

Oak Harbor City Council
Regular Meeting Minutes
September 5, 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 – Reverend Greg Steible, Whidbey Presbyterian Church.

Pledge of Allegiance – Led by Mayor Severns

ROLL CALL

City Council Present:

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

Staff Present/Videoconference

City Administrator Blaine Oborn
Finance Director David Goldman
Public Works Director Steve Schuller
Development Services Director David Kuhl
Parks & Recreation Director Brian Smith
Fire Chief Ray Merrill
Police Chief Kevin Dresker
Police Captain Tony Slowik
Harbormaster Chris Sublet
Project Manager Brett Arvidson
Police Senior Administrative Assistant Meg Massey
Communications & IT Manager Sabrina Combs
Executive Assistant Macalle Finkle
City Clerk Julie Nester

Also in attendance: City Attorney
Lisa Marshall of Kenyon Disend, PLLC

EXCUSE ABSENT COUNCILMEMBERS

Mayor Severns welcomed all in attendance. He noted Councilmember Woessner had let his office know he would be attending the August 15th Council Meeting remotely but was then unable to join the meeting. He requested a motion to excuse Councilmember Woessner from the City Council meeting of August 15th.

Councilmember Munns moved to excuse Councilmember Woessner from the August 15, 2023 meeting, seconded by Mayor Pro Tem Hizon. 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 – None
- c. Community Presentations – Oak Harbor Police Department Recognition -

Chief of Police Dresker requested the recognition be moved to later in the meeting, if possible, as the department personnel involved were attending to police business.

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 two public comments since the last regular meeting. One from Valarie Alaniz who lives north of the City limits regarding Council comments at the August 15th Council meeting and one from Joe Kunzler regarding OLF Coupeville. Both comments were displayed.

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

1. Carl Brewer of Kent, WA, addressed the Council regarding the potential for annexation of his property that borders the City limits. He noted he has submitted plans for the property to the City's Development Services Department for consideration.
2. Laura Renninger, President of the Oak Harbor Garry Oak Society, addressed the Council to report the Society has received a notice of acceptance for Smith Park to the Washington Heritage register. She reported an official letter and bronze plaque for display in park will be forthcoming, Ms. Renninger also reported on the Society's new brochure for the Acorn sculpture. Available at the Chamber of Commerce.

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 August 15, 2023 Council Meeting, the August 23, 2023 Council Workshop
- b. Approval of Payroll and Accounts Payable Vouchers
- c. Authorizing the Mayor to Extend the Professional Services Agreement with Cabot Dow Associates, Inc. for the Comprehensive Classification and Compensation Study for Non-Represented Employees

- d. Professional Services Agreement: Amendment No. 4 with Tim Shelley, Jr. for Videography Services
- e. Professional Services Agreement: Change Order No. 4 with American Construction: Repair of Boat Ramp Float
- f. Resolution 23-20: Authorizing the Mayor to sign a Recreation Conservation Office (RCO) Local Parks Maintenance Grant Application

Mayor Severns called for any changes to the consent agenda. Hearing none, he noted the items were approved as presented.

5. MAYOR, COUNCIL & STAFF COMMENTS

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

Back to School: Please drive slowly through school zones and follow all detours as indicated.

Oak Harbor Music Festival: Mayor Severns thanked Chair Cynthia Mason and the entire team of board members and volunteers that put on a wonderful weekend-long event! He also thanked City police and Fire departments and City personnel who helped to ensure the event was as safe and seamless as possible.

Upcoming events – Mayor Severns noted two more events in the coming weekend – Hydros for Heroes and the “Whidbey Cruzers” Car Show. Portions of Bayshore and SE Pioneer Way will be closed. These and other upcoming events were displayed on screen.

- b. Councilmembers

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

Councilmembers Munns, Woessner and Hoffmire provided their respective comments, noting back to school events and awareness, the Military Appreciation Picnic, the NAS Whidbey Open House, and thanks to all of the Council and community members who volunteer their time both with schools and in the community.

Oak Harbor Police Department Recognition -

Chief of Police Dresker was joined by Captain Slowik in presenting an OHPD Emergency Treatment Award to Officer Mel Lolmaugh for his life-saving efforts. Officer Lolmaugh recently celebrated 25 years of service to the Oak Harbor Police Department.

Mayor Severns and all members of Council thanked Officer Lolmaugh for his service.

6. PUBLIC HEARINGS & MEETINGS

- a. Continuation of Public Hearing: Ordinance No. 1979: Approval of Franchise Agreement – Comcast Cable Communications, LLC.

City Administrator Oborn presented the continuation of the hearing to adopt Ordinance No. 1979 approving the Franchise Agreement with Comcast Cable Communications, LLC. He explained the 2004 Franchise Agreement with Comcast expired in 2014 and Comcast requested that the City of Oak Harbor approve a revised agreement. The City has used the City of Mukilteo’s new franchise agreement as a template to update the agreement language. City Administrator Oborn noted Attorney Lisa Marshall with

Kenyon Disend, PLLC led the effort in negotiating the new agreement and was present to respond to questions. He provided an overview of the Ordinance and the Franchise Agreement.

Mayor Severns opened the Public Hearing. He confirmed the City had received no comments. Hearing no one with a desire to address the Council, the public hearing was closed.

