

**GRANDVIEW CITY COUNCIL
COMMITTEE-OF-THE-WHOLE MEETING MINUTES
APRIL 9, 2019**

1. CALL TO ORDER

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

A. Oath of Office – Councilmember David Diaz

City Attorney Plant administered the Oath of Office to newly appointed Councilmember David Diaz.

2. ROLL CALL

Present were: Mayor Mendoza and Councilmembers Gay Brewer, David Diaz, Mike Everett, Bill Moore, Javier Rodriguez and Joan Souders.

Absent was Councilmember Diana Jennings.

Staff present were: City Administrator/Public Works Director Cus Arteaga, City Attorney Quinn Plant, City Treasurer Matt Cordray, Police Chief Kal Fuller and City Clerk Anita Palacios.

3. PUBLIC COMMENT – None

4. NEW BUSINESS

A. Resolution accepting the bid for the Wine Country Road Resurfacing – E. Stover to I-82 Ramp and authorizing the Mayor to sign all contract documents with Central Washington Asphalt

City Administrator Arteaga explained that the City received notice the Washington State Department of Transportation would be resurfacing Interstate 82 ramps adjacent to Wine Country Road beginning in April 2019. At the March 12, 2019 meeting, Council authorized staff to prepare design plans, specifications and cost estimate, and to immediately advertise the project for bids. The proposed project would include a grind and overlay of Wine Country Road from E. Stover Road to the I-82 Ramp. Bids for the Wine Country Road Resurfacing – E. Stover to I-82 Ramp were opened on April 2, 2019. A total of three (3) bids were received with Central Washington Asphalt of Moses Lake, Washington, submitting the low bid in the amount of \$113,067.50. The low bid was approximately 7% above the City Engineer's estimate of \$104,890.00. The funds would be appropriated from the Transportation Benefit District (TBD) Fund to complete the project.

Discussion took place.

On motion by Councilmember Moore, second by Councilmember Souders, the C.O.W. moved a resolution accepting the bid for the Wine Country Road Resurfacing – E. Stover to I-82 Ramp and authorizing the Mayor to sign all contract documents with Central Washington Asphalt to the April 9, 2019 regular Council meeting for consideration.

B. Resolution approving Task Order No. 2019-01 with HLA Engineering and Land Surveying, Inc., for the Wine Country Road Resurfacing – E. Stover to I-82 Ramp

City Administrator Arteaga explained that the City received notice the Washington State Department of Transportation would be resurfacing Interstate 82 ramps adjacent to Wine Country Road beginning in April 2019. At the March 12, 2019 meeting, Council authorized staff to prepare design plans, specifications and cost estimate, and to immediately advertise the project for bids. The proposed project would include a grind and overlay of Wine Country Road from E. Stover Road to the I-82 Ramp. The project was advertised for bids on March 20, 2019 and bids were opened on April 3, 2019. Engineering services during construction work would begin immediately following Council award of a construction contract and Task Order approval. Staff presented Task Order No. 2019-01 with HLA Engineering and Land Surveying, Inc., for the Wine Country Road Resurfacing – E. Stover to I-82 Ramp in the amount of \$14,200.00 for engineering services during construction.

Discussion took place.

On motion by Councilmember Everett, second by Councilmember Brewer, the C.O.W. moved a resolution approving Task Order No. 2019-01 with HLA Engineering and Land Surveying, Inc., for the Wine Country Road Resurfacing – E. Stover to I-82 Ramp to the April 9, 2019 regular Council meeting for consideration.

C. Old Inland Empire Road Improvements Update – HLA Engineering

City Engineers Mike Battle and Terry Alapeteri with HLA Engineering and Land Surveying, Inc., provided the following timeline and update on the Old Inland Empire (OIE) Road Improvements:

- 2008 – U.S. in major recession following the banking system collapse.
- 2009-2012 – ARRA economic stimulus “Shovel Ready” projects. YVCOG approved 12 ARRA Federally funded projects in Yakima County, all which were constructed including Grandview Downtown “Alive”.
- 2012-2013 – YVCOG approved 13 additional projects to be “Shovel Ready” for next round of Federal stimulus including OIE Improvements from Grandridge to Elm. This project ranked 11 of 13 because of ARRA funding for downtown. The total estimated project cost was \$2,437,300 (\$2,108,00 Grant; \$329,300 City match).
- 2013 – Grandview received a \$900,000 Drinking Water State Revolving Fund (DWSRF) loan to replace undersized asbestos pipe in OIE including a looped connection to Elm Street across the railroad tracks.
- 2013 – As the U.S. started to come out of the recession hopes for ARRA Phase 2 faded.
- 2014 – HLA identified right-of-way (R/W) needs during 30% design phase. Five corner clips were identified for improved turning radii. Estimated acquisition cost was \$90,000-\$100,000. Washington State Department of Transportation would approve creation of R/W phase.
- 2016 – Grandview constructed DWSRF project (4-year construction window ending). The project included \$190,000 City dollars to grind and overlay OIE and Elm Street (4,500 LF). It was noted that a stand-alone grind and overlay would have cost over \$500,000 to complete. The ability to use DWSRF project funds (via shared work) to match City road funds was lost.

