

**GRANDVIEW CITY COUNCIL  
REGULAR MEETING AGENDA  
TUESDAY, MAY 11, 2021**



**This meeting will be held in person and will also be available via teleconference. For meeting information and instructions, please contact City Hall at (509) 882-9200.**

**REGULAR MEETING – 7:00 PM**

**PAGE**

- 1. CALL TO ORDER & ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. PRESENTATIONS**
  - A. American Legion Riders 1-3
- 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 April 27, 2021 Committee-of-the-Whole meeting 4-6
  - B. Minutes of the April 27, 2021 Council meeting 7-11
  - C. Payroll Check Nos. 12141-12169 in the amount of \$27,575.94
  - E. Payroll Electronic Fund Transfers (EFT) Nos. 60540-60546 in the amount of \$102,510.93
  - E. Payroll Direct Deposit 4/16/21-4/30/21 in the amount of \$123,687.11
  - F. Claim Check Nos. 121958-122044 in the amount of \$148,730.61
- 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. Resolution 2021-20 accepting the public infrastructure improvements and street right-of-way of the Plaza Way commercial development 12-14
  - B. Ordinance No. 2021-06 amending Section 7.04.080(B)(6) Base Utility Charges of the Grandview Municipal Code to include federal or state housing programs 15-17
- 7. UNFINISHED AND NEW BUSINESS**
- 8. CITY ADMINISTRATOR AND/OR STAFF REPORTS**
- 9. MAYOR & COUNCILMEMBER REPORTS**
- 10. ADJOURNMENT**

The City of Grandview Committee-of-the-Whole and Regular Council Meetings scheduled for Tuesday, May 11, 2021 at 6:00 pm and 7:00 pm will be held in person and will also be available via teleconference.

Please join the meeting from your computer, tablet or smartphone.

Join Zoom Meeting

<https://zoom.us/j/94253195060?pwd=NkoyZ1FYMFJ5OW5EeGlxZFNPbjVIUT09>

Meeting ID: 942 5319 5060

Passcode: 054753

To join via phone: +1 253 215 8782 US

Meeting ID: 942 5319 5060

Passcode: 054753

**Anita Palacios**

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**From:** Anita Palacios  
**Sent:** Wednesday, April 28, 2021 9:01 AM  
**To:** joesedo@gmail.com  
**Cc:** Cus Arteaga  
**Subject:** Grandview City Council Meeting - May 11, 2021 @ 7 pm - American Legion Riders Presentation

Joe,

It was a pleasure speaking with you on the phone this morning. I have noted The American Legion Riders on the City Council agenda for the Tuesday, May 11<sup>th</sup> meeting at 7:00 p.m., to make a presentation to Council.

We will look forward to seeing you then.

Thanks,

Anita G. Palacios, MMC  
City Clerk/Human Resources  
City of Grandview  
207 West Second Street  
Grandview, WA 98930  
PH: (509) 882-9208 or 882-9200  
Fax: (509) 882-3099  
[anitap@grandview.wa.us](mailto:anitap@grandview.wa.us)  
[www.grandview.wa.us](http://www.grandview.wa.us)

# THE AMERICAN LEGION



DEPARTMENT OF WASHINGTON · P.O. BOX 3917 · LACEY, WASHINGTON 98503  
PHONE (360) 491-4373 · FAX (360) 491-7442 · WWW.WALEGION.ORG

Department Commander

April 23, 2021

To the Mayor, City Council members, and citizens of the great city of Grandview Washington,

I would like to personally “Thank You” for your support for all our American Hero’s. I (Robert “Bob” Clark) am the Department (State) Commander for The American Legion here in our state of Washington.

As you may know, The American Legion is the largest wartime Veterans organization in the United States. We were chartered by US Congress in 1919 and our National Commander testifies in front of Congress every year in February to report our Legion activities and programs.

The American Legion was founded on four pillars- Veterans Affairs & Rehabilitation, National Security, Americanism, and Children & Youth. Each of these pillars encompasses a variety of programs that benefit our nation’s Veterans, its service members, their families, the youth of America, and our communities.

The Legion does not have boarders or boundary lines when it comes to helping our Veterans. To give you a few examples:

The “Fill the boot” fund raiser that was just done in your community. One of your Grandview Veterans, Mr. Jesse Rodrigues, and others from around the state helped organized this great event. He belongs to American Legion Post 130 in the town of Zillah because that post has an American Legion Riders program.

The American Legion Post 27 in Glenallen, Alaska donated \$2500 to help Veterans in Washington that were displaced by the wild fires last year.

Every year, The Legion raises money and sends to our National programs for Veterans and Family members around the world.

These are just a couple of many examples of how The American Legion helps and support each other around the world. The American Legion has never and I will repeat, never, discriminated against any Veteran because where they lived, their race, their gender, or their sexual orientation.

To sum up the reason for this letter is first and foremost, to personally “Thank” each and every one of you for the support that you have given to our Veterans. The second reason is to apologize for an email that some of you may have received from a local Legionnaire. This seems to be an

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Department Commander

internal issue between two of our American Legion Posts that needs to be resolved internally and should have never included the great City of Grandview.

I would ask that we always keep one rule in mind: to help Veterans/Families and that help should never be restricted it to any group or organization. As long as the Veteran/Family member is getting help, this should be the only concern.

The American Legion Riders is a program of The American Legion and they have a saying that sums it up. "We do it for the cause, Not the applause"

Thank you for your continual support of all Veterans. Feel free to contact me any time of day or night if you have any concerns or questions.

FOR GOD AND COUNTRY!

A handwritten signature in black ink, appearing to read "Robert Clark", with a long horizontal flourish extending to the right.

