

COUNCILMEMBERS

Position No.

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



Deputy Mayor Greg Hogan,
Chair

ORTING CITY COUNCIL Study Session Minutes

Orting Multi-Purpose Center
202 Washington Ave. S, Orting, WA
September 18th, 2019
6pm

ORIGINAL

1. **CALL MEETING TO ORDER, PLEDGE OF ALLEGIANCE, AND ROLL CALL.**

Deputy Mayor Hogan called the meeting to order at 6:00pm. Councilmember Gunther led the pledge of allegiance.

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

Absent at roll call: Councilmember Kelly. (Councilmember Kelly arrived at 6:05)

Staff Present: Mark Bethune, City Administrator, Jane Montgomery, City Clerk, Scott Larson, Treasurer, Charlotte Archer, City Attorney, JC Hungerford, Engineer.

2. **COMMITTEE REPORTS**

Public Works

Councilmember Gunther briefed on the last meeting of Public Works Committee. They discussed the following:

- The Green area on Sidewalk crossings at the has been re-painted;
- Rocky Road;
- Sidewalk crossings modified with handicapped guidelines;
- Waste water treatment WTP

Councilmember Drennen stated that he met with Public Works Director Reed for upgrade of the treatment plan. The plan for the future look towards a treatment process that is more sustainable. They are looking at various options toward that goal.

Public Safety

Councilmember Pestinger briefed that the following topics were discussed at the last committee meeting:

- Arrests and drug houses;
- Individual was arrested who was using the trail system to hide;
- Entry level interviews for police took place on Sep 16th;
- The 2 lateral candidates washed out from the last lateral register;
- Chief Gard reported on his involvement with an emergency management tri- county board;
- The City Administrator is holding an Emergency operations center training for staff on September 12th;
- Lt Turner is involved with "Leads on line" -working with pawn shops to require photo identification for all transactions to reduce the sale of stolen items.

Community and Government Affairs

Councilmember McDonald stated that two items from the last committee meeting are on the agenda, grants and term limits which will be discussed later in the meeting.

3. **STAFF REPORTS**

Finance

Treasurer Larson briefed on the following:

- The budget is coming along and the draft budget will be out sometime next week;
- Property tax information came in today, normally the City can tax up to the full amount but this year the City will be limited to 1%. There will be a hearing on a future agenda in October;

- Utility rate discussions with Bakertilly are ongoing and he will provide Council feedback from those meetings;
- He is making progress with union negotiations and at the next meeting he would like to have closed session;
- The State Auditor is coming to the City on the 30th of September.

Police

Lt Turner reported they conducted oral boards on Monday for entry level candidates. Civil service is preparing the list which will be narrowed to 6 candidates.

Public Works

Public Works Director Reed briefed on the following that his department is doing;

- Operator in training closed interviews next week;
- Meeting with supported employment next week;
- Budget work;
- Striping done;
- Storm water inspection and repairs ongoing;
- Storm water ponds;
- River outfalls;
- Water service repairs;
- Water meter upgrades and repairs;
- Training on erosion controls;
- Arborist training;
- Asset management training;
- Pete went to training on managing small water systems;
- Working on PW building for hydro seeding.

Administration

Administrator Bethune reported that he met with Pease Construction and has a tentative timeline calendar on the City Hall build. He will put the schedule on the website when it is finalized. Estimated date for completion of the new facility is August. He sent out an RFP for fiber optics and is in the process of grading them now; will come be brought to committee shortly.

Mayor:

- October 10th all staff luncheon at PW facility at noon, council was invited;
- Went to the Mayors conference; (emergency management and economic development);
- Emergency management- has a playbook as a guide for elected officials;
- Mayors roundtable for affordable Housing;
- Working on budget should see a draft by next week

Administrator Bethune attended and spoke to Tehaleh at a meeting last night and he informed them that we need expansion to our transportation. The Word on the street is that they will be proposing a plan in 2021 so he spoke to the County and said let's be sure Orting is at the table. The County agreed.

Mayor stated that if Councilmembers want to serve on boards reach out to the Mayor.

Population growth was discussed and Administrator Bethune stated that he saw a statistic that one million people will be coming to Puget Sound in the next 15 years. Mayor Penner stated that 65% of growth last year was in east Pierce County.

