

**GRANDVIEW CITY COUNCIL
COMMITTEE-OF-THE-WHOLE
MEETING MINUTES
JULY 25, 2017**

1. CALL TO ORDER

Mayor Pro Tem Bill Moore 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 Pro Tem Bill Moore and Councilmembers Gaylord Brewer, Mike Everett, Dennis McDonald, Javier Rodriguez and Joan Souders.

Absent from the meeting were Mayor Norm Childress and Councilmember Gloria Mendoza.

Staff present were: City Administrator/Public Works Director Cus Arteaga, WWTP Superintendent Dave Lorenz and City Clerk Anita Palacios. Absent from the meeting was City Attorney Quinn Plant.

3. PUBLIC COMMENT – None

4. NEW BUSINESS

A. Resolution authorizing the Mayor to sign a License Agreement between Phillip Winterholler and the City of Grandview for the Memorial Plaza

This item was presented at the July 11, 2017 C.O.W. meeting. Due to a lack of a quorum, the item was moved to the July 25, 2017 C.O.W. meeting.

At the June 13, 2017 C.O.W. meeting, the Beautification Commission's proposal was presented with respect to the VFW monument and flag pole. Following discussion, the C.O.W. moved a resolution authorizing the Mayor to sign a License Agreement between Phillip Winterholler and the City of Grandview for the Memorial Plaza to the June 27, 2017 regular Council meeting for consideration. At the June 27, 2017 regular Council meeting, Councilmember Brewer asked whether the License Agreement would extend to a new owner should Mr. Winterholler sell the property. Following discussion, the agenda item was referred to the City Attorney for clarification. City Attorney Plant advised that the current license agreement would not continue. The license was personal to Mr. Winterholler. He was allowing the City onto his property to maintain the Memorial Plaza. If he no longer owned the property, then he would not have the authority to allow the City onto the property. The City would need to enter into a new license agreement with the new owner. Note that even if the license agreement stated that it would be binding on a new owner, the owner would have the ability to terminate the license upon written notice to the City. If the City wanted to obtain more permanent access to the Memorial Plaza, the City could explore acquiring an easement from Mr. Winterholler. The City would need to see if Mr. Winterholler was willing to grant the City an easement and, if so, whether he would want compensation. The City would need to survey Memorial Plaza and obtain a legal description of the property that would be subject to the easement. Once executed, a grant of easement would be recorded on the title to the real property.

Staff provided an estimate in the amount of \$4,500.00 from the City's engineering firm to survey the parcel and create a legal description should Council consider the potential acquisition of an easement from Mr. Winterholler. In addition, there would be recording fees in the amount of \$75.00. At this point in time, staff was unaware if Mr. Winterholler would request compensation for the permanent easement.

Discussion took place.

Councilmember Everett moved and Councilmember Brewer seconded to table this item to the August 22, 2017 meeting for further consideration. Councilmembers Everett and Brewer voted in favor. Councilmembers McDonald, Moore, Rodriguez and Souders voted in opposition. The motion failed.

Further discussion took place regarding entering into a license agreement or obtaining a permanent easement with Mr. Winterholler for the Memorial Plaza property.

On motion by Councilmember Everett, second by Councilmember Rodriguez, the C.O.W. moved a resolution authorizing the Mayor to sign a License Agreement between Phillip Winterholler and the City of Grandview for the Memorial Plaza to the August 8, 2017 regular Council meeting for consideration.

Councilmember Everett voted in opposition.

B. Port of Grandview & Lois Higgins Family, LLC – Letter of Intent and Petition for Annexation – Puterbaugh Business Park

City Clerk Palacios explained that the City received a Letter of Intent and Petition for Annexation and Rezone signed by the Port of Grandview and Lois Higgins Family LLC to annex Parcel No. 230910-33001 to be known as the Puterbaugh Business Park to the City. The petitioners elected to request annexation under the 60% petition method of annexation. The 60% petition method required signatures by owners of not less than 60% of the assessed value of the total property proposed for annexation. The petition contained sufficient signatures of the assessed value. The petitioners requested the parcel be annexed with an M-1 Light Industrial zoning as identified on the City's Future Land Use map. The parcel was included in the City's designated Urban Growth Area. State law required the City Council to determine: (1) if the City would accept, modify or reject the proposed annexation, (2) whether the City would require the simultaneous adoption of a proposed zoning regulation for the subject property, and (3) whether the City would require the assumption of all or any portion of existing City indebtedness by the area to be annexed. Upon acceptance of the Letter of Intent, the Petition would be presented to the Hearing Examiner to conduct a public hearing.

Discussion took place.

On motion by Councilmember Everett, second by Councilmember McDonald, the C.O.W. moved acceptance of the proposed annexation submitted by the Port of Grandview and Lois Higgins Family LLC, require the simultaneous adoption of zoning regulations consistent with the Urban Growth Area Future Land Use Designations: M-1 Light Industrial for Parcel No. 230910-33001, and require the assumption of all existing City indebtedness by the properties proposed to be annexed the same as all other property within the City in accordance with past practice to the August 8, 2017 regular Council meeting for consideration.

C. Resolution authorizing the Mayor to sign a Public Defender Agreement with the Law Office of Beck and Phillips, PLLC

City Clerk Palacios explained that the City contracts with Yakima County District Court for municipal court services. Under the terms of the Yakima County District Court contract, the City must provide indigent defense services to indigent defendants. The City has contracted with the Law Office of Beck and Phillips, PLLC for indigent defense services since September 2012. The Public Defender Agreement with the Law Office of Beck and Phillips, PLLC was renegotiated for an additional three year term commencing January 1, 2015 and would expire December 31, 2017. Following the Wilbur v. City of Mt. Vernon decision (W.D. Wash. 2013), the City assessed the current system of providing indigent defense services and the current Public Defender Agreement reflected a caseload limit, the reimbursement of costs for investigators and experts, warranty of public defender and quarterly reporting requirements. Staff requested the Law Office of Beck and Phillips, PLLC, submit a proposal for renewal of the Public Defender Agreement. The proposal submitted provided for a five year contract renewal with a four percent year over year escalation. The annual increase in compensation was necessary to account for the cost of living/inflationary environment of the current economy and their experience.

Discussion took place.

On motion by Councilmember Souders, second by Councilmember Rodriguez, the C.O.W. moved a resolution authorizing the Mayor to sign a Public Defender Agreement with the Law Office of Beck and Phillips, PLLC, to the August 8, 2017 regular Council meeting for consideration.

D. Resolution authorizing the Mayor to sign an Industrial Wastewater User Contract Amendment with Conrad & Adams Fruit, LLC

City Administrator Arteaga explained that Conrad & Adams Fruit, LLC, requested new allocations to their Industrial Wastewater User Contract. Said request required an amendment to their current contract. The Wastewater Treatment Plant has capacity for the revised allocations. Their amendment was time sensitive and needed to be adjusted in order to stay in compliance with the Washington State Department of Ecology.

Discussion took place.

On motion by Councilmember Brewer, second by Councilmember McDonald, the C.O.W. moved a resolution authorizing the Mayor to sign an Industrial Wastewater User Contract Amendment with Conrad & Adams Fruit, LLC, to the regular Council meeting for consideration.

E. Resolution approving an Interlocal Agreement between the City of Grandview and the City of Toppenish regarding the cooperative use of facilities, equipment and personnel

Due to time constraints, this item would be placed on the August 8, 2017 C.O.W. meeting agenda for consideration.

5. OTHER BUSINESS – None

6. **ADJOURNMENT**

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

Mayor Pro Tem Bill Moore

Anita Palacios, City Clerk