- 2018 – YVCOG voted to fund shortfall in design engineering of 2012-2013 projects for prolonged design period. \$38,500 for OIE (\$33,300 Grant; \$5,200 City match). This would need Council approval as a contract supplement.
- 2019 – Per YVCOG's current list of projects, construction of OIE Improvements was scheduled for 2023 (10 years since original STP funding). The total estimated project cost in 2023 would be \$2,978,500 (\$2,141,500 Grant; \$837,000 City match).

Staff recommended the following:

- Approve new R/W project phase which would extend the project expiration of funding an additional 10 years and would create safer turning movements in busy industrial area.
- Approve design supplement in the amount of \$38,500.
- Seek additional project funding closer to 2023.

Discussion took place.

On motion by Councilmember Everett, second by Councilmember Brewer, the C.O.W. tabled the Old Inland Empire Road Improvements Update with HLA Engineering to the May 14, 2019 C.O.W. for further discussion.

D. Resolution accepting the bid for the Museum Building Reroof and authorizing the Mayor to sign all contract documents with Bestebreur Brothers Construction, Inc.

City Administrator Arteaga explained that \$60,000 was appropriated in the 2019 Capital Improvement Fund for the Museum building reroof. Bids for the Museum Building Reroof were opened on April 2, 2019. A total of two (2) bids were received with Bestebreur Brothers Construction, Inc., of Grandview, Washington, submitting the low bid, including the additive bid item for complete removal of existing roofing in the amount of \$59,974.06. The bid was approximately 15% above the City Engineer's estimate of \$51,792.00. Completion of the additive work would provide a better finished product for the City by completely removing old roofing instead of roofing over top of existing materials. Staff and Engineers recommended the City award the construction contract to Bestebreur Brothers Construction, Inc. Additional funds in the amount of approximately \$12,000.00 would be needed to complete the project.

Discussion took place.

On motion by Councilmember Souders, second by Councilmember Diaz, the C.O.W. moved a resolution accepting the bid for the Museum Building Reroof and authorizing the Mayor to sign all contract documents with Bestebreur Brothers Construction, Inc., to the April 23, 2019 regular Council meeting for consideration.

E. Resolution authorizing the Mayor to sign the Washington State Transportation Improvement Board Complete Streets Award Grant Agreement

City Administrator Arteaga explained that at the February 12, 2019 meeting, Council authorized staff to submit two Complete Street Applications to the Transportation Improvement Board (TIB). The applications were to install pedestrian crosswalk systems, install sidewalk panels, and replace non-ADA ramp with compliant ramps. One application was for \$200,000 and other one

was for \$100,000. On March 22, 2019, the Washington State Transportation Improvement Board (TIB) announced that the City was awarded a grant in the amount of \$100,000 for the Complete Streets Work Plan. This was a 100% grant with no local match requirements. Staff presented the Complete Streets Award Grant Agreement with TIB that would require Council approval.

Discussion took place.

On motion by Councilmember Brewer, second by Councilmember Everett, the C.O.W. moved a resolution authorizing the Mayor to sign the Washington State Transportation Improvement Board Complete Streets Award Grant Agreement to the April 23, 2019 regular Council meeting for consideration.

5. RECESS & RECONVENE OF C.O.W. MEETING

On motion by Councilmember Everett, second by Councilmember Moore, the Council recessed the Committee-of-the-Whole meeting at 7:00 p.m., to reconvene following the regular Council meeting.

On motion by Councilmember Everett, second by Councilmember Rodriguez, the Council reconvened the Committee-of-the-Whole meeting to discuss the following items at 7:30 p.m.

F. Resolution authorizing the Mayor to sign the 2019 Yakima County Technology Services Interlocal Agreement

This item was tabled from the March 26, 2019 C.O.W. meeting. The C.O.W. requested the Police Chief research alternative providers and cost for said services.

Police Chief Fuller indicated that the Yakima County Technical Services (YCTS) Interlocal Agreement was approximately \$1,500 a year. Of that amount, only \$500 was for internet service. The other \$1,000 was for Netmotion Vendor Support. Netmotion was the software that connects the Police Department's computer terminals or laptops to the County-wide Spillman Law Enforcement System. The Spillman system allows access to all other police agency information and was the method law enforcement accesses the State and FBI information systems. Due to Federal Criminal Justice Information System (CJIS) rules all law enforcement information must be encrypted to their standards whenever transmitted through various means. Netmotion provides this required encryption and provides updates to make sure their software works and has no conflicts with Police Department terminals, the fiberoptic line, and the Spillman system. Netmotion was a proprietary software and was necessary to connect to the County system. There was no other software that would work or be accepted by Yakima County. Every law enforcement agency in Yakima County uses this same software. Each agency pays a yearly fee to the County for the Netmotion software. The cost of the software was a pass-through cost and the County does not make any money on the transaction. For the Netmotion portion of the YCTS bill there was no other option. It was the sole provider of connection software that was guaranteed compatible with the County system. For the internet access portion of the YCTS bill, the City pays \$500 per year. This equates to approximately \$42 per month. It was also provided through a high speed fiberoptic cable with limited other users on the system. YCTS guarantees that all connections over their fiber were CJIS compliant. In addition, the fiberoptic line that Police Department uses was the same line that the college and schools were connected to.

