

**City Council Regular Meeting  
Tuesday, May 1, 2012, 6:00 p.m.  
City Hall – Council Chambers**

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**CALL TO ORDER** Mayor Dudley called the meeting to order at 6:00 p.m.  
There were no objections to this evening's agenda as presented.

**INVOCATION** Councilmember Jim Campbell

**ROLL CALL**

Mayor Scott Dudley  
Six Members of the Council,  
Rick AlMBERG  
Jim Campbell  
Tara Hizon  
Danny Paggao  
Joel Servatius  
Bob Severns

Steve Powers, Interim City Administrator  
Bill Hawkins, City Attorney  
Doug Merriman, Finance Director  
Cathy Rosen, Public Works Director  
Eric Johnston, City Engineer  
Melissa Sartorius, Associate Planner  
Rick Wallace, Chief of Police  
Ray Merrill, Fire Chief  
Renée Recker, Executive Assistant to the Mayor  
Karen Crouch, Executive Assistant to the  
City Administrator

Councilmember Beth Munns was absent and formally excused from the meeting.

**MINUTES**

The April 17, 2012 regular meeting minutes were accepted as presented.

**NON-ACTION COUNCIL ITEMS**

**Proclamation – Bike to Work Month**

Councilmember Paggao read this proclamation and presented it to Maribeth Crandell, Oak Harbor's Environmental Educator, Ms. Crandell presented these interesting facts: Trimming down to one car saves \$340 per month. The Center for Disease Control (CDC) says the number one strategy for reducing disease is walking followed by biking. Thirteen pounds can be lost in the first year of commuter biking. Ms. Crandell talked about websites for biking services and clubs to log bike mileage - Whidbey Bicycle Club, and Cascade Bike Club Seattle. A free breakfast will be offered on May 9th celebrating Bike to Work Month at Bayview Park and Ride, Coupeville Fire Hall, and the Wal-Mart rest stop. Ms. Crandell encouraged the public to talk to their children's PE teachers about bike training. For more information go to the City's website: [www.oakharbor.org/green](http://www.oakharbor.org/green)

**Proclamation – National Nurses Week**

Councilmember Hizon read and presented this proclamation to Capt. Karen Pruett-Baer, Director of Nursing Services at the NASWI Hospital. Capt. Pruett-Baer thanked the Mayor and Council for honoring the nursing profession.

## **Presentation – Greenroad Certification to the City of Oak Harbor**

City Engineer Eric Johnston introduced Crystal Donner, P.E. and Board President of Greenroad Foundation and President and CEO of Perteet, Inc; Jeralee Anderson, Executive Director of the Greenroad Foundation; Craig Weiland, Project Engineer for Greenroad; Dave Mohler, P.E. from KBA Construction Management, Inc.; Nathan Cutler, P.E. from Strider Construction, Inc.; Dan Hanson, Design Engineer from Perteet, Inc.; Oak Harbor's Larry Cort, Project Manager; Joe Stowell, Project Engineer; and Rhonda Severns, Downtown Liaison. Mr. Johnston also acknowledged and thanked the City's public works employees and other City staff for their hard work and dedication. Greenroad is a measure of sustainability and this certification joins other sustainable elements in the City.

Ms. Anderson talked about the design and construction rating system, sustainable roadway design, and healthy living through walkable and bikeable streets. Oak Harbor's certification represents the first Silver Project in the world and the second to become certified.

City Council Members talked about environmental factors, the pleasantness of Pioneer Way and the successful events that are now being hosted there, and thanked those involved in the project and Greenroad certification.

## **Break**

Mayor Dudley called for a five-minute break at 6:15 p.m. and the meeting reconvened at 6:20 p.m.

## **Public Comments**

**Paul Brewer, Oak Harbor.** Mr. Brewer spoke in support of the Greenroad certification, the long history of the Pioneer Way project, recycling, and the upcoming transfer station. Mr. Brewer also spoke with concern over digging into the Pioneer Way road bed because of sewer connections: Why wasn't this caught and how will this be paid for? How will it affect rates? What is being done to make sure this will not happen again?

