

**City of Oak Harbor
City Council Meeting**



**Agenda for
July 7, 2009
7:00 p.m.**

Oak Harbor City Council
7:00 p.m.
Tuesday, July 7, 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 **Thomas Meyer – Common Ground Church**

ROLL CALL

MINUTES 6/16/09 Regular Meeting

NON-ACTION COUNCIL ITEMS:

1. Introduction of New Employees – None this evening.
2. WA State Department of Energy “Wastewater Treatment Plant Outstanding Performance” Award Presentation.
3. Employee Recognition – Scott Hubbard, Public Works– 10 years.
4. Proclamation – Help House’s Christmas in July.
5. Public Comments.

COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS:

6. Consent Agenda:

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- a. Noise Permit – North Whidbey Sunrise Rotary– Challenge Series.

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- b. Noise Permit – Outshine – Polishing Party.

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- c. Noise Permit – Island Classic Mustang Club.

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- d. Noise Permit – Fidalgo Avenue Merchant’s Association.

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- e. Noise Permit – St Augustine Catholic Church.

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- f. Excused Absence Request – Councilmember Jim Palmer.

- g. Pay Bills.

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7. Housing Trust Fund – Fall 2009 Stage I Application.

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8. Bid Results and Award – Goldie Road Lift Station and Sewer Extension Contract Award.

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9. Sole Source Purchase – Flashing Beacon Lights.

Added to Council’s Agenda on 7/7/09

10. Right of Way Acquisition – Oak Harbor Street Project.

11. City Administrator’s Comments.

12. Councilmembers’ Comments.

- Standing Committee Reports

13. 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.

"Humor is the great thing, the saving thing. The minute it crops up, all our irritations and resentments slip away and a sunny spirit takes their place." - Mark Twain

***The Gentry Annexation Public Hearing
has been cancelled.***

**City Council Regular Meeting
Tuesday, June 16, 2009, 7:00 p.m.
City Hall Council Chambers**

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

INVOCATION Brent Sorlein – Assembly of God Church

At this point in the meeting, Mayor Slowik announced that agenda items 5 and 6, Public Hearing – Sale of Boats ID numbers WN 86 AR and WN 189 FF, will be continued to a future Council meeting.

MOTION: COUNCILMEMBER CAMPBELL MOVED TO ADJUST THE AGENDA AND REMOVE ITEMS 5 AND 6, THE MOTION WAS SECONDED BY COUNCILMEMBER SEVERNS AND CARRIED UNANIMOUSLY.

NON-ACTION COUNCIL ITEMS

Mayor Slowik then continued to the following non-action Council items:

Commendation for Chris Sublet, Oak Harbor Marina

On behalf of the Jonson Family Foundation, Dr. C. Hugh Jonson spoke in recognition of Mr. Sublet and read the commendation into the record.

Be it known that Mr. Christopher Sublet, a staff member of the Oak Harbor Marina, is hereby recognized for his valiant service of Sunday, March 29, 2009. The Jonson Foundation, in conjunction with the U.S. Power Squadron, Deception Pass Squadron, takes great pleasure in the commendation of Christopher Sublet for his actions in the early hours of Sunday, March 29, 2009. Chris was notified at 0500 hours that a power boat was sinking. Without hesitation he left his home and went immediately to the rescue with pumps and hull plugs. As a result of Chris' knowledge and skills, the boat was saved. These actions are in keeping with the highest traditions of the maritime service and reflect credit upon himself, the maritime service and the Oak Harbor Marina. As a result of the dedication shown by these actions, the boat owners of the Oak Harbor Marina feel more secure.

Mr. Sublet spoke about the events of that morning and introduced his family.

Proclamation – AWO2 Christopher Halladey Appreciation Day

Councilmember Campbell introduced those attending from VP-46, Grey Knights: Commander Mark Hamilton, Commanding Officer; Commander Mike Grabowski, Executive Officer; Lt. Commander Mikel Smith, Lt. Commander George Borovina, Senior Chief Pete Carbone, and Chief Troy Scott. Councilmember Campbell read and presented the proclamation to AWO2 Halladey in recognition of his response to seeing a van rolling out of a residential driveway and heading directly toward a busy intersection with a young child standing up on the driver's seat. Petty Officer Halladey

chased the van on foot, caught it, and jumped in the driver's side to stop the van. Petty Officer Halladey exemplifies the Navy's core values of honor, courage, and commitment to the task at hand.

Mayor Slowik called for a break at 7:20 p.m. to allow Council to congratulate Mr. Sublet and Petty Officer Halladey. The meeting reconvened at 7:25 p.m. and Mayor Slowik returned to the agenda's sequence.

ROLL CALL

Jim Slowik, Mayor
Seven Members of the Council,
Rick Almberg
James M. Campbell
Eric Gerber
Danny Paggao, Mayor Pro Tem
Jim Palmer
Beth Munns
Bob Severns

Paul Schmidt, City Administrator
Margery Hite, City Attorney
Cathy Rosen, Public Works Director
Rick Wallace, Chief of Police
Mark Soptich, Fire Chief
Mike McIntyre, Senior Services Director
Mack Funk, Harbormaster
Renée Recker, Executive Assistant to the Mayor

MINUTES

MOTION: COUNCILMEMBER CAMPBELL MOVED TO APPROVE THE MINUTES OF THE 6/2/09 REGULAR MEETING, 6/4/09 SPECIAL MEETING, AND 6/9/09 SPECIAL MEETING. THE MOTION WAS SECONDED BY COUNCILMEMBER MUNNS AND CARRIED UNANIMOUSLY.

NON-ACTION COUNCIL ITEMS (CONTINUED)

Proclamation – Amateur Radio Week

Councilmember Severns read the proclamation and Julie Mercer, President of the Island County Amateur Radio Club received it. There are over 200 amateur radio operators in Oak Harbor and North Whidbey. Local amateur radio operators volunteer their time, skills, equipment and energy during community events and provide emergency communications for public safety organizations, hospitals, businesses, and the public-at-large during emergencies and disasters. "Field Day" is the climax of the weeklong "Amateur Radio Week" sponsored by ARRL, the national association for amateur radio. Using only emergency power supplies, ham operators from Whidbey Island will construct emergency stations in Rhododendron State Park, 502 W. Patmore Road, Coupeville during the weekend of June 27th and 28th. Everyone is welcome to attend.

Public Comments

Gary Stuntz, Clear Ahead Marine Productions, Whidbey Island Race Week. Mr. Stuntz gave a PowerPoint presentation and talked about the number of boats and classes participating last year and this year. 2008 brought 123 boats from 23' to 43' in length, and this year, 95 boats are expected. 2010 will bring two new classes represented by 25 boats in each class. The Oak Harbor Yacht Club hosts a party each evening between 6:00 p.m. and 8:00 p.m. attracting 700 to 1,000 people to OHYC and

Oak Harbor's businesses. Council AlMBERG and Councilmember Munns have sailed in several races over the years and Ms. Munns will be volunteering and racing in 2009.

Maribeth Crandall, City Environmental Educator. Ms. Crandall displayed the new artistic interpretive panels which will be placed at the Scenic Heights Trailhead.

With no other public comments coming forth, Mayor Slowik closed this portion of the meeting at 7:40 p.m.

COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS

Consent Agenda

- a. Noise Permit – Oak Harbor Rotary Club Car Show
- b. Noise Permit – First Reformed Church
- c. Noise Permit – Greater Oak Chamber of Commerce – 4th of July
- d. Noise Permit – Living Word
- e. Service Agreement – Janitorial Services
- f. Pay Bills

MOTION: COUNCILMEMBER PALMER MOVED TO APPROVE CONSENT AGENDA ITEMS A, B, C, D, E, AND F WITH ITEM F PAYING ACCOUNTS PAYABLE CHECK NUMBERS 137374 – 137560 IN THE AMOUNT OF \$675,314.47, PAYROLL CHECK NUMBERS 92982 – 92989 IN THE AMOUNT OF \$87,890.00, AND PAYROLL CHECK NUMBERS 92990 – 92996 IN THE AMOUNT OF \$2,945.11. THE MOTION WAS SECONDED BY COUNCILMEMBER CAMPBELL AND CARRIED UNANIMOUSLY.

Public Hearing – Sale of Boat, Vessel ID# WN 86 AR

Public Hearing – Sale of Boat, Vessel ID# WN 189 FF

As Mayor Slowik noted at the beginning of this meeting and as Council motioned and approved, both public hearings were continued to a future Council meeting date.

Oak Harbor Fire Department – Interim Command Pay

Fire Chief Mark Soptich presented this agenda bill. A primary goal in the Fire Department re-organizational proposal is to implement a plan which will incorporate command duty responsibilities and an economically feasible compensation plan that meets all Federal and State Laws. Until an approved plan is implemented, it is advisable to continue the interim compensation plan for the Battalion Chief position, in addition to his existing monthly salary, beginning July 1, 2009 through December 31, 2009; or for a shorter period of time if an approved plan is implemented earlier. On December 16, 2008, City Council authorized the Mayor to sign Resolution No. 08-19 which provided an interim compensation plan for the Battalion Chief position in the amount of \$2,010.66 in addition to his existing monthly salary of E-53 (\$7,138) beginning January 1, 2009 through June 30, 2009; or for a shorter period of time if an approved plan was implemented. The monthly interim amount of \$2,010.66 is the 2008 twelve-month average the Battalion Chief position has received for command duty and is equitably

comparable to the compensation this position has received since the implementation of command duty compensation. Resolution 09-14, providing an additional monthly premium for the Battalion Chief position as interim command response compensation, was an attachment to the agenda bill.

Mayor Slowik called for public comments but there were none.

Council Discussion

Discussion followed about the Fire Department's reorganization plan which is anticipated to come before Council in the fall.

MOTION: COUNCILMEMBER MUNNS MOVED TO AUTHORIZE THE MAYOR TO SIGN RESOLUTION 09-14. THE MOTION WAS SECONDED BY COUNCILMEMBER CAMPBELL AND CARRIED UNANIMOUSLY.

Mayor Slowik asked Chief Soptich to talk about OHFD's ladder truck and its needed repair. Cracks were found in the outriggers during a regular inspection and repairs will run between \$10,000 - \$15,000. The box (\$6,200) is being manufactured and the ladder truck will be down for ten to twelve weeks. Coverage will come from the Navy's smaller ladder truck. OHFD's ladder extension is 100 feet; the Navy's ladder is 70 feet. These are the only two ladder trucks on the Island. The OHFD ladder truck is scheduled for replacement in 2012 and Chief Soptich is researching refurbishment or a plan for replacement. It was explained that the metal fatigue occurred at a weld point and that stress on the ladder's outriggers is tremendous.

Resolution – Junior Naturalist Youth Programs in City Parks

Public Works Director Cathy Rosen presented this agenda bill proposing a new monthly environmental education program in Oak Harbor's City parks. The goal is to raise awareness of critical environmental issues such as water and air quality, resource conservation, and wildlife habitat. Working with children often leads to influencing their whole family and the program will increase appreciation of our parks system and the long-range planning for connectivity and open space. Offering a free outdoor program will boost healthy activity and teach children how to properly prepare for outdoor recreation. Programs like these help children feel more comfortable and confident in natural settings and encourage a healthier lifestyle for them and their families. If this pilot project is successful it could be expanded and continued next year.

Mayor Slowik called for public comments but there were none.

Council Discussion

Discussion followed about the budget (Ms. Crandall's time has been budgeted, a teaching-certified volunteer will be assisting, and there are no material costs for the program), and the outcome criteria that will be used to judge the program's success. Ms. Crandall will return in the fall with a follow-up report to Council. She is also promoting the program through other youth organizations and summer youth programs.

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MOTION: COUNCILMEMBER MUNNS MOVED TO APPROVE THE PROPOSAL TO OFFER A PILOT ENVIRONMENTAL EDUCATION PROGRAM FOR YOUTH IN CITY PARKS AND AUTHORIZE THE MAYOR TO SIGN RESOLUTION 09-15. THE MOTION WAS SECONDED BY COUNCILMEMBER PALMER AND CARRIED UNANIMOUSLY.

Island County Joint Tourism Agreement

City Administrator Paul Schmidt presented this agenda bill and noted that a resolution was not meant to be included as stated on the agenda. — The Island County Joint Tourism Agreement program is funded with 2% hotel/motel tax proceeds. RCW 67.28 and Oak Harbor Municipal Code Section 2.66.040(4), require the City Council to submit to the City's Lodging Tax Advisory Committee, for its review and comment, any proposals to "change [in] the use of the revenue received from such a tax." On May 6, 2009, the Oak Harbor Lodging Tax Advisory Committee made recommendation to decrease the City of Oak Harbor's current contribution of 1% (approximately \$40,000) of the total hotel/motel tax to the Island County Joint Tourism Agreement effort down to a set annual amount of \$20,000.

The original Island County Joint Tourism agreement was executed by the City of Oak Harbor on September 5, 2000, between Island County, the City of Langley and the Town of Coupeville. Island County, Oak Harbor, Langley, and Coupeville also approved the imposition of the additional 2% hotel/motel tax authorized by the State Legislature in 1998. That amount allowed the County, two Cities and Town to impose a total of 4% hotel/motel tax. The intent of the Joint Tourism Interlocal Agreement was to impose the additional 2% and pool the funds for county-wide tourism promotion. The annual hotel/motel tax generated by the 2% contribution from the City of Oak Harbor ranged from \$73,391 in 2001 to \$72,013 in 2004. The amendment in 2005 to decrease the contribution from the lodging tax from 2% to 1% resulted in a contribution of \$40,894 in 2005. The savings from the decreased contribution to Island County Joint Tourism have since been dedicated to Oak Harbor's promotion of Windjammer Park. Recent Oak Harbor discussions on how to better utilize limited funds for tourism promotion has again prompted a proposal to limit the contribution to the county-wide tourism effort in favor of providing more funds directly toward local promotions such as a new banner program or to further enhance events in Oak Harbor like the Whidbey Island Marathon. It has also been suggested that Oak Harbor's contribution need not be more than that of the other city on Whidbey Island, the City of Langley. Is there a measurable increase in Oak Harbor's tourism proportional to Oak Harbor's larger contribution to the Island County Joint Tourism program? To initiate an amendment to the original Island County Tourism Promotion Agreement, at least a six-month notice, prior to the end of the calendar year, needs to be given to the Joint Board and to each legislative authority of the Joint Board. In addition, the original agreement requires a minimum one-year notice in which to terminate Oak Harbor's participation in the Island County Joint Tourism Promotion Agreement. Council could concurrently give notice of full termination in the event approval of the amendment to decrease the City's contribution from 1% to \$20,000 is denied by the Joint Board. The City would save six months of contributions if

termination notice was given concurrently with the notice of amendment. In the event the amendment is granted by the Joint Board, the City would have the option of then withdrawing the termination notice well before the effective date.

