

City of Langley Notice of Special Meeting of the Langley City Council and the Port of South Whidbey

NOTICE IS HEREBY GIVEN that a quorum of the Langley City Council will meet with the Port of South Whidbey on September 12, 2022 @ 4:00pm
Please click the link below to join the webinar

<https://us02web.zoom.us/j/81333791577?pwd=ZTcyaVVBeFQ0NUpFdVVva2syQ1p4dz09>

Passcode: 444379

Or One tap mobile :

US: +12532158782,,81333791577#,,,,*444379# or +16699006833,,81333791577#,,,,*444379#

Call to Order: Roll Call

Approval of Agenda

1. Discussion of the Port of South Whidbey's proposal for housing at the Fairgrounds, to include specifically: placing the Port's request for a zoning code change on the City's work plan; contracting with Brigid Reynold's of Compass Rose Planning to process the code change application; and cost sharing the processing expenses.
 - a. Planning Staff Report on Zoning Code amendment application2-3
 - b. Compass Rose Planning Fairgrounds Amendment Scope of Work and Cost Estimate .. 4-5
 - c. Resolution 736 - Small Works and Consultant Roster 6-10

2. Discussion of a potential Waterfront Master Plan

Adjourn



City of Langley

Planning Department

To: The Langley City Council
From: Meredith Penny, Community Planning Director
Meeting Date: September 6, 2022
Subject: Memorandum

The purpose of this memo is to provide an update on the Port of South Whidbey's zoning code amendment application, an explanation of the City's steps for processing such application, and to request Council consider a budget amendment to split the processing cost with the Port.

On August 11, 2022, Stan Reeves the Executive Director of the Port of South Whidbey submitted an application for a zoning code amendment to the City for initial review prior to official submittal of the materials.

The application requests an amendment to the City's Fairgrounds Overlay, to add housing as an allowed use. To make this change effective, and ensure consistency across the code, this request will also require a change to the underlying Public Use (P-1) zone. In the underlying P-1 zone, if housing is added as an allowed use, staff recommend limiting it to only those P-1 zoned properties which also fall within the Fairgrounds Overlay. In this way, housing would not be allowed in all P-1 zoned properties where housing may not be compatible with the more limited recreation-oriented uses.

Staff have also identified other code sections that may require amendments to remove unnecessary barriers to the Port's ultimate proposed housing project. These staff-identified changes would be processed concurrently with the requested zoning amendment.

At this time, staff do not see amendments to the City's Comprehensive Plan as needed in order to process the zoning code amendment. There are existing policies within the Comprehensive Plan which support the zoning code amendment. If the zoning code amendment is approved, the City may consider adding additional policies to the Comprehensive Plan during the required periodic review and update, to further support the action. As such, zoning code amendments can move forward at any time during the year, and do not have to wait for the yearly Comprehensive Plan docketing process.

The City's fee schedule does not have a flat fee for processing zoning code amendment requests. Instead, it is charged at the hourly rate for the staff time needed to walk it through the process. The City's fee schedule has this rate set at \$75/hr.

Although, this application does not need to wait for the yearly Comprehensive Plan docketing process, it was not on the Planning Department's work plan for the year and would add a considerable amount of work on top of a busy schedule of other items, including the Coles Valley PUD application. Instead, staff have reached out to the former City Planning Director, Brigid Reynolds, who now does contract planning to see if she would be willing to process the application. She also charges \$75/hr. She expressed

willingness to process the application and drew up an estimate of the amount of work this would involve (multiple meetings in front of the Planning Advisory Board, and Council, drafting an ordinance, conducting the SEPA review etc.) and estimated about 100 hours of work for a total of \$7,500. Staff have estimate legal fees for review of the ordinance to be around \$1,500.

At this time, the County is prepared to provide ARPA funding to the Port of South Whidbey of up to \$135,000 for pre-development costs of their housing project. The County is aware though that the City's zoning must be adjusted before the project can move forward. They would like to see the City show a commitment to considering and processing this zoning code amendment by placing it on the City's work plan.

To convey this commitment to the County and to the Port of South Whidbey, staff are recommending Council consider:

- Authorizing the Mayor to sign the attached letter to Liz Chaffin, the ARPA Program Coordinator for Island County;
- Approving staff to move forward with the drafting of a contract with Brigid Reynolds of Compass Rose Planning;
- Waiving the requirement for competitive solicitation per Resolution 736, Section 3, Item 4.c.vii (If approved, the contract with Compass Rose Planning would also be forwarded to the County along with the letter to Liz Chaffin); and
- Authorize the Mayor and staff to bring back a budget amendment to Council to cover half of the application processing cost, including legal review fees, for an amount of \$4,500
 - The other half of the processing costs to be paid by the Port of South Whidbey.

