

**Oak Harbor City Council
Minutes of the Regular Meeting
Tuesday, 6:00 p.m. February 5, 2013**

CALL TO ORDER:

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

ACCEPTANCE OF AGENDA:

MOTION: Councilmember Munns moved to remove *AB 2 Employment Contract for Renee Recker* and consider it at a future meeting. Councilmember Campbell seconded the motion and the motion carried

MOTION: Councilmember Hizon moved *AB 5 Ordinance 1637* to the last item on the agenda. Councilmember Munns seconded the motion and the motion carried. Councilmember Campbell voted no.

MOTION: Councilmember Severns moved *AB 7 Professional Services Agreement w/HDR for rate study update* be placed prior to *AB 6 Fort Nugent Picnic Shelters – Contract Award*. Councilmember Munns seconded the motion and the motion carried.

MOTION: Councilmember Hizon moved to increase Public Comments to thirty (30) minutes. Councilmember Almberg seconded the motion and the motion carried.

MOTION: Councilmember Campbell moved to accept the agenda as amended. Councilmember Severns seconded the motion and the motion carried.

PLEDGE OF ALLEGIANCE:

The Mayor led the Pledge of Allegiance to the flag.

INVOCATION:

Pastor Ron Lawler gave the invocation.

ROLL CALL:

The clerk called the roll.

Present:

Mayor Scott Dudley
Councilmember Bob Severns
Councilmember Rick Almberg
Councilmember Jim Campbell
Councilmember Beth Munns
Councilmember Joel Servatius
Councilmember Tara Hizon

Staff Present:

City Administrator Larry Cort
Public Works Director Cathy Rosen
Interim City Clerk Nacelle Heuslein
Exec. Assist. To the Mayor Renee Recker
Chief of Police Ed Green
Finance Director Doug Merriman
Fire Chief Ray Merrill
Interim City Attorney Scott Thomas
Development Services Director Steve Powers

Excused Absence:

Mayor Pro Tempore Danny Paggao

MINUTES of the Regular City Council meeting held January 15, 2013

When there were no additions or corrections to the minutes of January 15, 2013, the Mayor declared them accepted as presented.

PRESENTATIONS OF OTHER NON-ACTION COUNCIL ITEMS

Proclamation V-Day: One Billion Rising's Day of Action February 14, 2013

Councilmember Almberg read the proclamation requesting *One Billion Rising* to call upon one billion women and men to rise up, take action and demand an end to violence against women and girls on February 14, 2013 and join with the Oak Harbor High School students and Soroptimist International of Oak Harbor to raise awareness of the issue of violence against women and girls through activities at the Oak Harbor High School parking lot.

CITIZEN COMMENTS PERIOD

Brandon Baza, Oak Harbor resident read Attachment A into the record.

Lucas Yonkman, Oak Harbor resident read Attachment B into the record.

James Fisher, Oak Harbor resident spoke about his belief in the rule of law. It was very important citizens follow the law and do not overstep their authority.

Same Vier, Oak Harbor resident stated he did his best to obey the law and was disheartened to see someone go against the law. He didn't feel it was a good example to set for the young people of the community.

Shane Hoffmire, Oak Harbor resident read Attachment C into the record.

Pam Fick, Oak Harbor resident requested council pass a resolution asking the Washington State Legislature to permit local governments the power to ban guns in any government building and to ban guns in Oak Harbor City Hall.

Joe Hawkins, Oak Harbor resident spoke in favor the Council passing the proposed ordinance.

Scott Keith, wanted to showed support for Lucas Yonkman and the other citizens who were at the council meeting defending their second amendment rights.

William Frail, supports the constitution in its entirety and requested that both Councilmember Almberg and Servatius resign.

Sandy Peterson, Oak Harbor resident read Attachment D into the record.

Mel Vance, Oak Harbor spoke against funding to prevent someone from coming into the chambers with a gun. He encouraged Councilmembers to comply with their oaths of office.

Nick Smith, former Oak Harbor requested the council follow state law and follow the state preemption. He felt the Council had made their point.

John Davis, Oak Harbor resident spoke in favor of the second amendment.

Richard Everett, Oak Harbor encouraged both sides to come together in reasonableness, work together and stop grandstanding. He didn't think guns belonged in a public venue and the issue should be discussed at the state level. He thanked Mr. Almberg for bringing it forward.

MOTION: Councilmember Campbell moved to extend Citizen Comments an additional thirty (30) minutes. The motion died from lack of a second.