Council Discussion

The new agreement with the Greater Oak Harbor Chamber of Commerce was noted. Jill Johnson, Executive Director of the Greater Oak Harbor Chamber of Commerce and member of the Island County Tourism Committee supported the reduction but felt there is value in county-wide marketing. Council discussion followed about the choice of \$20,000 as a flat contribution, the City's Lodging Tax Advisory Committee's support of this participation amount, and if Oak Harbor is receiving the same tourism benefit as the City of Langley. It was noted that that any reduction of this flat contribution would not have to be re-reviewed by the City's Lodging Tax Advisory Committee. Specific events, such as the Tour de Whidbey, Whidbey Island Marathon, and the City's banner program were also discussed. The bulk of Oak Harbor's lodging is made up of business room rentals instead of tourism room rentals. The Chamber has been filling rooms through its sports program; other Oak Harbor events also fill rooms. The updated tourism website is a great tool for storylines, video, and overall presentation of Whidbey Island. Discussion continued about the Island County Joint Tourism Treasurer's Report and whether some of the numbers represented a partial year in 2007, if other agencies were contributing 1% or 2%, and if Oak Harbor's proposed reduction and annual participation amount would trigger the same approach from the other agencies and jeopardize the joint program.

MOTION: COUNCILMEMBER GERBER MOVED TO AUTHORIZE THE MAYOR TO GIVE NOTICE TO THE JOINT BOARD AND THE LEGISLATIVE AUTHORITIES OF ISLAND COUNTY, THE CITY OF LANGLEY, AND THE TOWN OF COUPEVILLE TO AMEND THE INTERLOCAL TOURISM PROMOTION AGREEMENT TO DECREASE THE CITY OF OAK HARBOR'S ANNUAL CONTRIBUTION TO A SET AMOUNT OF \$20,000, AND TO CONCURRENTLY SUBMIT A NOTICE OF INTENT TO TERMINATE THE CITY'S PARTICIPATION IN THE INTERLOCAL TOURISM AGREEMENT IN THE EVENT THE CITY'S REQUESTED AMENDMENT IS NOT GRANTED. THE MOTION WAS SECONDED BY COUNCILMEMBER SEVERNS AND CARRIED UNANIMOUSLY.

City Administrator's Comments

Mr. Schmidt talked about upcoming standing committee meetings and the special meeting of the Government Services Standing Committee on June 19th. Mr. Schmidt also talked about the Annual AWC Conference in Spokane, June 23 – 26, 2009, and who will be attending. The Office of Financial Management shows Oak Harbor's population at 23,360 now. Mr. Schmidt also brought attention to the artist's rendering on display in Council Chambers that shows the reservoir mural as recommended by Oak Harbor's Arts Commission. Public Works Director Cathy Rosen noted that the City has been awarded \$37,500 in grant funding for the school zone flashing lights to be

added to side streets. This will limit speed to 20 mph in school zones when lights are flashing. Installation will be in place prior to the school year.

Council Members' Comments

Council Members gave their respective standing committee reports, enjoyed the reservoir mural rendering, and talked about the AHAB testing. Councilmember Campbell's anniversary was this evening so he expressed anniversary wishes to Mrs. Campbell. Councilmember Munns talked about AWC's search for a new CEO and announced that Mike McCarthy will be offered the position. Mr. McCarthy has been AWC's interim CEO during this search.

Mayor's Comments

Mayor Slowik congratulated 2009's graduates – celebrate, but be safe. There are still fifteen summer youth jobs (age 18 and above with valid driver's license) available through the stimulus package; contact NW Workforce Council or City Hall for details. Mayor Slowik also spoke about the Oak Harbor Education Foundation's event held at Fraser's Gourmet Hideaway Restaurant. The dinner was prepared by Oak Harbor High School's culinary team which placed first in the state and 8th in the nation. Greg Gobel was presented with the Foundation's first scholarship. Mayor Slowik reported that the affordable housing initiative was not selected by CTED. City Attorney Hite and Development Services Director Powers put an immense amount of work and energy into this project, but funds continued to be eliminated. The City has a very good application and this will not be the end of the application process.

ADJOURN

With no other business coming before Council, Councilmember Almberg moved to adjourn; the motion was seconded by Councilmember Palmer and carried unanimously. The meeting adjourned at 8:45 p.m.

Connie T. Wheeler
City Clerk

City of Oak Harbor
City Council Agenda Bill

Bill No. 2
Date: July 7, 2009
Subject: WA State Department of Ecology
"Wastewater Treatment Plant
Outstanding Performance"
Award Presentation

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

For the State of Washington Department of Ecology to present the City of Oak Harbor's Wastewater Treatment Plant with the 2008 "Wastewater Treatment Plant Outstanding Performance" Award.

AUTHORITY

It is the practice of the Department of Ecology to annually present this award to wastewater treatment plants that achieved full compliance with its discharge permit.

SUMMARY STATEMENT

The State of Washington Department of Ecology has identified the Oak Harbor Wastewater Treatment Facility as a recipient for the 2008 "Wastewater Treatment Plant Outstanding Performance" Award. In order to achieve this award, a treatment plant must be in compliance with its effluent limits, monitoring and reporting requirements, spill prevention planning, pretreatment, and other regulatory activities. Our treatment plant in one of 91, out of 300 plants statewide, that achieved full compliance with its discharge permit in 2008.

STANDING COMMITTEE REPORT

None

RECOMMENDED ACTION

Congratulate the employees of the Wastewater Treatment Facility for their efforts.

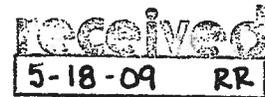
ATTACHMENTS

Correspondence from Kelly Susewind, Water Quality Program Manager for the State of Washington Department of Ecology.

MAYOR'S COMMENTS

None





STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

PO Box 47600 • Olympia, WA 98504-7600 • 360-407-6000
711 for Washington Relay Service • Persons with a speech disability can call 877-833-6341

May 14, 2009

The Honorable Jim Slowik
Mayor of Oak Harbor
865 SE Barrington Dr.
Oak Harbor, WA 98277

Dear Mayor Slowik:

I am pleased to inform you that the Washington State Department of Ecology (Ecology) has identified the Oak Harbor Wastewater Treatment Facilities as a recipient for the 2008 "Wastewater Treatment Plant Outstanding Performance" award.

Of approximately 300 wastewater treatment plants statewide, yours is one of 91 that achieved full compliance with its discharge permit in 2008. My staff evaluated each treatment plant for compliance with its effluent limits, monitoring and reporting requirements, spill prevention planning, pretreatment, and other regulatory activities.

Ecology appreciates the extraordinary level of effort you and your team demonstrated throughout 2008. The Oak Harbor Wastewater Treatment Facilities is run by dedicated operators whose efforts complement one another to ensure outstanding compliance and the protection of our state's water quality. As in past years, we plan to issue a news release about the 2008 award recipients that will mention your facility.

In the past, award recipients have scheduled special public events, such as city council meetings, to receive their award. Ecology will gladly send a representative to attend an event of your choosing and officially present your award. Please contact Betty Leonard at (425) 649-7105 no later than June 5, 2009, if you want to schedule an award presentation. If we don't hear from you by June 5, 2009, we will mail your award to you.

Thank you again and congratulations!

Sincerely,

Kelly Susewind, P.E., P.G.
Water Quality Program Manager

cc: Larry Michaels
Cathy Rosen



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City of Oak Harbor
City Council Agenda Bill

Bill No. 3

Date: July 7, 2009

Subject: Employee Recognition

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

To recognize a City employee for 10 years of service.

AUTHORITY

It is the practice of the City to recognize dedicated employees who have completed 10 years of service.

SUMMARY STATEMENT

The Mayor and City Council will recognize the following employee for his years of service with the City:

- Scott Hubbard / Public Works – 10 years

STANDING COMMITTEE REPORT

None

RECOMMENDED ACTION

Congratulate Mr. Hubbard for completing 10 years of service.

ATTACHMENTS

None

MAYOR'S COMMENTS

None

City of Oak Harbor

OFFICE OF THE MAYOR
JIM SLOWIK
MAYOR



PROCLAMATION IN RECOGNITION OF

CHRISTMAS IN JULY

HELP HOUSE FOOD AND FUND DRIVE

WHEREAS, North Whidbey Help House is a local non-profit food bank that serves northern Whidbey Island; and

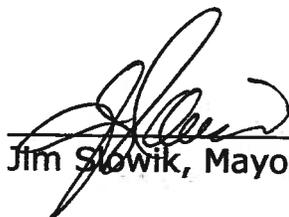
WHEREAS, as food and monetary donations slow down considerably during the summer months, the Christmas in July Food and Fund Drive was developed to help keep the shelves stocked; and

WHEREAS, as of June 15th, North Whidbey Help House had distributed 2,163 food baskets that have fed 4,516 people in 2009; and

WHEREAS, on Saturday, July 18th, volunteers from Soroptimist International of Oak Harbor, Kiwanis, Lions Club and NAS Whidbey Island, will be staged at local grocery stores and Wal-Mart asking shoppers to contribute to the Help House Christmas in July Food and Fund Drive.

NOW, THEREFORE, WE, Jim Slowik, Mayor, and Councilmembers of the City of Oak Harbor do hereby proclaim **July 18, 2009** as **Christmas in July Day** and urge all citizens of our City to support North Whidbey Help House and its effort to provide assistance to those in need.

Signed this 7th day of July, 2009



Jim Slowik, Mayor

**City of Oak Harbor
City Council Agenda Bill**

Bill No. 5

Date: JULY 7, 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

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.

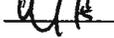
**City of Oak Harbor
City Council Agenda Bill**

Agenda Bill No. d/A 6A
Date: July 7, 2009
Subject: Noise Permit – North Whidbey
Sunrise Rotary – Challenge Series

FROM: Paul Schmidt, City Administrator 

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:





Jim Slowik, Mayor

Doug Merriman, Finance Director

Margery Hite, City Attorney, as to form

PURPOSE

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from North Whidbey Sunrise Rotary for amplified sound associated with the 17th Annual Challenge Series Soap Box Derby.

AUTHORIZATION:

Oak Harbor Municipal Code (OHMC) 5.50.040(3)(g) provisions relating to Special Events requires compliance with noise ordinance regulations and laws. OHMC 6.56.030(2)(a) requires Council approval for a noise permit for sound amplification. As this event will include amplified sound, Council approval is required.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 if it is determined the activity and associated noise: 1) will not disregard the rights of others, or; 2) is temporary, or; 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

SUMMARY STATEMENT:

North Whidbey Sunrise Rotary has submitted a Noise Permit request for amplified sound associated with the 17th Annual Challenge Series Soap Box Derby event scheduled for August 29, 2009. The event will be held from 8:00 am – 2:00 pm. The amplified sound will consist of a sound system and microphone to announce each race and event narration.

The Application was reviewed by Fire, Police, and Public Works Departments. No conditions of approval were requested for the noise permit.

STANDING COMMITTEE REVIEW:

Not required.

RECOMMENDED ACTION:

Grant a noise permit for amplified sound to North Whidbey Sunrise Rotary.

ATTACHMENTS:

Special Event Permit/Noise Permit Application.
Noise Permit.

MAYOR'S COMMENTS:

5/13/09 / 5/14/09



SPECIAL EVENT PERMIT/NOISE PERMIT

APPLICATION INFORMATION:

Please check the event type:

- Athletic Event
- Marina Event
- Carnival
- Noise Permit ?
- Car Show
- Parade
- City Facility Reservation
- Park Event
- Other

Name of Applicant/Organization: North Whidbey Sunrise Rotary

Person in Charge: _____ Address: _____

Phone Number: Daytime: _____ Work: _____ Email: _____

Additional Authorized Individuals: _____

Phone Number: Daytime: _____ Work: N/A Email: _____

Emergency Contact: _____

Phone Number: Daytime: _____ Work: _____ Email: _____

Type of Activity Planned (describe event): Special needs children's gravity soapbox derby races down Barrington Hill from Island Thrift to Dutchmaid Laundry

Is this an event involving political or religious activity intended primarily for the communication or expression of ideas? (Please circle) YES **(NO)**

Will Participants Pay a Fee or Make a Donation? (Please circle) YES **(NO)**

Will City Services/Street Closures/Equipment be required? If so, please describe: yes - NEED Barrington closed from Island Thrift to Dutchmaid Laundry. Need volunteers from Public Works Dept to help stop race cars at the bottom of the hill and drive children back up to the starting gate. Need Bales of Hay on side of raceway

Date(s) of Proposed Event: Saturday - August 29th 2009

Hours of Operation: 8am - 2pm

Set-up Date/Time: August 29, 2009 at 8:00 AM

Dismantling Date/Time: August 29, 2009 between 1-2 pm

Number of Staff/Volunteers: Approximately 10-20

Estimated Number of Participants: 50 Racers (Drivers + Passengers) and Family, Friends, Spectators

LOCATION/SHEET TO BE USED (describe area to be used, attach map/route plan):
S.E. Barrington Drive from Island Thru to Dutch Maid Laundry

Special Considerations – Will there be:

Amplified sound indoors? NO outdoors? YES - RACE ANNOUNCER with microphone set up by Post Office
(May require a noise permit, which is granted by the City Council*)

Alcohol? (Please circle) YES NO

Animals? (Please circle) YES NO number _____ species _____

Booths/Commercial Vendors: (Please circle) YES NO

Cooking/Food Service: (Please circle) YES NO YMCA HAS tent + provides Hot Dogs + Drink and free Day Care

Fire/Fireworks/Pyrotechnics: (Please circle) YES NO

Mechanical Rides: (Please circle) YES NO (If yes, requires additional permit)

Portable Restrooms: (Please circle) YES NO How Many? 2 Some restrooms must meet ADA requirements. - ONE AT THE TOP of the Hill and one AT the Bottom of the Hill

Signs: (Please circle) YES NO CHALLENGE SERIES BANNER ACROSS BARRINGTON close TO FINISH LINE, Announcer by Post Office

Stage: (Please circle) YES NO

Other special considerations: _____

List any special signs/barricades/cones requested to be supplied by City. Road closure/cones + Barricades on Affected Side Street intersections and Driveways. Hay Bales at Finish Line and spread along Raceway.

***NOISE PERMIT INFORMATION**

Oak Harbor Municipal Code Section 6.56.030 contains provisions which restrict or prohibit certain unnecessary noises, such as sound systems, loudspeakers and amplified music on any street or public place of the City.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 under the following circumstances if it is determined the activity and associated noise will: 1) not disregard the rights of others, or; 2) is temporary, or; 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

To obtain a Noise Permit, please provide the activities you wish to carry out and the noise requirements of your event. Minimal Noise - Cars have no engines, fueled by gravity. ONLY NOISE will be from the Announcer using a microphone to Announce each race and narrate inbetween.

A copy of OHMC Section 6.56.030 may be obtained upon request.