Attachments

- A. Compass Rose Planning Proposed Scope of Work and Cost Estimate for Fairgrounds Amendment
- B. Draft Letter of Explanation to Liz Chaffin, Island County ARPA Program Coordinator
- C. Resolution 736 - Small Works and Consulting Rosters

Compass Rose Planning Services Proposed Scope of Work Fairground Overlay and Related Code Amendments

The City of Langley “Client” agrees to engage Compass Rose Planning “the Consultant” to provide the Client with the following consulting services per item 3 of the original agreement dated December 6, 2021.

The following details the scope of work to prepare two ordinances and five related code amendments to permit multi-family housing use in the Fairgrounds Overlay (Ch. 18.10).

Phase I – Initial Review

- Review application and proposed additional code amendments
- Application to amend the following:
 - Fairgrounds Overlay (Ch. 18.10)
 - P1 (Public Use) zone district (Ch. 18.19)
 - Land Uses (Ch. 18.09)
 - Definitions (Sec. 18.01.040) for secondary use
 - Performance Standards – Multi-family (Ch. 18.25) related to open space
- Determine completeness of application and prepare draft letter to applicant for signature by the Director of Planning.
- Identify additional information required. The initial review has identified the following information as outstanding
 - The list of names and addresses of owners and residents of properties within 500 feet of the subject properties and pre-stamped envelopes for the same.
- Present application to the PAB and Council for confirmation to move forward with drafting code amendments
- Present proposed amendments to PAB and Council for initial input before noticing
- Prepare Notice of Development Application for publishing and distribution by the Director of Planning
- Prepare SEPA determination and notice of 14-day public comment period
 - Director of Planning to sign, publish and distribute the SEPA determination.
- Prepare referral documents to be sent to applicable agencies to include but not limited to the following. Additional agencies to be determined by the Director of Planning and referrals to be sent by the Director of Planning.
 - Island County
 - Island County Fair
 - South Whidbey School District
 - Langley Creates Steering Committee
 - South Whidbey Community Center
 - City of Langley internal referrals
 - Director of Planning to send to Department of Commerce for 60 day or expedited review
 - Director Planning to send for legal review

Phase II – Prepare Draft Ordinance and Staff Report

- Prepare draft ordinance and staff report, incorporating public, agency, PAB, and Council comments
- Incorporate any changes into final draft ordinance and staff report

- Prepare PAB public hearing notice
 - Director of Planning to publish and mail public hearing notice
- Director of Planning will receive all public comments and forward them to the Consultant. The Consultant will maintain a public comment matrix.

Phase III - Adoption

- Present ordinance and code amendments to PAB at public hearing
- Present to Council for 1st and 2nd reading
- Director of Planning to submit approved ordinance and code amendments to the Department of Commerce

Compensation

The estimated number of hours to complete this scope of work is 100 hours at an hourly rate of \$75/hour for a total estimated project cost of \$7,500.

As detailed above the above scope of work includes seven meetings - three PAB meetings including the public hearing and four Council meetings. Meeting attendance is assumed to be remote.

Any additional meetings will be billed at an hourly rate of \$75/hour and any required in-person meeting attendance will be billed time and expenses.

Advisory work completed prior to this signing of this agreement is 3 hours billed at a rate of \$75/hour.

Duration

The term of the Agreement begins August 26, 2022 and will remain in full force and effect until December 31, 2022. The term may be extended with written consent of the parties.

RESOLUTION NO. 736

ORIGINAL

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANGLEY WASHINGTON, ON THE SUBJECTS OF ESTABLISHING A SMALL WORKS ROSTER PROCESS TO AWARD PUBLIC WORKS CONTRACTS AND A CONSULTING SERVICES ROSTER FOR ARCHITECTURAL, ENGINEERING AND OTHER PROFESSIONAL SERVICES

WHEREAS, RCW 39.04.155 and other laws regarding contracting for public works by municipalities, allow certain contracts to be awarded by a small works roster process; and

WHEREAS, in order to be able to implement small works roster processes, the City is required by law to adopt a resolution establishing specific procedures;

WHEREAS, RCW 39.80.030 requires that an agency publish in advance that agency's requirement for professional services and that one of the ways to accomplish that notification is to announce generally to the public its projected requirements for any category or type of professional services and request qualification statements to be kept on file with the agency,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANGLEY, WASHINGTON, HEREBY RESOLVES AS FOLLOWS:

Section 1. MRSC Rosters. The City wishes to contract with the Municipal Research and Services Center of Washington (MRSC) to adopt for City use those state wide electronic databases for small works roster and consulting services developed and maintained by MRSC and authorizes the Mayor to sign the MRSC Roster Contract. In addition, paper and/or electronic rosters may be kept on file by appropriate City departments.

