

Oak Harbor City Council
Regular Meeting Minutes
June 18, 2013

CALL TO ORDER

Mayor Scott Dudley called the meeting to order at 6:01 p.m.

PLEDGE OF ALLEGIANCE/INVOCATION

Mayor Dudley led the Pledge of Allegiance, and Pastor Randy Beumer of Oak Harbor Christian Church gave the invocation.

ROLL CALL

Present:

Mayor Scott Dudley
Mayor Pro Tempore Danny Paggao
Councilmember Rick Almberg
Councilmember Jim Campbell
Councilmember Tara Hizon
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
Interim City Attorney Grant Weed
City Clerk Valerie J. Loffler
Chief of Police Ed Green
Fire Chief Ray Merrill

Councilmember Beth Munns was excused.

PRESENTATIONS OF OTHER NON-ACTION ITEMS

Recognition of Don Mowat

Parks Manager Hank Nydam presented Don Mowat of Blue Mountain Electric with an engraved plaque recognizing his donation of labor and materials on numerous electrical projects for the City of Oak Harbor. Mr. Mowat introduced his family and members of his team who volunteer their time and expertise.

Councilmembers expressed their appreciation for his generosity.

At 6:13 p.m. Mayor Dudley announced a recess to allow Council time to congratulate Mr. Mowat. The meeting reconvened at 6:16 p.m.

Proclamation Recognizing 100 Years of the Neil Barn

Councilmember Severns was joined at the podium by Oak Harbor Boys and Girls Club Director Nikki Barone and Program Assistant Micaiah Davis as he read the proclamation recognizing the 100th anniversary of the Neil Barn. Ms. Barone invited everyone to join the celebration at the Open Skate on June 22nd from 1:00 p.m. to 3:00 pm.

APPROVAL OF AGENDA

Motion: Councilmember Servatius moved to approve the Agenda with the removal of Item 6.a., Gray & Osborne Consultant Agreement for the North Booster Station and Water Transmission Line Projects; and the addition of Item 5.d., Ordinance 1663, Suspending Standing Committee meetings. The motion was seconded by Councilmember Severns and carried unanimously.

CITIZEN COMMENT PERIOD

Tim Geist voiced concern about alcohol in city parks. Mr. Geist requested to know who generated the idea and what law enforcement issues were expected.

Jim Kiesel also expressed his concern about alcohol in city parks.

CONSENT AGENDA

City Clerk Valerie J. Loffler read the Consent Agenda.

- a. Minutes of the Regular City Council meeting held June 4, 2013
- b. Motion to approve the accounts payable vouchers in the amount of \$1,585.99, consisting of Nos. 154401 through 154406; and \$311.81, consisting of Nos. 154407 through 154411; and \$681,449.75, consisting of Nos. 154412 through 154605
- c. Motion to award the operation of food concessions at the Oak Harbor Marina to Orlando's Fish and Grill
- d. Motion to appoint Dr. Pampeyan to the Marina Advisory Committee to fill an unexpired term ending December 2014
- e. Motion to appoint John Pendleton to the Arts Commission for a four-year term to expire on June 2017
- f. Motion to approve the extension of the Public Defense Service Agreement with Matthew Montoya for a full caseload of indigent defense cases
- g. Motion to approve the extension of the Public Defense Service Agreement with Georgina Sierra for a partial caseload of indigent defense cases
- h. Motion to authorize the purchase and installation of a drainage system for Ft. Nugent Park through the City's interlocal purchasing agreement with KCDA in an amount not to exceed \$80,000.00
- i. Introduction of Ordinances 1660 Relating to the Fire Code; and Ordinance 1661 Relating to the Building Code (July 2, 2013)

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

HEARINGS AND ORDINANCES/RESOLUTIONS

Ordinance 1658: Refunding 2004 Water/Sewer Bonds

Finance Director Doug Merriman provided the staff report and stated this is a continuation of the public hearing. Mr. Merriman introduced Annette Sommers from Foster Pepper who provided information on the bond market.

Ms. Sommers responded to questions from Councilmembers about the par amount of the bonds, the City's credit rating, and the closing date.

Ordinance 1658: An Ordinance of the City of Oak Harbor, Washington, relating to contracting indebtedness; providing for the issuance, sale and delivery of not to exceed \$[1,645,000] aggregate principal amount of water and sewer revenue refunding bonds to provide funds to advance re-fund the callable portion of the City's Water and Sewer Revenue Bonds, 2004, and to pay the administrative costs of such refunding and the costs of issuance and sale of the bonds; fixing or setting parameters with respect to certain terms and covenants of the bonds; appointing the City's designated representative to approve the final terms of the sale of the bonds; and providing for other related matters

No testimony was provided and the hearing closed at 6:36 p.m.

Motion: Councilmember Servatius moved to adopt Ordinance 1658. The motion was seconded by Councilmember Almberg and carried unanimously.

Resolution 13-13: Adopting the Six-Year Transportation Improvement Program
City Engineer Joe Stowell provided the staff report.

Councilmembers and Mr. Stowell discussed project order and funding.

