks	neighborhood parks
North West Section																							
Koetje Park	3.50	✓	✓	✓	✓		✓	✓	✓										✓				3.50
Neil Water Tower	0.25																			✓			
Shadow Glen Park	0.80		✓	✓	✓		✓					✓											0.80
Meadow Ridge Park	0.50		✓		✓		✓																0.50
Redwing Park	1.00		✓				✓																1.00
North East Section																							
Summer Park	4.00		✓		✓								2✓						✓				4.00
Tyhuis Park	0.80		✓	✓	✓																		0.80
Ridgewood Park	5.80		✓	✓			✓							✓									5.80
South West Section																							
Fort Nugent Park	40.00	✓		✓	✓			5✓	✓		✓				2✓		✓		✓		✓	40.00	
Kimball Memorial Park	0.80		✓				✓																0.80
Spring Tree Park	1.50		✓		✓		✓																1.50
Well Site #10	0.50		✓																				0.50
Lueck Park	1.50		✓		✓		✓		.5✓														1.50
Ridge Haven Park	0.80		✓		✓		✓																0.80
Ruth Cohen Memorial Park	5.00		✓		✓		✓							✓									5.00
Vista Heights Park	0.50		✓		✓		✓																0.50
Fireside Park	1.20		✓																				1.20
Hawthorne Park	0.35																						
South East Section																							
Beeksma Gateway Park	0.50					✓																	
Volunteer/Skate Park	6.00	✓								3✓								✓				6.00	
Flintstone/Mini Harbor Park	1.50	✓			✓									✓							✓	1.50	
Hal Ramaley Memorial Park	0.50	✓			✓																	0.50	
Holland Garden/Neil Park	3.50		✓				✓		.5✓											✓			3.50
Oak Harbor Marina	2.00	✓			✓										2✓						✓	2.00	
Fruend Marsh	35.00													✓									
Waterfront Trail														✓									
SR 20 Paocket Parks	0.25				✓	✓																	
Heritage Way																							
Smith Park	5.00	✓		✓	✓																	5.00	
VFW Memorial Park	0.80				✓																		
City Beach Park	28.50	✓			✓		2✓		✓	3✓					✓					✓	2✓	28.50	
Totals	152.35						6.0	3.0	6.0	1.0	1.0	2.0		5.0		1.0						83.50	31.70

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Level of Service

The next step in the process is to determine the current Level of Service (LOS). The parameters used in 1994 such as standards/population were used to determine the current LOS.

Table B below reflects the current level of service using the same parameters used in 1994.

Table B

Recreation Service Standards and Needs Forecast

Facility	Quantity (acres or # of facilities)	Level of Service (per # of people)	Minimum Standard	Need in 2006 based on standard	Need in 2016 based on standard
Neighborhood Parks	31.70	1.4	1 acre/1000	0.0	0.0
Community Parks	83.50	3.7	4 acres/1000	5.7	26.0
Basketball Courts	2	0.7	1 court/5000	1	2
Tennis Courts	2	0.2	1 court/2000	9	12
Softball Fields	1	0.2	1 field/4000	5	6
Little League Fields	6	1.1	1 field/4000	0	1
Baseball Fields	1	0.3	1 field/7000	2	3
Soccer Fields	6	2.0	1 field/7500	0	0
Football Fields	1	0.3	1 field/7500	2	3
Volleyball Courts	5	1.1	1 court/5000	0	0

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Table B shows that the City exceeds the minimum standard of 1 acre per thousand for Neighborhood Parks and fall slightly short of the standard of 4 acres per thousand for Community Parks. The table also shows the count on facilities such as softball fields, soccer fields etc. Most of these fall short of the minimum standards except for Little League Fields and soccer fields.

It is important to note the LOS for neighborhood and community parks since this information is used in the calculations to determine the impact fees.

Population

The Growth Management Act (GMA) requires that impact fee be calculated for system requirements that will generated by new growth and development. This requires the City to determine the population growth that is expected over the span of the planning horizon. This information is provided by the State of Washington Office of Financial Management (OFM).

In order to calculate the growth in population, the first step is to determine the population count for the current year and the year to which the planning horizon it is being projected to be. The information released by the Office of Financial Management (OFM) for current year's (2006) population is 22,290. The Plan looks at a 10 year planning horizon. So the next step is to determine what the population would be in 2016. There are numerous ways to calculate population projections and most of them yield results that do not differ drastically. A simple percentage increase method was used to project the population growth trend for 2016 to be 27, 386.

2006 (April) Population	22,290
2016 population forecast	27,387
Ten year growth	5,097

Using the above information, it is assumed that the City of Oak harbor would grow by 5,097 people over the next 10 years.

Impact Fee Calculations

The calculations for the 2006 Impact Fee utilize the same formula used in 1994. The formula is designed to determine the amount of fee that should be collected on the type of development (single or multifamily) for each park type (neighborhood or community).

The steps taken to determine the fee include calculating the LOS needs at the end of the planning horizon so that the amount of improvements necessary to support the new growth and development can be determined. It also includes determining the current value of land and the cost of improvements. After this is determined, information available through the Census Bureau is used to determine how the growth in population breaks down to units, which is then used to determine the fee per single family or multifamily dwelling.

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LOS needs in 2016

In order to determine the funding needs it is important to determine the park needs for the increase in population. It is assumed that this increase in population will be provided with the same level of service as in 2006. So using the LOS for neighborhood and community parks, the 2016 acres/1000 need for the increase in population can be determined.

Park Type	2006 LOS	Standard	2016 needs per 2006 LOS	2016 needs per standard
Neighborhood Park	1.4 acres/1000	1 acre/1000	7.1	5.1
Community Park	3.7 acres/1000	4 acres/1000	18.9	20.4

The 2016 needs based on the 2006 LOS for Neighborhood Park is 7.1 acres and for Community Park is 19.9 acres.

Improvements fundable through impact fees

The 1994 calculation included an adjustment factor in this step since there were parks that were designated as a Community Park as well as a Neighborhood Park. The adjustment was done to avoid double-counting the need. The 2001 update to the plan deviated from the combined designations and categorized them solely as either a Community Park or a Neighborhood Park.

Note: This update has followed the same categorization as the 2001 update and has thus eliminated the need for an adjustment factor.

Park Type	Fundable Needs*	Acres per new resident
Neighborhood Park	7.1	0.0014
Community Park	18.9	0.0037

* Fundable Needs = 2016 Need per 2006 LOS
Note: Impact fees cannot go toward meeting current or "backlog" needs

Value of Land and improvements

This step calculates the current cost of acquiring and improving an acre of park land. The acquisition costs per acre were obtained from Mr. Gregor Strohm, a local appraiser. The acquisition costs in 1994 were obtained from the same source and therefore offer a certain level of consistency. The improvements costs were based on actual costs incurred with recent improvements to neighborhood parks and community parks.

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Average Neighborhood Park Development costs per acre

Acquisition:	$100,000.00
Improve:	$84,003.00
Total:	$184,003.00

Acquisition cost based on analysis of residential land sales in City and adjusted to predevelopment values (G. Strohm, Appraiser, August 2006).
Improvement estimate based on actual costs from Redwing and Fireside neighborhood park projects provided by Hank Nydam, Parks Division.

Average Community Park Development costs per acre

Acquisition:	$100,000.00
Improve:	$111,035.00
Total:	$211,035.00

Acquisition cost based on analysis of residential land sales in City and adjusted to predevelopment values (G. Strohm, Appraiser, August 2006).
Improvement estimate based on Fort Nugent Park prototype.

Impact fee calculation based on dwelling type

This step is the actual calculation of the impact fee based on the information gathered in the above steps. The information for persons/unit was obtained from the US Census data.

	Single Family Units	Multiple Family units
Neighborhood Parks		
Acres/person	0.0014	0.0014
persons/unit	3.2	2.7
Acres/unit	0.0045	0.0038
Acquisition cost/unit	$445	$375
Improvements costs/unit	$374	$315
Subtotal	$819	$690
Adjustments*	$155	$130
TOTAL N. PARK FEE	**$664**	**$560**
Community Parks		
Acres/person	0.0037	0.0037
persons/unit	3.2	2.7
Acres/unit	0.0118	0.0099
Acquisition cost/unit	$1,177	$992
Improvements costs/unit	$1,306	$1,101
Subtotal	$2,483	$2,093
Adjustments*	$469	$395
TOTAL C. PARK FEE	**$2,014**	**$1,697**
COMBINED PARK FEE	**$2,678**	**$2,257**

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* "Adjustment" is used to account for the City's historic funding of park capital improvements (average of $100,000). In making this adjustment, it is assumed that the City will continue to fund the parks at the same level. The purpose of this adjustment is to remove any potential incidence of double-taxation. The adjustment is based on average general fund expenditure over ten years divided by the total cost of improvements fundable with impact fees, as follows:

$100,000x10yrs/[(184,000/ac x 7.1 ac neigh. Park) + ($211,035/ac x 18.9 ac comm. Park) = 19%

CONCLUSION

The study indicates that the total amount of park impact fee to be paid by a single family unit is $2,678 and a multifamily unit is $2,257. This fee is a proportionate share of the cost of system requirements necessary for new growth and development.

City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. 10
Date: March 3, 2009
Subject: Resolution to Support Proposition No. 1 School Program Levy and Proposition No. 2 Math Technologies Levy

FROM: Jim Slowik, Mayor

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

Paul Schmidt, City Administrator
Doug Merriman, Finance Director
Margery Hite, City Attorney, as to form

PURPOSE: This Resolution sets out the City Council's support of the 2009 ballot propositions for the Oak Harbor School District Proposition No. 1 School Program Levy and Proposition No. 2 Math and Technology Levy.

AUTHORITY: In accordance with RCW 42.17.130, action may be taken at an open public meeting by members of an elected legislative body to express a collective decision, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view.

DESCRIPTION: On February 3, 2009, at a regularly scheduled City Council meeting, the City Council directed that a Resolution supporting the 2009 Oak Harbor School District levies be placed on the agenda for City Council consideration for the March 3, 2009 City Council meeting.

In March of 2009, the Oak Harbor School District will ask the voters to renew a two part maintenance and operation levy that was approved by the voters in 2001 and 2005 and a new levy for enhanced math instruction.

For Proposition 1, the levy rate will be approximately 74-cents per $1,000 in valuation. For Proposition 2, the levy rate will be approximately 24-cents per $1,000 in valuation. If both levies are approved, the 98-cent total levy rate would qualify for the maximum state match possible, bringing in about $800,000 a year ($400,000 more than Oak Harbor currently receives).

STANDING COMMITTEE REVIEW: None.

RECOMMENDED ACTION: Consider public testimony and if so inclined, authorize the Mayor to sign Resolution No. 09-03 that supports the Oak Harbor School District in their efforts to provide the best education possible for our students and maintain our community as an attractive home for NAS Whidbey and all Oak Harbor residents.

ATTACHMENTS:
Proposed Resolution 09-03.

RESOLUTION NO. 09-03

A RESOLUTION OF THE CITY OF OAK HARBOR DECLARING SUPPORT OF PROPOSITION NO. 1 SCHOOL PROGRAM LEVY AND PROPOSITION NO. 2 MATH AND TECHNOLOGY LEVY

WHEREAS, the City Council of Oak Harbor was requested to express support for the upcoming Oak Harbor School District ballot Proposition No. 1 and No. 2; and

WHEREAS, on February 3, 2009, at a regularly scheduled City Council meeting, the City Council directed that a Resolution supporting the 2009 Oak Harbor School District Proposition No. 1 and No. 2 be placed on the agenda for City Council consideration for the March 3, 2009 City Council meeting; and

WHEREAS, in accordance with RCW 42.17.130, action may be taken at an open public meeting by members of an elected legislative body to express a collective decision, or to support or oppose a ballot proposition so long as (a) any required notice of the meeting includes the title and number of the ballot proposition, and (b) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view; and

WHEREAS, the core of every successful community is strong local support for our schools; and

WHEREAS, good schools with strong local support are important to our Navy families, our military, and the future of NAS Whidbey Island; and

WHEREAS, Oak Harbor is the "Caring Community" standing behind the Oak Harbor School District's mission to "Educate Every Student For Success"; and

WHEREAS, Proposition No. 1 is a continuation of what already exists, and has been approved by voters in 2001 and 2005; and

WHEREAS, Proposition No. 2 is for enhanced math instruction for all Oak Harbor students; and

WHEREAS, local support of Propositions No. 1 and No. 2 would bring in $4.1million for our schools, with an additional $800,000 in matching funds from the State; and

WHEREAS, the District has demonstrated fiscal responsibility and public accountability for implementing the school levies passed in 2001 and 2005; and

WHEREAS, Oak Harbor has one of the lowest school levy rates in the State of Washington; and

WHEREAS, local support is vital to keeping programs in place as they currently exist; and

WHEREAS, local levy support pays for:

- 20 teachers, including art and P.E. instructors at our elementary schools;
- teacher assistants;
- an extra 30 minutes a day for elementary students;
- advanced courses for students who need more of a challenge;
- "English/reading" assistance for struggling students;
- custodial help and supervision making the hot school lunch program possible;
- 2 computer technicians to maintain the District's 1,850 networked computers;
- 1.5 maintenance staff; and
- school supplies and materials, including computers and textbooks.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oak Harbor as follows:

1. The City has dutifully complied with RCW 42.17.130 by providing appropriate notice of the ballot measures by the Oak Harbor School District to be discussed in an open public meeting and has provided equal opportunity for expression of all views of the ballot measures; and

2. After due deliberation, the City Council strongly supports the passage of Oak Harbor School District Propositions No. 1 and No. 2, in order to keep current programs in place, enhance math instruction, provide the best education possible for our students, and maintain the community as an attractive home for NAS Whidbey and all Oak Harbor citizens.

PASSED and approved by the City Council this _____ day of _____, 2009.

THE CITY OF OAK HARBOR

_____

Jim Slowik, Mayor

ATTEST:

_____

Connie Wheeler, City Clerk

APPROVED AS TO FORM:

_____

Margery Hite, City Attorney

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Support of Oak Harbor School District
Propositions 1 and 2
Resolution - 2

City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. 11
Date: March 3, 2009
Subject: 2009 Conservation Futures Fund Application: Fidalgo Ave. Oak Tree

FROM: Steve Powers PLP
Development Services Director

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

Jim Slowik, Mayor
Paul Schmidt, City Administrator
Doug Merriman, Finance Director
Margery Hite, City Attorney, as to form

SUMMARY STATEMENT:
This agenda bill seeks City Council approval of a resolution supporting the 2009 Conservation Futures application which would seek to protect the Fidalgo Avenue Garry Oak tree.

The current application cycle is about to begin, with Island County considering proposals that are submitted by its February 27, 2009 deadline. While staff normally seeks City Council approval before submitting an application, the deadline is fast approaching and the application will need to be submitted before City Council considers the resolution. The application states that the resolution is pending approval by City Council.

BACKGROUND:
Conservation Futures is a program administered by Island County to provide funding for communities to protect areas with natural or cultural value. Conservation Futures are a useful tool for counties to preserve open space, agricultural, and timber lands of public interest for future generations. In the past, the City of Oak Harbor has had a consistent practice of utilizing Conservation Futures opportunities to support its policies and the community's Comprehensive Plan goals for open space and recreation. Examples of the City's commitment to utilizing Conservation Futures include acquisitions of land for the Freund Marsh area, the trailhead site on Scenic Heights Road, and recently for completion of the waterfront trail.

PROPOSED APPLICATION:
For the current 2009 Conservation Futures funding cycle, the City might consider submitting an application intended to provide effective long-term protection for the Garry Oak tree located on SE Fidalgo Avenue. This protection would occur in the form of a conservation easement. The

conservation easement could follow the drip line of the tree plus an additional ten (10) feet beyond the drip line in order to provide a buffer to development pressures on the surrounding property. This measure is intended to provide a higher level of protection for the tree than currently exists (see discussion below). The tree's drip line is located on three tax parcels owned by one individual and the assessed value for the entire property is $399,078 (as of 1/8/2009, Island County Assessor). The value of the conservation easement has yet to be determined. An appraisal will need to be completed in order to determine its value. Depending on the easement's impact on the property (and its development potential) it is possible that the cost of the easement could be fairly high. Of course, the property owner must agree to the price and the sale.

DESCRIPTION:

The tree is located on three parcels on the north side of Fidalgo Avenue between Dock and Hathaway Streets. The parcels consist of Lots 15, 16 and 17 within the historic Ely's Addition to the City of Oak Harbor, platted in 1910. Surrounding land uses include a former single family residence now used as the headquarters for Help House to the east, professional office and single family residential to the north, mixed commercial and residential to the west and a parking lot serving Pioneer Way properties to the south. The lots slope uphill (to the north) from Fidalgo Avenue, with the street frontage dominated by the Garry Oak tree. With a drip line extending approximately 70 feet from east to west, the oak tree canopy occupies about one-third of the Fidalgo Avenue frontage. The canopy measures approximately 70 feet in the east-west direction and 45 feet in the north-direction, for a total area of about 3,150 square feet or 8.2% of the three lots combined. While other Garry Oaks are located in the downtown area, this is the only one located within the Central Business District (CBD), a district intended to have intense, compact development.

DISCUSSION:

Garry Oak trees have special protection in the Oak Harbor Municipal Code under the Critical Areas Ordinance [OHMC 20.25.010(3)] as well as under the Oak Tree Protection Ordinance (OHMC 20.16). While the subject location is not in the Garry Oak Concentration area in the Fish and Wildlife Habitat Conservation Areas Map (see attached), individual trees in all parts of the City are afforded the same protection. Except to protect public safety or to allow removal of dead or dying branches, Garry Oak trees cannot be removed or trimmed under the applicable ordinances without obtaining a variance. In 2006, an application sought to request a variance for permission to trim and prune the Garry Oak tree located on Fidalgo Avenue to facilitate the construction of a mixed-use project. The variance was approved with strict conditions of approval. This proposal seeks to provide a higher level of protection for this particular Garry Oak tree than currently exists in the adopted critical areas code by placing a conservation easement around the tree so that a similar request for substantial pruning could not be considered in the future. The threat to the tree by the application submitted in 2006 illustrates the need for a higher level of protection for such a significant community resource.

The Oak Harbor Comprehensive Plan and the Oak Harbor Municipal Code support the protection of Garry Oak Trees. Both documents also support the development of our Central Business District. The site which would be the subject of the Conservation Futures application represents an instance where we have competing goals and code provisions.

The property owner was contacted in mid-January by staff and indicated interest in discussing the idea and is not opposed to the application. As of the drafting of this agenda bill, no negotiations or agreements have been reached with the property owner.

STANDING COMMITTEE REVIEW:
Due to timing constraints, this agenda item was not able to go before committee review.