Section 2. Small Works Rosters

The following small works roster procedures are established for use by the City pursuant to RCW 39.04.155:

1. Cost. The City need not comply with formal sealed bidding procedures for the construction, building, renovation, remodeling, alteration, repair, or improvement of real property where the estimated cost does not exceed Three Hundred Thousand Dollars (\$300,000.00), which includes the costs of labor, material, equipment and sales and/or use taxes as applicable. Instead, the City may use the small works roster procedures for public works projects as set forth herein. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process.

2. Publication. At least once a year, on behalf of the City, MRSC shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to appropriate MRSC roster or rosters at any time that they submit a written request and

necessary records. The City may require master contracts to be signed that become effective when a specific award is made using a small works roster.

3. Telephone or Written Quotations. The City shall obtain telephone, written or electronic quotations for public works contracts from contractors on the appropriate small works roster to assure that a competitive price is established and to award contracts to a contractor who meets the mandatory bidder responsibility criteria in RCW 39.04.350(1) and may establish supplementary bidder criteria under RCW 39.04.350 (2)

- a) A contract awarded from a small works roster need not be advertised. Invitations for quotations shall include an estimate of the scope and nature of the work to be performed as well as materials and equipment to be furnished. However, detailed plans and specifications need not be included in the invitation.
- b) Quotations may be invited from all appropriate contractors on the appropriate small works roster. As an alternative, quotations may be invited from at least five contractors on the appropriate small works roster who have indicated the capability of performing the kind of work being contracted, in a manner that will equitably distribute the opportunity among the contractors on the appropriate roster. "Equitably distribute" means that the City may not favor certain contractors on the appropriate small works roster over other contractors on the appropriate small works roster who perform similar services.

If the estimated cost of the work is from one hundred and fifty thousand dollars (\$150,000) to three hundred thousand dollars (\$300,000), the City may choose to solicit bids from less than all the appropriate contractors on the appropriate small works roster but must notify the remaining contractors on the appropriate small works roster that quotations on the work are being sought. The City has the sole option of determining whether this notice to the remaining contractors is made by:

- i) publishing notice in a legal newspaper in general circulation in the area where the work is to be done;
 - ii) mailing a notice to these contractors; or
 - iii) sending a notice to these contractors by facsimile or email.
- c) At the time bids are solicited, the City representative shall not inform a contractor of the terms or amount of any other contractor's bid for the same project;
 - d) A written record shall be made by the City representative of each contractor's bid on the project and of any conditions imposed on the bid. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

4. Limited Public Works Process. If a work, construction, alteration, repair, or improvement project is estimated to cost less than thirty-five thousand dollars (\$35,000), the City may award such a contract using the limited public works process provided under RCW 39.04.155 (3). For a limited public works project, the City will solicit electronic or written quotations from a

minimum of three contractors from the appropriate small works roster and shall award the contract to the lowest responsible bidder as defined under RCW 39.04.010. After an award is made, the quotations shall be open to public inspection and available by electronic request.

For limited public works projects, the City may waive the payment and performance bond requirements of chapter 39.08 RCW and the retainage requirements of chapter 60.28 RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materialmen, suppliers, and taxes imposed under Title 82 RCW that may be due from the contractor for the limited public works project. However, the City shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

The City shall maintain a list of the contractors contacted and the contracts awarded during the previous 24 months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded.

5. Determining Lowest Responsible Bidder. The City Council shall award the contract for the public works project to the lowest responsible bidder provided that, whenever there is a reason to believe that the lowest acceptable bid is not the best price obtainable, all bids may be rejected and the City Council may call for new bids. A responsible bidder shall be a registered and/or licensed contractor who meets the mandatory bidder responsibility criteria established by Chapter 133, Laws of 2007 (SHB 2010) and who meets any supplementary bidder responsibility criteria established by the City.

6. Award. All of the telephone bids or quotations shall be collected and presented at the same time to the City Council for consideration, determination of the lowest responsible bidder, and award of the contract. However, for budgeted public works projects \$35,000 or under, the Mayor shall have the authority to award and sign the public works contract without City Council approval, provided that the City Council shall ratify the Mayor's approval at the next scheduled City Council meeting by means of the consent agenda. For budgeted public works projects over \$35,000, the City Council shall award all public works contracts prior to the execution of the contract by the Mayor.

