

**Oak Harbor City Council
REGULAR MEETING
6:00 p.m.
Tuesday, December 4, 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 Servatius gave the invocation.

ROLL CALL

The clerk called the roll.

Present:

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

Staff Present:

Interim City Administrator Larry Cort
Public Works Director Cathy Rosen
Fire Chief Ray Merrill
Finance Director Doug Merriman
Human Resources Manager Cheryl Lawler
Chief of Police Edgar Green
Interim City Attorney Scott Thomas
Interim City Clerk Nacelle Heuslein

ACCEPTANCE OF AGENDA:

MOTION: It was moved by Councilmember Almberg and seconded by Councilmember Servatius to amend the agenda and move Agenda Bill 7 before Agenda Bill 2. The motion carried. There were no other changes to the agenda and it was accepted as amended.

MINUTES of the Regular City Council meeting held November 7, 2012 and November 20, 2012

The Mayor presented the minutes of the Regular City Council meetings. Councilmember Severns excused himself from voting on the November 20, 2012 meeting due to his absence. When there were no additions or corrections the Mayor declared the minutes approved as presented.

PROCLAMATIONS

National Impaired Driving Prevention Month, December 2012

Councilmember Hizon read and presented this proclamation to JoAnn Hellmann, Executive Director of Impaired Driving Impact Panel of Island County (IDIPIC).

PRESENTATIONS OF OTHER NON-ACTION COUNCIL ITEMS

Presentation of Holiday Wreath by Boy Scout Troop 59

On behalf of Scout Master Dan Hague, Bob Smith, Assistant Scout Master of Troup 4059 thanked the City of Oak Harbor for letting them be a part of the community. The Scout Troup presented the Mayor, Council and Citizens with a beautiful Holiday Wreath thus continuing the 25 year tradition.

Presentation by Senior Services of Island County

Cheryn Weiser, Executive Director of the Senior Services of Island County, provided a comprehensive overview of services that are provided to the citizens of Oak Harbor and Whidbey Island.

CITIZEN COMMENTS PERIOD

Larry Eaton, Oak Harbor resident requested the Council reconsider the ban on chickens found in the OHMC 19.08.045 and pass an ordinance allowing them. Seattle, Coupeville, Anacortes and Mt. Vernon have provisions in their codes to allow chickens and other fowl.

Helen Chatfield Weeks, Oak harbor resident thought the City had the best senior center in the whole state and further expressed that staff at the Senior Center worked so hard for the seniors of the community and provided so many activities for them. She and the audience gave three hip-hip hoorays for Mike McIntyre, Senior Services Administrator.

CONSENT AGENDA

- a. **Approval of Accounts Payable Voucher 152155 - 152300 in the amount of \$635,175.06**
- b. **Introduction of Ordinance 1637 amending Chapter 6, Public Peace, Safety and Morals of the OHMC**
- c. **Introduction of GASB 54 Ordinance 1641**
- d. **Set a Public Hearing for December 18th and Introduction of Ordinance No. 1642 for Marin Annexation Agreement Franchise for Solid Waste Collection**
- e. **Excused Absence January 15, 2013 and February 5, 2013 for Mayor Pro Tempore Danny Paggao**

MOTION: Moved by Councilman Severns and seconded by Councilmember Almberg to approve the consent agenda as presented. The motion carried unanimously.

HEARINGS AND ORDINANCES/RESOLUTIONS

Adoption of Resolution 12-26 Proposition No. 1 School Program Levies and Supporting the School Levy. The City Council will provide equal time for all citizens to give input concerning this resolution including, but not limited to, expression of views both in favor and in opposition to this resolution and the ballot measure.

Interim City Administrator Cort introduced Resolution 12-26 endorsing the Oak Harbor School District's 4-Year Replacement Levy for partial financing of operation and maintenance expenses for the School District for the Council's consideration.

Mayor Dudley opened the meeting up for public comments.

