

**Oak Harbor City Council
REGULAR MEETING
6:00 p.m.
Tuesday, December 18, 2012**

CALL TO ORDER

The Mayor called the regular meeting of the City Council to order at 6:00 p.m.

PLEDGE OF ALLEGIANCE

The Mayor led the pledge of allegiance to the flag.

INVOCATION

Councilmember Severns gave the invocation.

ROLL CALL

The clerk called the roll.

Present:

Mayor Scott Dudley

Mayor Pro Tempore Danny Paggao

Councilmember Tara Hizon

Councilmember Bob Severns

Councilmember Jim Campbell

Councilmember Rick Almberg

Councilmember Joel Servatius

Staff Present:

Deputy City Administrator/Finance Director Doug Merriman

Public Works Director Cathy Rosen

Fire Chief Ray Merrill

Interim City Clerk Nacelle Heuslein

Human Resources Manager Cheryl Lawler

Chief of Police Edgar Green

Interim City Attorney Grant Weed

Development Services Director Steve Powers

Senior Services Administrator Mike McIntyre

Senior Planner Cac Kamak

Excused Absence:

Councilmember Beth Munns

ACCEPTANCE OF AGENDA:

MOTION: Councilmember Servatius moved to take Agenda Bill Item # 16, *Chamber Contract* and place it right before Agenda Bill Item # 2, *Adoption of Resolution No. 12-29 Purchasing Fire Aid Truck under special market conditions*. Councilmember Almberg seconded the motion and the motion carried.

MOTION: Councilmember Almberg moved to place the *Executive Session* on the agenda to precede Agenda Bill Item #2, *Adoption of Resolution No. 12-29 Purchasing Fire Aid Truck under special market conditions*. Councilmember Servatius seconded the motion and the motion carried.

MOTION: Councilmember Almberg moved Agenda Bill Item #2, *Adoption of Resolution No. 12-29 Purchasing Fire Aid Truck under special market conditions* to the last item on the

agenda with the *Executive Session* preceding it. Councilmember Servatius seconded the motion. Upon vote, the motion failed.

There was consensus to have those agenda items involving citizen participation to move to the front of the agenda.

MOTION: Councilmember Campbell moved to take Agenda Item #13 *Resolution 12-40 Amending Agreement for Art Donation for One Year-Three Settlers Memorial*, and place it before Agenda Bill Item #3, *Public Hearing 2012 Comp Plan*. Councilmember Severns seconded the motion and the motion carried.

MOTION: Councilmember Hizon moved to defer Agenda Item #4, *Public Hearing and Adoption of Ordinance No. 1643 Impact Fee Deferral* and Agenda Item #5, *Public Hearing and Adoption of Ordinance No. 1651 Public Nuisance Abatement* to the January 15, 2013 Council agenda. Councilmember Severns seconded the motion. The motion carried.

MOTION: Councilmember Servatius moved to bring Agenda Bill Item #8, *Adoption of Resolution 12-25 Utility Tax Allocation for Arts Acquisition* and place it after the *Chamber Contract*. Councilmember Campbell seconded the motion and the motion carried.

When there were no other changes to the Agenda, it was approved as amended.

MINUTES of the Regular City Council meeting held December 4, 2012 and the Special City Council meeting held December 10, 2012

MOTION: Councilmember Campbell moved to accept the minutes of the December 4, 2012 regular City Council meeting as presented. Mayor Pro Tempore Paggao seconded the motion and the motion carried.

MOTION: Councilmember Campbell moved to accept the minutes of the Special City Council meeting held December 10, 2012 as presented. Councilmember Severns seconded the motion and the motion carried.

PROCLAMATIONS

There were no proclamations.

PRESENTATIONS OF OTHER NON-ACTION COUNCIL ITEMS

There were no presentations of other non-action Council items.

CITIZEN COMMENTS PERIOD

Shane Hoffmire, Oak Harbor spoke of the tragic events in Connecticut, where 26 people were shot and killed. He encouraged the Council to meet with the public and the schools to brainstorm ideas to help reduce the possibility of violence in Oak Harbor and provide the Legislature with a legislative agenda.