RECOMMENDED ACTION:

- Consider the proposal for the Conservation Futures application as outlined.
- Consider adopting resolution supporting the Conservation Futures application.

ATTACHMENTS:
Proposed Resolution
Fish and Wildlife Habitat Conservation Areas Map
Picture of Fidalgo Avenue Garry Oak Tree

MAYOR'S COMMENTS:

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RESOLUTION NO._____

A RESOLUTION AUTHORIZING AND SUPPORTING GRANT APPLICATIONS TO THE ISLAND COUNTY CONSERVATION FUTURES PROGRAM.

WHEREAS, it is in the interest of the health, safety and welfare of Oak Harbor to preserve and protect open space and natural environments; and

WHEREAS, the City Council of the City of Oak Harbor considers it in the best public interest to implement the Comprehensive Plan; and

WHEREAS, the Conservation Futures program is for funding preservation and enhancement of open spaces and individual conservation sites; and

WHEREAS, the Conservation Futures program is an available and appropriate potential source for State planning funds to acquire open space and valuable natural resources for the community; and

WHEREAS, the City Council has determined that based on the policies of the Comprehensive Plan, and the recommendations of staff, the preservation of the Fidalgo Avenue Garry Oak Tree is an appropriate project for the City to submit as an application for the Conservation Futures program for the year 2009; and

WHEREAS, the proposal has unique characteristics that makes it a valuable project for the City to pursue in its goals to provide a highly livable community; and

WHEREAS, City Council has identified that preservation of the tree is important based on: (A) the potential threat to the tree from development that may negatively impact its valuable characteristics as a potential conservation site, (B) the potential impact or benefit to the community of this proposal, and (C) the historical importance of this Garry Oak tree to the CBD and the community; and

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Oak Harbor, as follows:

1. The Mayor is authorized to make formal application to the Island County Conservation Futures Program for funding assistance;
2. The application shall consist of one proposal seeking to provide a conservation easement around the Garry Oak tree located along Fidalgo Avenue between SE Dock Street and SE Hathaway Street;
3. That any fund assistance so received shall only be used in the acquisition or development of the respective site program as identified in the application;
4. The City's share for the project will be derived from the general governmental, miscellaneous fund as approved or amended in the City Budget;

5. That property acquired with the financial aid through the Island County Conservation Futures program will be used to complete the respective site proposal for preservation as identified in the application. Further, it will be retained in such use in perpetuity unless as otherwise provided and agreed to by the City Council, the Island County Conservation Futures program, and any affected federal or state agency; and
6. This resolution shall become part of the formal application to the Island County Conservation Futures program.

PASSED by the City Council and approved by its Mayor this _____ day of _____, 2009.

THE CITY OF OAK HARBOR

_____
Mayor

Attest:

_____
City Clerk

Approved as to Form:

_____
City Attorney

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City of Oak Harbor

Critical Areas Mapping

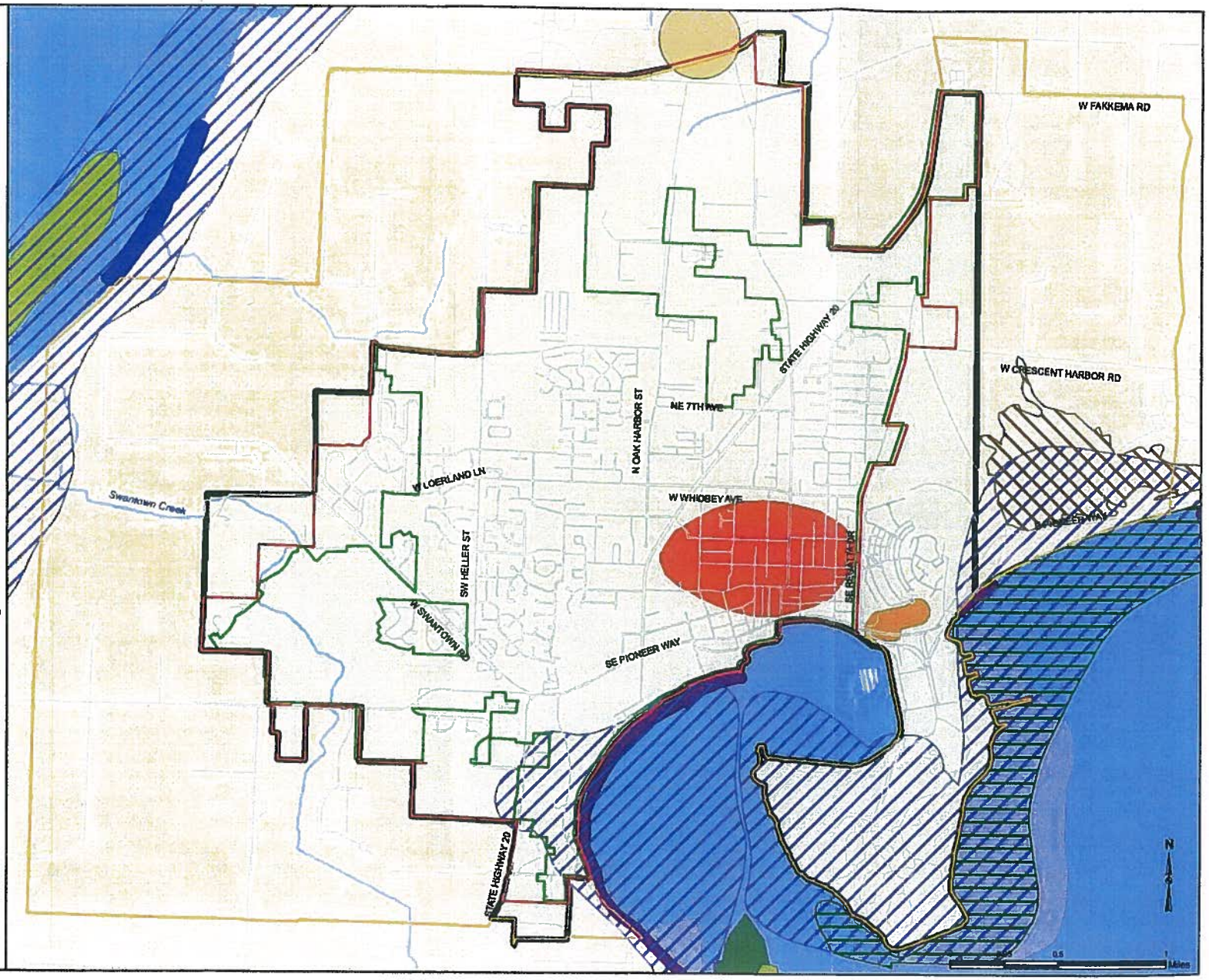
Fish and Wildlife Habitat Conservation Areas

- City Boundary
- Oak Harbor Urban Growth Boundary
- Oak Harbor Joint Planning Area
- Study Area
- Streams
- Bald Eagle
- Harlequin Duck
- Waterfowl Concentrations
- Heron
- Eelgrass
- Geoduck
- Shellfish Areas
- Forage Fish Spawning Areas
- Garry Oak Concentration
- American Dunegrass/ Japanese Beachpea / Bighead Sedge / Coastal Spit with Native Vegetation Pattern
- Garry Oak / Snowberry / Long-stolon Sedge Plant Community

Natural Heritage Program shows Golden Paintbrush and Alaska Alkaligrass historically present in study area.

Data obtained from Washington State Department Fish and Wildlife, Natural Heritage Program - Washington Department of Natural Resources, Island County Marine Resources Committee, and Oak Harbor Development Services Department

Perteet



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City of Oak Harbor
City Council Agenda Bill

Bill No. 12
Date: March 3, 2009
Subject: Biennial Budget Amendment

FROM: Doug Merriman, Finance Director

INITIATED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:
Jim Slowik, Mayor
Paul Schmidt, City Administrator
MH Margery Hite, City Attorney, as to form

SUMMARY STATEMENT:

Per the attached memo dated October 31, 2008, the managerial control of the Engineering Services Division has been shifted to Public Works Department effective January 1, 2009. Accordingly, a budget amendment is required to transfer the appropriated spending authority for the Engineering Services Division from the General Fund #001 to the Facility Fund #510. The Facility Fund is the current operating fund responsible for the administrative, labor pool, and facility planning functions of Public Works. The budget amendment accomplishes the following objectives:

1. General Fund #001:

The appropriation authority in the General Fund is reduced $789,543.00 for the Engineering Services Division as outlined in the City's 2009-2010 Biennial Budget, less $37,058.00 of administrative and supervisory costs that will remain in the General Fund. The net reduction in appropriation authority is $752,485.00.

2009 Budget for Engineering	$789,543.00
Less:	
Administrative/sipervisory costs remaining in the General Fund	(37,058.00)
Net Appropriation Decrease	**$752,485.00**

2. Facility Fund #510:

The appropriation authority of the Facility Fund #510 is increased $752,485.00. This balance represents the appropriation authority for the Engineering Services Division being transferred to the Facility Fund #510 from the Current Expense Fund #001.

3. Current Expense Fund #001:

The appropriation authority of the Current Expense Fund #001 is increased $150,243.00. This amount represents the anticipated expenditures to be paid to the Engineering department in the Facility Fund #510 for the development engineering needs of the Current Expense

Fund #001.

The Engineering Services Division formally begins reporting under the new format effective January 1, 2009. The costs and revenues associated with the change are being recorded currently in the appropriate expenditure and revenue codes until the passage of this ordinance. Upon the effective date of the ordinance, the records of the General Fund #001 and the Facility Fund #510 will be adjusted to retroactively reflect the reorganization at its effective date of January 1, 2009.

Per Oak Harbor Municipal Code Section 1.04.020, ordinances required for budget amendments do not require introduction during the previous Council meeting in order to be considered.

RECOMMENDED ACTION

1) Hold Public Meeting
2) Adopt Ordinance

ATTACHED

Proposed Ordinance

STANDING COMMITTEE REVIEW:

The Finance Standing Committee discussed and reviewed this agenda bill during their February 11, 2009 meeting.

MAYOR'S COMMENTS:

City of Oak Harbor

OFFICE OF THE MAYOR
JIM SLOWIK
MAYOR

MEMORANDUM

TO:	City Council Members and Department Heads
FROM:	Mayor Slowik
Subject:	Reorganization of Development Services and Public Works Departments
Date:	October 31, 2008

In an effort to provide more oversight and guidance to certain City services and to further streamline our engineering services, I'm proposing to reorganize the Development Services Department and Public Works Department.

Presently, Senior Services and the Marina function as independent Divisions within the General Fund. Given the ongoing challenges with the continued funding of programs in Senior Services and the improvement project for the Marina, I believe both Divisions would be better served with more oversight and guidance. Therefore I propose to have Senior Services and the Marina operate under the Development Services Department.

Similarly, the Engineering Services Division operates under the direction of the Development Services Department, but works directly and daily on many projects with the Public Works Department. Therefore I propose to provide more efficiency by relocating the Engineering Services Division to the Public Works Facility and to have that Division become part of the Public Works Department.

I do not envision any significant cost impacts by initiating this reorganization. I do believe more administrative assistance to Senior Services and the Marina will benefit those critical services and the Public Works Department will be assisted with greater efficiencies of operation by having project engineers on site.

This reorganization proposal will become effective on January 2, 2009. Please let me know if you have any questions.

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City of Oak Harbor

Office of the Mayor
JIM SLOWIK
Mayor

MEMORANDUM

TO: City Council Members and Department Heads
FROM: Mayor Slowik
Subject: Reorganization of Development Services and Public Works Departments
Date: October 31, 2008

In an effort to provide more oversight and guidance to certain City services and to further streamline our engineering services, I'm proposing to reorganize the Development Services Department and Public Works Department.

Presently, Sanitary Services and the Marina function as independent Divisions within the General Fund. Given the ongoing financial challenges with the continued funding of programs in Sanitary Services and the improvement project for the Marina, I believe both Divisions would be better served with more oversight and guidance. Therefore I propose to have Sanitary Services and the Marina operate under the Development Services Department.

Similarly, the Engineering Services Division operates under the direction of the Development Services Department but works directly and daily on many projects with the Public Works Department. Therefore I propose to provide more efficiency by relocating the Engineering Services Division to the Public Works Facility and to have this Division become part of the Public Works Department.

I do not envision any significant cost impacts by initiating this reorganization. I do believe more administrative assistance in Sanitary Services and the Marina will benefit these critical services and the Public Works Department will be assisted with greater efficiencies of operation by having project engineers on site.

This reorganization proposal will become effective on January 5, 2009. Please let me know if you have any questions.

Jim Slowik

PROPOSED

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF OAK HARBOR TO AMEND THE 2009-2010 BIENNIAL BUDGET TO REFLECT THE ORGANIZATIONAL TRANSFER OF THE ENGINEERING SERVICES DIVISION FROM THE CURRENT EXPENSE FUND #001 TO THE FACILITY FUND #510 BY DECREASING THE APPROPRIATION AUTHORITY OF THE CURRENT EXPENSE FUND #001 BY THE NET AMOUNT OF $752,485.00, BY INCREASING THE APPROPRIATION AUTHORITY OF THE FACILITY FUND BY THE NET AMOUNT OF $752,485.00, AND BY APPROPRIATING $150,243.00 IN THE CURRENT EXPENSE FUND #001 FOR ANTICIPATED DEVELOPMENT ENGINEERING SERVICES TO BE PROVIDED TO THE CURRENT EXPENSE FUND BY THE FACILITY FUND #510.

WHEREAS, the Oak Harbor City Council adopted the 2009 – 2010 Biennial Budget on November 18, 2008; and

WHEREAS, the Current Expense portion of the adopted 2009-2010 Biennial Budget was adopted with the inclusion of the Engineering Services Division, as a division of the Development Services Department #38 found within the Current Expense Fund #001, with a total expenditure authority of $789,543.00; and

WHEREAS, per a memorandum from the Office of the Mayor dated October 31, 2008, a reorganization of the Engineering Services Division has been directed to provide move effective oversight, managerial guidance, and improve operating efficiencies between Engineering and the Public Works functions of the City; and

WHEREAS, per the Mayoral directive, effective January 2, 2009, the Engineering Services Division is relocated to the Public Works Facility and will become part of the Public Works Department. The office of the City Engineer will report directly to the office of the Public Works Director; and

WHEREAS, a budget amendment is required to reduce the total appropriation authority for Engineering operating and capital outlay costs from the Development Services Department #38 of the Current Expense Fund #001 by the fund total amount of $789,543.00; and

WHEREAS, of the $789,543.00 in appropriation authority thus released in the Current Expense Fund #001, $37,058.00 is hereby re-appropriated for managerial and support costs pertaining to planning and development activities that will remain within the Current Expense Fund #001. Accordingly, the net reduction in expenditures for the Current Expense Fund #001 in the amount of $752,485.00 will be transferred to the Facility Fund #510; and

WHEREAS, a budget amendment is required to increase the appropriation authority of the Facility Fund #510 in the amount of $752,485.00 to reflect the transfer-in of budgeted expenditures previously appropriated in the Current Expense Fund #001 for engineering services. The newly structured Engineering Services Division #20 of the Facility Fund #510 will become an Internal Service Function funded by interfund billings charged against those funds for which professional engineering services are provided; and

WHEREAS, a budget amendment is required to increase the appropriation authority of the Development Services Department of the Current Expense Fund #001 in the amount of $150,243.00 for anticipated expenditures for anticipated development related engineering services provided to the department by the Facility Fund #510.

WHEREAS, the City Council has given proper public notice and has held a public meeting on these amendments to the year 2009 budget; and

WHEREAS, the City Council, after holding the public meeting, has determined that amendment to the year 2009 City Budget is necessary;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAK HARBOR do ordain by a vote of one more than the majority of all members as follows:

Section 1: The 2009-2010 Biennial Budget as presented at the November 18, 2008 public hearing is hereby amended for expenditure year 2009 for the City of Oak Harbor. Set forth in the following table are the detailed changes effectively transferring the net appropriations of the Engineering Services Division from the Current Expense Fund #001 to the Facility Fund #510, and the resulting amended total appropriations balance for each fund:

Fund	Amendment Amount	
Current Expense Fund – Adopted		$15,667,241.00
Less: Reduction of appropriations for elimination of Engineering Department Budget	($789,543.00)	
Plus: Re-appropriation of Administrative support remaining in Current Expense Fund	$37,058.00	(752,485.00)
Current Expense – Amended		$14,914,756.00
Facility Fund – Adopted		$1,132,787.00
Plus: Appropriation of net Engineering budget	$752,485.00	752,485.00
Facility Fund – Amended		$1,885,272.00

Section 2: Set forth in the following table are the detailed changes to increase the expenditure authority of the Development Services Department in the Current Expense Fund #001 for anticipated development engineering services to be provided by the Facility Fund #510:

Fund	Amendment Amount	
Current Expense Fund – Amended		$14,914,756.00
Plus: Appropriation for projected expenditures to Facility Fund #510 for Engineering Services	$150,243.00	150,243.00
Current Expense – Amended		$15,064,999.00

Section 3: This ordinance shall be in full force and effect five days after publication.

PASSED by the City Council and approved by its Mayor this 3rd day of March, 2009.

The City of Oak Harbor

_____

Mayor

Attest:

_____

City Clerk

Approved As To Form:

_____

City Attorney

_____

Date published

City of Oak Harbor
City Council Agenda Bill

Bill No. 13
Date: March 3, 2009
Subject: Green Power Challenge

FROM: Cathy Rosen, Public Works Director

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

Jim Slowik, Mayor
Paul Schmidt, City Administrator
Doug Merriman, Finance Director
Margery Hite, City Attorney, as to form

SUMMARY STATEMENT:

Purpose: The purpose of this agenda item is to recommend that the City Council adopt Resolution No. 09-04 authorizing participating in the Whidbey Island Green Power Challenge and direct staff to purchase green power for the Seaplane Base Wastewater Treatment Plant and City Hall for 12 months. Future commitments to purchase green power will be determined after a review of the City budget and will be based on the availability of funds.

Description: The attached resolution authorizes the City of Oak Harbor's participation in the Whidbey Island Green Power Challenge and directs staff to purchase green power for the Seaplane Base Wastewater Treatment Plant and City Hall. A grant from the Northwest Clean Air Agency will cover 90-100% of the cost of the green power purchase. If the grant does not cover 100% of the cost, the balance will be paid for with savings from capital expenditures in the Wastewater Fund.

Purchasing green power is one step the City can take in furthering the actions outlined in the Resolution COG 01-08, A Resolution of the Island County Council of Governments Including the City of Oak Harbor, the City of Langley, the Town of Coupeville, Port District of South Whidbey, Port District of Coupeville and Island County in the Matter of Promoting a Low Impact, Traditionally-Northwest Two-Island Community by Encouraging a Reduction in Waste and Greenhouse Gas Emissions Through Government Operations and Community Education, as Well as Encouraging "Smart Growth" Rural and Urban Community Planning that Support These Goals.

