

**GRANDVIEW CITY COUNCIL
REGULAR MEETING AGENDA
TUESDAY, JUNE 25, 2019**



REGULAR MEETING – 7:00 PM

PAGE

1. **CALL TO ORDER & ROLL CALL**
2. **PLEDGE OF ALLEGIANCE**
3. **PRESENTATIONS**
4. **PUBLIC COMMENT** – At this time, the public may address the Council on any topic whether on the agenda or not, except those scheduled for public hearing.
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 June 11, 2019 Committee-of-the-Whole meeting 1-2
 - B. Minutes of the June 11, 2019 Council meeting 3-5
 - C. Payroll Check Nos. 11019-11040 in the amount of \$94,605.75
 - D. Payroll Electronic Fund Transfers (EFT) Nos.60131-60137 in the amount of \$85,605.22
 - E. Payroll Direct Deposit 6/1/19-6/15/19 in the amount of \$108,128.30
 - F. Claim Check Nos. 117807-117892 in the amount of \$215,698.76
6. **ACTIVE AGENDA** – Notice: Items discussed at the 6:00 pm Committee-of-the-Whole meeting of an urgent or time sensitive nature may be added to the active agenda pursuant to City Council Procedures Manual Section 3.18(c).
 - A. Ordinance No. 2019-12 permitting commercial/downtown business establishments to use public sidewalks as a seating area, and adding a new chapter to the Grandview Municipal Code entitled 12.10-Obstructing Streets and Sidewalks 6-12
7. **UNFINISHED AND NEW BUSINESS**
8. **CITY ADMINISTRATOR AND/OR STAFF REPORTS**
9. **MAYOR & COUNCILMEMBER REPORTS**
10. **ADJOURNMENT**

**GRANDVIEW CITY COUNCIL
COMMITTEE-OF-THE-WHOLE MEETING MINUTES
JUNE 11, 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.

2. ROLL CALL

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

Absent was Councilmember Javier Rodriguez.

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

3. PUBLIC COMMENT – None

4. NEW BUSINESS

A. Ordinance permitting commercial/downtown business establishments to use public sidewalks as a seating area, and adding a new chapter to the Grandview Municipal Code entitled 12.10-Obstructing Streets and Sidewalks

Mayor Mendoza recused herself from the discussion due to being the business owner of Casa de Vino.

City Administrator Arteaga explained that at the May 14, 2019 C.O.W. meeting, Humberto Rodriguez on behalf of the following downtown businesses: Casa de Vino, El Camprestre, Javi's Chicken, Casa Tequila and The Happy Watermelon, presented a formal request that the City grant permission to downtown restaurants/taverns/eateries the use of sidewalk seating. He explained that sidewalk usage would create a more approachable and engaging environment in the downtown corridor and better appeal to potential customers as well as offer an inviting atmosphere for economic growth in the community. The City would simply have to make sure businesses were following guidelines that would not cause the City to violate the Americans with Disabilities Act. He presented a sample ordinance from the City of Prosser. Following his presentation, the C.O.W. directed the City Attorney to draft an ordinance providing for sidewalk use by downtown establishments for consideration at the May 28, 2019 C.O.W. meeting. A draft ordinance was presented at the May 28, 2019 meeting and following discussion, the C.O.W. tabled the ordinance and directed staff to research a fee, permit application and enforcement. The following cities have sidewalk use permit fees: Prosser \$50, Sunnyside \$200 and Yakima \$50. Staff recommended the City of Grandview implement a \$50 permit fee. Also presented was a draft application. In addition, the City Attorney revised the ordinance to provide for enforcement.

Discussion took place.

On motion by Councilmember Everett, second by Councilmember Diaz, the C.O.W. moved an ordinance permitting commercial/downtown business establishments to use public sidewalks as a seating area, and adding a new chapter to the Grandview Municipal Code entitled 12.10-Obstructing Streets and Sidewalks to the June 25, 2019 Council meeting for consideration.

Councilmember Brewer voted in opposition.

