

Oak Harbor City Council
Regular Meeting Minutes
February 19, 2013

CALL TO ORDER

Mayor Scott Dudley called the meeting to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE/INVOCATION

Mayor Dudley led the Pledge of Allegiance, and Pastor Don Jacques from Christ the King Community Church gave the invocation.

ROLL CALL

Present:

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

Staff Present:

City Administrator Larry Cort
Dev Services Director Steve Powers
City Clerk Valerie J. Loffler
Executive Assistant Renee Recker
Chief of Police Ed Green
Finance Director Doug Merriman
Fire Chief Ray Merrill
Interim City Attorney Grant Weed
Public Works Director Cathy Rosen

Councilmember Bob Sevens was excused.

Councilmember Beth Munns moved to excuse the absence of Councilmember Tara Hizon. The motion was seconded by Councilmember Servatius and carried unanimously.

ACCEPTANCE OF AGENDA

The agenda was approved as presented.

MINUTES

The Minutes of the Regular Meeting of February 5, 2012, were approved as presented.

The Minutes of the City Council Retreat of February 13, 2013, were approved as presented.

PRESENTATIONS

Endorsement of Morgan Young for Association of Washington Cities Scholarship

Councilmember Beth Munns announced the Association of Washington Cities, of which the City of Oak Harbor is an active member, grants scholarships to outstanding young leaders from communities across the State who demonstrate an active interest in governance. The School District forwarded the name of Morgan Young for the City's endorsement to compete in this scholarship program. Ms. Young is the current president of the Associated Student Body of Oak Harbor High School and also serves as the student representative to the School Board. In the words of school district officials, "She is a wonderful young woman and excellent leader at Oak Harbor High School."

Ms. Young thanked Council for the opportunity. She introduced her parents, Patty and Robert Young, stating they play a big role in her life and are a huge influence.

Annual Report from Police Community Advisory Board

Police Chief Ed Green introduced outgoing Chair Dave Thompson and current Chair Ed Johnson.

Mr. Thompson and Mr. Johnson discussed accomplishments and goals for the Board.

CITIZEN COMMENTS PERIOD

Jerry Oliver discussed the safety hazard caused by drivers running the stop sign downtown in front of the Mermaid statute. Mr. Oliver also requested the Police Department provide a status report on their investigation of the graffiti on his truck and building.

Terry Lacey, event organizer for Oak Harbor's first Veteran's Day Parade, presented Certificates of Appreciation to Councilmember Campbell, Paggao, Severns, and Munns for their participation. Mr. Lacey also had certificates for Public Works personnel for their dedicated assistance.

Garrett Newkirk provided a quote from the City's website which related Mayor Dudley's belief in a safe, secure city. Mr. Newkirk stated he is unclear why people are in such fear for their life in Oak Harbor that they must carry a concealed firearm at all times. (See Attachment 1.)

William Frail stated he had previously requested Councilmember Servatius and Almborg resign and asked for an affirmative or negative response.

Deena Royal asked Council to consider an ordinance that would require businesses that serve liquor to pay their employees before closing business. A local establishment closed without paying the staff. Her son and many other young employees are now suffering the consequences.

Virginia Ricci informed Council why she carries a concealed weapon.

Shane Hoffmire asked if it was necessary to include his name on the Sign-in Sheet to speak during the public hearing for The Element. Mayor Dudley clarified the process.

CONSENT AGENDA

City Clerk Valerie J. Loffler read the Consent Agenda.

- a. Approval of Accounts Payable Vouchers Nos. 153061 – 153063 in the amount of \$3,242.85
- b. Approval of Accounts Payable Vouchers Nos. 153064 – 153227 in the amount of \$428,947.12
- c. Motion to approve the Cash Handling Policy
- d. Motion to authorize the Mayor to sign the Interlocal Agreement for Vector Services with City of Anacortes

Motion: Councilmember Campbell moved to approve the consent agenda as presented. The motion was seconded by Councilmember Munns and carried unanimously.

HEARINGS AND ORDINANCES/RESOLUTIONS

Public Hearing: Ordinance 1643 Relating to Payment of Impact Fees

Development Services Director Steve Powers provided a report. He stated a letter of support was received from the Skagit/Island Counties Builders Association. (See Attachment 2.)

Ordinance 1643 **An Ordinance of the City of Oak Harbor Amending Sections 3.63.020, 3.63.030 and 3.63.065 of the Oak Harbor Municipal Code Relating to the Payment of Impact Fees and Temporarily Reducing the Amounts of those Fees as an Incentive to Development**

Mayor Dudley opened the public hearing at 6:00 p.m.

Jerry Oliver spoke in support.

Mel Vance voiced concerns about revising the current ordinance again at the end of the temporary reduction period.

The public hearing closed at 6:37 p.m.

Councilmember Paggao asked how the sunset clause would be handled. Mr. Powers clarified the language in the proposed ordinance, and City Attorney Grant Weed stated he was comfortable with staff recommendations.

Councilmember Paggao asked if transportation concurrency is still necessary for major projects that would surely impact roads and traffic. Mr. Powers explained the difference between the payment of the impact fee and the concurrency test which is applied to every development.

Councilmember Campbell expressed concern the reduction of impact fees could cause the City to expend funds. Mr. Powers responded that impact fees are used to address problems caused by new growth. The City is prohibited from using the impact fees for an existing problem. He added the temporary nature of the ordinance should not significantly impact the ability to undertake a transportation capital improvement.

Councilmember Munns spoke in support.

Motion: Councilmember Servatius moved to adopt Ordinance 1643. The motion was seconded by Councilmember Campbell and carried unanimously.