By participating in the Whidbey Island Green Power Challenge, the City will take a leadership role in environmental stewardship by helping to reduce our dependence on fossil fuels and building a wider range of renewable energy sources in our region. City participation and support will raise community awareness about the benefits of green power so that it becomes readily available at a lower cost.

The Whidbey Island Green Power Challenge is tentatively scheduled to kick-off during the week of April 26, 2009 and will run through Labor Day (September 7) 2009. The goal is to increase the number of customers purchasing green power by 30% island-wide. If this goal is met, Puget Sound Energy will provide a grant in the amount of $20,000 to be used for a renewable energy project or projects on Whidbey Island.

STANDING COMMITTEE REVIEW:
This issue was presented and discussed at the February 5, 2009 Public Works & Utilities Standing Committee Meeting.

RECOMMENDED ACTION:
It is recommended that the City Council adopt Resolution No. 09-04 authorizing participation in the Whidbey Island Green Power Challenge and directing staff to purchase green power for the Seaplane Base Wastewater Treatment Plant and City Hall for 12 months. Future commitments to purchase green power will be determined after a review of the City budget and will be based on the availability of funds.

ATTACHMENTS:
Resolution No. 09-04

MAYOR'S COMMENT:

RESOLUTION NO. 09-04

A RESOLUTION ESTABLISHING A POLICY OF THE CITY OF OAK HARBOR TO PURCHASE GREEN POWER FOR THE SEAPLANE BASE WASTEWATER TREATMENT PLANT AND CITY HALL

WHEREAS, it is the belief of the City of Oak Harbor that it is government's responsibility to take a leadership role in environmental stewardship; and

WHEREAS, power from renewable sources plays an important role in balancing Washington State's need for energy with a desire to create a greener future for the Pacific Northwest; and

WHEREAS, purchasing green power is one step in fulfilling the sustainability goals adopted by the Oak Harbor City Council in a resolution of the Island County Council of Governments 01-08, including the City of Langley, the Town of Coupeville, Port District of South Whidbey, Port District of Coupeville and Island County, in the matter of promoting a low impact, traditionally northwest two-island community by encouraging a reduction in waste and greenhouse gas emissions through government operations and community education, as well as encouraging "smart growth" rural and urban community planning that support these goals; and

WHEREAS, the purchase of green power will help to reduce our dependence on fossil fuels and help to build a wider range of renewable energy sources in our region; and

WHEREAS, City participation in Whidbey Island Green Power Challenge will raise community awareness about the benefits of green power so that it becomes readily available and at a lower cost.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Oak Harbor as follows:

The City of Oak Harbor staff is hereby authorized and directed to purchase Green Power for the Seaplane Base Wastewater Treatment Plant and City Hall for a 12 month period in an amount not to exceed Nine Thousand Six Hundred Dollars ($9,600.00). This amount shall be offset by a grant anticipated from the Northwest Clean Air Agency and shall purchase approximately one million kilowatt hours. Future commitments to purchase green power will be determined after review of the City budget and will be dependent on available funding.

PASSED and APPROVED by the City Council this _____ day of _____, 2009.

CITY OF OAK HARBOR

_____
Jim Slowik, Mayor

ATTEST:

_____
City Clerk

APPROVED AS TO FORM:

_____

City Attorney

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City of Oak Harbor
City Council Agenda Bill

Bill No. 14
Date: March 3, 2009
Subject: SE Pioneer Way Improvements Design Services Agreement Approval

FROM: Cathy Rosen, Public Works Director
Eric Johnston, City Engineer

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

Jim Slowik, Mayor
Paul Schmidt, City Administrator
Doug Merriman, Finance Director
Margery Hite, City Attorney, as to form

SUMMARY STATEMENT:

Purpose:
This agenda bill requests approval of an engineering design and services agreement with Perteet Inc. for the SE Pioneer Way Improvements Project. The City Council is requested to authorize funding in the amount of $316,747.00 for Phase 1of the Agreement.

Background:
The improvement of SE Pioneer Way in the downtown core has been studied and evaluated over the course of a number of years. Most recently, a review of the Windjammer Plan by Beckwith Consulting outlined a substantial project that included beautification aspects, construction of plazas and other urban amenities. While there is no doubt that the improvements outlined in the previous studies would be of benefit, the lack of sufficient funds for the full beautification and revitalization project has been a significant hurdle. Consequently, there has been little progress moving the project beyond the planning level.

In the meantime, needed repairs to the infrastructure have been deferred in anticipation of a future improvement project. The condition of the existing infrastructure has continued to deteriorate as exemplified by the precipitous replacement of the water main in 2008 due to increase risk of failure. The condition of curb, gutter and sidewalk has deteriorated to the point where there is considerable ponding of storm water along the curbs as a result of vertical movement of the adjacent curb and sidewalk. The sidewalks present uneven footing for pedestrians. The sewer has deteriorated to the point where replacement or lining is necessary. Correction of these conditions alone, while not adding the beatification amenities, would go a long way toward improvement of the downtown image as well as improving pedestrian and vehicular safety and protecting existing infrastructure.

Prior planning studies for improving the "down town" streetscape have already defined the urban design concepts. What remains to be done is to evaluate the relative cost and functionality of the alternatives accepted by the City developed in previous studies with respect to traffic patterns, parking configurations, existing buildings, doorway threshold elevations, existing utility locations, evaluation of underground structures and availability of public right-of-way. In order to properly design the core infrastructure (water, sewer, storm drain and pedestrian facilities), the physical geometry of two-way traffic with either parallel or diagonal parking and one-way traffic eastbound with both parking alternatives needs to be established. In order to establish the geometrics and associated cost estimates, the parameters of actual existing right-of-way and geotechnical conditions are required. In other words, the significant and beneficial work of project planning as to form needs be expanded with the engineer's perspective on functionality.

Although some aspects of this type of engineering design work are within the expertise and capability of the City engineering staff, the scope of the project and the specialized expertise in right of way research and geotechnical engineering, for example, suggest that an outside consultant should be hired. As described below, staff have selected a qualified engineering design firm and negotiated a reasonable scope of work to take the project from the current planning stage through the engineering design and to construction.

Description:
Projects of this magnitude typically involve several stages of phases of development. While a more detailed description of the engineering work with each phase is included in the attached scope of work, the engineering for this project will proceed as follows:

Phase 1:
Phase 1 will evaluate two-way traffic patterns with parallel versus diagonal on street parking scenarios and one-way traffic with parallel parking. The major elements of work include the topographic survey, ROW delineation and needs assessment, underground storage tank and soil condition assessment, storm water design and engineering analysis of the three alternatives. As the current budget is focused mainly on the basic infrastructure, the alternatives at a minimum will provide for the reconstruction of sidewalk, curb, gutter and street section, as well as rehabilitation or replacement of sewer and storm water utilities. Additional features, such as decorative lighting, landscaping and other features that may be feasible within the currently established project budget will also be presented.

Phase 1 will result in a report that will identify costs associated with the three street geometric alternatives with associated improvements to curb, gutter, sidewalk, street section, possible overhead utility relocations and urban design/streetscape. At the conclusion of Phase 1, the City will choose the alternative that best meets the goals of the City while maintaining a reasonable budget. Once the alternative is chosen, the City Council will be asked to authorize funding for Phase 2 of the engineering design.

The scope for Phase 1 also includes time for the engineer to coordinate with the franchise utilities to explore the possibility of relocating the overhead utilities to underground. As funding for the utility relocation is not currently included in the project budget, additional funding may be necessary to pay for the City's share of the relocation. The decision point on whether or not to move the overhead power lines underground will occur when the preferred alternative is selected and authorization of funding for Phase 2 of the design work is considered by the Council.

Phase 2:
Phase 2 is largely the development of the plans, specifications and contract documents, together with the necessary permitting needed to get the project ready to advertise for competitive bidding. As currently scoped, the Phase 2 work assumes that the funding is entirely local funds. The work by the engineer during this phase leads up to Council consideration of a contract award.

Along with the preparation of the engineering plan, a key element of work in this phase will be consideration of a detailed construction scheduling and phasing plan.

Phase 3:
Phase 3 is the construction engineering and assistance in construction management that is needed during the construction phase. While it is expected the City staff will perform the majority of the day-to-day construction management activities, it is appropriate to retain the design engineer of record through the construction activities to deal with changes that arise.

While the work is scoped and the funding is planned based on these phases, the contract is written with a completion date that anticipates all three phases being done by Perteet, Inc. Accordingly, estimates of the cost for Phase 2 and Phase 3 were included with the scope of work as currently defined. It is expected, however, that some modification to the scope and the corresponding fee will be necessary as each phase is authorized by the Council. Currently, using the attached scope, the contract limit for all three phases is expected to cost $619,114.00.

Amount of Contract:
The proposed contract for engineering, right of way and other services for the SE Pioneer Way Improvement Project includes a not to exceed limit of $619,114.00, for all three phases. Authorization of $316,747.00 for Phase 1 is being requested at this time. Phases 2 and 3 will require additional authorizations by the Council prior to proceeding. The standard City of Oak Harbor Consultant Agreement (hourly) will be used. The contract, if approved by Council, will be in effect through March 2011 (2 years from Council approval). However, there are intermediate deadlines and milestones for individual deliverables associated with each task and phase detailed in the scope of work.

Funding:
Funding for the project is included in the Arterial Streets, Fund 104, 2007-2008 Budget. Specifically, the budget includes $4,500,000.00 which is a combination of $3,500,000.00 in Real

Estate Excise Taxes (REET) and a $1,000,000.00 Island County Economic Development Project. Staff are working with several State and Federal Agencies to identify outside funding sources that could be used to either offset City funds or to supplement the project budget to pay for elements not currently included in the project scope, such as relocation of the overhead utilities. It is also expected that staff will develop a supplemental budget proposal to include wastewater utility funds (and possible other fund sources) to pay for rehabilitation or replacement of the sewer lines. Staff will present possible funding alternatives concurrent with the authorization of future phases of the design services contract.

Selection Process:
In accordance with Ch. 2.350 OHMC and Ch. 39.80 RCW on the selection of consultants, the process began with an advertised Request For Qualifications (RFQ) for engineering and architectural teams with experience in similar projects. More than twenty qualified engineering firms and teams submitted statements of qualifications. The submittals were evaluated and ranked by staff with the top five firms being subsequently invited to submit proposals for the project. The five formal proposals were ranked by staff according to the criteria set out in the Request For Proposals (RFP). The rankings of three of the five proposals were close enough that interviews were held by staff with those firms. Perteet Inc., was ranked highest in the combined score of the written proposal and the interview, and negotiations of price and scope were initiated. Staff reviewed the proposed scope of work and fee, and found that the scope meets the City's needs and that the fee is both commensurate with the work and consistent with the engineering market in accordance with Ch. 2.350 OHMC and Ch. 39.80 RCW - Contracts for Architectural and Engineering Services.

Justification:
The SE Pioneer Way Improvement Project is necessary to replace substandard and deteriorating infrastructure on SE Pioneer Way and improve traffic and pedestrian safety. An engineering design consultant is necessary due to the scope and nature of the work.

STANDING COMMITTEE REVIEW
This item was presented to the Public Works and Utilities Standing Committee on February 5, 2009 and the General Government Committee on February 9, 2009.

RECOMMENDED ACTION:
Authorize the Mayor to sign the agreement with Perteet Inc. and authorize $316,747.00 for the Phase 1 engineering and design services for the SE Pioneer Way Improvement Project.

ATTACHMENTS:
Consultant Agreement

MAYOR'S COMMENTS:

CITY OF
Oak Harbor
WHIDBEY ISLAND, WASHINGTON

CITY OF OAK HARBOR CONSULTANT AGREEMENT WITH PERTEET INC.

PROJECT TITLE:	**SE PIONEER WAY IMPROVEMENT PROJECT ENGINEERING SERVICES**
PROJECT COMPLETION DATE:	**JUNE 1, 2010**
MAXIMUM AMOUNT PAYABLE:	**$619,114.00**

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CONSULTANT CONTRACT
Heading

I. INSTRUCTIONS

This contract must be completed in full, including all applicable exhibits. If an exhibit is not applicable, it should be marked "VOID".

Any changes or additions to this contract must be made in writing and set forth below. (The parties may attach appendices and exhibits to this contract but they **must** be listed in Section IV below.) Any exceptions or changes to the general requirements must be listed in Section IX of the contract.

II. CONSULTANT INFORMATION

Name: Perteet Inc.

Address: 2707 Colby Avenue, Suite 900, Everett, WA 98201

Telephone/Fax No.: (42%) 252-7700

Federal ID No.:

Do you require a 1099 for the IRS?

III. PROJECT INFORMATION

Project Title: SE Pioneer Way Improvement Project Engineering Services

Project Description: Provide Engineering and Design Services for the reconstruction and improvement of SE Pioneer Way between City Beach Street and Midway Street

Project Completion Date: June 1, 2010
Maximum Amount Payable: $619,114
Progress Payments: Monthly as Invoiced

IV. ADDITIONAL DOCUMENTS ADDED TO THIS CONTRACT

. Scope of Services dated February 18, 2009 (Exhibit B), Exhibits D1 and D2

AGREEMENT

V. INTRODUCTION

THIS AGREEMENT, made and entered into this _____ day of _____, _____, between the City of Oak Harbor, Washington, hereinafter called the "CITY", and the below identified organization hereinafter called the "CONSULTANT" consists of this agreement, the exhibits and the General Requirements attached hereto.

WITNESSETH THAT:

WHEREAS, the CITY desires to accomplish the above-referenced project, and

WHEREAS, the CITY does not have sufficient staff to meet the required commitment and, therefore, deems it advisable and desirable to engage the assistance of a CONSULTANT to provide the necessary services for the PROJECT; and

WHEREAS, the CONSULTANT represents that he/she is in compliance with the Washington State statutes relating to professional registration, if applicable, and has signified a willingness to furnish consulting services to the CITY;

NOW, THEREFORE, in consideration of the terms, conditions, covenants and performance contained herein, or attached and incorporated and made a part hereof, the parties hereto agree as follows:

VI. GENERAL DESCRIPTION OF WORK

The work under this AGREEMENT shall consist of the work and services described in Section III of this AGREEMENT and as herein defined and necessary to accomplish the completed work for this PROJECT. The CONSULTANT shall furnish all services, labor and related equipment necessary to conduct and complete the work as designated elsewhere in this AGREEMENT.

VII. SCOPE OF WORK

The Scope of Work and project level of effort for this project is detailed in Exhibit "B" attached hereto, and by this reference made a part of this AGREEMENT.

VIII. PAYMENT

The CONSULTANT shall be paid by the CITY for completed work and services rendered under this AGREEMENT on the basis of a negotiated hourly rate plus costs as provided in Exhibit "C" attached hereto, and by this reference made part of this AGREEMENT. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work specified in Exhibit "B" attached hereto and by this reference made part of this AGREEMENT; except for out of pocket costs as identified in Exhibit "C".

IX. CERTIFICATION OF THE CONSULTANT AND THE CITY

Attached hereto as Exhibit "A-1" is the Certification of the Consultant and Certification of City Official. Exhibit "A-2" is the Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions.

X. COMPLETE AGREEMENT

This document and referenced attachments contain all covenants, stipulations and provisions agreed upon by the parties. No agent or representative of either party has authority to make, and the parties shall not be bound by or be liable for, any statement, representation, promise or agreement not set forth herein. No changes, amendments, or modifications of the terms hereof shall be valid unless reduced to writing and signed by the parties as an amendment to this AGREEMENT.

XI. GENERAL REQUIREMENTS

The General Requirements for Consulting Contract, on file in the City Clerk's Office at Oak Harbor City Hall, a copy of which is attached hereto, shall apply to this AGREEMENT except as modified in this Section XI (General Requirements). The CONSULTANT has assured that the attached copy of the General Requirements conforms to the set filed in the City Clerk's Office.

NO EXCEPTIONS

General provisions are modified to provide that "CONSULTANT shall provide period reports as required and not necessarily on a monthly basis."

XII. EXECUTION AND ACCEPTANCE

This AGREEMENT may be simultaneously executed in several counterparts, each of which shall be deemed to be an original having identical legal effect. The CONSULTANT does hereby ratify and adopt all statements, representations, warranties, covenants, and agreements contained in the proposal, and the supporting materials submitted by the CONSULTANT, and does hereby accept the AGREEMENT and agrees to all of the terms and conditions thereof.

IN WITNESS WHEREOF, the parties hereto have executed this AGREEMENT as of the day and year first above written.

By_____ By_____
Consultant:_____ Agency:_____
Principal

I, _____, Consultant, certify under penalty of perjury under the laws of the State of Washington that this copy of the General Requirements for Consultant Contract conform to the set filed in the Clerk's Office.

Dated:_____ _____

By_____

GENERAL REQUIREMENTS

1. MISCELLANEOUS PROVISIONS

All aspects of coordination of the work of this AGREEMENT, with outside agencies, groups or individuals shall receive advance approval by the CITY. Necessary contacts and meetings with agencies, groups or individuals shall be coordinated through the CITY.

The CONSULTANT shall attend coordination, progress and presentation meetings with the CITY or such officials, groups or individuals as may be requested by the CITY. The CITY will provide the CONSULTANT sufficient notice prior to meetings requiring CONSULTANT's participation. The minimum number of hours or days notice required shall be agreed to between the CITY and the CONSULTANT and shown in Exhibit "B" attached hereto and made part of this AGREEMENT. The CONSULTANT shall prepare a monthly progress report as needed by the CITY (but in no case shall it be more than once a month), in a form approved by the CITY, that will outline in written and graphical form the various phases and the order of performance of the work in sufficient detail so that the progress of the work can easily be evaluated.

All reports and other data, furnished to the CONSULTANT by the CITY shall be returned. All designs, drawings, specifications, documents, and other work products prepared by the CONSULTANT prior to completion or termination of this AGREEMENT are instruments of service for this PROJECT and are property of the CITY. Reuse by the CITY or by others acting through or on behalf of the CITY of any such instruments of service, not occurring as part of this PROJECT, shall be without liability or legal exposure to the CONSULTANT.

2. TIME FOR BEGINNING AND COMPLETION

The CONSULTANT shall not begin any work under the terms of this AGREEMENT until authorized in writing by the CITY. All work under this AGREEMENT shall be completed by the date shown in Section III of this AGREEMENT under "Project Completion Date".

