

**City Council Meeting
Tuesday, April 09, 2019**

Minutes

WORK SESSION

Convened at 6:30 pm

PRESENT

Councilmember Linda Gotovac
Councilmember Dave Watterson
Councilmember John O'Callahan
Councilmember Jason Lawton
Councilmember Rachel Davidson

Mayor Fournier

1. Ms. Ruth Ponder, National Sales Representative for Payment Service Network, once again had provided a proposal for web bill pay service.

PSN was a competitor during the period that Retail Lockbox was chosen as our Web Bill Pay provider. Now that we have some experience with credit card processing, the Administration can now objectively say that this proposal is "about average" with respect to the cost and the features provided.

C/T Millard informed the Council on the proposal received for bill pay by this company.

2. At the Regular Meeting of the Tenino City Council on March 12, 2019, this issue was Tabled to enable a fuller discussion of the philosophical underpinnings of the document.

At root, the issue is one of "at will" or "just cause." The current Employee Handbook is firmly in the "at will" camp and that point of view was carried over into the proposed "City Official Handbook." The difference between "at will" and "just cause" is the difference inherent in an "employment agreement," which is what, broadly speaking, the Civil Service Regulations are, and not having such an agreement. In either case, the "employment relationship" is, essentially, an unwritten contract. The Civil Service Regulations take the place of an employment agreement negotiated on an individual basis.

This difference, however, is heavily mitigated by the fact that, even when "at will," employment in the Public Sector is heavily regulated. In many instances, the protections offered by many federal laws and state statutes provide protection to Public Sector employees not covered by the Civil Service Regulations. The Americans With Disabilities Act, the Age Discrimination in Employment Act, and, of course, Title VII of the Civil Rights Act of 1974.

Over and above this, however, the contractual nature of the "at will" employment relationship is governed by the development of a large body of case law surrounding the fact that there is an "obligation of good faith and fair dealing" that is required on the part of both the employer, and

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the employee. The obligation of good faith and fair dealing is the reason employees, particularly Public Sector employees, should not fear the "at will" environment.

City Attorney Hughes, after reviewing these materials, cautions that the manual would need to be re-written if the City Council intends any relationship other than "at will" as defined by Washington State Law. This revision would, necessarily, encumber the City by effectively placing all City employees under the protection of the Civil Service Regulations.

After much discussion by Council and Councilmember Watterson's request for additional "at will" wording it was decided to bring back next meeting for approval.

3. Mr. George Sharp has been diligently guiding the Mayor's Creative District Task Force through the process of certification by the State of Washington in order to establish the Tenino Creative District as a "Certified Creative District" for the purpose of obtaining funding through the Washington State ARTS Commission.

Councilmember Gotovac has been attending the Task Force meetings and desires to share the results of these efforts up to this point.

Councilmember Gotovac went over the information she has learned for the Creative District.

CALL TO ORDER

Convened at 7:30 pm.

Mayor Forunier

PRESENT

Councilmember Linda Gotovac
Councilmember Dave Watterson
Councilmember John O'Callahan
Councilmember Jason Lawton
Councilmember Rachel Davidson

Mayor Fournier led the flag salute.

AGENDA APPROVAL

Motion made by Councilmember O'Callahan, Seconded by Councilmember Gotovac.

Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson

APPROVAL OF MINUTES

- 4.

Motion made by Councilmember O'Callahan, Seconded by Councilmember Lawton.

Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson

5.

Motion made by Councilmember O'Callahan, Seconded by Councilmember Lawton.
Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan,
Councilmember Lawton, Councilmember Davidson

6.

Motion made by Councilmember O'Callahan, Seconded by Councilmember Lawton.
Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan,
Councilmember Lawton, Councilmember Davidson

CONSENT CALENDAR

7. Vouchers and EFT's for the period: March 27, 2019 through April 9, 2019:

- Payroll EFT's in the amount of \$51,889.77
- Claims Checks #28119 through #28165 in the amount of \$105,034.89

for a grand total of \$156,924.66

Motion made by Councilmember O'Callahan, Seconded by Councilmember Gotovac.
Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan,
Councilmember Lawton, Councilmember Davidson

8. New Applications: Tenino Combined PTSA

Renewals: Group Delta 9 LLC; Tenino's Farmer's Market; Tenino Market Fresh

Motion made by Councilmember O'Callahan, Seconded by Councilmember Gotovac.
Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan,
Councilmember Lawton, Councilmember Davidson

EXECUTIVE SESSION

The regular council session adjourned at 7:32 pm for a 20 minute executive session.

The regular council session convened back at 7:54 pm.

9. Mr. Jeff Meyers, Contracted Attorney with RMSA, will discuss potential litigation.

No action taken during executive session.