Lance Gibbons, Assistant Superintendent of Oak Harbor School District thanked the Council for the partnerships the city and the district shared. He spoke in favor of support for this resolution and thanked the community for the past support for their bond levies.

Lynn Goebel, Oak Harbor resident and past co-chair of Citizens for Better Schools spoke in favor of the Resolution and encouraged support from the Council

Erica Wasinger, Oak Harbor resident and a new volunteer with Citizens for Better Schools also asked for support of the city passing the resolution.

Richard Everett, Oak Harbor resident spoke in favor of the Council adopting the resolution before them.

Cory Johnson, Oak Harbor resident and past school district board president spoke in favor of the resolution and encouraged the Council to support the school levy by adopting it.

MOTION: Councilmember Severns moved to approve Resolution 12-26, a resolution of the City endorsing the Oak Harbor School district 4-year Replacement Levy. Councilmember Munns seconded the motion and the motion carried.

Recess

The Mayor recessed the meeting at 7:01 p.m.

Reconvene

The Mayor reconvened the meeting at 7:06 p.m.

Continuation of Budget Hearing - 2013-2014 Biennial Budgets and Adoption of 2013-2014 Biennial Budgets by Ordinance 1645

Finance Director Douglas Merriman presented the City Council with the ordinance to adopt the budget authorizations that have been established as a result of presentations made by staff to City Council during previous budget workshops.

The Mayor re-opened the continued Public Hearing at: 7:22 p.m.

JoAnn Hellman, Executive Director of IDIPIC requested the Council re-consider its \$2,400 a year funding for IDIPIC and stated they would be willing to accept \$2,000 and provide one less panel per month.

The Mayor closed the Public Hearing at: 7:27 p.m.

MOTION: Councilmember Campbell moved to re-evaluate the proposal provided by JoAnn Hellmann and bring it back for discussion at the January 15, 2013 Council meeting. Councilmember AlMBERG seconded the motion and the motion carried.

MOTION: Councilmember AlMBERG moved to adopt Ordinance 1645 in the total amount of \$82,179,786. Councilmember Campbell seconded the motion and upon vote with all councilmembers voting no, the motion failed.

MOTION: Councilmember Alberg moved to adopt Ordinance 1645 an ordinance to encumber resources and to establish expenditure authority through the adoption of the city's 2013-2014 Biennial Budget for \$82,179,786 for 2013 and \$80,307.016 for 2014. Councilmember Campbell seconded the motion and the motion carried unanimously.

Recess

The Mayor declared the meeting recessed at 8:00 p.m.

Reconvene

The Mayor reconvened the meeting at 8:06 p.m.

Public Hearing to consider Ordinance No. 1646 to eliminate Fund #505 Technology Reserve Fund.

Finance Director Doug Merriman provided the staff report. Currently, the State Auditor's BARS rules require Cities utilize the minimum number of funds possible in the recording and transacting of City business. Therefore, this ordinance is to eliminate Fund 505. Moneys from it will be moved into 502.

The Mayor opened the Public Hearing at: 8:09 p.m.

When there no comments from the public he closed the Public Hearing at 8:09 p.m.

MOTION: Councilmember Alberg moved to adopt Ordinance 1646, an ordinance repealing code Section 3.22 of the OHMC eliminating Fund #505 Technology fund. The motion was seconded by Councilmember Severns and the motion carried unanimously.

Public hearing to consider Ordinance 1648 REET I

Finance Director Douglas Merriman provided the staff report, stating the 2011 legislature expanded, for a limited period of time, the uses of the real estate excise tax, for the first quarter percent (REET I) under RCW 82.46.010. They now can be used, with some restrictions, for operations and maintenance of capital projects. The authority expires December 31, 2016.

The Mayor opened the Public Hearing at 8:12 p.m.

The Mayor declared the Public Hearing closed at 8:12 p.m.

