

Langley City Council Meeting Minutes

April 18, 2011

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

MOTION: To approve the Consent Agenda. Motion - Waterman, 2nd - Gilman. Councilman Gilman added a presentation of his financial graphing if time allows. Motion carried unanimously after several questions were asked and answered concerning the claims warrants.

CONSENT AGENDA

- a. Council Meeting Minutes – April 4 and 12, 2011
- b. Claims Warrants Nos. 27730-27773 in the amount of \$38,826.95
- c. Payroll Warrants # 27624-27648 (3/16/11) in the amount of \$43,260.59 and # 27685-27709 (03/31/11) in the amount of \$41,532.35
- d. Approval of Agenda.

MAYOR'S REPORT

a. *Langley Library.* Vicky Welfare, Librarian reported that the new computer system is now live and working quite well. It has some very nice features for patrons. New carpeting project will take place probably in August. The library will be closed for two to three weeks while the carpeting is installed.

b. *Commissioner Homola – State of the County.* Commissioner Homola gave a presentation on the state of the County. They are starting their budget process early this year and want to have it complete in October. The 2010 census brought the County's population down from 80,000 to 78,000. There are thirteen elected officials in the County. Staff levels have been cut by 20%. Commissioner Homola discussed the different department and the public services they provide.

CITIZEN COMMENTS

Bruce Kortebein asked about the storm water plans for Edgecliff Drive. Mayor Samuelson explained that a public workshop will be held at City Hall tomorrow afternoon on the public works priorities and work plan for the year. The storm-water plans for Edgecliff will be discussed at that time. Kathleen Waters asked about the grant request for a tram on Wharf Street. She recalled the long history of the idea for an elevator near the bluff by the marina and was surprised when she read an article in the Record on the tram. Some Council members were also surprised at the article. City staff submitted a \$400,000 grant application to the Island Sub-Region Regional Transportation Planning Organization in early March to get funding for the \$462,428 project. Councilman Gilman said he did not recall much discussion about the project and that there had been talk about other ways to improve pedestrian access. City Planning Director Larry Kwarsick said the project has been mentioned in the city's capital facilities plan, and also Langley's transportation improvement program. PW Director Challis Stringer also stated that the idea was talked about when the council reviewed potential development scenarios in the Wharf Street area. Larry pointed out that Island Transit's development plan also mentions the project. It also stated that the City is not locked into the project even if funding is approved. Councilman Seligson noted that the conversation was probably academic at this point, that competition for grant funding would be intense and that staff needed to get the request in for consideration during the open time period.

OLD BUSINESS

a. *Report on progress of audit issues.* Debbie Mahler gave a report detailing the progress made by the City in response to the management letter of the last audit. A written copy of that report is attached hereto.

b. *Ad Hoc Committee Reports.*

1. *Rene Neff.* Ad hoc downtown parking committee report. Committee met on March 29th and generated options for the Council to consider regarding parking on Second Street. The Council will consider the options and have further discussion.

2. *Hal Seligson, Finance and Personnel.* Hal reported that first meeting has taken place and a lot of organizational work was accomplished and assignments made. The meeting was recorded and is available for the public to listen to if they want.

3. *Robert Gilman, Code Clean-up Committee.* Code cleanup committee is making progress; there is meaningful work to be done. Robert gave a presentation on interactive graphing he has done on city finances. The graphing will go online at the Langleylecteds blog.

4. *Bob Waterman, Sustaining Downtown Langley.* The committee has looked at options and has finalized draft recommendations to be presented to Council in May at a workshop or council meeting.

NEW BUSINESS

MOTION: To authorize the Mayor to sign a contract with Whidbey Children's Theater for tourism promotion. Motion - Waterman, 2nd - Gilman. Motion carried unanimously.

PLANNING DEPARTMENT REPORT

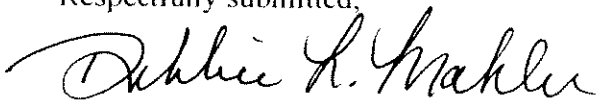
Planner Larry Kwarsick gave a brief presentation on what is happening in land use in the city. A pre-application meeting was held today for a possible commercial development on Wharf Street.

LANGLEY PASSAGE – WEAN/LCAA REQUEST TO RECONSIDER DECISION OF APRIL 5, 2011

MOTION: To deny the request to reconsider the decision of April 5, 2011. Motion – Waterman, 2nd – Neff. Motion carried with all in favor.

MOTION: To adjourn the meeting at 8:15 PM. Motion - Waterman, 2nd – Seligson. Motion carried.