Deputy Mayor Hogan informed Council that Roger Waggoner, City Planner is held up in traffic so he moved on to the other agenda items and will switch back to 4A when Roger arrives.

4. AGENDA ITEMS

B. Discussion-Term Limits.

Councilmember McDonald explained that this topic had come from the Community and Government Affairs Committee. She did not come with a formal proposal because she wanted to get feedback from the Council first. The proposal from CGA was handed out to Council which was as follows:

Term Limits- Council

Limit to 2 terms in a council position with maximum of 10 years to cover a possible 2 years due to an appointment.

Term Limits –Mayor

Limit to two terms as Mayor with a maximum of 10 years to cover possible appointment.

The Council and Mayor position would be considered separately. So a Councilmember who has maxed out on term limits may still run for Mayor and serve two terms as Mayor.

Councilmembers and the Mayor provided feedback on the proposal and discussion was on:

- Maximum terms;
- Allowing citizens votes to determine the length a Councilmember or Mayor serves;
- Districts/Pros and Cons
- Term Limits/Pros and Cons
- Benefits of continuity
- Voting rights act of Washington

Councilmember McDonald wanted to ensure that this discussion is not applied to any specific Councilmember who is on the Council.

C. AB19-58-Grant Requests.

Councilmember Gehring briefed that the City received applications for grants from the Orting Chamber of Commerce, Orting Farmers Market, Orting food bank, Opportunity Center, (DBA the Haven), Orting Senior Center, and the Orting Valley Recovery Café. All have either non-profit corporation or 501(c) (3) status. City Policy requires that the Grants are first reviewed by the CGA Committee and after review and approval, recommendations for approval are forwarded to the City Council. The enclosed proposed Resolution No.'s 2019-18 thru 2019-23, reflect findings by the CGA Committee that the proposed applicants qualify for grants, and authorizes the issuance of a grants, pursuant to a contract entered into between the Mayor and each of the applicants.

The Mayor informed the council that he is recommending a total of \$35,000 for the grants overall. CGA suggested \$40,000 for an overall total. The committee recommendations were:

- **Chamber of Commerce/Orting Community Float**
Asked for \$15,000.
CGA recommended \$1,500.

Mayor Penner stated that all of the recipients understand that the City cannot sustain these groups forever. Councilmember McDonald discussed the new policy that adjusts yearly by percentages.

- **Farmers Market**-Asked for \$4,000. CGA recommended \$3,000.
- **Food Bank**-Asked for \$3,000. CGA recommended \$3,000.
- **Opportunity Center, DBA, The Haven**-Asked for \$7,500. CGA recommended \$7,500.
- **Senior Center**-Asked for \$15,000. CGA recommended \$15,000.
- **Tacoma/Orting Recovery Café**-Asked for \$15,000, CGA recommended \$10,000.

Mayor Penner stated that while it may sound like the grant amounts may be settled, final dollars will be approved at budget time. The Mayor stated that his draft budget will allocate approximately \$35,000 this year.

Action: Will all be reviewed at Budget Meetings.

A. AB19-46- Ordinance No. 2019-1040, an Ordinance of the City Of Orting, Washington, Relating To Land Use and Zoning; Adopting Amendments to the Comprehensive Plan.

Roger Waggoner briefed the Council and stated that he is not making recommendations but would like to refer to his comments as “considerations”. His briefing covered the following topics:

- Process
- Uses
- Access and Parking
- Parks and Open Space
- Design

Council discussion followed. The following documents were also provided to Council as part of proposed Ordinance No. 2019-1040:

1. Transportation Improvement Program Update by Parametrix;
2. Updated Land Use and Zoning Map to re-designate the RU-L zone to RU;
3. Amendments to Comprehensive Plan text.
4. Amendments to Title 13

So far in discussions most of the Council agrees with PC recommendations 1-3, but has some disagreement with some of the Title 13 amendments.

Administrator Bethune stated that Roger Waggoner suggested splitting out Title 13 code amendments from the Comprehensive plan, and asked for a head nod to the Council to bring a separate ordinance which would address the code elements by creating a separate ordinance to address Amendments to Title 13 and 12. Council by consensus agreed to have staff bring back a separate ordinance. The Comp plan can only be amended once a year. And the deadline for the passage of the comp plan is coming up soon. The zoning code can be done anytime but the suggested amendments to the zoning code should be considered as well. Roger stated language can be crafted in the comp plan to address Parks.

