City Council Regular Meeting
Tuesday, April 3, 2012, 6:00 p.m.
City Hall – Council Chambers

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

No objection to agenda as presented.

INVOCATION Pastor Tim Geist, Bible Baptist Church

ROLL CALL

Mayor Scott Dudley
Six Members of the Council,
- Rick Almberg
- Tara Hizon
- Beth Munns
- Danny Paggao
- Joel Servatius
- Bob Severns

Councilmember Jim Campbell was absent and formally excused from the meeting.

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
Jessica Neill Hoyson, Human Resources Director
Rick Wallace, Chief of Police
Karen Crouch, Executive Assistant to the City Administrator
Renée Recker, Executive Assistant to the Mayor

MINUTES

March 20, 2012 Regular Meeting, March 3, 2012 Retreat Minutes

Councilmember Munns, referring to page 16 of in the agenda packet, the 3/20/12 meeting minutes, said that she did not vote on that motion. Councilmember Severns said that he also did not vote. (Councilmember Munns was actually referring to page 18 of the agenda packet and 3/20/12 minutes: Contract - Fire Chief). A motion by Councilmember Munns, and second by Councilmember Almberg was made to correct the minutes of 3/20/12 and then retracted since Councilmember Hizon also asked for a correction to the 3/20/12 minutes: Change the second to the motion for the Adopt-A-Street Program on page 12 of the agenda packet, which showed Ms. Hizon making the motion and seconding the motion. The second was made by Councilmember Munns.

Mayor Dudley asked that the 3/20/12 minutes be approved as corrected and the amended minutes were accepted.

The changes will read:

For the Contract - Fire Chief

ORIGINAL TEXT - VOTE ON THE

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

CORRECTION:

Councilmembers Almberg, Campbell, Hizon, and Paggao, voted in favor of the motion. Councilmembers Munns and Severns did not vote. Councilmember Servatius opposed. The motion carried.

For the Adopt-A-Street Program

ORIGINAL TEXT -

MOTION: **Councilmember Hizon moved to adopt Resolution 12-02 establishing policies and procedures relating to the Adopt-A-Street Program, the motion was seconded by Councilmember Hizon and carried unanimously.**

CORRECTION:

Councilmember Hizon moved to adopt Resolution 12-02 establishing policies and procedures relating to the Adopt-A-Street Program, the motion was seconded by Councilmember Munns and carried unanimously.

These changes will be reviewed by Council at the April 17, 2012 meeting.

NON-ACTION COUNCIL ITEMS

Navy League Award Presentation to the City

Councilmember Munns presented this award. Navy League's Community Service Award recognizes individuals, groups, or organizations in the community, either internal or external to Navy League, who within the past year have made notable contributions to the mission and perception of Navy League through support of strong and viable sea services, or of the members of the sea service. This year's award is presented to the City of Oak Harbor for the City's ten-year partnership with Navy League on an enormous annual project: The community-wide Military Appreciation Picnic at Windjammer Park. While recognizing all City departments, Ms. Munns specifically recognized two save-the-day people: Doug Nuckols and Karen Crouch. And with thanks to all City staff, you have contributed in many ways.

United Way Award Presentation to the City

Cathy Niiro, Executive Director of United Way of Island County presented this award to Mayor Dudley noting that April is also Volunteer Month. Ms. Niiro specifically recognized Renée Recker, Dina Nichols, Rick Wallace, Amy Stevens, the OHPD Explorers, Cedric Niiro, and the exceptional staff of the City of Oak Harbor for their time and talent.

Approval of 3/3/12 Council Retreat Minutes
The retreat minutes were omitted at the time of minutes' approval, so Mayor Dudley returned to these minutes to be approved as presented. Councilmember Munns abstained since she could not attend the retreat meeting.

Public Comments
Paul Brewer, Oak Harbor. We will have a kick-off on April 20, 2012, at NASWI as a countdown to Earth Day, which is April 22, 2012. On April 20th, beginning at 8:40 a.m., a beach clean-up will take place at the Seaplane Base and City Beach with a BBQ afterward. I am inviting the Council and community who have access to the Seaplane Base to join us. This is an annual event we have held for eighteen years. We have picked up seven tons of trash at past events and there are environmental and company displays in relation to our kick-off and Earth Day.

