

Oak Harbor City Council
Regular Meeting Minutes
July 11, 2023

This was both a physical meeting location and a virtual meeting. Meeting was viewable live via YouTube at www.youtube.com/cityofoakharbor, on Facebook, and on Cable Channel 10/HD 1090 following the meeting

CALL TO ORDER

Mayor Severns called the meeting to order at 6:00 p.m.

Invocation – No invocation was given. A moment of silence was observed.

Pledge of Allegiance – Led by Mayor Severns

ROLL CALL

City Council Present:

Mayor Robert Severns
Mayor Pro Tem Tara Hizon - absent
Councilmember Beth Munns
Councilmember Jim Woessner - absent
Councilmember Bryan Stucky
Councilmember Shane Hoffmire
Councilmember Eric Marshall
Councilmember Christopher Wiegenstein

Staff Present/Videoconference

City Administrator Blaine Oborn
Finance Director David Goldman
Development Services Director David Kuhl
Parks & Recreation Director Brian Smith
City Engineer Alex Warner
Fire Chief Ray Merrill
Police Chief Kevin Dresker
Police Captain Tony Slowik
Central Services Supervisor Sandra Place
Project Manager Brett Arvidson
Finance & Performance Analyst Chas Webster
Grants Administrator Wendy Horn
Building Official Ginger Pennington
Communications & IT Manager Sabrina Combs
Executive Assistant Macalle Finkle
City Clerk Julie Nester

Also in attendance: City Attorney
Hillary J. Evans of Kenyon Disend, PLLC

EXCUSE ABSENT COUNCILMEMBERS

Mayor Severns welcomed all in attendance. He noted Mayor Pro Tem Hizon and Councilmember Woessner had asked to be excused and called for a motion to excuse them. Councilmember Marshall moved to excuse Mayor Pro Tem Hizon and Councilmember Woessner, seconded by Councilmember Wiegenstein. The vote on the motion carried unanimously.

1. APPROVAL OF AGENDA

Mayor Severns called for any changes to the agenda. Hearing none, the agenda was approved as presented.

2. PRESENTATIONS

- a. Proclamations – None
- b. Honors & Recognitions – Whidbey Health Paramedics: Citizen Recognitions

Mayor Severns noted Whidbey Health had requested the opportunity to recognize citizens who provided lifesaving aid at the scene of an accident. Whidbey Health Paramedic Matthew Buckles thanked the Mayor and Council for the opportunity to recognize four citizens, with deepest gratitude and admiration, for their bravery and selflessness in providing life-saving assistance. This first ever community lifesaving award was presented to Corey Baker, Jennifer Carlton, Seth Foster, and Brian Roberts.

- c. Community Presentations – None

3. CITIZEN COMMENT PERIOD

Mayor Severns noted citizens may comment on Consent Agenda items or subjects of interest not listed on the agenda at this time and that citizens would have the opportunity to comment on the remaining Agenda items during the meeting as appropriate.

Citizens can also visit the City's website prior to meetings for methods to submit public comment, or contact the City Clerk, Julie Nester by phone or email. When submitting comments, please include your name and address. Public comments sent anonymously will be shared with the Mayor and Council but will not be displayed.

The City received three on-line public comments since the last regular meeting. One from Valarie Alaniz suggesting the development of a tiny home village, one from Brittany Pidcoe regarding accessible playgrounds, and one from John Solin regarding Spin Cafe.

Mayor Severns opened the floor for public comment from any other audience member present.

1. Donna Clausen of Oak Harbor spoke regarding speeding on SW Barrington Drive and SW Fairhaven Drive. She read from a prepared statement and presented a petition for the installation of residential speed humps, signed 13 neighbors.
2. Fe Mischo of Oak Harbor, and manager of Spin Cafe spoke in support of it and reported on their activities and programs.
3. June Zacharias of Oak Harbor spoke in support of Spin Café, at which she is a volunteer.
4. Michelle Hines of Oak Harbor, Executive Director of Spin Café spoke in support of the new location in the former WA Fed building, and her meeting with City officials to ensure that use met qualifications in that location.
5. Steven Scherer of Oak Harbor spoke in support of Spin Café.
6. Robert McConchie of Oak Harbor spoke in opposition of the new Spin Café location as too near the movie theatre and not appropriate for an area with children.