Mayor Severns called upon the Council for their comments.

Councilmember Hoffmire provided his respective comments, thanking City attorneys Evans and Marshall for their work on the City's behalf.

Motion: Councilmember Hoffmire moved to adopt Ordinance No. 1979: Franchise Agreement with Comcast Cable Communications, LLC, seconded by Mayor Pro Tem Hizon. Councilmember Stucky provided his additional comment to thank staff for their work in reviewing the agreement, which he stressed is non-exclusive. The vote on the motion carried unanimously.

7. ORDINANCES & RESOLUTIONS

None

8. CONTRACTS & AGREEMENTS

None

9. OTHER ITEMS FOR CONSIDERATION

a. Police Department: Opioid Settlement Allocation of Funds

Chief of Police Dresker and Police Captain Slowik reviewed the item and provided background information, strategies, and costs associated with the proposed allocations, as discussed at the August 23, 2023 Council Workshop.,

In 2022, The Washington State Attorney General resolved a lawsuit with several companies regarding the opioid epidemic. The City of Oak Harbor joined most other communities and the Attorney General's office in a "One Washington Memorandum of Understanding" regarding the settlement. In 2022, the City Council signed an Allocation agreement with the state, for funds to be distributed to the City and signed an MOU in 2023, becoming part of the North Sound Regional Opioid Abatement Council.

The City will receive funds directly from the settlement, for a period of 17-years. OHPD presented a request for allocation of those funds through the end of 2030 (funds after 2030 will be revisited in the future).

Summary of 3-Strategy approach for allocation of funds:

1. Partial funding for new Police Officer position, who will be partially dedicated to related duties (PEETT = Prevention, Education, Enforcement, Treatment, Training)
2. One time allocation, spread out over 3-years, to the Skagit County Inter-local Drug Enforcement Unit (SCIDEU) drug task for (Interdiction)
3. Allocated Funding Accounts
 - a. 10% reserved each year if requested by Opioid Abatement Council (OAC) reserve
 - b. One time amount into Cities Administrative cost account (Admin account)
 - c. Initial amount into "Future Opioid Strategy" (FOS) allocation, for distribution by City Council
 - i. Unused OAC reserve would be moved into this account (FOS) each year, as appropriate

Mayor Severns confirmed the City had received no comments on this item. Hearing no one with a desire to speak, he called upon the Council for their input.

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

Motion: Councilmember Wiegenstein moved to approve the allocation of Opioid Settlement Funds as recommended by the three-strategy approach presented, seconded by Councilmember Hoffmire. The motion passed unanimously.

10. REPORTS & DISCUSSION ITEMS

a. Multi-Family Tax Exemption Update

Development Services Director Kuhl introduced the consultant team of Anthony Hemstad and Cheryl Swab to review and provide the for information only presentation.

Director Kuhl provided background on the update. He noted staff have continued to work with consultants to further develop the multi-family tax exemption program (MFTE). An overview of the MFTE was presented at the May 24, 2023, City Council Workshop.

A key “next” step is the establishment of the residential targeted areas (RTA). The point of departure was the area identified as part of the Downtown and Marina Revitalization and Redevelopment Plan (presented to Council June 28, 2023 and at this meeting as Option 1). Based on a variety of factors, staff has further identified other potential areas which could benefit from the inclusion in a RTA. Option 2 includes other areas contiguous to, but not within Option 1. Staff further identified several outlying areas, which, in the long-term scope, could be developed/redeveloped utilizing the MFTE tool. While the City is limited to MFTE creation to lands only in the City’s corporate limits, it is valuable to identify potential MFTE RTA’s.

Consultant Anthony Hemstad provided a quick review of the definition of the MFTE and introduced Consultant Swab to review three types of MFTE programs, for 8-Years, 12-Years, and 20-Year periods, as well as their similarities and differences. Mr. Hemstad provided an overview of MFTE revenue implications and reviewed economic benefits.

City Senior Planner/Consultant Dennis Lefevre noted MFTE’s had been discussed previously in conjunction with the Island County Affordable Housing Task Force and was noted in the City’s Housing Action Plan for residential target areas such as that proposed in the RTA map of the downtown area “triangle”.

Councilmembers Woessner, Hoffmire, Munns, Marshall, Stucky, and Mayor Pro Tem Hizon provided their respective questions and comments. The Council discussion included receipt of public comments from Planning Commission Chair John Chaszar and citizen Sandy Peterson.

11. EXECUTIVE SESSION

Mayor Severns announced the Council would take a short break and then move into Executive Session Session to discuss with legal counsel litigation or potential litigation per RCW 42.30.110 (1)(i). The anticipated duration was 20 minutes. He noted action might or might not be taken upon return to the open session. Executive Sessions are not open to the public.

The Council moved into Executive Session at 8:20 p.m.

At 8:39 p.m. the Council announced an extension of the Executive Session to 8:45 p.m.

At 8:45 p.m. the Council came out of Executive Session and resumed the open session of the meeting. Mayor Severns noted no action would be taken on the matter discussed.

Adjourn

Motion: There being no further business, Councilmember Munns moved to adjourn, seconded by Councilmember Marshall. The motion was approved by a unanimous vote, therefore the meeting adjourned at 8:45 p.m.

Certified by Julie Nester, City Clerk