Councilmember Almberg asked: Are these discussions permitted during the public open comment period? This is an advertisement for a non-City action. City Attorney Hawkins responded that this is a Council meeting and the Council can decide on its own rules. I don't believe the current rules answer that specific enough to address your question. Council's rules are going to be reviewed to keep up with changes in the code, and we may want to look at parliamentary procedure rules.

Mr. Brewer replied that this is a community event and has been so for eighteen years. Mayor Dudley added that the Seaplane Base is within the City.

Shane Hoffmire, Oak Harbor. We do our best to bring forward matters we think are important. The new wastewater treatment plant at $100 million is unacceptable. There are empty houses in town. If you raise utility rates to pay for a new wastewater treatment plant, you will own all that is wrong with Oak Harbor's economy. Show fiscal responsibility. Put forward this motion: The new wastewater treatment plant is not to exceed $70 million, or any lesser amount, that would facilitate tax increases.

There were no other public comments.

COUNCIL CONSIDERATION AND ACTION ON THE FOLLOWING MATTERS
Consent Agenda

A. Noise Permit – Kiwanis of Oak Harbor – Beachcomber's Bazaar
B. Noise Permit – North Whidbey Soccer Club – Soccer Fest
C. Noise Permit – North Whidbey Soccer Club – Rock On! 3 v 3
D. Interlocal Agreement – With Oak Harbor School District, Memorial Stadium
E. Appointment – Lodging Tax Advisory Committee
F. Approval of Accounts Payable Vouchers (Pay Bills)

MOTION: **Councilmember Hizon moved to approve Consent Agenda Items A through F with Item F paying Accounts Payable check numbers 149478 - 149616 in the amount of $370,836.56, Payroll check numbers 95416 - 95446 in the amount of $586,739.99, and Payroll check numbers 95447 - 95470 in the amount of $77,894.48. The motion was seconded by Councilmember Munns and carried unanimously.**

Public Hearing – Zoning Agreement Amendment, Oak Tree Village
City Administrator Powers opened this agenda item and introduced Melissa Sartorius, Associate Planner who will do the presentation. Since most of Council's decisions are legislative, City Attorney Bill Hawkins reviewed the quasi-judicial process used for land use decisions noting that the law requires Council Members not have conflicts of interest. (Council's Rule 19A states: Prior to staff presentation of a quasi-judicial matter, Council Members shall each determine whether the appearance of fairness doctrine requires that the Council Member recuse himself or herself from sitting on the quasi-judicial matter.)

Question No. 1
Does any member of this Council have knowledge of having conducted business with either the proponents or opponents of this project?
Councilmember Paggao - No
Councilmember Almberg - No
Councilmember Severns talked about his affiliations in reference to all of the quasi-judicial questions: 42 years in the title business and familiarity with this early property transaction, but Mr. Severns did not believe that would create a conflict.
Councilmember Severns also sits on the Board of Whidbey Island Bank and did not feel a conflict would be created by that position.
Councilmember Servatius - No
Councilmember Munns - No
Councilmember Hizon - No

Question No. 2
Does any member of this Council have either a pecuniary or a non-pecuniary interest in the outcome of this proceeding?
Councilmember Paggao - No
Councilmember Almberg - No
Councilmember Severns - No
Councilmember Servatius - No
Councilmember Munns - No
Councilmember Hizon - No

Question No. 3
Does any member of this Council know whether or not their employer has a financial interest in the land or area which will be impacted by the decision in this proceeding?
Councilmember Paggao - No
Councilmember Almberg - No
Councilmember Severns - No
Councilmember Servatius - No
Councilmember Munns - No
Councilmember Hizon - No

