

# ORIGINAL

## Councilmembers

Position No.

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



**Mayor Joshua Penner, Chair**

## Orting City Council

Regular Business Meeting Minutes  
Orting Multi-Purpose Center  
202 Washington Ave. S, Orting, WA  
December 11<sup>th</sup>, 2019, 7pm

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

Mayor Penner called the meeting to order at 7:00pm. Deputy Mayor Hogan led the pledge of allegiance.

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

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

### **REQUEST FOR ADDITIONS OR CORRECTIONS TO THE AGENDA.**

Administrator Bethune requested to add item #7F AB19-91 Lease Agreement-Pierce County Library System.

City Clerk asked to add #7G AB19-92- Selection of Candidate to fill an upcoming unexpired term of office for Council position #3. Council Vacancy Process

*Deputy Mayor Hogan made a motion to add item #7F & #7G to the Agenda. Second by Councilmember Kelly. Motion passed (7-0).*

### **2. PUBLIC COMMENTS**

None

### **3. EMPLOYEE RECOGNITION**

The following employees were presented certificates of appreciation by Mayor Penner and the manager who made the recommendation.

- Geoffrey Boone- Police Department-Police Chief Chris Gard
- Jennifer Corona- Administration-Treasurer Scott Larson

### **4. PROCLAMATIONS**

#### **A. Wreaths Across America**

The Mayor prepared a proclamation for Wreaths across America. A representative was not in attendance to accept the proclamation.

### **5. HEARING**

#### **A. AB19-80- 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.

Mayor Penner opened the hearing at 7:09pm. The Mayor announced the title and read the rules for the public hearing. The proposed ordinance would establish term limits for City Council Members and the Mayor.

Councilmember McDonald briefed the Council on the proposed ordinance. The CGA Committee recommended the enactment of term limits because they felt it would ensure that citizens have greater opportunity to serve on the City Council, bring new ideas and perspectives to the City, and ensure more equal opportunity of representation for all residents of the City of Orting.

#### **Public Comments**

None

#### **Council Comments or Questions**

Councilmember Drennen went on the record to state that he did not support the proposed ordinance. He stated that only four people have served beyond two terms in the long history of the City. He would prefer to have a hearing or go out to a vote of the people.

Mayor Penner closed the hearing at 7:12pm.

*Councilmember Gunther made a motion To Move Ordinance No. 2019-1054 To the January 08, 2020 Council Meeting. Second by Councilmember Drennen. Motion passed (4-3).*

#### **Requests for Consent Agenda Items to Be Pulled For Discussion**

None.

### **6. CONSENT AGENDA**

- A.** Regular Meeting Minutes of November 13<sup>th</sup>, 2019.
- B.** Study Session Minutes of November 20<sup>th</sup>, 2019.
- C.** Special Meeting Minutes of November 25<sup>th</sup>, 2019.
- D.** Payroll and Claims Warrants.
- E. AB19-58-** To approve Resolution No's 2019-18-Orting Chamber of Commerce, 2019-19-Orting Valley Farmers Market, 2019-20-Orting Food Bank, 2019-21-Opportunity Center, 2019-22- Recovery Café, 2019-23-Senior Center, as prepared for a total of \$40,000.
  - 1. Chamber of Commerce/Orting Community Float, Resolution No. 2019-18,**  
*A Resolution of the City Of Orting, Washington, Declaring a Public Purpose and Authorizing a City Grant of Funds for Orting Chamber of Commerce In The Amount Of \$1,500.*
  - 2. Farmers Market-Resolution No. 2019-19,** *A Resolution of the City of Orting, Washington, Declaring a Public Purpose and Authorizing City Grant of Funds to the Orting Valley Farmer's Market in the Amount Of \$3,000.*
  - 3. Food Bank-Resolution No. 2019-20,** *a Resolution of the City Of Orting, Washington, Declaring a Public Purpose and Authorizing A City Grant To Orting Food Bank In The Amount Of \$3,000.*
  - 4. Opportunity Center, DBA The Haven-Resolution No. 2019-21,** *A Resolution Of The City Of Orting, Washington, Declaring A Public Purpose And Authorizing A City Grant Of Funds For Opportunity Center Of Orting In The Amount Of \$7,500.*
  - 5. Orting Valley Recovery Café, Resolution No. 2019-22,** *A Resolution Of The City Of Orting, Washington, Declaring A Public Purpose And Authorizing City Grant Funds To Orting Valley, Recovery Café In The Amount Of \$10,000.*
  - 6. Orting Senior Center, Resolution No. 2019-23,** *A Resolution Of The City Of Orting, Washington, Declaring A Public Purpose And Authorizing A City Grant For Orting Senior Center Organization In The Amount Of \$15,000.*

