

ORIGINAL

**COUNCILMEMBERS**

**Position No.**

1. Tod Gunther
2. John Kelly
3. Michelle Gehring
4. Joachim Pestinger
5. Nicola McDonald
6. Greg Hogan
7. Scott Drennen



**ORTING CITY COUNCIL**

Study Session Meeting Minutes  
Orting Multi-Purpose Center  
202 Washington Ave. S, Orting,  
WA

June 19, 2019  
**6PM.**

**CHAIR, DEPUTY MAYOR GREG HOGAN**

**1. CALL MEETING TO ORDER.** (Pledge and Roll taken at special meeting preceding the study session)  
Deputy Mayor Hogan called the meeting to order at 6:20pm.

**Councilmembers Present:** Deputy Mayor Greg Hogan, Councilmembers Tod Gunther, John Kelly, Michelle Gehring, Joachim Pestinger, Nicola McDonald, Scott Drennen.

**Staff Present:** Jane Montgomery, City Clerk, Scott Larson, Treasurer, Chris Gard, Chief of Police, Emily Terrell, City Planner, Greg Reed, PW Director.

**2. COMMITTEE REPORTS**

**Public Works**

Councilmember Drennen discussed June topics:

- Chip Seal;
- Sidewalk projects;
- SR162 Bridge 98% complete, information coming in July;
- Asset Management going forward, a process over course of 5 or more years;
- Whitehawk Blvd review to make crossing safer with signage.

**Public Safety**

Councilmember Kelly briefed on topics discussed at the last meeting:

- Chief reported on status of Police Department;
- Civil Service changed rules related to hiring of Lateral Candidates;
- Replacement of an older police vehicle- estimate to fix is more than its worth;
- Searching for a small hybrid car for the Detective.

**Community and Government Affairs**

Councilmember Gehring briefed on topics discussed at the last meeting:

- Parks report- update on Community build at Calistoga Park;
- Anticipated opening of Calistoga Park is July 1<sup>st</sup>;
- Appointment process to nominate Councilmember not ready, will be done at next CGA meeting.

Two items are on the agenda, Sponsorship application and Grant Policy Modification.

**3. STAFF REPORTS**

**Chief Gard**

- Held his first RAD self-defense class;
- Will be implementing crime prevention Instruction- sending Officer Boone to training-will include the school district;
- Purchased 10 used less legal shotguns;
- Awarded WSPC Grant for Radar unit;
- Interviews on the 27<sup>th</sup> for lateral candidates;

- Bike Racks for officers;
- 5K run for fallen was a massive success- 700 people raised \$40,000. Lieutenant Turner spearheaded the event;

Discussion followed about dash cams. The Chief indicated that the Police Department does not have the infrastructure for storage of data for dash cams. Cost is currently prohibitive. Chief stated that there are not a lot of body cams in Pierce County. Prosecutors have difficulty downloading them.

### **Greg Reed**

- Public Works building is almost built out;
- Changing out old meters and putting in remote read meters;
- Sewer group doing a lot of cleaning- vactor truck out, and doing maintenance;
- Interviewing candidates for sewer position, Offer soon;
- Storm position advertising going out, did an internal posting but no one applied;
- Maintenance crew worked extensively at the Cemetery;
- Going over alleyways with graders;
- Focusing on Stormwater ponds;
- Sidewalk replacement bid going out next week;
- Sewer reline any day;
- Chip Seal bid going out next week- may join bid with Bonney Lake and Sumner-to make it more successful and more bang for the buck.

### **Scott Larson**

Briefed on the budget.

### **Mayor Penner**

Mayor Penner asked the status of the DM Disposal AD HOC Committee. The Committee had not met yet. The Mayor asked if they needed any support from staff and they indicated that they did not. City Attorney Archer said that the City does have a right to say no to their request per our contract. Various agencies all have different contracts with DM Disposal. Councilmember Drennen urged the Council to make the decision from the perspective of continuing a long-term relationship with DM Disposal. He would like to try to work with them and mitigate the situation for the next time we have to make a deal with them. Councilmember McDonald stated the City has always given 100%. DM waited 3 years to tell the City their situation. Councilmember Drennen it in the City's best interest to find a solution. Councilmember McDonald felt the decisions should be their solution.

