

Oak Harbor City Council  
Regular Meeting Minutes  
July 2, 2013

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**CALL TO ORDER**

Mayor Pro Tem Danny Paggao called the meeting to order at 6:01 p.m.

**INVOCATION/PLEDGE OF ALLEGIANCE**

Councilmember Jim Campbell gave the invocation and Mayor Pro Tem Paggao led the Pledge of Allegiance.

**ROLL CALL**

Present:

Mayor Pro Tempore Danny Paggao  
Councilmember Rick Almberg  
Councilmember Jim Campbell  
Councilmember Tara Hizon  
Councilmember Beth Munns  
Councilmember Joel Servatius  
Councilmember Bob Severns

Staff Present:

City Administrator Larry Cort  
Finance Director Doug Merriman  
Development Service Director Steve Powers  
Public Works Director Cathy Rosen  
City Attorney Grant Weed  
City Engineer Joe Stowell  
City Clerk Valerie J. Loffler  
Chief of Police Ed Green  
Fire Chief Ray Merrill

Mayor Scott Dudley was absent and excused.

**HONORS AND RECOGNITIONS**

Proclamation for Help House Christmas in July

Councilmember Munns was joined at the podium by Jean Wieman as she proclaimed July 13, 2013, as Christmas in July, encouraging all citizens to contribute to the food drive for the North Whidbey Help House.

Neighborhood Watch Program

Officer Yzaguirre provided Council with an update to the Neighborhood Watch Program. She felt the community should have its own Neighborhood Watch identity and presented new signs with a new design. Officer Yzaguirre reported ten neighborhoods now have established programs.

**APPROVAL OF AGENDA**

**Motion:** Councilmember Campbell moved to approve the Agenda as presented. The motion was seconded by Councilmember Servatius and carried unanimously.

**CITIZEN COMMENT PERIOD**

Bob Olson, a local merchant, stated he could lose customers because a local campaign ad makes it appear he's endorsing that particular candidate for city council. Mr. Olson stated comments he made during the May 7<sup>th</sup> city council meeting were edited and appeared in the campaign ad shown on U-Tube and Facebook for Lucas Yonkman.

City Attorney Grant Weed told Mr. Olson the City doesn't have authority to regulate what is said or done in the context of a campaign. The appropriate forum would be the individual and the Washington State Public Disclosure Commission.

### **CONSENT AGENDA**

- a. Minutes of the Regular City Council meeting held June 18, 2013 (as corrected)
- b. Approval of Accounts Payable Vouchers in the amount of \$641,289.25, consisting of Nos. 154606 through 154752
- c. Introduction of Ordinance 1662 Relating to the Oak Harbor Youth Commission
- d. Motion to Accept the Proposal from HarborSUP for the Marina Recreational Equipment Rental Operations, subject to an agreement providing for the terms of service
- e. Motion to authorize the Mayor to sign an Interlocal Agreement with Island County Regarding Law Enforcement Partnerships Grant
- f. Motion to set City Council Workshop Meetings for July 24, 2013; August 28, 2013; and September 25, 2013, at 3:00 – 5:30 p.m.

**Motion:** Councilmember Hizon moved to approve the Consent Agenda with the exception of the Minutes of June 18, 2013. Ms. Hizon pointed out an error in the spelling of "Howat."

Councilmember Munns moved to approve Minutes as corrected. The motion was seconded by Councilmember Campbell and carried unanimously.

The motion to approve the Consent Agenda, as amended, carried unanimously.

### **STAFF AND COUNCIL COMMENTS**

City Administrator Dr. Larry Cort reported the regular workshops for July through September are set for the 4<sup>th</sup> Wednesday at 3:00 p.m. He added that work is underway for the retrofit of Freedom Kennels, and September 30<sup>th</sup> is the deadline for vacating the facility at the seaplane base. Staff is working with WAIF to be sure the facility meets current standards.

Dr. Cort further reported that Grant Weed is one of five "Super Lawyers" named by the Washington Bar Association in the subcategory of lawyers who serve municipalities. The City of Oak Harbor is honored to have the benefit of his expertise.

Councilmembers Munns, Servatius, and Hizon reported on the AWC Conference.

Councilmember Campbell reported that construction on the new Island County Transit facility south of Coupeville is moving along.

Mayor Pro Tem Danny Paggao stated he participated in the 100<sup>th</sup> anniversary celebration of the Neil Barn.

### **ORDINANCES AND RESOLUTIONS**

Resolution 13-14: Awarding Lodging Tax Funds to North Whidbey Lions Club Car Show  
Finance Director Doug Merriman provided the staff report. Lions Club Car Show Chairman Doug Tyler explained the application wasn't timely because the Rotary Club transitioned the event to them in the middle of the annual application cycle.

In response to questions from Councilmember Hizon, Mr. Merriman explained the funds would come from the beginning fund balance. Recipients of grant funds don't always spend everything awarded and funds were available.