*Deputy Mayor Hogan made a motion to approve Consent Agenda as prepared. Second by Councilmember Gehring. Motion passed (7-0).*

## 7. NEW BUSINESS

### A. AB19-81- Council Committee Selection for 2020.

Deputy Mayor Hogan briefed. Deputy Mayor Hogan, The Mayor, and Councilmember Gunther, met on November 28<sup>th</sup>, to discuss committee assignments. Their recommendations for the Council Committee assignments were as follows:

CGA- CM Gunther and CM Williams.

Public Works- CM Drennen and CM Bradshaw.

Public Safety- CM Kelly and CM who fills vacant position.

*Deputy Mayor Hogan made a motion to approve the following Council Committee assignments:*

*CGA – CM Gunther and CM Williams.*

*Public Works, CM Drennen and CM Bradshaw.*

*Public Safety, CM Kelly and CM Vacant.*

*Second by Councilmember Gunther. Motion passed (7-0).*

### B. AB19-87- Bids-Generator Purchase & Installation/New Municipal Center.

Administrator Bethune briefed and stated that the new City facilities will need a generator for times of power outage. The City received 3 bids, one did not meet bid requirements and was therefore non-responsive. The winner of the bid was Energy Systems, the lower priced responsible bidder of the final two. There was debate about the Generac generator. JC Hungerford briefed on the process that was followed and the specifications.

*Councilmember McDonald made a motion to approve Energy Systems as the responsible low bidder and authorize the Mayor to sign a purchase agreement with them for \$49,803.64 to purchase and install a “Generac” Generator for the New Municipal Center. Second by Councilmember Gehring. Motion failed (3-4).*

*Councilmember Drennen made a motion to reject all bidders and restart the RFP process. Second by Councilmember Williams. Motion failed (3-4)*

**Action taken:** To provide Councilmember Williams more information by providing the specification sheet for the generator, and move this to the January 08, 2020 Council Meeting. This will allow Council more time to review the specifications. There was discussion about the effects of rejecting the bids and the timeline that the contractor has laid out. Councilmember McDonald stated that staff has been thorough and has always done a great job preparing professional recommendations. The City is required to accept the lowest bidder or reject all bidders.

**C. AB19-88-** Ordinance No. 2019-1056, An Ordinance Of The City Of Orting, Washington, Amending Ordinance No. 2018-1037, Adopting The City Of Orting 2019 Budget; And Ordinance No. 2019-1048 And Ordinance No. 2019-1050 Amending The 2019 Budget Providing For Appropriation And Expenditure Of Funds Received In Excess Of Estimated Revenues; Adopting Various Transfers.

Scott Larson briefed on the revised estimated revenue and expenditure totals for funds listed in Exhibit A of the proposed ordinance. Exhibit B provided an explanation of amendments to the 2019 budget.

*Deputy Mayor Hogan made a motion to adopt An Ordinance Of The City Of Orting, Washington, Amending Ordinance No. 2018-1037, Adopting The City Of Orting 2019 Budget; And Ordinance No. 2019-1048 And Ordinance No. 2019-1050 Amending The 2019 Budget Providing For Appropriation*

**And Expenditure Of Funds Received In Excess Of Estimated Revenues; Adopting Various Transfers; Providing For Severability; And Establishing An Effective Date. Second by Councilmember Gehring. Motion passed (7-0).**

**D. AB19-89-** Resolution No. 2019-33, a Resolution of the City Of Orting, Washington, Authorizing the Designation of Signatories Pursuant To OMC 1-7-3©. Scott Larson briefed. Due to staffing turnover the City needs to update signers on its bank accounts. The bank requires that signers not enumerated within the city code be approved by the Council.