**Shane Hoffmire, Oak Harbor.** Mr. Hoffmire spoke with concern regarding stifling public comments, applause or emotional displays, banning hats in Council Chambers, and the intrusion on constitutional rights: We, the people, will always have the last word. Sometimes it takes time to see what is right. Consider what is right and what the people want. Follow your hearts on these decisions. Together, let us move our City forward. Sharing what is on your mind and standing up can cause criticism. Mr. Hoffmire spoke about the Seattle area new stations' coverage of a past Council meeting, those who were interviewed, and comments about those who were interviewed: I continue to strive to be the most trustworthy father and friend. Those closest to my family know the facts. I defend our beloved City.

With no other comments coming forth, Mayor Dudley closed this portion of the meeting.

## **COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS**

### **Consent Agenda**

- A. Excused Absence Request – Councilmember Jim Campbell from the 6/19/12 Meeting.
- B. Approval of Accounts Payable Vouchers.

Councilmember Hizon asked about Council's 6/19/12 meeting being in conflict with the AWC Conference in Vancouver and City Administrator Powers said this would be addressed during City Administrator's comments at the end of the meeting.

**MOTION:** Councilmember Campbell moved to approve Consent Agenda Items A and B with Item B paying Accounts Payable check numbers 149758 - 149762 in the amount of \$322.25, Accounts Payable check numbers 149763 - 149771 and 149773 - 149948 in the amount of \$605,510.27, Accounts Payable check number 149772 in the amount of \$134.19, Payroll Check numbers 95484 - 95515 in the amount of \$591,638.73, and Payroll Check numbers 95516 - 95537 in the amount of \$35,544.26. The motion was seconded by Councilmember Hizon and carried unanimously.

### **Public Hearing – Zoning Map Adoption**

Associate Planner Melissa Sartorius presented this agenda bill and ordinance for adoption of the Official Zoning Map for the City of Oak Harbor. The Zoning Map is a vital tool in conveying the locations and boundaries of the zoning districts of the City. The City updates its Comprehensive Plan and Future Land Use Map by taking action on Comprehensive Plan amendments annually in December with subsequent amendments to zoning and the Zoning Map in the spring.

Initially, there were no public comments.

### Council Discussion

Discussion followed regarding the adult entertainment overlay zone and that there were no other changes from the prior Zoning Map with the exception of the map's orientation (landscape to portrait). Adult entertainment was shown as a hatch pattern only off of Goldie Road.

Mayor Dudley, returning to public comments, formally opened the Public Hearing at 6:35 p.m.

**Paul Brewer, Oak Harbor.** Mr. Brewer spoke with concern about the churches on Goldie Road and if they would be impacted by adult entertainment businesses.

With no other public comments coming forth, Mayor Dudley closed the Public Hearing at 6:38 p.m.

Councilmember Campbell asked for an answer to Mr. Brewer's question. City Administrator Powers responded that, when Council considered the adult entertainment overlay zone a year or so ago, buffers were put in place to protect churches, schools, and parks within prescribed distances.

**MOTION:** Councilmember Hizon moved to adopt the ordinance and attached Official Zoning Map. The motion was seconded by Councilmember Campbell and carried unanimously.

### **Contract – HVAC Services**

Public Works Director Cathy Rosen presented this agenda bill seeking authorization to award a contract to Barron Heating and Air-Conditioning for HVAC maintenance services at several City facilities. The term of the contract will be for two years with the option to renew for a third year. The proposed bidders toured the facilities to inventory, inspect, and observe the HVAC and ventilation equipment prior to submitting their bids. Staff received and opened ten sealed bids on March 30, 2012 and recommended the bid award, in the amounts of \$4,879.45 for the first and second year, and \$5,121.77 for the third year be given to Barron Heating and Air-Conditioning who is the lowest responsible bidder and, with locations in Ferndale and Mount Vernon, can offer a reasonable response time for requested repairs. Staff is knowledgeable of Barron's qualifications and experience.

