

**City Council Regular Meeting  
Wednesday, August 8, 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.

**INVOCATION** Councilmember Rick Almberg

**ROLL CALL**

Mayor Scott Dudley

Five Members of the Council,

Rick Almberg

Jim Campbell

Tara Hizon

Joel Servatius

Bob Severns

Larry Cort, Interim City Administrator

Grant Weed, Interim City Attorney

Doug Merriman, Finance Director

Cathy Rosen, Public Works Director

Eric Johnston, City Engineer

Sgt. Teri Gardner, OHPD

Ray Merrill, Fire Chief

Renée Recker, Executive Assistant to the Mayor

Councilmember Beth Munns and  
Councilmember Danny Paggao were  
absent from this meeting.

**8/8/12 EXCUSED ABSENCE FOR COUNCILMEMBER BETH MUNNS**

**Motion: Councilmember Servatius moved to excuse Councilmember Beth Munns from this August 8, 2012 Council meeting, Councilmember Almberg seconded the motion. Councilmembers Almberg, Hizon, Servatius, and Severns voted in favor of the motion. Councilmember Campbell opposed. The motion carried.**

**EXECUTIVE SESSION**

**Motion: Councilmember Campbell moved that the Council would adjourn into executive session to discuss both pending and potential litigation. The motion was seconded by Councilmember Almberg and carried unanimously.**

**Motion: Councilmember Almberg moved to have the Council adjourn into executive session immediately after the consent agenda. The motion was seconded by Councilmember Severns.**

Councilmember Hizon felt that moving the executive session from the end of the meeting to this point in the meeting would keep those who wished to make public comments waiting unnecessarily.

City Attorney Weed felt the executive session may take 15 minutes. Mayor Dudley thought it might require more time than 15 minutes. Mr. Weed added that Council could advise the public about a time extension, if needed. The audience was polled to see how many people wished to speak.

**Vote on the**

**Motion:** Councilmembers Almborg, Servatius, and Severns voted in favor of the motion. Councilmembers Campbell and Hizon opposed. The motion to move the executive session carried.

**SECOND EXCUSED ABSENCE FOR COUNCILMEMBER BETH MUNNS - ADDITION TO THE AGENDA**

**Motion:** Councilmember Servatius moved to place a second excused absence for Councilmember Beth Munns, a September 4, 2012 excused absence, ahead of public comments as a new agenda item. Councilmember Almborg seconded the motion. Councilmembers Almborg, Hizon, Servatius, and Severns voted in favor of the motion. Councilmember Campbell opposed. The motion carried.

**ACCEPTED AGENDA**

With no further changes or modifications to tonight's agenda, the agenda was accepted as amended.

**MINUTES**

**7/3/12 Regular Meeting**

Councilmember Severns recused from approval of these minutes since he did not attend this meeting. The 7/3/12 Regular Meeting minutes were accepted as presented.

**7/12/12 Workshop**

The 7/12/12 Workshop minutes were accepted as presented.

**NON-ACTION COUNCIL ITEMS**

**Proclamation – National Assistance Dog Week**

Councilmember Almborg read and presented this proclamation to Eric Mann, Summit Assistance Dogs. Mr. Mann introduced Fisher who is a demonstration dog for Summit.

**Proclamation – Oak Harbor Library Summer Reading Week**

Councilmember Servatius read and presented this proclamation to Jane Lopez Santillana who thanked Council and the community and also talked about the 1,000 children who had signed up for this program.

**9/4/12 EXCUSED ABSENCE FOR COUNCILMEMBER BETH MUNNS**

**Motion:** Councilmember Servatius moved to accept an excused absence from Councilmember Munns for the September 4, 2012 Council meeting. The motion was seconded by Councilmember Severns. Councilmembers Almborg, Hizon, Servatius, and Severns voted in favor of the motion. Councilmember Campbell opposed. The motion carried.

**PUBLIC COMMENTS**

**Michael-John Paparella, Michael-John's Trading Post.** Mr. Paparella talked about the Oak Harbor Music and Jazz Festival [www.oakharbormusicfestival.com](http://www.oakharbormusicfestival.com) which will be held on Labor Day Weekend, and also spoke about the benefits of the Thousand Strong Campaign.

**Jill Johnson, Oak Harbor Chamber of Commerce.** Ms. Johnson spoke about Marti Malloy and what is being done to honor her 2012 Olympic bronze medal achievement. This celebration will also honor 100 years for the Oak Harbor School District.