CONSENT AGENDA

- **Approval of Claims Voucher # 152155 – 152300 in the amount of \$635,175.06**
- **Approval of Claims Voucher # 152301 – 152305 in the amount of \$280.65**
- **Approval of Claims Voucher # 152306 in the amount of \$255.00**
- **Approval of Claims Vouchers #152307 – 152494 in the amount of \$ 578,348.38**
- **Approval of Payroll Vouchers # 95971 – 96003 in the amount of \$596,083.63**
- **Approval of Payroll Vouchers # 96004 – 96023 in the amount of \$40,335.90**
- **Adoption of Resolution 12-41 Increasing Finance Petty Cash**
- **Councilmember Severns excused absence February 19, 2013**

MOTION: Moved by Councilmember Hizon and seconded by Councilmember Campbell to approve the Consent Agenda as read and presented. The motion carried unanimously.

OTHER BUSINESS

Chamber Contract

Deputy City Administrator Douglas Merriman presented the Agenda Bill for a Tourism Services Agreement between the City of Oak Harbor and the Greater Oak Harbor Chamber of Commerce to replace the current agreement that is due to expire on December 31, 2012. The recommended contract also proposes the new contract period be for one year only, in anticipation of changes to how the lodging tax monies can be used after July 1, 2013. With the effect of eliminating the monthly billboard cost by \$8,000 the overall contract amount is now \$72,000 per year rather than \$80,000.

Public Comment

Jill Johnson, Director of the Chamber of Commerce was excited about the contract and looked forward to a long-standing partnership with the City.

MOTION: Councilmember Campbell moved to authorize the Mayor to sign the Tourism Services Agreement between the City of Oak Harbor and the Greater Oak Harbor Chamber of Commerce for \$72,000 in 2013. Councilmember Severns seconded the motion and the motion carried. Councilmember Hizon abstained from voting.

Adoption of Resolution 12-25 Utility Tax Allocation for Arts Acquisition – A RESOLUTION OF THE CITY OF OAK HARBOR COUNCIL REGARDING THE PROPORTION OF UTILITY TAX COLLECTED UNDER OHMC 3.71 THAT SHALL BE ALLOCATED TO THE ART ACQUISITION AND MAINTNENACE FUND.

Deputy City Administrator Doug Merriman provided information to facilitate the Council's decision, per Oak Harbor Municipal Code section 3.71.060; regarding what proportion of the utility tax collected should be allocated to the Art Acquisition and Maintenance Fund for the Biennial Budget period of 2013-2014.

Nora O'Connell-Balda, Chair of the Arts Commission spoke in favor of leaving the fee structure the same as last year.

Sue Karahalios, Oak Harbor was happy about the decision to create the Arts Commission. Accolades to the Commission and Council and she encouraged the Council to retain the amount of funding currently provided to it.

Mel Vance, Oak Harbor beauty is in the eye of the beholder. Art is art. Some people like it and others don't. It is all open to interpretation. And although he wasn't particularly fond of the art, he wanted the Council to keep the funding the way it is.

Shane Hoffmire, Oak Harbor also spoke in favor of the Council keeping the funding the way it is. He did inquire if there would be another way of displaying art in the city that doesn't cost any money.

MOTION: Councilmember Servatius moved to approve Resolution 12-25 and allocate 100% of the one-quarter of one percent Utility Tax to the Art Acquisition and Maintenance Fund. Councilmember Hizon seconded the motion and the motion carried.

Motion to Extend Agreement for Art Donation for One Year – Three Settlers Memorial

Deputy City Administrator Merriman stated the purpose of the agenda bill was to consider extending for an additional year the "Agreement for Art Donation" as approved by the City Council on December 21, 2010. The planned donation is a public memorial honoring the first three settlers to take up land claims in Oak Harbor: Mr. Freund, Mr. Sumner and Mr. Tafetzon. This memorial will commemorate the first land claims made 160 years ago at the location where the settlers arrived. Among the provisions of the Agreement for Art Donation, under the Rights and Obligations of the Memorial Donor, was the stipulation that the art piece would be donated on or before December 31, 2012. The organizer of the fundraising effort, Sue Karahalios, has requested that this deadline be extended for a year to December 31, 2013.

Sue Karahalios, Oak Harbor stated they have put their project of honoring the first three settlers to Oak Harbor on hold and requested an extension of one year. She noted the funding for the memorial was coming from private sources.

MOTION: Councilmember Almberg moved to authorize staff to execute an agreement for a two-year extension ending December 31, 2014. Councilmember Campbell seconded the motion and the motion carried unanimously.

