

**GRANDVIEW CITY COUNCIL  
REGULAR MEETING AGENDA  
TUESDAY, JULY 26, 2016**



**REGULAR MEETING – 7:00 PM**

**PAGE**

**1. CALL TO ORDER & ROLL CALL**

**2. PLEDGE OF ALLEGIANCE**

**3. PRESENTATIONS**

A. Roger Harnack, Editor & Publisher of the Daily Sun News

**4. PUBLIC COMMENT** – The public may address the Council on items on the agenda.

**5. CONSENT AGENDA**

Items on the Consent Agenda will be voted on together by the Council, unless a Councilmember requests that items be removed from the Consent Agenda and discussed and voted upon separately. An item removed from the Consent Agenda will be placed under Unfinished and New Business.

A. Minutes of the July 12, 2016 Committee-of-the-Whole meeting

1-4

B. Minutes of the July 12, 2016 Council meeting

5-8

C. Payroll Electronic Fund Transfers (EFT) Nos. 5589-5593 in the amount of \$81,118.80

D. Payroll Check Nos. 8965-8993 in the amount of \$83,637.65

E. Payroll Direct Deposit 07/01/16 – 07/15/16 in the amount of \$99,150.67

F. Claim Check Nos. 110926-111009 in the amount of \$435,102.02

**6. ACTIVE AGENDA**

A. Ordinance No. 2016-11 adopting a new Chapter 17.94 of the Grandview Municipal Code establishing a reasonable accommodation process in the City's land use ordinance to accommodate statutory rights of the disabled

9-12

B. Six-Year Street Sealcoat Maintenance Program

13-14

**7. UNFINISHED AND NEW BUSINESS**

**8. CITY ADMINISTRATOR AND/OR STAFF REPORTS**

**9. MAYOR & COUNCILMEMBER MEETING REPORTS**

**10. ADJOURNMENT**

**GRANDVIEW CITY COUNCIL  
COMMITTEE-OF-THE-WHOLE  
MEETING MINUTES  
JULY 12, 2016**

**1. CALL TO ORDER**

Mayor Norm Childress called the Committee-of-the-Whole meeting to order at 6:00 p.m. in the Council Chambers at City Hall.

**2. ROLL CALL**

Present were: Mayor Childress and Councilmembers Gaylord Brewer, Mike Everett, Dennis McDonald, Bill Moore and Joan Souders. Councilmember Gloria Mendoza arrived at 6 p.m. Excused from the meeting was Councilmember Javier Rodriguez.

Staff present were: City Administrator/Public Works Director Cus Arteaga, City Attorney Quinn Plant, City Treasurer Matt Cordray, Police Chief Kal Fuller, Parks & Recreation Director Mike Carpenter, Assistant Public Works Director Santos Trevino, WWTP Superintendent Dave Lorenz and City Clerk Anita Palacios.

**3. CITIZEN PARTICIPATION – None**

**4. NEW BUSINESS**

**A. Ordinance No. 2016-9 amending Grandview Municipal Code Section 5.22.020 permission for alcoholic beverages in Country Park to expand the duration of time during which beer and/or wine may be served at Country Park Events Center**

At the June 28, 2016 C.O.W. meeting, the C.O.W. was presented with requests from the Grandview Chamber of Commerce and the Yakima Valley Fair & Rodeo Board to change the duration of time during which beer and/or wine may be served at the Country Parks Event Center. The C.O.W. directed staff to draft an ordinance amending Grandview Municipal Code Section 5.22.020 regarding the time allowed for serving of beer and/or wine, and duration of an event from two days to three days for consideration at the July 12th COW meeting.