There were no public comments.

### **Council Discussion**

Discussion followed about the spread in the ten bid amounts, a performance bond, and the professional services agreement.

**MOTION:** Councilmember Almberg moved to authorize the bid award to Barron Heating and Air-Conditioning in the amounts of \$4,879.45 for the first and second year of service, with the option to contract for a third year in the amount of \$5,121.77, and authorize the Mayor to sign the contract. The motion was seconded by Councilmember Severns.

Councilmember Campbell talked about the optional third year and Ms. Rosen recommended that the City take that third year. Mr. Campbell withdrew his statement regarding the optional third year.

### **VOTE ON THE**

**MOTION:** The motion carried unanimously.

### **Contract – Vending Services**

Public Works Director Cathy Rosen presented this agenda bill seeking authorization to award a contract to Advantage Vending and Distribution for an exclusive license to sell beverages from vending machines in City parks and to sell concession and beverages at City-owned facilities for a term of five years from the date of the agreement.

Staff received two bids and based on the review of the selection criteria used, staff determined that Advantage Vending and Distribution was the most qualified, responsive bidder. Under the agreement, Advantage Vending and Distribution will pay the City 25% of their gross revenue from sales in City parks.

There were no public comments.

#### Council Discussion

Discussion followed about the definition of gross revenue as hand-written in the agreement that accompanied the bid proposal and that is was not part of the agreement for approval. Ms. Rosen felt that this was defined in the Washington Administrative Code (WAC) but it could be clarified and returned to Council (Council was satisfied with this evening's presentation). Ms. Rosen will work with City Attorney Hawkins to be sure. Discussion continued about Walton Beverage and Advantage (Walton is solely beverages; Advantage provides snacks) and the amount of revenue (\$2,000-plus per year which goes into the General Fund), and the five-year term (two years did not seem long enough).

**MOTION: Councilmember Paggao moved to authorize the contract award to Advantage Vending and Distribution for an exclusive license to sell beverages and concessions from vending machines at City parks and City-owned facilities and authorize the Mayor to sign the agreement. The motion was seconded by Councilmember Hizon and carried unanimously.**

#### **Contract – Janitorial Services**

Public Works Director Rosen presented this agenda bill seeking authorization to reject all bids for janitorial services and issue a new request for proposal based on revised bid documents.

There were no public comments.

#### Council Discussion

Discussion followed about the need to re-advertise (the goal of re-advertising to clearly define the scope of work), the large spread between the bids (one may have had supervisory costs built into their bid), and clarification that these bidders can rebid. Discussion continued about non-profit preference with note that this is not written into the City's purchasing and bidding policies, and Council's support to include special needs organizations within future policy considerations. Discussion followed about using or hiring City staff to cover janitorial needs and that it would probably cost more to do this than the highest of the three bids received. Council and Ms. Rosen talked about past contract amounts and that the current provider was one of the bidders.

**MOTION:** Councilmember Severns moved to reject all bids and direct staff to modify the bid documents to clarify the requested level of service and re-advertise for proposals for janitorial services for City Hall, Police Department, Senior Center, and Public Works Department. The motion was seconded by Councilmember Alberg and carried unanimously.

### **Future City Council Pending Items**

As noted in the agenda packet.

### **City Administrator's Comments**

City Administrator Powers noted that the 5/3/12 Public Works Standing Committee had been cancelled. The Parliamentary Procedure Workshop can be held on 5/29/12 or 5/30/12 as an evening meeting potentially running from 6:00 p.m. to 9:00 p.m. Council's consensus was to schedule the workshop for May 30, 2012, at 6:00 p.m. and to let Councilmember Munns know since she was absent this evening. The public is welcome to attend.

With a choice of 6/7/12 or 6/12/12 for a special meeting to pick up the tabled items from the 4/17/12 Council meeting, Council consensus was to schedule this meeting for June 7, 2012 at 6:00 p.m. and to also coordinate this date with Councilmember Munns.