PRESENTATIONS

10. Mr. Will Rutherford, representing the Friends of Tenino Parks, wishes to address the Council regarding a proposal to offer reduced cost season passes to the Tenino Quarry Pool for those students who are enrolled in the "free and reduced lunch program" within the Tenino School District.

"We would like to ask the Council for a minimum \$25 reduction in the cost of each pass (based on the early bird rate of \$100). Interested students/families will be responsible for paying \$20

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for each family pass (\$10 for an individual pass, if they exist) and attending a water safety course at the start of the season to be conducted by the person who trains the current lifeguards or another qualified person. The No Child Left Inside/RCO grant funds will be used to pay the City for the remaining balance of the pass, and we can use the City's \$25 discount per pass as matching funds for the grant"

Will Rutherford explained to Council regarding the no child left inside and what they propose to do with the pool passes for the summer.

PUBLIC COMMENTS

None

PUBLIC HEARING

None

PROCLAMATIONS

11. Mr. Duncan Green, Intercity Transit, requests the Tenino City Council consider proclaiming the month of May, 2019, as Bicycle Commuter Month

Motion made by Councilmember O'Callahan, Seconded by Councilmember Watterson.

Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson

OLD BUSINESS

12. The state Department of Revenue requires an agreement be in place in order to process Business Licenses on behalf of the City of Tenino.

The attached agreement has been reviewed by the City Attorney.

Recommended action: Move to authorize Mayor Fournier to sign the agreement.

Motion made by Councilmember Gotovac, Seconded by Councilmember O'Callahan.

Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson

13. Proposed Ordinance 898 would amend the Tenino Municipal Code to include a Special Events Permit Process.

Recommended action: Move to accept Ordinance 898 as the first reading.

Approved as the 1st reading

Motion made by Councilmember O'Callahan, Seconded by Councilmember Lawton.

Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson

14. Proposed Ordinance 901 would amend the Tenino Municipal Code to accept the recommendations of the Washington State Department of Revenue regarding Business Licensing requirements.

Recommended action: Move to accept Ordinance 901 as the first reading.

Approved as the 1st Reading.

Motion made by Councilmember O'Callahan, Seconded by Councilmember Watterson.

Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson

15. The Verizon Franchise is not up for renewal until 2020; however, Verizon reached out to the City two years early in an effort to renegotiate the terms of the franchise agreement more along the lines of a regular lease.

Research has shown that, with respect to cellular technology facilities, a franchise is not the best vehicle for such an agreement. Many Cities in Washington State also recognize this fact and several have moved to agreements that are much more akin to a lease. In addition to being less restrictive for both parties, leases are easier for both parties to administer and offer the advantage, from the City's perspective, of somewhat higher revenues.

Ordinance 902 would adopt the proposed amendment to the Verizon franchise that would, in effect, convert the agreement to a lease and will take effect immediately upon expiration of the current franchise term and will result in increased revenues to the City beginning on June 1, 2022.

Recommended Action: Move to approve Ordinance 902 as a first reading.

Motion made by Councilmember O'Callahan, Seconded by Councilmember Gotovac.

Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson

NEW BUSINESS

16. The City's current folding machine is need of repair. When contacted for an estimate, United Business Machines approach the City with a proposal that would replace the folding machine by including that capability in a new copier.

The City's current copier is leased through United Business Machines and that lease is scheduled to terminate in November of 2019. United Business Machines has proposed a new lease that will provide the additional capability, but at less cost than the current lease (because we have significantly reduced the number of copies we make).

Recommended Action: Move to authorize Mayor Fournier enter into a new copier lease agreement consistent with the attached proposal.

Motion made by Councilmember Watterson, Seconded by Councilmember Gotovac.

Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson

17. Chief Swain requests Mayor Fournier be authorized to Hire Reserve Officer Samantha Garcia in a Temporary status pending the departure of Officer Craig Klumper.

Officer Klumper, with full knowledge on the part of the City, has applied to the United States Immigration and Customs Enforcement (ICE) Agency for employment. The agency performed a background investigation and has indicated that it intends to hire Officer Klumper, but has given him no date certain. To the best of their ability, they estimate that they will hire Officer Klumper within the next 4-5 months.

The City has the statutory authority to hire Temporary Employees, provided the City proceeds by the terms of the City's own policies. Paragraph 3.3, Temporary Employees, of the current City of Tenino Personnel Policy Manual, provides that the Mayor Temporary Employees for a variety of reasons, provided that the term of the temporary employment does not exceed 90 hours a month (or 70 hours if eligible for PERS). There are no substantial changes to these provisions in the proposed "City Official Handbook."

