

GOVERNMENTAL SERVICES STANDING COMMITTEE

Regular Meeting
City Hall Conference Room
October 12, 2010

ATTENDANCE

The meeting began at 8:00 a.m. with the following in attendance: Council members Campbell, Almborg and Palmer.

Others present: Mayor Slowik; Development Services Director, Steve Powers; Senior Planner, Cac Kamak; Senior Services Director, Mike McIntyre; Harbormaster, Mack Funk and Building Official, David Anderson. City Administrator, Paul Schmidt and Public Works Director, Cathy Rosen arrived later.

PUBLIC COMMENT

None present for comment.

REVIEW OF SEPTEMBER 14, 2010 MEETING NOTES

No questions or comments.

PLANNING

Municipal Code Amendments; Application Vesting and SEPA Appeals – *Introduction and Discussion*

Mr. Powers presented two amendments to the Oak Harbor Municipal Code. The amendments were recommended by the City's Insurance provider, Washington Cities Insurance Authority (WICA) following their 2009 audit reviewing the City's land use procedure. One amendment is intended to clarify when development applications vest. The concept of vesting means that once an application is submitted and deemed to be complete by the City the application is vested or locked into the rules and regulations that were in place at the time that the application was deemed to be complete. A new subsection: 18.20.355, Vesting was added to OHMC Chapter 18.20 and specifically calls out when an application vests. The second code amendment makes very clear what our administrative appeals procedures are for Final Environmental Impact Statements (EIS) determination. In this ordinance the existing appeals section of the SEPA code (OHMC 20.04.215) is deleted and replaced by language which clearly states which administrative appeals are permitted and outlines the appeal process. Amendments are also proposed to OHMC Chapter 18.20 to simplify the language (and increase the readability) of the consolidated appeals process. The amendment addresses how permit and environmental decisions are combined in a single public hearing and states which body (hearing examiner or city council) conducts the hearing.

Discussion

Committee questions:

In subsection 20.04.215 (1) how does the last sentence which states, "No other SEPA appeal shall be allowed", relate to the rest of the paragraph. Mr. Powers explained that State law provides only certain types SEPA decisions can be appealed:

- 1) The City's basic threshold determination as to what level if any environmental impact there is.
- 2) The appeal of a final EIS, which is the piece that was missing from the Code.
- 3) The appeal of the conditions associated with an MDNS.

Why is has the language been changed to say that the appeal must be given within 14 days instead of 15 days? Mr. Powers explained 15 days is out dated language because it uses a different timeframe than what SEPA standards use. 14 days also lines up with our appeal procedures in our general process procedures in Chapter 18.20.

2009 International Building Code Amendments – Discussion

Mr. Powers reported that the agenda bill presents a summary of the changes from the 2006 versions of the various codes to the 2009 versions of the codes. Mr. Powers explained that codes are adopted at the State level through the Washington Building Code Council then the City has the obligation to implement the codes through our local procedures. The City can choose to adopt them in whole or we can choose to make local amendments. The ordinance lays out the changes within our Municipal Code language which reflects our adoption of the International Codes. The Building Official, Mr. Anderson, added that the Building Code starts at the national level to adopt the International Code in its entirety. All the States amend the Code to fit their needs then the cities and counties adopt those provisions to fit the local needs. The ordinance reflects the needs of Oak Harbor. Mr. Powers noted that the City is following the lead of the State and are suggesting a slightly delayed effective date of January 1, 2011 for the Energy Code. This is consistent with a request from the Governor's office in coordination with the Building Code Council.

Discussion

Committee questions:

Why the delayed effective date? Mr. Powers explained that there was concern from the business community that the Energy Code would cause them undue financial hardship so they asked for a slightly delayed period of implementation and the Governor supported that request and sent a request on to the State Building Code Council.

Is the effective date automatic? Mr. Powers explained that "whereas" statements set the legislative intent but the last portion of the ordinance has an effective date of January 1st and it is automatic.

Are we adding a section of the Code called the "Existing Building Code"? Mr. Anderson stated that the State never adopted the existing building code for existing structures. That was up to the local jurisdictions as an option. This year the State has included it as part of the International Building Code. So instead of having to adopt an additional ordinance for that particular volume it is now included in the International Building Code.

There was further discussion about the process and who participates in adopting the Codes.