The established completion time shall not be extended because of any delays attributable to the CONSULTANT, but may be extended by the CITY, in the event of a delay attributable to the CITY, or because of unavoidable delays caused by an act of God, governmental actions or other conditions beyond the control of the CONSULTANT. A prior supplemental agreement issued by the CITY is required to extend the established completion date.

3. SUBCONTRACTING

The CITY permits subcontracts for only those items of work designated for subcontracts in Exhibit "G-1" or "G-2" to this AGREEMENT.

The work of the subconsultant shall not exceed its maximum amount payable unless prior written approval has been issued by the CITY.

All reimbursable direct labor, overhead, direct non-salary costs and fixed fee costs for the subconsultant shall be substantiated in the same manner as outlined in Section VIII. All subcontracts exceeding Ten Thousand Dollars ($10,000.00) in cost shall contain all applicable provisions of this AGREEMENT.

The CONSULTANT shall not subcontract for the performance of any work under this AGREEMENT without prior written permission of the CITY. No permission for subcontracting shall create, between the CITY and subcontractor, any contract or any other relationship.

4. EMPLOYMENT

The CONSULTANT warrants that he/she has not employed or retained any company or person, other than a bona fide employee working solely for the CONSULTANT, to solicit or secure this contract, and that it has not paid or agreed to pay any company or person, other than a bona fide employee working solely for the CONSULTANT, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or making of this contract. For breach or violation of this warrant, the CITY shall have the right to annul this AGREEMENT without liability, or in its discretion, to deduct from the AGREEMENT price or consideration or otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

Any and all employees of the CONSULTANT or other persons while engaged in the performance of any work or services required of the CONSULTANT under this AGREEMENT, shall be considered employees of the CONSULTANT only and not of the CITY, and any and all claims that may or might arise under any Workers' Compensation Act on behalf of said employees or other persons while so engaged, and any and all claims made by a third party as a consequence of any act or omission on the part of the CONSULTANT's employees or other persons while so engaged on any of the work or services provided to be rendered herein, shall be the sole obligation and responsibility of the CONSULTANT.

The CONSULTANT shall not engage, on a full or part time basis, or other basis, during the period of the contract, any professional or technical personnel who are, or have been, at any time during the period of the contract, in the employ of the CITY, except regularly retired employees, without written consent of the public employer of such person.

5. NONDISCRIMINATION

The CONSULTANT agrees not to discriminate against any client, employee or applicant for employment or for services because of race, creed, color, national origin, marital status, sexual orientation, sex, age, honorably discharged veteran or military status, or the presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a person with a disability; unless based upon a bona fide occupational qualification; with regard to, but not limited to, the following: employment upgrading, demotion or transfer, recruitment or any recruitment advertising, a layoff or termination, rate of pay or other forms of compensation, selection for training, or rendition of services. The CONSULTANT understands and agrees that if it violates this provision, this AGREEMENT may be terminated by the CITY and further that

the CONSULTANT shall be barred from performing any services for the CITY now or in the future unless a showing is made satisfactory to the CITY that discriminatory practices have terminated and that recurrence of such action is unlikely.

During the performance of this AGREEMENT, CONSULTANT, for itself, its assignees and successors in interest agrees as follows:

A. **COMPLIANCE WITH REGULATIONS:** The CONSULTANT shall comply with the applicable federal law relative to nondiscrimination, Title 49, Code of Federal Regulations, which are herein incorporated by reference and made a part of this AGREEMENT. The CONSULTANT shall comply with the Americans with Disabilities Act of 1992, as amended.

B. **INFORMATION AND REPORTS:** The CONSULTANT shall provide all information and reports required by the CITY and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the CITY to be pertinent to ascertain compliance with such state or federal law. Where any information required of the CONSULTANT is in the exclusive possession of another who fails or refuses to furnish this information, the CONSULTANT shall so certify to the CITY, and shall set forth what efforts it has made to obtain the information.

C. **SANCTIONS FOR NONCOMPLIANCE:** In the event of the CONSULTANT's noncompliance with the nondiscrimination provisions of this AGREEMENT, the CITY shall impose such sanctions as it may determine to be appropriate, including, but not limited to:

(1) Withholding of payments to the CONSULTANT under the AGREEMENT until the CONSULTANT complies, and/or

(2) Cancellation, termination or suspension of the AGREEMENT, in whole or in part.

D. **INCORPORATION OF PROVISIONS:** The CONSULTANT shall include the provisions of paragraphs (A) through (E) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Regulations or directives issued pursuant thereto. The CONSULTANT shall take such action with respect to any subconsultant or procurement as the CITY may direct as a means of enforcing such provisions including sanctions for noncompliance; provided, however, that, in the event a CONSULTANT becomes involved in, or is threatened with, litigation with a subconsultant or supplier as a result of such direction, the CONSULTANT may request the CITY to enter into such litigation to protect the interests of the CITY.

E. **UNFAIR EMPLOYMENT PRACTICES:** The CONSULTANT shall comply with RCW 49.60.180 and Executive Order number E.O. 77-13 of the Governor of the State of Washington which prohibits unfair employment practices.

6. TERMINATION OF AGREEMENT

The right is reserved by the CITY to terminate this AGREEMENT at any time upon ten (10) days' written notice to the CONSULTANT.

In the event this AGREEMENT is terminated by the CITY other than for default on the part of the CONSULTANT, a final payment shall be made to the CONSULTANT as shown in Exhibit "F".

No payment shall be made for any work completed after ten (10) days following receipt by the CONSULTANT of the Notice to Terminate. If the accumulated payment made to the CONSULTANT prior to Notice to Terminate exceeds the total amount that would be due, computed as set forth herein above, then no final payment shall be due and the CONSULTANT shall immediately reimburse the CITY for any excess paid.

If the services of the CONSULTANT are terminated by the CITY for default on the part of the CONSULTANT, the above formula for payment shall not apply. In such an event, the amount to be paid shall be determined by the CITY with consideration given to the actual costs incurred by the CONSULTANT in performing the work to the date of termination, the amount of work originally required which was satisfactorily completed to date of termination, whether that work is in a form or a type which is usable to the CITY at the time of termination; the cost to the CITY of employing another firm to complete the work required and the time which may be required to do so, and other factors which affect the value to the CITY of the work performed at the time of termination. Under no circumstances shall payment made under this subsection exceed the amount which would have been made using the formula set forth in the previous paragraph.

If it is determined for any reasons that the CONSULTANT was not in default or that the CONSULTANT's failure to perform is without it or its employee's fault or negligence, the termination shall be deemed to be a termination for the convenience of the CITY in accordance with the provision of this AGREEMENT.

In the event of death of any member, partner or officer of the CONSULTANT or any of its supervisory personnel assigned to the project, or, dissolution of the partnership, termination of the corporation, or disaffiliation of the principally involved employee, the surviving members of the CONSULTANT hereby agree to complete the work under the terms of this AGREEMENT, if requested to do so by the CITY. This subsection shall not be a bar to renegotiation of the AGREEMENT between the surviving members of the CONSULTANT and the CITY, if the CITY so chooses.

In the event of the death of any of the parties listed in the previous paragraph, should the surviving members of the CONSULTANT, with the CITY's concurrence, desire to terminate this AGREEMENT, payment shall be made as set forth in the second paragraph of this section.

Payment for any part of the work by the CITY shall not constitute a waiver by the CITY of any remedies of any type it may have against the CONSULTANT, or for failure of the

CONSULTANT to perform work required of it by the CITY. Forbearance of any rights under the AGREEMENT will not constitute waiver of entitlement to exercise those rights with respect to any future act or omission by the CONSULTANT.

7. CHANGES OF WORK

The CONSULTANT shall make changes and revisions in the complete work of this AGREEMENT as necessary to correct errors appearing therein, when required to do so by the CITY, without additional compensation thereof. Should the CITY find it desirable for its own purposes to have previously satisfactorily completed work or parts thereof changed or revised, the CONSULTANT shall make such revisions as directed by the CITY. This work shall be considered as Extra Work and will be paid for as herein provided under General Requirements, Section 13.

8. DISPUTES

Any dispute concerning questions of fact in connection with the work not disposed of by AGREEMENT between the CONSULTANT and the CITY shall be referred for determination to the City Administrator or his/her designee, whose decision in the matter shall be final and binding on the parties of this AGREEMENT, provided, however, that if an action is brought challenging the Public Works Superintendent or City Engineer's decision, that decision shall be subject to de novo judicial review.

9. VENUE, APPLICABLE LAW AND PERSONAL JURISDICTION

In the event that either party deems it necessary to institute legal action or proceedings to enforce any right or obligation under this AGREEMENT, the parties hereto agree that any such action shall be initiated in the Superior Court of the State of Washington, situated in Island County. The parties hereto agree that all questions shall be resolved by application of Washington law and that the parties to such action shall have the right of appeal from such decisions of the Superior Court in accordance with the laws of the State of Washington. The CONSULTANT hereby consents to the personal jurisdiction of the Superior Court of the State of Washington, situated in Island County.

10. LEGAL RELATIONS AND INSURANCE

A. The CONSULTANT shall comply with all Federal, State, and local laws and ordinances applicable to the work to be done under this AGREEMENT. This AGREEMENT shall be interpreted and construed in accordance with the laws of Washington.

B. The CONSULTANT's relation to the CITY shall be at all times as an independent contractor and not as an employee.

C. Unless otherwise specified in the AGREEMENT, the CITY shall be responsible for administration of construction contracts, if any, on the project. Subject to the processing of an acceptable, supplemental agreement, the CONSULTANT shall provide on-call

assistance to the CITY during contract administration. By providing such assistance, the CONSULTANT shall assume no responsibility for: proper construction techniques, job site safety, or any construction contractor's failure to perform its work in accordance with the contract documents.

D. The CITY will pay no payments under Section VIII "Payments" until the CONSULTANT has fully complied with this section. This remedy is not exclusive; and the CITY may take such other action as is available to them under other provisions of this AGREEMENT, or otherwise in law.

11. INDEMNIFICATION REQUIREMENTS

Indemnification/Hold Harmless. CONSULTANT shall defend, indemnify and hold the CITY, its officers, officials, employees and volunteers harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or resulting from the acts, errors or omissions of the CONSULTANT in performance of this AGREEMENT, except for injuries and damages caused by the sole negligence of the CITY.

Notwithstanding the provisions of the preceding paragraph, it is understood and mutually agreed by the CONSULTANT and the CITY that neither party will attempt to enforce strict liability for any act, error or omission against either party and that the work covered under this AGREEMENT will be completed by the CONSULTANT with the standard of care of the ENGINEERING profession in the State of Washington.

Should a court of competent jurisdiction determine that this AGREEMENT is subject to RCW 4.24.115, then, in the event of liability for damages arising out of bodily injury to persons or damages to property caused by or resulting from the concurrent negligence of the CONSULTANT and the CITY, its officers, officials, employees, and volunteers, the CONSULTANT's liability hereunder shall be only to the extent of the CONSULTANT's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the CONSULTANT's waiver of immunity under Industrial Insurance, Title 51 RCW, solely for the purposes of this indemnification. This waiver has been mutually negotiated by the parties. The provisions of this section shall survive the expiration or termination of this AGREEMENT.

12. INSURANCE.

The CONSULTANT shall procure and maintain for the duration of this AGREEMENT, insurance claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by the CONSULTANT, its agents, representatives or employees.

A. **No Limitation.** CONSULTANT's maintenance of insurance as required by the AGREEMENT shall not be construed to limit the liability of the CONSULTANT 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**. CONSULTANT shall obtain insurance of the types described below:

1. Automobile Liability insurance covering all owned, non-owned, hired and leased vehicles. Coverage shall be written on Insurance Services Office (ISO) form CA 00 01 or a substitute form providing equivalent liability coverage. If necessary, the policy shall be endorsed to provide contractual liability coverage.

2. Commercial General Liability insurance shall be written on ISO occurrence form CG 00 01 and shall cover liability arising from premises, operations, independent contractors and personal injury and advertising injury. The CITY shall be named as an insured under the CONSULTANT's Commercial General Liability insurance policy with respect to the work performed for the CITY.

3. Workers' Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

4. Professional Liability insurance appropriate to the CONSULTANT's profession.

C. **Minimum Amounts of Insurance**. CONSULTANT shall maintain the following insurance limits:

1. Automobile Liability insurance with a minimum combined single limit for bodily injury and property damage of One Million Dollars ($1,000,000.00) per accident.

2. Commercial General Liability insurance shall be written with limits no less than One Million Dollars ($1,000,000.00) each occurrence, Two Million Dollars ($2,000,000.00) general aggregate.

3. Professional Liability insurance shall be written with limits not less than One Million Dollars ($1,000,000.00) per claim and One Million Dollars ($1,000,000.00) policy aggregate limit.

D. **Other Insurance Provisions**. The insurance policies are to contain, or be endorsed to contain, the following provisions for Automobile Liability, Professional Liability and Commercial General Liability insurance:

1. The CONSULTANT's insurance coverage shall be primary insurance with respect to the CITY. Any insurance, self-insurance, or insurance pool coverage maintained by the CITY shall be in excess of the CONSULTANT's insurance and shall not contribute with it.

2. The CONSULTANT's insurance shall be endorsed to state that coverage shall not be cancelled by either party, except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to the CITY.

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**. CONSULTANT 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 CONSULTANT before commencement of the work.

13. EXTRA WORK

A. The CITY may at any time, by written order, make changes within the general scope of the AGREEMENT in the services to be performed.

B. If any such change causes an increase or decrease in the estimated cost of, or the time required for, performance of any part of the work under this AGREEMENT, whether or not changed by the order, or otherwise affects any other terms and conditions of the AGREEMENT, the CITY shall make an equitable adjustment in the (1) maximum amount payable; (2) delivery or completion schedule, or both; and (3) other affected terms and shall modify the AGREEMENT accordingly. If the change causes an increase in the maximum amount payable, it shall not become a part of this AGREEMENT unless and until a written amendment to the AGREEMENT is executed by both the CITY and the CONSULTANT.

C. The CONSULTANT must submit its "request for equitable adjustment" (hereafter referred to as "claim") under this clause within thirty (30) days from the date of receipt of the written order. However, if the CITY decides that the facts justify it, the CITY may receive and act upon a claim submitted before final payment of the AGREEMENT.

D. Failure to agree to any adjustment shall be a dispute under the Disputes clause. However, nothing in this clause shall excuse the CONSULTANT from proceeding with the AGREEMENT as changed.

E. Notwithstanding the terms and conditions of paragraphs (A) and (B) above, the maximum amount payable for this AGREEMENT shall not be increased or considered to be increased except by specific written supplement to this AGREEMENT.

14. ENDORSEMENT OF PLANS

The CONSULTANT shall place his endorsement on all plans, estimates or any other engineering data furnished by him.

15. EQUAL OPPORTUNITY

A. Compliance with 41 CFR 60-1.4 -- Equal Opportunity Clause. The CITY incorporates 41 CFR 60-1.4 -- Equal Opportunity Clause by reference.

B. Compliance with 41 CFR 60-250.5 -- Equal Opportunity Clause (Special Disabled Veterans).

1. The CONSULTANT will not discriminate against any employee or applicant for employment because he or she is a special disabled veteran, veteran of the Vietnam era, recently separated veteran, or other protected veteran in regard to any position for which the employee or applicant for employment is qualified. The CONSULTANT agrees to take affirmative action to employ, advance in employment and otherwise treat qualified individuals without discrimination based on their status as a special disabled veteran, veteran of the Vietnam era, recently separated veteran, or other protected veteran in all employment practices, including the following:

   i. Recruitment, advertising, and job application procedures;

   ii. Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring;

   iii. Rates of pay or any other form of compensation and changes in compensation;

   iv. Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

   v. Leaves of absence, sick leave, or any other leave;

   vi. Fringe benefits available by virtue of employment, whether or not administered by the CONSULTANT;

   vii. Selection and financial support for training, including apprenticeship, and on-the-job training under 38 U.S.C. 3687, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

   viii. Activities sponsored by the CONSULTANT including social or recreational programs; and

   ix. Any other term, condition, or privilege of employment.

2. The CONSULTANT agrees to immediately list all employment openings which exist at the time of the execution of this AGREEMENT and those which occur during the performance of this AGREEMENT, including those not generated by this AGREEMENT and including those occurring at an establishment of the CONSULTANT other than the one wherein the AGREEMENT is being performed, but excluding those of independently operated corporate affiliates, at an appropriate local employment service office of the state employment security agency wherein the opening occurs. Listing employment openings with the U.S. Department of Labor's America's Job Bank shall satisfy the requirement to list jobs with the local employment service office.

3. Listing of employment openings with the local employment service office pursuant to this clause shall be made at least concurrently with the use of any other recruitment source or effort and shall involve the normal obligations which attach to the placing of a bona fide job order, including the acceptance of referrals of veterans and nonveterans. The listing of employment openings does not require the hiring of any particular job applicants or from any particular group of job applicants, and nothing herein is intended to relieve the CONSULTANT from any requirements in Executive orders or regulations regarding nondiscrimination in employment.

4. Whenever the CONSULTANT becomes contractually bound to the listing provisions in paragraphs 2 and 3 of this clause, it shall advise the state employment security agency in each state where it has establishments of the name and location of each hiring location in the state: Provided, That this requirement shall not apply to state and local governmental CONSULTANTS. As long as the CONSULTANT is contractually bound to these provisions and has so advised the state agency, there is no need to advise the state agency of subsequent AGREEMENTS. The CONSULTANT may advise the state agency when it is no longer bound by this AGREEMENT clause.

5. The provisions of paragraphs 2 and 3 of this clause do not apply to the listing of employment openings which occur and are filled outside of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands.

6. As used in this clause:

   i. All employment openings include all positions except executive and top management, those positions that will be filled from within the CONSULTANT's organization, and positions lasting three (3) days or less. This term includes full-time employment, temporary employment of more than (3) three days' duration, and part-time employment.

ii. Executive and top management means any employee:

(a) whose primary duty consists of the management of the enterprise in which he or she is employed or of a customarily recognized department or subdivision thereof; and

(b) who customarily and regularly directs the work of two (2) or more other employees therein; and

(c) who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

(d) who customarily and regularly exercises discretionary powers; and

(e) who does not devote more than twenty percent (20%), or, in the case of an employee of a retail or service establishment who does not devote as much as forty percent (40%), of his or her hours of work in the work week to activities which are not directly and closely related to the performance of the work described in (a) through (d) of this paragraph 6.ii.; Provided, that (e) of this paragraph 6.ii. shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment, or who owns at least a twenty percent (20%) interest in the enterprise in which he or she is employed.

iii. Positions that will be filled from within the CONSULTANT's organization means employment openings for which no consideration will be given to persons outside the CONSULTANT's organization (including any affiliates, subsidiaries, and parent companies) and includes any openings which the contractor proposes to fill from regularly established "recall" lists. The exception does not apply to a particular opening once an employer decides to consider applicants outside of his or her own organization.