Question No. 4
Does any member of this Council live or own property within 300 feet of the area which will be impacted by the decision in this proceeding?
Councilmember Paggao - No
Councilmember Almberg - No
Councilmember Severns - Mr. Severns has an interest in the building which houses Flyer's but that would not impact this proceeding's decision.
Councilmember Servatius - No
Councilmember Munns - No
Councilmember Hizon - No

Question No. 5
Does any member of this Council have any special knowledge about the substance of the merits of this proceeding which would or could cause the Council Member to prejudge the outcome of this proceeding?
Councilmember Paggao - No
Councilmember Almberg - No
Councilmember Severns - No
Councilmember Servatius - No
Councilmember Munns - No
Councilmember Hizon - No

Question No. 6
Is there any member of this Council who believes that he or she cannot sit and hear this matter fairly and impartially, both as to the respective positions of the proponents and the opponents in this proceeding?
Councilmember Paggao - Can hear this matter fairly and impartially
Councilmember Almberg - Can hear this matter fairly and impartially
Councilmember Severns - Can hear this matter fairly and impartially
Councilmember Servatius - Can hear this matter fairly and impartially
Councilmember Munns - Can hear this matter fairly and impartially
Councilmember Hizon - Can hear this matter fairly and impartially

City Attorney Hawkins then asked each Council Member to state for the record what ex parte contacts they have had, whether written or oral, concerning the matter to be decided.
Councilmember Paggao - No ex parte contacts
Councilmember Almberg - No ex parte contacts
Councilmember Severns - No ex parte contacts
Councilmember Servatius - No ex parte contacts
Councilmember Munns - No ex parte contacts
Councilmember Hizon - No ex parte contacts

Is there any member of the audience who because of the "Appearance of Fairness Doctrine" wishes to disqualify any member of the Council from hearing this matter?
There were no comments from the audience.

Associate Planner Sartorius gave a PowerPoint presentation discussing an ordinance that, if adopted, would amend the Oak Tree Village Concomitant Zoning Agreement for properties located on the east side of SR-20, north of SE Cabot Drive, by allowing ingress/egress from the highway. An ordinance is necessary as the Agreement states "Amendments to this Agreement may be made only after approval by the City Council for the City of Oak Harbor by ordinance." The proposed amendment is requested by Mr. Christian A. Anderson of Dry Lake Land Stewardship, LLC, with authorization from Mr. Kenneth and Mrs. Eleanor Manni, owners of property covered by the existing agreement. The proposed amendment does not approve the proposed project nor construction of a new driveway. The project will still be subject to technical review by staff. The actual driveway configuration for Lot 1 may change based on this review. A formal site plan application was submitted to the City by the applicant on February 15, 2012. Technical review of the site plan and associated applications was suspended due to the ownership issue, however, submittal of the March 8, 2012 letter with authorization by the Mannis has allowed the review to resume.

In preparation for this request, the applicant submitted their project to the City for a pre-application review. This process allows City staff from a variety of departments to review the entire, proposed project and share their comments with the applicant prior to the submittal of a complete site plan application. The proposed ingress/egress point would replace the existing egress-only point located at the north end of Lot 1 of Oak Tree Village. The new access point is shown on the proposed site plan approximately 120 feet south of the existing egress point. The new paved entrance would connect to the existing north-south driveway that serves business on Lots 1, 2 and 3. The addition of ingress at this location will improve access to these businesses and will also lessen some of the traffic pressures on SE Cabot Drive. The existing egress-only driveway is located immediately to the south of a driveway serving the apartments to the north of Lot 1.

This present configuration does not meet State highway access standards. Moving the driveway on Lot 1 farther to south (and relocating the apartment's driveway to the north) will enable the standard to be met, and promote better circulation on SR-20. Staff believes the proposed ingress/egress is acceptable from a conceptual standpoint so long as it can be designed and located to meet managed highway access, fire safety, truck turning needs, and other appropriate engineering standards. Ms. Sartorius also noted that, on page two of the proposed ordinance, the last "whereas" shows a January 17, 2012 date which will be corrected to April 3, 2012.