B. Resolution authorizing the Mayor to sign an Equipment Maintenance Agreement with Benton County

Fire Chief Mason explained that in June 2013, Council agreed to enter into an agreement with Benton County to allow them to be a provider of maintenance for city vehicles. Benton County was the only Certified Emergency Vehicle Technicians in the local area. The Fire Department used this provider on several occasions to provide maintenance on their vehicles since entering into the agreement. He was recently approached by the Benton County Department of Public Works with a request to renew the agreement. The current agreement expired December 31, 2018. The new agreement would be for 2019 and 2020. The agreement was reviewed by the City Attorney Plant. The 2019 rates would be \$118.45 per hour plus parts. The hourly rates for 2020 would be set by the Board of Benton County Commissioners in January of 2020, so they were not spelled out in the agreement.

Discussion took place.

On motion by Councilmember Everett, second by Councilmember Souders, the C.O.W. tabled the resolution authorizing the Mayor to sign an Equipment Maintenance Agreement with Benton County to the July 9, 2019 C.O.W. meeting for further consideration and directed the Fire Chief to explore alternative providers.

5. OTHER BUSINESS

On-Street Semi-Truck Loading/Unloading – City Administrator Arteaga requested clarification on a previous request to restrict loading/unloading of semi-trucks which were parked on the street. He indicated there was some concern expressed by a councilmember regarding semi-trucks parking on West Fifth Street loading/unloading wine from the Ste. Michelle Winery. He provided photos of other semi-trucks loading/unloading on City right-of-way. He indicated that if Council wanted to restrict on-street loading/unloading that it should be done city-wide.

Discussion took place and no action was taken and/or recommended.

6. ADJOURNMENT

The C.O.W. meeting adjourned at 7:00 p.m.

Mayor Gloria Mendoza

Anita Palacios, City Clerk

**GRANDVIEW CITY COUNCIL
REGULAR MEETING MINUTES
JUNE 11, 2019**

1. CALL TO ORDER

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

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

Councilmember Javier Rodriguez was absent.

On motion by Councilmember Moore, second by Councilmember Diaz, Council excused Councilmember Rodriguez from the meeting.

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

2. PLEDGE OF ALLEGIANCE

Councilmember Everett led the pledge of allegiance.

3. PRESENTATIONS – None

4. PUBLIC COMMENT – None

5. CONSENT AGENDA

On motion by Councilmember Souders, second by Councilmember Diaz, Council approved the Consent Agenda consisting of the following:

- A. Minutes of the May 28, 2019 Committee-of-the-Whole meeting**
- B. Minutes of the May 28, 2019 Council meeting**
- C. Payroll Check Nos. 10985-11018 in the amount of \$30,028.36**
- D. Payroll Electronic Fund Transfers (EFT) Nos. 60121-60126 in the amount of \$97,939.61**
- E. Payroll Direct Deposit 5/16/19-5/31/19 in the amount of \$114,110.94**
- F. Claim Check Nos. 117706-117806 in the amount of \$184,660.18**

6. ACTIVE AGENDA

- A. Resolution No. 2019-23 authorizing the Mayor to enter into an Interlocal Agreement for continued participation in the Yakima Valley Special Investigations Unit**

This item was previously discussed at the May 25, 2019 C.O.W. meeting.

On motion by Councilmember Moore, second by Councilmember Everett, Council approved Resolution No. 2019-23 authorizing the Mayor to enter into an Interlocal Agreement for continued participation in the Yakima Valley Special Investigations Unit.

- B. Ordinance No. 2019-10 providing for the annexation of property known as the Brett & Teresa Smith dba Quail Run Manufactured Home Park Annexation to the City of Grandview pursuant to the petition method, and incorporating the same within the corporate limits thereof, providing for the assumption of existing indebtedness, requiring said property to be assessed and taxed at the same rate and basis as other property within said City, adopting a comprehensive land use plan, and changing the official zoning map of the City

This item was previously discussed at the May 25, 2019 C.O.W. meeting.

On motion by Councilmember Everett, second by Councilmember Souders, Council approved Ordinance No. 2019-10 providing for the annexation of property known as the Brett & Teresa Smith dba Quail Run Manufactured Home Park Annexation to the City of Grandview pursuant to the petition method, and incorporating the same within the corporate limits thereof, providing for the assumption of existing indebtedness, requiring said property to be assessed and taxed at the same rate and basis as other property within said City, adopting a comprehensive land use plan, and changing the official zoning map of the City.

