

Oak Harbor City Council
Regular Meeting Minutes
October 18, 2022

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

CALL TO ORDER

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

Invocation – Pastor David Parker, First United Methodist Church

Pledge of Allegiance – Led by Mayor Severns

ROLL CALL

City Council Present:

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

Staff Present/Videoconference

City Administrator Blaine Oborn
Finance Director David Goldman
Development Services Director David Kuhl
Public Works Director Steve Schuller
City Engineer Alex Warner
Fire Chief Ray Merrill
Police Chief Kevin Dresker
Senior Planner Dennis Lefevre
Project Manager Brett Arvidson
Human Resources Manager Emma House
Grants Administrator Wendy Horn
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 noted Councilmembers Munns and Woessner had asked to be excused from this meeting. He called for a motion. Councilmember Mayor Pro Tem Hizon moved to excuse Councilmembers Munns and Woessner. The motion was seconded by Councilmember Marshall and passed unanimously.

1. APPROVAL OF AGENDA

Mayor Severns welcomed all in attendance and 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
 - i. Oak Harbor Garry Oak Society – Annual History Presentation

Oak Harbor Garry Oak Society President Laura Renninger provided the presentation and responded to questions from the Council. Ms. Renninger read from and provided the Council with copies of a recent proclamation by Washington State Governor Jay Inslee, dated August 31, 2022, declaring the month of October 2022 as Urban and Community Forestry Month. She also provided copies of an October 17, 2022 guest essay by Margaret Renki printed in The New York Times, entitled Why We Should All Be Chasing Acorns.

Mayor Severns, Mayor Pro Tem Hizon and Councilmember Hoffmire provided their respective questions and comments.

3. CITIZEN COMMENT PERIOD

Mayor Severns explained citizens may comment on subjects of interest not listed on the agenda or items listed on the Consent Agenda. Citizens may also comment on corresponding Agenda items. There are many ways to contact the City, the Mayor and Council, all of which were displayed. Citizens can visit the City's website for methods to submit public comment, or contact the City Clerk, Julie Nester by phone or email as displayed. 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.

Citizens may submit requests to staff or departments via the Contact Us form at www.oakharbor.org/contact. Citizens can also call (360) 279-4500 or email info@oakharbor.org. Councilmembers also have individual email addresses, all of which are listed on the City's website.

The City received one public comment since the last regular meeting, from Balkey Dutchman of Oak Harbor, regarding the Clean Water Facility Interpretive Center. which was displayed.

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

1. Guiliano DePalma of Oak Harbor addressed the Council to voice concern over a line of sight obstruction caused by vehicles parking along E. Pioneer Way, the lifting of Ordinance 12.10, and concern for speeding on E. Pioneer Way

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 October 4, 2022 Council Meeting
- b. Approval of Payroll and Accounts Payable Vouchers
- c. First Amendment to Agreement with South Whidbey Homeless Coalition
- d. Interagency Agreement – Washington Water Trails Association

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

5. MAYOR, COUNCIL & STAFF COMMENTS

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

Board and Commission Vacancies: The city has two vacancies on the Salary Commission. Visit the city's website for more information on volunteering for these positions.

Island County Voter Guide: The City heard from several sources that there had been some confusion regarding the statements for the Fire Levy Propositions in the Voter Guide produced by Island County. The City did not request or write the statements. They were submitted to Island County without any input from the City and the City was not given an opportunity to provide any input prior to the Voter Guide's publication. The County published the Guide without including the names of those self-organized Advocacy Committee Members that provided the statements. City staff has contacted the County and they have remedied this omission and included the names of the statement authors in their online version of the Voter Guide. The County is working with the state to provide this update to the community.

Speaking of the Fire Department: You can catch Fire Department personnel at the Chamber of Commerce Luncheon that will take place at Fire Station 81, and at the Trick or Treat event on Pioneer Way.

Coffee with a Cop and other Upcoming Events are shown here. The Coffee with a Cop event scheduled for Thursday, October 20th has been cancelled and will be rescheduled for another date. Our officers enjoyed the first event and look forward to holding another one soon.

Upcoming City Office Closure:

City All-Hands Luncheon, November 3rd – City offices will be closed from 10:45-1:15

b. Councilmembers

Councilmember Hoffmire and Mayor Pro Tem Hizon provided their respective questions and comments.

6. Public Hearings & Meetings

a. Continuation of Public Hearing: Ordinance No. 1959: Critical Areas Ordinance Code Amendments to OHMC Sections 19.25, 19.31, and 20.12

Senior Planner Lefevre outlined the information provided to date and items addressed following the City Council public hearing held September 6, 2022. Council and public comments during the hearing established a few areas of concern. Staff requested continuance of the hearing to address the concerns.

Primary concerns focused on 1) definition of a steep slope; 2) inflexibility of the term "in no case"; and 3) revisiting tideland density transfer. Planner Lefevre reviewed these as follows:

- 1) The proposed increase in a primary structural setback from 25' to 50' when adjacent to a steep or unstable slope raised concern over what is considered a steep slope. A definition for steep slope is documented in two key areas. The Oak Harbor Municipal Code (OHMC 20.02.020(70)) and Chapter 7 of the Shoreline Master Program are consistent with the steep slope definition.
- 2) The phrase "in no case" is a carry-over from the 2013 Shoreline Master Program. The concern is the lack of flexibility to reduce the bluff setback to less than 50 feet unless the "reasonable use" criteria (OHMC 20.12.060) is met. During staff review, other communities with potential development on steep slopes were analyzed. A comparison of steep slope setback requirements and potential flexibilities for the cities of Anacortes, Langleigh, Mount Vernon, Mukilteo, Sequim and Jefferson and

Island counties were shown. Staff is proposing to maintain the 50-foot setback from the top of a steep slope, however, providing flexibility up to a 50% reduction through the preparation of a geotechnical report supporting the reduction.