Mayor Dudley opened the public hearing at 6:46 p.m. No testimony was provided and the hearing was closed.

Resolution 13-13: A Resolution of the City of Oak Harbor Adopting the 2014-2019 Six-Year Transportation Program

Motion: Councilmember Hizon moved to adopt Resolution 13-13. The motion was seconded by Councilmember Campbell and carried unanimously.

Resolution 13-06: Establishing a Policy for Invocations
City Administrator Dr. Larry Cort provided the staff report stating the Lancaster decision was considered and the revised resolution conforms to the Ninth Circuit decision.

William Potilla read a statement in opposition. Also speaking in opposition were Tom Smith and Billie Cook.

Tim Geist spoke in support.

Councilmembers spoke in support and discussed the process for establishing a list.

Resolution 13-06: A Resolution of the City of Oak Harbor Establishing a Written Policy for the Presentation of Invocations at City Council Meetings

Motion: Councilmember Servatius moved to adopt Resolution 13-06. The motion was seconded by Councilmember Paggao and carried unanimously.

Ordinance 1663: Relating to Standing Committees and Workshop Meetings
City Administrator Dr. Larry Cort provided the staff report.

Billie Cook requested time during workshop meetings for public comment.

Councilmembers Servatius, Paggao, Almborg, and Severns spoke in support of workshop meetings in lieu of standing committee meetings.

Ordinance 1663: An Ordinance of the City of Oak Harbor, Washington, Amending Ordinance No. 1656 Suspending the Regular Meetings of City Council Standing Committees Established Under OHMC 1.04.015, Authorizing Special City Council Workshop Meetings; and Providing for Sunset of this Ordinance

Motion: Councilmember Hizon moved to adopt Ordinance 1663. The motion was seconded by Councilmember Servatius and carried unanimously.

At 7:31 p.m. Mayor Scott Dudley announced a recess.

The meeting reconvened at 7:37 p.m.

OTHER BUSINESS

Council Initiated Agenda Item

Finance Director Doug Merriman reported that at the June 4th meeting Councilmember Almborg moved to consider on June 18th a motion to defer the implementation of 2% cost of living adjustment and termination of the opt-out provision for non-represented employees from July 1, 2013, to January 1, 2014.

Councilmember Hizon spoke in support stating she's received communication from employees expressing concern over losing their opt-out benefit.

Councilmember Severns also received input from employees. He stated this issue is part of the bigger package and more time is needed to make a decision.

Councilmember Almborg reiterated that his motion relates to only non-represented employees and shouldn't affect any current bargaining negotiations. He also stated the existing package is not sustainable and the impacts of the deferral are budget neutral.

Finance Director Doug Merriman confirmed a budget adjustment would be necessary.

Further, Councilmember Almborg stated his goal is to be fair to the employees and citizens. He wants to finish the discussion started at the March Workshop meeting to see what it does to the bottom line.

Councilmembers Paggao, Campbell, and Servatius also spoke in support of the motion.

Motion: Councilmember Almborg moved to defer the implementation of employees' 2% cost of living adjustment (COLA) and termination of the opt-out provision for non-represented employees from July 1, 2013, to January 1, 2014. The motion was seconded by Councilmember Paggao and carried unanimously.

EXECUTIVE SESSION

At 7:54 p.m. Mayor Dudley announced an executive session of approximately 20 minutes to discuss pending litigation. No action would be taken during the executive session.

The meeting reconvened at 8:18 p.m.

Motion: Councilmember Campbell moved to authorize the Mayor to sign the Settlement and Release Agreement with Richard and Rhonda Wallace with reference to Island County Superior Court Cause No. 12-2-01004-2, Wallace v. City of Oak Harbor. The motion was seconded by Councilmember Servatius and carried unanimously.

CITY ADMINISTRATOR COMMENTS

City Administrator Dr. Larry Cort reported that he'll be attending the Association of Washington Cities Annual Conference in Richland next week with Mayor Dudley and Councilmembers Munns, Hizon, and Servatius.

COUNCILMEMBER COMMENTS

Councilmember Hizon reported she brought forward the suggestion for alcohol in the parks. She clarified it would be for only special occasions, which amount to 3 or 4 each year.

MAYOR COMMENTS

Mayor Dudley reported the new gallery of photographs in the Council Chambers is a collection provided by Artist Bethany Popkes.

Mayor Dudley, commenting on the decision to defer the opt-out and 2% cost of living increase, stated he would have liked to see a councilmember recuse himself due to a conflict of interest.

Motion: Councilmember AlMBERG moved to allow Councilmember Severns to respond to the Mayor's comments. The motion was seconded by Councilmember Hizon and carried unanimously.

Councilmember Severns remarked the Mayor should have been aware of his pre-nuptial agreement that addresses potential conflicts of interest (because his wife is a City employee).

Mayor Dudley argued the appearance of a conflict.

Councilmember Paggao declared there is no conflict of interest based on the information he received. He stated the Mayor chastised Council for not getting the vote he wanted.

ADJOURNMENT

Motion: Councilmember AlMBERG moved, seconded by Councilmember Paggao, to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 8:29 p.m.

Valerie J. Loffler, City Clerk