Public Relation: Please state what efforts, if any, have occurred, or you intend to make, to notify residents or businesses that will likely be affected by your event. Please attach any letters of support. If permit is granted it will be the responsibility of event organizers to alert those likely to be impacted. (i.e. street closures, no parking zones, noise, etc.) SEE ATTACHED COPY OF NOTICE TO Residents + Businesses

ATTACH COPIES OF BROCHURES, POSTERS, FLYERS, OR MAILINGS ADVERTISING THIS EVENT

INSURANCE – The City does not maintain insurance that will respond to claims against the applicant arising out of the use of facilities by the applicant, its members, or those attending the event. Depending on the type of event you are planning, and the activity and risk level of your group, you may be required to obtain bodily injury and property damages liability insurance in accordance with City policy, name the City as an **additional insured** on the policy, and be responsible for obtaining said insurance. After reviewing this application, the City will determine whether you must obtain liability insurance. SEE COPY OF LAST YEAR'S Certificate of Liability Insurance

HOLD HARMLESS – Applicant/Permittee/User shall defend, indemnify and hold harmless the City of Oak Harbor, its agents, employees and officials, while acting within the scope of their duties, from all causes of action, demands and claims, including the cost of their defense, arising in favor of the organization, the organization’s employees or third parties on account of personal injuries, bodily injuries, death, or damage to property arising out of the acts or omissions of the organization, its employees or representatives, concessionaires of the event or any other person or entity, except for liability caused due to the sole negligence of the City.

Date: 5/12/2009
Signature of Applicant: Susan M Lazott - SUSAN M. LAZOTT
Organization/Title: Rotary Club of North Whidbey Island Sunrise / Secretary

CITY OF OAK HARBOR

NOISE PERMIT

Name of Organization: North Whidbey Sunrise Rotary
Challenge Series

Location of Event: Barrington Drive from Island Thrift
to Dutchmaid laundry

Date of Event: August 29, 2009

Hours of Operation: 8:00 a.m. to 2:00 p.m.

Permitted Noise: Amplified sound associated with a
microphone and sound system.

Approval Conditions: None

Date of City Council
Approval:

Issued this day of 2009

Karen Crouch, Special Events Coordinator

This Noise Permit is limited to the date and time specified.

Please post this notice on site

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**City of Oak Harbor
City Council Agenda Bill**

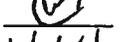
Agenda Bill No. C/A 6B

Date: July 7, 2009

Subject: Noise Permit – Outshine

FROM: Paul Schmidt, City Administrator 

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:


Jim Slowik, Mayor

Doug Merriman, Finance Director

Margery Hite, City Attorney, as to form

PURPOSE

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from Outshine for amplified sound associated with an upcoming “polishing party”.

AUTHORIZATION:

Oak Harbor Municipal Code (OHMC) 5.50.040(3)(g) provisions relating to Special Events, requires compliance with noise ordinance regulations and laws. OHMC 6.56.030(2)(a) requires Council approval for a noise permit for sound amplification. As this event will include amplified sound, Council approval is required.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 if it is determined the activity and associated noise: 1) will not disregard the rights of others, or; 2) is temporary, or; 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

SUMMARY STATEMENT:

Outshine has submitted a Noise Permit request for amplified sound associated with a polishing party scheduled for August 28, 2009 from 11:00 a.m. – 7:00 p.m. This event involves a demonstration of polishing services and opportunity for the public to bring items they would like to have polished. The amplified sound will consist of a karaoke machine.

The Application was reviewed by Fire, Police, and Public Works Departments. No conditions of approval were requested.

STANDING COMMITTEE REVIEW:

Not required.



RECOMMENDED ACTION:

Grant a noise permit for amplified sound to Outshine.

ATTACHMENTS:

Special Event Permit/Noise Permit Application.
Noise Permit.

MAYOR'S COMMENTS:

Noise Permit -Outshine
Agenda Bill - 2

6/8/09 /
6/11/09



SPECIAL EVENT PERMIT/NOISE PERMIT

APPLICATION INFORMATION:

Please check the event type:

- Athletic Event
- Marina Event
- Carnival
- Noise Permit
- Car Show
- Parade
- City Facility Reservation
- Park Event
- Other

Name of Applicant/Organization: Outshine

Person in Charge: [unclear] Address: [unclear]

Phone Number: Daytime: [unclear] Work: [unclear] Email: [unclear]

Additional Authorized Individuals: [unclear]

Phone Number: Daytime: [unclear] Work: [unclear] Email: [unclear]

Emergency Contact: Same

Phone Number: Daytime: [unclear] Work: [unclear] Email: [unclear]

Type of Activity Planned (describe event): "Polish Party" Outshine

Janitorial service demonstrating Top Match service in polishing fine silverware, antiques and other specialized services.

Is this an event involving political or religious activity intended primarily for the communication or expression of ideas? (Please circle) YES NO

Will Participants Pay a Fee or Make a Donation? (Please circle) YES NO

Will City Services/Street Closures/Equipment be required? If so, please describe: _____

Date(s) of Proposed Event: Aug 28 2009

Hours of Operation: 11:00 AM - 7 PM

Set-up Date/Time: Aug 28, 2009, 7 AM

Dismantling Date/Time: 7:15 PM Aug 28, 2009

Number of Staff/Volunteers: 1

Estimated Number of Participants: 50

LOCATION/SHEET TO BE USED (describe area to be used, attach map/route plan):
Grazebo

Special Considerations – Will there be:

Amplified sound indoors? Yes outdoors? No *amplified Karaoke machine*
(May require a noise permit, which is granted by the City Council*)

Alcohol? (Please circle) YES NO

Animals? (Please circle) YES NO number _____ species _____

Booths/Commercial Vendors: (Please circle) YES NO

Cooking/Food Service: (Please circle) YES NO

Fire/Fireworks/Pyrotechnics: (Please circle) YES NO

Mechanical Rides: (Please circle) YES NO (If yes, requires additional permit)

Portable Restrooms: (Please circle) YES NO How Many? _____ Some restrooms must meet ADA requirements.

Signs: (Please circle) YES NO

Stage: (Please circle) YES NO

Other special considerations: _____

List any special signs/barricades/cones requested to be supplied by City. _____

***NOISE PERMIT INFORMATION**

Oak Harbor Municipal Code Section 6.56.030 contains provisions which restrict or prohibit certain unnecessary noises, such as sound systems, loudspeakers and amplified music on any street or public place of the City.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 under the following circumstances if it is determined the activity and associated noise will: 1) not disregard the rights of others, or; 2) is temporary, or; 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

To obtain a Noise Permit, please provide the activities you wish to carry out and the noise requirements of your event. Amplified Karaoke machine - KC

A copy of OHMC Section 6.56.030 may be obtained upon request.

Public Relation: Please state what efforts, if any, have occurred, or you intend to make, to notify residents or businesses that will likely be affected by your event. Please attach any letters of support. If permit is granted it will be the responsibility of event organizers to alert those likely to be impacted. (i.e. street closures, no parking zones, noise, etc.) _____

ATTACH COPIES OF BROCHURES, POSTERS, FLYERS, OR MAILINGS ADVERTISING THIS EVENT

INSURANCE – The City does not maintain insurance that will respond to claims against the applicant arising out of the use of facilities by the applicant, its members, or those attending the event. Depending on the type of event you are planning, and the activity and risk level of your group, you may be required to obtain bodily injury and property damages liability insurance in accordance with City policy, name the City as an **additional insured** on the policy, and be responsible for obtaining said insurance. After reviewing this application, the City will determine whether you must obtain liability insurance.

HOLD HARMLESS – Applicant/Permittee/User shall defend, indemnify and hold harmless the City of Oak Harbor, its agents, employees and officials, while acting within the scope of their duties, from all causes of action, demands and claims, including the cost of their defense, arising in favor of the organization, the organization’s employees or third parties on account of personal injuries, bodily injuries, death, or damage to property arising out of the acts or omissions of the organization, its employees or representatives, concessionaires of the event or any other person or entity, except for liability caused due to the sole negligence of the City.

Date: June 8, 2009
Signature of Applicant: Joshua Elliott
Organization/Title: Outshine, Owner

(FOR OFFICIAL USE ONLY)

APPROVED BY: _____ Parks & Recreation Dept. _____ Police Dept.
_____ Planning Dept. _____ Public Works Dept.
_____ Fire Dept. _____ Mayor/Designee

Permit Detained for the Following Reasons: _____

Recommend Approval Under the Following Conditions _____

CITY OF OAK HARBOR

NOISE PERMIT

Name of Organization: Outshine

Location of Event: Gazebo and surrounding area at
Windjammer Park

Date of Event: August 28, 2009

Hours of Operation: 11:00 a.m. to 7:00 p.m.

Permitted Noise: Amplified sound associated with a
Karaoke machine.

Approval Conditions: None

Date of City Council
Approval:

Issued this day of 2009

Karen Crouch, Special Events Coordinator

This Noise Permit is limited to the date and time specified.

Please post this notice on site

**City of Oak Harbor
City Council Agenda Bill**

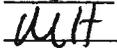
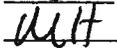
Agenda Bill No. C/A 6C

Date: July 7, 2009

Subject: Noise Permit – Island Classic
Mustang Club

FROM: Paul Schmidt, City Administrator 

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

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

PURPOSE

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from the Island Classic Mustang Club for amplified sound associated with an upcoming car show.

AUTHORIZATION:

Oak Harbor Municipal Code (OHMC) 5.50.040(3)(g) provisions relating to Special Events, requires compliance with noise ordinance regulations and laws. OHMC 6.56.030(2)(a) requires Council approval for a noise permit for sound amplification. As this event will include amplified sound, Council approval is required.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 if it is determined the activity and associated noise: 1) will not disregard the rights of others, or; 2) is temporary, or; 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

SUMMARY STATEMENT:

The Island Classic Mustang Club has submitted a Noise Permit request for amplified sound associated with a car show scheduled for September 12th, 2009 from 9:00 a.m. – 4:30 p.m. The amplified sound will consist of a sound system and speakers for a DJ and announcements.

The Application was reviewed by Fire, Police, and Public Works Departments. No conditions of approval were requested for the noise permit.

STANDING COMMITTEE REVIEW:

Not required.

RECOMMENDED ACTION:

Grant a noise permit for amplified sound to the Island Classic Mustang Club.

ATTACHMENTS:

Special Event Permit/Noise Permit Application.
Noise Permit.

MAYOR'S COMMENTS:

5/27/09 /
5/27/09



SPECIAL EVENT PERMIT/NOISE PERMIT

APPLICATION INFORMATION:

Please check the event type:

- Athletic Event
- Marina Event
- Carnival
- Noise Permit 7/7/09
- Car Show
- Parade
- City Facility Reservation
- Park Event
- Other

Name of Applicant/Organization: _____

Person in Charge: _____ Address: F _____

Phone Number: Daytime: 3 _____ Work: 3 _____ Email: h _____

Additional Authorized Individuals:

Phone Number: Daytime: _____ Work: _____ Email: g _____

Emergency Contact: _____

Phone Number: Daytime: _____ Work: _____ Email: _____

Type of Activity Planned (describe event): Car Show with a DJ for music

Is this an event involving political or religious activity intended primarily for the communication or expression of ideas? (Please circle) YES **NO**

Will Participants Pay a Fee or Make a Donation? (Please circle) **YES** NO

Will City Services/Street Closures/Equipment be required? If so, please describe: **YES**
No Parking signs the day before and cones/barricades the day of the event.

Date(s) of Proposed Event: **September 12th 2009**

Hours of Operation: **Show hours 9 AM - 4:30PM**

Set-up Date/Time: **September 12th 2009 6 AM - 9 AM**

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Dismantling Date/Time: *September 12th 2009 3:30 – 4:30 PM*

Number of Staff/Volunteers: *14-18* _____

Estimated Number of Participants: *80-100* _____

LOCATION/SHEET TO BE USED (describe area to be used, attach map/route plan): *Bayshore Dr. from Pioneer to Dock st. The entrance will be Pioneer and Bayshore Dr. No side streets will be blocked by cars, and the middle of the street will be left open for emergency vehicles to pass if necessary.* _____

Special Considerations – Will there be:

Amplified sound indoors? *NO* outdoors? *YES*
(*May require a noise permit, which is granted by the City Council**)

Alcohol? (Please circle) YES *NO*

Animals? (Please circle) YES *NO* number _____ species _____

Booths/Commercial Vendors: (Please circle) *YES* NO

Cooking/Food Service: (Please circle) YES *NO*

Fire/Fireworks/Pyrotechnics: (Please circle) YES *NO*

Mechanical Rides: (Please circle) YES *NO* (If yes, requires additional permit)

Portable Restrooms: (Please circle) *YES* NO How Many ? *2-3* Some restrooms must meet ADA requirements.

Signs: (Please circle) *YES* NO

Stage: (Please circle) YES *NO*

Other special considerations: _____

List any special signs/barricades/cones requested to be supplied by City. _____
Cones/ barricades the day of the event to close off the street.

***NOISE PERMIT INFORMATION**

Oak Harbor Municipal Code Section 6.56.030 contains provisions which restrict or prohibit certain unnecessary noises, such as sound systems, loudspeakers and amplified music on any street or public place of the City.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 under the following circumstances if it is determined the activity and associated noise will: 1) not disregard the rights of others, or; 2) is temporary, or; 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

To obtain a Noise Permit, please provide the activities you wish to carry out and the noise requirements of your event. *DJ for Music 9AM – 4 PM*

A copy of OHMC Section 6.56.030 may be obtained upon request.

Public Relation: Please state what efforts, if any, have occurred, or you intend to make, to notify residents or businesses that will likely be affected by your event. Please attach any letters of support. If permit is granted it will be the responsibility of event organizers to alert those likely to be impacted. (i.e. street closures, no parking zones, noise, etc.) _____

ATTACH COPIES OF BROCHURES, POSTERS, FLYERS, OR MAILINGS ADVERTISING THIS EVENT

INSURANCE – The City does not maintain insurance that will respond to claims against the applicant arising out of the use of facilities by the applicant, its members, or those attending the event. Depending on the type of event you are planning, and the activity and risk level of your group, you may be required to obtain bodily injury and property damages liability insurance in accordance with City policy, name the City as an **additional insured** on the policy, and be responsible for obtaining said insurance. After reviewing this application, the City will determine whether you must obtain liability insurance.

HOLD HARMLESS – Applicant/Permittee/User shall defend, indemnify and hold harmless the City of Oak Harbor, its agents, employees and officials, while acting within the scope of their duties, from all causes of action, demands and claims, including the cost of their defense, arising in favor of the organization, the organization’s employees or third parties on account of personal injuries, bodily injuries, death, or damage to property arising out of the acts or omissions of the organization, its employees or representatives, concessionaires of the event or any other person or entity, except for liability caused due to the sole negligence of the City.

Date: 27 May 09
Signature of Applicant: Bradley J. Marty
Organization/Title: ISLAND CLASSIC MUSTANG CLUB

CITY OF OAK HARBOR

NOISE PERMIT

Name of Organization: Island Classic Mustang Club

Location of Event: Bayshore Drive from Pioneer to
Dock Street

Date of Event: September 12, 2009

Hours of Operation: 9:00 a.m. to 4:00 p.m.