- C. Ordinance No. 2019-11 relating to the placement of Little Free Libraries and creating a new section with Chapter 17.70 of the Grandview Municipal Code entitled 17.70.230-Little Free Libraries

This item was previously discussed at the May 25, 2019 C.O.W. meeting.

On motion by Councilmember Souders, second by Councilmember Moore, Council approved Ordinance No. 2019-11 relating to the placement of Little Free Libraries and creating a new section with Chapter 17.70 of the Grandview Municipal Code entitled 17.70.230-Little Free Libraries.

7. UNFINISHED AND NEW BUSINESS – None

8. CITY ADMINISTRATOR AND/OR STAFF REPORTS

2020 Budget Retreat – City Administrator Arteaga requested that Council consider a date to hold a budget retreat for the 2020 preliminary budget. Council agreed to schedule a budget retreat on Monday, July 15, 2019 at 6:00 p.m., in the Council Chambers at City Hall to discuss their 2020 budget goals.

9. MAYOR & COUNCILMEMBER REPORTS

AWC Conference – Councilmember Moore reported that he would be attending the Association of Washington Cities (AWC) Annual Conference on June 25-28 in Spokane and requested to be excused from the June 25, 2019 Council meeting.

Hotel Recruitment – Mayor Mendoza reported that the City, Port and YCDA representatives met with a prospective hotel chain franchise developer today.

YVC Grandview Campus Dean Recruitment – Mayor Mendoza reported that she was participating on the interview panel for the new YVC Grandview Campus Dean.

10. ADJOURNMENT

On motion by Councilmember Moore, second by Councilmember Souders, Council adjourned the regular meeting at 7:20 p.m.

Mayor Gloria Mendoza

Anita Palacios, City Clerk

ORDINANCE NO. 2019-12

**AN ORDINANCE OF THE CITY OF GRANDVIEW, WASHINGTON,
PERMITTING COMMERCIAL/DOWNTOWN BUSINESS ESTABLISHMENTS
TO USE PUBLIC SIDEWALKS AS A SEATING AREA, AND ADDING
A NEW CHAPTER TO THE GRANDVIEW CITY CODE ENTITLED
12.10—OBSTRUCTING STREETS AND SIDEWALKS**

WHEREAS, there has been increased interest in the use of public places in the City for the purpose of locating and operating sidewalk cafes; and

WHEREAS, the City Council finds that it is desirable to allow these types of uses on public places within the City if appropriately regulated so as not to create a public nuisance or a public safety hazard; and

WHEREAS, in order to allow these types of uses in public places in a manner that does not create a public nuisance or public safety hazard, it is appropriate to add to the Grandview City Code provisions relating to public streets and sidewalks.

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

Section 1. A new Chapter 12.10 of the Grandview Municipal Code, entitled "Obstructing Streets and Sidewalks" is hereby adopted to read as follows:

Sections

- 12.10.010 Objects obstructing pedestrian use of sidewalks prohibited—
Exceptions.**
- 12.10.020 Objects obstructing use of street and alleys prohibited.**
- 12.10.030 Violations - Penalties.**

**12.10.010 Objects obstructing pedestrian use of sidewalks prohibited—
Exceptions.**

Except for objects placed by the City of Grandview, it is unlawful for any person, persons, firm, company or corporation to place any stick, pole, post, stone, box or any other article of whatsoever kind or character, upon or across any of the sidewalks of the city in such a manner as to obstruct the free and unobstructed use of the sidewalks for pedestrians traveling or desiring to travel the same, except as provided as follows:

A. The city may allow charitable or nonprofit organizations to place flowerpots, benches, bicycle racks or other objects similarly intended to promote the public welfare or intended to beautify the city on the sidewalk or pedestrian right-of-way; provided, that such objects would not cause the city to violate the Americans with Disabilities Act.

