

Oak Harbor City Council  
Regular Meeting Minutes  
May 7, 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 Tim Geist of Bible Baptist Church gave the invocation.

**ROLL CALL**

City Clerk Valerie J. Loffler called the roll.

Present:

Mayor Scott Dudley  
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  
City Clerk Valerie J. Loffler  
Development Service Director Steve Powers  
Public Works Director Cathy Rosen  
Assistant City Attorney Nikki Esparza  
Chief of Police Ed Green  
Fire Chief Ray Merrill

**PRESENTATIONS OF OTHER NON-ACTION ITEMS**

Youth Commission "Caught in the Act" Program

Jonathan McLaughlin was recognized by the Youth Commission for his act of honesty and tenacity. He found a purse belonging to Jessica Muzzall, which she dropped in a parking lot. He located the owner and returned the purse with \$800 inside. When offered a reward, he simply asked them to "pay it forward."

At 6:09 p.m. Mayor Dudley announced a three-minute recess to allow Council time to congratulate Mr. McLaughlin and pose for a photograph.

The meeting reconvened at 6:12 p.m.

Recognition of Cathy Rosen's 15 Years of Service

City Administrator Dr. Larry Cort presented Cathy Rosen with a fleece jacket honoring her 15 years of service to the City. Cathy manages eight Public Works divisions and approximately 50 permanent employees in the department. She has been engaged in every aspect of Public Works operations and holds staff accountable in order to offer the best service to the citizens. Dr. Cort stated she has done an excellent job as Public Works Director for the past 15 years, and the City of Oak Harbor is very fortunate to have Cathy Rosen in our employ.

Proclamation for National Nurses Week

Councilmember Almberg was joined at the podium by Captain Jean Proano, Nurse Corps, Executive Officer; and Commander Brian McCann, Nurse Corps, as he read and presented the Proclamation for National Nurses Week.

Proclamation for Elks Youth Week

Councilmember Munns read the Proclamation for Elks Youth Week. The proclamation was presented to Bob Morrison.

American Red Cross Real Heroes Award

Police Chief Green announced recipients were Officer Jon Valenzuela, Officer Robert Mirabal, and Officer Jen Gravel.

Further, Officer Gravel joined Chief Green at the podium as he presented a Citizen Award to Paige Jackson from the Police and Fire Departments. Paige also earned the Real Hero distinction for assisting accident victim Farnie Calley.

Once again the meeting was recessed to congratulate Paige and take a photograph.

The meeting reconvened at 6:29 p.m.

Police Department Annual Report

Police Chief Ed Green presented the Police Department Annual Report.

**APPROVAL OF AGENDA**

**Motion:** Councilmember Hizon moved to place Item 6.i. before 6.a. The motion was seconded by Councilmember Almberg and carried unanimously.

**Motion:** Councilmember Hizon moved to table Item 5.a., Resolution 13-06. The motion was seconded by Councilmember Almberg.

Mayor Dudley and Councilmember Campbell questioned Councilmember Hizon's motion to table the Resolution and her intent regarding any future action.

Mayor Dudley pointed out the question on the floor is approval of the agenda. He confirmed with Councilmember Hizon that she wished to amend the agenda by removing Item 5.a. instead of moving to table the item at the time it's presented.

Councilmember Almberg stated the issue could be brought back when the meeting agenda is shorter.

The motion to amend the agenda by removing Resolution 13-06 carried 6 to 1; Councilmember Campbell opposed.

The agenda, as amended, was adopted by unanimous consent.

**CITIZEN COMMENT PERIOD**

Councilmember Almberg clarified the citizen comment period would conclude after 15 minutes.

Mike Radach expressed frustration about arranging his time to address Council on Resolution 13-06, only to have it removed from the agenda. He provided Council with a recommended revision.

Those speaking in opposition to Resolution 13-06 were:

Ron Lawler  
Tim Geist  
James Stock  
Ray Bouza  
Tom Smith  
Jim Kiesel

**Motion:** Councilmember Hizon moved to extend the time for Citizen Comment another 15 minutes. The motion was seconded by Councilmember Campbell and carried unanimously.

John Sheppard also spoke in opposition.

Randy Beumer submitted a letter in opposition.

Criston Skinner declared Council didn't advocate changing the invocation; it was the Mayor's proposal through the city attorney's office.

Rolando Ferris spoke in opposition.

Bob Olson warned Council about November's election.

Martha Yount encouraged citizens to participate in the Relay for Life. She also announced May is Lupus Awareness Month.

Public comment ended at 7:12 p.m., and the Mayor called for a recess.

The meeting reconvened at 7:21 p.m.

### **CONSENT AGENDA**

City Clerk Valerie J. Loffler read the Consent Agenda.