Public Hearing

Mayor Dudley opened the public hearing at 6:30 p.m., but there were no comments so the public hearing was closed.

Council Discussion

Discussion followed about the existing park of which the majority will remain, the standards for access points to SR-20 and requirement to follow State law and standards, and that engineering design will address ingress/egress. Discussion continued regarding the public hearing delay to address ownership concerns, C5 zoning (part of the old Ordinance 838 - outdated language), and that the property has C3 zoning and will not be subject to the issues of C5. Discussion followed about Lot 1 and if it is subject to a condominium association that would include the other lots (no, there are common areas subject to the original site plan), if the previous Council's concern with traffic impacts have been met (yes, and a traffic impact report will be included in the technical review), and if property to the east will be subject to the agreement (no, it is part of the original binding site plan).

Discussion continued regarding access for residential and commercial properties, that standards in the City's landscaping code and City design guidelines will address residential properties adjoining commercial properties, and that Council's approval of the Comprehensive Plan and Land Use Map identify land use activities. Although a type 2 review for the site plan is administrative, all parties will be notified. Discussion also followed about commercial noise next to a residential area.

MOTION: **Councilmember Hizon moved to adopt the ordinance amending the Oak Tree Village Concomitant Zoning Agreement, the associated site plan, and Ordinance No. 838. The motion was seconded by Councilmember Servatius.**

AMENDMENT TO THE MOTION: **Councilmember Almberg moved to adopt the ordinance as amended with the correct date, and the motion was seconded by Councilmember Munns.**

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

Discussion on the Original Motion
Councilmember Servatius felt this is a great example of infill.

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

Vision and Mission Statement
City Administrator Powers presented this agenda bill. The City's existing vision and mission statements were adopted on October 22, 2002. At the City Council retreat held on March 3, 2012, the Council was asked to review these existing statements and determine if they needed updating. During their review the Mayor and Council discussed several different revisions to both of the statements. The following language represents the conclusion of the discussion:

> **Vision statement:** "Oak Harbor...a vibrant Whidbey Island waterfront community where everyone is welcome and encouraged to thrive.
> **Mission statement**: The City of Oak Harbor is committed to creating a vibrant community by delivering quality services, enhancing the quality of life, and fostering economic opportunities.

The Mayor and Council also discussed the current goals to determine if they were in alignment with the updated vision and mission statements. The existing goals for the City of Oak Harbor are:

Goal 1:	Promote a healthy and growing business community.
Goal 2:	Improve the appearance and livability of the community.
Goal 3:	Encourage a safe community.
Goal 4:	Build and enhance community partnerships.
Goal 5:	Deliver superior quality service to our customers.
Goal 6:	Protect and enhance capital investment in the City.
Goal 7:	Promote a healthy work environment and employee excellence.
Goal 8:	Annual review of the City's overall performance.

At the conclusion of this discussion, the Council did not suggest any revisions to Goals 1-7. However, the Council's discussion seemed to indicate that Goal 8 was not so much a goal as an accountability statement. It was suggested that this item not be retained as a goal. The draft resolution presented the revised vision and mission statements for the City Council's consideration. The resolution also reaffirmed Goals 1-7 as listed above.

During the retreat the Council also participated in a brainstorming process during which ideas, concepts and/or projects were suggested by each of the members. Forty-one ideas, concepts and/or projects were suggested. Utilizing a ranking process, the Council identified six items to evaluate through the SMART evaluation model (Specific, Measurable, Attainable, Realistic and Timebound). The top six ideas, concepts and/or projects (in no particular order) are as follows:

- Premier Family/Business Destination
- Sound Fiscal Policy/Triple A Rating
- Amphitheater/Lagoon
- Guest Moorage at Dock Street
- Dredge the Marina Channel
- Roundabouts at SR-20

Mayor Dudley called for public comments.
Paul Brewer, Oak Harbor. Read the goals (aloud) so we know what they are. We don't all have access to the packet.

There were no other comments. Councilmember Paggao read the goals.