Public Hearing: Consideration of Revocation of The Element Nightclub License

Police Chief Ed Green provided a report and requested City Council open and immediately move to continue the public hearing allowing time to review additional information.

Staff and Mayor Dudley discussed hearing dates and appropriate notice and process.

Councilmember Campbell moved to continue the public hearing to a date specified by staff by the date of March 5th.

Mr. Paggao seconded the motion.

Councilmember Munns spoke in opposition.

Discussion followed regarding procedures for postponing the public hearing in addition to clarification of the pending motion.

The motion failed 1 to 4; Mr. Paggao in support.

Motion: Councilmember Almberg moved to open the public hearing and immediately move to continue to a date recommended by the City Administrator by or before March 19th. The motion was seconded by Councilmember Munns and carried unanimously.

At 7:08 p.m. the Mayor announced a five-minute recess. The meeting reconvened at 7:15 p.m.

OTHER BUSINESS

Contract Amendment 4 for ERCI Archaeology Services

Public Works Director Joe Stowell provided the staff report.

Councilmember Servatius complimented staff on tracking expenditures.

Kelly Bush responded to questions from Councilmember Munns regarding the disposition of the artifacts.

Councilmember Campbell asked if additional tasks would be added to the project, and Mr. Stowell replied the current contract doesn't include reburial and site improvements.

Councilmember Almberg asked for an explanation for quantifying and tracking the volume of soil and labor project costs.

Motion: Councilmember Paggao moved to authorize the Mayor to sign Amendment No. 4 to the Professional Services Agreement with Equinox Research and Consulting International (ERCI) to expand the scope of services to include Phase 5 of the Archaeological Recovery Project and increasing the not to exceed contract amount by \$943,770.25, from \$1,207,586.75 to \$2,151,357.00. The motion was seconded by Councilmember Servatius and carried unanimously.

Swinomish Indian Tribal Community Reimbursement for Services Agreement Amendment

City Engineer Joel Stowell provided the staff report.

Councilmember Almberg related that it appears the City will be \$536,000 short. In response Finance Director Doug Merriman advised Council the funding requirements are reflected in the 2013 projections, including the internment of the remains.

Motion: Councilmember Servatius moved to authorize the Mayor to sign an amendment to the Reimbursement for Services Agreement between Swinomish Indian Tribal Community (SITC) and the City of Oak Harbor for services rendered under the terms of Archeological Excavation Permit No. 2012-19, as issued by the State Department of Archaeology and Historic Preservation. The motion was seconded by Councilmember Almberg and carried unanimously.

Mission Communications Purchase

Public Works Director Cathy Rosen provided the staff report.

Mel Vance suggested a backup for the system.

Councilmember Servatius asked about solar or battery backup. Ms. Rosen advised that there is an audible alarm and some backup power, although it's primitive.

Councilmember Munns confirmed these alarms would be modern enough to fit with new wastewater treatment plant.

Councilmember Paggao spoke in support.

Councilmember Almberg clarified the level of performance for the system and discussed after-hours standby duty.

Motion: Councilmember Almberg moved to authorize the purchase of ten Mission-110 alarm monitoring units from Correct Equipment in the amount of \$28,370.70. The motion was seconded by Councilmember Campbell and carried unanimously.

Ratification of Oak Harbor Firefighter Local 4504 IAFF Labor Contract

Doug Merriman reported the negotiations for the 2013-2014 collective bargaining agreement with the Oak Harbor Firefighters Local 4504 IAFF have been completed.

Councilmember Almberg clarified that only fulltime firefighters would be included in the Cost of Living Allowance (COLA). Mr. Merriman stated it would cost roughly \$9,600.00 during 2014 for those eight individuals.

Councilmember Paggao and Munns spoke in support congratulating staff and firefighters for completing the negotiations.

Councilmember Servatius confirmed the adjustment to the comparables would be retroactive back to January 1, 2013.

Motion: Councilmember Servatius moved to authorize the Mayor to sign the 2013-14 Collective Bargaining Agreement between the City of Oak Harbor and the Oak Harbor Firefighters Local 4504 IAFF for January 1, 2013, through December 31, 2014. The motion was seconded by Councilmember Munns and carried unanimously.

City Administrator Comments

City Administrator Larry Cort reminded Council of the Open House and Special Workshop Meeting to be held March 6, 2013, at the Elks Lodge to discuss wastewater facilities.

He further discussed scheduling the workshop to discuss standing committees and workshops. It was agreed to schedule March 5th at 3:00 p.m. – 5:00 p.m. with an hour break prior to the Regular Council meeting at 6:00 p.m.

Dr. Cort discussed pending items for the March 5, 2013, regular meeting agenda, and informed Council the contract with animal services is tentatively scheduled for the March 19 meeting.

He added that interviews will be held on Friday for city attorney candidates.

City Council Comments

Councilmember Campbell, Munns and Servatius commented on the AWC Legislative conference.

Councilmember Munns advised the next Public Safety Standing Committee meeting is February 21, 2013.

Further, she expressed her gratitude for Council's support of AWC, including the scholarship endorsement.

Mayor Scott Dudley welcomed new City Clerk Valerie J. Loffler.

Executive Session

At 8:14 p.m. Mayor Dudley convened an Executive Session to discuss labor negotiations pursuant to RCW 42.30.110(1)(i)). The meeting would last approximately 25 minutes and no action would be taken.

Mayor Dudley reconvened the meeting at 8:34 p.m.

Adjournment

Motion: Councilmember Munns moved for adjournment at 8:34 p.m. The motion was seconded by Councilmember Campbell and carried unanimously.

Valerie J. Loffler, City Clerk