If approved, the cost of the Temporary position would be charged to Program 521 (Law Enforcement) of the City's 2019 Budget. As the Police Department is currently executing Police Operations Salary & Wages almost exactly as planned, at the end of the fiscal year, the cost of the Temporary Officer would, theoretically, come from currently un-obligated General Funds. However, our experience over the past three years has been that we will have under-executed in other areas such that the cost of Temporary Officer would, in practical terms, be offset...at least to a significant degree...by those under-executed budget line items.

Recommended Action: Move to authorize Mayor Fournier approve the hiring of Reserve Officer Samantha Garcia for a period not to exceed five (5) months.

Motion made by Councilmember O'Callahan, Seconded by Councilmember Lawton.

Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson

18. Thurston County is requiring the Town of Bucoda and the City of Tenino to enter into an Interlocal Agreement with the County for the purpose of expending Rural Community Support Program (RCSP) funds held by the County and set aside for the purpose of transportation improvements in Tenino and Bucoda. The agreement has been reviewed by the attorney for each agency and has been approved by them as to form.

Recommended Action: Move to authorize Mayor Fournier to enter into an Interlocal Agreement to expend RCSP funds on behalf of the City of Tenino.

Motion made by Councilmember O'Callahan, Seconded by Councilmember Gotovac.

Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson

RESOLUTIONS

19. The proposed "City Official Handbook" has been updated to include:

Input from City Officials of all categories.

A review by the Human Resources firm of Enquiron, along with their recommendations.

Two reviews by the City Attorney.

Recommended Action: Move to adopt Resolution 2019-01 as and for the City of Tenino, City Official Handbook.

Bring back to next meeting

20. Proposed Resolution 2019-02 would amend the City of Tenino 2019 Consolidated Fee Schedule by including the tuition fee to be paid to attend the Tenino-Toledo Reserve Academy.

Recommended Action: Move to adopt Resolution 2019-02 amending the City of Tenino 2019 Consolidated Fee Schedule.

Motion made by Councilmember O'Callahan, Seconded by Councilmember Gotovac.

Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson

Motion made by Councilmember O'Callahn, Seconded by Councilmember Gotovac to add, as item #20a, the recommended Fee Schedule change to add a discounted fee of \$75 to the 2019 Consolidated Fee Schedule as the cost of a family pass when purchased by the Friends of Tenino Parks. Motion was passed by all members present.

ORDINANCES

21. Ordinance 900 would amend the 2019 Budget to add Fund 450, The Tenino-Toledo Reserve Academy Operating Fund.

Recommended Action: Move to approve as the second reading and to adopt Ordinance 900, amending the 2019 Municipal Budget.

2nd reading and adoption.

Motion made by Councilmember O'Callahan, Seconded by Councilmember Gotovac.

Voting Yea: Councilmember Gotovac, Councilmember Watterson, Councilmember O'Callahan, Councilmember Lawton, Councilmember Davidson

REPORTS

22. 1) Chamber of Commerce
2) Economic Development Council (EDC)
3) Experience Olympia & Beyond (VCB)
4) Fire District
5) Library
6) Museum
No reports

23. 1) Civil Service Commission

- 2) Park Commission
- 3) Planning Commission
- 4) Facade Improvement Grant Review Committee
- 5) Finance Committee
- 6) Public Safety Committee

No reports

24. 1) Chief of Police

Chief of Police: Chief Swain provided to all staff a copy of his year end report. The reserve academy has started they have inside study at this time for approximately 3 weeks. They have a Lewis County reserve in the class who started as a cadet for Lewis Co., it is great to see him follow through from a young age. They held a school training session which went very well. He has found another grant for approximately \$12,000.00 for weight scales and would like to continue with the application.

2) Director of Public Works

Director Cannon attached a report as well as provided pictures of the waterfall sign which they updated.

3) City Planner / Building Official

4) City Attorney

5) Clerk/Treasurer

C/T Millard went over his attached report.

6) Mayor

Mayor Fournier has been out of town and is getting caught up with email and such. He thanks the Public Works Department for all the clean up they have been doing around town. He also requests the next council meeting this month be cancelled.

25. 1) Bucoda/Tenino Healthy Action Team (BTHAT)

- 2) Community Investment Partnership (CIP)
- 3) Solid Waste Advisory Board
- 4) TCOMM/911
- 5) Tenino School Board
- 6) Thurston Regional Planning Council (TRPC)
- 7) South Thurston Economic Development Initiative (STEDI)

7) Transportation Policy Board

No reports

PUBLIC COMMENTS 2

None

ANNOUNCEMENTS

None

ADJOURNMENT

Adjourned at 8:49 pm