

## COUNCILMEMBERS

### Position No.

1. Tod Gunther
2. John Kelly
3. Tony Belot
4. John Williams
5. Gregg Bradshaw
6. Greg Hogan
7. Scott Drennen



MAYOR JOSHUA PENNER, CHAIR

ORTING CITY COUNCIL  
Regular Business Meeting Minutes  
Virtual Meeting  
104 Bridge Street S, Orting, WA  
March 31<sup>st</sup>, 2021, 7pm.

ORIGINAL

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

Mayor Penner called the meeting to order at 7:00pm, Councilmember Kelly led the pledge of allegiance and roll call was taken.

**Councilmembers Present:** Deputy Mayor Greg Hogan, Councilmembers John Kelly, Tod Gunther, John Williams, Scott Drennen, Tony Belot, and Gregg Bradshaw.

**Staff Present:** Jane Montgomery, City Clerk, Gretchen Russo, Finance Director, Charlotte Archer, City Attorney, JC Hungerford, Engineer, Chris Gard, Chief of Police, Greg Reed Public Works Director.

### REQUEST FOR ADDITIONS OR MODIFICATIONS TO THE AGENDA.

No Requests were made.

Mayor Penner read the following announcement:

**\*The City utilized remote attendance for Councilmembers and City employees. Please note: OPMA rules regarding provision for the public in a space were suspended by proclamation of the Governor. The meeting was however, available for the public by a computer link or by phone.**

### 2. PUBLIC COMMENTS

No Public Comments were made.

### 3. PUBLIC HEARING

#### **A. AB 21-20- Comcast Franchise Agreement, Ordinance No. 2021-1076, An Ordinance Of The City Of Orting, Washington, Approving And Adopting A New Franchise Agreement With Comcast Cable Communications Management, LLC.**

Mayor Penner opened the hearing at 7:04pm and read the rules for the hearing and explained the process for the hearing. Attorney Archer gave a staff report on the proposed ordinance which would approve a franchise agreement with Comcast. The proposed ordinance authorizes the Mayor to execute a non-exclusive cable television franchise agreement with Comcast Cable to govern the terms and fees for Comcast's presence in the City's rights of ways. Per Washington State law the Council needs to see this item twice in open meeting. The contract will be for 10 years. The new rate structure and the increase in rates were discussed. Currently Comcast Cable customers pay a flat fee of \$0.25 per month. This agreement changes the fee structure to a percent of gross revenue model, and for Orting the rate will be 0.375%. This would increase the bill from \$0.25 per month to approximately \$0.33 per month or a total of \$0.96 per year.

Mayor Penner asked for any public comments. No comments were made. Council comments and discussion followed.

Mayor Penner closed the hearing at 7:14pm.

### 4. EXECUTIVE SESSION- Per RCW 42.30.110(1)(i), To Discuss With Legal Counsel Legal Risks Of A Proposed Action When Public Discussion Of Legal Risks Is Likely To Result In An Adverse Legal Or Financial Consequence To The Agency.

Mayor Penner recessed to executive session at 7:16pm. The Mayor stated that the executive session is per RCW 42.30.110(1)(i), To Discuss With Legal Counsel Legal Risks Of A Proposed Action When Public Discussion Of Legal Risks Is Likely To Result In An Adverse Legal Or Financial Consequence To The Agency. They will be out for 5 minutes, with no action anticipated upon return to open session.

7:16pm recessed to executive session.  
7:21pm extended for 1 minute.  
7:22pm executive session over.

Mayor Penner called the meeting back to order at 7:23pm

## 5. CONSENT AGENDA

- A. Regular Meeting Minutes Of March 10<sup>th</sup>, 2021.
- B. Study Session Meeting Minutes Of March 17<sup>th</sup>, 2021.
- C. Payroll And Claims Warrants.
- D. **AB21-26A-** To Adopt Ordinance No. 2021-1075, An Ordinance Of The City Of Orting, Washington, Accepting Donation Of Material For The Gratzner Ball Field.
- E. **AB21-11-** To Approve The Well 1 Booster Pump Station VFD Integration Scope And Budget As Prepared By Parametrix; In The Amount Of \$50,500.
- F. **AB21-28-** To Adopt The NPDES Phase II Municipal Stormwater Management Program Plan As Prepared By Parametrix.
- G. **AB21-24-** To Authorize The Mayor To Sign A Credit Card Agreement With CITI For A VISA Credit Card With A Not To Exceed \$10,000 Credit Limit.