MOTION: Councilmember Munns moved to adopt Ordinance 1648 amending Section 3.62.040 of the OHMC to allow the first quarter percent of the Real Estate Excise Tax (REET I) to be used, with some conditions, for operations and maintenance of existing capital projects. Councilmember Campbell seconded the motion and the motion carried.

Public hearing to consider Ordinance 1649 REET II

Finance Director Douglas Merriman provided the staff report stating the 2011 legislature expanded, for a limited period of time, the uses of the real estate excise tax, the second quarter percent (REET II) under RCW 82.46.035 cities may now, with some restrictions, use REET II funds for operations and maintenance of existing capital projects. This new authority expires on December 31, 2016.

The Mayor opened the Public Hearing at 8:14 p.m.

When there were no comments from the public, Mayor Dudley closed the Public Hearing at: 8:14 p.m.

MOTION: Councilmember Munns moved to adopt Ordinance 1649 amending Section 3.62.140 of the OHMC to allow the second quarter percent of the Real Estate Excise Tax revenues (REET II) to be used, with some conditions, for operations and maintenance of existing capital projects. The motion was seconded by Councilmember Severns and passed unanimously.

Resolution 12-35 Wellness Day December 24th

Interim City Administrator Larry Cort provided the staff report for this resolution designating December 24, 2012 as a Wellness Day for employees and closing City Offices except for essential personnel. The resolution is supported by the administration.

There were no public comments.

MOTION: Councilmember Hizon moved to approve Resolution No. 12-35, a resolution of the City designating December 24, 2012 as a Wellness Day for employees and closing City offices except for essential personnel. Councilmember Campbell seconded the motion and the motion carried.

OTHER BUSINESS

Council Discussion of National League of Cities and Capitol Hill Visit

Finance Director Douglas Merriman presented the staff report stating \$11,550 has been set aside for travel as well as \$1500 for registrations in 2013.

There were no public comments.

CONSENSUS: After a brief discussion there was consensus that Councilmembers Almberg, Hizon and Servatius would attend the National League of Cities Conference in Washington, DC with Councilmember Munns being there for the Pentagon visit.

Short Term extension agreement with Whidbey Animal Improvement Foundation (WAIF)

Police Chief Ed Green provided a staff report to Council recommending their authorizing the Mayor to extend the contract with WAIF until a new provider can be selected through an RFP process.

Michaela Irvin, Oak Harbor resident actually traps, neuters and releases feral cats back into the neighborhood. She expressed some concern about extending the WAIF contract. She encouraged the Council to take a look at the parameters that are currently in place with WAIF as they relate to euthanizing animals and consider narrowing those parameters, as well as providing more accountability and record keeping. She didn't think there was enough transparency for the organization.

Steven Paysse, Executive Director of WAIF has been with that organization for 23 years and spoke of the transparency of the WAIF organization. The organization is here for the animals they serve and the community. There are less than 1% of the dogs and cats in the facility that are euthanized. Information comes to the city every month and citizens can ask them for information, as well.

Larry Eaton, Oak Harbor resident and former Councilmember had been asked to sign a waiver that would prevent him from speaking about anything he may have observed at WAIF. Having to do so concerned him and prevented him from volunteering.

Maryann Cummings, Oak Harbor resident spoke about the waiver that needed to be signed if someone volunteered at WAIF. Often there were young people who were making restitution for trouble they had gotten into, but mostly it was for the children that worked there. WAIF is all about second chances for animals and for children and adults.

Extension of Meeting

MOTION: Councilmember Servatius moved to suspend the Council Rules and extend the meeting until 10:00 p.m. The motion was seconded and carried.

MOTION: Councilmember AlMBERG moved to authorize the Mayor to sign Contract Amendment No 1 between the City of Oak Harbor and Whidbey Animal Improvement Foundation. Councilmember Campbell seconded the motion and the motion carried

Authorization to Advertise for Proposals – Animal Shelter Services

Police Chief Ed Green presented the staff report seeking authorization to issue a Request for Proposals (RFP) for Animal Shelter Management and Operations Services.

The Mayor opened the meeting for public comments.

