

ORIGINAL

COUNCILMEMBERS

Position No.

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



Deputy Mayor, Greg Hogan,  
Chair

**1. CALL MEETING TO ORDER, PLEDGE 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, Tony Belot, Gregg Bradshaw, and John Williams.

**Absent:** Councilmember Kelly and Drennen. (Councilmember Kelly arrived at 6:05pm, Councilmember Drennen arrived at 6:15pm)

**Staff Present:** Mark Bethune, City Administrator, Jane Montgomery, City Clerk, Scott Larson, Treasurer/Assistant City Administrator, Charlotte Archer, City Attorney, JC Hungerford, Engineer, Greg Reed, Public Works Director, and Chris Gard, Chief of Police.

**2. COMMITTEE REPORTS**

**Public Works**

JC Hungerford briefed that the City received notification that it would potentially need to give up some of the funding for the Whitehawk connector related to the right of way, if the right of way was not acquired by June 2020. Due to complications in the negotiations with the property owner the City decided it would be preferable to give the grant funds for \$620,000 back to PSRC rather than risk defaulting on the loan. The City was able to maintain \$50,000 of those grant funds through an administrative change order through WSDOT. Parametrix has also written a grant application through PSRC to replace that right of way funding. JC reported that he received a call from PSRC saying that contingency funds are available in the amount of \$325,000, and he was able to apply for those funds which are now being used to bring the Kansas design Phase from preliminary 30% design to final design by July. Other items from the committee are on the agenda:

- Village Green Outfall Preliminary Permitting
- Generator Maintenance Bid Results
- Backflow Assembly Services Bid Results

Assistant City Administrator/Treasurer Larson briefed on the update of the policy for those who have fallen behind on their utility bills. Citizens will receive information in their June utility bill.

**Public Safety**

Councilmember Kelly reported that the police vehicles have been ordered, and should be in service by August. The Chief reported at the Committee that there had been an uptick in crime, particularly thefts and domestic violence issues.

**Community and Government Affairs**

Councilmember Gunther reported that the following items from CGA are on the agenda:

- Downtown Fountain Remodel
- Tree Replacement policy
- Term Limits for Mayor

He also stated that proposed signage to replace the current reader board will be coming to Council soon.

### 3. STAFF REPORTS

#### **Chris Gard**

The Chief of Police reported on the following:

- Drug Arrests
- FAA clearance for drones
- Status of new hires

#### **Greg Reed**

Public Works Director Reed reported on the following:

- Cemetery care
- Spraying operations in the City
- Waste water treatment plant maintenance operations

#### **Jane Montgomery**

The City Clerk reported that the new website is in the design phase.

#### **Scott Larson**

Assistant City Administrator/Treasurer Larson reported on the following:

- Finance report
- Budget discussions- The City may delay purchase of police vehicle until 2021, and hiring of parks and recreation position, and the court clerk position
- The Annual Report
- Court schedule update

#### **Emily Adams**

City Planner Adams reported on the following:

- Grant received from Department of Commerce for \$50,000
- Reviewing lot coverage maximums

#### **Mark Bethune**

Administrator Bethune reported on the following:

- Progress of new City Hall project- still on course for completion date in August
- Ristorical Research- recovery of expenses related to contaminated soils

City Administrator Bethune requested that two items be added to the agenda. They were Ristorical Research, and a potential executive session related to agenda item 4a.

#### **Mayor Penner**

Mayor Penner thanked the Council for resuming their committees in May. He also briefed on the grand opening of the new Indigo Urgent Care facility in the City. They plan on opening May 27<sup>th</sup>.

### 4. AGENDA ITEMS

#### **A. AB20-42- Resolution No. 2020-13, A Resolution Of The City Of Orting, Washington, Setting Policy Pertaining To Covid-19 Pandemic And Requesting Mayor To Take Action Consistent Therewith.**

Mayor Penner stated that the Council received his May 3<sup>rd</sup> request for Council direction and statement regarding COVID19, and discussed the proposed resolution at their last meeting. The Mayor stated that there appears to be some confusion on what this resolution is. He went on to explain that a resolution is a statement of beliefs and facts, which would guide future policy. He then detailed each whereas clause, and what those statements say. He stressed that this is not a thumb in the eye of the Governor. The

Mayor stated he wanted to clear up what he saw as a straw man argument that was created which misrepresents the intent of the resolution.

City Attorney Archer briefed on comments made at the last meeting, and the five different versions that Council was presented with as a result of those comments.

Discussion followed on each version, the proposed language modifications, and the possible rescinding of the emergency proclamation. The Mayor reiterated that his goal is to make a joint statement and move forward together.

A discussion came up relating to scheduling a special meeting to discuss the proposed resolution further on Friday May 22<sup>nd</sup>. A special meeting was requested by two Councilmembers, but a special meeting requires that three Councilmembers make that request. A poll was taken and the requirement to ask for a special meeting was not met. Staff will present a modified resolution at the next Council meeting.

#### **A.1 EXECUTIVE SESSION**

Was not required.

#### **B. AB20-32-Personnel Policy-Payment of Gratuity-Resolution No. 2020-09.**

Councilmember Gunther briefed that the City's Personnel Policy does not allow for the reimbursement of gratuity when employees are traveling on official business. Treasurer Larson shared that the State Office of Financial Management's policy for travel allows the reimbursement gratuity. A request was made to allow for gratuity, which had been allowed by the City in the past. The amended language presented to Council, will allow for the gratuity and came with the recommendation of the CGA Committee to approve. **Action:** Move to the consent agenda for the next meeting on May 27, 2020.