Permitted Noise: PA system and speakers for a DJ and
announcements

Approval Conditions: None

Date of City Council
Approval:

Issued this day of 2009

Karen Crouch, Special Events Coordinator

This Noise Permit is limited to the date and time specified.

Please post this notice on site

**City of Oak Harbor
City Council Agenda Bill**

Agenda Bill No. OH 6D
Date: July 7, 2009
Subject: Noise Permit – Fidalgo Avenue
Merchant’s Association – Pig Roast

FROM: Paul Schmidt, City Administrator *PS*

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:

JS Jim Slowik, Mayor
DM Doug Merriman, Finance Director
MH Margery Hite, City Attorney, as to form

PURPOSE

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from the Fidalgo Avenue Merchant’s Association for amplified sound associated with a Sunday Afternoon Pig Roast event.

AUTHORIZATION:

Oak Harbor Municipal Code (OHMC) 5.50.040(3)(g) provisions relating to Special Events requires compliance with noise ordinance regulations and laws. OHMC 6.56.030(2)(a) requires Council approval for a noise permit for sound amplification. As this event will include amplified sound, Council approval is required.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 if it is determined the activity and associated noise: 1) will not disregard the rights of others, or; 2) is temporary, or; 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

SUMMARY STATEMENT:

The Fidalgo Avenue Merchant’s Association has submitted a Noise Permit request for amplified sound associated with a Sunday Afternoon Pig Roast event scheduled for August 9, 2009. The event will be held from 12:00 pm – 7:00 pm. The amplified sound will consist of a PA system and speakers for 2-3 live bands and announcements.

The Application was reviewed by Fire, Police, and Public Works Departments. No conditions of approval were requested for the noise permit.

STANDING COMMITTEE REVIEW:

Not required.

RECOMMENDED ACTION:

Grant a noise permit for amplified sound to the Fidalgo Avenue Merchant's Association.

ATTACHMENTS:

Special Event Permit/Noise Permit Application.
Noise Permit.

MAYOR'S COMMENTS:

6/2/09/
6/2/09



SPECIAL EVENT PERMIT/NOISE PERMIT

APPLICATION INFORMATION:

Please check the event type:

- Athletic Event
- Marina Event
- Carnival
- Noise Permit
- Car Show
- Parade
- City Facility Reservation
- Park Event
- Other

Name of Applicant/Organization: Fidalgo Ave Merchant Ass.

Person in Charge: _____ Address: _____

Phone Number: Daytime: _____ Work: _____ Email: _____

Additional Authorized Individuals: _____

Phone Number: Daytime: _____ Work: _____ Email: _____

Emergency Contact: _____

Phone Number: Daytime: _____ Work: _____ Email: _____

Type of Activity Planned (describe event): Sunday Afternoon Event with Food, Family activities, music & Beverages. To Raise money through donations and raffles for help house & Red cross.

Is this an event involving political or religious activity intended primarily for the communication or expression of ideas? (Please circle) YES **(NO)**

Will Participants Pay a Fee or Make a Donation? (Please circle) **(YES)** NO

Will City Services/Street Closures/Equipment be required? If so, please describe: Yes
Street closure of Fidalgo Ave between Dock & Hathaway
Garbage cans and Pickup. water fill for Dunk Tank.
1 Generator provided by fire dept. as of last year

also
↓

Date(s) of Proposed Event: Aug 9/09

Hours of Operation: 12 - 7:00

Set-up Date/Time: 8:00 am

* Street closure of Dock St. between Fidalgo & Pioneer

Dismantling Date/Time: Aug 9/09 - 7:00 pm

Number of Staff/Volunteers: 30+

Estimated Number of Participants: 1500 +/-

LOCATION/SHEET TO BE USED (describe area to be used, attach map/route plan):
Fidalgo Ave between Dock & Hathaway

Special Considerations – Will there be:

Amplified sound indoors? _____ outdoors? Yes
(May require a noise permit, which is granted by the City Council*)

Alcohol? (Please circle) YES NO

Animals? (Please circle) YES NO number _____ species _____

Booths/Commercial Vendors: (Please circle) YES NO

Cooking/Food Service: (Please circle) YES NO

Fire/Fireworks/Pyrotechnics: (Please circle) YES NO

Mechanical Rides: (Please circle) YES NO (If yes, requires additional permit)

Portable Restrooms: (Please circle) YES NO How Many? 3 Some restrooms must meet ADA requirements.

Signs: (Please circle) YES NO

Stage: (Please circle) YES NO

Other special considerations: _____

List any special signs/barricades/cones requested to be supplied by City. Barricades to block each end of Fidalgo Ave (Dock & Hathaway)
portable garbage and Recycle cans for event
Banner placement across Pioneer Way.

***NOISE PERMIT INFORMATION**

Oak Harbor Municipal Code Section 6.56.030 contains provisions which restrict or prohibit certain unnecessary noises, such as sound systems, loudspeakers and amplified music on any street or public place of the City.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 under the following circumstances if it is determined the activity and associated noise will: 1) not disregard the rights of others, or; 2) is temporary, or; 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

To obtain a Noise Permit, please provide the activities you wish to carry out and the noise requirements of your event.

P.A. System for music
2 to 3 Bands total.

A copy of OHMC Section 6.56.030 may be obtained upon request.

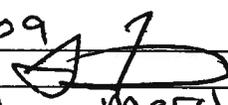
Public Relation: Please state what efforts, if any, have occurred, or you intend to make, to notify residents or businesses that will likely be affected by your event. Please attach any letters of support. If permit is granted it will be the responsibility of event organizers to alert those likely to be impacted. (i.e. street closures, no parking zones, noise, etc.) Businesses have already been notified and a few local residents. Others will be notified soon in person

ATTACH COPIES OF BROCHURES, POSTERS, FLYERS, OR MAILINGS ADVERTISING THIS EVENT

INSURANCE – The City does not maintain insurance that will respond to claims against the applicant arising out of the use of facilities by the applicant, its members, or those attending the event. Depending on the type of event you are planning, and the activity and risk level of your group, you may be required to obtain bodily injury and property damages liability insurance in accordance with City policy, name the City as an **additional insured** on the policy, and be responsible for obtaining said insurance. After reviewing this application, the City will determine whether you must obtain liability insurance.

HOLD HARMLESS – Applicant/Permittee/User shall defend, indemnify and hold harmless the City of Oak Harbor, its agents, employees and officials, while acting within the scope of their duties, from all causes of action, demands and claims, including the cost of their defense, arising in favor of the organization, the organization’s employees or third parties on account of personal injuries, bodily injuries, death, or damage to property arising out of the acts or omissions of the organization, its employees or representatives, concessionaires of the event or any other person or entity, except for liability caused due to the sole negligence of the City.

Date: May 29/09

Signature of Applicant: 

Organization/Title: Fidalgo Merchant Association / member organizer

CITY OF OAK HARBOR

NOISE PERMIT

Name of Organization: Fidalgo Avenue Merchant's
Association

Location of Event: Fidalgo Avenue between Dock &
Hathaway; Dock St. between
Fidalgo and Pioneer

Date of Event: August 9, 2009

Hours of Operation: Noon – 7:00 p.m.

Permitted Noise: PA system and speakers for 2-3 live
bands and announcements.

Approval Conditions: None

Date of City Council
Approval:

Issued this day of

Karen Crouch, Special Events Coordinator

This Noise Permit is limited to the date and time specified.

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Please post this notice on site

**City of Oak Harbor
City Council Agenda Bill**

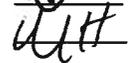
Agenda Bill No. NA 6E

Date: July 7, 2009

Subject: Noise Permit - St. Augustine
Catholic Church

FROM: Paul Schmidt, City Administrator 

INITIALED AS APPROVED FOR SUBMITTAL TO THE COUNCIL BY:


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

PURPOSE

The purpose of this agenda bill is to forward to City Council for review and approval a Noise Permit request received from the St. Augustine Catholic Church for amplified sound associated with the annual Family Fun Fest event.

AUTHORIZATION:

Oak Harbor Municipal Code (OHMC) 5.50.040(3)(g) provisions relating to Special Events requires compliance with noise ordinance regulations and laws. OHMC 6.56.030(2)(a) requires Council approval for a noise permit for sound amplification. As this event will include amplified sound, Council approval is required.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 if it is determined the activity and associated noise: 1) will not disregard the rights of others, or; 2) is temporary, or; 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

SUMMARY STATEMENT:

The St. Augustine Catholic Church has submitted a Noise Permit request for amplified sound associated with the annual Family Fun Fest event scheduled for August 30, 2009 from 10:30 a.m. – 2:30 p.m. The amplified sound will consist of a sound system for associated event activities.

The Application was reviewed by Fire, Police, and Public Works Departments. No conditions of approval were requested for the noise permit.

STANDING COMMITTEE REVIEW:

Not required.

RECOMMENDED ACTION:

Grant a noise permit for amplified sound to St. Augustine Catholic Church.

ATTACHMENTS:

Special Event Permit/Noise Permit Application.
Noise Permit.

MAYOR'S COMMENTS:

Noise Permit – St. Augustine Catholic Church
Agenda Bill - 2

6/17/09 /
6/18/09



SPECIAL EVENT PERMIT/NOISE PERMIT

APPLICATION INFORMATION:

Please check the event type:

- Athletic Event
- Marina Event
- Carnival
- Noise Permit
- Car Show
- Parade
- City Facility Reservation
- Park Event
- Other

Name of Applicant/Organization: _____

Person in Charge: Name Address: Address

Phone Number: Daytime: 012-345-6789 Work Email: r
Cell: 3

Additional Contacts: 3 Daytime: 012-345-6789
Email: g Cell: g

Emergency Contact: 1-800-555-1234

Type of Activity Planned (describe event): **Family Fun Fest – This event is an annual family oriented event celebrated outside in our parking lot with food for all ages, games for children, entertainment and bingo.**

Is this an event involving political or religious activity intended primarily for the communication or expression of ideas? **YES**

Will Participants Pay a Fee or Make a Donation? **NO**
Will City Services/Street Closures/Equipment be required? **NO**

Date of Proposed Event: **Sunday, August 30, 2009**

Hours of Operation: **10:30 am-2:30 pm**

Set-up Date/Time: **August 30, 2009, 8:00 am**

Dismantling Date/Time: **August 30, 2009, 2:30 pm**

Number of Staff/Volunteers: **35**
Estimated Number of Participants: **200**

LOCATION/SHEET TO BE USED: The event will take place in our back parking lot.

Special Considerations – Will there be:

Amplified sound outdoors: Yes
(*may require a noise permit, which is granted by the City Council**)

Alcohol? Yes, we will have a beer garden. (Last year we sold only 12 beers)

Animals? (Please circle) YES number 6 species ponies

Booths/Commercial Vendors: NO

Cooking/Food Service: YES

Fire/Fireworks/Pyrotechnics: NO Mechanical Rides: NO

Portable Restrooms: NO Some restrooms must meet ADA requirements. Our buildings will be open and we do have ADA compliant bathrooms.

Signs: YES Sandwichboards at our entrances

Stage: YES

Other special considerations: NA

List any special signs/barricades/cones requested to be supplied by City. NA

***NOISE PERMIT INFORMATION**

Oak Harbor Municipal Code Section 6.56.030 contains provisions which restrict or prohibit certain unnecessary noises, such as sound systems, loudspeakers and amplified music on any street or public place of the City.

The City Council may grant a Noise Permit to deviate from the provisions of OHMC 6.56.030 under the following circumstances if it is determined the activity and associated noise will: 1) not disregard the rights of others, or; 2) is temporary, or; 3) the activity creating the noise constitutes a program of a temporary nature for the benefit of the entire municipality or for the benefit of a charitable purpose.

To obtain a Noise Permit, please provide the activities you wish to carry out and the noise requirements of your event. Amplified sound system on our portable stage on the back side of the church.

A copy of OHMC Section 6.56.030 may be obtained upon request.

Public Relation: Please state what efforts, if any, have occurred, or you intend to make, to notify residents or businesses that will likely be affected by your event. Please attach any letters of

support. If permit is granted it will be the responsibility of event organizers to alert those likely to be impacted. (i.e. street closures, no parking zones, noise, etc.) None

ATTACH COPIES OF BROCHURES, POSTERS, FLYERS, OR MAILINGS ADVERTISING THIS EVENT

INSURANCE – The City does not maintain insurance that will respond to claims against the applicant arising out of the use of facilities by the applicant, its members, or those attending the event. Depending on the type of event you are planning, and the activity and risk level of your group, you may be required to obtain bodily injury and property damages liability insurance in accordance with City policy, name the City as an **additional insured** on the policy, and be responsible for obtaining said insurance. After reviewing this application, the City will determine whether you must obtain liability insurance.

HOLD HARMLESS – Applicant/Permittee/User shall defend, indemnify and hold harmless the City of Oak Harbor, its agents, employees and officials, while acting within the scope of their duties, from all causes of action, demands and claims, including the cost of their defense, arising in favor of the organization, the organization’s employees or third parties on account of personal injuries, bodily injuries, death, or damage to property arising out of the acts or omissions of the organization, its employees or representatives, concessionaires of the event or any other person or entity, except for liability caused due to the sole negligence of the City.

Date: June 16, 2009
Signature of Applicant: [Signature]
Organization/Title: ST. AUGUSTINE Parish Administrator

(FOR OFFICIAL USE ONLY)

APPROVED BY: Parks & Recreation Dept. Police Dept.
 Planning Dept. Public Works Dept.
 Fire Dept. Mayor/Designee

Permit Detained for the Following Reasons: _____

Recommend Approval Under the Following Conditions _____

CITY OF OAK HARBOR

NOISE PERMIT

Name of Organization: St. Augustine Catholic Church

Location of Event: St. Augustine Catholic Church
back parking lot - 185 N. Oak
Harbor Street

Date of Event: August 30, 2009

Hours of Operation: 8:00 a.m. – 2:30 p.m.

Permitted Noise: Amplified sound system for associated
Family Fun Fest event activities.

Approval Conditions: None

Date of City Council
Approval:

Issued this day of

Karen Crouch, Special Events Coordinator

This Noise Permit is limited to the date and time specified.

Please post this notice on site

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**City of Oak Harbor
City Council Agenda Bill**

Bill No. CHA 6F
Date: July 7, 2009
Subject: Excused Absence Request
Councilmember Jim Palmer

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

The purpose of this agenda bill is to present and approve Councilmember Jim Palmer's excused absence request for October 20, 2009.

AUTHORITY

Per RCW 35A.12.060: ... *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.*

SUMMARY STATEMENT

Councilmember Jim Palmer has submitted an excused absence request since he will not be able to attend the October 20, 2009 City Council Meeting.

STANDING COMMITTEE REPORT

N/A

RECOMMENDED ACTION

Approve Councilmember Jim Palmer's excused absence from the October 20, 2009 City Council Meeting.

ATTACHMENTS

MAYOR'S COMMENTS

**City of Oak Harbor
City Council Agenda Bill**

Agenda Bill No. 7
Date: July 7, 2009
Subject: Housing Trust Fund – Fall 2009 Stage I
Application

FROM: Steve Powers *rsp*
Development Services Director

**INITIALED AS APPROVED FOR
SUBMITTAL TO THE COUNCIL BY:**

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

PURPOSE

This Resolution authorizes the Mayor to submit a Stage I application again to CTED, seeking funding for the City's proposed affordable housing project.

