

## Langley City Council Meeting Minutes

July 11, 2011

Mayor Samuelson called the meeting to order at 5:30 PM. Present were City Council Members Fran Abel, Robert Gilman, Rene Neff, Hal Seligson and Bob Waterman. Also present were Director of Public Works, Challis Stringer; City Engineer, Ryan Goodman; Planner, Larry Kwarsick; Community Planner, Jeff Arango; and Director of Finance/City Clerk, Debbie Mahler. The flag salute was led by Council Member Waterman.

**MOTION:** To approve the Consent Agenda. Motion - Waterman, 2<sup>nd</sup> - Seligson. Motion carried unanimously.

### CONSENT AGENDA

- a. Council Meeting Minutes – June 20, 2011
- b. Claims Warrants in the amount of \$77,848.59
- c. Approval of Agenda

### COUNCIL REPORTS

Hal Seligson reported that the Ad hoc committee on personnel policies has a meeting planned for this coming Sunday. He asked for an extension to the duration of the committee for two months.

**MOTION:** To extend the duration of the committee for two more months. M – Gilman, 2<sup>nd</sup> – Waterman. Motion carried with all in favor.

Fran Abel gave heartfelt thanks to Thomas Gill for getting Google Maps updated and several streets in Langley added. Fran attended a County-wide Tourism Committee meeting where they had an excellent speaker. He explained that the State has eliminated its budget for tourism. He suggested that cities do an inventory assessment, look at private/public partnerships, and work with Ports to encourage tourism.

### DEPARTMENT REPORTS

Challis Stringer reported that the City held a bid opening on the CMA Park & Ride and all the bids were over the engineer's estimate. The low bidder has signed a bid extension agreement while the City applies for more grant funds for the project. The City has sent out the water quality report letter and the water saver challenge is on again. The City is a part of Whidbey Green Seal through the Sustainable Whidbey Coalition.

Debbie Mahler reported that we have hired a new person to replace Annette at the front desk. Her name is Cheryl Knighton and she will start next Monday. Debbie also reported

that she will be leaving tomorrow afternoon to drive to Yakima for a one day conference put on by the city's accounting software vendor to learn more about the reporting programs and its capabilities.

## **CITIZEN COMMENTS**

Rhonda Salerno gave her thanks to the Council for all their time and dedication. Rhonda asked for direction from the Council regarding a stop work order issued two years ago on work that she said was destroying a wetland and she stated that there has not been any follow-up or enforcement. She also stated that she has been living in Jackson Hole, Wyoming and that they have programs there on cell phone safety for children and would like the city to have copies of what they have done there. Thomas Gill asked the Council to readjust the next term Mayor's salary now to what Mr. Kwarsick wants to accept so that he does not have any tax consequences once he assumes office.

## **PUBLIC HEARING**

Mayor Samuelson opened a public hearing at 5:50 PM to present for public comment, the 2012-2017 Six Year Transportation Improvement Plan. Director of Public Works, Challis Stringer went over the projects listed in the plan. The projects included in the plan are all federally funded. New projects were added this year, such as: Noble Creek Trail project is a pedestrian trail that connects Sandy Point to Edgecliff Drive, a waterfront trail that connects Seawall Park to the harbor; the Middle Langley Trail to connect Sixth Street with the Highlands, Cascade Avenue resurfacing, Anthes Avenue resurfacing. Other projects were carried over from previous years. Challis answered questions from the Council and audience regarding the plan. The public hearing was closed at 6:21 PM.

**MOTION:** To bring to a first reading, a Resolution adopting the 2012-2017 Six Year Transportation Improvement Plan. Motion - Waterman, 2<sup>nd</sup> - Neff. Motion carried unanimously.

## **OLD BUSINESS**

**MOTION:** To bring to a first reading, a Resolution opposing the August 16, 2011 Ballot Proposition 1 of the city of Langley. Motion - Neff, 2<sup>nd</sup> - Abel. Motion failed.

Councilmember Gilman spoke against the resolution. He stated that he does not believe that the costs of changing the form of government to a Manager/Council form would be much more than staying with a Mayor/Council form and that he feels there would be additional cost savings with a Manager especially in legal fees. Councilman Gilman felt that the whereas sections of the resolution were not factual. Councilman Seligson also felt that the whereas sections were not well written, but is opposed to a change of government. He feels that it is important to have an elected official who can break a tie vote, that an elected Mayor has more community influence. He stated that he does not

believe that a City Manager would lower legal fees. He referred to an article in the Seattle Times regarding fines imposed by the courts on Mercer Island - a huge sum of money for things that happened under their city manager. Fran thinks it is a wrong assumption to presume that a manager would be more professional than an elected Mayor. She stated that a city manager can be hired by three council members and the manager would hire and fire staff whereas presently staff must be confirmed by the council. Having a city manager would cause a loss of power by the city. An elected mayor can be fired at the polls.

Rene Neff stated that there was very little evidence that it is a good or common practice for small cities and that once it is voted in, a change cannot be made for six years. If this vote succeeds, the Mayor steps down as soon as the election is certified and it could take several months to hire a manager. The city would be without leadership at budget time. She also feels that strong personality council members can control the whole city and she does not feel that is very democratic process. The costs for recruitment of a manager average about \$50,000 which would be an additional drain on the budget. She feels that given the size and economy of the city, it has run well over the years. Many improvements have been made and are continuing.