7. John Solin, owner of Oak Harbor Cinema, spoke in opposition to the new Spin Café location next to the Cinema and across from the Dairy Queen. He reported having had to call the police on multiple occasions.
8. Julie Leete, who identified herself as a Commissioner of the North Whidbey Pool, Park, and Recreation District, spoke regarding a perceived conflict of interest for an unnamed City Councilperson.
9. A representative of Big Brothers Big Sisters reported on that agency's upcoming golf tournament. She noted she had prepared an annual report, however it was not on the agenda for this meeting.

Hearing no one else with a desire to address the Council, the public comment period was closed.

4. CONSENT AGENDA

Consent Items

- a. Approval of Minutes of the June 6, 2023 Council Meeting, the June 28, 2023 Council Workshop
- b. Approval of Payroll and Accounts Payable Vouchers
- c. 2022 Sanitary Sewer Rehabilitation – Final Contract Voucher Certificate
- d. 2023 Hot Mix Asphalt Overlay Project – Increase to Change-Order Allowance
- e. Fakkema Road Paving Award of Contract
- f. Interlocal Agreement – Acceptance of Washington State Military Department of Homeland Security “Stonegarden” Grant (#E23-236) by the Oak Harbor Police Department
- g. Professional Services Agreement with BHC Consultants – Clean Water Facility Nutrient Optimization
- h. Professional Services Agreement with Granicus (formerly GovQA): Contract Renewal
- i. Amendment to the Professional Services Agreement with Hemstad Consulting for Multi-family Tax Exemption Program
- j. Professional Services Agreement: Trebucket Legal Consulting, LLC – Hearing Examiner Services
- k. Purchase Authorization – Copier Replacement for Police Department
- l. Purchase Authorization – Copier Replacement for Public Works Department
- m. Purchase Authorization – Hybrid SUV Patrol Vehicle
- n. Purchase Authorization – Slope Mower
- o. Purchase Authorization – Small Refuse Truck Replacement
- p. Purchase Authorization – Yard Waste Truck Replacement

Mayor Severns called for any changes to the consent agenda.

Councilmember Marshall requested to pull item e. Fakkema Road Paving Project Award of Contract. Councilmember Hoffmire requested to pull items c. 2022 Sanitary Sewer Rehabilitation – Final Contract Voucher Certificate and item d. 2023 Hot Mix Asphalt Overlay Project – Increase to Change Order Allowance.

Mayor Severns noted the remaining consent agenda items were approved as presented.

City Engineer Warner reviewed item e. and the replacement of the sewer line on NE 10th Avenue. The final cost of the project was \$509,329.75, which was delivered on-time and under budget by InDepth Excavation, LLC.

Motion: Councilmember Munns moved to authorize the Mayor to sign the Final Contract Voucher Certificate for the 2022 Sanitary Sewer Rehabilitation Project, seconded by Councilmember Hoffmire. The vote on the motion carried unanimously.

City Engineer Warner reviewed item d. 2023 Hot Mix Asphalt Overlay Project with contractor Kreig Construction. There was an oversight in estimating quantities and in not including a second segment of NW Columbia Drive. Staff estimates the difference in cost for grinding and asphalt quantity equates to \$150,000 increasing the change order allowance from \$100,000 to \$250,000. There are sufficient funds in the Transportation Benefit District to cover the increase.

Motion: Councilmember Hoffmire moved to increase the change order authorization of the Public Works Director by \$150,000 on the 2023 Hot Mix Asphalt Overlay Project construction contract with Krieg Construction, Inc., seconded by Councilmember Munns. The vote on the motion passed unanimously.

Project Manager Brett Arvidson reviewed item e. Fakkema Road Paving Project Award of Contract. He presented the background on the project, the bid process and results. Brett explained the City's obligation for paving as defined in the Memorandum of Understanding and responded to Councilmember Marshall's recollection that staff had at one point discussed this as a gravel and not paved surface and work needed on a water line, completed as a separate project. The City received one bid on the paving project from Kreig Construction in the amount of \$119,526.

Motion: Councilmember Marshall moved to award the contract for the Fakkema Access Road Paving Project to low bidder Krieg Construction, Inc. in the amount of \$119,526.00, seconded by Councilmember Munns. The vote on the motion carried unanimously.

Councilmember Munns requested to pull item h. Professional Services Agreement: Granicus (formerly GovQA) Contract Renewal. Communications/IT Manager Sabrina Combs responded to questions regarding the vendor. This item did not require a separate motion since it was already approved with the consent agenda.