7. The CONSULTANT agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

8. In the event of the CONSULTANT's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the Act.

9. The CONSULTANT agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Deputy Assistant Secretary for Federal Contract Compliance, provided by or through the contracting officer. Such notices shall state the rights of applicants and employees as well as the CONSULTANT's obligation under the law to take affirmative action to employ and advance in employment qualified employees and applicants who are special disabled veterans, veterans of the Vietnam era, recently separated veterans, or other protected veterans. The CONSULTANT must ensure that applicants or employees who are special disabled veterans are informed of the contents of the notice (e.g., the CONSULTANT may have the notice read to a visually disabled individual, or may lower the posted notice so that it might be read by a person in a wheelchair).

10. The CONSULTANT will notify each labor organization or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the CONSULTANT is bound by the terms of the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, and is committed to take affirmative action to employ and advance in employment qualified special disabled veterans, veterans of the Vietnam era, recently separated veterans, and other protected veterans.

11. The CONSULTANT will include the provisions of this clause in every subcontract or purchase order of Twenty-five Thousand Dollars ($25,000.00) or more, unless exempted by the rules, regulations, or orders of the Secretary issued pursuant to the Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended, so that such provisions will be binding upon each subcontractor or vendor. The CONSULTANT will take such action with respect to any subcontract or purchase order as the Deputy Assistant Secretary for Federal Contract Compliance may direct to enforce such provisions, including action for noncompliance.

C. Compliance with 41 CFR 60-741.5 -- Equal Opportunity Clause (Workers with Disabilities).

1. The CONSULTANT will not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The CONSULTANT agrees to take affirmative action to employ, advance in employment and otherwise treat qualified individuals with disabilities without discrimination based on their physical or mental disability in all employment practices, including the following:

   i. Recruitment, advertising, and job application procedures;

ii. Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, termination, right of return from layoff and rehiring;

iii. Rates of pay or any other form of compensation and changes in compensation;

iv. Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;

v. Leaves of absence, sick leave, or any other leave;

vi. Fringe benefits available by virtue of employment, whether or not administered by the CONSULTANT;

vii. Selection and financial support for training, including apprenticeship, professional meetings, conferences, and other related activities, and selection for leaves of absence to pursue training;

viii. Activities sponsored by the CONSULTANT including social or recreational programs; and

ix. Any other term, condition, or privilege of employment.

2. The CONSULTANT agrees to comply with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the act.

3. In the event of the CONSULTANT's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with the rules, regulations, and relevant orders of the Secretary of Labor issued pursuant to the act.

4. The CONSULTANT agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the Deputy Assistant Secretary for Federal Contract Compliance Programs, provided by or through the contracting officer. Such notices shall state the rights of applicants and employees as well as the CONSULTANT's obligation under the law to take affirmative action to employ and advance in employment qualified employees and applicants with disabilities. The CONSULTANT must ensure that applicants and employees with disabilities are informed of the contents of the notice (e.g., the contractor may have the notice read to a visually disabled individual, or may lower the posted notice so that it might be read by a person in a wheelchair).

5. The CONSULTNAT will notify each labor organization or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the contractor is bound by the terms of section 503 of the Rehabilitation Act of 1973, as amended, and is committed to take affirmative

action to employ and advance in employment individuals with physical or mental disabilities.

6. The CONSULTANT will include the provisions of this clause in every subcontract or purchase order in excess of Ten Thousand Dollars ($10,000.00), unless exempted by rules, regulations, or orders of the Secretary issued pursuant to section 503 of the act, as amended, so that such provisions will be binding upon each subcontractor or vendor. The CONSULTANT will take such action with respect to any subcontract or purchase order as the Deputy Assistant Secretary for Federal Contract Compliance Programs may direct to enforce such provisions, including action for noncompliance.

EXHIBIT A-1
CERTIFICATION OF CONSULTANT

Project No. _____

I hereby certify that I am _____ a duly authorized representative of the firm of _____ whose address is _____ and that neither I nor the above firm I here represent has:

(a) employed or retained for a commission, percentage, brokerage, contingent fee or other consideration, any firm or person (other than a bona fide employee working solely for me or the above CONSULTANT) to solicit or secure this contract.

(b) agreed, as an express or implied condition for obtaining this contract, to employ or retain the services of any firm or person in connection with carrying out the contract.

(c) paid, or agreed to pay, to any firm, organization or person (other than a bona fide employee working solely for me or the above CONSULTANT) any fee, contribution, donation or consideration of any kind for, or in connection with procuring or carrying out the contract; except as here expressly stated (if any).

I further certify that the firm I here represent is authorized to do business in the State of Washington and that the firm is in full compliance with the requirements of the Board of Professional Registration.

I acknowledge that this certificate is subject to applicable State and Federal laws, both criminal and civil.

_____ _____

Date Signature

CERTIFICATION OF CITY OFFICIAL

I hereby certify that I am the responsible City official for the City of Oak Harbor, Washington, for this AGREEMENT and that the above consulting firm or its representative has not been required directly or indirectly as an express or implied condition in connection with obtaining or carrying out this contract to:

(a) employ or retain, or agree to employ or retain, any firm or person; or

(b) pay or agree to pay to any firm, person or organization, any fee, contribution, donation or consideration of any kind, except as here expressly stated (if any).

I acknowledge that this certificate is subject to applicable State and Federal laws, both criminal and civil.

Date

Signature

EXHIBIT A-2
CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS- PRIMARY COVERED TRANSACTIONS

1. The CONSULTANT, through the prospective primary participant, certifies to the best of its knowledge and belief, that it and its principals:

   a. are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any State or Federal department or city;

   b. have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission or fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

   c. are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state or local) with commission of any of the offenses enumerated in paragraph 1.b. of this certification; and

   d. have not within a three-year period preceding this application/proposal had one or more public transactions (federal, state or local) terminated for cause or default.

2. Where the CONSULTANT, through the prospective primary participant, is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

Consultant (Firm): _____

_____
Date

_____
President or Authorized Official or
Consultant Signature

EXHIBIT B

Scope of Services

Revised: 18 February 2009

CITY OF OAK HARBOR
SE PIONEER WAY IMPROVEMENT PROJECT

During the term of the Contract, Perteet Inc. (CONSULTANT) will perform civil engineering and related services for the City of Oak Harbor (CITY), as detailed in the following:

INTRODUCTION

The CITY proposes to complete a street improvement project in the historic downtown along SE Pioneer Way between City Beach Street and Midway Boulevard. This includes the services for surveying, right-of-way determination, civil engineering, geotechnical, hazardous waste investigation, right of way, landscaping, and services during construction. The project's objectives are to enhance pedestrian and vehicle safety, restore the condition of the infrastructure, and enhance the downtown visitor experience. The work includes restoration or replacement of the street structural sections, curb, gutter, sidewalk, street lighting, storm drainage, and sanitary sewer. Undergrounding of overhead utilities and street amenities will be evaluated if budget permits. The project is to be ready for construction by spring 2010.

The work will be performed in three phases with each phase being approved by the City prior to performance of the work.

PHASE I

Work is for preliminary engineering that includes: the development of a survey base map with right of ways; performance of geotechnical analysis including site exploration and soils testing; development of an underground storage tank mitigation plan; development of three planning level street layout alternatives for angle or parallel parking configuration with two way traffic and parallel parking with one way traffic eastbound within the project limits; storm water assessment and preliminary layout; preliminary sanitary sewer layout; identification and evaluation of overhead utility relocation/undergrounding; right of way needs determination, Executive Order 05-05 requirements initiated, preliminary engineering opinion of cost; street landscaping and street amenities concepts; evaluation of the two parking configuration alternatives, and presentation of findings to the CITY. All Phase I work shall be completed prior to December 30, 2009.

PHASE 2

Work is for the development of the construction plans, specifications, and engineering cost estimate (PS&E) based on the CITY's selection of the preferred alternative developed in Phase 1. Included in this phase will be environmental permit services for the preparation of a Shoreline

Permit and SEPA Checklist. Final PS&E documents will be the preparation of a set of bid ready construction documents.

PHASE 3

Work is for Construction Support during the bid opening, award process, and on-call support during construction and project close out.

The sub-consultants that may be used throughout the life of the project are:

GeoEngineers (GE)	Geotechnical
Murray Smith & Associate (MSA)	Sanitary Sewer and Utility Undergrounding
Hough Beck & Baird (HBB)	Landscape Architect

GENERAL SCOPE OF SERVICE

The work for this project will be divided into three phases. At the option of the CITY, the CONSULTANT may be asked to provide additional phases of work, such as construction engineering services. The phases of work in this Scope of Services include the following tasks:

Phase 1 – Preliminary Engineering,

- Task 1 Project Management
- Task 2 City Council and Public Outreach
- Task 3 Survey and Mapping
- Task 4 Geotechnical
- Task 5 Hazardous Waste Investigation
- Task 6 Preliminary Civil Design, Including Preliminary Opinion of Cost
- Task 7 Preliminary Landscape Design
- Task 8 Funding Application
- Task 9 Environmental Early Action

Phase 2 – Construction Plans, Specifications, and Engineer's Estimate (PS&E)

- Task 10 PS&E
- Task 11 Landscape Design Plans
- Task 12 Environmental Permitting

Phase 3 – Construction Support.

- Task 13 Construction Support

FEE

The total fee determination for the entire scope of services is $619,114. The following is the breakdown of the 3 phases including direct salary costs and non-salary costs:

- Phase 1 $316,575
- Phase 2 $269,208
- Phase 3 $33,331

Phase 1 shall be performed at an amount not to exceed $316.575.

Phase 2 shall be performed as a continuation of the Phase 1 contract amount and shall not exceed $585,783 total for the combined fee of Phase 1 and Phase 2. This amount includes an optional service for a Licensed Archeologist services of $14,000.

Phase 3 shall be performed as a continuation of Phase 1 and Phase 2 contract amount and shall not exceed $595,035 total for the combined fee of Phase 1, Phase 2, and Phase 3.

The total amount of Phase 1, 2, and 3 shall not exceed a total contract amount of $619.114.

Additional services not included in this scope of services can be added at the direction of the City. Fees for additional services shall be agreed upon by both the CITY and CONSULTANT and shall be an amendment to the approved Phased contract amount.

PHASE I – PRELIMINARY ENGINEERING, RIGHT OF WAY, AND COST ESTIMATE

TASK 1 PROJECT MANAGEMENT

a) *Project Administration* - Provide project management including; monitoring budget, overseeing sub-consultants, preparation of a task level project schedule, project work plan, preparation of invoices and progress reports through the projects duration (assumes 12 months).

b) *Agency Coordination* - Coordination with CITY on project via-phone, e-mail, and at the agency. This task assumes up to 6 meetings at the City of Oak Harbor.

c) *Quality assurance* - Conduct QA/QC review of the design by a senior staff.

Deliverables

- Project kick-off meeting to include discussion of design criteria
- Project Work Plan (within two weeks of Notice to Proceed (NTP)
- Task level project schedule (within two weeks of NTP)
- Attending project meetings on site (up to 6 meetings)
- Monthly Progress Reports with invoices (12)

TASK 2 CITY COUNCIL AND PUBLIC OUTREACH

The CONSULTANT will assist the CITY with presentations/meetings with the City Council, general public, and business community as requested by the CITY.

a) *Public Outreach* – The CONSULTANT will assist the CITY with up to three (3) community meetings, up to 2 hour meetings each. The CONSULTANT will provide a roll sheet plan for presentation material and design specific presentation boards (up to 3 per meeting). The CONSULTANT will be present to respond to questions and will prepare a summary of comments. The CITY will arrange for the public meetings, provide all notifications, and arrange for a meeting facility. All meetings will be facilitated by the CITY.

b) *Council Meetings* – The CONSULTANT will attend up to two (2) City Council meetings and present information on the three (3) design alternatives and streetscape amenities alternatives. The CITY will schedule the Council meeting, prepare staff reports, and prepare any follow up response to Council. It is assumed that the CITY will select a preferred alternative during this process.

Deliverables

- Attending up to 3 community meetings
- Roll Plots and 3 presentation graphics per meeting
- Attending up to 2 City Council meetings
- 1 copy of summary of public comments

TASK 3 SURVEY AND MAPPING

Survey Mapping Limits

- SE Pioneer Way, being of variable width, lying easterly of the westerly right of way margin of SE City Beach Street and westerly of the easterly right of way margin of SE Midway Boulevard. The outer mapping limits will extend to the face of adjoining structures or 20 feet beyond the right of way margin, whichever provides the widest mapping strip.

- The southerly 100 feet of SE Ely Street, SE Dock Street, SE Hathaway Street, SE Ireland Street, SE Ilwaco Alley and SE Jensen Street as they adjoin Pioneer. Their outer mapping limits will extend to the face of adjoining structures or 20 feet beyond the right of way margin, whichever provides the widest mapping strip and shall include the storm drain outfall at the southeast corner of the intersection of Bayshore Drive and Pioneer Way

Reconnaissance Topographic Mapping

A topographic base map will be prepared at a horizontal scale of 1 inch = 20 feet for the above-described area and subject to the project assumptions described below. The base map will reflect the following features:

- Spot elevations at 25 foot intervals along the centerline of Pioneer Way.
- Underground "dry" utilities and domestic water locations as marked on the surface by a private underground utility locate service.
- Underground storm water and sanitary sewer line connections between surface structures.
- As-built of storm, water and sanitary sewer structures including pipe invert elevations and size and material type of pipes. Water line elevations will be provided from the City's as-built records of the 2007-08 SE Pioneer Way water main replacement project.
- Connection of underground storm water and sanitary sewer systems to closest structure lying outside the above-described mapping limits in the event an underground located within mapping limits connects to a structure lying outside of the mapping area.
- Surface and above-ground utility features including location of overhead utility wires.
- Street appurtenances including, but not limited to, stripping, signals, curb, gutter, sidewalks, signs, street trees, etc.
- Fences, mailboxes, building signs, building awnings and retaining structures.
- Visible improvements situated within the above-described mapping limits.
- 1 foot contour intervals.

- Street centerlines and right of way margins at "survey" grade location.
- Adjoining building frontage lines including front entrance door sill elevations required for ADA compliance.

Control Surveys and Right of Way Determination

Control surveys for the project will include datum control surveys, ground control for topographic completion surveys and control surveys for road right-of-ways. Parcel boundary calculations will be conducted during Phase 2, once potential right of way easements are identified Property corner monuments discovered during the field survey will be field locates and included in the project base map.

Datum control surveys will be to provide the project in Washington State Plane Coordinate System (WSPCS), North Zone (NAD 83/91) horizontal datum; and North American Vertical Datum (NAVD 88). We will identify or establish approximately 10 horizontal control points and 10 vertical benchmarks for the project.

A thorough search through the records will be performed at, but not limited to, the Public Land Survey Office (Dept. of Natural Resources), Island County Auditor's and Assessor's Offices and the City of Oak Harbor Public Works Department. The intent of this research is to provide a historical record of previous platting, street establishment and locations of monuments existing, if any, activity. Once the research records are compiled and analyzed, a field plan will be formulated which the field crews will use to recover and field located pertinent monuments which govern street centerline and rights of way margin location. Field data will then be analyzed against the records and appropriate computations for said centerlines and margins performed. Centerline and rights of way margins will be incorporated into the topographic base map, described-above.

Project Assumptions and/or Criteria

- The Control network will be based on the Washington State Plane Coordinate System (WCS) of 1983 (1991 Adjustment), North Zone, for horizontal control and the North American Vertical Datum (NAVD) 1988 for vertical control.
- Primary survey control will be based upon monuments and corresponding data sheets prepared by the Washington State Department of Transportation, Geodetic Services Division or National Geodetic Control Monuments.
- Coordinate mapping values will be based upon a "Project Datum" being that mathematical shift from state plane grid coordinates as specified by Washington State Department of Transportation policy, unless otherwise specified by the CITY.
- CITY shall pay for title reports for impacted properties requiring easements however CONSULTANT will contact and order directly with a title company doing business in the City of Oak Harbor, unless directed otherwise.
- Underground utilities will be surface marked by others prior to field crew visit.

- This project is not subject to Subsurface Utility Engineering (SUE) quality levels as defined by the American Society of Civil Engineers (ASCE) publication 38-02.
- Underground utility location will not investigate the depth of said utilities and will be represented on a horizontal plane only, except for underground gravity lines.
- A total of 25 sanitary and/or storm water structures are quantified for as-builds by this project.
- A total of 7 impacted parcels are proposed for boundary determination and legal description preparation.
- Entries into underground utility structures that require confined space entry training are not included as a portion of this scope of services.
- This Scope of Services assumes that rights of entry onto adjoining private lands and traffic control are not needed or will be provided by the City.

Deliverables

- Final design-level base mapping of the defined mapping area including right of way and DTM file.
- Supplemental Control report containing coordinates, elevations, network schematic (if applicable), adjustments, monument type and descriptions.
  AutoCAD 2008 electronic drawing files subject to APWA field coding and drafting standards, including symbology, text, lines and layers. Final digital files are to be contiguous at a 1 to 1 scale in model space. Point data blocks will include number identifier; elevation and description fields will also be included. Mapping is to be planimetric with digital terrain modeling. The mapping will comply with the National Map Accuracy Standards for 1" = 20' scale mapping, 1-foot contour interval.
- Digital photographs of interior of storm water and sanitary sewer structures and utility poles with attached appurtenances.