**On motion by Councilmember Everett, second by Councilmember Moore, the C.O.W. moved Ordinance No. 2016-9 amending Grandview Municipal Code Section 5.22.020 permission for alcoholic beverages in Country Park to expand the duration of time during which beer and/or wine may be served at Country Park Events Center to the regular Council meeting agenda for consideration.**

**B. Ordinance adopting a new Chapter 5.25 of the Grandview Municipal Code establishing a Special Event Permit**

At the May 10, 2016 regular meeting, Council approved a street closure request for a car and bike show. Staff noted that the City did not have regulations establishing procedures and criteria governing the review of requests to hold special events. Council requested staff draft an ordinance establishing a special event permit.

Staff presented an ordinance adopting a new Chapter 5.25 of the Grandview Municipal Code establishing a Special Event Permit.

Following discussion, the C.O.W. concurred to amend Section 5.25.080 Appeals to provide for an appeal fee in the amount of \$150.

**On motion by Councilmember Everett, second by Councilmember Moore, the C.O.W. moved Ordinance 2016-10 adopting a new Chapter 5.25 of the Grandview Municipal Code establishing a Special Event Permit to the regular Council meeting agenda for consideration.**

**C. Ordinance adopting a new Chapter 17.94 of the Grandview Municipal Code establishing a reasonable accommodation process in the City's land use ordinance to accommodate statutory rights of the disabled**

City Administrator Arteaga explained that the City recently received a request from a resident to construct a fence along the perimeter of his yard that exceeded the height and setback requirements of the municipal code. The resident was the primary caregiver of an adult child with a disability and wanted to erect the fence in order to provide for the safety of the adult child with a disability. In consultation with legal counsel, staff considered the request to be a request for a reasonable accommodation under the Americans with Disabilities Act (ADA) and Fair Housing Act (FHA). The City provided a reasonable accommodation with respect to the enforcement of its development regulations in order to facilitate the care of the adult child and his full and safe enjoyment of their property. Staff recommended Council consider establishing a reasonable accommodation process in the City's land use ordinance to accommodate statutory rights of the disabled.

City Attorney Plant drafted three versions of an ordinance adopting a new Chapter 17.94 of the Grandview Municipal Code establishing a reasonable accommodation process in the City's land use ordinance to accommodate statutory rights of the disabled for Council consideration. The first version provided for no appeal process. The second version provided for an appeal to the Hearing Examiner. The third version provided for an appeal to the Council. The City Attorney recommended either the first or second versions. He did not recommend that appeals be made to the Council. Administrative decisions should be appealed, if at all, to the Hearing Examiner. The Council should avoid weighing in on administrative decisions.

Following discussion, the C.O.W. concurred with the draft ordinance that provided for an appeal to the Hearing Examiner with an appeal fee in the amount of \$150.

**On motion by Councilmember Moore, second by Councilmember Souders, the C.O.W. moved the ordinance adopting a new Chapter 17.94 of the Grandview Municipal Code establishing a reasonable accommodation process in the City's land use ordinance to accommodate statutory rights of the disabled to the July 26, 2016 regular Council meeting agenda for consideration.**

**D. Street Sealcoat Maintenance Program**

At the June 14, 2016 C.O.W. meeting, staff was directed to present a street sealcoat maintenance program. City Administrator Arteaga explained that the City currently had approximately 50 miles of streets which included 8.58 miles of arterial sections (high traffic

generators), 7.05 miles of major collectors, and 34.5 miles of local access. He recommended the following schedule for seal coating: arterial streets 7-year rotation; major collectors 12-year rotation; and local access 15-year rotation. A one mile Class B BST treatment was estimated to cost \$100,000. The 50 miles of paved streets would require approximately \$5,000,000 to complete a BST treatment to the entire street inventory.

He provided the following options for implementation of an annual sealcoat program:

- Continue contracting with Yakima County.
- Advertise for construction bids each spring.
- Use the interlocal agreement with the City of Sunnyside.
- Purchase equipment and hire additional full time employees (initial investment \$592,000).