Discussion took place.

On motion by Councilmember Everett, second by Councilmember Moore, the C.O.W. moved a resolution authorizing the Mayor to sign the 2019 Yakima County Technology Services Interlocal Agreement to the April 23, 2019 regular Council meeting for consideration.

G. Resolution declaring certain City property from the Police Department as surplus and authorizing disposal by public auction, sale or trade

Police Chief Fuller explained that the Police Department has desktop computers and laptops on capital replacement schedules. The old computers and laptops were placed in service for approximately four years. Following the four year period, the computers and laptops were held for a couple years as spares before being surplused. The Police Department has eight computers and five laptops that were ready for surplus. Benton REA would scrub the computers of all information in exchange for keeping the component parts.

Discussion took place.

On motion by Councilmember Moore, second by Councilmember Rodriguez, the C.O.W. moved a resolution declaring certain City property from the Police Department as surplus and authorizing disposal by public auction, sale or trade to the April 23, 2019 regular Council meeting for consideration.

H. Ordinance amending Section 8.24.010 and Section 8.24.020 of the Grandview Municipal Code to establish that producing or processing marijuana or marijuana-infused products, or the storage or growing of marijuana plants where any portion of such activity can be readily seen by normal unaided vision or readily smelled from a public place or the private property of another housing unit is a public nuisance

Police Chief Fuller explained that in 2015, the legislature passed RCW 69.51A.260 (3) which stated "Cities, towns, counties, and other municipalities may create and enforce civil penalties, including abatement procedures, for the growing or processing of marijuana and for keeping marijuana plants beyond or otherwise not in compliance with this section." Over the last three growing seasons, there have been citizen complaints about medicinal marijuana not being grown in compliance with RCW 69.51A.260 that requires in section (2) that "Neither the production nor processing of marijuana or marijuana-infused products pursuant to this section nor the storage or growing of plants may occur if any portion of such activity can be readily seen by normal unaided vision or readily smelled from a public place or the private property of another housing unit." Grandview Municipal Code Chapter (GMC) 8.24 Nuisances defines one type of public nuisance as a land use activity which ". . . creates excessive . . . odors . . ." see GMC 8.24.010(F)(2). It also designated a public environmental nuisance as "The existence of any strong or offensive odor at the property line, . . ." see GMC 8.24.020(H)(2). Both of these sections address the same situation as RCW 69.51A.260 which was created in 2015; a plant (marijuana) that can be readily smelled from a public place or the private property of another. Although it can be assumed to apply to marijuana, the current GMC does not clearly and specifically list marijuana. In Grandview Municipal Code Chapter 9.28 Drugs and Controlled Substances, numerous sections of RCW 69 relating to drugs and other controlled substances were adopted in 2007. A marijuana growing

situation as defined in RCW 69.51A.260 could properly be addressed under the current GMC Chapter 8.24 Nuisances. Chapter 8 also provided civil penalties and defined a process for abatement. Minor wording changes to GMC Chapter 8.24 Nuisances were necessary to clarify it.

Discussion took place.

On motion by Councilmember Souders, second by Councilmember Moore, the C.O.W. moved an ordinance amending Section 8.24.010 and Section 8.24.020 of the Grandview Municipal Code to establish that producing or processing marijuana or marijuana-infused products, or the storage or growing of marijuana plants where any portion of such activity can be readily seen by normal unaided vision or readily smelled from a public place or the private property of another housing unit is a public nuisance to the April 23, 2019 regular Council meeting for consideration.

Councilmembers Everett and Brewer voted in opposition.

- I. **Resolution amending the Council Procedure Manual to reflect that regular meetings of the City Council consist of a 6:00 p.m. Committee meeting and a 7:00 p.m. business meeting on the second and fourth Tuesday of each month**

At the Council meeting on March 12, 2019, City staff were requested to review a change to the Council Procedure Manual to clarify that the 6:00 p.m. Committee-of-the-Whole meeting and 7:00 p.m. business meeting are "regular" meetings of the City Council. The background to the recommendation was provided to the City Council for consideration on March 12, 2019. As stated therein, the amendment being proposed to the Council Procedure Manual would clarify ambiguity in the manual. Due to time constraints, this item was tabled from the March 26, 2019 C.O.W. meeting.

Discussion took place.

On motion by Councilmember Everett, second by Councilmember Moore, the C.O.W. moved a resolution amending the Council Procedure Manual to reflect that regular meetings of the City Council consist of a 6:00 p.m. Committee meeting and a 7:00 p.m. business meeting on the second and fourth Tuesday of each month to the April 23, 2019 regular Council meeting for consideration.

Councilmember Brewer voted in opposition.

6. **OTHER BUSINESS** – None

7. **ADJOURNMENT**

The C.O.W. meeting adjourned at 8:30 p.m.

Mayor Gloria Mendoza

Anita Palacios, City Clerk