

**City Council Meeting
Tuesday, June 1, 2010, 6:00 p.m.
City Hall – Council Chambers**

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

INVOCATION Ron Lawler, Family Bible Church

ROLL CALL

Jim Slowik, Mayor	Paul Schmidt, City Administrator
Seven Members of the Council,	Margery Hite, City Attorney
Rick AlMBERG	Doug Merriman, Finance Director
Jim Campbell	Steve Powers, Development Services Director
Scott Dudley	Eric Johnston, City Engineer
Beth Munns	Rick Wallace, Chief of Police
Danny Paggao, Mayor Pro Tem	Mark Soptich, Fire Chief
Jim Palmer	Mike McIntyre, Senior Services Director
Bob Severns	Renée Recker, Executive Assistant to the Mayor

Mr. Chargualaf's social studies class was also in attendance this evening.

MINUTES

MOTION: Councilmember Campbell moved to approve the 5/18/10 meeting minutes. The motion was seconded by Councilmember Palmer. Councilmembers AlMBERG, Campbell, Dudley, Palmer, and Severns voted in favor of the motion. Councilmember Munns and Paggao abstained from the vote. The motion carried.

NON-ACTION COUNCIL ITEMS

Employee Recognition – Jon Wollschlager, Parks Division, 10 Years

Public Works Director Cathy Rosen introduced Mr. Wollschlager and talked about his history with the Parks Department, his dedication, and volunteer activities.

Public Comments

Carolyn Pivarnik, 745 SE 8th Avenue. Ms. Pivarnik spoke about the Leadership Training Institute of America and the opportunities the Institute affords young people through week-long seminars which teach moral, intellectual, and social values. Nine attendees from Oak Harbor will go to Washington, DC.

Helen Chatfield-Weeks, 1415 SE 9th. Ms. Chatfield-Weeks spoke in support of Channel 10 and Jim Riney who films the City Council meetings and the Mayor's Municipal Issues on T.V. presentations.

With no other comments coming forward, Mayor Slowik closed public comments at 6:15 p.m.

Consent Agenda

A. Approval of Accounts Payable Vouchers

MOTION: Councilmember Palmer moved to approve Consent Agenda item A paying accounts payable check numbers 141668 – 141671 in the amount of \$37,071.06, 141672 – 141811 in the amount of \$214,338.58, and payroll check numbers 93836 – 93894 in the amount of \$965,975.39. The motion was seconded by Councilmember Munns and carried unanimously.

City Attorney Margery Hite gave a PowerPoint presentation which highlighted Agenda Items 4 and 5: **4. Ordinance – Council Standing Committees and Council Meetings;**
5. Council Rules Revisions.

Final Consideration – Ordinance, Council Standing Committees and Council Meetings

This agenda bill represented the second reading of an ordinance amending OHMC Chapter 1.04 to formalize the rules relating to standing committees and to establish regular public meeting dates. The rules relating to standing committees were discussed at the Council retreat on February 27, 2010, but no action was taken at that time. Since then, additional questions have been raised concerning the status of standing committee meetings. This agenda bill proposed changes to Chapter 1.04, "Council Meetings," which will clarify the nature of standing committee meetings and establish regular meeting dates, times and location. The ordinance also clarifies that agenda items added by Council members shall be in the form of an action item. Since staff does not present Council-initiated agenda items, it is important for the Council member(s) to give notice of the action sought to be taken when the item is reached on the agenda. The proposed ordinance also updates the notice requirements in OHMC 1.04.020 to address electronic mail and use of the City's website. The proposed ordinance was introduced on May 4, 2010.

Mayor Slowik called for public comments.

Gerry Oliver, 947 NW Prow. If a meeting is attended by most Council members, it should be recorded for the viewing audience.

Mel Vance, P.O. Box 2882. Mr. Vance felt that standing committee meetings should be held in the Council Chambers, recorded, and broadcasted on Channel 10 when funding is available.