- a. Minutes of the Regular City Council meeting held April 16, 2013
- b. Approval of Accounts Payable Voucher Nos. 153901 through 154082 in the amount of \$733,000.58
- c. Motion to appoint Nora Daniel to the Community Police Advisory Board to fill an unexpired term ending March 2016
- d. Motion to excuse Councilmember Beth Munns from the Council meetings of May 21, 2013, and June 18, 2013
- e. Motion to re-appoint KC Pohtilla to the Park Board for a three-year term to expire May 2016
- f. Motion to appoint Emily Maughan to the Youth Commission for a three-year term to expire May 2016

**Motion:** Councilmember AlMBERG moved to approve Consent Agenda Items a, b, d and e, and to remove Consent Agenda Items c and f. The motion was seconded by Councilmember Campbell and carried unanimously.

Councilmember AlMBERG asked if the member being replaced on the Community Police Advisory Board was terminated or was it a resignation.

Mayor Dudley responded it was a voluntary resignation.

**Motion:** Councilmember AlMBERG moved to appoint Nora Daniel to the Community Police Advisory Board to fill an unexpired term ending March 2016. The motion was seconded by Councilmember Severns and carried unanimously.

Councilmember Campbell questioned any residency requirement for Youth Commission appointments, and Councilmember Hizon indicated there is no restriction for this position.

**Motion:** Councilmember Campbell moved, seconded by Councilmember Munns, to appoint Emily Maughan to the Youth Commission for a three-year term to expire May 2016. The motion carried unanimously.

## **HEARINGS AND ORDINANCES/RESOLUTIONS**

Resolution 13-10: Authorizing a Boat Sale for Delinquent Marina Charges  
Harbormaster Chris Sublet provided the staff report.

Council and staff discussed the process and associated timeframes.

Development Services Director Steve Powers indicated these Resolutions could be placed on the Consent Agenda once Council becomes familiar with the process as outlined by state law.

### **Resolution 13-10 A Resolution Authorizing Sale of a Boat for "Marina Charges"**

**Motion:** Councilmember Servatius moved to adopt Resolution 13-10. The motion was seconded by Councilmember AlMBERG and carried unanimously.

Resolution 13-11: Authorizing the Commission and Acquisition of Public Art known as "Island Spirit," created by Artist Wayne Lewis

Senior Planner Kamak Rajesh provided the staff report. Skip Pohtilla, Art Commission member, elaborated on the piece. Artist Wayne Lewis was introduced.

Councilmembers spoke in support and thanked the artist for his generosity.

### **Resolution 13-11 A Resolution by the City Council of Oak Harbor Authorizing the Commission and Acquisition of the Public Art Known as the "Island Spirit," Created by Artist Wayne Lewis**

**Motion:** Councilmember Munns moved to adopt Resolution 13-11. The motion was seconded by Councilmember Campbell and carried unanimously.

## OTHER BUSINESS

### Lease Agreement with Option to Purchase with Freedom Properties, LLC

City Administrator Dr. Larry Cort provided the staff report.

Councilmember Hizon spoke in support and asked about the City's intent for the rental on the property.

Dr. Cort replied the rental is not included in the lease.

Councilmember Almberg asked how the City would protect itself from potentially buying something less than what is represented for \$267,000, if the current owner removed all the timber value.

Property owner Chris Terrell stated the property would remain in its present condition.

Assistant City Attorney Nikki Esparza recommended revised language be included in the lease agreement, and Mr. Terrell stipulated to the same.

Councilmembers discussed continued use of the seaplane base until the lease takes effect and improvements to the new site.

**Motion:** Councilmember Servatius moved to authorize the Mayor to sign the Lease Agreement with Option to Purchase with Freedom Properties, LLC, including language specifying the property will be preserved in the present condition. The motion was seconded by Councilmember Almberg and carried unanimously.

### Professional Services Agreement with Equinox Research Consulting International

City Engineer Joe Stowell provided the staff report for the contracts relating to the Wastewater Treatment Plant Project. He also introduced Kelly Bush with ERCI and Craig Fullerton with Fullerton & Associates.

KC Pohtilla asked if the archaeology contract included the entirety of the park and RV area.

Mr. Stowell explained all the records are filed with the State and as the information accumulates it will be reflected on the sensitivity map.

Councilmember Almberg and Kelly Bush discussed how time allocations and unit prices are determined.

Councilmember Severns expressed his concern over the cost of the entire project and the effect on the ratepayers.

**Motion:** Councilmember Hizon moved to authorize the Mayor to sign a Professional Services Agreement with Equinox Research Consulting International for Archaeological Services for the Wastewater Treatment Plant (WWTP) Project, in the amount of \$14,332.98 and a management reserve of \$2,000.00. The motion was seconded by Councilmember Almberg and carried unanimously.