EXECUTIVE SESSION - Pursuant to RCW 42.30.110(1)(i)): Labor Negotiations and Potential Litigation

At 6:48 p.m. the Mayor and Council moved into Executive Session. The Mayor stated the Executive Session would last until approximately 7:15 p.m.

Reconvene:

The Mayor reconvened the meeting at 7:15 p.m.

HEARINGS AND ORDINANCES/RESOLUTIONS

Adoption of Resolution No. 12-29 Purchasing Fire Aid Truck under special market conditions.

Deputy City Administrator Merriman introduced Resolution 12-29 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAK HARBOR WA AUTHORIZING THE PURCHASE OF A RESCUE UNIT,

AND WAIVING THE COMPETITIVE BIDDING REQUIREMENT DUE TO A SOLE SOURCE PURCHASE AND SPECIAL MARKET CONDITIONS.

Interim City Attorney Weed discussed the exemptions provided by RCW 39.04.280 Competitive Bidding Requirements.

- Purchases that are clearly and legitimately limited to a single source of supply;
- Purchases involving special facilities or market conditions;
- Purchases in the event of an emergency;
- Purchases of insurance or bonds; and
- Public works in the event of an emergency.

Mayor Dudley opened the meeting up for public comments.

Steve McCalmont, Fire Department presented a petition with 33 Oak Harbor Firefighters Association member signatures on it stating that vehicle 881 is well past its prime and should be replaced.

Shane Hoffmire, Oak Harbor spoke in favor of the council purchasing the fire aid truck.

Mel Vance, Oak Harbor stated the current vehicle has no business whatsoever even being on the road and should be replaced.

Rod Hancock, Oak Harbor spoke in favor of the council authorizing the purchase of this vehicle.

The Mayor closed public comment at 7:30 p.m.

MOTION: Councilmember Hizon moved to adopt Resolution 12-29 with a correction from *Counsel* to *Council* on the first page. Councilmember Campbell seconded the motion. Upon vote, the motion tied with Hizon, Paggao and Campbell voting yes and Severns, Almberg and Servatius voting no. The Mayor was unable, by statute, to break the tie vote. Motion failed.

MOTION: Councilmember Almberg moved to schedule a workshop and meet within 30 days or sooner with the Mayor, Council, Finance Director and members of North Whidbey Fire District along with members of our Fire Department and the City Administrator to discuss purchasing one of their surplus vehicles and making a decision within 15 days or sooner. Motion carried with Mayor Pro Tempore Paggao and Councilmember Campbell voting no.

Recess:

The Mayor recessed the meeting at 8:12 p.m.

Reconvene:

The Mayor reconvened the meeting at 8:17 p.m.

Public Hearing 2012 Comprehensive Plan Code Amendment and adoption of Ordinance 1647, 2012 Comprehensive Plan Amendments. The amendments include the creation of a new “Maritime” land use category that would allow water-dependent, water-oriented and other related commercial uses on property in the vicinity of the Oak Harbor Marina. The amendments also include updates to the City’s Capital Improvement Plan.

Senior Planner Cac Kamak and Development Services Director Powers provided the staff report. Senior Planner Kamak reviewed the 2012 Comprehensive Plan Amendments. The amendments include updates to the Capital Improvement Plan (CIP) and the creation of a land use designation for maritime uses. The 2012 Comprehensive Plan Amendment docket also included a study of scenic view corridors. That study is still underway and will be continued into the 2013 amendment cycle.

The Mayor opened the Public Hearing at: 8:23p.m.

When there were no public comments the Mayor closed the Public Hearing at: 8:23 p.m.

MOTION: Hizon moved to adopt Ordinance 1647, amending the OHMC Section 18.10.010 entitled “Comprehensive Plan” adopting a revised Comprehensive Plan for the City of Oak Harbor, amending Section 18.10.011 adopting a revised future Land Use Map and amending section 18.10.015 adopting an updated Capital Improvements Plan. Councilmember Campbell seconded the motion and the motion carried unanimously.

Public Hearing to consider adopting Ordinance 1642 granting a franchise for solid waste disposal services to Island Disposal for a period of ten (10) years in the recently annexed portion of the City.