Barbara Moran, Whidbey Animal Guild was excited about the RFP and felt it would provide better documentation, transparency and better accounting standards. The RFP sets a standard of excellence for not just the City of Oak Harbor, but for the entire Puget Sound Region.

Dr. Baker, Oak Harbor spoke in favor of the RFP and feels the city has done a great job with it.

Linda Foth, Washington State Licensed Vet Technician, stated she has kept a log of information as it relates to euthanizing animals for the last 5 years and anyone is welcome to see it.

The Mayor closed public comments

MOTION: Councilmember Severns moved to authorize the issuance of the RFP for Animal Shelter Management and Operating Services. Councilmember Munns seconded the motion and the motion carried.

Authorization to Bid for the Construction of Picnic Shelters at Ft. Nugent Park

Public Works Director Cathy Rosen provided the staff report to seek authorization to advertise for bids to construct two covered picnic shelters at Ft Nugent Park. The Community Park Impact Fee Fund No. 126 has accrued sufficient funds so that the picnic shelters may now be constructed. A design has been completed and plans are ready to go to bid.

There were no public comments.

MOTION: Councilmember Campbell moved to authorize the advertisement for bids to construct the two covered picnic shelters. The motion was seconded by Councilmember Munns and the motion carried.

Confirmation and Employment contract for Assistant City Attorney Nikki Esparza

Interim City Administrator Larry Cort provided the staff report. Due primarily to the record of exemplary work demonstrated by Ms. Esparza over the past 16 months, the Mayor has exercised his authority under Section 2.34.055(2) OHMC to bring a contract forward with a request the City Council consider and approve an employment contract with Nikki Esparza as Assistant City Attorney. Police Chief Ed Green fully endorsed the appointment of Nikki Esparza.

There were no public comments.

MOTION: Councilmember Munns moved to approve the content and authorize the Mayor to sign the Assistant City Attorney Employment Agreement with Nikki Esparza. Councilmember Hizon seconded the motion and the motion carried unanimously.

Employment Contract for Finance Director Douglas Merriman

The staff report was presented by Interim City Administrator Larry Cort stating Douglas Merriman had been employed as the City's Finance Director since 1997 and during that time has demonstrated both strong technical proficiency and effective strategic thinking in managing the City's financial affairs. He further noted in 2001 he had been appointed him as Deputy City Administrator which is also reflected in his contract.

There were no public comments

MOTION: Councilmember Munns moved to authorize the Mayor to sign the Finance Director Employment Agreement with Douglas A. Merriman. Councilmember Severns seconded the motion and the motion carried.

Confirmation and Employment Contract for City Administrator Larry Cort

Mayor Dudley introduced Dr. Larry Cort as his candidate for the city's next City Administrator effective January 1, 2013 and requested council confirmation of this anticipated appointment and authorization for him to sign the City Administrator Employment Agreement.

Barbara Moran, Oak Harbor stated she fully supported this appointment.

MOTION: Councilmember Severns moved to confirm the appointment of Larry E. Cort as Oak Harbor City Administrator and authorized the Mayor to sign the City Administrator Employment Agreement with Larry E Cort. Councilmember AlMBERG seconded the motion and the motion carried

Extension of Public Defense Services Agreement, Chief Public Defender Matt Montoya

Interim City Administrator Larry Cort provided the staff report indicating this appointment was for a full caseload of indigent defense cases.

MOTION: Councilmember AlMBERG moved to authorize the Mayor to enter into the extension for a period of six months to the Professional Services Agreement with Matthew J. Montoya, Esq., Chief Public Defender, to provide indigent defense services for a full caseload. The motion was seconded by Councilmember Campbell and carried unanimously.

Extension of Public Defense Services Agreement, Assistant Public Defender Georgina Sierra
Interim City Administrator Larry Cort provided the staff report indicating this appointment was for a partial caseload of indigent defense cases.

There was no public comment.