## **CONSENT AGENDA**

- A. Introduction – Ordinance, Credit Card Fees
- B. Introduction – Administrative Approval of Noise Permits
- C. Introduction – Arts Commission Ordinance
- D. Noise Permit – Oak Harbor Jazz and Music Festival
- E. Noise Permit – Pregnancy Care Clinic
- F. Noise Permit – Navy League, Military Appreciation Picnic
- G. Noise Permit – Island Vineyard Community Church
- H. Noise Permit – Teresa Anderson
- I. Noise Permit – Habitat for Humanity
- J. Noise Permit – McClung Memorial Run
- K. Noise Permit – Gizmo’s Skateshop Competition
- L. Noise Permit – Madeiros Block Party
- M. Approval of Accounts Payable Vouchers

Councilmember Hizon asked that Consent Agenda Item M be pulled for discussion of \$1,126.83 in charges for a single phone line.

**Motion:** Councilmember Severns moved to approve Consent Agenda Items A through L. The motion was seconded by Councilmember Almberg. Councilmembers Almberg, Campbell, Hizon, and Severns voted in favor of the motion. Councilmember Servatius opposed. The motion carried.

## **Consent Agenda Item M - Approval of Accounts Payable Vouchers**

**Motion:** Councilmember Almberg moved to approve Consent Agenda Item M with the exception of the one line item regarding the \$1,126.83 in phone charges. Councilmember Campbell seconded the motion which carried unanimously. Consent Agenda Item M pays Accounts Payable Check Number 150593 in the amount of \$2,546.00, Accounts Payable Check Numbers 150594 - 150602 in the amount of \$737.19, Accounts Payable Check Numbers 150603 - 150770 in the amount of \$639,836.76, Accounts Payable Check Numbers 150771 - 150774 in the amount of \$49,470.35, Accounts Payable Check Numbers 150775 - 150787 in the amount of \$1,124.48, Accounts Payable Check Numbers 150788 - 150970 in the amount of \$827,449.98, Payroll Check Number 95681 in the amount of \$1,455.15, Payroll Check Numbers 95682 - 95694 in the amount of \$392,009.81, Payroll Check Numbers 95695 - 95725 in the amount of \$584,422.69, Payroll Check Numbers 95726 - 95750 in the amount of \$55,713.44, Payroll Check Numbers 95751 in the amount of \$195.80.

## **EXECUTIVE SESSION**

At 6:30 p.m., Mayor Dudley announced that Council would adjourn into executive session to discuss pending and potential litigation for 25 minutes. At 6:55 p.m., Mayor Dudley extended the executive session for an additional 10 minutes. At 7:05 p.m., Mayor Dudley reconvened the meeting. No action was taken during the executive session.

### **Discussion Only – Animal Shelter Services**

City Administrator Larry Cort presented this agenda bill in the absence of Interim Police Chief Tim Sterkel. This discussion-only agenda bill addressed the provision of animal shelter services in the City, the City's desire to issue a Request for Proposals (RFP) for animal shelter services, and Council direction on key points to be used in the RFP. Dr. Cort also presented the history of City shelter services and the timeline for preparing and releasing an RFP, contractor selection, and approval.

Mayor Dudley called for public comments.

**Dr. Bob Baker, Member of Whidbey Animal Guild.** Dr. Baker spoke with concern about the loss of the Navy building. His complete statement is attached to these minutes as Exhibit A.

**Barbara Moran, Member of Whidbey Animal Guild.** Ms. Moran spoke with concern about the animal sheltering contract. Ms. Moran's complete statement is attached to these minutes as Exhibit B.

**Mel Vance, Oak Harbor.** Mr. Vance spoke with concern about a shelter contractor also having to provide a shelter facility, how the City would pay for a facility, the need for specific language on how the animals will be treated, euthanasia as a last resort, and the animal control officer as a contracted position.

**Stephen Paysee, WAIF Executive Director.** Mr. Paysee spoke about the progress on building a new WAIF shelter, the barn, and that WAIF could accommodate the needs of Oak Harbor's dogs and cats. Mr. Paysee also spoke about the history of WAIF on Whidbey Island.

With no other comments coming forth, public comments were closed.

### Council Discussion

Discussion followed about the feasibility of having a network of shelters/providers and crafting the RFP toward that possibility (might work for the six-day holding period but one organization should take control of the animals thereafter), progressive licensing, the use of new protocols, and records as defined by the Asilomar Accords.