He explained the following funding options for implementation of an annual sealcoat program:

- Increase the annual transfer from the current expense fund to the street budget.
- Consider a councilmanic bond for street maintenance.
- Increase the \$20 Transportation Benefit District (TBD) fee to the new state limit of \$40 per vehicle.
- Work within the current \$160,000 generated from the \$20 TBD fee.

He recommended that the Council continue to work within the current TBD budget revenues of \$160,000 per year. He also recommended that the Council continue to leverage grant funds and budget for at least one-mile of BST annually.

He recommended the following six-year street sealcoat maintenance program:

2017 – Estimate \$97,408

- Wine Country Road from East Stover Road to Euclid Road (5,143 feet)

2018 – Estimate \$93,525

- Fir Avenue from Wine Country Road south to East Fourth Street (1,286 feet)
- East Second Street from Elm east to Fir Avenue (1,052 feet)
- East Third Street from Elm east to Fir Avenue (1,298 feet)
- East Fourth Street from Elm east to Fir Avenue (1,302 feet)

2019 – Estimate \$99,624

- West Fifth Street from Euclid west to Appleway (5,260 feet)

2020 – Estimate \$98,961

- Stassen Way from Euclid to Hillcrest (1,312 feet)
- Zorada from Stassen Way to Rainier (419 feet)
- Powell from Stassen Way to Hickory (893 feet)
- West Fifth Street from Euclid to Grandridge (2,601 feet)

2021 – Estimate \$87,238

- North Fourth Street from Euclid to Wilson (2,680 feet)
- North Third Street from Wine Country Road to Opal (1,040 feet)
- Davie from North Third Street to North Fourth Street (442 feet)

- Nealy from North Third Street to North Fourth Street (442 feet)

2022 – Estimate \$74,396

- Butternut from West Fifth Street to Pecan (1,895 feet)
- Hill Drive from Butternut to Appleway (1,515 feet)
- West Briar from Butternut to end of road (893 feet)

**On motion by Councilmember Souders, second by Councilmember McDonald, the C.O.W. moved the proposed six (6) year street sealcoat maintenance program to the July 26<sup>th</sup> meeting for consideration.**

**E. City Council Procedures Manual Section 3.18(a) – Councilmember Souders**

At the May 24, 2016 Council meeting, Council agreed to revisit the wording of 3.18(a) in the City Council Procedures Manual.

Councilmember Souders recommended that the Section 3.18(a) be amended to read as follows:

**3.18 Procedure of Presenting Matters to Council:**

(a) All matters coming before the City Council shall **should** first be referred to the Committee-of-the-Whole. Therefore, all new matters shall **should** be placed on the Council agenda as new business for referral to the Committee-of-the-Whole.

Discussion took place.

Councilmember Mendoza moved and Councilmember Souders seconded to direct staff to prepare a resolution amending Section 3.18(a) of the City Council Procedures Manual to change the word “shall” to the word “may”.

Additional discussion took place.

Councilmember Souders withdrew her second to the motion and Councilmember Mendoza withdrew her motion.

5. **OTHER BUSINESS** – None

6. **ADJOURNMENT**

The study session adjourned at 7:00 p.m.

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Mayor Norm Childress

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Anita Palacios, City Clerk

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**GRANDVIEW CITY COUNCIL  
REGULAR MEETING MINUTES  
JULY 12, 2016**

**1. CALL TO ORDER**

Mayor Norm Childress called the regular meeting to order at 7:00 p.m. in the Council Chambers at City Hall.

Present were: Mayor Childress and Councilmembers Gaylord Brewer, Mike Everett, Dennis McDonald, Bill Moore, Gloria Mendoza and Joan Souders. Excused from the meeting was Councilmember Javier Rodriguez.

Staff present were: City Administrator/Public Works Director Cus Arteaga, City Attorney Quinn Plant, City Treasurer Matt Cordray, Parks & Recreation Director Mike Carpenter, Police Chief Kal Fuller, Assistant Public Works Director Santos Trevino, WWTP Superintendent Dave Lorenz and City Clerk Anita Palacios.