The Association of Washington Cities (AWC) Conference in Vancouver, Washington runs from June 19, 2012 through June 22, 2012 and three voting delegates need to be identified from Council Members attending this conference. Depending on the number attending this conference, the June 19, 2012 City Council meeting would need to be rescheduled. Mr. Powers asked Council to let Karen Crouch know if they plan to attend.

### **Council Members' Comments**

Councilmember Campbell encouraged the public to attend the next Governmental Services Standing Committee meeting on 5/8/12, 3:30 p.m. at City Hall.

Councilmember Alberg asked Mr. Powers about the upcoming AWC Conference. This is AWC's annual conference, the earlier meeting was AWC's Legislative Action Conference. Mr. Alberg asked if Council could be polled this evening regarding attendance.

- Councilmember Campbell will not be attending the 6/19/12 Conference and will away before and after the conference.
- Councilmember Hizon will attend.
- Councilmember Munns will attend.
- Councilmember Paggao will attend.
- Councilmember Alberg had planned to be here, but with four Council Members not able to attend the 6/19/12 Council meeting, Mr. Alberg will attend the AWC meeting, as well.

The 6/19/12 Council meeting will need to be re-scheduled.

Councilmember Severns talked about the success of Holland Happening and thanked Kelly Beedle, Oak Harbor Tavern, for donating proceeds from the Tavern to help fund the professional 4th of July fireworks.

Councilmember Hizon also thanked Ms. Beedle and talked about the Youth Commission and the positive feedback from their community conversation: goals, better partnerships with the Navy, central location, and internships. Ms. Hizon encouraged the public to contact her and let her know their thoughts. The next Youth Commission meeting will be on 5/16/12, 5:15 p.m. at the United Way office.

Councilmember Alberg asked if a motion would be needed to move the agenda bill for the personnel handbook from the 5/15/12 Council meeting to the 6/5/12 Council meeting with a public hearing to be included. Mr. Powers noted it will be moved to the 6/5/12 meeting and include a public hearing.

**MOTION: Councilmember Alberg moved to change the date to 6/5/12 and also to bring forward contracts for at-will employees who are in a position to sign contracts at that time. The motion was seconded by Councilmember Paggao.**

Councilmember Severns asked if staff could be prepared by 6/5/12 and City Attorney Hawkins said staff could be prepared for that meeting date but also asked for a point of clarification: Was it Council's intent to bring them all forward? Mr. Hawkins felt that what could be brought forward are those contracts that are ready by both parties (City and the employee).

Councilmember Servatius asked if the feedback on the personnel handbook will also come back to Council. Mr. Powers responded that with the new feedback date of 5/4/12, feedback will be reviewed by Ms. Neill Hoyson when she returns and will be shared with Council.

Councilmember Campbell asked if it would be a legislative copy in order to see the changes (yes, per Mr. Powers).

Councilmember Alberg stated that he brought this forward because, if there are contract drafts or prepared contracts, he would like them to move forward so employees will know what is required of them.

Councilmember Hizon had heard from several employees - terrific feedback, and thanked those employees who contacted her.

**VOTE ON THE MOTION: The motion carried unanimously.**

**Mayor's Comments**

Mayor Dudley talked about the eight original works of art on display in Council Chambers which were done by Oak Harbor High School's highly-talented student artists. Three artists were in the audience and were thanked for their work. Mayor Dudley also welcomed Ray Merrill to his first day on the job as Oak Harbor's new Fire Chief. Mayor Dudley also talked about the upcoming workshop on Friday, May 4, 2012, 10:00 a.m. to 2:00 p.m. at City Hall, on Emergency Disaster Preparedness. The public is welcome to attend and this workshop will be filmed.

**ADJOURN**

With no other business coming before the Council, Mayor Dudley adjourned the meeting at 7:20 p.m.

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Connie T. Wheeler  
City Clerk