

**City of Kenmore
City Council Regular Meeting
Minutes
May 26, 2020**

CALL TO ORDER - Mayor David Baker called the meeting to order at 7:00 p.m. via zoom.

ROLL CALL

Mayor David Baker
Deputy Mayor Nigel Herbig
Councilmember Joe Marshall
Councilmember Milton Curtis
Councilmember Debra Srebnik
Councilmember Corina Pfeil
Councilmember Melanie O'Cain

FLAG SALUTE

AGENDA APPROVAL

The agenda was approved as submitted.

PROCLAMATION

Pride Month - June, 2020

National Gun Violence Awareness Day - June 2, 2020

CITIZEN COMMENTS

Derek Wycoff

Mayor Baker read a letter into the record from Derek Wycoff about a request to make gold the official color of the City.

Vicki Grayland

Ms. Grayland spoke about the concerns with pesticides in Sammamish River and she would like to be involved in the Climate Action Plan that the City is putting together.

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Steve Yoder

Inglewood Shores Condos

Mr. Yoder spoke about his concerns with the elimination of the southbound right turn pocket into Inglewood.

CONSENT AGENDA

MOTION: Councilmember Curtis made a motion to approve the consent agenda, Mayor Baker seconded the motion. The motion passed unanimously.

The consent agenda included the following:

Total Check #s 44822 through 44899 in the amount of \$843,820.25.

Total Payroll/Taxes/Flexible Spending/Retirement/Health Savings Electronic Deposits Dated 4/24/20 in the amount of \$163,269.33.

Total Check #s 44900 through 44964 in the amount of 224,155.87.

Total Payroll/Taxes/Flexible Spending/Retirement/Health Savings Electronic Deposits Dated 5/9/20 in the amount of \$167,588.65.

Authorize City Manager to Execute Contract No. 20-C2134 with Earthworks Landscape Services, Inc. for Right-of-Way Landscape Maintenance

City Council Meeting Minutes of April 13, 2020 and April 27, 2020

Ratify the Proclamation & Issuance of Emergency Rule 20-07 Face Covering Directive - Rob Karlinsey, City Manager

BUSINESS AGENDA

Receive and File the March, 2020 Financial Report for the City of Kenmore - Joanne Gregory, Finance and Administration Director

Director Gregory presented the March 2020 Financial Report to the Council.

MOTION: Councilmember Pfeil made a motion to receive and file the March 2020 Financial Report for the City of Kenmore, Mayor Baker seconded the motion. The motion passed unanimously.

Continuation of Employee Benefits while on Washington State Paid Family and Medical Leave - Joanne Gregory, Finance and Administrative Director

Director Gregory explained in 2020 the State of Washington's Paid Family and Medical Leave Act (PFMLA) became effective which enables an employee to apply to the Employment Security Department for partial salary payments related to birth or adoption of a child or serious health conditions. This Act is administered by the State and the State directly pays the employee a portion of their salary, and an employee is considered to be in "unpaid leave status" with the City while on PFMLA (unless the employee otherwise uses paid leave benefits in connection with such leave).

Continued health care coverage is not required to be provided by the employer under the PFMLA unless required under the Family Medical Leave Act (FMLA). The City is a covered employer under the FMLA; however, its employees are not covered under the FMLA unless the City employs 50 or more employees. The City of Kenmore has historically not met the threshold of employing 50 or more employees under the FMLA. However, the City's employee numbers are currently such that it is near the 50-employee threshold and may meet this threshold, even if temporarily, with the hire of additional permanent and/or seasonal employees. The 50-employee threshold is determined as of the date an employee provides notice of the need for a FMLA-qualifying leave. The practical effect of this is that some City employees may be covered under the FMLA while others may not, depending upon the timing of their leave request.

The Parental Paid Leave program offered by the City implicates an FMLA-qualifying leave reason (i.e., the birth or placement of a child). Given the current status of the City's employee count, the City anticipates a scenario in which some parents would be entitled to up to 12 weeks of FMLA (running concurrently with the six weeks of Parental Paid Leave) and continued health care coverage during this time, while others will not be FMLA eligible, and therefore ineligible for continued health care benefits if they go into unpaid leave status (such as by taking PFMLA) following Parental Paid Leave.

Staff recommends that the City's leave policies be amended to account for this potential discrepancy. Staff proposes to amend the Parental Paid Leave policy to clarify that, if an employee on Parental Paid Leave is not otherwise FMLA-eligible, the employee will nonetheless be eligible to receive up to an additional six weeks of continued health care benefits, during any unpaid leave of absence (including leave under the PFMLA) associated with reasons covered by the Parental Paid Leave program. Health care benefits under the Paid Parental Leave program would not be continued beyond a total of 12 weeks unless the affected employee is in paid status with the City (back to work or using accrued leave). The additional six weeks of benefits will be awarded only to the extent not available under the FMLA/PMFLA.

MOTION: Deputy Mayor Herbig made a motion to approve the Continuation of Employee Benefits while on Washington State Paid Family and Medical

Leave as presented, Councilmember O'Cain seconded the motion. The motion passed unanimously.

Curbside Lunch Giveaway- Councilmember Pfeil and Councilmember Srebnik

Councilmember Pfeil and Councilmember Srebnik explained that United Way is willing to sponsor curbside lunches for the community. United Way would pay for all lunches. There is no eligibility requirement and the first priority areas will be the low census count areas.

MOTION: Councilmember Pfeil made a motion to support United Way's efforts to provide curbside meals to the community for 5 days with city and staff time but no monetary cost to the City, Councilmember Marshall seconded the motion. The motion passed unanimously.

City Manager Karlinsey asked the Council if John Hendrickson, a citizen, can speak to the Council given that he was unable to raise his hand to speak during citizen comments via zoom.

MOTION: Councilmember Curtis made a motion to suspend the Council rules to allow Mr. Hendrickson to speak, Councilmember Srebnik seconded the motion. The motion passed unanimously.

CITIZEN COMMENTS

John Hendrickson

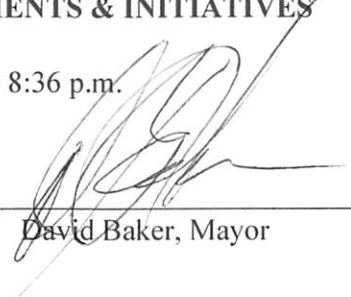
Mr. Hendrickson spoke about the investigation of Mayor Baker by Councilmember Pfeil.

STAFF REPORT

Pandemic Update - Rob Karlinsey, City Manager

COUNCILMEMBER REPORTS, COMMENTS & INITIATIVES

The meeting was adjourned at approximately 8:36 p.m.



David Baker, Mayor

ATTEST:



Kelly M. Chelin, City Clerk