Council Discussion

Discussion followed about 1.04.020 (1) (a) and the loss of the regular Council meeting agenda's publication in the City's official newspaper. It is not a legal listing in the paper and is not required by law. The agenda display ad costs \$5,000 per year. Discussion continued regarding 1.04.020 (3) which talks about Councilmember-initiated agenda items and proposed final action. Council members may not want a final action but may simply want discussion. Discussion continued about moving standing committees to Council Chambers, taping these meetings, televising them, and finding the funds to cover taping. Discussion followed about prepared agendas for standing committees,

1.04.015 (7), if staff is prepared to do this, and if a meeting would be postponed if not listed on the website. City Attorney Hite noted the use of the word "should" instead of the word "shall" which indicates directive rather than mandatory language. Mr. Schmidt noted that staff is prepared for this notification process. Discussion continued regarding the location of standing committee meetings and that their present locations also accommodate staff within various departments. Standing committee meetings are meant for Council members and staff assigned to these committees yet are always open to the public; moving them to Council Chambers is not cost-effective or time-efficient. As stated in bullet point number four of the agenda bill, "while there are assigned members of each committee, any Council member may attend any standing committee." The chair of each committee can address how much participation additional Council members can have in the committee meetings. Ms. Hite noted that, either way, this is not a problem under the Open Public Meetings Act. If a standing committee meeting needs to be changed, that can be done through a special meeting notice. Discussion followed about the name of the General Government committee and keeping the original committee's name: Governmental Services. Discussion continued about the Open Public Meetings Act addressing additional Council members' attendance as citizen attendance. Council discussed posting of meetings, the necessity of publication, and Council's policy decisions. Discussion followed about 1.04.030 – Sale and Exchange of Real Property and if this could be excluded from this ordinance. Council asked about Council members' attendance at Planning Commission meetings and separation from the Planning Commission so matters could be brought forward at a Council meeting in a fair and equitable fashion. City Attorney Hite reviewed appearance of fairness and quasi-judicial procedures. Continuing discussion centered on the three member structure of each standing committee. Assigned members discuss the committee presentations with additional Council members listening to the meeting as allowed for any other citizen. These are public meetings; no action is taken at standing committees. Audience members and how a committee chair will handle more than three Council members should be addressed under Council's rules. Discussion returned to Council member-initiated agenda items and changing this language so Council can discuss a topic without final action. Final action stops discussion. It was noted that an existing Council rule allows a Council member to add an agenda item through a motion and second to the motion. This has not been used often and, in past meetings, occurred at the meeting's end. It was suggested that this become another section to the regular meeting agenda. Ms. Hite noted that these changes are not meant to restrict Council and presently follow "Sturgis' Standard Code of Parliamentary Procedure" as adopted by Council.

MOTION: Councilmember Alberg moved to change the name of the General Government Standing Committee to Governmental Services Standing Committee and correct the Public Works Standing Committee meeting day to the first Thursday of the month. The motion was seconded by Councilmember Munns and carried unanimously.

MOTION: Councilmember Campbell moved to delete the Sale and Exchange of Real Property from this ordinance. The motion was seconded by Councilmember Palmer and carried unanimously.

MOTION: Councilmember Campbell moved to change Section 1.04.020 (3) by striking the word final action item and using action item in the second sentence. The motion was seconded by Councilmember Munns and carried unanimously.

MOTION: Councilmember Campbell moved to refer this proposed ordinance back to staff for corrections. The motion was seconded by Councilmember Munns and carried unanimously.

Break

Mayor Slowik called for a break at 7:30 p.m. and the meeting reconvened at 7:45 p.m.

Council Rules Revisions

City Attorney Hite presented this agenda bill which brought five changes to City Council's "Administrative and Personnel Council Rules" which were discussed at the Council retreat on February 27, 2010, without action being taken at that time. The agenda bill was accompanied by five written motions for signature regarding the proposed rules' changes.