Roger Waggoner briefed on the concept of moratorium, which has to have a basis and reason, and is for only a short period of time.

The Mayor said with the items split out the Council could take its time on the Title 13 items if they needed to, but go ahead and pass the comp. plan. The Mayor said he is not suggesting ignoring the zoning code amendments.

Roger Waggoner, Planner stated that an important key is that any comp plan policy has to be consistent with the Parks plan.

Administrator Bethune went line by line through a comparison chart which allowed for discussion on the following zoning code considerations:

- ✚ ***Limitation on Residential Use, Residential Density, Senior Housing Density, Residential above commercial, Limitation on Commercial Use, Building Height, Site Line Protections, Open Space/Parks, Frontage/Roadway Improvements, and Design Details.***

Council discussion ensued regarding each item and it was concluded by consensus that staff will put together an ordinance relating to title 13 code amendments based on discussions at the meeting.

Administrator Bethune asked Council what they thought of the requirement to build leed certified commercial buildings. A leed building ups the price and is more about tracking than value. Consensus was to change it to “recommends” leed not requires.

Roger will look at the Transportation plan to make sure it is consistent with the comprehensive plan. He recommended passing it as an element of the Comprehensive Plan. He will work with JC Hungerford to make sure this is in order. Administrator Bethune also reminded Council that the Planning Commission did not make a recommendation to change the alignment for the route of the Whitehawk extension, which is in the current comprehensive plan and not even in the

transportation plan. That needs to be stated very clearly as Council had voted on this years ago. He stated that through the NEPA process the City is required to minimize impact to any of the properties affected. The City has already gone forward along way and has received a million in funding and has used some of the funds that would have to be paid back, if the Council reversed course at this point in the process. The Mayor asked how that could even been done. Roger stated it would have to go back to the Planning Commission, so it would have to be re-addressed next year as a comp. plan amendment. Council had voted unanimously to the current plan. Councilmember Gunther wanted to change the alignment, but it appeared that the other Councilmembers, by consensus indicated they wanted to stay on the current course. They will have the opportunity to vote on all the issues when a final ordinance is brought back.

D. AB19-60- Resolution No. 2019-25, A Resolution of the City of Orting, WA, Amending The Contract With Pease Construction To Authorize A Contingency; Authorizing The Mayor and or his designee to Execute Change Orders.

Treasurer Larson briefed. The City awarded the contract for construction of the City Hall Building to the lowest responsive and responsible bidder, Pease Construction. That award did not include the recommended contingency amount of \$250,000. The proposed resolution, would authorize a contingency in an amount of \$250,000, and authorize the Mayor and/or his designee to execute change orders on behalf of the City with Pease for the project in an amount of \$25,000 per change order. After Council discussion by consensus this was moved forward to the next meeting but to change the amount to \$15,000 per change order.

Action: Move to the consent agenda on 9.25.19

E. AB19-61- Ordinance No. 2019-1050, Amending Ordinance No. 2018-1037 And Ordinance 2019-1048, Adopting The City Of Orting 2019 Budget; Providing For Appropriation And Expenditure Of Funds Received In Excess Of Estimated Revenues.

Treasurer Larson briefed. The City budgeted \$5.3 million in the 2019 budget to pay for construction of a New City Hall facility. In August the Council awarded the construction contract to Pease Construction. In addition to the amount approved for construction, the City needs to appropriate additional funds for both contingency (change order) items and items that are not part of the contract including a standby generator, electronic equipment for the council chambers, furniture, and other items to outfit the office space. In 2018 the City won a \$588,000 grant from the State for funds to help with construction of the New City Hall facilities, so the impact of these additional funds on the budget will be neutral.

Action: Move to the consent agenda of 9.25.19

F. AB19-62- Ordinance 2019-1049, Adopting Interim Wireless Communication Facility Design Standards.

Administrator Bethune briefed. The City adopted new Telecommunications Master Use Permit requirements in 2018 last year (Title 8, Chapter 8 OMC, and Ord 2018-1031). This code allows for telecommunications facilities but does not provide any development standards. The City Council, following the Planning Commission's recommendations, adopted interim wireless communication facility development standards, Ord. 2019-1044.