Respectfully submitted,



Debbie L. Mahler, Director of Finance/City Clerk

All these departments provide the following public services:

Roads, Flood Control and Water Conveyance, Recreation and Parks, Emergency Management, Garbage Collection and Sanitation, Maintenance of Public Facilities and Grounds

Building Permits, Land Use and Natural Resource Planning, Code Enforcement, Mental Health, Drug and Alcohol Rehabilitation, School Counseling, Developmental Disability programs, Veteran Services

Animal Control/Shelters, Risk Management, Property Management, County Fair, LEOFF, Board of Equalization, Assess Collect and Allocate Taxes, Process tax payments - bank and invest county funds

Elections, Licenses, Document Preservation, Process Grants and Audits, Determination and notification of death, autopsies and related investigations

Law enforcement, Prosecution and Public Defense, Courts, Jail, fines, restitution and record keeping

Environmental, Community and Public Health, Water Quality monitoring

And under the shared cost agreement via WSU Extension - Agricultural Education, 4H, Master Gardeners, Noxious Weed Control, Beach Watchers, Shore Stewards, L.I.D., Forestry, Livestock Advisory

Island County Human Services

Funding Streams

19 April 2011 – Jackie Henderson, Human Services Director Island County

Programs funded by the 1/10th of 1% Sales Tax Increase

- Mental Health Program in all 4 school districts (7 mental health professionals spread through all 4 districts) provides mental health treatment, consultation, referrals, etc. to children, families and staff around mental health issues.
- Counseling Connections provides mental health services for individuals who are not eligible for Medicaid and do not have insurance. We connect people to one of 25 private therapists we have contracts with. Referrals come from clinics, hospital, other service providers, law enforcement, etc.
- Senior and Vulnerable Adult Outreach program provides outreach services, information and referral services, etc. to seniors and vulnerable adults who are not hooked up to other services (and most don't want to be). Most referrals come from law enforcement.

Programs funded by State Grants. These are not grants that are competitive but rather counties get these grants to provide certain, specific services. Most of these grants are made up of both state and federal money.

- Developmental Disabilities: provides money for services for children 0 to 3 who have a developmental disability and for adults over the age of 21. The adult program consists primarily of assisting people with getting and keeping jobs. Services for you children consists of therapies, etc. Eligibility for these services is determined by the state. We have waiting lists for all services. The amount of funding we get is determined in a very complicated way...not even going to try and explain it here. Services are free for those that qualify.
- Chemical Dependency Treatment and Prevention Services: provides money for Prevention activities and treatment. All services are planned and provided in accordance with state law, policies, etc. of DSHS/DBHR. Services are free for those who qualify, some pay on a

sliding fee schedule, some have insurance that pays and others pay the whole cost themselves.

- Jail Transition Services is paid from DSHS/DBHR through a proviso that was passed several years ago by the legislature. The money actually goes to the Regional Support Networks (RSN's) and then they contract out to the counties. These services provide assistance to individuals in jail who are experiencing a mental illness or a substance use issue. We provide assistance in getting connected to services they need once they get out so hopefully they won't go back. We provide services in both the county jail and the Oak Harbor jail. We also get San Juan county's allocation to serve their prisoners who are jailed here.
- Our transitional housing program is for individuals who have a mental illness or substance use issue who are leaving jail, prison or an inpatient facility. This program is funded by a competitive grant (one we applied for) through the state Department of Commerce.
- Veterans Assistance Program is funded by local tax money targeted for that program. It provides assistance for indigent veterans with back rent, food, help with utilities, etc. It also provides information and referral services to veterans to hook them up with other services that can provide long term help.
- Other Housing Programs: We manage the surcharge on local recording fees that are mandated to go to affordable housing and homeless housing projects.
- We also manage some millage money that is local tax money targeted (by statute) for mental health and developmental disabilities services.

Council Ad Hoc Downtown Parking Committee report for April 18, 2011

Purpose:

Identify issues and solutions to the parking problems in the downtown core

Scope:

- Meet with concerned business owners, Langley Chamber, Langley's Chief of Police and citizens to identify issues
- Review current code on parking
- Investigate what other cities similar size do in regard to parking
- Create a list of options that could be put in place to improve the parking situation
- Propose options to the Council for approval and vote

The Downtown Parking Committee's members are:

Chief Randy Heston

Laurel Davis representing the Langley Chamber of Commerce

Mike Davis

Sandra Wainwright

Fred Lundahl

Chair: Council Member Rene Neff

Laurel and Mike Davis, myself and Chief Randy Heston met as the Committee. The main issue that has been raised is that business owners and their employees continually park in the downtown core for the entire day. This issue has created a difficult working environment for business owners who want to maintain parking places for their customers. In one instance the police had to intervene in a dispute about parking in front of a business on 2nd street. Business owners came to the city two years ago to ask for help and have been meeting with Paul and Chief Bob.