Mayor Slowik called for public comments but there were none.

Council Discussion

Discussion followed about public discussion time limits and public comments during public hearings. Flexibility is allowed by the Mayor and Mayor Slowik allows public comments on all agenda items now.

MOTION: Councilmember Munns moved to adopt the motion amending Council Rule No. 6 (1) – procedural effect of an item placed on the agenda. The motion was seconded by Councilmember Palmer and carried unanimously.

MOTION: Councilmember Munns moved to adopt the motion amending Council Rule No. 9 (2) – public discussion – time limits and electronic presentations. The motion was seconded by Councilmember Palmer and carried unanimously.

MOTION: Councilmember Munns moved to adopt the motion adding a new paragraph (4) to Rule 9. The motion was seconded by Councilmember Campbell and carried unanimously.

MOTION: Councilmember Munns moved to adopt the motion amending, consolidating related issues, and adding new parts to Council Rule No. 19 – quasi-judicial proceedings. The motion was seconded by Councilmember Palmer and carried unanimously.

MOTION: Councilmember Munns moved to adopt the motion amending Council Rule No. 9 (2) and 9 (3) – public comment opportunity required for all agenda items; mandatory order for addressing public comment on agenda items. The motion was seconded by Councilmember Dudley and carried unanimously.

Pioneer Way Improvements Professional Services Contract – EnviroIssues
Development Services Director Steve Powers presented this agenda bill which was considered by the City Council on May 18, 2010, but not approved at that time. The agenda bill requested approval of a professional services contract with EnviroIssues, Inc., for assistance with the SE Pioneer Way Street Improvements Project. The contract, which has a not-to-exceed amount of \$60,098.86 will provide for communication and public outreach support for the project. The scope of work proposed under this contract by EnviroIssues includes 641 hours of effort between now and the start of construction. At current levels and workloads, City staff has neither the availability nor the expertise necessary to provide the same level of effort needed for this project.

Mayor Slowik called for public comments.

Gerry Oliver, 947 NW Prow. As a citizen and taxpayer, the not-to-exceed \$60,098.86 contract for a front man or lead man for communication downtown is wasteful spending. I understand there is no money to hire staff to do this, but could a part-time position be created to cut back on this cost? Marketing is not brain surgery.

Fred Henninger, 580 SE Ireland. This amounts to \$1,000 for each business on the street, and there are approximately 20 property owners which amounts to \$3,000 for each property owner. Talk is getting a lot more expensive than it used to be.

Mel Vance, P.O. Box 2882. At the last City Council meeting, Councilmember Almberg stated that the first encounter with EnviroIssues was when they represented two engineering firms who submitted proposals for the treatment plant project. Was EnviroIssues attempting to gain work with the City? Can this be clarified? The City does not need to have a developed logo for this project; develop a logo for all of the projects in the Windjammer proposal. Mr. Vance felt that Pioneer Way could have been handled better and that would have eliminated the need for EnviroIssues. Citizens believe that City government is not effectively working with the community. The City needs to involve the community as a whole; this is a symptom of a larger problem.

Helen Chatfield-Weeks, 1415 SE 9th. Hire me. I'll do it for less money and I'll get a good response. We need a local person to find the answers. It is an awful lot of money.

Daniel Cadwell, 2163 Hastie Lake Road. I like the idea of having someone local. Ms. Chatfield-Weeks makes a good point.

Marissa Skaar, 2292 Olympic Drive. \$60,000 is a lot of money; my whole college tuition. Spend this money on something more important and help the businesses survive this.

Alycia Bruce, 2125 Colonial Way. I agree with Marissa. This is a large amount of money and businesses will have to close down. Help the businesses with this money.

Mayor Slowik noted that what these comments are calling for is exactly what the City is hoping to do; we want to keep the businesses on Pioneer Way alive and drive business to them during the construction phase. EnviroIssues has experience marketing to established customers.