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). The City was invited to move on to Stage II of the process and on March 3, 2009 the Council approved Resolution #09-06 authorizing the Mayor to submit the application and any other information necessary to support the process.

The City was informed on June 11, 2009 that our project was not selected for funding in the Spring 2009 round. Since that time staff has spoken to both HASCO and CTED staff regarding our application and the future possibilities for funding. HASCO staff has encouraged the City to continue to pursue our project citing the strength of our application, the sizeable contribution from the City towards the project and the community need. They have also discussed possible strategies for securing funding. Submitting the Stage I application again, in their judgment, will allow the City to continue to be a viable applicant for other housing funds.

Housing Trust Fund
Fall 2009 Stage I Application

While CTED does not plan to fund projects such as the City's in its Fall cycle, the submittal of the Stage I application is viewed as a step to keep the project active.

This Resolution authorizes the City to submit a Stage I application and all other information and applications to comply with the requirements of CTED for housing funds.

STANDING COMMITTEE REVIEW:

The City received notification on June 11, 2009 that our application was not selected for funding at this time. On June 22nd we received an invitation to resubmit a Stage I application. 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 I 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:

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF OAK HARBOR AUTHORIZING THE MAYOR TO SUBMIT A STAGE I 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") has been invited by Washington Department of Community, Trade and Economic Development ("CTED") to submit a Stage I application for an affordable housing manufactured home project; and

WHEREAS, the additional 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 CTED funds to support a manufactured home affordable housing project by the City;
2. The City accepts CTED's invitation to submit a Stage I application by the July 15, 2009 deadline;
3. The Mayor is authorized to submit a Stage I grant application for funding for the proposed manufactured home community to the Department of Community, Trade and Economic Development (CTED); and

4. The Mayor is further authorized to submit all information and any additional 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.

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

**City of Oak Harbor
City Council Agenda Bill**

Bill No. 8
Date: July 7, 2009
Subject: Goldie Road Lift Station and Sewer
Extension Contract Award

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, approved as to form

PURPOSE:

This agenda bill recommends awarding a construction contract for the Goldie Road Lift Station and Sewer Extension to C. Johnson Construction Inc. in the amount of \$1,186,861.95.

AUTHORITY

Oak Harbor Municipal Code Chapter 2.330.010 provides for the contracting for Public Works and Improvements as follows:

Except as otherwise authorized by Chapters 39.04 and 39.28 RCW, or RCW 35.22.620, relating to emergency public works, or other applicable general state law, as now enacted or as hereafter amended, all public works and improvements shall be done by contract pursuant to public notice and call for competitive bids in accordance with this chapter whenever the estimated cost of such public work or improvement, including the cost of materials, supplies, equipment and labor, will exceed the sum of \$30,000 if more than one craft or trade is involved with the public works project, or in excess of \$20,000 if only a single craft or trade is involved with the public works project or the public works project is street signalization or street lighting; provided, the city may use a small works roster pursuant to RCW 35.22.620. It is further provided, that the council may authorize public works construction projects without bid up to the bid limitation in RCW 35.22.620 as now in effect or as hereafter amended.

SUMMARY STATEMENT

The contract will construct a new sewer lift station and connect a new gravity and force main sewer system to the existing City sanitary sewer system near the City limits on Goldie Road. The alignment will extend to near the Naval Air Station boundary at the North end along Goldie Road, Colin Lane and Old Goldie Road. The system is intended to serve the future needs of the area east of Goldie Road and Colin Lane as well as the area north of Ault Field Road. All the projected service area is within the current jointly adopted Urban Growth Area (UGA)

DISCUSSION:

The project was advertised for bidding in the Daily Journal of Commerce and Whidbey New Times.

Amount of the Contract: Staff received and opened nine sealed bids on June 25, 2009. The following bids were received (amounts include Washington State Sales Tax in the amount of 8.4%):

| Contractor | Location | Bid Total |
|------------------------------|----------------|----------------|
| C. Johnson Construction Inc. | Oak Harbor, WA | \$1,186,861.95 |
| Krieg Construction | Oak Harbor, WA | \$1,420,881.46 |
| Interwest Construction | Burlington, WA | \$1,399,775.09 |
| Strider Construction | Bellingham, WA | \$1,417,696.39 |
| Plats Plus | Marysville, WA | \$1,300,579.95 |
| SRV Construction | Oak Harbor, WA | \$1,400,045.59 |
| Buno Construction LLC | Snohomish, WA | \$1,478,353.78 |
| Colacurcio Brothers | Blaine, WA | \$1,465,201.61 |
| G.G. Excavation Inc. | Anacortes, WA | \$1,594,744.52 |

| | | |
|----------------------------|-----------------------|-----------------------|
| <i>Engineer's Estimate</i> | <i>Oak Harbor, WA</i> | <i>\$2,135,585.15</i> |
|----------------------------|-----------------------|-----------------------|

Staff reviewed the bid prices and is knowledgeable of the qualifications, and experience of the low bidder. It is recommended that a contract in the amount of \$1,186,861.95 be awarded to C. Johnson Construction Inc., who is the lowest responsible bidder.

Construction Contingency: Most construction projects involve change orders and modifications to the contract plans. Delays in processing change order requests can result in costly delay claims against the City. To minimize the possibility of delays and the resulting claims, staff requests that the City Engineer be authorized to administratively approve up to \$120,000.00, approximately 10% of the contract amount, for change orders.

Funding: The funding for the project is available in Wastewater 2009 budget and includes \$1,000,000.00 in grants from the Island County Economic Development Fund

Justification: The project is necessary to ensure service to development and annexation areas. In addition, the City is committed under the 2003 interlocal agreement with Island County to provide sewer service to this area.

STANDING COMMITTEE REPORT

This project was presented to the Public Works and Utilities Committee at the July 2, 2009 meeting.

RECOMMENDED ACTION:

1. Authorize the Mayor to sign a contract with C. Johnson Construction Inc.. in the amount of \$1,186,861.95
2. Authorize the City Engineer to administratively approve changes to the construction contract totaling not more than \$120,000.00

ATTACHMENTS:

Bid Tabulation

Contract Form

MAYOR'S COMMENTS:

| ITEM NO | ITEM DESCRIPTION | ESTIMATED CONTRACT QUANTITIES | | | C. Johnson Const. Inc. | | Kling Const. Inc. | | Retnewest Const. Inc. | | Stieber Const. Co. Inc. | | Pride Plus Inc. | | SRV Const. Inc. | | Bare Const. LLC | | Colourside Bros. | | G.G. Excavation Inc. | | |
|---------------|--|-------------------------------|-------------------------|-----------|------------------------|--------------|-------------------|----------------|-----------------------|--------------|-------------------------|----------------|-----------------|--------------|-----------------|--------------|-----------------|----------------|------------------|--------------|----------------------|--------------|----------------|
| | | UNIT | Engineer's Estimated UP | QTY | AMOUNT | UP | AMOUNT | UP | AMOUNT | UP | AMOUNT | UP | AMOUNT | UP | AMOUNT | UP | AMOUNT | UP | AMOUNT | UP | AMOUNT | UP | AMOUNT |
| A1 | MOBILIZATION | LS | \$180,000.00 | 1.00 | \$180,000.00 | \$24,500.00 | \$24,500.00 | \$65,000.00 | \$65,000.00 | \$48,500.00 | \$48,500.00 | \$125,000.00 | \$125,000.00 | \$100,000.00 | \$100,000.00 | \$49,700.00 | \$49,700.00 | \$100,000.00 | \$100,000.00 | \$75,000.00 | \$75,000.00 | \$10,448.82 | \$10,448.82 |
| A2 | TRUCKS | LS | \$10,000.00 | 1.00 | \$10,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$4,100.00 | \$4,100.00 |
| A3 | MAJOR VIBRATIONS/EXCAVATIONS | LS | \$5,000.00 | 1.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 | \$5,000.00 |
| A4 | PROJECT TEMP. TRAFFIC CONTROL | LS | \$30,000.00 | 1.00 | \$30,000.00 | \$20,450.00 | \$20,450.00 | \$20,450.00 | \$20,450.00 | \$20,450.00 | \$20,450.00 | \$20,450.00 | \$20,450.00 | \$20,450.00 | \$20,450.00 | \$20,450.00 | \$20,450.00 | \$20,450.00 | \$20,450.00 | \$20,450.00 | \$20,450.00 | \$20,450.00 | \$20,450.00 |
| A5 | CLEARING & GRUBBING | LS | \$10,000.00 | 1.00 | \$10,000.00 | \$2,500.00 | \$2,500.00 | \$2,500.00 | \$2,500.00 | \$2,500.00 | \$2,500.00 | \$2,500.00 | \$2,500.00 | \$2,500.00 | \$2,500.00 | \$2,500.00 | \$2,500.00 | \$2,500.00 | \$2,500.00 | \$2,500.00 | \$2,500.00 | \$2,500.00 | \$2,500.00 |
| A6 | REMOVAL OF STRUCTURES & OBSTRUCTIONS | LS | \$5,000.00 | 1.00 | \$5,000.00 | \$4,500.00 | \$4,500.00 | \$4,500.00 | \$4,500.00 | \$4,500.00 | \$4,500.00 | \$4,500.00 | \$4,500.00 | \$4,500.00 | \$4,500.00 | \$4,500.00 | \$4,500.00 | \$4,500.00 | \$4,500.00 | \$4,500.00 | \$4,500.00 | \$4,500.00 | \$4,500.00 |
| A7 | COMPACTION AND MOISTURE CONTROL TESTING | LS | \$5,000.00 | 1.00 | \$5,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 |
| A8 | REMOVAL OF UNSUITABLE FOUNDATION | CY | \$20,000.00 | 320.00 | \$6,400.00 | \$5.00 | \$5.00 | \$5.00 | \$5.00 | \$5.00 | \$5.00 | \$5.00 | \$5.00 | \$5.00 | \$5.00 | \$5.00 | \$5.00 | \$5.00 | \$5.00 | \$5.00 | \$5.00 | \$5.00 | \$5.00 |
| A9 | SHORING OR EXTRA EXCAVATION CL B | SF | \$10,000.00 | 10,000.00 | \$100,000.00 | \$10.00 | \$10.00 | \$10.00 | \$10.00 | \$10.00 | \$10.00 | \$10.00 | \$10.00 | \$10.00 | \$10.00 | \$10.00 | \$10.00 | \$10.00 | \$10.00 | \$10.00 | \$10.00 | \$10.00 | \$10.00 |
| A10 | GRAVEL BORROW INCL. HAIL | TN | \$10,000.00 | 2,740.00 | \$27,400.00 | \$7.30 | \$7.30 | \$20,248.82 | \$20,248.82 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 |
| A11 | GRAVEL BASE | TN | \$20,000.00 | 4,200.00 | \$84,000.00 | \$4.20 | \$4.20 | \$20,124.00 | \$20,124.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 | \$8.00 |
| A12 | CRUSHED SURFACING TOP COURSE | TN | \$20,000.00 | 2,400.00 | \$48,000.00 | \$16.00 | \$16.00 | \$48,000.00 | \$48,000.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 |
| A13 | CRUSHED SURFACING BASE COURSE | TN | \$20,000.00 | 2,400.00 | \$48,000.00 | \$16.00 | \$16.00 | \$48,000.00 | \$48,000.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 |
| A14 | HMA FOR OVERLAY REPAIR | TN | \$20,000.00 | 2,400.00 | \$48,000.00 | \$16.00 | \$16.00 | \$48,000.00 | \$48,000.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 |
| A15 | HMA FOR OVERLAY | TN | \$20,000.00 | 2,400.00 | \$48,000.00 | \$16.00 | \$16.00 | \$48,000.00 | \$48,000.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 | \$20.00 |
| A16 | MANHOLE TYPE 1 - 48" DIA. C/C2 | EA | \$4,000.00 | 1.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 | \$4,000.00 | |
| A17 | DEWATERING | LS | \$20,000.00 | 1.00 | \$20,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | \$3,000.00 | |
| A18 | PVC SANITARY SEWER 12" DIA. | LF | \$37.00 | 86.00 | \$3,178.00 | \$37.00 | \$3,178.00 | \$37.00 | \$3,178.00 | \$37.00 | \$3,178.00 | \$37.00 | \$3,178.00 | \$37.00 | \$3,178.00 | \$37.00 | \$3,178.00 | \$37.00 | \$3,178.00 | \$37.00 | \$3,178.00 | \$37.00 | \$3,178.00 |
| A19 | PVC SANITARY SEWER 6" DIA. | LF | \$42.00 | 5,095.00 | \$214,790.00 | \$42.00 | \$214,790.00 | \$42.00 | \$214,790.00 | \$42.00 | \$214,790.00 | \$42.00 | \$214,790.00 | \$42.00 | \$214,790.00 | \$42.00 | \$214,790.00 | \$42.00 | \$214,790.00 | \$42.00 | \$214,790.00 | \$42.00 | \$214,790.00 |
| A20 | 180" DIA. FORCE MAIN 12" DIA. TRENCHLESS | LF | \$300.00 | 150.00 | \$45,000.00 | \$300.00 | \$45,000.00 | \$300.00 | \$45,000.00 | \$300.00 | \$45,000.00 | \$300.00 | \$45,000.00 | \$300.00 | \$45,000.00 | \$300.00 | \$45,000.00 | \$300.00 | \$45,000.00 | \$300.00 | \$45,000.00 | \$300.00 | \$45,000.00 |
| A21 | HOPE FORCE MAIN 6" DIA. | LF | \$150.00 | 4,000.00 | \$60,000.00 | \$150.00 | \$60,000.00 | \$150.00 | \$60,000.00 | \$150.00 | \$60,000.00 | \$150.00 | \$60,000.00 | \$150.00 | \$60,000.00 | \$150.00 | \$60,000.00 | \$150.00 | \$60,000.00 | \$150.00 | \$60,000.00 | \$150.00 | \$60,000.00 |
| A22 | DI FORCE MAIN 6" DIA. | LF | \$300.00 | 20.00 | \$6,000.00 | \$300.00 | \$6,000.00 | \$300.00 | \$6,000.00 | \$300.00 | \$6,000.00 | \$300.00 | \$6,000.00 | \$300.00 | \$6,000.00 | \$300.00 | \$6,000.00 | \$300.00 | \$6,000.00 | \$300.00 | \$6,000.00 | \$300.00 | \$6,000.00 |
| A23 | HOPE FORCE MAIN 6" DIA. TRENCHLESS | LF | \$900.00 | 150.00 | \$135,000.00 | \$900.00 | \$135,000.00 | \$900.00 | \$135,000.00 | \$900.00 | \$135,000.00 | \$900.00 | \$135,000.00 | \$900.00 | \$135,000.00 | \$900.00 | \$135,000.00 | \$900.00 | \$135,000.00 | \$900.00 | \$135,000.00 | \$900.00 | \$135,000.00 |
| A24 | SIDE SEWER | EA | \$3,000.00 | 5.00 | \$15,000.00 | \$710.00 | \$710.00 | \$15,000.00 | \$15,000.00 | \$222.83 | \$222.83 | \$222.83 | \$222.83 | \$222.83 | \$222.83 | \$222.83 | \$222.83 | \$222.83 | \$222.83 | \$222.83 | \$222.83 | \$222.83 | \$222.83 |
| A25 | TEMP. EROSION & SEDIMENT CONTROL | LS | \$15,000.00 | 1.00 | \$15,000.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 |
| A26 | TEMP. FERTILIZING & MULCHING | LS | \$2,000.00 | 1.00 | \$2,000.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 | \$500.00 |
| A27 | PAINT LINE | EA | \$50.00 | 15.00 | \$750.00 | \$50.00 | \$750.00 | \$50.00 | \$750.00 | \$50.00 | \$750.00 | \$50.00 | \$750.00 | \$50.00 | \$750.00 | \$50.00 | \$750.00 | \$50.00 | \$750.00 | \$50.00 | \$750.00 | \$50.00 | \$750.00 |
| A28 | PAINTED TRAFFIC ARROW | EA | \$50.00 | 10.00 | \$500.00 | \$50.00 | \$500.00 | \$50.00 | \$500.00 | \$50.00 | \$500.00 | \$50.00 | \$500.00 | \$50.00 | \$500.00 | \$50.00 | \$500.00 | \$50.00 | \$500.00 | \$50.00 | \$500.00 | \$50.00 | \$500.00 |
| A29 | EMERGENCY GENERATOR | LS | \$475,000.00 | 1.00 | \$475,000.00 | \$475,000.00 | \$475,000.00 | \$475,000.00 | \$475,000.00 | \$475,000.00 | \$475,000.00 | \$475,000.00 | \$475,000.00 | \$475,000.00 | \$475,000.00 | \$475,000.00 | \$475,000.00 | \$475,000.00 | \$475,000.00 | \$475,000.00 | \$475,000.00 | \$475,000.00 | |
| SUBTOTALS | | | | | \$1,970,897.00 | | | \$1,310,779.25 | | | | \$1,297,306.43 | | | | | | \$1,385,322.50 | | | | | \$1,351,062.00 |
| PROFIT (6.4%) | | | | | \$21,355.88 | | | \$108,858.39 | | | | \$108,858.39 | | | | | | \$108,858.39 | | | | | \$108,858.39 |
| TOTAL | | | | | \$2,015,881.15 | | | \$1,420,637.64 | | | | \$1,388,774.91 | | | | | | \$1,453,943.29 | | | | | \$1,469,920.39 |