## **4. AGENDA ITEMS**

### **A. AB19-40- Resolution No. 2019-13- Sponsorship- Pumpkin Fest.**

Councilmember Gehring briefed on the application from Pumpkin Fest. Pumpkin Fest takes place on October 21, 2019. The Committee found the application to be complete and they recommended approval of the application. **Action:** Move to Consent Agenda on July 10, 2019.

### **B. AB19-41-Right –of-Way Occupancy and Use Agreement with Pierce County- Early Outdoor Warning Alarms.**

City Attorney Archer briefed. Pierce County has installed (and seeks to maintain) Early Outdoor Warning alarm systems within the City's rights of way for providing emergency notice of volcanic activity on Mount Rainier. This Agreement has been negotiated with Pierce County, and allows Pierce County to install, operate and maintain those alarm systems subject to the terms and conditions presented. This agreement will memorialize the alarms in the right-of-way, and shifts liability to the County. **Action:** Move to Consent Agenda on July 10, 2019.

**C. AB19-42- Ordinance No 2019-1046-Granting A Nonexclusive Master Use Permit To Mclmetro Access Transmission Services Corp. D/B/A Verizon Access Transmission Services.**

City Attorney Archer briefed. MCI Metro Access Transmission Services Corp. d/b/a Verizon Access Transmission Services (“MCI Metro”), has applied for a Master Use Permit for the use of portions of City rights-of-way for the installation, operation, and maintenance of a fiber optic-based communications systems to provide fiber optic-based telecommunications service to customers in the Western Washington region. The Master Use Permit has been negotiated with MCI Metro, and calls for the co-location of fiber optics on existing utility poles within the City (and no new poles). A map detailing the proposed service area was attached. Per RCW 35A.47.040, the Council may not adopt an ordinance or resolution adopting a franchise until five days after its introduction. Therefore, Staff recommends that Council approve the first reading of the attached Ordinance at this meeting, and that Ordinance return for final adoption at the Council’s next regular meeting. **Action:** Move to Consent Agenda on July 10, 2019.

**D. AB19-43- Amendment to the Grant Policy.**

Councilmember Gehring briefed. CGA has completed their review. The proposed amendments encourage organizations to fundraise so that they are not solely dependent on grant funds from the City that may or may not be allocated due to limited City funds. The amendment also addresses the desire to give priority to the vulnerable and needy, and establishes funding Levels. The CGA Committee reviewed the policy on June 13<sup>th</sup>, 2019, and recommends the proposed amendments. **Action:** Move to Consent Agenda on July 10, 2019?

**E. Fireworks Referendum.**

Charlotte Archer briefed on the Referendum process for an advisory vote. The Council will need a Resolution by the first meeting in July. Discussion ensued about the language that the Council wanted on the ballot. They decided they wanted it to say “Shall the discharge of fireworks be prohibited within the City of Orting at all times of the year with the exception of properly licensed and permitted public displays? The Resolution needs to be submitted to the elections office by August 6th. The Council needs to work on forming for and against committees. The statements will need to be done by the end of July. The City cannot take a position or use city resources. If Council ultimately votes on a ban, an ordinance would be prepared for the last meeting in November or first meeting in December. Any ban on fireworks is not effective until 1 year after passage.