The FCC recently passed a rule that no new development standards would be accepted from local jurisdictions if they were not in place by April 14, 2019.

Staff drafted a permanent wireless communication facility development standards ordinance, after feedback from staff, public and stakeholders. After a public hearing, the Planning Commission recommended approval of the ordinance on Sept. 9, 2019.

Action: Public Hearing and vote at the 9.25.19 meeting.

G. AB19-63- Resolution No. 2019-17, Declaring property as surplus and authorizing disposal.

Treasurer Larson briefed that Orting Parks and Recreation no longer hosts Youth Tackle Football or Youth Basketball. The City is no longer in need of the items listed in Exhibit A of The resolution for surplus.

Action: Move to the consent agenda for the 9.25.19 meeting.

H. AB19-65- Cemetery Land Surplus- Boundary Line Adjustment.

Administrator Bethune briefed. The staff with support of Council has expressed an interest in the surplus of 9.5 acres of land adjacent to the city cemetery, in part, to fund capital improvements to the cemetery and reduce labor costs. Cemetery revenue has dropped in recent years as cultural standards have changed. The property is about 9.5 acres. It is important to have a significant buffer between the two properties to preserve the look of the cemetery. The proposal is to do a BLA to add about 1.5 acres of land to the cemetery to create the buffer. The city was required to go out for Request for Qualifications for this service. There were two respondents. You are not allowed to negotiate a price as part of the RFQ process. The City staff is recommending Skillings Connolly, Inc, a surveying company out of Lacey as the most qualified bidder to the RFQ and allowing the Mayor to negotiate a price after further discussion. The other companies' application was rendered non-responsive. By consensus the City Administrator will negotiate with Schillings Connolly for a price and then bring it back for Council approval.

Action: Move to the consent agenda for the 9.25.19 meeting.

I. AB19-66- Whitehawk Extension- Design and Engineering Scope and Budget.

Councilmember Drennen briefed. Jack Wright from Parametrix briefed that the project has become more expensive due primarily to expanded wetlands and the increased DOE and Corp of Engineers mandates. He stated it was not an over budgeted amount but an amount that had never been budgeted. The City Council selected Parametrix through the RFQ process in 2019 to complete Design and Engineering for the Whitehawk Blvd Extension (AKA Southwest Connector). The City received a federal grant for \$400,000 to complete this task with a \$50K match from the city. \$450,000 was budgeted and staff is seeking approval for an additional \$218,517.81. Councilmember McDonald expressed her concerns about the over budget figure and the Mayor agrees that this is a concern. Councilmember McDonald fears there is a pattern of going over budget on projects. Councilmember Drennen suggested making changes to the process to focus on the big picture. Discussion followed. The Mayor indicated that his frustration with a project is that it will benefit the people who drive through the City but not the citizens who live in the City. The City is spending impact fees on other folks to pay for over budgeted items. In spite of the frustration with the increase, Council by consensus agreed to the increase.

Action: Move to the consent agenda for the 9.25.19 meeting.

J. AB19-64-Appointment of Deputy Mayor – Committee Formation.

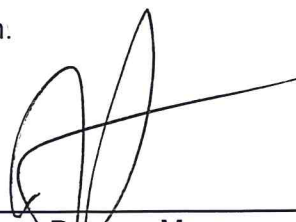
Deputy Mayor Hogan briefed on the Council Rules of Procedure in relation to the appointment of a Deputy Mayor: The Deputy Mayor will be selected by a majority of the Councilmembers annually beginning in September and concluding in October. The outgoing Deputy Mayor will solicit two other councilmembers to nominate a candidate for his/her replacement for a full Council vote. (see chapter 3 section 9 (B) - Deputy Mayor--Duties: Annually, in September, the outgoing Deputy Mayor, with the help of two councilmembers, will solicit and recommend a candidate for Deputy Mayor with confirmation from the entire council for his/her replacement in January. The following Councilmembers wanted to be on the committee: Councilmember Gunther, Pestinger, and Drennen. They will have to have a special meeting due to the quorum of 4 being on the Committee.

5. ADJOURNMENT

Deputy Mayor Hogan adjourned the meeting at 9:27pm.

ATTEST:


Jane Montgomery, City Clerk, CMC


Joshua Penner, Mayor