**2. PLEDGE OF ALLEGIANCE**

WWTP Superintendent Lorenz led the pledge of allegiance.

**3. PRESENTATIONS – None**

**4. PUBLIC COMMENT – None**

**5. CONSENT AGENDA**

On motion by Councilmember Brewer, second by Councilmember McDonald, Council approved the Consent Agenda consisting of the following:

- A. Minutes of the June 28, 2016 Committee-of-the-Whole special meeting
- B. Minutes of the June 28, 2016 regular meeting
- C. Payroll Electronic Fund Transfers (EFT) Nos. 5581-5586 in the amount of \$89,078.87
- D. Payroll Check Nos. 8915-8964 in the amount of \$32,398.96
- E. Payroll Direct Deposit 06/16/16 – 06/30/16 in the amount of \$96,103.14
- F. Claim Check Nos. 110837-110925 in the amount of \$134,384.61

**6. ACTIVE AGENDA**

**A. Public Hearing – Proposed Public Use Vacation of Circle Park Dedication**

Mayor Childress opened the public hearing to receive comments on a petition to vacate the dedication of Circle Park for public purposes by reading the public hearing procedure.

City Administrator Arteaga provided the staff report. He explained that the City owns property known as "Circle Park". Circle Park was located at the intersection of West Fifth Street and Avenue H. The north half of the park was dedicated on the Plat of PARK SUBDIVISION OF TRACT G, H, I, J, AND K, GRANDVIEW, WASH. In Volume C, page 49. The South half of the park was dedicated on the Plat of CHERRY LANE TRACTS in Volume E, page 9. The property was a dedicated park and roadway. The use of the property as a park or roadway was

discontinued over 50 years ago. The adjacent property owners have over the course of the last 50 years maintained and/or improved these areas. The City has an Agreement for Street Use with one of the four adjacent property owners. The adjacent property owners requested that the Council consider vacating the property and submitted a petition to the City to vacate the dedication of Circle Park for public purposes pursuant to RCW Chapter 58.17. The City Engineer reviewed both plats and there were no restrictions or covenants on the park area listed on the face of the plats. At the May 24, 2016 Committee-of-the-Whole meeting, staff recommended Council consider vacating the right-of-ways and park through the City's standard vacation process. Staff also recommended reserving right-of-ways for West Fifth Street and Avenue H, and reserve easements for any public utilities that may exist. At the May 24, 2016 Committee-of-the-Whole meeting, the C.O.W. moved the Circle Park vacation petition to a regular Council meeting agenda for consideration of a resolution establishing a public hearing date. At the June 14, 2016 Council meeting, Council approved Resolution No. 2016-29 setting the time and date for a public hearing to consider vacation of the dedication of Circle Park for public purposes. Following the public hearing, staff recommended Council approve the petition to vacate Circle Park and direct staff to prepare an ordinance vacating the dedication.

The following comment was received during the public hearing:

- Brad Smith, 502 Avenue H, Grandview, Washington, a petitioner to vacate the dedication of Circle Park, expressed support for the vacation.

City Clerk Palacios advised that no public comments were received by mail.

With no further public comments, Mayor Childress declared the public hearing closed.

**On motion by Councilmember Everett, second by Councilmember McDonald, Council directed staff to complete the necessary and legal steps to vacate Circle Park and transfer the dedicated property to the adjacent property owners.**

Councilmember Brewer requested that staff research the dedication and/or vacation of public property at the intersection of Cherry Lane and Brewer Road.

**B. Public Hearing – 2017-2022 Six-Year Transportation Improvement Program**

Mayor Childress opened the public hearing to receive comments on the 2017-2022 Six-Year Transportation Improvement Program by reading the public hearing procedure.

City Administrator Arteaga explained that each year during the month of June, the City was required to update the Six-Year Transportation Improvement Plan (TIP). He provided a brief summary of the projects that were included in the 2017-2022 TIP.