***Councilmember Kelly Made A Motion To Approve Consent Agenda As Prepared. Second By Councilmember Belot. Motion Passed (7-0).***

## 6. OLD BUSINESS

### A. AB21-26- Gratzner Ball Field, Construction.

Councilmember Drennen led the discussion and stated that the project has spanned two Mayors, and multiple Councilmembers. He noted the contribution of the Gratzner family who donated their former farm for the project. The City also received a grant for the project, and has been supported with the assistance of numerous volunteers. The Council will be asked to approve the low bidder.

Administrator Larson stated that five bids were received, the low bidder is A-1 landscaping in the amount of \$758,619.06. This exceeded the budget for the project by approximately \$150,000. The project was examined by the Administrator and the City engineer and it was determined that they could get back to the budget by picking up the wetland mitigation plantings at the back end of the project. They will partner with Pierce Conservation Corps, who will bring their labor for the plantings in the fall, and this will bring the project back into alignment with the budget. The plants will likely be sourced from them as well. The Council needs to approve the low bidder, and then staff will follow up when they send out the notice of award with a change order which strikes item 11. The City has the right to strike any bid item they choose. The recommendation from staff is to approve A-1 Landscaping as the low bidder.

***Councilmember Drennen Made A Motion To Authorize The Mayor To Sign An Agreement With A-1 Landscaping As The Lowest Responsive Bidder For The Gratzner Ballfield Project In The Amount Of \$758,619.06. Second By Councilmember Williams. Motion Passed (7-0).***

## 7. NEW BUSINESS

### A. AB21-29- Council Rule Change, Adding Council Committee Reports To Section 4.4.1(8), Order Of Business.

Councilmember Kelly stated that they had been asked to bring this forward so that the public will know in advance what will be moving forward to the study session out of Committees. He does not want Committees to give a full report but just inform the public which items will be placed on the next study session agenda. Some of those items will likely move forward from the study session to the consent agenda at the last meeting of the month. Council discussion followed.

***Deputy Mayor Hogan Made A Motion To Approve The Proposed Change To Section 4 Order Of Business And Agenda, Section 4.1 (8) Commission Reports Of Council Rules, As Presented. Second By Councilmember Gunther.***

***Councilmember Kelly made an amendment to the motion to change 4.1.8 to say "and Committee Outlines". Second by Councilmember Williams. Gunther- No, Kelly-Yes, Belot-Yes, Williams- Yes, Bradshaw-Yes, Hogan-No, Drennen-Yes. Motion passed (5-2).***

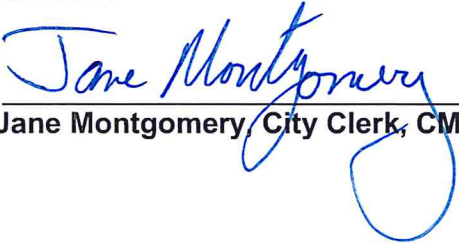
**Council then voted: To Approve The Proposed Change To Section 4 Order Of Business And Agenda, Section 4.1 (8) Commission Reports Of Council Rules as amended. Gunther-Yes, Kelly-Yes, Belot-No, Williams-Yes, Bradshaw-No, Hogan-No, Drennen- Yes. Motion passed (4-3)**

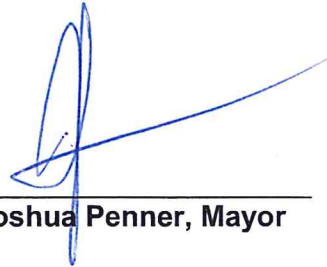
**8. ADJOURNMENT**

**Deputy Mayor Hogan Made e A Motion to Adjourn. Second by Councilmember Belot. Motion Passed (7-0).**

Mayor Penner recessed the meeting at 8:17pm.

ATTEST:

  
Jane Montgomery, City Clerk, CMC

  
Joshua Penner, Mayor