**Sheri Bibich, WAIF Shelter Manager** spoke about the similarity to Asilomar of current statistical software and statistics provided to the City and that Asilomar is a good program to accept.

Council discussion continued about opportunities to work with the Navy and Navy payment of a prorated share, minimum or no-kill, no euthanasia within the six-day holding period, use of the 2004 Ad Hoc Committee recommendations, that the City's animal control officer is a full-time employee with an animal control vehicle, and that more time may be needed to come up with a good solution and progressive plan.

Discussion also followed about providing a City-built facility without depending on the Navy, that grants can also demand matching funds, and the City's fiscal emergency.

With questions about the June 30, 2013 extension date from the Navy for the shelter, Mayor Dudley responded that the Navy building was set to be demolished in January 2013. The City has requested an extension and the Navy verbally extended use of the existing building through June 2013.

#### **Agreement – City Attorney Services with Weed, Graafstra and Benson**

City Administrator Larry Cort presented this agenda bill and retainer agreement for interim City Attorney services. During the June 18, 2012 Council meeting, Council approved a retainer agreement for these services with the firm of Weed, Graafstra and Benson. That action included a contract termination date of August 8, 2012. This evening's agenda bill proposed renewal of the retainer agreement for interim City Attorney services under the same terms with an effective date of August 9, 2012 through December 31, 2012. The agreement remains the same with the exception of these dates. City staff has been pleased with this firm's services.

Mayor Dudley called for public comments but there were none.

#### Council Discussion

Discussion followed about the process, expenses to date (\$17,000 in June, \$25,000 in July with Dr. Cort noting that there had been a fair amount of legal work in the past two months), the approved retainer of \$6,400 per month, and if the City Attorney's position has been advertised (advertisements will go out this week in accordance with the schedule established by past Human Resources Manager Neill-Hoyson). Discussion continued regarding the hourly rate of in-house legal staff (\$75 to \$80 per hour including benefits), a review of monthly legal costs or a review in several months, concern with extending this agreement through December 31, 2012, and concern with legal coverage if the agreement is not approved.

**Motion: Councilmember Severns moved to authorize the Mayor to sign a retainer agreement for interim City Attorney services with the law firm of Weed, Graafstra and Benson for the period between August 9, 2012 and October 16, 2012. The motion was seconded by Councilmember Almberg.**

Discussion followed about other attorneys who are also working for the City and the budget.

#### Vote on the

**Motion: The motion carried unanimously.**

#### **Equinox (ERCI) Professional Services Agreement for Archaeological Services, Phase Three, Archaeological Recovery**

City Engineer Eric Johnston gave a PowerPoint presentation and report seeking authorization and signature on Amendment No. 2 of the professional services agreement with Equinox Research and Consulting International (ERCI). ERCI President Kelly Bush was also present. Work is progressing well and within cost expectations and the Pit Road site is relatively on-schedule.

Mayor Dudley called for public comments but there were none.

Council Discussion

Discussion followed about costs, property acquisition, property adequacy to handle the volume of material, how material will be placed, permit conditions, and Tribal agreements.

**MOTION: Councilmember Alberg moved to authorize the Mayor to sign Amendment No. 2 to the Professional Services Agreement with Equinox Research and Consulting International (ERCI) to expand the scope of services to include Phase Three of the Archaeological Recovery Project and increasing the not-to-exceed amount by \$352,476.52, from \$318,758.25 to \$671,234.50. The motion was seconded by Councilmember Campbell and carried unanimously.**

**BREAK**

Mayor Dudley called for a break at 8:30 p.m. and the meeting reconvened at 8:35 p.m.

**Mutual Aid Agreement with the Naval Air Station Whidbey Island**

Fire Chief Ray Merrill presented this agenda bill and talked about the history of this agreement, which began in the 1980s, and the revisions to the proposed agreement which include not only fire responses but hazardous materials, basic and advanced medical life support, and technical search and rescue incidents.

Mayor Dudley called for public comments but there were none.

Council Discussion

Discussion followed about the language of the agreement.

**MOTION: Councilmember Severns moved to authorize the Mayor to sign the Mutual Aid Agreement, the motion was seconded by Councilmember Hizon and carried unanimously.**

**Marin Property Annexation**

Senior Planner Ethan Spoo gave a PowerPoint presentation and led discussion regarding the proposed Marin annexation and its history and the potential for annexing additional properties near it. The purpose was to obtain City Council input on what area, among the options presented, the Council wished to consider for annexation:

- Option One: Annex only the Marin property.
- Option Two: Annex the Marin property plus six additional properties.
- Option Three: Do not consider annexation of a smaller area.