No comments were received during the public hearing or by mail and the hearing was closed.

**C. Resolution No. 2016-33 adopting the 2017-2022 Six-Year Transportation Improvement Program**

**On motion by Councilmember Moore, second by Councilmember Souders, Council approved Resolution No. 2016-33 adopting the 2017-2022 Six-Year Transportation Improvement Program.**

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**D. Ordinance No. 2016-9 amending Grandview Municipal Code Section 5.22.020 permission for alcoholic beverages in Country Park to expand the duration of time during which beer and/or wine may be served at Country Park Events Center**

On motion by Councilmember Everett, second by Councilmember Brewer, Council approved Ordinance No. 2016-9 amending Grandview Municipal Code Section 5.22.020 permission for alcoholic beverages in Country Park to expand the duration of time during which beer and/or wine may be served at Country Park Events Center.

**E. Ordinance No. 2016-10 adopting a new Chapter 5.25 of the Grandview Municipal Code establishing a Special Event Permit**

On motion by Councilmember Everett, second by Councilmember Souders, Council approved an amendment to Section 5.25.080 Appeals of Ordinance No. 2016-10 to provide for a nonrefundable appeal fee in the amount of \$150.

On motion by Councilmember Everett, second by Councilmember Moore, Council approved Ordinance 2016-10 adopting a new Chapter 5.25 of the Grandview Municipal Code establishing a Special Event Permit as amended.

**7. UNFINISHED AND NEW BUSINESS**

**B. Municipal Pool Improvements**

At the June 28, 2016 meeting, Council directed staff to provide information for the proposed pool improvements along with information regarding councilmanic bonds for funding all proposed future improvements.

City Administrator Arteaga provided the following information for Council consideration:

- Approved five-year pool improvement plan: He explained that the goal of the plan was to budget for the improvements annually and provide flexibility in the event that funds were not available. Any fixtures and/or amenities added were to be reusable in the event that Council decided to construct a new pool facility in the future. The plan also provided for new amenities that would generate positive community support, while enticing local patrons to swim at the Grandview pool.
- Cost estimate for new pool facility: He explained that due to the short time frame, staff provided an estimate utilizing the City of Prosser's pool construction in 2011. A new pool facility similar to Prosser's could cost approximately \$3 to \$4 million to construct. The annual repayment estimate for a \$ 3.5 million pool with a 25-year repayment term at 4.5% interest would be approximately \$250,000.
- Aquatics budget: He explained that the aquatics budget was subsidized approximately \$78,000 per year and adding a new debt to the aquatics budget would increase that amount to \$328,000 per year. The new debt increase would not include the additional operating and maintenance costs such as labor, power and chemicals.
- Councilmanic bonds: He explained that councilmanic bonds were a non-voted revenue bond that did not have a minimum dollar amount. Bonds in the amount of \$3 million and under could be on a ten-year repayment schedule at a lower interest rate and could be paid off in advance without penalties. Bonds in the amount of \$4 million and above

could be financed for a longer period of time if the life of the project supported the longer term (up to 25-years). Current interest rates were between 2.5% to 3%. A reimbursement clause of 12- to 18-months could be added to a non-voted bond in the event that funds were expended for construction of pool improvements before a non-voted bond was approved.

At the June 28, 2016 meeting, Council discussed a proposal of moving forward with the Phase II improvements by separating specific construction items and bidding those items separately (i.e., electrical, fencing, and water slide). In addition, the demolition portion would be completed by the City's Public Works Department. He recommended Council consider this approach for the completion of the Phase II improvements.

In conclusion, he explained that a new pool facility was still needed. He recommended the City consider contacting the Grandview School District as a potential partner. Currently, the high school swim teams have no choice but to practice and compete at neighboring facilities. In addition, the incorporation of swimming lessons as part of the School District's physical education program would garner additional community support.

Following discussion, Council directed staff to prepare a calendar identifying a start and finish date for the completion of the Phase II improvements.