Public Works Director Cathy Rosen presented the staff report and explained Ordinance No. 1642 provides a solid waste franchise to Island Disposal for areas annexed under Ordinance No. 1634. City Council has set this date for a Public Hearing to consider adopting the ordinance granting a franchise for solid waste disposal services to Island Disposal for a period of ten (10) years in the recently annexed portion of the City.

Interim City Attorney Weed advised the Council this ordinance would require a majority of at least four (4) votes of the Council. The Mayor cannot break a tie vote.

The Mayor opened the public hearing at 8:26 p.m.

When there were no public comments the Mayor closed the public hearing at 8:26 p.m.

MOTION: Councilmember Servatius moved to adopt Ordinance No. 1642 granting a franchise for solid waste disposal services to Island Disposal for a period of ten (10) years in the recently annexed portion of the City. Councilmember Severns seconded the motion and the motion carried.

Adoption of Ordinance 1637 amending Title 6, Public Peace, Safety and Morals of the OHMC Relating to Weapons, providing for severability and effective date.

The staff report was presented by Police Chief Green stating the purpose of the agenda bill was to propose several amendments to the Oak Harbor Municipal Code (Sections 6.12.010; 6.14.070; 6.40.180) to bring the City into compliance with state law as it relates to a person's right to lawfully carry a firearm within the State of Washington.

There were no comments from the public.

MOTION: Councilmember Almberg moved to take no action on this item and defer it to a later date. Councilmember Hizon seconded the motion. The motion carried with Councilmember Campbell voting no.

Adoption of Resolution 12-28 Award of 2% Grant – Lodging Tax A RESOLUTION OF THE CITY OF OAK HARBOR COUNCIL REGARDING THE ACCEPTANCE AND APPROVAL OF THE RECOMMENDATIONS OF THE LODGING TAX ADVISORY COMMITTEE FOR THE 2013 LODGING TAX GRANT PROGRAM AWARDS.

Deputy City Administrator Merriman provided the staff report.

There were no public comments.

MOTION: Councilmember Hizon moved to adopt Resolution 12-28 awarding the 2013 Lodging Tax Grants and authorize payments of funds for Oak Harbor Arts Commission – Driftwood Day \$2500; Oak Harbor Music Festival \$7,300; Whidbey Island Marathon \$6000 and Chamber of Commerce Branding and Marketing \$4,200. The motion was seconded by Councilmember Almberg. The motion carried unanimously.

Resolution No. 12-39 Employee Manual revision for the Wellness Program

Human Resources Manager Cheryl Lawler provided the staff report, stating it is the purpose of this Resolution to amend the Guidelines outlined in the current Wellness Program removing the current criteria. The Wellness Committee has created Guidelines which provide for a wide range of activities and events incorporating the physical, intellectual, social, spiritual/emotional and occupational dimensions of wellness.

There was no public comment.

MOTION: Councilmember Campbell moved to adopt Resolution 12-39 amending the employee policy manual regarding the City of Oak Harbor wellness program incentives. Councilmember Severns seconded the motion and the motion carried unanimously.

Extension of Meeting

MOTION: Councilmember Servatius moved to suspend the council rules and extend the Council meeting until 9:45 p.m. Councilmember Almberg seconded the motion and the motion carried.

Adoption of Resolution 12-36 Policy Procedures Enactment Fire, Bomb Threats, Guns and Earthquakes

The Mayor opened the meeting to public comments.

Mel Vance, Oak Harbor thought the idea was good one, but it should be in a separate document so it can be revised. There should also be drills for the emergencies.

MOTION: Councilmember Hizon moved to adopt Resolution 12-36 and authorize and direct the Mayor to execute said policies and amend the Employee Policy Manual for the City of Oak Harbor Employees to incorporate the Fire, Earthquake and Bomb Threat Policies and Procedures. Councilmember Almberg seconded the motion and the motion carried unanimously.

Interlocal with Island County for Solid Waste Services

Public Works Director Cathy Rosen stated the City has a contract with Island County to provide long haul transport and permanent disposal of solid waste at a solid waste facility in western Washington. Island County also develops and manages the Solid Waste and Moderate-Risk Waste Management Plan for the County, including the City of Oak Harbor. Staff is requesting a one year agreement to allow time to work through the Solid Waste Transfer Station Study and determine if a City of Oak Harbor transfer station is feasible. The contract with Island County expires in December 2012.