**Resolution 13-14: A Resolution of the City of Oak Harbor City Council Regarding the Acceptance and Approval of the Request for Funding for the 2013 North Whidbey Lions Club Car Show in the Amount of \$4,000**

**Motion:** Councilmember Servatius moved to adopt Resolution 13-14. The motion was seconded by Councilmember Munns and carried unanimously.

**PUBLIC MEETINGS/HEARINGS**

Ordinance 1660 and 1661: Adopting the 2012 International Building and Fire Codes  
Community Services Director Steve Powers provided the staff report.

**Ordinance 1660: An Ordinance Amending Title 17 "Buildings" of the Oak Harbor Municipal Code to Adopt the 2012 International Building Codes with Specific Provisions Applicable to the City of Oak Harbor**

**Ordinance 1661: An Ordinance of the City of Oak Harbor Amending Title 8 "Fire" of the Oak Harbor Municipal Code to Adopt the 2012 International Fire Codes with Specific Provisions Applicable to the City of Oak Harbor**

**Motion:** Councilmember Hizon moved to adopt Ordinance 1660. The motion was seconded by Councilmember Servatius and carried unanimously.

**Motion:** Councilmember Hizon moved to adopt Ordinance 1661. The motion was seconded by Councilmember Servatius and carried unanimously.

**NEW BUSINESS**

Resolution 13-16: Terminating Efforts to Replace the Marina C-Dock Roof  
Development Services Director Steve Powers provided the staff report.

**Resolution 13-16: A Resolution of the City of Oak Harbor Terminating Efforts to Replace the Marina C-Dock Roof**

In response to a question from Councilmember Severns, Mr. Powers confirmed that any claim with the insurance company had been exhausted. The covered moorage wasn't worth the cost and overcoming permitting issues with other agencies.

**Motion:** Councilmember Servatius moved adopt Resolution 13-16. The motion was seconded by Councilmember Almberg and carried unanimously.

Professional Services Agreement with Hedeem & Caditz, PLLC  
City Engineer Joe Stowell provided the staff report.

Mr. Stowell responded to questions from Council about the purpose and the increased costs.

Councilmember AlMBERG wanted to see a breakdown for the increased costs, and City Attorney Grant Weed explained it shouldn't be part of the public record because it would disclose a substantial amount of legal work. Mr. Weed added that based upon his review he was satisfied the additional cost was valid.

**Motion:** Councilmember Hizon moved to authorize the Mayor to sign Amendment No. 1 to the Professional Services Agreement with Hedeem & Caditz, PLLC, increasing the contract from \$20,000 to \$28,640. The motion was seconded by Councilmember Campbell and carried unanimously.

#### North Booster Station and North Transmission Main Projects

City Engineer Joe Stowell reviewed the project and previous council action in a Powerpoint presentation.

Councilmembers asked questions about ownership and operation of the line, funding and the Navy's share of the cost.

**Motion:** Councilmember Hizon moved to authorize the Mayor to sign the Consultant Agreement with Gray & Osborne, Inc. for design of the North Booster Station and North Transmission Main Projects in an amount not to exceed \$964,100. The motion was seconded by Councilmember Campbell and carried unanimously.

### **EXECUTIVE SESSION**

At 7:24 p.m. Mayor Pro Tem Danny Paggao announced an executive session of approximately one hour to discuss pending litigation, property acquisition, and labor negotiations.

At 8:20 p.m. Mayor Pro Tem Paggao announced the executive session would continue until 9:00 p.m.

The meeting reconvened at 9:01 p.m. and Mayor Pro Tem Paggao announced the executive session would continue for another 30 minutes.

**Motion:** Councilmember Servatius moved to suspend the rules and extend the council meeting another 30 minutes. The motion was seconded by Councilmember Munns and carried unanimously.

At 9:33 p.m. the meeting reconvened and Mayor Pro Tem Paggao announced no action was taken.

**Motion:** Councilmember Hizon moved to suspend the rules and extend the council meeting another five minutes. The motion was seconded by Councilmember AlMBERG and carried unanimously.

#### Letter of Engagement

City Attorney Grant Weed provided a brief report on the letter of engagement with Ogden Murphy & Wallace.

**Motion:** Councilmember AlMBERG moved to authorize the Mayor to sign a Letter of Engagement with Ogden, Murphy & Wallace for Legal Services. The motion was seconded by Councilmember Campbell and carried unanimously.

Resolution 13-15: Terminating Additions and Increases to the Opt Out Policy

**Resolution 13-15 A Resolution of the City of Oak Harbor City Council Effective June 25, 2013, to Change the City of Oak Harbor Employee Benefit Plan by Termination of any New Additions or Increases to the Employee Health Benefit Opt-Out Policy and Amending Resolution No. 12-14**

**Motion:** Councilmember Servatius moved to adopt Resolution 13-15. The motion was seconded by Councilmember Almberg and carried unanimously.

**ADJOURNMENT**

**Motion:** Councilmember Almberg moved, seconded by Councilmember Campbell, to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 9:38 p.m.

Valerie J. Loffler, City Clerk