Council Discussion

Discussion followed concerning Mr. Vance's comments and that firms put together a package on how to approach a project which involves outside companies as part of their proposal and project team. For the treatment plant project, two companies chose EnviroIssues to help with their project team. EnviroIssues was not soliciting work with the City. The use of EnviroIssues addresses the whole community. This consultant would be using their resources and not the City's resources with the exception of mailings (EnviroIssues would provide camera-ready art). Discussion continued about alternatives to EnviroIssues and that the business owners and property owners are the best qualified to create a marketing plan; use their assets, involve the Chamber, and give Oak Harbor's citizen's some ownership. It was suggested that Rhonda Severns be asked to engage the businesses, keep everyone informed, and stay on top of all of the details. Ms. Severns is well-liked and did a great job on the water main project. If she retires, hire her back as a consultant during the construction phase. Mr. Powers noted that EnviroIssues would not be developing a marketing plan in a vacuum. They will have the businesses' input and the City's input. EnviroIssues is viewed as an extension of City staff by adding a staff member in the form of a company. They are very much a part of the City's ownership on this project. Mayor Slowik noted that this is not a typical project; this is very intrusive for the business owners. City staff cannot provide EnviroIssues' level of service regarding the business and project needs. Discussion continued about the business interview summary, that merchants want the City's help, and the effect of delays on this project's timing and the targeted January start date. This step is a function of the project and it is important to have a coordinated marketing/promotion plan during construction. Discussion of this complex project's schedule continued noting that the project needs to be underway in January. Discussion followed about available funding, and that this agreement is only for services leading up to construction. Roles and responsibilities still need to be defined. Councilmember Dudley read an email into the record from Kristi Jensen which is attached to these minutes as Exhibit A. Discussion continued about the magnitude of this project, that Oak Harbor has not involved a firm for these services in the past, and that public outreach should have begun a year ago. The Greater Oak Harbor Chamber of Commerce can do a better job and keep this effort local.

Jill Johnson, Executive Director of the Chamber of Commerce, was invited to speak. What EnviroIssues has done in terms of information gathering and construction

coordination are activities that the Chamber is not equipped to do. I did meet with EnviroIssues, per Mayor Slowik, and to be clear, the Chamber cannot afford to do the marketing and add staff to the payroll. If EnviroIssues comes to us asking what our marketing plan is for downtown, the Chamber knows Oak Harbor and we have communication tools. The Chamber is an activating organization for community buy-in. We could put together a marketing plan, but that would require additional money. The Chamber cannot pay for additional expenses out of the Chamber's existing budget. The project needs to be done in a timely fashion. With the time constraints mentioned, the Chamber could come up with a marketing plan in a month, but cannot coordinate efforts without knowing the construction schedule. Mr. Powers noted that EnviroIssues' scope of work talks about working with the Chamber but was meant to tap into the Chamber's local knowledge; not repackage their ideas. Discussion followed on whether money could be saved by using both EnviroIssues and the Chamber. Mr. Powers noted that this is a difficult question since a consultant provides a service and this is an active project, not a study to be shelved. EnviroIssues is a company of 70 people whose clients bring them in at all stages of projects and this firm has a skill set that could not be found closer than Seattle. Time has a cost on this project. If Council is not comfortable with this level of coordination, then we need a different coordination with the downtown community. A year ago the City approached the Pioneer Way Improvement Projects as a straight public works project. As the City continued to work on it and moved through the community phase and the open houses, the project evolved. We cannot jump back because we see the project differently today. This is still a public works project but there has been an evolution.

MOTION: Councilmember Dudley made a motion to table this agenda item to give the City time to look at other options and address the Chamber of Commerce. The motion was seconded by Councilmember Severns.

VOTE ON THE

MOTION: Councilmembers Campbell, Dudley, and Severns voted in favor of the motion. Councilmembers Alberg, Munns, Paggao, and Palmer opposed. The motion to table was defeated.