Section 3. Consulting Services Rosters

1. Consulting Services. Consulting services are professional services that have a primarily intellectual output or product and include architectural and engineering services as defined in RCW 39.80.020.

2. Publication. At least once a year, on behalf of the City, MRSC shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the consulting services roster or rosters and solicit statements of qualifications from firms providing consulting services. Such advertisements will include information on how to find the address and telephone number of a representative of the City who can provide further details as to the City's projected needs for consulting services. Firms or persons providing consulting services shall be added to appropriate MRSC roster or rosters at any time that they submit a written request and necessary records. The

City may require master contracts to be signed that become effective when a specific award is made using a consulting services roster.

3. Professional Architectural and Engineering Services The MRSC Rosters distinguish between professional architectural and engineering services as defined in RCW 39.80.020 and other consulting services and will announce generally to the public the City's projected requirements for any category or type of professional or other consulting services. The City reserves the right to publish an announcement on each occasion when professional services or other consulting services are required by the agency and to use paper and/or other electronic rosters that may be kept on file by appropriate City departments.

4. Competitive Solicitation All professional service contracts shall be entered into pursuant to competitive solicitation, except for:

- a) The Mayor shall advise the Council of the initiation of the selection of consulting or other professional services utilizing the MRSC Rosters. The Mayor shall identify the services being requested and the funding source for the service.
- b) The City shall evaluate current MRSC roster for the service needed and solicit project proposals from at least three (3) firms. Based upon the project specific criteria established by the City, the firm or individual deemed to be the most highly qualified to provide the services required shall be selected for contract negotiations.

The City shall endeavor that minority and women-owned firms, small businesses, and veteran-owned firms are afforded the maximum practicable opportunity to compete for and obtain public contracts for services. The level of participation such firms shall be consistent with their general availability within the professional communities involved.

- c) All professional service contracts shall be entered into pursuant to competitive solicitation, except for:
 - i) Contracts between a consultant and the City of less than twenty thousand dollars. However, contracts of five thousand dollars or greater but less than twenty thousand dollars shall have documented evidence of competitive solicitation. Agencies shall not structure contracts to evade these requirements.
 - ii) Contracts by interlocal governmental agreement with the United States, a state, or another political subdivision to fulfill the aforementioned bidding requirements and any purchase or lease made pursuant to said interlocal governmental agreement shall be deemed to have complied with the purchasing procedures of this chapter without the necessity of further bidding;
 - iii) Contracts for legal services including those for City attorney;
 - iv) Emergency contracts;
 - v) Contracts for services exempt from competitive solicitation specifically provided for under any state statute, case law or grant agreement (where the grant recipient is the City);

- vi) Sole source contracts;
 - vii) Any service contract waived by the City Council on a case by case basis, and
 - viii) Contract amendments.
- d) Continuing contracts shall be required to be reviewed and approved by the City Council at least once every three (3) years.

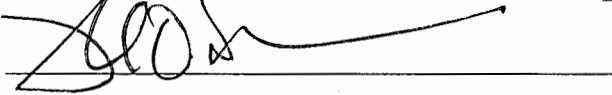
5. Award. For services contracts \$5,000 or less and for services contracts identified in the adopted budget that are \$20,000.00 or less, the Mayor shall have the authority to award and sign the service contract without City Council approval provided that the City Council shall ratify the Mayor's approval at the next scheduled City Council meeting by means of the consent agenda. For services contracts greater than \$5,000 not identified in the adopted budget and for professional services contracts that are over \$20,000.00, the City Council shall award all service contracts prior to the execution of the contract by the Mayor.

Section 4 Contract Review Procedures

The Mayor shall submit proposed contracts in excess of \$5,000 to the City Council and City Attorney for general review. All City proposed contracts shall automatically come under the provisions of this Resolution unless clearly excepted herein. It is the responsibility of the Mayor to resolve any question regarding a proposed contract qualifying as an exception with the City Council prior to its award.

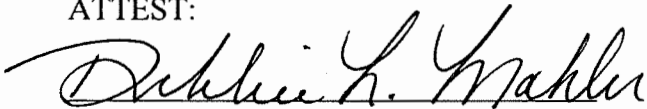
Section 5. Effective Date. The effective date of this Resolution shall be January 1, 2012.

ADOPTED BY THE CITY COUNCIL ON December 5, 2011.



Paul Samuelsson, Mayor

ATTEST:



Debbie Mahler, City Clerk