58

AGREEMENT

THIS AGREEMENT is entered into by and between the CITY OF OAK HARBOR (hereinafter called the Owner) and C. Johnson Construction Inc. hereinafter called the Contractor).

The Owner and the Contractor agree as follows:

ARTICLE 1. WORK.

The City of Oak Harbor proposes to construct the Goldie Road Lift Station and approximately 1 mile of 8" gravity sewer with side sewers and 0.8 mile of 6" forcemain sewer. The work involves excavation, shoring, trenchless construction, TESC, installation of pipe, pavement repair and overlay, mechanical electrical and structural systems and associated work in accordance with the Contract Plans, Contract Provisions, and WSDOT Standard Specifications.

ARTICLE 2. CONTRACT TIME.

The Contractor shall physically complete the Work within two hundred seventy (270) calendar days (the Physical Completion Date) of a date specified in the Notice to Proceed and shall complete the work within the Goldie Road right of way within 60 working days of the date specified in the Notice to proceed.

ARTICLE 3. ROAD CLOSURE

Road Closure of both travel lanes will be allowed on Colin Road and Old Goldie Road DURING WORKING HOURS ONLY. Local access will be maintained at all times. Signs bearing road closure dates shall be supplied and posted by the contractor for 7 calendar days in advance of the first day of closure. Costs of advance notice shall be the responsibility of the contractor.

ARTICLE 4. LIQUIDATED DAMAGES.

The Owner and the Contractor recognize that time is of the essence of this Agreement and that the Owner will suffer financial loss if the Work is not completed within the Contract Time, plus any extensions thereof allowed in accordance with the Contract Documents. They also recognize the inconvenience, expense, and difficulties involved a legal proceeding to prove the actual loss suffered by the Owner if the Work is not completed within the Contract Time. Accordingly, the Owner and the Contractor agree that as liquidated damages for delay, and not as a penalty, the Contractor shall pay the Owner \$200.00 (US) for each working day beyond the Physical Completion Date that the Contractor achieves physical completion of the Work.

ARTICLE 5. CONTRACT PRICE.

The Owner shall pay the Contractor the amount(s) set forth in the Proposal (in United States dollars) for completion of the Work in accordance with the Contract Documents.

ARTICLE 6. CONTRACT DOCUMENTS.

The Contract Documents, which comprise the entire agreement between the owner and the Contractor concerning the Work, consists of the following:

- This Agreement;
- The Call for Bids;
- The Contractor's Proposal including the bid, bid schedule(s), information required of bidder, and all required certificates and affidavits;
- The performance bond and the labor and material payment bond;
- The Plans (or drawings) as listed in the index on sheet 1 of the Plans;
- The Special Provisions;
- Addenda numbers 1-4, inclusive;
- WSDOT Standard Specifications for Road, Bridge and Municipal Construction, 2008 edition;
- Amendments;
- Change Orders and written Change directives issued after the effective date of this Agreement;
- City of Oak Harbor Standard Details;
- WSDOT Standard Plans;
- Appendices

There are no Contract Documents other than those listed in this Article 6. The Contract Documents may be amended only in writing by Change Order or Change Directive as provided in the Contract Documents.

ARTICLE 7. MISCELLANEOUS.

The Contractor specifically waives its immunity under applicable worker's compensation statues, including, but not limited to RCW Title 51, which is specifically acknowledged by the Contractor. _____
_____ (Contractor's initials)

No assignment of any of the Contractor's rights under or interests in the Contract Documents, including but not limited to rights to payment, will be allowed without the prior written consent of the Owner. Unless specifically stated in a written consent to an assignment, no assignment will release or discharge the Contractor-assignor from any duty or responsibility under the Contract Documents.

The Contract Documents are binding upon the Owner and the Contractor, and their respective partners, successors, assigns and legal representatives.

ARTICLE 8. INDEMNIFICATION

The contractor shall defend indemnify and hold the City, its officers, officials, employees and volunteers harmless from any claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the performance of this Agreement, except for injuries and damages caused by the sole negligence of the City.

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 Contractor and the City, its officers, officials, employees, and volunteers, the Contractor's liability hereunder shall be only to the extent of the Contractor's negligence. It is further specifically and expressly understood that the indemnification provided herein constitutes the Contractor'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.

IN WITNESS WHEREOF, Owner and Contractor have caused this Agreement to be executed the day and year first above written.

CITY OF OAK HARBOR

CONTRACTOR

By _____

By _____

Date _____

Title _____

Address for giving notices

License No. _____

Agent for service of process: _____

**City of Oak Harbor
City Council Agenda Bill**

Bill No. 9
Date: July 7, 2009
Subject: Sole Source Purchase-Flashing
Beacon Lights

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

PURPOSE

The purpose of this agenda item is to obtain authorization to purchase 10 flashing beacons lights through sole source bidding.

AUTHORITY

Oak Harbor Municipal Code (OHMC) 2.320.120 states a contract for the purchase of materials, supplies or equipment may be awarded without complying with the bidding requirements of this chapter when the purchasing coordinator determines in writing, subject to the approval of the finance director or such other person appointed by the mayor to review the determination, after conducting a good faith review of available sources, that there is only one source for the required materials, supplies or equipment. The purchasing coordinator shall conduct negotiations, as appropriate, as to price, terms, and delivery time.

Purchasing from a sole source is authorized by RCW 39.04.280(1)(a) when the purchase is clearly and legitimately limited to a single source or supply, A record of sole source procurements shall be maintained that lists each contractor's name, the amount and type of each contract, and a listing of the item(s) procured under each contract. Sole source determinations in excess of \$30,000 shall be made by the city council. (Ord. 1470 § 3, 2006).

SUMMARY STATEMENT

The intent of the School Zone Safety program is to save lives and prevent serious injuries in and around schools in Washington State. The Washington Traffic Safety Commission had \$1.5 million available for the purchase of equipment, hardware, software and signage to mark elementary school zones with flashing beacon lights. There were no matching funds required.

Staff submitted a grant to the Traffic Safety Commission for a total of 10 flashing beacon lights to complete the following school zones within the City:

Broadview Elementary/NE 4th Avenue
Hillcrest Elementary/NE 2nd Avenue
Hillcrest Elementary/Outrigger Loop
North Whidbey Middle School/NE 4th Avenue
Oak Harbor Christian School Elementary/SE Glencoe Street
Olympic View Elementary/NE 5th and NE 6th

These additional 10 flashing beacon lights will complete the school zones and will enable the City to install the flashing school zone lights on the side streets around the schools which in turn will allow the City to establish the 20 mph speed limit in the school zones when the lights are flashing instead of between the hours of 7:00 a.m. to 4:00 p.m.

The total amount of funds requested was \$45,000.00. The City of Oak Harbor was awarded the entire amount on June 11, 2009.

In order to implement the additional 10 flashing beacon lights before the 2009-2010 school year begins; the City must purchase the equipment, hardware, software and signage.

In 2007, staff researched many options and found that the Carmanah R829C Single Beacon Compact Solar School Zone Flasher would best suit the City's needs and the City installed 22 of these flashing beacon lights at that time. Over the last two years the City has experienced very few problems relating to the current installed lights.

The existing Carmanah R829C flashing beacon lights use proprietary software for programming. Because the new flashing beacon lights will be installed in the same school zones as the existing flashing beacons, it is important that they all use the same software for consistency and training. The only way to ensure that the same software is used to purchase the same model lights that we have purchased before.

Western Systems Inc. is Carmanah's exclusive distributor in Washington State and is the only vendor that can provide the Carmanah R829C Single Beacon Compact Solar School Zone Flashers in the state. Therefore, staff is recommending again the sole source purchase of the flashing beacon light materials to Western Systems Inc, in the amount of \$32,121.34.

STANDING COMMITTEE REPORT

The Public Works Standing Committee reviewed this item at their meeting on July 2, 2009.

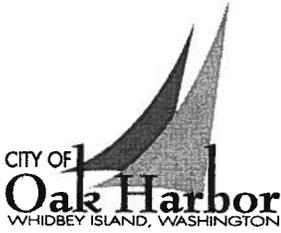
RECOMMENDED ACTION

Authorize the sole source purchase of 10 flashing beacon lights in the amount of \$32,121.34 to Western Systems Inc.

ATTACHMENTS

Sole Source Justification
Sole Source Resolution

MAYOR'S COMMENTS



REQUEST FOR SOLE SOURCE

To: City Council

From: Cathy Rosen / Public Works/Streets Division
 Name of Department Head Department/Division

Subject: Sole Source Request for the Purchase Of:
 Carmanah R829C single beacon compact solar school zone flashers.

Requested Supplier: Western Systems Inc.

Cost Estimate: \$32,121.34

Sole source purchases are defined as clearly and legitimately limited to a single supplier. Sole source purchases are normally not allowed except when based upon strong technological ground such as operational compatibility with existing equipment and related parts or upon a clearly unique and cost effective feature requirement. The use of sole source purchases shall be limited only to those specific instances which are totally justified to satisfy compatibility or technical performance needs.

STATEMENT OF NEED:

My department's recommendation for sole source is based upon an objective review of the product/service required and appears to be in the best interest of the City. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favors or compromising action have taken place. Neither has my personal familiarity with particular brands, types of equipment, materials or firms been a deciding influence on my request to sole source this purchase when there are other known suppliers to exist.

Refer to the attached sole source justification as prepared by our department, to the attached review of available products/services and to my completed Purchase Requisition.

| | |
|---------------------------------|---------------------------------|
| Requestor | Department Head |
| <hr/> <i>Signature and Date</i> | <hr/> <i>Signature and Date</i> |
| Finance Director | City Administrator |
| <hr/> <i>Signature and Date</i> | <hr/> <i>Signature and Date</i> |

RESOLUTION NO. _____

RESOLUTION DECLARING WESTERN SYSTEMS, INC. A SOLE SOURCE FOR PURPOSES OF PURCHASING CARMANAH R829C SINGLE BEACON COMPACT SOLAR SCHOOL ZONE FLASHER LIGHTS.

WHEREAS, the City is interested in purchasing certain property described in Exhibit "A" hereto attached;
and

WHEREAS, after investigation, it is determined that items specified in Exhibit "A" are only reasonably obtainable from Western Systems Inc., 909 SE Everett Mall Way #A120, Everett Washington 98208;
now, therefore,

BE IT RESOLVED by the City Council of the City of Oak Harbor as follows:

1. The City currently has 22 Carmanah 829C flashing beacon lights that use proprietary software for programming. As the new flashing beacon lights will be installed in the same school zones as the existing lights, it has been determined that it is in the City's best interest to purchase flashing beacon lights that utilize the same software as the existing lights for consistency and training.
2. The supplier above-named is the sole source supplier of the property identified in Exhibit "A" hereto attached;
3. The Council authorizes the purchase of 10 flashing beacon lights in the amount of \$32,121.34 from Western Systems Inc. without proceeding to secure competitive bids.

PASSED and approved by the City Council this 7th day of July, 2009.

THE CITY OF OAK HARBOR

Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

EXHIBIT A

SOLE SOURCE JUSTIFICATION

Requisition Item: Carmanah R829C Single Beacon Compact Solar School Zone Flasher

Requisition Number: 8413

1. Please describe the item and its function:

The Carmanah R829C single beacon compact solar school zone flashers will be installed at six of our elementary and middle school zones to alert drivers when the school zones will be enforced.

2. This is a sole source because:

1. The City currently owns and operates 22 Carmanah R829C flashing beacon lights that use proprietary software for programming. Because the new lights will be installed in the same school zones as the existing lights, all of the flashing beacon lights should utilize the same software for consistency and training. The only way to ensure that the same software is used is to purchase the same model lights that we currently have.
2. Western Systems is Carmanah's exclusive distributor in Washington State. Going to bid for these lights would be futile because we would only receive one bid.
3. Carmanah's patented MICROSOURCE technology enables the system to run reliably throughout the winter, even in the Pacific Northwest. The MICROSOURCE technology has been proven in hundreds of school zone flasher installations throughout Washington State, and in large scale installations of solar transit shelters with King County Metro.
4. Carmanah's R829C is the only self-contained school zone system that does not require a control cabinet and can be programmed by a laptop.
5. The solar engine contains the solar panels, batteries, and control electronics, which facilitates servicing and makes the system less prone to vandalism.
6. Carmanah is an ISO-9001 manufacturer.
7. The solar panels meet the design qualification and type approval of photovoltaic modules in accordance with IEC 61215.
8. Integrated solar charger shall be approved to CSA and UL standards.
9. The electronic circuit board housing, wire harnessing and connectors is designed and tested in accordance to IEC International Standard 60529, Ingress Protection IP67 requiring that the enclosure be dust tight and remain completely sealed when immersed in water to a depth of 1 meter for 1 hour.