MOTION: Councilmember Alberg moved to authorize the Mayor to sign a professional services contract with EnviroIssues, Inc., for assistance on the Pioneer Way Street Improvements Project with a not to exceed limit of \$60,098.86 with conditional approval and caveat that EnviroIssues is not to proceed with marketing until City staff can coordinate with the Greater Oak Harbor Chamber of Commerce about a marketing plan. The motion was seconded by Councilmember Palmer.

Discussion continued on what the Chamber would be asked to do, how the Chamber would coordinate with EnviroIssues, whether Council is asking the Chamber to implement a marketing plan and without delaying the project's timing, how to allow the Chamber to provide a bid for a marketing plan.

VOTE ON THE

MOTION: Councilmembers Almberg, Palmer, Paggao, and Munns voted in favor of the motion. Councilmembers Campbell, Dudley, and Severns opposed. The motion carried.

Break

Mayor Slowik called for a five-minute break and the meeting reconvened at 10:00 p.m.

MOTION: Councilmember Almberg made a motion to move agenda item 8 – Agreement – Multimodal Facility Design Services (Municipal Pier Upland Facilities) ahead of the Sewer System Development Reimbursement – West Meadows. The motion was seconded by Councilmember Palmer and carried unanimously.

Agreement – Multimodal Facility Design Services (Municipal Pier Uplands Facilities)

City Engineer Eric Johnston presented this agenda bill and gave a history of the Municipal Pier and its upland facilities. The agenda bill requested approval of an engineering design and services agreement with Arai Jackson Ellison Murakami LLP, with a not-to-exceed maximum amount of \$122,487.88 for the Flintstone Park Multimodal Facility Project.

Mayor Slowik called for public comments.

Helen Chatfield-Weeks, 1415 SE 9th. This is a wonderful building which also provides new restrooms and design around the facility. We have the funds for this.

Mel Vance. P.O. Box 2882. Until the pier is built, the waiting room area will be unused. Can the City lease the space for community use in the interim? Bayshore Drive is anticipated as the westbound route after Pioneer Way becomes a one-way street. Look at a pedestrian overpass so pedestrians do not have to cross a busy street.

Fred Henninger, 980 SE Ireland. Calling it multimodal is wrong. There are no planes, no boats, they are all ghosts. You are increasing the lack of view and building a commercial-type structure in a park. Every bus stop is as multimodal as this project. There is not enough parking and you also have upkeep on this building. You could improve our existing picnic areas with some of this funding. This is tax money and we ask you to spend it in an intelligent manner. Vote it down.

Council Discussion

Discussion followed about the timing of this project and its deliverables, the federal funding conditions, and that this a major upgrade to Flintstone Park and enhances the Waterfront Trail. The federal debt, three different staggered grants, and reserves were discussed noting that this project would allay the payback issue. Grant obligations will be forthcoming in the fall. Flintstone Park's activities will be preserved and six months will be needed for construction.

MOTION: Councilmember Munns moved to authorize the Mayor to sign the agreement with Arai Jackson Ellison Murakami LLP and authorized \$122,487.88 for the preparation of contract documents for the Oak Harbor Multimodal Facility. The motion was seconded by Councilmember Campbell and carried unanimously.

Sewer System Development Reimbursement – West Meadows

Councilmember AlMBERG asked to be recused since he had contact with the property owners and had acted as a consultant on a related project. Mr. AlMBERG does not have a beneficial interest in this project. Proponents of this project, Rick Chapman and Mark Verbarendse, were also present. Eric Johnston, City Engineer, presented this agenda bill which requested approval of an oversizing reimbursement agreement with West Meadows Partners Inc., for wastewater collection system improvements and the associated payment in the amount of \$437,576.60. Payment by the City for the oversizing is required under the terms of the annexation agreement for the property. The applicant has provided documentation indicating that the costs associated with the lift station to meet the City requirements totaled \$638,221.71. The cost of the minimum improvements necessary to serve the plat is estimated to have been approximately \$200,645.10. The difference between the cost to meet the minimum code requirements and the cost of complying with the terms of the annexation agreement is the oversizing difference, or \$437,576.60. In order to be clear that the City has met its obligation and that the developer will not be seeking any further reimbursement or cost recovery from the City, an agreement between the City and the West Meadows Partners is needed. Funding for the reimbursement comes from system development charges collected at the time of all new connections. System development fees are used to provide for expansion of the sewer utility in the form of large diameter mains and pumping stations. Sufficient funding is available through the wastewater division budget to pay for this reimbursement request. It is worth noting that the approved City of Oak Harbor Capital Improvement Plan in 2007 listed the project as a \$2.3 million dollar project.