#### **C. AB20-43-Village Green Outfall Preliminary Permitting.**

JC Hungerford briefed on the project. The City was awarded grant funding by the State of Washington through the Hazard Mitigation Grant Program (HMGP). Grant funding is for Phase I of the project, which includes preliminary engineering and permitting to create a larger perimeter outfall. **Action:** Move to the consent agenda for the next meeting on May 27, 2020.

#### **D. AB20-44- Generator Maintenance Bid Results.**

Councilmember Drennen and Bradshaw briefed that this allows the City to continue regular maintenance of backup generators over a three year contract. The City currently has 11 generators that require maintenance. An RFP process was completed. There were three vendors that responded. This will not void any current warranties. Tacoma Diesel was the lowest responsible bidder. **Action:** Move to the consent agenda for the next meeting on May 27, 2020.

#### **E. AB20-45- Backflow Assembly Services Testing Bids results.**

Councilmember Drennen and Director Reed briefed that this allows the City to maintain compliance with the Cross-Connection Control Program and adhere with state and local regulations regarding backflow assemblies that have to be tested annually. An RFP process was completed. Cross-Connection Control Services was the lowest of six bidders that met specifications. This is a three year contract. **Action:** Move to the consent agenda for the next meeting on May 27, 2020.

#### **F. AB20-46 Audio Visual RFP Results**

Administrator Bethune briefed that the City elected to purchase AV equipment and services for the new City hall rather than have them as part of the construction bid because it was likely the City could purchase for less cost. Seven vendors responded to the RFP. The best proposal and low bidder was dBAudio for \$50,115.14. **Action:** Move to the consent agenda for the next meeting May 27, 2020.

#### **G. AB20-47- Downtown Fountain Remodel**

Administrator Bethune briefed that several years ago the city had the downtown fountain built. Vandalism occurred which broke the lights in the floor. The City had to remove the river rock to allow for proper cleaning and then took them out permanently. The sprayers and lights were protected by installing plastic pipe around them. The sprayers have turned out to be difficult to keep aligned. These changes were considered to be temporary until amended designs could be developed. The Parks Advisory Board was tasked with developing a plan and design. About 2 years ago the Board recommended to Council to install column rocks and a river rock flooring that would be stamped concrete. The Council accepted this proposal with an \$8,000 budget. The previous CGA Committee was not pleased that this project had not moved forward. The current CGA Committee does not recommend moving forward. Councilmember Gunther stated that because we are dealing with COVID19 issues that the budget needs to be tightened. He is not recommending the remodel. Two options presented were to either delay the fountain remodel until the City's budget is better understood, or to allow Administration to go out for bids for the fountain remodel. **Action:** Consensus was to delay the fountain remodel.

#### **H. AB20-48-Tree Replacement Policy**

Councilmember Gunther presented a proposed resolution stating the core value of Orting relating to trees in the City. The current SOP from Public Works department was also presented. Council discussion followed. There was a discussion about the term "the City will take every measure" to preserve the trees. The term "every" was discussed and found to be problematic. Legal analysis had not been done on this resolution at this time so the Mayor asked that this not move forward until this occurs. **Action:** Council decided to send this back to Committee until it is reviewed by legal, and some terms changed to account for trees that are creating safety hazards.

#### **I. AB20-49- Term Limits for Mayor**

Councilmember Gunther briefed that the Committee has a split vote on this issue, so it was presented to get input from the whole Council. Councilmember Williams stated that this began with the previous CGA Committee. Term limits for the Council has dropped because he states it is important to have senior Councilmembers. He stated that on the position of Mayor one person could get to comfortable and get too strong in that position and would like it to be rotated. The proposal was to only allow two terms for the position. The Mayor asked for the counter position from the Committee. Councilmember Gunther stated he hoped that a Mayor would step down after a couple terms so they don't become king. He stated that so far in Orting it has not been a problem, so he would not want to spend the money to create a new ordinance. The Mayor weighed in and stated that he found it strange that the Council would seek to impose term limits on the Mayor position and not on Council. He stated that both council and Mayor are elected officials and can be run against with no incumbent advantage at the City level of government. He does not support an artificial limit that solves no problem that exists.

A consensus was taken and the following was the result:

Councilmembers, Hogan, Drennen, Belot, Gunther, and Bradshaw against.

Councilmembers, Williams and Kelly for. **Action:** Will not be moved forward.

#### **J. AB20-50- Legal Assistance for Contamination Cost Recovery.**

Administrator Bethune briefed that the Council had approved a contract with Ristorical Research on a 10% contingency fee. They have now looked at the new City hall location and the old location. They believe the City can make a claim with a potential recovery cost of between \$80,000 and \$160,000. He is asking for the Council to vote to hire attorney Matt Cockrell to pursue a claim. **Action:** Move forward to the consent agenda on the 27<sup>th</sup>.


Mayor Penner complemented Deputy Mayor Hogan on the chairing of this meeting; it would have been a challenge under normal circumstances, and particularly under these virtual conditions.

**5. ADJOURNMENT**

Deputy Mayor Hogan adjourned the meeting at 9:08pm.

**ATTEST:**

  
Jane Montgomery, City Clerk, CMC

  
Joshua Penner, Mayor