Mayor Dudley called for public comments.

**Tom Ford, Oak Harbor.** Mr. Ford lives in Fairway Estates and spoke with concern about costs, water system upgrades and hook up to water, sewer, and gas, sidewalk and street expenses, and the cost of rubbish disposal. Mr. Ford asked for a City point of contact regarding new estimates on these costs.

**Larry Larson, Oak Harbor.** Mr. Larson spoke with concern about costs and the six properties in the second option four of which are on a well he maintains and the remaining two are on a separate well. Mr. Larson was also concerned about trash service and the time it will take to receive City service while still paying City taxes. Mr. Larson preferred Option One - annex only the Marin property.

**Jeffrey Adams, Oak Harbor.** Mr. Adams resides in the enclave, and spoke with concern about benefits versus profits that the Marins will receive.

**Mel Vance, Oak Harbor.** Mr. Vance spoke with concern about costs in light of the City's declaration of a fiscal emergency, the number of enclaves in the City, emergency response to enclaves, and an "all or nothing" approach to this annexation.

**Brett Butler, Oak Harbor.** Mr. Butler lives in Fairway Estates and spoke about the 60% State requirement and that they would not be forced into an annexation unless the majority rules.

**Angie Homola, Island County Commissioner.** Ms. Homola spoke with concern regarding the heavily-treed area with watershed and her familiarity with Putnam Drive. The County is currently looking at two culverts in that area and would like to work with the City to address tree retention, returning water to the site, the need for a cost benefit analysis, impact fees and development, and how this annexation will progress when it comes to a Council public hearing.

There were no other public comments.

#### Council Discussion

Discussion followed about the Urban Growth Area (UGA), concern with creating another enclave, suggestions about subdividing to leave a County connection, and the existing interlocal agreement with the County that if an applicant seeks to short plat they must come to the City and discuss annexation.

#### **MEETING TIME EXTENSION**

**Motion: Councilmember Servatius moved to extend the meeting to 10:15 p.m. The motion was seconded by Councilmember Almberg and carried unanimously.**

#### Discussion Continued

Discussion continued about the development process with regard to Mr. Vance's concerns: When a development application is presented to the County which is contiguous to City limits, the County tells the developer that they must first come to the City and discuss annexation. The Marins have done this. The City would then find a way to release the obligation and would not be in disagreement with processing a short plat. Even with a smaller enclaved piece, it would be difficult to avoid the enclave issue.

Mr. Powers was confident the City can work with the County on this issue but would want to avoid a platting problem that does not leave a good neighborhood. With three options, Development Services wanted to present more than an all or nothing approach.

**Richard Marin** was invited to speak: As a past City Council member in Edmonds for two terms, he has experienced annexations and understands the oddities in building standards including enclaves. Mr. Marin talked about the property's location, his family's history with the property, and how a development is envisioned which would connect the two dead ends, connect to Swantown, and remedy water leaving the property. The developer bears the full cost and the City gains all of the infrastructure at current standards.

#### Discussion Continued

Discussion followed with continued concern about denying an annexation because of an enclave.

**Joe McMillan** also commented with concern about the long-term cost of Option Two. Mr. McMillan's property has City sewer and water lines running through his property. Mr. McMillan also talked about those who signed the petition (two are selling their property; one wished to withdraw from the petition).

Council asked about the franchise agreements with Island Disposal (ten year franchise agreements) with a comment from Mayor Dudley that those customers do not receive a bill from the City for collection. Discussion followed about benefit to the property owners, achieving 60%, the Comp Plan goal of not having enclaves which is not a mandated goal, and the time limit for hooking up (only when a septic system fails). Mr. Powers noted that as part of WWTP planning, staff and the tech team have been asked about how to address enclaves; the City is working toward policy on how to provide sewer to these areas. Discussion returned to the impact on the Marins, that change in how to separate the property would create difficulties in providing City services, and that this property already meets an urban density.

**Motion:** Councilmember Hizon made a motion to consider Option One for the Marin Annexation at a City Council meeting and public hearing, the date to be determined by staff. The motion was seconded by Councilmember Severns. Councilmembers Campbell, Hizon, Servatius, and Severns voted in favor of the motion. Councilmember Almberg opposed. The motion carried.

