

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

Multipurpose Center

202 Washington Ave. S. Orting, WA

November 20TH, 2019, 6PM

DEPUTY MAYOR GREG HOGAN, CHAIR

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, John Kelly, Michelle Gehring, Joachim Pestinger, and Scott Drennen.

Councilmember McDonald was absent at roll call but came in at 6:01pm.

Staff Present: Mark Bethune, City Administrator, Jane Montgomery, City Clerk, Scott Larson, Treasurer, JC Hungerford, Engineer, Judge Curry, Kaaren Woods, City Administrator, Kim Kainoa, Court Clerk, Greg Reed, PW Director, Emily Adams, Planner.

Deputy Mayor Hogan asked to add AB19-84 Comprehensive Plan Amendment Docketing Plan, Ordinance No. 2019-1055. This will be added as agenda item **5A.1**.

2. PRESENTATION

A. AB19-74- Baker Tilly Utility Rate Study, 2020 - 2024 Utility Rates And Proposed Resolution No. 2019-32, Relating To Utility Rates; Adopting Adjustments To Water, Sewer And Storm Water Utility Rates.

Patty Kettles from Baker Tilly briefed on the Utility Rate Study for 2020-2024. The City has completed an analysis of its utility rates and is recommending that the council adopt rates for the next five years which is what the consultant recommended.

ACTION: Advance to the Special Meeting on November 25th, 2019 for a Hearing and Vote.

3. COMMITTEE REPORTS

Public Works

Councilmember Drennen briefed on the following from the last committee meeting:

- SR 162 Bridge;
- Impacts of recent election on TBD Funds.

Public Safety

Councilmember Pestinger briefed on the following from the last committee meeting:

- RV Ordinance original draft versus proposed ordinance;
- MOU with Soldiers Home;
- Report by Code Enforcement officer on activity from May 1, 2019- October 31, 2019.

Councilmember Kelly informed Council that the School Resource Officer Geoff Boone had saved a child's life at the school and was honored at a ceremony at the school. Council will present him with a certificate at a future Council meeting.

Community and Government Affairs

No Report, items are on the agenda.

4. STAFF REPORTS

Scott Larson, City Treasurer

Treasurer Larson provided Council with the third quarter finance report and the report from the State Auditor. No issues were cited in the City Audit.

Greg Reed, PW Director

Director Reed reported on the following: Vandalism of City Park fountain, Assessment of Dangerous Trees, Sidewalks.

John Curry, Municipal Judge

Judge Curry reported on Court Revenues. He stated that In Orting the Courts primary sources of revenue are from the payment of fines on criminal cases, court costs and infraction fines. Historically the Court sends approximately 45% of the revenues that are collected to the State. Currently that number is closer to 55% because of the changes in the assessments and the ability to charge/collect fines, interest, costs and assessments. He briefed on the impact of the Ferguson Missouri case that has had an impact on what courts may collect, and a new ruling which does not allow for interest to accrue on old accounts. The Judge mentioned that he would like to see student court back in Orting as he feels it has a positive effect on youth in the community.

Mark Bethune, City Administrator

Administrator Bethune briefed on the progress at the new Municipal Facility. He informed Council that some change orders will be coming to Council soon.

Joshua Penner, Mayor

Mayor Penner stated that he and Chief Gard would like for Officer Boone to be recognized at a televised meeting. The Mayor also told the Council that emergency supplies have been purchased in advance; should the City need to open a warming center. Generator hookups are also ready to go at the MPC.

5. AGENDA ITEMS

A. AB19-82-Comprehensive Plan Amendment Docketing Proposal, Resolution No. 2019-31, A Resolution of the City of Orting Washington, Adopting Comprehensive Plan amendment Procedures.

City Planner, Emily Adams briefed. The proposed Resolution and Exhibit A would adopt a timeline and process that is consistent with OMC 15-2-5 for the potential amendment of the Comprehensive Plan in 2020. The resolution sets out the process that will be followed if applications for amendment(s) are proposed by the public and/or the City. Staff and the Planner recommended the adoption of a detailed timeline for this process, to encourage public participation in the process, and to ensure that the process proceeds efficiently and effectively. She went over Exhibit A which outlined the proposed timeline. **ACTION:** Move to next meeting as a standalone item.

A.1 AB19-84 Comprehensive Plan Amendment Docketing Plan, Ordinance No. 2019-1055, An ordinance of the city of Orting, Washington; Amending Orting municipal code 15-12-5 setting procedure for comprehensive plan amendment.

