

Oak Harbor City Council
Regular Meeting Minutes
December 3, 2013

CALL TO ORDER

Mayor Scott Dudley called the meeting to order at 6:01 p.m.

INVOCATION/PLEDGE OF ALLEGIANCE

Councilmember Jim Campbell gave the Invocation and Mayor Dudley led the Pledge of Allegiance.

OATH OF OFFICE

City Clerk Valerie J. Loffler administered the Oath of Office to Councilmember Joel Servatius.

ROLL CALL

Present:

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

Staff Present:

City Administrator Larry Cort
Finance Director Doug Merriman
Development Service Director Steve Powers
Public Works Director Cathy Rosen
Assistant City Attorney Nikki Esparza
City Engineer Joe Stowell
City Clerk Valerie J. Loffler
Fire Chief Ray Merrill
Police Chief Ed Green

HONORS AND RECOGNITIONS

Boy Scout Troop 59 presented a very large and beautiful holiday wreath that will be hung in the entry way of City Hall during the holiday season.

Proclamation

Councilmember Jim Campbell was joined at the podium by IDIPIC (Impaired Driving Impact Panel of Island County) Board President Francis Bagarella as he read the Proclamation recognizing Driving Impaired Awareness and Prevention Month. Also present were Fire Chief Ray Merrill, Police Chief Ed Green, Robert May from Whidbey General Hospital Emergency Medical Services, and Cynthia Allen and Bailey Kinker with SADD.

APPROVAL OF AGENDA

Motion: Councilmember Severns moved to place agenda item 8.a., Resolution 13-36, after agenda item 5.c. The motion was seconded by Councilmember Servatius and carried unanimously.

Councilmember Hizon moved to approve the agenda as amended. The motion was seconded by Councilmember Severns and carried unanimously.

CITIZEN COMMENT PERIOD

Terry Lacey reported on the success of the Veterans Day Parade and announced the date for next year's parade, which will be November 8, 2014. Mr. Lacey also presented Certificates of Participation to Councilmembers and to the Fire and Police Departments.

CONSENT AGENDA

- a. Minutes of the Regular City Council meeting held November 19, 2013
- b. Approval of Accounts Payable Voucher Nos. 156414 through 156423 in the amount of \$1,281.06; Voucher Nos. 156424 through 156586 in the amount of \$379,344.09; and Voucher Nos. 156587 through 156593 in the amount of \$359.68
- c. Motion to authorize the Mayor to sign the Professional Services Agreement for Public Defense Administration Services with Jack Kerr & Associates
- d. Motion to authorize the Mayor to sign the Professional Services Agreement with Braun Consulting for Labor Relations and Negotiations Services
- e. Motion to authorize the Mayor to sign the State Revolving Fund Application for the WWTP
- f. Motion to authorize the Mayor to sign the Professional Services Agreement with Orswell Events LLC, for Marathon logistical support for a not-to-exceed amount of \$17,500.00
- g. Motion to excuse Councilmember Beth Munns from the regular council meeting of December 17, 2013
- h. Motion to approve the Mayor's reappointment of Dr. Mahmond Abdel-Monem and J.J. Jones to the Marina Advisory Committee for terms to expire December 2016
- i. Resolution 13-28: Declaring Certain Property of the City Surplus and Authorizing Disposal
- j. Resolution 13-35: Authorizing an Intergovernmental Transfer of Two Radar Units to the Town of Coupeville
- k. Motion to authorize the Mayor to sign the Professional Services Agreement with Moffatt & Nichol for completion of design engineering services, bidding assistance and engineering services during construction for repair of the stormwater outfall in Windjammer Park for a not to exceed amount of \$219,184.00
- l. Motion to authorize the Mayor to sign Amendment No. 1 to the Professional Services Agreement with Equinox Research and Consulting International (ERCI) for archaeological services and increasing the not-to-exceed contract amount by \$12,079.50 from \$4,265.70 to \$16,345.20
- m. Motion to approve the Mayor's appointment of Bill Walker to the Oak Harbor Youth Commission for a three-year term to expire December 2016

Motion: Councilmember Servatius requested Consent Agenda Item 4.k. be removed.