5. MAYOR, COUNCIL & STAFF COMMENTS

a. Mayor - Mayor Severns provided the following comments and updates:

- This Week is the Fire Department Open House: Learn more about Station 82 and new vehicles at the Open House event on July 12th between 4 and 7 pm at Station 81 at 855 Whidbey Avenue.
- Association of Washington Cities Conference: Thank you to Mayor Pro Tem Hizon and Councilmember Wiegenstein for representing the City at last month's AWC Conference. Included in the conference was a parade of flags for those cities in attendance.
- 4th of July Thanks to and from the Chamber of Commerce: The City received a thank you from the Oak Harbor Chamber of Commerce for the work of our staff and first responders in support of the Independence Day Weekend. Members of City Council participated in the parade. The Chamber also expressed thanks to NASWI and our military families and veterans. Thank you to the Chamber for a terrific weekend!
- The Center: The Center's July-September Newsletter is now available online. From our website, click on Your Government, Communications, see a list of Newsletters on the left.
- Upcoming Events: Were displayed on screen. Please note: the City's electronic sign located at Beeksma/Gateway experienced a mechanical failure. Staff is working with the manufacturer and reviewing options for repair or replacement.

b. Councilmembers

- i. Mayor Severns called upon the Council for any additional comments.

Councilmember Munns reported on the Oak Harbor Youth Sailing's hosting of the Dave French Regatta and shared photos of the event. She also reported it is Christmas in July for the Health House and encouraged donations.

Councilmember Hoffmire commented on the July 4th weekend events.

Councilmember Stucky inquired whether an update on speeding and traffic calming would be on a future agenda. City Engineer Warner noted the City has a budgeted item of \$75,000 for traffic calming and that would pay for two speed humps. Staff is looking at other ways to control speeding, including engineering, enforcement, and education. The City has applied for and received a safe streets grant, jointly with five agencies in Island County, with hopes to have a plan in place in 2024. Chief of Police Dresker noted a good working relationship with the Engineering Department to work towards solutions. He reported that his staff are working the area heavily and that Captain Slowik has reached out to neighbors in the vicinity. More funding may be needed.

6. PUBLIC HEARINGS & MEETINGS

- a. Resolution 23-12: Declaring certain City property of the Water, Solid Waste, Storm Drain, and/or Sewer Utility to be surplus property.

Central Services Supervisor Place reviewed the surplus resolution. Per RCW 35.94.040, a public hearing must be held to approve adoption of Resolution 23-12 to surplus city property acquired by utility funds. Staff proposes to remove these items from the inventory and dispose of them properly. A list of the surplus items was provided and was posted on the City's website.

Mayor Severns opened the public hearing and confirmed no public comments had been received. He called for any comments from the public present. Hearing no one with a desire to address the Council, the public hearing was closed.

There were no questions or comments from the Council.

Motion: Councilmember Marshall moved to adopt Resolution 23-12: Declaring Certain City Property of the Water, Solid Waste, Storm Drain, and/or Sewer Utility to be Surplus Property. Councilmember Wiegenstein seconded the motion, which carried unanimously.

- b. Ordinance No. 1978: Amending the 2023-2024 Biennial Budget – Mid-Year 2023 – Budget Amendment No. 2

Finance Director Goldman introduced Finance & Performance Analyst Webster who reviewed the items to amend and adjust the 2023-2024 biennial budget, all of which were included in the meeting packet. A budget adjustment is the movement of existing budget appropriation within a fund with no increase in the overall fund's budget appropriation. Per RCW 35A.33.120, a budget amendment is needed when the overall amount of a fund's budgeted appropriation increases. Amendments require a public hearing and approval of an ordinance. Director Goldman noted the wage and salary schedule and plan of classification had also been updated to reflect 2023 wage ranges, current positions status, and changes in positions as outlined. Included was the addition of a Lieutenant position for the Fire Department that was included as part of the levy lid lift, and the changes to positions within the Parks & Recreation Department as reviewed at the June Council workshop.

Mayor Severns opened the public hearing and confirmed no public comments had been received. He called for any comments from the public present. Hearing no one with a desire to address the Council, the public hearing was closed.

Councilmember Marshall provided his respective questions and comments.

Motion: Councilmember Marshall moved to adopt Ordinance No. 1978 Budget Amendment No. 2 amending the 2023-24 Biennial Budget and adopt an updated wage and salary schedule and plan of classification. Councilmember Munns seconded the motion which carried unanimously.

- c. Ordinance No. 1979: Approval of Franchise Agreement – Comcast Cable Communications, LLC

City Administrator Oborn reviewed the Franchise Agreement. A Public Hearing to consider the ordinance and franchise agreement is required before action can be taken.