City Planner, Emily Adams briefed on the proposed Ordinance which works in conjunction with proposed Resolution No. 2019-3. The proposed ordinance would amend OMC 15-12-5 to streamline the first phase of the process. Requests for amendment received by the City would be reviewed by Staff and submitted to the City Council for selection and for inclusion on the docket of amendments for that year's review. Selected amendments would then be submitted to the Planning Commission for a public hearing and review, and the Planning Commission's recommendations would then be submitted to the City Council for a final decision by the City Council.

Mayor Penner weighed in on the proposal. He stated that he believes this is an improved process and that it provides more direction to the Planning Commission, and less ambiguity. **ACTION:** Move to next meeting as a standalone item.

B. AB19-69- Request for Proposals-Liability Insurer.

Administrator Bethune briefed that the City has been insured for liability by AWC's RMSA for many years. The City went out for RFP to see if there was something out there that would be of greater benefit to the City. WCIA scored as the highest bidder, mainly due to the amount of training that they offer. The City would still stay with AWC for Medical, and go to AWC conferences. CGA reviewed this at their meeting on November 7th, and moved it forward for Council discussion. Staff recommended WCIA, whose contract would not be in effect for a year after the final contract was negotiated by the Mayor. Staff sought Council direction on this proposal. **ACTION:** Move forward to consent agenda for the November 25th, 2019 Special Meeting.

C. AB19-83- Orting Play Curb- Bids

Councilmember McDonald briefed that the bids were presented to the CGA Committee by Director Reed at their last meeting. There were three bid responses. The lowest bid was submitted by A & C Concrete Specialist at \$18, 592.88. The Committee was surprised to discover that this project had not been completed. They thought staff had completed the project which was budgeted and approved. In the future Councilmember McDonald stated that the CGA Committee would like to know if a particular project is not able to be completed by staff; so that they have the option to go with an outside contractor to get the work done. Councilmembers in general felt this was a breakdown in planning and scheduling, and asked that in the future if this happens; that staff come back to Council and inform them. This project includes 3 parks around the City of Orting. The Scope of work will be excavation and installation of curbing around specified play structures. **ACTION:** Move forward to the consent agenda for the November 25th, 2019 Meeting.

D. AB19-71- Ordinance No. 2019-1053, Amending OMC Provisions pertaining to Mobile Homes and Recreational Vehicles Ordinance No. 2019-1053, Pertaining To Recreational Vehicles,

Councilmember Pestinger briefed on recent changes to the Ordinance since last reviewed by Council. Discussion followed. This Ordinance would amend the OMC provisions pertaining to RVs and manufactured/mobile home communities to address EHB 1227, as codified at RCW 35.21.684(3), RCW 35A.21.312(3), and RCW 36.01.225(3). This proposed ordinance will prohibit RV's from being connected to permanent utilities such as sewer without inspection and approval of the City. The ordinance would allow the Code Enforcement Officer to extend the 180 day period for occupation on private property upon written request. The Public Safety Committee made the recommendation that no permit and fee should be required for the occupation of an RV, but that a permit and fee shall be required for the occupation of a Mobile Home. **ACTION:** Move forward to the Consent agenda for November 25th, 2019 Special Meeting.

E. AB19-76- Memorandum of Understanding- WA Soldiers Home.

Administrator Bethune briefed on the MOU, which The City and the Washington State Soldiers Home wish to enter into to share equipment/supplies/resources in the event of a catastrophic event. **ACTION:** Move forward to consent agenda for the November 25th, 2019 Special Meeting.

F. AB19-77- Interlocal Agreement (ILA) with the Port of Tacoma- Orting Tourism Video.

Administrator Bethune briefed that he had applied for a grant with the Port. This ILA allows the City to bill the Port of Tacoma for a grant to support the development of a tourism video. The grant amount is for \$2,500. The City Council has already budgeted

approximately \$5,000 for the video. Rainier Communication Company, (RCC) plans to have the first draft of the tourism video ready for review about mid-November. **ACTION:** Move forward to consent agenda for the November 25th, 2019 Special Meeting.

G. AB19-78- City of Orting/AWC Legislative Priorities.

Councilmember McDonald briefed that the CGA Committee reviewed the proposed Legislative priorities drawn up by Administrator Bethune. The City Council typically approves Council legislative priorities each year before the legislative session begins in January. AWC's legislative priorities were taken into consideration. Councilmember McDonald asked that the priorities be shared with CGA at their first meeting in January in order to inform any new Councilmembers. **ACTION:** Move forward to consent agenda for the November 25th, 2019 Special Meeting.

H. AB19-79- Resolution No. 2019-30 A Resolution of the City Of Orting, Washington, Authorizing the Mayor to Execute a Professional Services Agreement for Planning Services with AHBL, Inc.