Councilmember Almborg moved to approve the Consent Agenda, as amended. The motion was seconded by Councilmember Campbell and carried unanimously.

Moffatt & Nichol Professional Services Agreement

City Engineer Joel Stowell reported the agreement is a continuation of the 42" stormwater outfall repair and would take design from 30 percent to complete design. The contract would include construction engineering, some additional geotechnical work, and preparation of final plans.

Motion: Councilmember Servatius moved to authorize the Mayor to sign the Professional Services Agreement with Moffatt & Nichol for completion of design engineering services, bidding assistance and engineering services during construction for repair of the stormwater outfall in Windjammer Park for a not-to-exceed amount of \$219,184.00.

The motion was seconded by Councilmember Campbell and carried unanimously.

STAFF AND COUNCIL COMMENTS

City Administrator Dr. Larry Cort reviewed the meeting schedule through the end of the year. He also told Council one upcoming workshop item will be whether or not to continue with workshop meetings in place of standing committees.

Councilmember Beth Munns discussed the Association of Washington Cities meeting and requested a copy of the City's legislative priorities be emailed to her.

Councilmember Munns also reported the Help House provided 648 food baskets for Thanksgiving; and the Harvest Celebration served dinner to over 4,000 people.

Councilmember Munns requested information on the cost to record the meetings currently being video-taped.

Councilmember Severns reported on current issues before the Economic Development Council.

Councilmember Servatius asked citizens to share their feelings about workshop meetings versus standing committee meetings.

UNFINISHED BUSINESS

Resolution 13-36: Relating to Elected Officials Eligibility to Participate in Group Medical, Dental, Vision, and the HDHP Plans

Finance Director Doug Merriman introduced the item reviewing the motion made at the previous meeting by Councilmember AlMBERG that directed staff to prepare a resolution.

Councilmember AlMBERG explained the rationale behind his motion to eliminate eligibility of elected officials to participate in the HDHP Plan.

Councilmember Servatius stated had he known the enrollment period opened and closed prior to the motion, he would have made it retroactive.

Councilmember Servatius suggested dental coverage be reflected in the proposed resolution.

Council and staff discussed appropriate language to include in the resolution.

Resolution 13-36 Establishing a Policy Making Elected Officials Ineligible for Participation in the City's High Deductible Healthcare Plan (HDHP) and Making the Payment of Medical Insurance Premiums for Dependents the Financial Responsibility of the Elected Official

Motion: Councilmember Alberg moved to revise Section 2 and Section 4 of the resolution to include vision and dental coverage. The motion was seconded by Councilmember Servatius and carried unanimously.

ORDINANCES AND RESOLUTIONS

Ordinance 1676: Relating to Insurance Requirements for Firework Stands

Fire Chief Ray Merrill provided a staff report.

Ordinance 1676 Relating to Insurance Requirements for Firework Stands and Amending Section 5.32 of the Oak Harbor Municipal Code

Motion: Councilmember Hizon moved to adopt Ordinance 1676. The motion was seconded by Councilmember Alberg and carried unanimously.

Resolution 13-31: Adopting the 2013 Wastewater Facilities Plan

City Engineer Joe Stowell provided the staff report.

Councilmembers complimented Mr. Stowell and his staff for the incredible amount of work they did to have the facilities plan approved by the Department of Ecology.

Resolution 13-31 Adopting the 2013 Wastewater Facilities Plan

Motion: Councilmember Servatius moved to adopt Resolution 13-31. The motion was seconded by Councilmember Munns and carried unanimously.

Resolution 13-32: Authorizing the General Contractor/Construction Manager Delivery Method

City Engineer Joe Stowell provided the staff report.

Councilmembers spoke in support.

Resolution 13-32 Authorizing Staff to Pursue the General Contractor/Construction Manager Process as the Preferred Delivery Method for the WWTP Project

Motion: Councilmember Hizon moved to adopt Resolution 13-32. The motion was seconded by Councilmember Alberg and carried unanimously.