#### **8. MAYOR & COUNCILMEMBER MEETING REPORT**

City Administrator Commendation – The Council thanked City Administrator Arteaga for providing the information on the municipal pool improvements and the sealcoat program in such an efficient and timely manner.

#### **9. EXECUTIVE SESSION – Property Matters**

Mayor Childress adjourned the meeting to an executive session at 8:05 p.m., for approximately 15 minutes to discuss property matters per RCW 42.30.110(1)(c) with the aforementioned Mayor, Councilmembers, City Attorney, City Administrator and WWTP Superintendent present. The meeting resumed at 8:20 p.m., with the aforementioned Mayor, Council and staff present.

No action was taken.

#### **10. CITY ADMINISTRATOR AND/OR STAFF REPORTS**

Newspaper Coverage – City Administrator Arteaga reported that he attempted contact with the editor of the Daily Sun News to discuss coverage of Council meetings.

#### **11. ADJOURNMENT**

**On motion by Councilmember Mendoza, second by Councilmember Brewer, Council adjourned the meeting at 8:30 p.m.**

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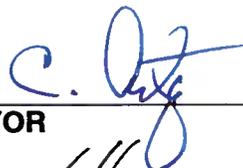
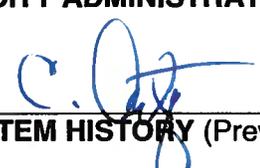
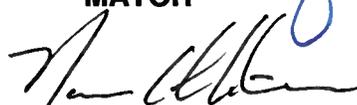
Mayor Norm Childress

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Anita Palacios, City Clerk

**CITY OF GRANDVIEW  
AGENDA ITEM HISTORY/COMMENTARY  
CITY COUNCIL MEETING**

<b>ITEM TITLE</b>  Ordinance No. 2016-11 adopting a new Chapter 17.94 of the Grandview Municipal Code establishing a reasonable accommodation process in the City's land use ordinance to accommodate statutory rights of the disabled	<b>AGENDA NO.:</b> Active 6 (A)  <b>AGENDA DATE:</b> July 26, 2016  <b>FUNDING CERTIFICATION</b> (City Treasurer) (If applicable)
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<b>DEPARTMENT DIRECTOR REVIEW</b>	
City Administrator/Public Works Director Cus Arteaga	
<b>CITY ADMINISTRATOR</b>	<b>MAYOR</b>
	

**ITEM HISTORY** (Previous council reviews, action related to this item, and other pertinent history)

The City recently received a request from a resident to construct a fence along the perimeter of his yard that exceeded the height and setback requirements of the municipal code. The resident was the primary caregiver of an adult child with a disability and wanted to erect the fence in order to provide for the safety of the adult child with a disability. In consultation with legal counsel, staff considered the request to be a request for a reasonable accommodation under the Americans with Disabilities Act (ADA) and Fair Housing Act (FHA). The City provided a reasonable accommodation with respect to the enforcement of its development regulations in order to facilitate the care of the adult child and his full and safe enjoyment of their property.

Staff recommended Council consider establishing a reasonable accommodation process in the City's land use ordinance to accommodate statutory rights of the disabled.

**ITEM COMMENTARY** (Background, discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

At the July 12, 2016 C.O.W. meeting, the C.O.W. concurred with the draft ordinance that provided for an appeal to the Hearing Examiner with an appeal fee in the amount of \$150, and moved the ordinance adopting a new Chapter 17.94 of the Grandview Municipal Code establishing a reasonable accommodation process in the City's land use ordinance to accommodate statutory rights of the disabled to the July 26, 2016 regular Council meeting for consideration.

**ACTION PROPOSED**

Approve Ordinance No. 2016-11 adopting a new Chapter 17.94 of the Grandview Municipal Code establishing a reasonable accommodation process in the City's land use ordinance to accommodate statutory rights of the disabled.