The 2004 Franchise Agreement with Comcast expired in 2014 and Comcast has requested that the City approve a revised agreement. The City of Oak Harbor has used the City of Mukilteo's new franchise agreement as a template to update the agreement language. Lisa Marshall with Kenyon Disend, PLLC has led the effort in negotiating the new 10-year, non-exclusive agreement, which has no change in the fiscal impact to the City from the updated Gross Revenue section of the franchise agreement.

Section 9.1 of the Agreement authorizes Comcast to collect .25 per month from each residential customer to support the possible addition of capital equipment to support the City's Access channel. This amount (\$0.25) can increase to no more than \$0.50 per month per residential customer, but only after the City and Comcast meet and make a decision regarding the additional equipment needed. Additional information was provided by City Attorney Hillary Evans and Finance Director David Goldman at the June 28, 2023 workshop.

Mayor Severns opened the public hearing and confirmed no public comments had been submitted. He called for any comments from the public present. Hearing no one with a desire to address the Council, the public hearing was closed.

Councilmembers Stucky, Munns and Hoffmire provided their respective questions and comments.

Motion: Following discussion, Councilmember Munns moved for Council to continue the public hearing to August 2, 2023, and pursue changing the agreement from ten years to five years with a stipulation for Comcast to improve services for the City, seconded by Councilmember Stucky. The vote on the motion passed unanimously.

7. ORDINANCES & RESOLUTIONS

- a. Resolution 23-16: Washington State Department of Ecology Integrated Planning Grant Application

Grants Administrator Wendy Horn reviewed the application, which requires a resolution of the Council. The Integrated Planning Grant is meant to help communities clean up contaminated sites and plan for future development. The maximum grant award is \$200,000. The Council approved the purchase of two parcels, 1081 and 1091 SE Pioneer Way, in 2022.

Grants Administrator Horn reviewed the Phase 1 and Phase 2 environmental assessments of the properties, which confirmed the presence of contaminated soil. The assessment details were sent to the Washington Department of Ecology (WA DOE) for their Remedial Action Grant as well as Loan Program and Brownfields Funding that WA DOE administers. The grant does not require matching funds. The

Public Works Department has requested \$200,000 for drilling and monitoring wells to assist with Clean Up activities, development of a plan, and to start mitigation and redevelopment of the project site.

Mayor Severns confirmed no public comment had been received on this item and called for any comments from the public present. Hearing none, he called upon the Council.

Councilmember Hoffmire provided his respective comments.

Motion: Councilmember Hoffmire moved to approve Resolution 23-16, authorizing the Mayor to sign an application to the Washington State Department of Ecology for the Integrated Planning Grant, seconded by Councilmember Wiegenstein. The vote on the motion passed unanimously.

- b. Resolution 23-18: Washington State Recreation Office Outdoor Learning Grant Application – Parks & Recreation Department

Parks & Recreation Director Smith provided an overview of the Application, which requires a resolution by the City Council. He noted one of the purposes for the department is to start offering cultural and/or recreational programming for the general public. The department has been working with Oak Harbor School District on several projects including an Arbor Day event and a park renaming contest. The Outdoor Learning Grant proposal will establish an experiential, outdoor educational program for school age children focused on Science, Technology, Engineering, Arts and Mathematics (STEAM) fundamentals. The Parks & Recreation Department and the Oak Harbor School District will partner to offer programming that meets Washington State learning standards. The grant has no matching funds requirement. If awarded, the \$50,000 grant will be combined with a Federal Forestry grant to assist in the development of this program.

Mayor Severns confirmed no public comment had been received on this item and called for any comments from the public present. Hearing none, he called upon the Council.

There were no questions or comments from the Council.

Motion: Councilmember Stucky moved to approve Resolution 23-18, authorizing the Mayor to sign a Recreation Conservation Office (RCO) Grant Application for the Outdoor Learning Grant (OLG), seconded by Councilmember Hoffmire. The vote on the motion carried unanimously.

8. CONTRACTS & AGREEMENTS - None

9. OTHER ITEMS FOR CONSIDERATION - None

10. REPORTS & DISCUSSION ITEMS - None

11. EXECUTIVE SESSION - None

Adjourn

Motion: There being no further business, Councilmember Stucky moved to adjourn, seconded by Councilmember Wiegenstein. The motion was approved by a unanimous vote, therefore the meeting adjourned at 7:54 p.m.

Certified by Julie Nester, City Clerk