TASK 4 GEOTECHNICAL

The CONSULTANT shall perform sampling exploration of the existing soils material under the pavement area and analysis of the soil composition. Recommendation for the roadway area structure design section will be provided for the earthwork, pavement, utility placement, and street lighting base.

a) *Review existing information* – The GEOENGINEERS will perform a review of existing information for the site vicinity. The CITY will provide geotechnical studies and reports performed in the site vicinity from their records, provide any soils inspection reports performed during the recent NE Pioneer Way water main replacement projects, and other know soils information on records. GEOENGINEERS will make a determination of the boring and pavement core sampling location based on the site visit and information gathered from existing documents.

b) *Site investigation* – The GEOENGINEERS will perform site investigation to determine areas of potential structure base material concerns. The GEOENGINEERS will conduct

a site visit to identify exploration locations and contact the "one-call" utility locate services. A plan with proposed boring locations and any necessary access permissions will be provided to the City prior to execution of the borings. Borings will be performed on a Monday if possible. Borings will be completed to obtain geotechnical data for visual and potential laboratory analysis. Up to 4 borings with a depth up to 20 feet will be performed for evaluation of proposed light foundations, stormwater vault, and deeper soil conditions and roadway/pavement conditions. Up to 4 additional shallow borings/pavement core samples of the existing pavement will be performed to evaluate pavement thickness and subgrade soil conditions. We assume the explorations can be completed in one full day. It is assumed that traffic control will be required to perform the boring and core sampling and will be subcontracted by GEOENGINEERS.

c) *Laboratory testing* - Laboratory testing of representative soil samples will be performed to determine soil composition including moisture content, grain size analysis, and Atterberg limits as appropriate for the soil types encountered. CBR values will be approximated based on correlations with soil type.

d) *Analysis and design* - Analysis of the soil composition and roadway structure design section will be provided for the earthwork, pavement, utility placement, and street lighting base. Provide a recommend design soil bearing pressure and a design lateral soil pressure for a concrete vault site for a stormwater treatment option taking into consideration the potential for high groundwater.

e) *Geotechnical report* - Geotechnical report will include summary on field investigation finds, sampling locations, laboratory test results, and recommend roadway section design recommendations.

f) *Provide support and review for PS&E*

Deliverables

- 1 copy of the draft and final Geotechnical Report in hard copy form (submitted to the City by 9/1/09)

TASK 5 CONTAMINATION ASSESSMENT AND UST MITIGATION PLAN

The CONSULTANT shall provide environmental services related to potential soil contamination and removal of underground storage tanks (USTs). Assessment will include review of data, site reconnaissance, interviews, and limited exploration and chemical testing. Conclusions and recommendations will be provided regarding the potential for encountering contamination during earthwork, an action plan for the contractor to handle USTs, and a mitigation plan for disposal of impacted soils.

a) *Research* – GEOENGINEERS will review the results of a federal, state, local environmental database search subcontracted to an outside environmental data service

(Parcel Insight [PI]) for listings of sites with known or suspected environmental conditions along the project corridor.

b) *Site Reconnaissance* – While identifying the exploration locations to coordinate a utility locate, GEOENGINEERS will perform a site reconnaissance related to potential contaminated sites, focusing on old gas stations or other potential sites that might have USTs.

c) *Interviews* – Interview property owners of parcels that have identified history of contamination or field evidence of suspected USTs.

d) *Site investigation* - GEOENGINEERS will coordinate with the City and design team to locate one boring in the immediate vicinity of a known UST encountered during a recent City water line project, and three additional borings in the vicinity of historic UST locations that have been identified in a historic fire insurance map. These borings will be completed concurrently with the geotechnical program. In addition to conventional geotechnical sampling, the soil samples at these boring locations will be field screened for evidence of petroleum contamination. We assume that these additional explorations can be completed in one half day. It is assumed that traffic control will be required to perform the boring and core sampling and will be subcontracted by GEOENGINEERS.

e) *Chemical testing* – Submit up to three soil samples from each boring for chemical analyses of hydrocarbon identification by NWTPH-HCID, BETX by EPA Method 8020 and/or gasoline-, diesel- and oil-range hydrocarbons by NWTPH-Gx and NWTPH-Dx with sulfuric acid/silica gel cleanup. Initially, one sample will be submitted for NWTPH-HCID to determine if any petroleum contamination is present. Additional testing will be performed to (a) characterize the contaminant and (b) vertical extent of the impacted area.

f) *Analysis and plan development* – Compare field screening and chemical analytical results with appropriate cleanup regulations. Develop an action plan for removal of USTs encountered within the ROW. Develop a cleanup action plan for handling and disposal of petroleum impacted soil.

g) *Report Sections* – Prepare a summary of investigation and chemical testing results, include discussion of action and mitigation plans as appropriate in the geotechnical report.

h) *PS&E Support* – Provide support and review PS&E for environmental tasks.

Deliverables

- 1 copy of the report sections as described above in the draft and final Geotechnical Report in hard copy form (submitted to City by 9/1/09)

TASK 6 PRELIMINARY CIVIL DESIGN

The CONSULTANT shall prepare two alternatives of conceptual street layouts at a planning level for angled parking along one side of the roadway and parallel parking along both sides of the roadway. A planning level opinion analysis will be performed for the project street as a one-way eastbound street. Landscaping and street amenities for the two alternatives will be performed under Task 7.

a) *Develop two street layout alternatives* - CONSULTANT will develop three (3) concept street layouts at a planning level: 1) angle parking along one side of the roadway; 2) parallel parking along both sides of the roadway; and 3) parallel parking along both sides of the roadway with one way traffic eastbound). The number of existing parking spaces is intended to be preserved in the conceptual street layout. Assume layout may be performed using an aerial map and will be approximated for scaling using up to 8 field measurements on street width. The CITY will provide scalable aerial maps and existing survey and assumed right of way information.

b) *City review and comments on layout alternatives* - CONSULTANT will present two (2) concept street layouts to the CITY. The CITY will review and provide the CONSULTANT with comments stating any changes needed on the three (3) concepts.

c) *Site assessment for storm water* - CONSULTANT will review city records of on-site and down-gradient storm pipe system and drainage facilities, and existing drainage reports of record at the CITY. Documents to be provided by CITY staff at beginning of this task. Prepare drainage basin maps showing threshold discharge areas (TDA's), existing and proposed discharge points, and direction of flow. Show existing and proposed ditches, culverts and pipes. The drainage basin maps shall use existing topographic maps. Identify where there is contributing off-site runoff that discharges onto the road right-of-way.

d) *Prepare storm drainage analysis and layouts* - CONSULTANT will prepare up to two stormwater treatment design concept alternatives. Runoff treatment is needed for new impervious surfaces that meet the thresholds of the design standards. Providing treatment of equivalent areas shall be utilized where it is determined to be most practical given site constraints Prepare planning level opinion of cost to construct the two stormwater treatment facilities. Low Impact Development concepts will be considered in the design of storm drainage design.

e) *Storm Conveyance* – CONSULTANT will determine the pipe size needed to convey the design flow for the storm pipes within the road project limits, using the simplified Rational Method and Manning equation while considering the City's Comprehensive Plan storm conveyance sizing. (A more detailed backwater analysis is not included in

this task but it can be performed as an additional service.) There is an existing storm pipe that conflicts with another utility, in the storm pipe system located down-gradient of the project site. CONSULTANT will evaluate alternatives and recommend a design solution for the City.

f) *Prepare sanitary sewer layout* - Under this task sanitary sewer improvements will be defined and a preliminary sewer layout will be developed. The work is distributed into the following subtasks:

- Existing information regarding the project will be collected and reviewed as available. This information will include existing sanitary sewer as-builts, service and inspection records, geotechnical reports regarding the subsurface soil condition information, other available plans and specifications for improvements in the existing right of way by utilities or others, and other relevant information.

- Review alternatives for sewer rehabilitation and/or replacement. Alternatives will take into consideration potential cost savings associated with trenchless technologies, where applicable, and the need to coordinate with other improvements in the corridor.

- Develop a preliminary design of the sanitary sewer improvements, taking into consideration other utility and roadway improvements for the Pioneer Way project. Preliminary sanitary sewer plan and profile will be based on street layout developed under this task, total project length 2,300 feet with approximately 400 feet per plan sheet. It is assumed that the profile will be developed following the completion of the survey basemap.

g) *Overhead Utility Relocation* - Under this task overhead utilities (power, communication, and cable) will be identified. Acquire future design plans prepared by utilities. Schedule meetings with utilities to discuss project and define utility needs and design criteria for undergrounding elements. A total of up to six (6) individual utility company meetings are anticipated under this subtask. Meeting minutes will be prepared by MSA. For the purpose of preparing this Scope of Services, it is anticipated that up to six overhead utilities are located in the project corridor; Puget Sound Energy, Verizon, Comcast, Black Rock Cable, TCI of Washington and Oak Harbor School District (fiber optic)

h) *Evaluate Overhead to Underground Cost*- Based on information provided by the utility companies (Puget Sound Energy, Verizon, Comcast, Black Rock Cable, TCI of Washington, and Oak Harbor School District); develop design criteria for each utility, estimating conduit size and numbers, vaults, pull boxes, pedestals and services. Develop a preliminary design of the utility undergrounding, taking into account the design criteria and other utility and roadway improvements for the SE Pioneer Way project. The

preliminary design will consider location of conduits, structures and other utility features to minimize conflicts and maintain serviceability. Preliminary plans will be based on street layout developed under this task, total project length 2,300 feet with approximately 400 feet per plan sheet.

Coordinate with each utility to estimate costs for undergrounding, this includes project costs and costs incurred by the utility. Also estimate each utility's policy for cost sharing with respect to utility undergrounding. Prepare an overall project cost estimate (City's cost) for utility undergrounding.

i) *Determine right of way needs* – The CONSULTANT will determine right of way needs for the immediate affected improvement project area of the three (3) concept street layouts. This will include estimating right of way area needs based on calculations performed using AutoCAD area command. Right of way needs will be shown on a roll plot sheet for each concept street layout.

j) *Prepare planning level opinion of cost* – Based on the two concept street layouts, prepare a planning level opinion of cost that includes a notation of the specification section that covers the pay item.

k) *Analysis of one way street* – CONSULTANT will perform a planning level opinion analysis for the concept of the project street as an eastbound one-way roadway. (No modeling or circulation study will be performed.) The analysis will include a review of operations and safety along the project street, potential circulation patterns on streets within one block of the project street, and construction implementation impacts. Construction opinion of costs of the two concept street layouts with a one-way street, developed under Task 6.a, will be performed.

l) *Evaluate alternatives* – CONSULTANT will perform an evaluation of the three concept street layouts. This will include a review of construction costs, drainage impacts, operations and safety (engineering opinions on parking configuration impacts to through vehicle travel and pedestrian movement, and non-motorized movement), on street parking, and overhead to underground utility conversion. Findings (including opinion of cost) will be summarized in a technical memorandum and a roll plot drawing will be prepared for each concept in plan-view layout at 1"=40' scale.

m) *City review and comments on findings* - CITY will review the memorandum and provide written comments to the CONSULTANT. It is assumed that the CITY will provide the CONSULTANT with a selection of the preferred concept street layout.

Deliverables

- Draft roll plot plan set (10% level) of two concept street layouts with two-way street configuration and one with a one way street configuration (parallel parking) (a total of 3 concept layouts) with preliminary storm drainage layouts. (submitted to City by 7/1/09)
- Draft plan (30% level) of preferred one-way or two-way alternative concept street layout with storm drainage and sanitary sewer design layout. (submitted to City by 9/1/09)
- Preliminary opinion of cost for the two concept street layouts with one-way and two-way street configuration (a total of 3 concept layouts).
- Draft and final copy of planning level opinion analysis for a one-way street technical memorandum.
- Draft and final copy of preliminary civil design technical memorandum.

TASK 7 LANDSCAPE ARCHITECTURE SERVICES

Through qualified subconsultant HBB, the CONSULTANT shall provide landscape architecture and urban design services for improvements to approximately 2300 linear feet of SE Pioneer Way. Proposed landscape and urban design improvements have been separated into basic infrastructure improvements and streetscape amenities. Basic improvements include trees in tree grates or planting areas and assisting in the selection of a street/pedestrian light fixture. Streetscape amenities include special sidewalk paving patterns, container planting, site furnishings, banners and hanging baskets. Preliminary design includes up to two (2) families of landscape and urban design improvements to provide a "shopping list" of potential opportunities along the street. Final design (PS&E) will be based on the selection of a preferred alternative.

a) *Project Coordination* – HBB will coordinate base map drawings and maintain the project notebook and schedules.

b) *Quality Control* – HBB will perform internal reviews while the work is in progress. Quality control reviews will be performed by a licensed senior staff member.

c) *Data Collection and Review* – HBB will walk and photograph the site. Existing site conditions will be verified and relevant background information will be reviewed.

d) *Basic Improvements & Streetscape Amenity Alternatives* – HBB will prepare two alternatives consisting of the basic improvements (street trees and light fixtures) and a "family" of urban design and landscape elements representing a "shopping list" of basic improvements and streetscape amenities available along the street. Each "family" will include recommendations for landscape locations and character, site furniture, roadway/pedestrian light fixtures, banners and hanging baskets, paving patterns and materials. HBB will provide a typical urban design and landscape plan and section (scale as needed) to depict each alternative, along with a photo board representing the overall concept and/or product recommendations.

e) *Design Revision and Preferred Alternative* – HBB will revise plans, sections, and photo

boards based upon comments received from the city or the design team. A preferred alternative will be prepared based upon information received from the city and design team. The preferred alternative will be revised up to one time based on city or design team discussions.

f) *30% Plans and Details* – HBB will prepare 30% level plans and details based on the preferred alternative to include general plant massing plan, paving plan and standard details.

g) *Opinion of Cost*– HBB will provide square footage and lump sum cost estimates for landscape and urban design improvements defined above.

Deliverables

- Draft alternative roll plot 10% plans for two concept street layouts with one photo board (submitted to City by 7/1/09)
- 30% plans and details (submitted to City by 9/1/09)
- Opinion of cost based on square footage and lump sum (submitted to city by 9/1/09)

TASK 8 FUNDING APPLICATION

The CONSULTANT will prepare one funding application as determined by the CITY that will be either:

- State of Washington Public Works Trust Fund application

OR

- Community Development Block Grant application

Deliverables

Completed funding application form (submitted at appropriate date for earliest possible application cycle)

TASK 9 ENVIRONMENTAL EARLY ACTION

The CONSULTANT will perform early environmental action in accordance with Executive Order 05-05.

a) *Coordination with the Department of Archaeology and Historic Preservation* (DAHP) – CONSULTANT will coordination with DAHP staff on project.

b) *Geographic Screening* – CONSULTANT will perform a GIS screening t DAHP and prepare and submit the EZ1 form (project review sheet) and determination of no resources affect.

Deliverables

- EZ1 form(project review sheet (submitted by 7/1/09)
- Letter of determination to DAHP of no resources affected (submitted by 8/1/09).

PHASE 2 –PLANS, SPECIFICATIONS, AND ENGINEER'S ESTIMATE (PS&E)

TASK 10 DESIGN PLANS (60%, 90%AND Final)

a) *Prepare 60% plan set* - The CONSULTANT will prepare a 60% design based on the CITY's selected preferred concept street design layout.

The plan sheet estimate is as follows:

Plan Sheet Estimate	Scale at 1:20 on 22x34 inch layout - 1:40 half size	Count
Cover	Officials, vicinity map	1
Legends	APWA symbols and abbreviations	1
Survey Control	Control point and alignment plan	2
Details		
- Road	Cross section, ramps, accesses, ADA	3
- Storm	CBs, treatment,	1
- Sewer	MH, connections, CO	1
- Utilities	Monuments, adjustment details, electrical, lighting	2
- Landscape	Plants, irrigation, amenities	3
- Misc	TESC, special features	2
Site Prep	Demolition, project staging & TESC	6
Plan & Profile	Includes curb, gutter, pavement, structures, lighting	6
Storm & Sewer		6
Utility Plan	Utility adjustment, relocation of overhead	6
Channelization	Pavement markings, signage	3
Planting		3
Lumination	Street lighting, electrical	3
Irrigation		3
	TOTAL SHEET COUNT	52

b) *City review and comments on 60% plan set* – Submit to the CITY three (3) copies 60% plan set which will include 1" = 40' scale drawings on 11x17 inch paper. The CITY will perform a review and provide written comments to the CONSULTANT.

c) *Refine additional right of way needs* – The CONSULTANT will review the 60% plan set against the survey right of way plans to determine the final need for additional right of way and/or easements needed to construct the project. This information will be presented to the CITY for comments and directions on what type of property action is preferred (easement or take).

d) *Perform title search & prepare legal description of right of way takes* –This task includes the preparation of up to seven (7) descriptions and exhibits of areas to be acquired for rights of way and other construction requirements. These descriptions will be prepared based upon the existing legal descriptions and recorded deeds of the properties as determined from title reports. The purpose of these descriptions and exhibits are to allow the CITY to begin negotiations with the existing property owners and subsequently used as the "described" area disclosed by recorded document executed by and between the CITY and private ownerships.

e) *City to perform property negotiation for right of way and easement takes* – This Scope of Services assumes all right of way and easement acquisition will be performed by the CITY. The CONSULTANT may provide these services as an Optional Services at the request of the CITY for an additional fee.

f) *Preparation of 90% plan set* – Preparation and QA/QC review of 90% contract plans. Review utility corridor needs to accommodate future utility undergrounding.

g) *Contract and Specification preparation* – The CONSULTANT will prepare the contract and specification document in accordance with WSDOT Standard Specification for Road, Bridge, and Municipal Construction 2008 edition. The CITY's provided contract document will be used in place of WSDOT as directed by the CITY. Contract specifications will be submitted with the 90% plans

h) *City review and comments on 90% plan set* – Present to the CITY a 90% plan set which will include 1" = 40' scale drawings on 11x17 inch paper, specifications, and cost opinion. The CITY will perform a review and provide written comments to the CONSULTANT.

i) *Preparation of Final plan set and contract document* –Preparation and QA/QC review of Final contract plans, specifications, and cost estimate for construction contract.

j) *Submittal of Final PS&E package* – Present to the CITY the Final construction contract document package that includes plan set, specifications, and opinion of cost. A print

copy set will be provided with plan sheets at 1" = 40' scale drawings on 11x17 inch paper.

k) *City to Publish PS&E –This Scope of Services assumes* the CITY will perform all services to publish the advertisement and printing of all Contract Documents.

l) *Bid review and recommendation* – The CONSULTANT will assist the CITY in reviewing the received top two bids and provide a recommendation based on bid balance, unit pricing, responsiveness, and reference check.

m) *Drainage technical memorandum* –The CONSULTANT will prepare a draft and final drainage technical memorandum, which will include a summary of the storm drainage mapping of the existing system, proposed new and replacement system, water quality treatment facility design, , and calculations.

Deliverables

- Draft and Final drainage technical memorandum
- 60%, 90%, and 100% design plan sets (1 copy printer ready)
- Final design plan set in AutoCAD 2009 Civil 3D files on CD
- Engineer's Opinion of Cost
- Contract specification document (1 copy printer ready)

TASK 11 LANDSCAPE DESIGN PLANS (60% & Final)

a) *Site Visit* – Visit the site to review Preliminary Design documents in relation to existing site conditions and relevant site context.

b) *Final Design Basic Landscape* – Develop final design documents (plans, specifications and cost estimates) for planting and irrigation of the basic infrastructure improvements, including street trees in grates or planted areas.

c) *Final Design Basic Lighting* – Coordinate final roadway/pedestrian light fixture for product selection only with Electrical Engineer.

d) *Final Design Site Furnishings* – Develop final design documents (plans, specifications and cost estimates) for site furnishings (benches, trash/recycling receptacles, planter boxes, and bollards).

e) *Final Design Special Paving* – Develop final design documents (plans, specifications and cost estimates) for special paving material and/or patterns. Civil Engineer to provide structural section and specifications for all paved areas. HBB drawings limited to finish treatment only.

f) *Final Design Banners & Baskets* – Coordinate final design documents (plans, specifications and cost estimates) for banner arms and hanging baskets. Electrical Engineer to provide all construction documents relating to hanging baskets and/or banner arms. HBB will assist in product selection, coordination with irrigation as needed, and providing red-lined comments to construction documents prepared by others.

g) *Final Design LID* – Develop final design documents (plans, specifications and cost estimates) for Low Impact Design (LID) features (rain-gardens, storm water treatment, etc.), limited to planting and irrigation design only.

h) *Arborist Coordination* – Coordinate with arborist to review existing trees, identify existing trees to remain or be removed, and develop tree protection measures.

i) *Arborist Services* – Inventory existing trees, document tree health and recommendations for tree protection or removal.