**ORDINANCE NO. 2016-11**

**AN ORDINANCE OF THE CITY OF GRANDVIEW, WASHINGTON,  
ADOPTING A NEW CHAPTER 17.94 OF THE GRANDVIEW MUNICIPAL  
CODE ESTABLISHING A REASONABLE ACCOMMODATION PROCESS  
IN THE CITY'S LAND USE ORDINANCE TO ACCOMMODATE  
STATUTORY RIGHTS OF THE DISABLED**

**WHEREAS**, the City Council of the City of Grandview finds and determines that adopting an ordinance establishing a reasonable accommodation process in the City's land use ordinance is in the best interest of the City, its residents, and will promote the general health, safety and welfare of the City and its residents; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANDVIEW,  
WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1.** A new Grandview Municipal Code Chapter 17.94 "Reasonable Accommodation Process" is adopted to read as follows:

**17.94.010 Purpose.**

This chapter has been enacted to authorize the City Administrator or his designee to waive or vary provisions of the Grandview Municipal Code ("GMC") when necessary to reasonably accommodate the statutory rights of the disabled under the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA) or the Washington Law Against Discrimination (WLAD). This process shall be interpreted and administered in order to ensure the full exercise and enjoyment of a disabled person's right to the residential housing of his or her choosing. The provisions of this chapter shall not apply to commercial activities or zones; provided, however, that nothing herein shall be interpreted to limit the exercise of a disabled person's rights by or through a residential care provider. In the event of any conflict or if an interpretation of this chapter is required, it shall be implemented and interpreted in accordance with the provisions of the ADA, FHA and WLAD.

**17.94.020 Reasonable accommodations.**

A. Upon the application of a disabled person or individual or entity providing services to the disabled in a residential facility or other group living arrangement, the City Administrator or his designee is hereby authorized to vary, modify, or waive the provisions of the GMC, including the provisions of GMC Title 17 and Title 15, in order to provide a reasonable accommodation as necessary to provide to a disabled person's or care provider to the disabled person's full enjoyment of a residence.

B. The City's duty to accommodate is an affirmative one, and the City Administrator is thereby authorized to provide accommodations in a thoughtful and proactive manner.

C. The City Administrator shall provide written notice of the accommodation to the applicant and property owners within 300 feet of the subject site.

D. When applying this reasonable accommodation process to the Grandview Municipal Code, including the International Building Code and other codes adopted

pursuant to GMC Title 15, the City and its staff shall avoid stereotypical assumptions regarding the disabled and shall attempt to ascertain the actual physical and/or mental limitation of the disabled individual in order to craft an accommodation which best suits the exercise of that individual's rights.

**17.94.030 Waiver of building code requirements.**

No reasonable accommodation shall be provided by a waiver or variance of the provisions of the codes adopted pursuant to GMC Title 15 which does not substantially accomplish the purposes of those chapters or which would reduce the fire safety of any structure. Modifications, waivers or variances of the provisions of International Building Code, International Fire Code and the other codes adopted pursuant to GMC Title 15 shall provide at least the same level of safety required by the respective code. The applicant shall have the burden of establishing that the proposed modification, waiver or variance accomplishes substantially the same purpose without reduction of fire safety.

**17.94.040 Accommodations personal to the applicant.**

The accommodation provided shall be personal to the applicant and shall not run with the land; provided, however, that a change in a residential structure necessary to accommodate the operation of a residential care provider to the disabled may be continued by future operations of similar facilities at the site who establish the same use within six months of the date the prior use by disabled person or residential care provider ceases. The City Administrator may therefore direct that any physical change in the structure which would otherwise be illegal under the use or bulk requirements of the City's land use ordinances be brought into compliance six months after the date of sale or transfer of a residential structure to a person or entity not qualifying for the protections of the ADA, FHA and WLAD.