Councilmember McDonald brought forward a discussion regarding the process we follow moving items from Committees to Study Sessions, to Regular meetings. She wanted to be sure Council follows that process. Councilmember Drennen stated that there are some issues in the City that are more controversial and maybe should not be left to one committee. Deputy Mayor Hogan stated he brought it back to the agenda because of the fireworks situation in the City. Councilmember McDonald would like to ensure that the process of bringing something back is the exception rather than the rule. There was debate about waiting and seeing if increased enforcement would solve the fireworks problem. Council’s decision does not have to go along with the advisory vote and at some point in time, Council will have to make the final decision regarding fireworks. **Action:** City Attorney will bring a Resolution to the next meeting in July.

Councilmember Drennen suggested that staff make written staff reports at study sessions rather than verbal reports at the study session. The Mayor stated it can be considered.

**F. Deputy Mayor Process.**

Councilmember Gunther briefed that he had a large amount of feedback from citizens that have stated that they don’t trust the current process. Two citizens wrote letters asking why Councilmember Drennen was passed over. He also spoke about Facebook postings and stated he felt there is a loss of trust from

citizens who feel that the Deputy Mayor Position appointment has been politicized. Councilmember Gunther proposed a pilot program by ranking priority instead of seniority. Councilmember Drennen stated he does not currently have a desire to be Deputy Mayor but stated that over the years the appointment has at times been contentious and divisive. He stated it used to be a rotation process. The Mayor stated that staff has not been directed to develop a resolution and that staff won't work on a resolution without direction from the Council. Councilmember McDonald had concerns with the seniority proposal because the Council may put term limits in place at a future date and that could conflict with a seniority process. Councilmember Kelly would like to leave it as it is now, based on the person the Council looks to as a leader. Councilmember McDonald stated that she does not agree that Councilmember Drennen was passed over, because anyone who wanted to volunteer for the Committees was allowed to do so. Councilmember Drennen asked if there were other ways that Councils go thru this process. City Attorney Archer said that the state statute says a deputy mayor must be appointed by majority council vote, but the mechanism can be determined by the Council.

Councilmember Pestinger had to leave for a meeting in Sumner at 7:59pm.

Councilmember McDonald stated that if the Deputy Mayor Process comes back to CGA Committee again, it needs to come with a specific proposal that is well laid out, developed and should not be tasked to CGA to develop. **Action:** Deputy Mayor Process is going back to CGA Councilmember Gunther will bring a specific written proposal to CGA.

Deputy Mayor Hogan informed Council that Councilmember Drennen wished to add an item to the agenda.

***Councilmember Drennen made a motion to suspend the rules and add an item to the agenda. Second by Councilmember Gunther. Motion passed (6-0).***

***Councilmember Drennen made a motion to amend the agenda to have an executive session to discuss the legal risk of proposed action per RCW 42.30.110(i). (3). They will be out for 5 minutes with no action to follow. Second by Councilmember McDonald. Motion passed (6-0).***

Deputy Mayor Hogan recessed the meeting at 8:03pm for 5 minutes. No action after.

The Executive Session started at 8:03pm.

8:08pm- Extended for an additional 2 minutes.

8:10pm- Extended for an additional 2 minutes.

8:12pm- Extended for an additional 1 minute.

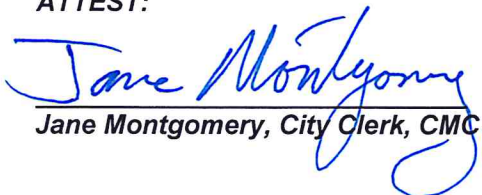
8:13pm – Session over.

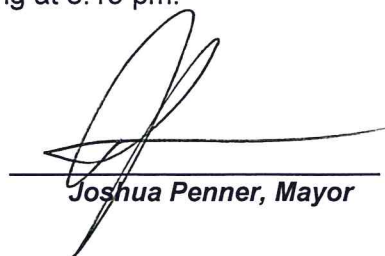
Deputy Mayor Hogan called the meeting back to order at 8:13pm.

## 5. ADJOURNMENT

Deputy Mayor Hogan adjourned the meeting at 8:15 pm.

ATTEST:

  
Jane Montgomery, City Clerk, CMC

  
Joshua Penner, Mayor