Professional Services Agreement with Fullerton & Associates for Real Estate & Property Services

Councilmember Severns discussed the contract amount and suggested amending the proposed motion to include "time and materials."

**Motion:** Councilmember Alberg moved to authorize the Mayor to sign a Professional Services Agreement with Fullerton & Associates for Real Estate & Property Services related to the WWTP Project for time and materials in an amount not to exceed \$16,500 and a management reserve of \$3,500. The motion was seconded by Councilmember Servatius and carried unanimously.

North Reservoir Project Award

City Engineer Joe Stowell provided a staff report on the contracts associated with the North Reservoir Project. He introduced Walter Orzechowski, owner of Veterans Northwest Construction, LLC, and the project superintendent and project manager.

Mr. Stowell suggested a \$200,000 reserve instead of \$400,000.

Councilmembers discussed funding sources and interest rates, management reserve amounts, use of local contractors, the boundary line adjustment, water capacity and improvements to fire flow.

**Motion:** Councilmember Hizon moved to award the North Reservoir Project to Veterans Northwest Construction, LLC, in the amount of \$4,486,324.12, plus all applicable taxes; and to authorize the City Engineer to administratively approve changes to the construction contract totaling not more than \$200,000.00. The motion was seconded by Councilmember Severns and carried unanimously.

Consultant Agreement with KBA, Inc.

**Motion:** Councilmember Alberg moved to authorize the Mayor to sign a Consultant Agreement with KBA, Inc. for construction management services related to the North Reservoir Project in the amount of \$ and a management reserve of \$ 10,000. The motion was seconded by Councilmember Campbell and carried unanimously.

Consultant Agreement with Materials Testing and Consulting

City Administrator Dr. Larry Cort pointed out that although the motion is correct, some of the dates in the document need to be corrected.

Mr. Stowell clarified the term of the contract should be changed from March to May 2013 and extend through May 31, 2014. In Section 3.3, the dollar amount should be \$11,658 instead of \$8,420.

**Motion:** Councilmember Paggao moved to authorize the Mayor to sign a Consultant Agreement with Materials Testing and Consulting for construction materials inspection services for the North Reservoir Project with a not-to-exceed limit of \$73,465.50 and a management reserve of \$5,000.00. The motion was seconded by Councilmember Munns and carried unanimously.

Professional Services Agreement with Frazier Surveying, LLC

**Motion:** Motion to authorize the Mayor to sign a Professional Services Agreement with Frazier Surveying, LLC, for construction staking services for the North Reservoir Project with a not-to-exceed limit of \$10,658 and a management reserve of \$1,000. The motion was seconded by Councilmember Hizon and carried unanimously.

Consultant Agreement with Gray & Osborne, Inc.

**Motion:** Councilmember Servatius moved to authorize the Mayor to sign a Consultant Agreement with Gray & Osborne, Inc. for construction support services for the North Reservoir Project in an amount not to exceed \$24,950 and a management reserve of \$1,300. The motion was seconded by Councilmember Munns and carried unanimously.

**Motion:** Councilmember Munns moved to extend the Council meeting to 10:30 p.m. The motion was seconded by Councilmember Campbell and carried unanimously.

AWC Annual Business Meeting

City Administrator Dr. Larry Cort provided the staff report.

Councilmember Hizon and Dr. Cort discussed travel budget balances.

Dr. Cort clarified the workshop to discuss travel budgets would be held on May 21<sup>st</sup>, and that tonight's action is to appoint voting delegates.

By general consensus, Council postponed appointing delegates until May 21, 2013.

**EXECUTIVE SESSION**

At 9:09 p.m. Mayor Dudley announced an executive session of approximately one hour to discuss potential and pending litigation, property acquisition, and labor negotiations. No action would be taken.

The meeting reconvened at 10:08 p.m.

**CITY ADMINISTRATOR COMMENTS**

City Administrator Dr. Larry Cort discussed upcoming workshop dates.

**COUNCILMEMBER COMMENTS**

Councilmember Munns reported she attended the ROTC National announcement where the Wildcats Company, representing Area 13 that includes the State of Washington, was 1 of 25 out of over 500 units across the world selected to participate in the national contest.

**MAYOR'S COMMENTS**

Mayor Dudley reported on the new artwork in the Council Chambers. The seven paintings were done by Arts Educator Kit Christopherson's students at Oak Harbor High School. The artists are: Caitlin Woodward, Keiko Betcher, Anastasia Schlicht, Megan Kanterman, Micaiah Davis and Jessica Busig.

## **ADJOURNMENT**

**Motion:** Councilmember Campbell moved, seconded by Councilmember Almberg, to adjourn the meeting.

The meeting adjourned at 10:16 p.m.

Valerie J. Loffler, City Clerk