B. Building owners or business owners hereby permitted to use a portion of city sidewalks or city-owned pedestrian right-of-way abutting their building or business establishment in the Central Business Overlay District zone of the City of Grandview subject to the following standards:

1. Usage shall be restricted to the area closest to the exterior wall of the business and shall be situated such that there is unobstructed pedestrian walkway meeting Americans with Disabilities Act requirements and standards between the usage area and the adjacent street. All usages permitted hereunder shall, at all times, leave a minimum of four feet of unobstructed sidewalk area between all other objects obstructing the sidewalk including but not limited to light poles, garbage cans, and the front bumpers of any parked cars.
2. No usage shall be allowed which obstructs the entrance or exit of the building.
3. No usage will be allowed in the public street or in any public parking place.
4. Usage shall not obstruct vehicular traffic sight distance triangle requirements or be located within five feet of a wheelchair ramp.
5. Placement of signs in the pedestrian right-of-way or upon sidewalks is not allowed by this section. But if such signs are allowed by Chapter 15.16, then they shall comply with the provisions of this section.
6. Except as permitted by this subsection, retail sales of goods shall not be allowed on the sidewalk or pedestrian right-of-way. The owner or manager of a business upon abutting property making retail sales to the public may display on a public sidewalk goods or wares that are being offered for sale inside the business. Sidewalk displays are subject to rules of the public works director, and the following criteria:
 - a. The location of the sidewalk display shall not reduce or obstruct pedestrian passage on the sidewalk to less than four feet to the nearest street trees, utility poles, traffic control signs and devices, parking meters, fire hydrants, buildings, parked vehicles, and other similar devices and structures. Furthermore, such placement shall be consistent with any applicable standards established by the Americans with Disabilities Act and shall not obstruct vehicular traffic or parking or the use of any crosswalk, wheelchair ramp, bus or taxi zone.

- b. The display must be as flush as reasonably possible against the building of the abutting property, must leave entrances and driveways clear, and may not extend more than four feet into the sidewalk.
 - c. The display must be removed during those hours that the business is closed. If the display is in place before sunrise or after sunset, the display must be lighted and readily visible to passing pedestrians on the sidewalk.
 - d. Sales of goods must occur on the abutting privately owned property.
 - e. The display may not contain liquor, tobacco, firearms, munitions, or any article which a minor is prohibited by law from purchasing, or any material restricted by the fire code adopted by the city from direct access or handling by the public.
 - f. The display must be removed any time the public works director, chief of police, code enforcement officer, fire code official, or other city official determines that a clear sidewalk is needed and requests removal for use of travel or transportation, street cleaning or maintenance, street utility work, a crowd control event or parade, or an emergency.
 - g. News racks, mailboxes, and drop boxes for delivery services are not subject to the restrictions in this subsection.
 - h. The city assumes no responsibility for the items on display, irrespective of whether the loss occurs through accident, collision, vandalism, theft or otherwise.
7. In consideration of the use of the sidewalk and pedestrian right-of-way as provided for in this section, all users agree to indemnify, defend, and hold harmless the City of Grandview from any and all liability occasioned by such use.
8. No person may operate a sidewalk cafe without a permit from the public works director as follows:
- a. Permit Application. An applicant must provide the following before a sidewalk cafe permit can be issued:
 - i. The anticipated periods of use during the year and the proposed hours of daily use, including Saturdays, Sundays, and holidays;

ii. Whether any liquor, as defined in RCW 66.04.010, will be sold or consumed in the area to be covered by the permit;

iii. Procure and maintain liability insurance naming the City of Grandview as additional insureds in the amount of one million dollars;

iv. Payment of an annual nonrefundable permit application fee in the amount of \$50.00; and

v. Such permit shall be valid from the date issued and shall expire on December 31st of the year issued.

b. Terms and Conditions.

i. The public works director may issue a permit for use of a sidewalk for sidewalk cafe purposes in the event and to the extent that he or she determines that:

(A) The applicant is the owner or occupant of the abutting property and operates a cafe, restaurant, or tavern thereon;