**Motion:** Councilmember Hizon made a motion to accept the submitted annexation petitions and direct staff to forward these petitions to the Island County Assessor for a determination of sufficiency. The motion was seconded by Councilmember Severns. Councilmembers Campbell, Hizon, Servatius, and Severns voted in favor of the motion. Councilmember Almberg opposed. The motion carried.

### **Property Transfer – North Reservoir Site**

City Engineer Eric Johnston presented this agenda bill asking for Council declaration that a five acre City General Fund property is surplus and authorize payment for and transfer of the asset from the General Fund to the Water Utility.

There were no public comments.

**Motion:** Councilmember Almborg moved to declare the five acre General Fund property, parcel number R13327-231-3630, as surplus. The motion was seconded by Councilmember Campbell and carried unanimously.

**Motion:** Councilmember Almborg moved to authorize payment to the general fund of \$17,500 from the water utility and transfer of the asset to the water utility. The motion was seconded by Councilmember Severns and carried unanimously.

### **Professional Services Agreement – Hedeem and Caditz, PLLC, North Reservoir Project**

City Engineer Eric Johnston presented this agenda bill for a proposed contract with Hedeem and Caditz for legal services associated with the North Reservoir project contract documents and construction activity. Mr. Johnston noted a date correction in the contract's term which should be: August 8, 2012 - July 31, 2013.

There were no public comments.

### **Council Discussion**

Discussion followed regarding a breakdown of their services, the intricacy needed in preparation for this project, that staff had planned to manage this project in-house prior to staffing changes, and Hedeem and Caditz' specialization in the field of public works projects. Mr. Grant noted that his firm also does contract review.

**Motion:** Councilmember Severns move to authorize the Mayor to execute the attached professional services agreement with Hedeem and Caditz for legal services associated with the North Reservoir project with a not-to-exceed limit of \$20,000. The motion was seconded by Councilmember Hizon and carried unanimously.

Councilmember Hizon talked about **Agenda Item 13 - Council Rules and Amendments** and the length of this evening's meeting.

**Motion:** Councilmember Hizon made a motion to postpone this agenda item until the September 4, 2012 Council meeting. The motion was seconded by Councilmember Almborg and carried unanimously.

## **KPG Engineering Contract – Solid Waste Transfer Station, Phase One, Engineering Services**

City Engineer Eric Johnston presented this agenda bill for a contract with KPG Engineering for services regarding the proposed Solid Waste Transfer Station, Phase One. It was noted that funding would come from Solid Waste Fund 403 and these funds are in place.

**Motion: Councilmember Alberg moved to authorize the Mayor to sign a contract with KPG to prepare Phase One engineering documents for a proposed Solid Waste and Recycling Transfer Station. The motion was seconded by Councilmember Servatius and carried unanimously.**

**Revised Navy Jet Fuel Pipeline Easement - removed from this evening's agenda**  
Development Services Director Steve Powers noted that this was requested by the Navy.

**Motion: Councilmember Severns moved to postpone this agenda item until the September 4, 2012 Council meeting. The motion was seconded by Councilmember Alberg and carried unanimously.**

## **Clarification of Fiscal Emergency**

Finance Director Doug Merriman led this presentation asking for clarification and direction from the Council with respect to the declaration of fiscal state of emergency approved on June 18, 2012.

Mayor Dudley called for public comments.

**Mel Vance, Oak Harbor.** Mr. Vance spoke with concern about this agenda item coming before Council.

## **Council Discussion**

Discussion followed about the 2003 contingency plan (drafted but not adopted), Mr. Merriman's memorandum, the possible shortfall, and a request by Council for department heads to bring forward a detailed, line-itemed proposed budget, and revenue projections. Discussion continued regarding a hold on staff positions at their current levels, excluding step promotions, until the budget process is completed including no lateral transfers or filling of vacant positions simply because funds exist in the budget. This discussion did not include vacant department head positions but was meant to address internal promotions. Council asked for a list of major purchases for 2012, 2013, and 2014 and City Administrator Cort asked for a dollar figure to define "major purchases" (possibly \$25,000-plus). As example, the rescue unit vehicle has been needed for some time, but there was Council concern about spending this money now while the City is in the preliminary stages of the budget review. Staff would need clarification to short circuit an interview process.

Discussion returned to non-department head positions which are currently being advertised (or interviewed) which also include at least one lateral transfer.