Council Discussion

Discussion followed about Earthworks and West Meadows Partners (Mr. Verbarendse used his company's name, Earthworks, and West Meadows Partners was the plat applicant). The significant level of discussion surrounding this agenda bill and Engineering's workload brought this agenda bill to this evening's meeting rather than an earlier Council meeting.

MOTION: Councilmember Dudley moved to authorize the Mayor to sign the attached reimbursement agreement in the amount of \$437,576.60 for the oversizing reimbursement payment for the Crosby Road wastewater pump station improvements. The motion was seconded by Councilmember Campbell and carried unanimously.

City Administrator's Comments

City Administrator Schmidt went over standing committee dates and the June AWC conference dates.

Council Members' Comments

Council members talked about upcoming standing committee dates and one report on the Public Safety Standing Committee. Councilmember Munns is running for re-election to the AWC Board of Directors. Councilmember Dudley talked about the Memorial Day service at Maple Leaf Cemetery which was presented by Fleet Reserve, VFW, and the American Legion.

Mayor's Comments

The Mayor did not share comments this evening due to the lateness of the hour.

ADJOURN

With no further business coming before the Council, Councilmember Campbell moved to adjourn (no second). The meeting adjourned at 11:15 p.m.

Connie T. Wheeler
City Clerk

From: Scott Dudley
Sent: Monday, June 07, 2010 11:38 AM
To: Connie Wheeler
Subject: FW: tonights meeting

Connie:
Here is Kristi's email that was read at last week's council meeting.
Scott Dudley

From: kristijensen@windermere.com [mailto:kristijensen@windermere.com]
Sent: Tue 6/1/2010 4:19 PM
To: blandjcampbell@aol.com; Jim Campbell; Rick Almberg; Danny Paggao
Cc: Scott Dudley; Beth Munns; Jim Palmer; Robert Severns; jim@slowikmoters.com
Subject: tonights meeting

I am not able to make the council meeting tonight but wanted to express my opinion.

Except for Danny Paggao and Scott Dudley, I have never been more disappointed in a group of people the entire time I have lived in Oak Harbor. You have forgotten that you are to be representing the people of the town. This is not your personal bank account or your personal project.

Tonight you are deciding on the hiring of a PR Company. Bad idea. I was interviewed by this company and could not believe, for a company that is going to save you all from the trenches of the downtown, how unprofessional they were. Call me for details. 360-929-0707. You don't need a personal PR person to undo your damage. You need to listen and start doing your jobs by representing the people.

From the start of this project you have had a predetermined outcome. Didn't matter what anyone said or what you would destroy along the way. Maybe I would have more confidence if I thought you were educated or had experience on this subject but you don't.

I have talked to several of you and given Ideas that would be helpful but no response.

You guys created this non communication "problem" and you continue to make it worse. Now you want to hire someone to come in and make it better. I feel you need to suck it up and come face the music you created. This is an expensive wall for you to hide behind. This is the tax payers money, not yours. The first time the public receives a postcard or a newsletter be prepared to answer to the spending of their money for something so unnecessary.

Right now besides you making Oak Harbor a laughing stock to the neighboring communities, you have made it even more difficult for people/businesses to want to move here. And still the question is "WHY"?

Kristi Jensen
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