Resolution 13-34: Economic Development Strategy and Action Plan

Ethan Spoo provided the staff report.

Councilmembers spoke in support and complimented Mr. Spoo and all the volunteers who participated in the ad hoc committee.

Resolution 13-34 Adopting the Economic Development Strategy and Action Plan

Motion: Councilmember Servatius moved to adopt Resolution 13-34. The motion was seconded by Councilmember Munns and carried unanimously.

At 7:11 p.m. Mayor Scott Dudley announced a five-minute recess.

The meeting reconvened at 7:18 p.m.

Human Resources Director

City Administrator Dr. Larry Cort provided the staff report.

Councilmember Almberg asked what impact the change would have on the current budget.

City Administrator Dr. Larry Cort responded there would be a temporary impact although once the City no longer contracts for collective bargaining negotiation services, a positive cash flow would be reached.

Councilmember Hizon asked for clarification on the position status as an “at will” or “for cause” employee.

Ordinance 1678 An Ordinance Amending Chapter 2.34 of the OHMC to Change “Human Resources Manager to “Human Resources Director”

Motion: Councilmember Almberg moved to reclassify Human Resources Manager (Grade 54) to Human Resources Director (Grade 59). The motion was seconded by Councilmember Campbell and carried unanimously.

Motion: Councilmember Servatius moved to adopt Ordinance 1678. The motion was seconded by Councilmember Munns and carried unanimously.

PUBLIC HEARINGS/PUBLIC MEETINGS

Ordinance 1675: Adopting the Shoreline Master Program

Senior Planner Ethan Spoo provided the staff report.

Mayor Dudley opened the public hearing at 7:40 p.m.

Dan Dillard spoke in opposition stating he’s been in an ongoing battle with the City over the check valve regulating the water flow in the ditch.

Duane Dillard also spoke in opposition claiming the plan would limit what the property owners can do with their property. He asked the City to be more demanding of the State in determining the source of the salinity counts in the ditch.

The public hearing closed at 7:44 p.m.

Council and staff discussed salinity testing and the 20-foot set backs from the property line along the ditch area.

Council struggled with DOE regulations to treat water to the highest quality and at the same time take away citizens’ property rights.

Development Services Director Steve Powers responded the City has an obligation to be compliant with the Shoreline Management Act.

A Department of Ecology representative stated the City did an excellent job trying to bring some reasonableness to the standards, and he felt a reasonable compromise was reached even though the ditch made it difficult.

Council and staff discussed existing uses confirming the Shoreline Management Program doesn't apply to anything already built and established.

Mr. Powers clarified the issue isn't salinity in the water. It's the vegetation in the ditch. There's no way to tell how long the ditch has been that way and even if a new tide gate sealed it off, the problem doesn't go away. There is still a ditch considered to be shoreline.

Following discussion about relocating the ditch and the possibility of removing property from the Shoreline Master Program, Mr. Powers suggested the capital improvement plan is a better option if Council is serious about changing where the water goes.

Ordinance 1675 Adopting the Shoreline Master Program Update in Compliance with the Shoreline Management Act (RCW 90.58) and the State Shoreline Management Act Guidelines (WAC 173-26)

Motion: Councilmember Hizon moved, seconded by Councilmember Munns, to adopt Ordinance 1675. The motion carried unanimously; Severns abstaining.

Councilmember Severns abstained because he owns property in the vicinity.

Motion: Councilmember Servatius moved to extend the council meeting to 9:45 p.m. The motion was seconded by Councilmember Almberg and carried unanimously.

EXECUTIVE SESSION

At 9:00 p.m. Mayor Dudley announced an executive session to discuss pending litigation and property acquisition for 30 minutes.

The meeting reconvened at 9:31 p.m.

ADJOURNMENT

Motion: Councilmember Campbell moved, seconded by Councilmember Severns, to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 9:31 p.m.

Valerie J. Loffler, City Clerk