MOTION: It was moved by Councilmember Severns to authorize the Mayor to enter into an extension for a period of six months to the Professional Services Agreement with Georgina Sierra, Esq., Assistant Public Defender, to provide indigent defense services for a partial caseload. Councilmember Munns seconded the motion and motion carried unanimously.

FUTURE CITY COUNCIL PENDING ITEMS - In Packet

CITY ADMINISTRATOR COMMENTS

Interim City Administrator Cort stated the Council has a number of special meetings coming up. The Council Retreat will be held at the Public Works Building on Saturday December 8, 2012 and the agenda should be out to Council on Wednesday. On December 10, 2012 from 6-9 p.m. a Special Meeting will be held to discuss the Council's legislative priorities with the newly elected state legislative contingency. The second half of that meeting will be used to discuss lodging tax issues and the changes for 2013 and recommendations on how the moneys can be spent. Also on December 10th at 1:30 in the afternoon the State Auditors will be conducting their Exit Conference. On December 13, 2012 at 10:00 a.m. there will be a Special Council meeting to meet Legislator Norma Smith. On Tuesday, February 12, 2013 the contingency of Councilmembers will be traveling to the AWC Legislative Conference. Council will be leaving after the Government Services Standing Committee meeting. And finally, he will be traveling to England the latter part of December, 2012 and will be missing the December 18th Council meeting. Finance Director Doug Merriman will act as Deputy City Administrator.

Extension of Meeting:

MOTION: Councilmember Servatius moved to suspend the Council's rules and extend the meeting until 10:30 p.m. Councilmember Munns seconded the motion and the motion carried.

COUNCILMEMBER'S COMMENTS

MOTION: Councilmember AlMBERG moved to have staff prepare a chicken ordinance allowing chickens to be raised within the city limits of Oak Harbor and present it to the Council at their March 5, 2013 Council meeting for their review. Councilmember Munns seconded the motion and the motion carried.

Mayor Pro Tempore Paggao stated the Public Works Standing Committee meeting will be held December 6th at 3:30 p.m.

Councilmember Campbell stated the Government Services Standing Committee will be held December 11th at 3:30 p.m.

Councilmember Almberg stated December 12th at 3:30 p.m. the Finance Standing Committee meeting will be held. He also thanked everyone who came downtown for the tree lighting.

Councilmember Munns stated the Public Safety Standing Committee will be holding its meeting on December 20th at 3:30 p.m. and reminded everyone to remember the Help House for the needy.

Councilmember Severns stated he had attended an Economics Board of Directors meeting on November 28th in Coupeville where they talked about leadership, Sno Isle discussion for business leader opportunities, Whidbey Scenic Isle Way project and it looking forward to working on a wedding expo to take place in Coupeville at some future time.

Councilmember Hizon was pleased to hear of personnel appointments.

Councilmember Servatius had nothing to add, but was also pleased for the personnel appointments.

Mayor Dudley stated Prothman and Company were moving ahead with the City Attorney selection process.

Interim City Administrator Cort reported the City Engineer interviews would be held tomorrow and the third and final City Clerk interview would be held on Friday, December 7th.

Fire Chief Merrill stated on December 29th a safety preparedness fair in conjunction with Whidbey Island Hospital will be held at the Fire Station. It will be a round-robin event between 10:00 a.m. and 2:00 p.m.

MAYOR'S COMMENTS

Mayor Dudley stated the Holiday Magic on Pioneer Way was standing room only. He thought the Christmas lighting event was great.

EXECUTIVE SESSION - Pursuant to RCW 42.30.110(1)(i)): Personnel Issues

At 10:03 p.m. the Mayor and Council moved into Executive Session. The Mayor stated the Executive Session would last approximately one-half hour.

The Mayor reconvened the meeting at 10:32 p.m. and stated no formal action would be taken as a result of the Executive Session.

ADJOURNMENT

MOTION: Councilmember Servatius moved for adjournment at 10:32 p.m. Councilmember Almberg seconded the motion and the motion carried.