**17.94.050 Appeal.**

A decision of the City Administrator under this chapter may be appealed to Hearing Examiner within 10 days of the date of mailing the written notice of decision pursuant to section 17.94.029(C). Only persons residing within 300 feet of the building site may file an appeal pursuant to this section. An appeal must be accompanied by an appeal fee in the amount of \$150. The appeal will be processed in accordance with GMC Chapter 2.50. The decision of the City Administrator shall be overturned or modified only if the Hearing Examiner finds that the decision does not comply with applicable law.

**Section 2.** This ordinance shall be in full force and effect five days after its passage and publication as required by law.

**PASSED** by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on July 26, 2016.

**MAYOR**

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**ATTEST:**

\_\_\_\_\_  
**CITY CLERK**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**CITY ATTORNEY**

PUBLICATION: 7/27/16

EFFECTIVE: 8/2/16

**CITY OF GRANDVIEW  
AGENDA ITEM HISTORY/COMMENTARY  
CITY COUNCIL MEETING**

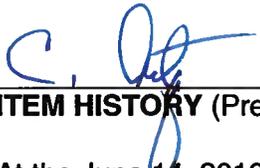
<b>ITEM TITLE</b>	<b>AGENDA NO.:</b> Active 6 (B)
Six-Year Street Sealcoat Maintenance Program	<b>AGENDA DATE:</b> July 26, 2016
	<b>FUNDING CERTIFICATION</b> (City Treasurer) (If applicable)

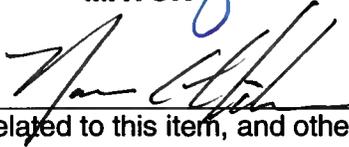
**DEPARTMENT DIRECTOR REVIEW**

City Administrator/Public Works Director Cus Arteaga

  
**MAYOR**

**CITY ADMINISTRATOR**





**ITEM HISTORY** (Previous council reviews, action related to this item, and other pertinent history)

At the June 14, 2016 C.O.W. meeting, the C.O.W. directed staff to present a street sealcoat maintenance program for Council consideration.

**ITEM COMMENTARY** (Background, discussion, key points, recommendations, etc.) Please identify any or all impacts this proposed action would have on the City budget, personnel resources, and/or residents.

At the July 12, 2016 C.O.W. meeting, staff presented the following Six-Year Street Sealcoat Maintenance Program utilizing Transportation Benefit District (TBD) funds:

- 2017 – Estimate \$97,408
  - Wine Country Road from East Stover Road to Euclid Road (5,143 feet)
- 2018 – Estimate \$93,525
  - Fir Avenue from Wine Country Road south to East Fourth Street (1,286 feet)
  - East Second Street from Elm east to Fir Avenue (1,052 feet)
  - East Third Street from Elm east to Fir Avenue (1,298 feet)
  - East Fourth Street from Elm east to Fir Avenue (1,302 feet)
- 2019 – Estimate \$99,624
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  - Zorada from Stassen Way to Rainier (419 feet)
  - Powell from Stassen Way to Hickory (893 feet)
  - West Fifth Street from Euclid to Grandridge (2,601 feet)

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2021 – Estimate \$87,238

- North Fourth Street from Euclid to Wilson (2,680 feet)
- North Third Street from Wine Country Road to Opal (1,040 feet)
- Davie from North Third Street to North Fourth Street (442 feet)
- Nealy from North Third Street to North Fourth Street (442 feet)

2022 – Estimate \$74,396

- Butternut from West Fifth Street to Pecan (1,895 feet)
- Hill Drive from Butternut to Appleway (1,515 feet)
- West Briar from Butternut to end of road (893 feet)

The C.O.W. concurred with the program as presented and moved the program to the July 26, 2016 regular Council meeting for consideration with the understanding that the City continue to leverage grant funds and provide flexibility in the program as additional funding opportunities become available.

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**ACTION PROPOSED**

Approve the Six-Year Street Maintenance Program as presented utilizing Transportation Benefit District (TBD) funds.