Council Discussion
Discussion followed regarding the six ideas and if they were meant to be examples demonstrating the SMART process or an actual priority list for projects and future goals, that this list leaves the impression that these items have been chosen for forward movement while the WWTP and water reservoir are not included. City Administrator Powers noted the WWTP and water reservoir were left off because they are works in progress. Discussion continued about the process moving from forty-one ideas to these six as the most popular but not necessarily a call to action, that the impression may be otherwise, and that Council previously had a list of priorities tied to the Capital Improvement Plan.

Mr. Powers clarified that the existing Capital Improvement Plan is a six-year list of projects which is then tied to the City's two-year budget. That list is still there as are all of the major policy plans that feed projects into it. This list of six was not meant as substantiation but could be pursued through the Capital Improvement Plan and budget process. You have both - this lines up with the new vision and you still have the existing list of capital projects.

Council thanked and recognized Stephanie Smith who acted as the retreat's facilitator, and continued discussion that the list represents what Council would like to see in the future; a list of ideas and concepts. Council will have another retreat in December and these ideas could be discussed and prioritized at that meeting.

MOTION: **Councilmember Almberg moved to approve Resolution No. 12-10. The motion was seconded by Councilmember Munns and carried unanimously.**

Resolution 12-10 updates the City's vision and mission statements and reaffirms the existing City goals.

Introduction – Sewer Code Revision
City Engineer Eric Johnston presented this agenda bill to set a date for consideration and a public hearing on proposed changes to Chapter 14.03.061 of the Oak Harbor Municipal Code related to mandatory sewer connection. The proposed change extends the prohibition on requiring connection by grinder pump to December 31, 2017.

Mayor Dudley called for public comments but there were none.

MOTION: **Councilmember Severns moved to set April 17, 2012 for a public hearing and consideration of the ordinance. The motion was seconded by Councilmember Munns and carried unanimously.**

Contract – Lead Negotiator Services
Human Resources Director Jessica Neill Hoyson presented this agenda bill proposing that the City enter into a contract with Braun Consulting Group for labor relations and negotiation services in the amount of $55,650.00. The contract would cover those services for the two existing bargaining unit contracts (Police and Fire), and the two new bargaining unit contracts (Public Works and Marina). Ms. Neill Hoyson discussed the bargaining process as illustrated in Exhibit A of these minutes and talked about past and current negotiation practices.

Mayor Dudley called for public comments.
Shane Hoffmire, Oak Harbor. Negotiating can be tough; move forward (with this) in everyone's best interest.

Council Discussion
Discussion followed about negotiations leading to a situation the City could not afford and how that would be addressed in the bargaining process, negotiating in good faith, the use of this firm on a monthly retainer rather than using a law firm on an hourly basis, and that costs will be prorated to the affected departments and budgeted in 2013. Council noted an incorrect total in the agenda bill; correct total is $55,650.00. Discussion continued about the length of this contract (through 2013) in light of hiring a City Administrator and the length of time that may be necessary to fill that position. Ms. Neill Hoyson also noted that keeping the same team in place is advisable which factors into the 2013 date. Discussion followed about the past City Administrator's negotiation skills along with negotiation done by Ms. Neill Hoyson, and how the $55,650 will be funded. Mr. Merriman noted that a number of departments have staff vacancies and that fund savings may be shifted for this contract cost without touching reserves. Costs will have to be budgeted in 2013 but, for 2012, this is cost-neutral. If the contract is needed beyond 2013, it would be re-negotiated to meet future needs. Ms. Neill Hoyson also talked about unit contract terms (Police Department is three years, Fire Department is two years) and the possibility that the Teamster's contracts may be two or one year(s)

depending on negotiations. Council discussion followed about reserve funds (30 percent in reserves) and remaining mindful of this percentage in light of a reduced revenue stream.

MOTION: **Councilmember Paggao moved to authorize the Mayor to sign the professional services contract with Braun Consulting Group in the amount of $55,650.00 for labor relations and negotiations services. The motion was seconded by Councilmember Munns and carried unanimously.**

Future City Council Pending Items
As noted in the agenda packet.