These business owners researched Port Townsend, Edmonds and Coupeville to see what other cities close to Langley's size do about parking in their downtown core. They found that some have 2 hour parking, some 3 hour parking. Edmonds has a \$50 a year parking sticker that allows business owners and employees to park in certain areas.

In January of 2011 the Langley Chamber circulated a petition asking for "*compliance by business owners and their employees to leave downtown parking spaces available for customers*". The petition gave clear guidance as to where the designated parking areas are. Most of the merchants/business owners in town signed the petition. Two different letters were then distributed to businesses about the benefits of having ample parking available as well as the signed petition. The Chamber and initial group did a great job of educating the businesses and employees and getting buy in but the problem still persists.

Chief Randy has been giving some tickets but the dilemma is that people who keep parking in the downtown core come out and move their cars every 4 hours so they avoid a ticket often parking for 8 hours or more on the same street. Because they move their cars to a new spot on the same street they avoid getting a ticket.

Council Ad Hoc Downtown Parking Committee report for April 18, 2011

Purpose:

Identify issues and solutions to the parking problems in the downtown core

The Council Committee on Parking that met on March 29, 2011 generated some options that I am bringing to City Council for consideration this evening. Below are the options that we think have merit. These options include input from Sandra Wainwright and Fred Lundahl who sent emails but were not able to attend the meeting.

Here are the options:

1. Extend the hours for parking to 8 AM to 10 PM. The street will still have 4 hour parking but the committee would like to change the ordinance and signs to read: "on this street".
 - The rationale for this is that right now Randy has a very small window of time to actually give tickets. The people who continually park on the street and move their cars every 4 hours avoid getting a ticket. If we extend the time to 10PM and add the words "on this street" to the signs then it is harder for people to avoid a ticket by moving their cars every 4 hours.
2. Add "moving your vehicle to another space is no defense" to the ordinance to make it defensible when the police write a ticket to people who just move their car to another space. This gives the police dept. another tool to help them with enforcement.
3. Change the violation amount as follows:
 - 1st offense is currently \$25 and that would stay
 - 2nd offense will be \$75
 - 3rd offense will be bumped up to \$150
 - The rationale is that bumping up the fine will be a big deterrent to those that refuse to not park in designated areas. Randy and the other deputies know who the people are who are playing the "musical car game". The police do not intend to target tourists or regular visitors doing business downtown but will work hard to focus on the employees or business owners/volunteers who refuse to park in the designated parking areas.
4. We suggest that the 15 -30 min. parking areas move from 5 days a week to 7 days a week.
 - The rationale is these places seem to be some of the most popular place people park all day on Sat. and Sun. Changing it keeps these places open for customers or deliveries everyday.
5. When the City issues a business license we suggest that a packet be prepared that includes a map of designated parking areas for employees and business owners in town along with the newly worded ordinances. The business can either post this information or hand it out to their employees to help educate everyone.
6. As an incentive, the City could reduce a business's license if the owner/employees commit to parking at the CMA or Methodist Church lot in an attempt to get fewer cars in the downtown core and encourage more walking or parking off of 1st and 2nd Streets.

To: Members of the City Council

Date: April 15, 2011

From: Debbie L. Mahler, Director of Finance/City Clerk

Meeting Date: April 18, 2011

Subject: Status of Audit recommendations

This staff report presents an overview of the steps taken to address the recommendations addressed in the Management Letter of the State Auditor's office.

BACKGROUND/ANALYSIS

As you are aware, the State Auditor's office conducted an accountability audit for the period of January 1, 2009 through October 31, 2010. There were no findings or any reportable problems, but they did note areas where the City's internal controls could be improved and these were outlined in a Management Letter. I will go through each item that was addressed.

1. **Contract Review and Monitoring of the City's Building Official.** The general issue raised in this section of the Management Letter was that the City did not perform adequate review of the contracted Building Official's invoices to insure it received the services being paid for.

With respect to the registration fees for two conferences in 2009, the Mayor did authorize the Building Official in advance to attend the Washington Association of Building Officials conference. The purpose of the conference was to enable the Building Official to be current on building code issues and to enable him to perform services on behalf of the City in a competent and efficient manner. While there is not a specific reference to payment for such training in the contract, the City received value in the training that the Building Official received and the City considered the training as included within the general scope of services to be provided to the City.