**Councilmember McDonald made a motion to Approve Resolution No. 2019-33, A Resolution Of The City Of Orting, Washington, Authorizing The Designation Of Signatories Pursuant To OMC 1-7-3©. Second by Councilmember Drennen. Motion passed (7-0).**

**E. AB19-90-** Orting Municipal Code Updates for Compliance with Phase II NPDES Permit-Ordinance No. 2019-1057, An Ordinance Of The City Of Orting, Washington, Relating To Low Impact Development Requirements; Amending Orting Municipal Code Sections 5-1-2, 5-10-2, 6-1b-4, 7-5-13, 7-6-2, 8-2-4, 8-4-2, 8-5-15, 9-5a-4, 9-5a-7, 9-5a-9, 9-5a-12, 9-5a-13, 9-5a-16, 10-16-2, 10-16-4, 11-1-2, 11-4-2, 12-2-10, 12-10-3, 13-2-4, 13-3-2, 13-5-2, 13-5-9, 13-6-2, 13-6-3, 13-6-4, 13-6-7, 14-1-5, 14-1-9, And 15-15-2.

City Engineer, JC Hungerford briefed. As a Phase II community Orting is required to review, revise and make effective local development-related codes, rules, standards, or other enforceable documents to incorporate and require low impact development (LID) principles and LID Best Management Practices (BMPs) to be in compliance with the NPDES permit. This is a first read and will also go the Planning Commission and Department of Commerce and SEPA review. This will come back to the January 08, 2020 Council Meeting. The SEPA and Department of Commerce review are running concurrently with the Council review process. **First read only**

**F. AB19-91-** Lease Agreement-Pierce County Library System

Administrator Bethune briefed. The City has been negotiating a lease of the library for the last 6 months. The lease gives the city about \$2500 a month of income and reduces the maintenance expense by about \$500 a month. The lease gives the library more priority and frequent use of the MPC. Mayor Penner stated that this has been discussed for over a year now.

**Councilmember McDonald made a motion to approve a lease with the Pierce County Libraries for use of the current library section, common areas, and MPC as listed. Second by Councilmember Gehring. Motion passed (7-0).**

**G. AB19-92-** Selection of Candidate to fill an upcoming unexpired term of office for Council position #3. Deputy Mayor Hogan stated that he would like to use the same process that was used the last time they had a council appointment. The process is laid out in Council rules of procedure.

**Councilmember Drennen made a motion to accept Councilmember Gehring's resignation with regret. Second by Councilmember Gehring. Motion passed 7-0.**

The Council by consensus agreed to move forward with the recruitment process and allow the City Clerk to advertise and close the recruitment on December 30<sup>th</sup>. Potential questions were provided the Council and they were asked to contact the Clerk if they wanted to add a question that was not on the list.

**8. EXECUTIVE SESSION**

The Mayor announced that there would be three (3) topics for executive session. RCW 42.30.110. (1) (b) - Acquisition of Real Estate, and RCW 42.30. 110.1 (i) (3) Potential Litigation or Legal Risk to agency, Action likely to follow, 15 minutes.

Mayor Penner recessed the meeting at 8:07pm for a 5 minute break to be followed by the executive session.

The Executive Session started at 8:12pm for 15 minutes.

8:12pm- Recessed to executive session.

8:27pm- Extended for an additional 2 minutes.

8:29pm- Session over.

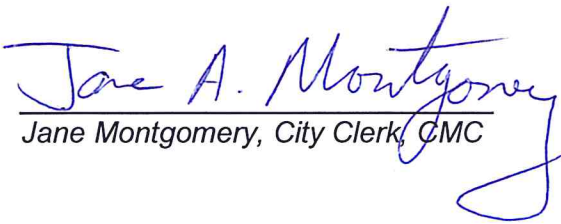
Mayor Penner called the meeting back to order at 8:29pm.

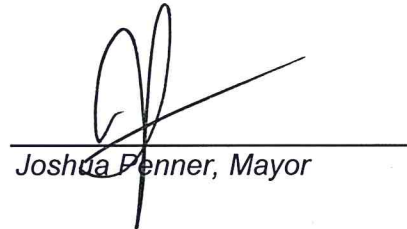
**9. ADJOURNMENT**

*Councilmember McDonald made a motion to Adjourn. Second by Councilmember Gehring. Motion passed (7-0).*

Mayor Penner adjourned the meeting at 8:30pm.

ATTEST:

  
Jane Montgomery, City Clerk, CMC

  
Joshua Penner, Mayor