## **MEETING TIME EXTENSION**

**Motion: Councilmember Servatius moved to extend the meeting until 11:00 p.m.; the motion was seconded by Councilmember AlMBERG. Councilmembers AlMBERG, Campbell, Servatius and Severns voted in favor of the motion. Councilmember Hizon opposed. The motion carried.**

Human Resources Director Cheryl Lawler noted that there are 23 openings in the City. The position open the longest is a police officer position which needs to be filled. All of these openings are needed positions and Ms. Lawler asked Council if they were suggesting the City try to function without staff. Council was concerned about hiring and potentially then having to face layoffs. Ms. Lawler felt that, in the best interest of the City, if the onus is put on remaining staff to cover these vacancies, people will continue to leave. Council asked for a list of positions that are not critical and City Administrator Cort responded that Council could be provided a list of openings.

Discussion continued that a workshop with more detailed information would be more productive, how to accommodate the budget process, that all 23 positions will not be filled at once, and that department heads and staff also need to weigh in on this discussion. In response to Council's question about the number of open positions, Ms. Lawler responded that this is a high number of vacancies. Discussion followed about leave balances, filling department head positions, the City's reserve percentage and balance, and how declaration of a fiscal emergency affects cities.

Mayor Dudley thanked Mr. Merriman, felt the City is financially sound, asked Council if the City is in a fiscal emergency then hiring would not be in order with interims in place, at what point would the City no longer declare a fiscal emergency, and how Council wished to proceed.

Council talked about interim wages which are not the same as the permanent wage, that interims are doing the work of two people and the cost savings are not realistic, and that lost leadership and institutional knowledge represents intangible costs.

Ms. Lawler asked if the City should move forward with hiring the Human Resources Manager, City Administrator, Lateral-Entry Police Officer, Police Chief and positions currently advertised and posted.

**Motion: Councilmember AlMBERG moved to advertise the Department Head vacancies and City Engineer position. Councilmember Severns seconded the motion.**

**Amendment to the**

**Motion: Councilmember Hizon moved to add the Lateral-Entry Police Officer position.**

City Administrator Cort felt a more systematic approach should be used since both the City Engineer and City Clerk positions are mandated by law. This is not filling holes; our responsibility is to serve the community and there is a commensurate level of service. If this is tied to the budget and where staffing is going to fall out that is one thing, but the City needs to look at the positions and the effect on these positions.

**Amendment Withdrawn**

**Councilmember Hizon withdrew the amendment to the motion.**

Councilmember Campbell felt the heavy positions are Police Chief, Human Resources Manager, City Attorney, City Engineer, and City Clerk and City Administrator Cort noted that are all essential positions.

**Friendly Amendment:**

**Councilmember Campbell made a friendly amendment to add these positions and the motion was seconded by Councilmember Almberg.**

**Vote on the Amendment:**

**Councilmembers Almberg, Campbell, Servatius and Severns voted in favor of the motion. Councilmember Hizon opposed. The motion carried.**

**Vote on the Original**

**Motion: Councilmembers Almberg, Campbell, Servatius and Severns voted in favor of the motion. Councilmember Hizon opposed. The motion carried.**

Mayor Dudley asked again about clarification of the fiscal emergency and at what point the City would no longer be declared in a fiscal emergency.

Councilmember Almberg felt that would be up to Council's discretion after going through the budget process, and Councilmember Servatius, for the record, took the Mayor's tone as an affront. Mayor Dudley continued that interim positions are not hired to "fill shoes," Councilmember Almberg called for a point of order stating that Mayor Dudley was testifying, Councilmember Servatius concurred and called for a point of order stating the Mayor's obligation is to run this meeting.

**Future Pending Items**

As presented in the Council packet.

### **City Administrator Comments**

Dr. Cort talked about positions and hiring for positions: The Human Resources Manager position closed and there are three qualified applicants, City Attorney recruitment goes out this week, and the Police Chief position will be moving ahead with interviews of five candidates, and a review team is being formed. Mayor Dudley will comment on the City Administrator position. Dr. Cort also talked about the Navy's work on the Maylor Beach restoration which will last several months (August 27th through December 6th) and the trail will be closed along the beach line. Council asked about the Police Chief position and why that position's interview process was not continued since three applicants have been lost (per Ms. Lawler, this did not move forward with the declaration of a fiscal emergency in June), that the Human Resources Manager position continued to move forward, and that Human Resources did not receive such direction from Council regarding the Police Chief position. Dr. Cort noted that part of this is due to the transition which occurred in the Human Resources Department.