3. What necessary features does this vendor provide which are not available from other vendors? Please be specific. The software to program the Carmanah R829C is the same software that programs the existing Carmanah flashing beacon lights in the City. In addition, a major feature that sets it apart is the proven technology in northern latitudes of Washington State and the Carmanah Micro Source integration technology that optimizes battery levels.

4. What steps were taken to verify that these features are not available elsewhere?

The manufacturer Carmanah was contacted and has verified that Western Systems is the only distributor in Washington State.

**Sole Source: only one vendor possesses the unique and singularly available capability to meet the requirement of the solicitation. Procurements of items for which the City has established a standard by designating a brand or manufacturer or by pre-approving via a testing shall be competitively bid if there is more than one vendor of the item.*

help



Quote

Exhibit A

WESTERN SYSTEMS

Intelligent Transportation Systems

CARMANAH R829

To: CITY OF OAK HARBOR
Sandra Place

Prepared By:

Zach Hoiting

Territory Manager

Western Systems

Cell: 503-349-5970

Fax: 425-438-1585

Email: zhoiting@westernsystems-inc.com

June 23, 2009

WSQ WZH0570

PO#



Western Systems is pleased to submit the following price quotation for the above referenced project:

| Qty | Description | Line Total |
|--|--|--------------|
| 12.00 | SOLAR ENGINE 20W SET FOR 2-12" (NO HEADS/LED/FRMK) GRN | |
| 24.00 | VEH SIG12" 1 SEC POLY () NO LENS TUNNEL VISOR (G) | |
| 12.00 | POST TOP MOUNTING 1SEC 12" / SOLAR PANEL GREEN | |
| 12.00 | SIDE OF POLE MOUNTING W/PLATES (TYPE SV1) GREEN | |
| 12.00 | POLE SPUN ALUMINUM 4" SCHEDULE 40 12' LENGTH | |
| 12.00 | ANCHOR BOLT SET OF (4) | |
| 12.00 | PEDESTAL BASE ALUM SQUARE WITH ALUM DOOR | |
| Quoted for 12 units, however we only need 10. Subtracted \$6,424.26 for a grand total of \$32,121.34 | | |
| 1.00 | SHIPPING | \$ 500.00 |
| | | \$ 38,545.60 |
| | | \$ 38,545.60 |

Quotation prepared by: Zachary L. Hoiting

This is a quotation on the goods named, subject to the conditions noted below:

Delivery 60-90 days after release

Terms: Net 30 Days If Credit in Good Standing

FOB Destination

Tax Not Included

This quote is good for 60 days

This quote includes only the items listed herein.

Thank you for your business!

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**City of Oak Harbor
City Council Agenda Bill**

Bill No. ADDED ON 7/7/09 AS #10
Date: July 7, 2009
Subject: Right of Way Acquisition- Oak
Harbor Street Project

**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

PURPOSE

This agenda bill requests Council to add authorization for the Mayor to sign certain documents to complete the acquisition of rights of way already authorized for acquisition by the City Council on June 2, 2009.

AUTHORITY

The authority to enter into agreements and acquire property for improvements is granted to the City of Oak Harbor under RCW 35A.11.020.

SUMMARY STATEMENT

The City Council authorized the Mayor to sign purchase and sale agreements for certain rights of way to improve Oak Harbor Street on June 2, 2009. However, the right-of-way agent contracted by the City has already moved past the purchase and sale stage and has obtained signed deeds, excise tax affidavits, temporary construction permits and easements, escrow agreements, memoranda of understanding, payment requests, and parcel summary memos which require City signature for completion. This agenda bill requests that the City Council authorize the Mayor to sign these documents necessary for completion of the acquisition of the identified rights of way on Oak Harbor Street:

Acquisition #1 was abandoned due to failure of negotiations.

Acquisition #2 Muleskinner Inc

Located on the east side of Oak Harbor Street and north of NE 10th Avenue, the property owned by Muleskinner, Inc is large tract with one single family residence.

Acquisition #3 through #6

The remaining right-of-way areas are proposed to be acquired through standard purchase and sales agreements. These areas are small areas along the edges of properties that are needed to widen the roadway and to provide adequate corners at intersections for the improvements

necessary for the street improvements. A summary of four parcels and the negotiated sales prices are shown in the attached spreadsheet.

STANDING COMMITTEE REPORT

This additional authorization has not been before the Standing Committee.

PRIOR COUNCIL ACTION

A motion, for the purpose of improvements to Oak Harbor Street between Crosby Road and Whidbey Avenue, to:

1. Authorize payment of the settlement of expenses actually incurred in evaluating the City's offer to Woodside North Condominium Association in the sum of \$8,583.55 (not to exceed the statutory maximum of \$750 per property owner);
2. Authorize the Mayor to sign a purchase and sale agreement with Muleskinners, Inc. to acquire 5,306 square feet of right-of-way appraised at \$44,000 in exchange for the following City commitments with respect to the pending Crosby Trace site plan as now submitted or subsequently resubmitted for the same property:
 - a. Waiver of the requirements for street improvements to Oak Harbor Street associated with the Crosby Trace site plan approval, and/or subdivision required by Chapter 11.16 OHMC (Required Street Improvements), OHMC 19.48.037(4)(e)(General evaluation criteria for site plan approval – street improvements), and Chapter 21.50 OHMC (Improvement Standards). The value of these street improvements, based on construction cost estimates, is \$35,000.
 - b. Agreement to include the 5,306 square feet of right-of-way for the Oak Harbor Street extension in the density calculations for the Crosby Trace site plan under OHMC 19.08.245.
 - c. Agreement that the landscaping between the edge of Oak Harbor Street and the sidewalk for that street frontage on the Crosby Trace site plan shall be included as part of the required landscaping for the site plan pursuant to OHMC 19.46.030(1)(a)(vi) and OHMC 19.46.030(1)(c)(i).
3. Authorize the Mayor to sign a purchase and sale agreement for the acquisition of right-of-way from Puget Sound Energy in the amount of \$5,100 for 512 square feet of right of way.
4. Authorize the Mayor to sign a purchase and sale agreement for the acquisition of right of way from Cove Apartments in the amount of \$16,400 for 1,353 square feet of right of way.
5. Authorize the Mayor to sign a purchase and sale agreement for the acquisition of Right of way from Concordia Lutheran Church in the amount of \$75,000 for 4,917 square feet of right of way.
6. Authorize the Mayor to sign a purchase and sale agreement for the acquisition of right of way from John Hoffelt in the amount of \$9,800 for 813 square feet of right of way.

All purchase and sale agreements must be approved and signed by the City Attorney prior to execution.

REQUESTED COUNCIL ACTION

A motion authorizing the Mayor to sign on behalf of the City of Oak Harbor any and all documents necessary to secure the acquisition of the rights of way set forth in the June 2, 2009 City Council motion, including but not limited to:

Deeds, excise tax affidavits, temporary construction permits and easements, escrow agreements, memoranda of understanding, payment requests, and parcel summary memos which require City signature for completion.

ATTACHMENTS

Summary of ROW acquisitions and costs

Map of ROW acquisition locations

MAYOR'S COMMENTS

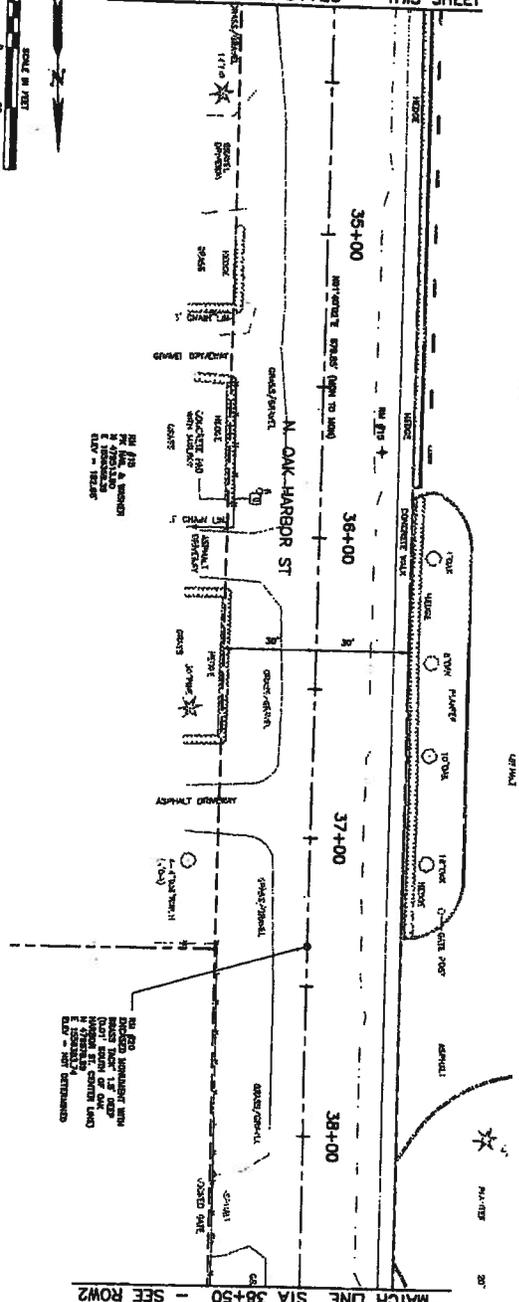
No. Oak Harbor Street Improvements
Whidbey Avenue to Crosy Avenue

Summary of Acquisitions

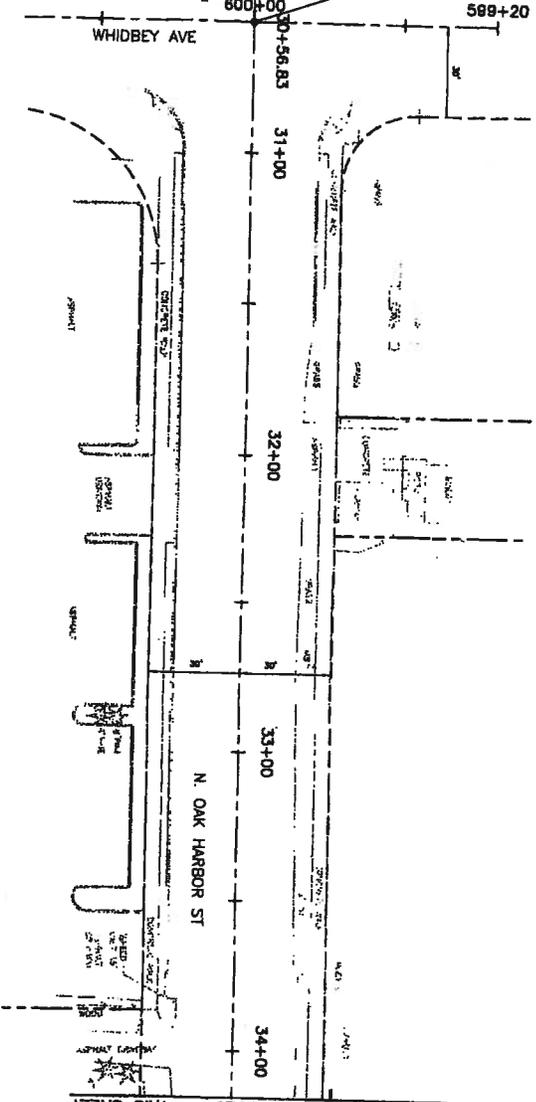
| Map Identifier | Parcel Number | Owner | Area (square feet) | Fair Market offer | negotiated offer |
|----------------|-----------------|----------------------------|--------------------|-------------------|----------------------|
| 1 | R13335-183-0570 | PSE | 512 | \$ 5,100 | \$ 5,100.00 |
| 2 | R13335-209-0510 | Cove Apartments | 1353 | \$ 16,400 | \$ 16,400.00 |
| 3 | R13335-237-0580 | Concordia Lutheran Church | 4914 | \$ 59,200 | \$ 75,000.00 |
| 4 | R13335-316-1140 | John Hoffelt | 813 | \$ 9,800 | \$ 9,800.00 |
| 5 | RS8495-000-0000 | Woodside North Condominium | 7010 | \$ 100,300 | offer rejected |
| 6 | S8495-000-0000 | Muleskinner | 5306 | \$ 44,000 | negotiated exchange |
| | | | total | \$ 234,800 | \$ 106,300.00 |

original planned budget for ROW \$ 100,000.00
original project budget \$ 2,486,599.00

MATCH LINE STA 34+25 - THIS SHEET



MATCH LINE STA 38+50 - SEE ROW2



MATCH LINE STA 34+25 - THIS SHEET

SW 1/4 SEC. 35, T33N, R1E W.M.

- LEGEND:**
- EXISTING PROPERTY LINE
 - EXISTING RIGHT OF WAY
 - PROPOSED RIGHT OF WAY



NOTE: THESE ARE NOT A SUBSTITUTE FOR A PROFESSIONAL ENGINEER'S DESIGN. THE CITY ENGINEER HAS REVIEWED THIS PLAN AND APPROVES THE LOCATION AND ELEVATION OF THE CENTER LINE AND RIGHT-OF-WAY LINES. ELEVATIONS ARE NOT DETERMINED.