City Administrator Comments
City Administrator Powers reminded everyone that all standing committee meetings are now held in Council Chambers at 3:30 p.m. on their designated days. Mr. Powers also talked about the four meetings which are scheduled on April 11th: Shoreline Master Program, Finance Standing Committee, Open House on the WWTP, Council Workshop on the WWTP.

Council Members' Comments
Council Members talked about upcoming standing committee meetings and gave their respective board reports.

Councilmember Almberg distributed the text of the motion below and said the reason for the motion runs to Sturgis' Standard Code of Parliamentary Procedure, Council's Administration and Personnel Rules booklet, and that in many cases, we are not following those rules.

MOTION ONE: **Councilmember Almberg moved that the April 17, 2012 Council Agenda include an agenda item covering the following topics:**

1. **The City Attorney provides a Parliamentary Procedure and Council Rules presentation covering the rights, rules, and conduct of the Mayor, Council, and public during Council meetings.**
2. **The Council discusses and takes possible action to create a more efficient and business-like atmosphere by considering the following changes to our Council format:**
   a. **Start time at 6:00 p.m. and mandatory stop time at 9:00 p.m. unless extended by the majority vote of the Council.**
   b. **Schedule the Public Comment Period at the end of Council meetings and be subject to the time available.**
   c. **Delete the Council's Standing Committee reports (these meetings are video-taped).**

The motion was seconded by Councilmember Hizon.
(No vote was necessary.)

City Administrator Powers noted that this motion will be placed on the 4/17/12 agenda for Council's discussion on moving forward, or not, so staff has time to prepare materials.

Councilmember Almberg, calling for a point of order and Councilmember Servatius both noticed a citizen recording this portion of the meeting and asked the Mayor to have this stopped. Mr. Servatius cited Council Rule No. 9 (4) which speaks to electronic devices but City Attorney Hawkins clarified that the text says, " ... No member of the public may utilize an electronic or video device for purposes of his or her presentation to the Council."

Mr. Powers noted that this issue had come up under previous administrations and the City concluded that this is an acceptable practice and Mr. Hoffmire could continue recording the meeting. Returning to the motion, Mr. Powers said that staff will not be preparing an ordinance for the 4/17/12 meeting but the motion will be presented before the full Council on 4/17/12.

Councilmember Munns talked about AWC and the possible emergency legislative session in consideration of the State's budget. Councilmember Severns had attended an Economic Development Council meeting and reported that their funding from the State had been cut by ten percent. EDC has helpful economic development information available for entrepreneurs and the public. EDC's annual luncheon will be held on June 15, 2012; Mr. Severns will check on the location. Councilmember Severns also talked about the Pioneer Way Art unveiling which will be held this Friday at 4:00 p.m. Everyone was encouraged to attend. Councilmember Hizon talked about the successful "Community Conversation" forum held by the Youth Advisory Council and the broad range of feedback they received. The Youth Advisory Council will next meet on April 18, 2012, 5:15 p.m., United Way Office. Councilmember Servatius asked about Council questions versus comments and which is appropriate. Comments could sway, while questions after a staff presentation could be reserved for the motion/second and then Council discussion prior to a vote. Mr. Servatius asked City Attorney Hawkins to comment in reference to Personnel Policy 809 concerning political activities and asked if weighing in, endorsing, and now using streaming video become political activity. Mr. Hawkins responded that political activity can include ballots and elected offices, which is the narrow definition, but interpreting Policy 809, the phrase is "political or partisan activities" on the part of employees and the definition of political activity is broader. With questions versus comments, Council rules are not specific to questions occurring in one round - it is Council's meeting.

MOTION TWO: **Councilmember Servatius moved to amend Council Rule No. 17 (1) - Voting, to include a show of hands in addition to a verbal vote. The motion was seconded by Councilmember Almberg.**

Mr. Powers noted that, if this is to become an agenda item, we will place it for the next meeting. Mr. Servatius asked if it would include a vote. Mr. Powers noted it would be placed for Council discussion.