### **MEETING TIME EXTENSION**

**Motion: At 11:00 p.m., Councilmember Servatius moved to extend the meeting another fifteen minutes. The motion was seconded by Councilmember Almberg and carried unanimously.**

Council asked Ms. Lawler if she was directed to stop this process (yes) and Mayor Dudley stated that he took responsibility for this since Council had declared a fiscal emergency which also brought this agenda bill forward - clarification of the fiscal emergency. Councilmember Almberg stated for the record: There was a declaration of fiscal emergency for two reasons: the 25% of general fund and change in authorization of contract amounts to \$10,000, and hiring was never talked about.

Discussion continued that Councilmember Munns had strongly asked to have these positions filled. Dr. Cort noted that the City is on track with regard to the Human Resources Manager and City Attorney and realized some complications with the Police Chief interviews and had to adjust the procedure; this was not an effort to stop the hiring process. This has not varied from the plan that past Human Resources Manager Jessica Neil-Hoyson had laid out. Ms. Lawler noted that she was told not to move forward with the professional recruitment needed for the City Administrator's position since that type of recruitment effort would incur a cost beyond \$10,000. There was some distress for Ms. Lawler since she reports to both the City Administrator and the Mayor. Councilmember Campbell remarked that Council is meant to set policy and the budget and not micro-manage.

### **Motion to**

**Adjourn: Councilmember Campbell moved to adjourn the meeting at this point, the motion was seconded by Council Almberg and carried unanimously. The meeting adjourned at 11:10 p.m.**

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Connie T. Wheeler  
City Clerk

**(Dr. Bob Baker re: loss of Navy building)**

**Oak Harbor is losing a crowded Quonset hut that floods during winter storms. In reality, Oak Harbor deserves a public facility it can be proud of and that will remain under the auspices of its citizens. Requiring shelter contractors to provide buildings is not always realistic, fair, or conducive to a cohesive, accountable system.**

**The Whidbey Animal Guild has two recommendations:**

**1. one – adopt the Calgary plan, otherwise known as progressive licensing, to generate revenues to build a decent city shelter.**

**Progressive licensing, developed by Calgary's animal control director Bill Bruce – is popular and effective. It allows lost, licensed pets to be returned home and never enter a shelter. Why should citizens be treated like criminals if a licensed pet gets lost?**

**This return home policy saves stress and the pet's exposure to disease, and it saves taxpayer sheltering costs. Licenses are easily available and often provide multi-pet and senior discounts, along with certain waivers.**

**The goal is to provide public services to responsible pet owners and education to the non-responsible. Proceeds can help provide remedial training classes, and other needed services.**

**For example, humanely reducing feral cat populations through subsidized spay/neuter programs is better than killing them, which your current contractor told the Whidbey News Times it was required to do, although city officials said there was no such requirement. (see attached)**

**2. Secondly, please institute an online lost pets page for strays. Photos can be quickly uploaded to the Internet, which helps working people, the elderly, and the disabled find their pets faster. And the faster pets are reclaimed, the less taxpayers spend on sheltering costs. And if the pet isn't licensed, it can be when it's reclaimed.**

**Calgary has a 90 percent licensing rate, and used its revenues to build a new public shelter that is never full due to its innovative care, reunification, and adoption programs.**

**Please adopt modern methods that are cost-effective, accountable, truly humane, and respectful to citizens and pets.**

**Thank you.**

# Editorial: Help WAIF help homeless critters

FEBRUARY 16, 2010 · UPDATED 2:54 PM

It's admirable that Whidbey Animals' Improvement Foundation, commonly known as WAIF, has a very low rate of animal euthanasia when compared to shelters across the nation. Yet the conversation about how the community deals with unwanted pets should be a lot wider than just the question of how many dogs and cats are put down. For anyone who loves animals, a trip to an animal shelter on Whidbey or just about anywhere else can be heartbreaking. The dogs and cats aren't happy in cages and they want out. Their fate depends on the goodwill of the community. Generous giving from pet lovers in the community already accounts for more than half of the group's \$250,000-a-year budget. Realistically, the best ways to improve the welfare of the homeless pets is for more residents to donate their time or money to WAIF. And dog and cat owners need to purchase licenses for their animals. The revenue goes toward the animal programs.

Budget is closer to \$1 million; about half goes to sala

The WAIF nonprofit group contracts with Island County and Oak Harbor to run the animal shelters. They are considered minimum-kill facilities, which means the that dogs and cats are only put to sleep if they are sick beyond treatment or too dangerous to be adopted out. The one exception is that the city of Oak Harbor has a policy of euthanizing feral cats that are trapped and brought to the city's shelter. Shelter staff members don't like the policy and they hope it will change, but for now it's in the contract with Oak Harbor.