Bob Waterman pointed out that this is a first reading and feels some of the whereas sections can be changed before passage. Bob stated that both systems of government can work. It depends on the people and the council, the times and the problems that arise. Bob is worried about a Mayor not being full time as a Manager would. He feels the city has an excellent staff and no one really knows the cost/benefit ratio of either system, but a full time manager would have to be a significant cost. Bob feels we are more likely to know what we are getting with an elected community member. He doesn't feel the change is necessary.

Dave Gignac stated that he is just beginning to understand the politics of this situation. He feels a change of government would limit the checks and balances in place now and would be less democratic. He is concerned that a city manager would be someone who has not lived in our city or know what the city is about. Bruce Allen stated that he is in support of the current form of government and giving a voice to the people who vote. Ursula Rosen-Runge stated that the checks and balances are in state code and inherent in the Mayor/Council form. With a manager there is no veto power, no confirmation of department heads. She thinks the debate of issues will be lessened with a manager form. In this situation she feels it will be more expensive to hire a manager considering the search process, etc.

Kathleen Waters felt it ironic that Councilman Gilman wanted this resolution put off to a later time, when the vote is just around the corner. She has asked several times for meetings to be held where both sides are represented to give voters information. She stated that City Managers came into being in this state because so many Clerk- Treasurers were retiring and city knowledge and history lost. She also stated that the Council can't require a Mayor be full time. There are no hour requirements for elected officials.

Mayor Samuelson declared a ten minute break at 7:20 PM.  
The regular session was reconvened at 7:30 PM.

Rhonda Salerno voiced her opinion that this issue is too personal and needs to be looked at without emotion. She said that she has been very engaged in our government and feels the current system has many things falling through the cracks and that it is very difficult for citizens to get things done. She doesn't feel the Council should take a political side and should not pass this resolution. She thinks the benefit of a city manager is that they are educated as city managers, whereas most electeds have no government experience. She also thinks there is more leeway to design the City Manager's position than is being talked about and more discussion is needed before the Council takes a position.

Barbara Seitle asked how the resolution came about and where it was published. Debbie informed her that it was published in the agenda and posted around the city and was also on the City's website. Mrs. Seitle felt it was rushed. As a petitioner for the ballot issue, she asked that it be placed on the November ballot and Council chose to put it on the August ballot. She feels the resolution is not factual or based on adequate research. She thinks the recruitment costs would be less than the city is predicting. She was on a council in a city with a manager, and thought it was very well run. That city had community meetings on the public's expectations for a manager and the public was a part of the hiring process. Mrs. Seitle doesn't think Langley should be compared to any other city. It is a unique community and that should be honored and built on. She stated that the meeting planned to discuss the issue could be a joint meeting with those opposed to the issue. There is a website promoting the proposition and she encouraged all to look at it.

Marti Kortebein expressed her distress at the emotion and cynicism involved in this issue and feels more reasoned discussion is needed. Dan Prewitt stated his feeling that Langley needs the best possible bang for the buck. He stated that people need to really look at the structure of government and find out more information. He said he thinks the city has a high budget and ratio per citizen and we need professional attributes and skill sets to safeguard our city resources. Jonathon Moses thinks the resolution is poorly written and may be indicative of the problem the community faces. There are a lot of different forms of democracy and open discussion and exchange of facts are needed. He thinks this resolution closes off discussion and discourages deliberation. Mark Wahl stated that the only option at this point is a very part time Mayor if the form of government remains the same. He recommends going to the pro change website to see the discussions on the issue. He feels the facts presented in the resolution are not true and a Mayor elected by Council is not a mere figurehead as depicted. There was no contest in the last two mayoral elections. Mr. Wahl stated that a Mayor has tremendous power, he/she and staff initiate projects and council sometimes finds out later. A manager would take direction from the council. He thinks the costs of recruitment are incorrect as estimated and that you can't vote a Mayor out of office if he is unopposed.

Barbara Seitle asked the resolution be tabled, stating that it needs considerable work and would give pro people time for presenting their views. She presented a resolution she

urged the Council pass instead that would urge voters to research the issue. Robert Gilman feels it is patronizing for council to encourage the citizens to vote a certain way and wants the council to take a path that doesn't recommend an outcome, but urges people to get all information available.

## **NEW BUSINESS**

**MOTION:** To confirm the Mayor's re-appointment of Tucker Stevens and Cathy Waymire Rooks to the Parks and Open Space Commission. Motion - Neff, 2<sup>nd</sup> - Waterman. Motion was unanimously approved.

## **DISCUSSION TOPICS**

*Ethics Policies* – Councilmember Seligson asked the Council set aside time on a future agenda to discuss promulgation of a robust code of ethics. The current code is just a paragraph. He has links to various cities with different codes regarding ethics. He asked that Council educate themselves on the issue and consider it at a future meeting.

*Comp Plan Amendments* – Community Planner, Jeff Arango gave a power-point presentation on the issues of Neighborhood/Subarea Planning, Transfer of Development Rights, and Land Use Budgeting. Jeff reviewed the draft codes authored by Councilmember Gilman and gave an analysis of his review. Discussion of the review ensued for some time and will continue at a meeting in the near future.

**MOTION:** To adjourn the meeting at 9:51 pm. Motion – Waterman, 2<sup>nd</sup> – Abel. Motion carried.

Respectfully submitted,

Debbie L. Mahler, Director of Finance/City Clerk