Councilmember Hizon asked if we could do either/or? Councilmember Servatius felt a show of hands would then be easily seen on the video tape. Councilmember Paggao noted that there should not be discussion at this point; this should be discussed at the next meeting. City Attorney Hawkins suggested keeping this as stated in Council's rules and bringing this before Council on April 17th, and he also noted that Council can request a show of hands at any time during the meetings.

Councilmember Servatius then asked to amend the motion to have staff draft a resolution.

MOTION TWO RETRACTED
Councilmember Servatius and Councilmember Almberg agreed to retract the motion and second referring to Council Rule No. 17 (1) - Voting.

MOTION THREE: **Councilmember Servatius moved to have Council adopt a resolution amending Council Rule No. 17 (1) - Voting, of Council Administration and Personnel Rules, to include a show of hands in addition to a verbal vote. Councilmember Almberg seconded the motion.**

Mayor Dudley noted that Mr. Servatius was speaking without a resolution in place. City Attorney Hawkins said this could be the formal approach for April 17th but again noted that Council can make a request for a show of hands at any time as a "patch" for now.

MOTION THREE AMENDED: **Councilmember Servatius moved to add a resolution amending Council Rule No. 17 (1) - Voting, of Council Administration and Personnel Rules, to include a show of hands in addition to a verbal vote. The motion was seconded by Councilmember Almberg. (No discussion or vote was needed.)**

MOTION: **Council Servatius moved to bring forward on April 17, 2012, a policy or procedure to ban the wearing of hats in Council Chambers out of respect for the City, Mayor, and Council. The motion was seconded by Councilmember Almberg.**
(No discussion or vote was needed.)

Mr. Powers noted that these Council motions allow Council to have an item set for discussion, and then Council would vote on whether to proceed forward with that item. Staff is not always going to be in the position of drafting an agenda bill and agenda bill materials for the next meeting. Council rules say the item may be set over and that is what we follow.

Mayor's Comments
The City now has a Facebook page for better communication:
www.facebook.com/cityofoakharbor

Mayor Dudley apologized for what happened earlier with electronic recording and Councilmember Almberg called for a point of order saying: This is the Council's meeting and the Mayor's position is to conduct a neutral and unbiased meeting; a level playing field by the rules. I object to the solicitations in previous meetings. I want to clean up our procedure process that is in conflict with Sturgis, Council rules, and policies. I will stand corrected that, as I read the rules, the Mayor's position is to conduct the meeting to do the City's business - the Council does the City's business and the Mayor is the chairman.

City Attorney Hawkins noted that this is basically correct, but the agenda format has a comment period for Council and the Mayor.

Mr. Almberg continued that he was objecting to the Mayor's comments about the comments period which Mr. Almberg felt should be kept related to the City's business and not used politically or for advertising.

Councilmember Paggao called for a point of order noting that Councilmember Almberg's statements should be directed to the chair. Mayor Dudley encouraged the public to come out and speak at the next Council meeting to express their opinions; I think this will affect everyone.

Councilmember Hizon noted that, with the point of order, and the Mayor's concern about limiting public remarks, Council has not yet had that discussion. Ms. Hizon also asked Mr. Hawkins about Mayor's comments at the end of each meeting and if he is allowed to voice an opinion. Mr. Hawkins responded that this is the time and point in the meeting agenda when the Mayor can express an opinion. Coming back to Councilmember Almberg's remarks, the Mayor's role is to preside, but he has a comment period now and it was appropriate that he expressed his views.