Administrator Bethune briefed that the charge for services for Emily Adams is less than what was proposed at the time an RFP went out in 2018 for Planning Services. AHBL has a large staff of nine planners who can support Emily should she need it. In light of the costs to issue a second RFP for the same services, City Staff proposed a contract with AHBL, Inc. until Dec. 31, 2020 for contract planning services. This would require a waiver of the City's Purchasing Policy, which requires the issuance of an RFP/RFQ for professional services in an amount exceeding \$20,000. **ACTION:** Move forward to consent agenda for the November 25th, 2019 Special Meeting.

I. AB19-81- Council Committee selection for the year 2020.

Deputy Mayor Hogan briefed that the process is to form an appointment committee consisting of the Deputy Mayor, one councilmember and the Mayor, who recommend assignments for the Council Committee Chair and Vice-Chair positions. Councilmember Gunther volunteered to be on the Committee. **ACTION:** Deputy Mayor Hogan, Mayor Penner, and Councilmember Gunther will bring recommendations For Committee Assignments Back to Council in December.

J. AB19-80- Term Limits- Ordinance No. 2019-1054, An Ordinance Of The City Of Orting, Washington, Relating To Qualifications For Elected Officials; Adopting New OMC 1-6-4 And 1-6-5, Establishing Term Limits For City Council Members And the Mayor.

Councilmember McDonald briefed on the proposed ordinance stating that term limits help ensure that citizens have greater opportunity to serve on the City Council, bring new ideas and perspectives to the City, along with ensuring more equal opportunity of representation for all residents of the City of Orting. The CGA committee recommended adopting Term Limits for City Council and the Mayor. Council discussion ensued regarding the pros and cons of term limits. It was agreed by consensus that there be a hearing prior to passage.

Mayor Penner stated that for the past 25 years there have been 3 initiatives in this regard that failed. The Mayor stated that according to the National League of cities only 9% of cities have term limits. Tacoma is the only one that he could cite in our area. The Mayor stated that his main concern was City Councilmembers voting on a Mayor's term limit. He felt this action if approved would usurp the independence of the Executive branch. He stated that any passage should be by a super majority, passed by a vote of the citizens, and be preceded by a public hearing. The Mayor stated that he did not support the Ordinance as drafted. He asked the Council to reconsider this portion of the Ordinance and remove the portion regarding term limits for Mayor. Council discussion followed. **ACTION:** Move forward to the meeting in December with a hearing.

K. Discussion- Transportation Benefit District.

Scott Larson told Council that this matter was first discussed in the Public Works Committee. AWC will be hosting a webinar to cover the impacts of I-976 as it relates to TBD funding for cities. He stated that one outstanding question is whether or not a City can choose to pose to their voters a car tab tax. King County, Seattle and AWC have filed a lawsuit against the initiative and moved to seek an injunction to continue collecting the tax until the issue is resolved in the courts. His question for the Council was whether or not they wanted to forgo expensive chip seal projects for next year. He stated that this was the current staff recommendation until they see how 2020 works out. Mayor Penner pointed out that State money will become incredibly competitive. Council did not have an objection to reducing the expense budget for the TBD for 2020, and agreed to have it reduced to \$40K.

L. AB19-72 Ordinance No. 2019-1052, An Ordinance Of The City Of Orting, Washington Relating To The Annual Budget For Fiscal Year 2020; Adopting The City Of Orting 2020 Budget; Adopting The Job Classification And Pay Range For Employees .

Treasurer Larson briefed on the changes to the proposed 2020 budget. Council looked at Exhibit A to the proposed ordinance, changes to the Parks fund, and Exhibit B to the ordinance which detailed 2020 job classifications and Pay Ranges. Councilmember Drennen would like a professional sign and a flag at the new Public Works facility. Treasurer Larson stated that funds are available for 2020 for additional signage. The dollar amount set aside will be \$10K. Grants were discussed. The Mayor recommended 1% of the general fund, which is approximately 35K towards grants. The Mayor stated that his goal was to present a balanced general fund which he did. He stated that Council has the prerogative to change the budget, even if it means an unbalanced general fund. He stated that at this time, the budget becomes the Councils budget. Council by consensus chose to adopt the recommendations made by the CGA Committee. Treasurer Larson will bring back the amounts recommended by CGA in the final budget.

ACTION: Move forward to the November 25th, 2019 Special Meeting as a stand-alone item.

6. ADJOURNMENT

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

ATTEST:



Jane Montgomery, City Clerk, CMC



Joshua Penner, Mayor