CITY OF OAK HARBOR
NE 7TH AVE/N. OAK HARBOR ST

RIGHT OF WAY PLAN

ReidMiddleton

728 134th Street SW - Suite 200
Everett, Washington 98204
Ph: 425 741-3800

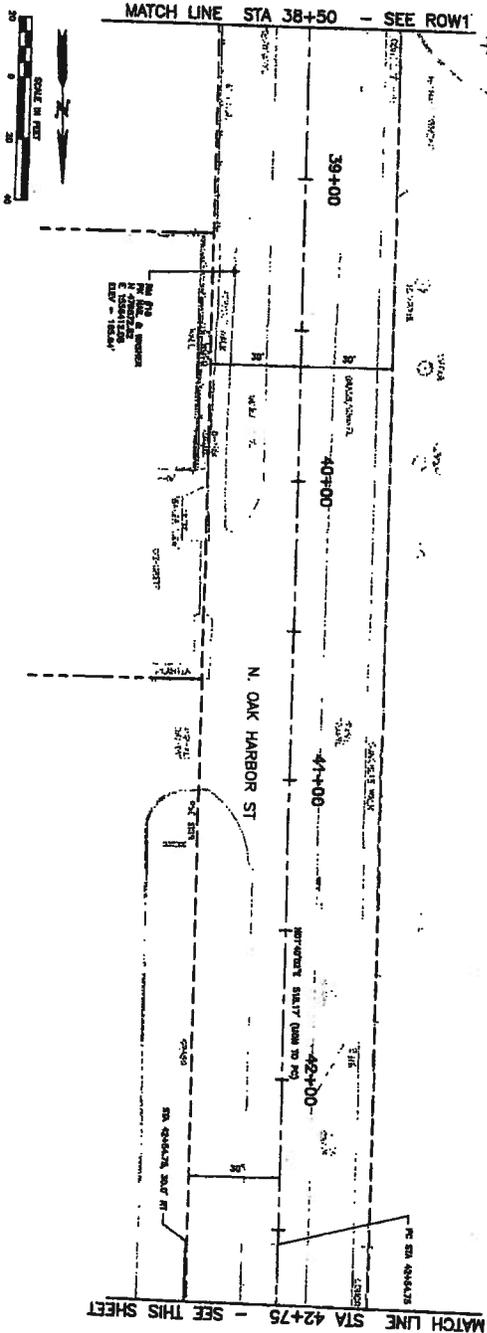
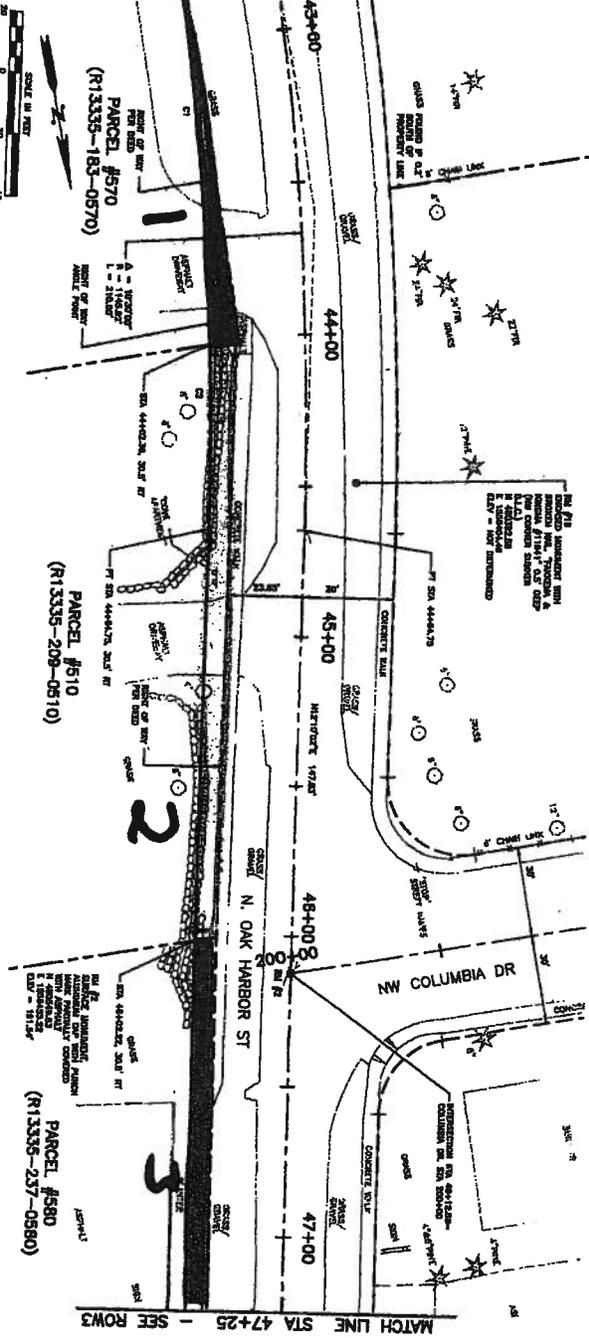
| | |
|--------------|-----------------------------|
| DATE | 11/20/05 |
| BY | 1 |
| SCALE | AS SHOWN |
| PROJECT | NE 7TH AVE/N. OAK HARBOR ST |
| SHEET | 1 |
| TOTAL SHEETS | 1 |

| | | | |
|-----|------|----|----------|
| NO. | DATE | BY | REVISION |
| | | | |

SW 1/4 SEC. 35, T33N, R1E W.M.

MATCH LINE STA 42+75 - SEE THIS SHEET

MATCH LINE STA 38+50 - SEE ROW1



MATCH LINE STA 47+25 - SEE ROW3

MATCH LINE STA 42+75 - SEE THIS SHEET

LEGEND:

- EXISTING PROPERTY LINE
- EXISTING RIGHT OF WAY
- PROPOSED RIGHT OF WAY

| PARCEL# | OWNER NAME | TAXID |
|---------|----------------------------|---------|
| 570 | PURET SOUND ENERGY | 510 SF |
| 510 | WINNER, LLC | 1285 SF |
| 580 | COMMERCIAL LUTHERAN CHURCH | 4815 SF |

| PROPOSED BASE CURVE DATA | Δ | R | T | L |
|--------------------------|---------|----------|--------|---------|
| C1 | 722.00' | 1118.62' | 71.84' | 143.89' |
| C2 | 307.10' | 1118.62' | 50.57' | 60.73' |



DATE: 01/28/08
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: [Name]

CITY OF OAK HARBOR
 NE 7TH AVE/N. OAK HARBOR ST

RIGHT OF WAY PLAN

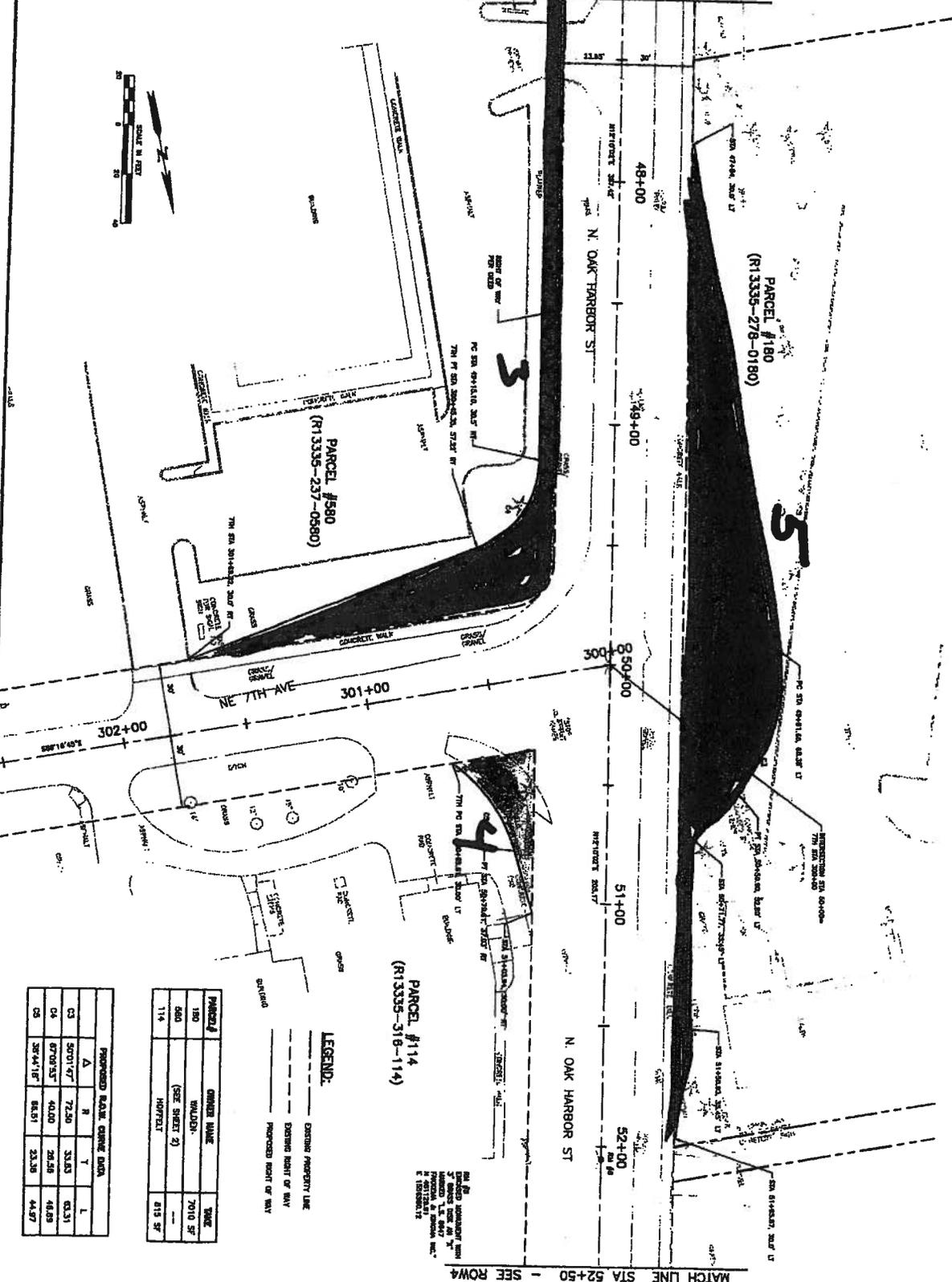


728 134th Street SW - Suite 200
 Everett, Washington 98204
 Ph: 425 741-3820

| | |
|--------------|----------|
| DATE | 01/28/08 |
| SCALE | AS SHOWN |
| SHEET NO. | 2 |
| TOTAL SHEETS | 2 |

MATCH LINE STA 47+25 - SEE ROW2

SW 1/4 SEC. 35, T33N, R1E W.M.
NW 1/4 SEC. 35, T33N, R1E W.M.



LEGEND:

- EXISTING PROPERTY LINE
- EXISTING RIGHT OF WAY
- PROPOSED RIGHT OF WAY

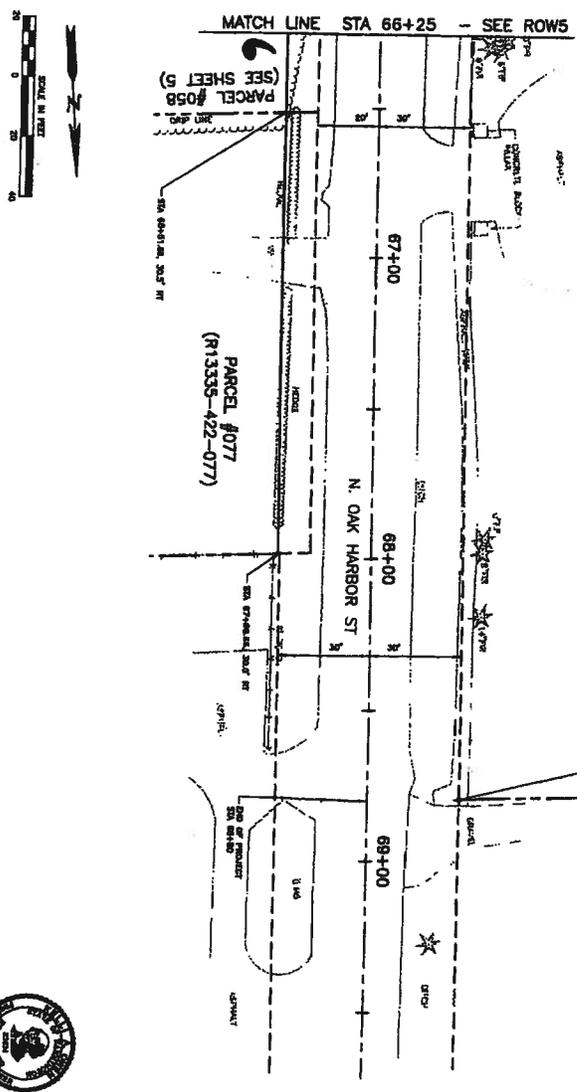
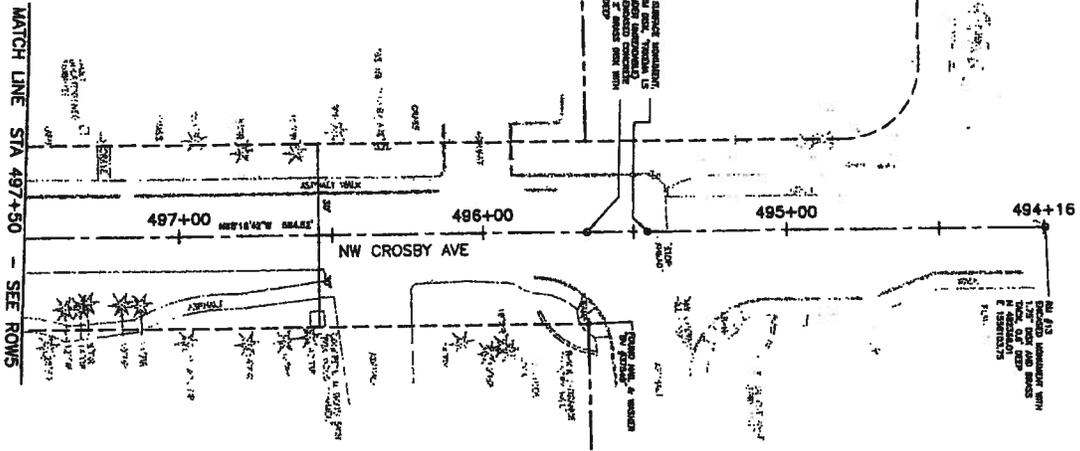
| PARCEL # | OWNER NAME | VALUE |
|----------|---------------|---------|
| 180 | WALDEN | 7010 SF |
| 1580 | (SEE SHEET 2) | |
| 114 | HOFMEYER | 815 SF |

| PROPOSED ROAD CENTER MARK | A | R | T | L |
|---------------------------|-----------|--------|--------|--------|
| C3 | 50'01.47' | 72.50' | 33.83' | 63.31' |
| C4 | 67'00.53' | 42.00' | 26.56' | 46.89' |
| C5 | 55'44.15' | 68.81' | 33.38' | 44.97' |



DATE: 12/28/2006
DRAWN BY: [Name]
CHECKED BY: [Name]

| | | |
|--|---|------------|
| CITY OF OAK HARBOR NE 7TH AVE/N. OAK HARBOR ST RIGHT OF WAY PLAN | ReidMiddleton 728 134th Street SW - Suite 200 Everett, Washington 98204 Ph: 425 741-3800 | 3 |
| | | 12/28/2006 |



| PARCEL # | OWNER NAME | ZONE |
|----------|------------|---------|
| 077 | LOTTER | 1540 SF |

LEGEND:
 - - - - - EXISTING PROPERTY LINE
 - - - - - EXISTING RIGHT OF WAY
 - - - - - PROPOSED RIGHT OF WAY

SW 1/4 SEC. 35, T33N, R1E W.M.



NOTE: SEE SET OF ARCHITECTURAL PLANS FOR ALL DIMENSIONS.
 AUTHOR: S. J. MIDDLETON, P.E.

| NO. | DATE | BY | REVISION |
|-----|---------|----|----------|
| 6 | 11/2004 | | |

CITY OF OAK HARBOR
 NE 7TH AVE/N. OAK HARBOR ST
RIGHT OF WAY PLAN

Reid Middleton

728 134th Street SW - Suite 200
 Everett, Washington 98204
 Ph: 425 741-3800

| NO. | DATE | BY | REVISION |
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| | | | |