What is it about the Energy Code that is of concern to the building community? Mr. Anderson said that the current design of trusses will not accommodate the new R-38 insulation requirement without blocking the ventilation holes. The truss designers have to re-engineer the trusses at a huge cost in order to accommodate the R-38 insulation. R-38 is about 18 inches thick.

Capital Improvement Plan (CIP) Annual Update – Introduction and Discussion

Mr. Kamak provided a handout (Attachment 1). Mr. Kamak reported that this discussion is an update to September's meeting. The list of projects now has information on the schedule for expenditure of the funds. Mr. Kamak noted that this year's 6-year CIP ends at year 2015 but he added a 2016 column because there are some projects such as the Waste Water Facility Treatment Plant that has money budgeted to be expended in later years and he wanted to show that in the table. Mr. Kamak explained that the first page of the handout identifies all the projects that are planned for the next six years through the Enterprise Fund, the second page lists the Non-Enterprise Fund projects and the third page identifies projects prioritize in 2006. Mr. Powers added that staff took the 6-year TIP that Council adopted last summer and took the start dates for street projects from the TIP and put them into the Street Projects table as start dates and then took the total project cost and backed out 12% for pre-construction activities and placed the 12% in the year before.

The next stage of the CIP annual update project is to the CIP document itself by verifying our revenue and expenditure numbers with the appropriate staff. The Planning Commission will open

their public hearing this month. There will be one more presentation to the Governmental Services Standing Committee in November and then on to the full Council.

Discussion

Committee questions:

Why is the 42-inch storm drain project spread out over five years? Mr. Powers said that his guess was that it is more than one project. The first portion goes from the beach back to the catch basin on Beeksma Drive and there is a second portion of the project which extends further north. Staff will verify the reason with Public Works.

For the Goldie Road sewer expansion phase 2, is the 2.3 million for the lift station? Mr. Powers explained that the 1 million that the City received from the County through the Rural Economic Development Funds helped fund the force main and the lift station at the end of Goldie Road and Ault Field Road. The force main and lift station provides sewer service for a portion of the overall basin. There is another portion of the basin to the west that needs to be served.

Are we spending roughly 40 million on waste water after 2016? Yes.

Some of the projects have an estimated total cost with no schedule is that because the projects are still on the drawing board and we don't yet know what will happen? Yes.

Should the dollar values beyond 2016 should not be relied upon? No.

PUBLIC WORKS – ENGINEERING

SE Pioneer Way Improvement Project – Project Update

Mr. Powers reported that the City has received the PSE submittal for undergrounding of utilities and the City's consulting engineers are coordinating with PSE and the other overhead utility providers. Mr. Powers directed attention to the aerial drawing on page 71 of the agenda packet. The aerial shows the areas where the loading zones will be located. Four locations have been identified by dark diagonal crosshatching pattern. The loading zones will be identified as loading zones for a specified period of time during the day. Page 72 of the packet shows the types of signage being considered. The loading zones are sized to accommodate a significantly large delivery vehicle. At other times of the day the delivery vehicles will do what they do now, which is to pull over wherever they can find a spot.

Discussion

There was discussion about the difficulty with delivery vehicle parking and the only solution is to work within the space that is available. It was noted that there are more parking spaces and loading zones than there are presently which should help. There was also some discussion about the location and alignment of utility trenches.

Waste Water Treatment Plant – Project Update

Mr. Powers directed attention to the public process summary on page 74 of the agenda packet. There are five categories (technical workshops, coordination with the Navy, stakeholder coordination, public meeting and City Council activities). The stakeholder groups are the permit and regulatory agencies which have a role in this process. Mr. Powers noted that the dates will slide around a bit but what is important is the fact that we are coordinating with all these groups and the timing in which we coordinate with them. Ms. Rosen added that the target is to have the first open public meeting in late November. Mr. Powers noted the length of the project is October 2010 to January 2012. Mr. Power also stated that the Shoreline Master Program update is underway and is due in December 2012. The Shoreline Master Program update and the Waste Water Treatment Plant project will work in coordination with one another.

Senior Center HVAC Replacement – Project Update

Mr. Powers reported that Public Works is working on putting the appropriate documentation together for the project to go out to bid. The Council will be asked for authorization to go out to bid at their November meeting. Bids will be in by the end of the year and install could be in March or April. Mr. McIntyre is taking the appropriate steps through the budget process to reflect the availability of funds for the project.