There were no public comments.

MOTION: Councilmember Almberg moved to authorize the Mayor to sign a one year agreement with Island County for Solid Waste Management Services. Councilmember Severns seconded the motion and the motion carried.

OTHER BUSINESS

Emergency electrical repairs at the Seaplane Base Wastewater Lagoon Treatment Plant

Public Works Director Cathy Rosen provided the staff report stating the purpose of the agenda bill was to advise the City Council that emergency repairs were required at the Seaplane Base Lagoon Wastewater Treatment Plant in order to keep the plant operational and that those repairs exceed \$10,000. The cost of these repairs came to \$13,021.66.

There were no public comments.

Recess:

The Mayor recessed the meeting at 9:12 p.m.

Reconvene:

The Mayor reconvened the meeting 9:17 p.m.

Extension of City Attorney Contract

Deputy City Administrator Doug Merriman provided the following information, during the October 16, 2012 City Council meeting, the Council approved a Retainer Agreement for Interim City Attorney

Services with the firm of Weed, Graafstra and Benson. In doing so, this action established a contract termination date of January 2, 2013. This agenda bill proposes to renew the Retainer Agreement for Interim City Attorney under the same terms effective from January 3, 2013 to April 16, 2013.

There were no public comments.

MOTION: Councilmember Almberg moved to authorize the Mayor to sign a Retainer Agreement for Interim City Attorney Services with the firm of Weed, Graafstra and Benson, Inc., beginning on January 3, 2013 and ending on February 8, 2013. There was no second and the motion failed.

MOTION: Councilmember Hizon moved to authorize the Mayor to sign a Retainer Agreement for Interim City Attorney Services with the firm of Weed, Graafstra and Benson, Inc., beginning on January 3, 2013 and ending on April 16, 2013. The motion was seconded by Councilmember Campbell. The motion carried with Councilmembers Servatius and Almberg voting no.

CITY ADMINISTRATOR COMMENTS

MOTION: Councilmember Severns moved and Councilmember Campbell seconded the motion to hold a special meeting of the City Council to adopt Ordinance No. 1650 2012 Budget Amendments on December 20, 2012 at 5:00 p.m. in the Council Chambers, The motion carried unanimously.

COUNCILMEMBER COMMENTS:

Mayor Pro Tempore Paggao stated the Public Works Standing Committee will hold its next meeting January 3rd at 3:30 p.m. in the Council Chambers. He further stated he attended the Navy League/Rotary Awards Luncheon on December 14th and he wanted to congratulate Shore Sailor of the Year CTTI Stephanie J. Henning, Patrol and Reconnaissance Wing 10; Sea Sailor of the Year AWWI David A. Smith, Patrol Squadron 69 and Marine of the Year, SSgt Albert Goodson, Marine Air Training Support Group.

Councilmember Campbell reported the Builders Association supported the Impact Fee Ordinance and he was still trying to get funding for the Island County Tourism Association.

MOTION: Councilmember Campbell moved to bring to the January 15, 2013 Ms. Sherrye Wyatt, Island County Tourism Marketer to discuss her efforts in promoting the area and our funding of that organization. Councilmember Severns seconded the motion and the motion carried unanimously.

Councilmember Almberg stated the next Finance Standing Committee would meet on January 9, 2013.

Councilmember Severns had no report.

Councilmember Hizon had no report.

Councilmember Servatius said the Public Safety Standing Committee will meet on Thursday, December 20, 2012 at 3:30 p.m. in the Council Chambers.

MAYOR'S COMMENTS:

Fire Chief Merrill stated there is going to be a Safety Fair at the Fire Department on December 29th from 10 a.m. to 2 p.m. Round robin discussions will be on generator and car seat safety. Whidbey General Hospital & Whidbey EMS are partners as well as IDIPIC

The Mayor stated he had attended a Puget Sound Regional Council Meeting and the Governor has created a new position entitled the Director of Military Affairs which he thought would be of great benefit to the City. He also reported the Scenic Heights Trailhead is finally nearing completion.

The Mayor provided a list of vehicle purchases over the last 5 years. The citizens of Oak Harbor are not safer due to the decision made by council tonight.

ADJOURNMENT:

Councilmember Campbell moved for adjournment at 9:46 p.m. and Councilmember Hizon seconded the motion and the motion carried.