Deliverables

- 60% and 100% landscaping and amenities design plan sets (1 copy printer ready)
- Contract specification document for landscaping and amenities (1 copy printer ready)
- Detailed Cost Estimate for landscaping and amenities

TASK 12 ENVIRONMENTAL PERMITTING

a) *Prepare shoreline permit* – The CONSULTANT will prepare a shoreline permit application and associated materials in accordance with the CITY requirements.

b) *Provide SEPA checklist* – The CONSULTANT will prepare a SEPA checklist for the project, and the CITY shall provide information to the CONSULTANT as needed to complete the checklist.

c) *City review and processing of permits* – The CONSULTANT will provide 1 electronic draft copy of the shoreline permit application and SEPA checklist. The CITY will perform 1 review of both the shoreline permit application and SEPA checklist and return comments to the CONSULTANT. The CONSULTANT will make changes as needed to the 2 documents and return final printed and electronic documents to the CITY for processing.

d) *Archeologist Review* – This action is optional and will be performed only if historical buildings, tribal resources or extensive ground disturbance is a determination of DAHP. Work will be performed by a sub-consultant Licensed Archeologist.

Deliverables for Tasks 9a-c

- Draft and final Shoreline Permit application and associated materials

Deliverables for Task 9c

- Letter to DAHP and Tribes
- Letter Report of Archeologist

PHASE 3 – CONSTRUCTION SUPPORT SERVICES

TASK 13 CONSTRUCTION SUPPORT

It is assumed that the CITY will perform the construction management. Construction support provides services to assist the CITY as needed and will be performed as directed by the CITY. The level of service provided is limited by the amount of the fee allocated for this Task.

a) *Preconstruction meeting* – At the direction of the CITY, the CONSULTANT will provide services for the preconstruction meeting that include preparation of agenda, keeping meeting minutes, presentation of project, respond to questions and answers, and review on pre-construction submittals.

b) *Construction support* – At the direction of the CITY, the CONSULTANT will provide construction support services that can include inspection, design changes, change orders, reporting, engineering decisions, review of material submittals, and review of construction practice.

c) *Project close out* – At the direction of the CITY, the CONSULTANT will provide project close out support services that can include, final inspection, preparation of punch list, review of punch list work, providing review and recommendation of project acceptance, project close out documentation, and assist in final payment review and preparation.

ASSUMPTIONS

- The project is funded entirely with local dollars. No federal or state dollars are included in the project cost.
- City will prepare and process any needed permits, such as right of way, grading, construction, utility, NPDES, and other required permits not listed in this Scope of Services.
- Costs by the City and other agencies for services such as applications, reviews, and permits are paid directly by the City.
- Unforeseen events that may cause extensions of the project schedule will be brought to the CITY'S attention immediately.
- Perteet will use the JARPA application for the City's shoreline permit.
- City staff will be responsible for processing the application, including any meetings or hearings if necessary.

- Design Standards:
  - City of Oak Harbor Standards will be used for the design of the roadway.
  - WSDOT Standards may be used where applicable.
  - Design work will be performed using AutoCAD 2009 Civil 3D.
  - Plan sets shall be provided at 1" = 40' scale on 11x17 inch paper.
  - 1 copy of a 100% full size plan set master copy will be provided at 1"=20' on 22x34 inch paper.
  - Documents will be prepared using MS Word (2007)
  - Spreadsheets will be prepared using MS Excel (2007)
  - Schedules will be prepared using MS Project Manager (2003)
- Traffic and pedestrian signal design, relocation, and associated other improvements (such as loops) is not required in this project.
- Storm drainage:
  - The design will follow the City or WSDOT standards.
  - The pipe sizes of the existing pipe system servicing the project are adequate to handle storm runoff. No analysis on pipe size will be necessary.
  - No backwater curve analysis is included in this scope. The CONSULTANT has the capability to perform this service.
  - Water quality treatment will be installed within the project surveyed limits as described in this scope of services.
  - The project corridor is within the receiving waters of Puget Sound. No detention/retention system is required.
- Sanitary Sewer:
  - The design will follow the City or APWA standards.
  - City will provide information for future side sewer stub out locations where existing structures do not exist.
  - No analysis of capacity for upstream or downstream will be performed.
- Undergrounding of over overhead utilities:
  - Undergrounding of utilities may be incorporated into this project at a later date or pursued as a separate project in the future.
  - Utility corridors for the potential future undergrounding of overhead utilities will be incorporated into the design of the Pioneer Way Improvements.
- Construction:
  - City will perform all construction coordination with utilities including relocation services.

ITEMS NOT INCLUDED IN THIS SCOPE OF SERV ICES (OPTIONAL SERVICES)

- Right-of-Way Negotiations
- Permit preparation for NPDES, right of way, grading, construction, and utilities
- Public meetings and/or hearings for permit approvals

- Construction management services
- Construction surveying

TIME OF COMPLETION

Services associated with this scope will be completed within twelve (12) months of the execution of the contract (date to be inserted).

APPLICABLE STANDARDS

- City of Oak Harbor Design Standards
- City of Oak Harbor Sanitary "Sewer Standards"
- City of Oak Harbor Standard Plans
- City of Oak Harbor Comprehensive Stormwater Drainage Plan
- City of Oak Harbor Sewer Comprehensive Plan
- AASHTO 2001 "A Policy of Geometric Design of Highways and Streets"
- WSDOT "Standard Specifications for Road and Bridge Construction"
- WSDOT "Design Manual"
- FHWA and WSDOT "Manual on Uniform Traffic Control Devices for Streets and Highways"
- WSDOT "Highway Runoff Manual"
- WSDOT "Hydraulics Manual"
- 2001 Department of Ecology "Stormwater Management Manual for Western Washington"

ITEMS TO BE PROVIDED BY THE CITY

Items requested by the CONSULTANT to be provided by the CITY to the CONSULTANT include:

- City contract document section in MS Word
- City "Boilerplate" Special Provisions in MS Word
- City Engineering Design Standards
- Current Storm Water and Sanitary Sewer master plans
- GIS map of storm, water and sewer system along project limits
- Current aerial map
- Geotechnical reports performed within the vicinity of the project in the past 5 years
- Access to historical City maps on corridor
- Record drawings of applicable and nearby projects.
- Title Reports

EXHIBIT C
PAYMENT (NEGOTIATED HOURLY RATE PLUS COSTS)

The CONSULTANT shall be paid by the CITY for completed work and services rendered under this AGREEMENT as provided hereinafter. Such payment shall be full compensation for work performed or services rendered and for all labor, materials, supplies, equipment, and incidentals necessary to complete the work. If a federal highway project, the CONSULTANT shall conform with all applicable portions of 48 CFR 31.

1. **Hourly Rates**

The CONSULTANT shall be paid by the CITY for work done, based upon the negotiated hourly rates shown in Exhibits "D-1" and "D-2" attached hereto and by this reference made part of this AGREEMENT. The rates listed shall be applicable for the first twelve (12) month period and shall be subject to negotiation for the following twelve (12) month period upon request of the CONSULTANT or the CITY. If negotiations are not conducted for the second or subsequent twelve (12) month periods within ninety (90) days after completion of the previous period, the rates listed in this AGREEMENT or subsequent written authorization(s) from the CITY shall be utilized for the life of the AGREEMENT. The rates are inclusive of direct salaries, payroll additives, overhead and fees.

In the event renegotiation of the hourly rates is conducted, the CITY reserves the right to audit for any change in the overhead rate currently in use by the CONSULTANT and modify the hourly rates to be paid to the CONSULTANT subsequent to the renegotiation accordingly. Any changes in CONSULTANT's fixed hourly rates may include salary or overhead adjustments.

2. **Direct Non-salary Costs**

Direct non-salary costs will be reimbursed at the actual cost to the CONSULTANT. These charges may include, but are not limited to, the following items: travel, printing, long distance telephone, supplies, computer charges, and fees of subconsultants. Air or train travel will only be reimbursed to economy class levels unless otherwise approved by the CITY. Automobile mileage for travel will be reimbursed as the current rate approved for CITY employees and shall be supported by the date and time of each trip with origin and designation of such trips. Subsistence and lodging expenses will be reimbursed at the same rate as for CITY employees. The billing for non-salary cost, directly identifiable with the PROJECT, shall be an itemized listing of the charges supported by the original bills, invoices, expense accounts, and miscellaneous supporting data retained by the CONSULTANT. Copies of the original supporting documents shall be supplied to the CITY upon request. All above charges must be necessary for the services provided under this AGREEMENT.

3. **Management Reserve Fund**

The CITY may desire to establish a Management Reserve Fund to provide the Agreement Administrator the flexibility of authorizing additional funds to the AGREEMENT for allowable unforeseen costs, or reimbursing the CONSULTANT for additional work beyond that already defined in this AGREEMENT. Such authorization(s) shall be in writing and shall not exceed the lesser of Fifty Thousand Dollars ($50,000.00) or ten percent (10%) of the Total Amount Authorized as shown in the heading of this AGREEMENT. The amount included for the Management Reserve Fund is shown in the heading of this AGREEMENT. This fund may be replenished in a subsequent supplement agreement. Any changes requiring additional costs in excess of the "Management Reserve Fund" shall be made in accordance with Section 11, "Extra Work".

4. **Maximum Amount Payable**

The maximum amount payable for completion of work under this AGREEMENT shall not exceed the amount shown in the heading of this AGREEMENT. The maximum amount payable includes the Management Reserve Fund, but does not include payment for extra work as stipulated in Section 11, "Extra Work" of the General Requirements. No minimum amount payable is guaranteed under this AGREEMENT.

5. **Monthly Progress Payments**

Progress payments may be claimed on a monthly basis for all costs authorized in (1) and (2) above. The monthly invoices shall be supported by detailed statements for hours expended at the rates established in Exhibits "D-1" and "D-2", including names and classifications of all employees, and invoices for all direct non-salary expenses. To provide a means of verifying the invoiced salary costs for the CONSULTANT's employees, the CITY may conduct employee interviews. These interviews may consist of recording the names, titles, salary rates, and present duties of those employees performing work on the project at the time of the interview.

6. **Inspection of Cost Records**

The CONSULTANT and his/her subconsultants shall keep available for inspection by representatives of the CITY, State, and the United States, for a period of three (3) years after final payment, the cost records and accounts pertaining to this AGREEMENT and all items related to or bearing upon these records with the following exception: if any litigation, claim, or audit is started before the three (3) year period, the records shall be retained until all litigation, claims, or audit filings involving the records have been resolved. The three (3) year retention period begins when the CONSULTANT receives final payment.

7. **Final Payment**

Final payment of any balance due the CONSULTANT of the gross amount earned will be made promptly upon its verification by the CITY after the completion of the work under this AGREEMENT, contingent upon receipt of all PS&E, plans, maps, notes, reports, and other related documents which are required to be furnished under this AGREEMENT. Acceptance of such final payment by the CONSULTANT shall constitute a release of all claims for payment which the CONSULTANT may have against the CITY unless such claims are specifically reserved in writing and transmitted to the CITY by the CONSULTANT prior to its acceptance. Said final payment shall not, however, be a bar to any claims that the CITY may have against the CONSULTANT or to any remedies the CITY may pursue with respect to such claims.

The payment of any billing will not constitute agreement as to the appropriateness of any item and at the time of final audit, all required adjustments will be made and reflected in a final payment. In the event that such final audit reveals an overpayment to the CONSULTANT, the CONSULTANT will refund such overpayment to the CITY within ninety (90) days of notice of the overpayment. Such refund shall not constitute a waiver by the CONSULTANT of any claims relating to the validity of a finding by the CITY of overpayment.

EXHIBIT D1

City of Oak Harbor - SE Pioneer Way Improvement
FEE DETERMINATION
Revision: 18 Feb 2009

DIRECT SALARY COSTS	Perteet Design	GeoEngrs Geotechnical	MSA Utilities	HBB Landscape	TOTAL
Phase 1 – Preliminary Engineering, Right-of-Way/Easement Descriptions and Cost Estimate					
Task 1. Project Management	$ 36,010	$ -	$ 5,058	$ -	$ 41,068
Task 2. Council and Public Outreach	$ 17,905	$ -	$ -	$ -	$ 17,905
Task 3. Survey and Mapping	$ 38,680	$ -	$ -	$ -	$ 38,680
Task 4. Geo-Technical	$ 1,030	$ 10,582	$ -	$ -	$ 11,612
Task 5. Hazardous Waste Investigation	$ -	$ 6,319	$ -	$ -	$ 6,319
Task 6. Preliminary Civil	$ 109,090	$ -	$ 28,824	$ -	$ 137,914
Task 7. Preliminary Landscape Design	$ -	$ -	$ -	$ 37,884	$ 37,884
Task 8. Funding Application	$ 5,970	$ -	$ -	$ -	$ 5,970
Task 9. Environmental Early Action	$ 3,900	$ -	$ -	$ -	$ 3,900
Direct Salary Costs	$ 212,585	$ 16,901	$ 33,882	$ 37,884	$ 301,252
Non Salary Costs	$ 5,336	$ 12,105	$ 1,346	$ 949	$ 15,323
TOTAL PHASE 1	**$ 217,921**	**$ 29,006**	**$ 35,228**	**$ 38,833**	**$ 316,575**
Phase 2 – Plans, Specifications, and Engineer's Estimate					
Task 10. Design Plans	$ 155,870	$ 1,904	$ 15,192	$ -	$ 172,966
Task 11. Landscape Design Plans	$ -	$ -	$ -	$ 63,883	$ 63,883
Task 12. Environmental Permitting	$ 20,300	$ -	$ -	$ -	$ 20,300
Direct Salary Costs	**$ 176,170**	**$ 1,904**	**$ 15,192**	**$ 63,883**	**$ 257,149**
Non Salary Costs	**$ 4,080**	**$ 1,364**	**$ 604**	**$ 1,600**	**$ 12,059**
TOTAL PHASE 2	**$ 180,250**	**$ 3,267**	**$ 15,796**	**$ 65,483**	**$ 269,208**
TOTAL PHASE 1 & 2	**$ 398,170**	**$ 32,273**	**$ 51,024**	**$ 104,316**	**$ 585,783**
Phase 3 – Construction Support Services					
Task 13. Construction Support	$ 32,980	$ -	$ -	$ -	$ 32,980
Non Salary Costs	$ 351				$ 351
TOTAL PHASE 3	$ 33,331	$ -	$ -	$ -	$ 33,331
GRAND TOTAL PHASE 1, 2 & 3 w Non Salary Costs	**$ 431,501**	**$ 32,273**	**$ 51,024**	**$ 104,316**	**$ 619,114**

Direct Non-Salary Costs - Perteet

Item	Quantity	Unit		Rate	Cost
Color copies from CAD/GIS	1872	sq. ft.	@	$0.10	$ 187
Courier/Mail	4	lump sum est.	@	$21.00	$ 84
CADD Station	816	hour	@	$10.00	$ 8,160
Survey GPS Receiver	5	day	@	$150.00	$ 750
Mileage	1000	miles	@	$0.585	$ 585
TOTAL DIRECT NON-SALARY COSTS					**$ 9,766**

Direct Non-Salary Costs - GeoEngineers

Item	Quantity	Unit		Rate	Cost
Mileage	490	miles	@	$0.585	$ 287
Misc (phone, courier, truck, equipment)	1	est	@	$300.00	$ 300
Sub-contractors (drilling, chem testing, traffic ctrl, locate	1	calc	@	$10,692.00	$ 10,692
Direct Expenses	1	calc	@	$586.00	$ 586
Sub-contractor markup	1	calc	@	$1,603.80	$ 1,604
TOTAL DIRECT NON-SALARY COSTS					**$ 13,468**

Direct Non-Salary Costs - MSA

Item	Quantity	Unit		Rate	Cost
Mileage	500	miles	@	$0.585	$ 293
Misc (phone, courier, truck, equipment)	1	est	@	$1,657.50	$ 1,658
					$ -
					$ -
					$ -
TOTAL DIRECT NON-SALARY COSTS					**$ 1,950**

Direct Non-Salary Costs - HBB

Item	Quantity	Unit		Rate	Cost
Color copies from CAD/GIS	1200	sq. ft.	@	$0.10	$ 120
Courier/Mail	4	lump sum est.	@	$21.00	$ 84
Graphic Station	176	hour	@	$10.00	$ 1,760
		day	@		$ -
Mileage	1000	miles	@	$0.585	$ 585
TOTAL DIRECT NON-SALARY COSTS					**$ 2,549**

EXHIBIT D2

Oak Harbor - SE Pioneer Way (Rev 18 Feb 03)