With respect to billing to permit numbers that didn't exist, the reason is human error. Transposing numbers and incorrect entry for example: job number 08-05-052 was entered as 08-04-052 and not corrected. The actual job reference number "052" was entered correctly however the building type was indicated incorrectly as "04". The errors did not affect the account to which the billings were applied. However, we have verified with the Building Official that all billed work was performed. While some of the Building Official's billing was for work that was performed where permit numbers did not exist, we have verified with the Building Official that the work was in fact performed

and the reason why there was not a permit number is that the tasks performed were general administrative work not tied to any one project such as meetings with potential applicants to discuss projects, time spent fielding questions from the public; internal meetings with staff, filing, code studies, etc.

With respect to calculation of fees for permits, the Building Official did determine fees utilizing the fee schedule established by City Ordinance, and while not available in every file, such calculations were performed in accordance with the City's fee schedule and all applicable codes. The valuation of the buildings and all fees calculated are shown on the all permits. City policy has also now been revised to retain a copy of the calculation sheet in every file. Additionally, the Building Official is now a part-time City employee and no longer a contractor.

2. **Unauthorized Board Action.** The concern raised is that by an ordinance adopted in November, 2008, which stated the Mayor would be "deemed an employee". While the ordinance may admittedly have been in-artfully worded, it is up to the legislative body – the Langley City Council to determine the intent and meaning of the ordinance. The intent of the words "deemed an employee" as used in the ordinance and as declared by the City Council is that the Mayor would be treated the same as an employee for purposes of benefits, but not made an employee. In order to clarify the City Council's intent and as the Auditor has correctly noted, in September, 2010 the City Council adopted a revised ordinance deleting the language which was of concern.

3. **Restricted Revenues.** The issue raised by the Auditor is that the City used hotel/motel taxes for an unallowable purpose. The specific concern raised was that the City paid amounts to maintain City parks and trees in 2009 and 2010. Previous audits have never raised a complaint about this practice which was put into place by the City Council twelve to fifteen years ago and has been previously looked at many times. The City felt that the improvement and maintenance to its parks does have a direct nexus to the promotion of tourism as required by State law. However, the Auditor is not requiring the City to return any of these funds that were used to maintain parks and the City changed the allocation of those funds in the 2011 budget. The 2011 allocation of hotel/motel taxes was changed to reimburse police and public works wages and benefits spent on special events such as Choochokum, to pay for new signage, to support the Whidbey Children's theater, and increased the amount paid to the Langley Chamber of Commerce for promotion of tourism. These budget allocations were reviewed and approved by the Auditors while they were here.

4. **Whistleblower Policy.** The issue of concern raised by the Auditor was that while the City does have a whistle blower policy it did not comply with it when it did not respond to an employee's complaint in a timely manner. The employee raising concerns stated a large number of inter related and complex issues that all had to be investigated. The initial complaint was issued on 11-30-09. By memo dated 12-4-09, the City did clearly respond to the employee within 30 days that it would investigate and respond. The Mayor also wrote the employee on 12-30-09 indicating more research would be required and that a response would be forthcoming. Given the number of issues raised the time it took for investigation and final response was reasonable, but was not within

the time limit stated in the policy. While the above-referenced two memos were not the City's final response, the City did follow its policy by acknowledging receipt of the complaint and indicating that an investigation and further response would be forthcoming. This was the first whistleblower action ever raised in the City and a learning experience for us all. The problem with our policy is that it states any investigation of a claim will be complete within thirty days regardless of the complexity of the issues. We will be changing this deadline. The Whistleblower procedures are a part of our Personnel Policies. Currently, the City's Personnel Policies are being reviewed by Councilman Seligson's ad hoc committee and our City Attorney is also reviewing the whistleblower section for any needed changes. When these reviews are complete, we will present an amended policy that better fits the needs of the City.

5. **Failure to Document Open Public Meetings.** The issue of concern raised by the Auditor is that the City did not take minutes at workshops conducted in 2009 and 2010 and that minutes were not taken in July 2009 at its annual retreat. The Management Letter cites RCW 42.32.030 as requiring the City to promptly record minutes at all regular and special meetings. An agenda and record of every special meeting or workshop held was kept and those were reviewed by the Auditors at every audit. While such records may not be in the same format as formal minutes of regular meetings, a record of what subjects were discussed was kept and can be considered minutes. However, because of this recommendation, formal minutes and recordings of every workshop and special meeting are now being made.

RECOMMENDED ACTION

No further action needs to be taken by Council at this time. Once the reviews of the Whistleblower policy are complete, we will bring forward a new policy for your approval.