(B) The location of the sidewalk cafe shall not reduce or obstruct pedestrian passage on the sidewalk to less than four feet to the nearest street trees, utility poles, traffic control signs and devices, parking meters, fire hydrants, buildings, parked vehicles, and other similar devices and structures. Furthermore, such placement shall be consistent with any applicable standards established by the Americans with Disabilities Act and shall not obstruct vehicular traffic or parking or the use of any crosswalk, wheelchair ramp, bus or taxi zone; and

(C) The proposed sidewalk cafe area is included within a food-service establishment permit issued by the applicable authorities.

ii. The public works director may include such terms and conditions in the permit as the public works director may deem appropriate, including but not limited to:

(A) Restrictions as to the number and placement of tables and chairs and as to the hours and dates of use;

(B) A requirement that the area be cleared when not in use as a sidewalk cafe, or upon the order of the public works director or other appropriate city officer such as the chief of police or fire code official or their authorized representatives;

(C) Provisions that the permittees shall maintain the sidewalk in a clean and safe condition for pedestrian travel;

(D) A requirement that the applicant clear the sidewalk as may be necessary to accommodate deliveries to abutting or other nearby properties;

(E) Regulations upon lighting and illumination of the sidewalk cafe, limitations upon noise, and restrictions upon the placement of furniture or equipment used in connection with the sidewalk cafe;

(F) If the sidewalk cafe causes a change in pedestrian travel patterns, appropriate modifications to the sidewalk in the immediate vicinity in order to accommodate the change or to assure compliance with the federal Americans with Disabilities Act;

(G) Restoration of the sidewalk upon completion of the use.

iii. Unless expressly authorized by the public works director, no pavement shall be broken, no sidewalk surface disturbed, and no permanent fixture of any kind shall be installed in or on sidewalk area in connection with a sidewalk cafe.

iv. The public works director may suspend or revoke the permission granted if an applicant violates this chapter, any implementing rules, the terms and conditions of the permit, or if permittee fails to regulate the conduct of his or her customers in such a manner that the sidewalk café interferes with adjacent businesses or the peaceful use and enjoyment of the immediate surrounding vicinity.

v. Liquor. Liquor, as defined in RCW 66.04.010, as now existing or hereinafter amended, may be used and sold at a sidewalk cafe when authorized in both the use permit and provided for in this chapter and by permit of the Washington State Liquor Control Board, and not otherwise.

c. Sidewalk Condition. The applicant shall comply with the terms and conditions of the sidewalk café permit issued, shall maintain the sidewalk in a clean and safe condition for pedestrian travel, and shall clear the sidewalk area when ordered to do so by the public works director or other appropriate city officer such as the chief of police, fire code official or their authorized representatives.

9. The following items may not be placed on the sidewalk or pedestrian right-of-way:

a. Except for news racks, vending machines.

b. Except as permitted by Chapter 15.16, Signs.

c. Any items which would constitute a nuisance under state law or under an ordinance of the City of Grandview.

d. Any item prohibited by state law or regulation from being visible to the public from a public right-of-way.

e. Any item which is defined as hazardous or as hazardous waste by state law or regulations.

f. Anything which is injurious to the public health.

10. The city may remove any object which is placed upon the pedestrian right-of-way or upon a sidewalk in violation of this section. The provisions of this section shall not be construed to provide owners of buildings or owners of businesses with any property right to use a portion of the sidewalk or the pedestrian right-of-way. The City of Grandview expressly reserves the right to amend this section to restrict the use of the sidewalk or the pedestrian right-of-way or to prohibit use of the sidewalk or pedestrian right-of-way allowed by this section.

12.10.020 Objects obstructing use of streets and alleys prohibited.

It is unlawful for any person, persons, firms, companies or corporations to place any fence, stick, pole, post, box, glass, crockery, tin cans or any other substance of whatever kind or character in, on, across or through any of the public streets and alleys of the city in any way or manner to obstruct the free use of the streets and alleys for the purpose for which they were dedicated to the public.

12.10.030 Violations - Penalties.

Violations of this Chapter shall constitute a public nuisance and may be enforced pursuant to Chapter 15.72 of the Grandview Municipal Code.

Section 2. Except as set forth herein, all other provisions of the Grandview Municipal Code remain unchanged.

Section 3. 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 June 25, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLICATION: 6/26/19

EFFECTIVE: 7/1/19