		Project Manager	PIC - Quality Assurance	Design Lead	Storm Lead	Survey Lead	Environmental Lead	Geotechnical Lead	Utility Engineer	Landscape Architect	Design Engineer	Storm Engineer	ADA Compliance	Geotech Engineer	Environmental Planner	Sr. Surveyor	Surveyor	Project Surveyor II	Project Surveyor I	Survey Crew	CADD Lead	CADD Specialist	Administration	Geotech Sr. Engineer	Geotech Engineer	Geotech Admin	Utility Design Engineer	Utility Staff Engineer	Utility CADD	Landscape Manager	Landscape Designer	Graphics Technician	Business Mgr	Admin	Landscape Admin
Total Hours		324	55	383	153	15	12	19	34	88	442	294	52	72	56	10	3	159	20	124	244	706	133	65	55	29	156	148	78	145	218	352	28	64	43
Hourly Rate		165	175	140	175	145	175	180	168	207	100	165	165	140	160	145	120	110	95	160	105	80	70	133	101	61	123	108	105	132	101	79	164	132	75
Total Cost		53,460	9,625	53,620	26,775	2,175	2,100	3,424	5,712	18,216	44,200	48,510	8,580	10,080	8,960	1,450	360	17,490	1,900	19,840	25,620	56,480	9,310	8,613	5,539	1,230	19,188	15,984	8,190	19,140	22,018	27,808	2,912	8,448	3,225
		CORE									SUPPORT																								
Oak Harbor - SE Pioneer Way																																			
Bills are tasks lead by City																																			
Phase 1 - Preliminary Engineering, Right-of-Way, Easement Descriptions and Cost Estimate																																			
Task 1. Project Management	273	198	36	24	24	0	4	0	14	0	0	16	0	0	0	0	0	0	0	0	0	0	33	0	0	0	22	0	0	0	0	0	0	0	0
a. Project administration		36	6									4											21				6								
b. Agency coordination		48	4	24	12		2		6			12											12				8								
c. Quality Assurance		16	24		12		2		8																		6								
	41,880	18500	6300	3360	4200	0	700	0	2352	0	0	3640	0	0	0	0	0	0	0	0	0	0	2310	0	0	0	2706	0	0	0	0	0	0	0	0
Task 2. Council and Public Outreach	148	27	0	35	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16	32	12	0	0	0	0	0	0	0	0	0	0	0	0
a. Public Outreach meetings (up to 3 meetings)		15	6	12																	6	24	10												
b. Council meetings - (up to 2 meetings)		10		8																	8	8	4												
c. Special Individual citizen meetings (as requested by City)		12		15																			4												
	17,905	6105	1400	4900	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1680	2560	1260	0	0	0	0	0	0	0	0	0	0	0	0
Task 3. Survey and Mapping	299	5	0	0	1	0	0	0	0	0	0	0	0	0	0	10	3	115	20	124	0	4	0	0	0	0	0	0	0	0	0	0	0	0	0
a. Research records						2													10																
b. Establish horizontal and vertical control																2	3			20															
c. Establish existing right-of-way limits						2										4			25																
d. Reconnaissance & field survey		1																		104															
e. Base map		4			1	4										4		80	20			4													
	38,680	825	0	0	175	1160	0	0	0	0	0	0	0	0	0	1450	360	12650	1900	19840	0	320	0	0	0	0	0	0	0	0	0	0	0	0	0
Task 4. Geo-Technical	68	2	2	0	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	35	28	11	0	0	0	0	0	0	0	0	0
a. Review existing information																								2	4	1									
b. Site investigation																								4	20	2									
c. Laboratory testing																								2	6										
d. Analysis and design								3																12	8	2									
e. Geotechnical report		2	2		2			5																15		6									
	11,612	330	350	0	250	0	0	1441.5	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4538	3827	878	0	0	0	0	0	0	0	0	0
Task 5. Hazardous Waste Investigation	53	0	0	0	0	0	0	7	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	22	17	7	0	0	0	0	0	0	0	0	0
a. Research and purchase environmental database search																								3	3	1									
b. Site reconnaissance																								1	4										
c. Interviews																								1	4	1									
d. Environmental drilling field labor																								1	6										
e. Analysis and plan development								4																8		1									
f. Environment report sections								2																6		2									
g. PS&E support and review for environmental tasks								1																2		2									
	8,319	0	0	0	0	0	0	1261.4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2915	1711.9	430.38	0	0	0	0	0	0	0	0	0
Task 6. Preliminary Civil	1129	54	4	100	66	0	0	0	14	0	200	66	28	0	1	0	0	0	0	0	120	292	14	0	0	0	60	108	48	0	0	0	0	0	0
a. Develop three street layout alternatives		10		24	16						100		6								60	160													
b. City's review and comments on layout alternatives																																			
c. Site Assessment for Stormwater, Basin Mapping					8						20	8										20													
d. Prepare storm drainage analysis and layouts					16						8	40										32													
e. Storm Conveyance					4						8	16										4													
f. Prepare sanitary sewer layout									4																		12	24	24						
g. Overhead utility relocation									3																		24	30							
h. Evaluate overhead to underground costs									3																		36	40	18						
i. Determine right-of-way needs		4		8	4						8										12	24					8	12							
j. Prepare planning level option of cost		4		16	4				3		24	8																							
k. Analysis of one-way street		8		16	2						8	2									4	12	4												
l. Evaluate alternatives		28	4	36	12				1		30	12	12		1						12	40	10				8								
m. City's review and comments on findings																																			
	137,914	6910	700	14000	11950	0	0	0	2352	0	20800	14160	3300	0	160	0	0	0	0	0	11340	23360	980	0	0	0	10924	11448	4200	0	0	0	0	0	0
Task 7. Preliminary Landscape Design	328	0	0	0	0	0	0	0	0	51	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	47	48	114	9	44	7
a. Project coordination & administration										20																				16		4	6		7
b. Quality control										24																									
c. Data collection and review										7																				8		2		20	
d. Basic Improvements & streetscape amenity alternatives																														8	12	24	1	12	
e. Design revision and preferred alternative																														8	12	24	2	8	
f. 30% plans and details																														8	16	48		4	
g. Cost estimates																														1	8	12			
	37,664	0	0	0	0	0	0	0	0	10557	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	6204	4848	9008	936	5808	525
Task 8. Funding Application	48	20	2	8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8	8	0	0	0	0	0	0	0	0	0	0	0	0
a. Prepare one funding application		20	2	8																		8	6												
	5,970	3300	350	1120	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	640	560	0	0	0	0	0	0	0	0	0	0	0	0
Task 9. Environmental Early Action	24	0	0	0	0	0	4	0	0	0	0	0	0	0	20	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
a. Coordination with DAHP																10																			
b. Geographic Screening							4									10																			
	3,980	0	0	0	0	0	700	0	0	0	0	0	0	0	3200	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PHASE 1	*TOTAL HOURS*	*218*	*52*	*167*	*93*	*8*	*8*	*15*	*28*	*51*	*205*	*102*	*20*	*0*	*21*	*10*	*3*	*115*	*20*	*124*	*124*	*326*	*73*	*57*	*55*	*18*	*119*	*108*	*48*	*47*	*48*	*114*	*9*	*44*	*7*
	TOTAL COSTS	*33970*	*9100*	*23380*	*16275*	*1160*	*1400*	*2703*	*4704*	*10557*	*20600*	*16830*	*3300*	*0*	*3360*	*1450*	*360*	*12650*	*1900*	*19840*	*13020*	*26880*	*5110*	*7332.5*	*5532.5*	*1106.64*	*13320*	*11448*	*4200*	*6204*	*4848*	*9006*	*936*	*5808*	*525*

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Oak Harbor - SE Pioneer Way (Rev 18 Feb 09)

Rate are tasks lead by City

		Project Manager	PC - Quality Assurance	Design Lead	Storm Lead	Survey Lead	Environmental Lead	Geotechnical Lead	Utility Engineer	Landscape Architect	Design Engineer	Storm Engineer	ADA Compliance	Construct Engineer	Environmental Planner	Sr. Surveyor	Surveyor	Project Surveyor 2	Project Surveyor 1	Survey Crew	CADD Lead	CADD Specialist	Admin Intern	Contract Sr. Engineer	Contract Engineer	Contract Admin	Utility Design Engineer	Utility Staff Engineer	Utility CADD	Landscape Manager	Landscape Designer	Graphics Technician	Business Mgr.	Arborist	Landscape Admin
Total Hours		324	55	383	153	15	12	19	34	88	442	294	52	72	58	10	3	159	20	124	244	786	133	65	55	20	156	148	78	145	218	352	28	64	43
Hourly Rate		165	175	140	175	145	175	180	160	207	100	165	165	140	160	145	120	110	95	165	105	80	70	133	101	61	123	108	105	132	101	79	104	132	75
Total Cost		53,460	9,625	53,620	26,775	2,175	2,100	3,424	5,712	18,216	44,200	48,510	8,580	10,080	8,960	1,450	360	17,490	1,900	18,040	25,620	63,680	9,310	8,613	5,539	1,220	19,188	15,984	8,190	19,140	22,018	27,808	2,912	8,448	3,225
						CORE																		SUPPORT											
Phase 1 – Plans, Specifications, and Engineer's Estimate																																			
Task 10. Design Plans	1530	30	3	72	60	7	0	4	6	0	238	192	32	72	0	0	0	44	0	0	128	492	56	0	0	2	48	42	38	0	0	0	0	0	0
a. Prepare 60% plan set		8	2	16	16			2	2		56	60	16								60	200		4			12	12	18						
b. City review and comments on 60% plan set																																			
c. Refine additional right-of-way needs		2		4																															
d. Perform title search & prepare legal description of ROW takes						7												44																	
e. City to perform property negotiation for right-of-way takes																																			
f. Preparation of 90% plan set – incorporation changes to 60% plans		4		16	12			2	2		56	32	6								40	160					6	10	12						
g. Contract and Specification document preparation		4		4	4							8		48										4		2	8								
h. City review and comments on 90%		4		12	8							40	8														4								
i. Preparation of final plan set and contract document		4		4	4				2		64	12		24								80	40				8	12	6						
j. Submittal of Package		2	1	8	4																														
k. City to publish PS&E package, advertise and open bids .																																			
l. Bid review and recommendation		2		8							8												12												
m. Drainage technical memorandum					12						12	40										20	4				8	8							
	172,968	4950	525	10080	10500	1015	0	720.8	1008	0	23600	31680	5280	10080	0	0	0	4840	0	0	12600	36800	3920	1050	0	122.96	5658	4536	3990	0	0	0	0	0	0
Task 11. Landscape Design Plans	610	0	0	0	0	0	0	0	0	37	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	89	170	238	19	20	36
a. Site visit										4																					6	6			
b. Final design basic landscape										5																				24	48	80	8		8
c. Final design basic lighting										5																				12	24	36	3		6
d. Final design site furnishings										5																				16	24	24	2		6
e. Final design special paving										5																				12	40	36	2		4
f. Final design banners & baskets										4																				12	12	36	2		4
g. Final design low impact development										5																				12	16	24	2		4
h. Arborist coordination										2																				4		2			4
i. Arborist services										2																								20	
	63,683	0	0	0	0	0	0	0	0	7659	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12936	17170	18802	1976	2940	2700
Task 12. Environmental Permitting	39	0	0	0	0	0	4	0	0	0	0	0	0	0	35	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
a. Prepare shoreline postal								2							15																				
b. Provide SEPA checklist								2							20																				
c. City review and processing of Permits																																			
d. Archeologist (If required)	14,000																																		
	20,300	0	0	0	0	0	700	0	0	0	0	0	0	0	5600	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
PHASE 2	TOTAL HOURS	30	3	72	60	7	4	4	6	37	238	192	32	72	35	0	0	44	0	0	128	492	56	0	0	2	48	42	38	89	170	238	19	20	36
	TOTAL COSTS	4950	525	10080	10500	1015	700	720.8	1008	7659	23600	31680	5280	10080	5600	0	0	4840	0	0	12600	36800	3920	1050	0	122.96	5658	4536	3990	12936	17170	18802	1976	2940	2700
Phase 3 – Construction Support Services																																			
Task 13. Construction Support	224	76	0	144	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	0	0	0	0	0	0	0	0	0	0	0	0
a. Preconstruction meeting		6		12																															
i. Assist City as required		8		8																															
ii. Prepare notes of pre-construction meeting		2		4																															
b. Construction support		40		60																			4												
c. Project Close out		20		60																															
CONSTRUCTION SUPPORT	32,840	12540	0	20160	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	280	0	0	0	0	0	0	0	0	0	0	0	0

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EXHIBIT F
PAYMENT UPON TERMINATION OF AGREEMENT BY CITY OTHER THAN FOR FAULT OF THE CONSULTANT
(Refer to General Requirements, Section 3)

Specific Rates of Pay Contracts
A final payment shall be made to the CONSULTANT for actual hours charged at the time of termination of this AGREEMENT plus any direct non-salary costs incurred at the time of termination of this AGREEMENT.

EXHIBIT G-1
SUBCONSULTANT FEE DETERMINATION -- SUMMARY SHEET

Project: _____

Direct Salary Cost (DSC):

Classification	Man Hours	x	Rate	=	Cost
_____	_____		_____		$_____
_____	_____		_____		$_____
_____	_____		_____		$_____
_____	_____		_____		$_____
_____	_____		_____		$_____
_____	_____		_____		$_____
_____	_____		_____		$_____
_____	_____		_____		$_____
_____	_____		_____		$_____
_____	_____		_____		$_____
_____	_____		_____		$_____
_____	_____		_____		$_____
			Total DSC =		$_____

Overhead (OH Cost -- including Salary Additives):
OH Rate x DSC of _____ % x $_____ $_____

Fixed Fee (FF):
FF Rate x DSC of _____ % x $_____ $_____

Reimbursables:
Itemized $_____

Grand Total $_____

Prepared by_____ Date_____

EXHIBIT G-2
BREAKDOWN OF SUBCONSULTANT'S OVERHEAD COST

(Sample only -- Actual line item and cost categories and percentages for your firm should be submitted.)

Fringe Benefits

FICA ..... _____
Unemployment ..... _____
Medical Aid and Industrial Insurance ..... _____
Company Insurance and Medical ..... _____
Vacation, Holiday, and Sick Leave ..... _____
Commission, Bonuses/Pension Plan ..... _____

Total Fringe Benefits ..... _____

General Overhead

State B&O Taxes ..... _____
Insurance ..... _____
Administration and Time Not Assignable ..... _____
Printing, Stationary, and Supplies ..... _____
Professional Services ..... _____
Travel Not Assignable ..... _____
Telephone and Telegraph Not Assignable ..... _____
Fees, Dues, Professional Meetings ..... _____
Utilities and Maintenance ..... _____
Professional Development ..... _____
Rent ..... _____
Equipment Support ..... _____
Office Miscellaneous, Postage ..... _____

Total Generated Overhead ..... _____

TOTAL ..... _____

NOT APPLICABLE

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City of Oak Harbor
City Council Agenda Bill

Agenda Bill No. 15
Date: March 3, 2009
Subject: Resolution Authorizing Mayor to Submit Stage II Affordable Housing Project Application and All Further Information and Applications Required by CTED for Housing Trust Fund Process

FROM: Margery Hite, City Attorney

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

Jim Slowik, Mayor
Paul Schmidt, City Administrator
Doug Merriman, Finance Director
Margery Hite, City Attorney, as to form

PURPOSE

This Resolution authorizes the City to proceed with the grant application process for CTED housing trust fund proposals. The City's Stage I application was accepted by CTED and CTED has invited the City to submit its Stage II proposal.

AUTHORITY

The City has authority to exercise municipal powers to acquire, improve and use real property, as well as authority to contract, pursuant to RCW 35A.11.020.

SUMMARY STATEMENT

On January 20, 2009, the City Council approved Resolution #09-02, directing the Mayor to enter into a cooperative agreement with the Housing Authority of Snohomish County (HASCO) to carry out an affordable housing project and further authorizing the Mayor to submit a grant application for funding of a manufactured home community to Stage I of the Department of Community, Trade and Economic Development (CTED). Since that time, the City's application to Stage I of the Spring Round of the 2009 CTED funding process was submitted and the City has been invited to submit its proposal to Stage II. The Stage II proposal will be a more specific project proposal, requiring further project information, and undertakings by the City. This Resolution authorizes the City to submit a Stage II application and all other information and applications to comply with the requirements of CTED for housing trust fund grants.

STANDING COMMITTEE REVIEW:
The City received notification on February 17, 2009 that it was invited to submit a Stage II application and the Stage II application will be due March 12, 2009. Because of the very short time-frame, there wasn't time to bring this matter to a standing committee. However, it is a continuation of the grant application process already considered both by the Governmental Services Standing Committee and the entire City Council.

RECOMMENDED ACTION:
Adopt the attached resolution, authorizing the Mayor to submit a Stage II application and all further information and applications required by CTED to comply with requirements of the housing trust fund grant process.

ATTACHMENTS:
Resolution

MAYOR'S COMMENTS:

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RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF OAK HARBOR AUTHORIZING THE MAYOR TO SUBMIT A STAGE II APPLICATION FOR A MANUFACTURED HOME AFFORDABLE HOUSING PROJECT AND ALL FURTHER INFORMATION AND APPLICATIONS REQUIRED FOR COMPLIANCE WITH THE DEPARTMENT OF COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT (CTED) HOUSING TRUST FUND GRANT PROCESS

WHEREAS, the City of Oak Harbor ("City") submitted a Stage I application for housing trust funds to CTED to support an affordable housing manufactured home project; and

WHEREAS, CTED has invited the City to submit a Stage II application; and

WHEREAS, the Stage II application and further steps in the process may require further information and applications from the City; and

WHEREAS, authorizing the Mayor to proceed with all necessary steps in the process will make the City's response more efficient; and

WHEREAS, the City may undertake expenditures in responding to the CTED requests for further information within the signature authority of the Mayor but that these expenditures are anticipated to be reimbursed with the ultimate grant funding; and

WHEREAS, the Housing Authority of Snohomish County (HASCO) has assumed administrative responsibility for responding to the requests from CTED in support of the City's housing trust fund grant proposal,

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF OAK HARBOR, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

1. The City Council finds that the best interests of the City will be served by pursuing housing trust funds to support a manufactured home affordable housing project by the City;

2. The City accepts CTED's invitation to the City to submit a Stage II application;

3. The Mayor is authorized to submit a grant application for funding for the proposed manufactured home community to be submitted to Stage II of the Department of Community, Trade and Economic Development (CTED) Spring 2009 round of housing project applications;

4. The Mayor is further authorized to submit all information and applications requested by CTED to comply with the requirements for housing trust fund grant proposals and to incur necessary expenses within his signature authority pursuant to OHMC 2.390.020 in obtaining and submitting such information and authority; and

5. This Resolution shall take effect immediately.

PASSED and approved by the City Council this _____ day of _____, 2009.

CITY OF OAK HARBOR

_____
Jim Slowik, Mayor

ATTEST:

_____
Connie Wheeler, City Clerk

APPROVED AS TO FORM:

_____
Margery Hite, City Attorney

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City of Oak Harbor
City Council Agenda Bill

Bill No. 16
Date: March 3, 2009
Subject: Executive Session - Acquisition of Real Property

FROM: Cathy Rosen, Public Works Director
Eric Johnston, City Engineer

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

James Slowik, Mayor
Paul Schmidt, City Administrator
Doug Merriman, Finance Director
Margery Hite, as to form

SUMMARY STATEMENT:

Purpose: This agenda bill requests an executive session during the regular March 3, 2009 City Council meeting for the purposes of considering the acquisition of real estate for purchase. An executive session is necessary because public knowledge regarding such consideration would cause a likelihood of increased price.

Description: The City is considering acquisition of real property for two different projects. Staff will present information related to the real property under consideration.

This executive session is for informational purposes only.

Before convening in executive session, the Mayor shall publicly announce the purpose for excluding the public, and the time when the executive session will be concluded.

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THE END!