Discussion ensued.

MOTION: Councilmember AlMBERG moved the Council move forward with their agenda. Councilmember Hizon seconded the motion and the motion carried.

CONSENT AGENDA

AB 1 Set Public Hearing date regarding the Element for February 19, 2013, Regular City Council Meeting

AB 3 Navy Jet Fuel Line Easement – Amendment to easement agreement. The proposed amendment would modify the legal description of the existing agreement to reflect a minor revision to the pipeline’s proposed alignment.

AB 4 Approval of Accounts Payable:
a. Voucher 152780 to 152787 in the amount of \$321,684.33
b. Voucher 152788 to 152789 in the amount of \$ 24,469.02
c. Voucher 152790 to 152841 in the amount of \$117,150.74
d. Voucher 152842 to 153060 in the amount of \$696,696.22

MOTION: Councilmember Munns moved to accept the consent agenda as presented. Councilmember Campbell seconded the motion. The motion carried unanimously.

OTHER BUSINESS

AB 7 Professional Services Agreement w/HDR for rate study update

Public Works Director Cathy Rosen stated the purpose of the agenda bill was to approve a professional services agreement with HDR Engineering, Inc., to update the analysis of the City’s storm drain, water, solid waste and sewer rates to reflect current operating and capital costs. In addition, HDR will prepare an updated analysis of the City’s system development charges and develop a structure for a storm drain fee for the Seaplane Base and a water rate for a new point of delivery to the Navy at the Seaplane Base.

There were no public comments.

MOTION: Councilmember Servatius moved to approve the professional services agreement with HDR Engineering, Inc. for a rate and fee update for the City’s storm drain, water, solid waste and sewer utilities in an amount not to exceed \$39,365 and authorize the Mayor to sign the agreement. Councilmember AlMBERG seconded the motion and the motion carried.

AB 6 Fort Nugent Picnic Shelters – Contract Award

Public Works Director Cathy Rosen stated the agenda bill recommends awarding a contract for construction of the Fort Nugent Park Picnic Shelters project to C. Johnson Construction Company in the amount of \$60,872. The City of Oak Harbor is authorized to spend Park Impact Fees under OHMC Section 3.63.070. The funds proposed for expenditure were collected as Community Park Impact Fees and are reserved for park expenditures. To minimize the possibility of delays and the resulting claims, staff requests that the City Engineer be authorized to administratively approve up to \$6,000, approximately 10% of the contract amount, for change orders.

There were no public comments.

MOTION: Moved by Councilmember Hizon to authorize the Mayor to sign a contract with C. Johnson Construction in the amount of \$60,872 and authorize the City Engineer to administratively approve changes to the construction contract totaling not more than \$6,000. Councilmember Severns seconded the motion and the motion carried.

HEARINGS AND ORDINANCES/RESOLUTIONS

AB 5 Ordinance 1637 – an ordinance of the City of Oak Harbor, WA amending OHMC Subsection 6.12.010 (1) (h); amending OHMC Section 6.14.070; amending OHMC subsection 6.40.180 (1) (h) relating to weapons; providing for severability and effective date.

MOTION: Councilmember Severns moved to suspend the rules and permit the immediate adoption of proposed Ordinance No. 1637, amending Oak Harbor Municipal Code Sections 6.12.010, 6.14.070 and 6.40.180. Councilmember Almberg seconded the motion and the motion carried unanimously.

MOTION: Councilmember Severns moved the Oak Harbor City Council declare a legislative emergency on the grounds that immediate consideration of Ordinance No. 1637 is necessary to protect public property and public peace and treat Ordinance No. 1637 as a “public emergency ordinance,” and immediately consider the ordinance for passage. Motion seconded by Councilmember Munns and carried unanimously.

MOTION: Councilmember Severns moved upon the Council’s declaration of an emergency to adopt Ordinance No. 1637 and direct the ordinance become effective immediately as permitted by RCW 35A.12.130. Councilmember Hizon seconded the motion and the motion carried.

RESTORATION OF COUNCIL RULES

MOTION: Councilmember Almberg moved to restore the suspension of the rules so as to move forward. Councilmember Munns seconded the motion and the motion carried.

ADJOURNMENT:

MOTION: Councilmember Munns moved for adjournment at 7:25 p.m. Councilmember Hizon seconded the motion. Motion carried.

Nacelle J. Heuslein, CMC

Nacelle J. Heuslein, Interim City Clerk