- 3) Concern was raised over removing the option for a property owner to transfer density from privately-owned tideland to their upland portion of the lot. While City code (OHMC 20.12.080) allows density transfer for land encumbered by critical areas, tidelands are not specifically identified. The Coastal Geologic Services, Inc. study called the density transfer “highly unusual” and Island County and the City of Anacortes do not consider site area (lots) to include property that extends waterward of the ordinary high-water mark. Staff proposed as a protective measure, a revision which would allow for 50% of the area encompassed in privately held tidelands (lands waterward of the ordinary high-water mark) to be available for density transfer when supported by a geotechnical study which provides evidence that the density transfer would not, under fully developed conditions, result in adverse impacts to shoreline areas and critical areas.

Mayor Severns re-opened the continued Public Hearing on the amendment and confirmed no public comments had been received. He called for any comments from those present. Hearing no one with a desire to speak, Mayor Severns closed the floor and requested any comments by the Council.

Councilmembers Evans, Hoffmire and Mayor Pro Tem Hizon provided their respective questions and comments.

Motion: After discussion of postponement and amended motions for a potential date, Councilmember Evans moved to continue the Public Hearing to December 6, 2022. The motion was seconded by Mayor Pro Tem Hizon and passed unanimously.

7. Ordinances & Resolutions
None.

8. Contract & Agreements

- a. Parks and Recreation Director Employment Contract Agreement

Human Resources Manager House presented the item. She reviewed the creation of the Parks & Recreation Department and noted the search and interview process undertaken in the selection process leading to the Mayor’s appointment of Brian Smith as the Director of Parks and Recreation. Mr. Smith has a Master’s degree in Public Administration and a Bachelor’s degree in Recreation Management & Youth Leadership. He is a Certified Parks and Recreation Professional and a Certified Leadership Facilitator. Mr. Smith currently is the Director of Parks, Recreation, Facilities & Airport for the City of Glenwood Springs. Manager House noted several Councilmembers participated at various times in the interview process. If the Contract Agreement is approved by Council, Mr. Smith will begin employment Wednesday, November 30, 2022. The action before the Council was to authorize the Mayor to sign the employment agreement.

Mayor Pro Tem Hizon and Councilmembers Hoffmire, Marshall and Evans provided their respective questions and comments.

Motion: Councilmember Marshall moved to authorize the Mayor to sign the Employment Agreement with Brian Smith as the Parks and Recreation Director for the City of Oak Harbor. Mayor Pro Tem Hizon seconded the motion, which carried unanimously.

9. Other Items for Consideration

a. Professional Services Agreement: Amendment No. 1 with Gray and Osborne, Inc. for On-Call Engineering Services for Water Projects

Project Manager Arvidson reviewed the amendment and background. He explained the City has a number of capital projects identified to improve the water system throughout the city, the majority involving the replacement of aging asbestos cement (AC) pipe and steel pipe, as well as one project involving a relocation of the 24 inch supply pipe from Anacortes. The capital plan also identifies a wide variety of water projects in the next 5 years.

On May 17, 2022 Council authorized the Mayor to enter into a Professional Services Agreement with Gray and Osborne, Inc. The initial projects are as follows:

1. West Whidbey Avenue AC and Steel Water Main Replacement
2. North Reservoir Cathodic Protection System Installation
3. SW 4th AC Water Main Replacement
4. Glencoe and SE 4th Steel Water Main Replacement
5. NE Regatta AC and Steel Water Main Replacement
6. Relocation of the 24 inch supply water main at SR20 and Campbell Lake Road

These projects will involve approximately 7100 linear feet of pipe replacement. In review of the West Whidbey Avenue segment of the Project, the City's capital plans also have pavement replacement and stormwater projects in the same area. Many of these projects have been identified for ARPA funding and have timeline needs for completion. The SR20 project was pushed back by Washington State Department Of Transportation (WSDOT) from August and is now due for submittal to WSDOT by December 3, 2022. In order to achieve construction efficiencies and reduce impacts to the affected residents, staff decided to incorporate all these capital improvements into a single project.

Implementing the stormwater improvements requires additional design on that segment of the project. This contract amendment increases the contract amount by \$29,060 to incorporate the stormwater changes. Gray and Osborne will provide engineering services including survey, design, permitting, specifications/drawing production, bidding support, and project management. The work will be performed on a time and materials basis with a not to exceed amount of \$333,260.00.

Mayor Severns confirmed no public comments had been received for this item.

Councilmembers Hoffmire, Evans, and Stucky provided their respective questions and comments. Councilmember Evans noted a discrepancy in the dollar amount, which actually added up to \$332,260.00

Motion: Councilmember Evans moved to authorize the Mayor to sign a Professional Service Amendment No. 1 with Gray and Osborne, Inc. increasing the contract amount by \$29,060 to \$332,260.00 for On-Call Engineering Services for Water Projects. Councilmember Hoffmire seconded the motion, which carried unanimously.

10. Reports & Discussion Items

a. City Grants – Status Update

Grants Administrator Horn provided a Quarterly update to the Mayor and Council on the status of current grants, including the status of ARPA approved projects, pending applications and upcoming grant notices which the City is reviewing for potential submissions.

Councilmember Hoffmire provided his respective questions and comments.

11. Executive Session

None.

Adjourn

Motion: There being no further business, Mayor Pro Tem Hizon moved to adjourn, seconded by Councilmember Marshall. The motion was approved by a unanimous vote, therefore the meeting adjourned at 7:28 p.m.

Certified by Julie Nester, City Clerk