Discussion

Committee questions:

Are the funds in place now? Mr. McIntyre stated that \$35,000 was set aside last year and this year in addition to a building reserve fund of \$61,000 that will cover the other projected \$40,000.

MARINA

Redevelopment Project Phase 2, Dredging – *Project Update*

Mr. Powers reported that the pre-construction meeting was held last Wednesday. The consulting engineer is trying to schedule a necessary meeting with the Corps of Engineers before the in-water work can begin. The pre-dredge survey is starting this week. The bottom will be surveyed before and after to establish the quantity remove which is the basis for payment. There will be some disruptions to customers and there will be night work due to work during low tide. Mr. Funk noted that the meeting with the Corps of Engineers might be as soon as next week.

Discussion

Committee questions:

Could the delay of the meeting with the Corp of Engineers jeopardize the contractor's work window and be a potential claim against the project? Mr. Powers said that the City could ask for an extension of time pointing out the amount of time that was spent trying to schedule the meeting and ask for a corresponding amount of time to complete the project. If we get the additional time based on a scheduling delay then there is no basis for a claim.

Clean Vessel Grant Application – *Introduction and discussion*

Mr. Funk reported that the Council will be asked to approve the grant application to purchase a pump-out boat for the marina. The grant will provide 75% funding of eligible cost on a reimbursable basis. The grant request will be for \$71,700, which is enough to buy the vessel. The City's share is 25% of \$71,700 which is \$17,925. The City has funds in the equipment replacement fund that could be used for that purpose. There is also a capital request as part of the budget process.

Discussion

There was discussion about other alternatives to having to purchase a new boat. Mr. Powers explained that a year has been spent exploring less costly options and the conclusion was that the best course of action was to take advantage of the opportunity to purchase a new boat that provides and important environmental service.

ADMINISTRATION

Renewal of IT Contract with Oak Harbor School District – *Introduction and Discussion*

Mr. Schmidt handed out a copy of the Interlocal Agreement with the School District (Attachment 2) and reported that all departments have been asked to submit IT issues. The biggest issues seem to be retrieval of storage, frequent e-mail problems and slow response to help desk tickets. The City is hoping to resolve the issues without increasing cost.

Discussion

There was discussion about e-mail issues and the possibility of having an IT person assigned to the City. There was also a suggestion that any work which takes the system down should be done from 8 a.m. Saturday to 4 a.m. Sunday due to the loss of productivity during the week.

Development Services Director's Comments

Mr. Powers reported that City staff attended a County Commissioner's meeting yesterday in which the County considered two items of interest to the City. One was the Interlocal Agreement for the disbursement of the Economic Development Grant for Pioneer Way. The County Commissioner's approved the signing of the Interlocal Agreement. The one condition for approval for the award of the grant was that the City should provide evidence that the City had the balance of the funding available for the project. The City provided a declaration from the City's Finance Director that indicated that the funds were available and two certified copies of the resolution the Council had approved to allocate funds for the project. The second item of interest was the 2005 Comprehensive Plan amendments which proposed the expansion of the City's UGA. The County's staff recommendation to the County Commissioner's was to reject the City's proposal and send it back to the County Planning Commission with a modified proposal to eliminate all the residential expansion and the only portion of the proposed expansion that was recommended was the industrial lands at the NE corner of Ault Field Road and Old Goldie Road. At the conclusion of the two hour public hearing the County Commissioners approved their staff's recommendation. The matter has now been sent back to the County Planning Commission for review and public hearing. Under the County rules the County Planning Commission is not allowed to modify the proposal and is only allowed to take review and comment on the proposal. At the same time the County will issue their SEPA determination and the matter will go back to County Commissioner's with an anticipated hearing date in March 2011.

The City presented a letter during the public hearing in which the City expressed a number of concerns with the County's intended course of action. Other public testimony during the public hearing centered on the perceived environmental impact of the City's possible expansion and that they didn't believe that Oak Harbor needed the additional capacity to meet our population projection. Commissioner's comments were generally questions about their staff's presentation and about City staff's presentation and there was clear sentiment that the City has enough capacity and that the City can do a better job of planning in Oak Harbor.

NEXT MEETING: November 9, 2010

MEETING ADJOURNED – 9:30 a.m.