OH officials said no such policy exists in any form

WAIF's greatest challenge is that the facilities are in poor shape. Island County owns the shelter building near Coupeville; the group has spent a lot of money trying to improve the building, but it's still far from ideal. Fortunately, the group plans to build a new shelter across the street someday, as soon as funds can be raised. Oak Harbor's shelter is located in a cramped, ramshackle building on the Navy's Seaplane Base. At one time, city leaders placed the construction of a new shelter on a list of capital facilities projects. That idea has apparently fallen by the wayside, but the Navy has reportedly offered a more suitable building for the shelter. With luck and the continued support of the community, better days may be ahead for Whidbey's strays.

the Calgary plan

Find this article at:

<http://www.whidbeynewstimes.com/opinion/84513922.html>

**(Barbara Moran Re: animal sheltering contract)**

**The Whidbey Animal Guild, which includes Oak Harbor residents, is not so concerned with who gets the contract, but with what's in the contract and how it will be enforced.**

**WAG urges adoption of animal data reporting per the Asilomar Accords to help our region move closer to getting Maddie's Funds, as have a number of areas around us. Also,**

**2. please review your practice of giving animals away to one vendor at the end of the mandatory hold period; instead, also allow other nonprofit rescue organizations to take harder to place animals that they are chartered to assist. This prevents animals from being caged long-term or needlessly killed, and can help ease shelter overcrowding.**

**3. please ensure that any contractor and animal control both adhere to city code 7.20.015 requiring a complete intake and disposition ledger. This gives citizens data needed for grants, research, and tax allocation decisions. It helps people find out what happened to their lost pets.**

**it cannot be determined how many animals enter the system or what ultimately happens to them. How do you really know what to pay for sheltering services, or what taxpayers are getting for their money? The city's shelter is currently under investigation by the state Dept. of Health in relation to records for euthanasias. Intake and disposition records are incomplete, incompatible, non-verifiable, and largely inaccessible. The Asilomar Accords would fix much of this.**

**4. Per the state auditor's recommendation, please enforce the 7.20.040 provision calling for a veterinary opinion when animals are destroyed during the mandatory hold period, which is the six days owners are supposed to have to reclaim their pets.**

**5. To avoid any hint of conflict of interest, perhaps Mayor Dudley would consider recusing himself from contract negotiations since he is WAIF's former financial advisor with ties to key people there.**

**6. Finally, please consider re-instating all the provisions that were removed from previous no-bid contracts. (a copy is included.)**

**All the stricken provisions guarantee basic humane care to Oak Harbor's neediest animals. Contractors should be willing to commit to these standards of care as guiding principles in exchange for tax dollars and the citizens' trust.**

**Thank you**

ALL THESE PROVISIONS  
REMOVED FROM CONTRACTS WITH  
OAK HARBOR

1025december\_council\_packet.pdf (page 76 of 166)

- (4) ~~Accept animals for surrender at shelter facility in timely manner.~~
- (5) ~~Maintain a minimal kill philosophy that ensures no animal will be euthanized for space or time limits.~~
- (6) ~~Arrange for the humane destruction and disposal of animals euthanized by Contractor or under its direct care and control at Contractor's expense, and based upon humane practices.~~
- (7) ~~Provide proper food, water, housing and humane care for all animals under its control pursuant to this contract at the animal control holding facility.~~
- (8) ~~Maintain sanitation and cleaning protocols as stated in Contractor's proposal, to minimize disease transmission.~~
- (9) ~~Provide basic medical care, including vaccinations, de-worming and flea treatment, if needed, to incoming animals dogs and cats introduced into the animal control holding facility.~~
- (10) ~~The Contractor shall require any person adopting an animal to obtain a license from the jurisdiction in which the animal will reside.~~
- (11) ~~The Contractor shall require any person reclaiming an animal to obtain a license and pay any fees or fines before removal from the shelter.~~
- (12) ~~Contractor will establish and maintain a foster care program for unwanted animals.~~
- (13) ~~Contractor will operate a spay and neuter program for adopted animals to reduce the number of unwanted animals.~~
- (14) ~~Contractor will establish and maintain a volunteer program to help operate and staff programs.~~
- (15) ~~Contractor will establish and provide exercise program for animals for dogs and cats kept at the shelter/holding facility within the geographical boundaries designated by the Navy or City.~~
- (16) ~~Contractor will assist the City in an aggressive licensing program for dogs and cats.~~

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