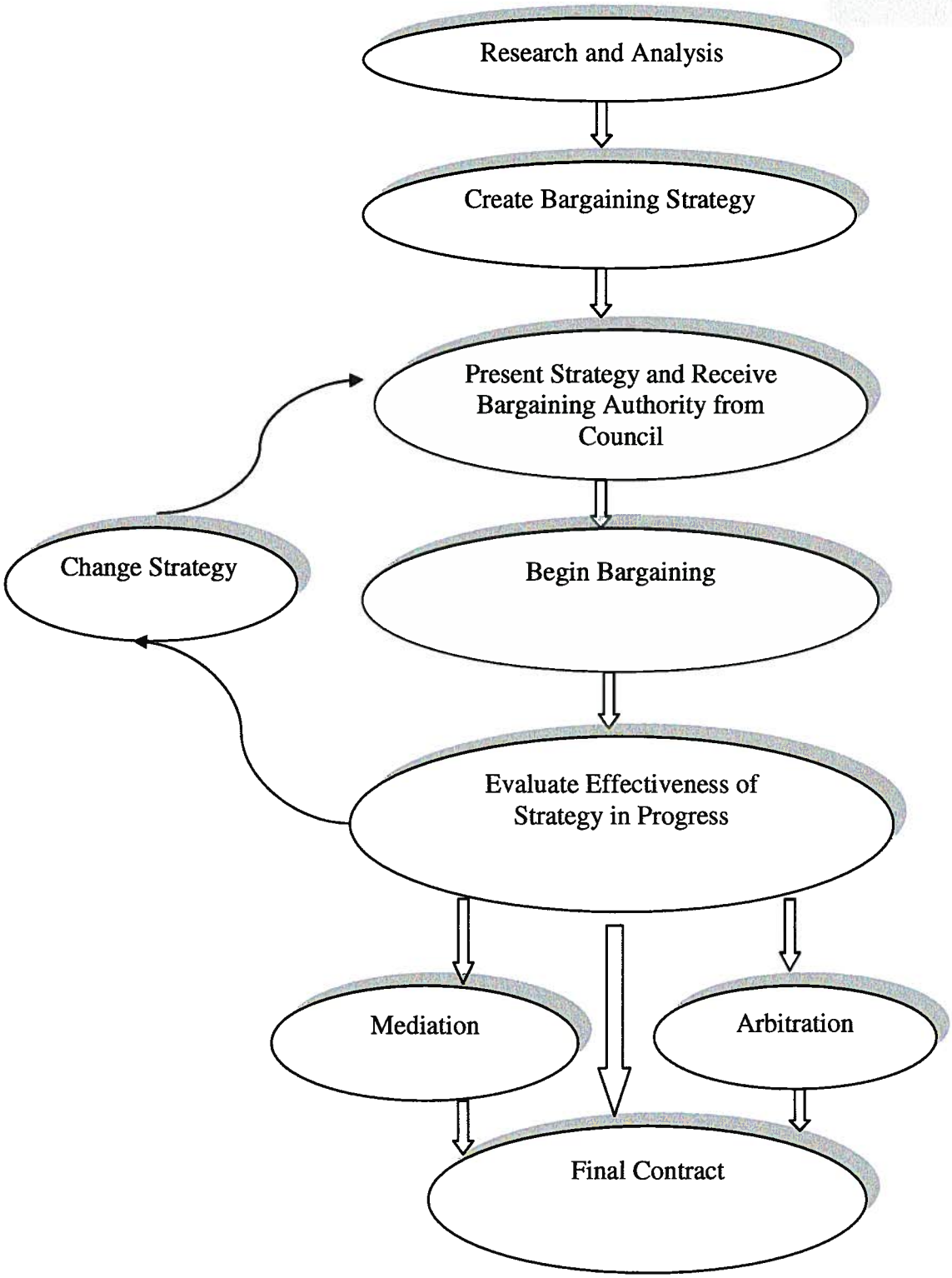
Councilmember Servatius asked, if we make a motion and second, and there is no discussion, aren't we discussing this now? Mayor Dudley noted that the Council can have discussion and vote at the next Council meeting. Mayor Dudley went on to say that, in the past, we had no problem with the Mayor weighing in on action taken by the Council. I want the public to know and to hear from them any time that we talk about minimizing public comment or are concerned about what they are wearing. That is a concern to this Mayor.

ADJOURN

With no further business coming before the Council, the meeting was adjourned at 8:10 p.m.

_____

Connie T. Wheeler
City Clerk

Exhibit A

Bargaining Process