Robert "Bob" Clark  
The American Legion  
Department of Washington  
Commander  
[commander@walegion.org](mailto:commander@walegion.org)  
360-584-5773

**GRANDVIEW CITY COUNCIL  
COMMITTEE-OF-THE-WHOLE MEETING MINUTES  
APRIL 27, 2021**

**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.

The meeting was held in person and was also available via teleconference.

**2. ROLL CALL**

Present in person: Mayor Mendoza and Councilmembers David Diaz, Bill Moore (Mayor Pro Tem), Robert Ozuna, Javier Rodriguez and Joan Souders (arrived at 6:05 p.m.)

Present via teleconference: Councilmembers Mike Everett and Diana Jennings (arrived at 6:30 p.m.)

Staff present: City Administrator/Public Works Director Cus Arteaga, City Attorney Quinn Plant, City Treasurer Matt Cordray, Fire Chief Pat Mason, Parks & Recreation Director Grethen Chronis, Assistant Public Works Director Todd Dorsett and City Clerk Anita Palacios

**3. PUBLIC COMMENT – None**

**4. NEW BUSINESS**

**A. New Community Website Preview**

Councilmember Ozuna introduced Bryce Carpenter with Ovis Digital Marketing. Mr. Carpenter developed the City's new website and provided a preview. The new website would go live tomorrow. Council requested that an ad be purchased in the Grandview Herald advertising the new website.

**B. Resolution accepting the public infrastructure improvements and street right-of-way of the Plaza Way commercial development**

City Administrator Arteaga explained that in the late 1980's, the Port of Grandview developed the commercial property located on Euclid Road across from FruitSmart. The street now known as Plaza Way was currently owned by Mr. William (Wes) Hallett and was zoned M-1 Light Industrial. Mr. Hallett requested the City accept ownership of the infrastructure within the property to include the water main, sewer main, streetlights, sewer lift station and street. Mr. Hallett has received some very positive requests for potential new businesses and one of the requirements was for the City to own and operate the infrastructure. Mr. Hallett has met the improvements recommended to include improving the lift station, installing new streetlights, repairing all broken curbs and applying an asphalt surface treatment to the street. The improvements were paid and there were no outstanding liens on any of the rights-of-way and/or equipment.

Discussion took place.

**On motion by Councilmember Everett, second by Councilmember Diaz, the C.O.W. moved a resolution accepting the public infrastructure improvements and street right-of-way of the Plaza Way commercial development to the May 11, 2021 regular Council meeting for consideration.**

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

**C. Ambulance Utility – proposed changes to the language of the ordinance**

Fire Chief Mason explained that at the March 23, 2021 meeting, Council passed Ordinance No. 2021-03 adopting a new Title 7 of the Grandview Municipal Code establishing an Ambulance Utility. At the Committee-of-the-Whole meeting prior to the regular Council meeting, a public hearing was held in regards to the establishment of the Ambulance Utility. One of the participants of the hearing shared some concerns and verbiage pertaining to Section 7.04.080(B)(6) which had to do with a billing process established for renters falling under Section 8 of the Housing Act of 1937. Their desire was to add language to the Ordinance that would open this section up to apply to not only Section 8 renters, but anybody that falls into a similar type program whether it be federal or state housing program. In addition, the proposed language would also be applicable whether the assistance was project-based or by individual rental assistance such as a housing choice voucher. At that time, Council decided to move forward with adopting the Ordinance and indicated they would look into possible revisions. It was determined that staff would review the request and bring information back to Council in approximately one month for consideration. Staff reviewed the proposed changes and was submitting the following information for Council consideration:

- Section 7.04.080(B)(6) – adding verbiage to include federal or state housing programs, whether the assistance was project-based or by individual rental assistance such as a housing choice voucher;
- Section 7.04.080(B)(6)(b) – updating language in regards to the owner/landlord being responsible for keeping the City Treasurer updated on the tenants information in line with Section 7.04.080(B)(6);
- Section 7.04.080(B)(6)(c)(i)(C) – updating language in regards to the landlord/owner being responsible for making sure any delinquent charges occur in line with Section 7.04.080(B)(6);
- Section 7.04.080(B)(6)(c)(i)(C)(ii) – updating language on process to collect delinquent assessments.

The Utility Billing Clerk also provided information regarding the number of apartment complexes (15) and units (290) that could possibly offer Section 8/subsidized housing.

Discussion took place.

**On motion by Councilmember Everett, second by Councilmember Moore, the C.O.W. directed staff to prepare an ordinance amending Section 7.04.080(B)(6) to add verbiage to include federal or state housing programs, whether the assistance is project-based or by individual rental assistance such as a housing choice voucher for consideration at the May 11, 2021 regular Council meeting.**

**Roll Call Vote:**

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

**5. OTHER BUSINESS – None**

**6. ADJOURNMENT**

**The C.O.W. meeting adjourned at 6:55 p.m.**

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Mayor Gloria Mendoza

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Anita Palacios, City Clerk



**GRANDVIEW CITY COUNCIL  
REGULAR MEETING MINUTES  
APRIL 27, 2021**

**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.

The meeting was held in person and was also available via teleconference.

Present in person: Mayor Mendoza and Councilmembers David Diaz, Bill Moore (Mayor Pro Tem), Robert Ozuna, Javier Rodriguez and Joan Souders

Present via teleconference: Councilmembers Mike Everett and Diana Jennings

Staff present: City Administrator/Public Works Director Cus Arteaga, City Attorney Quinn Plant, City Treasurer Matt Cordray, Assistant Public Works Director Todd Dorsett, City Attorney Tony Menke and City Clerk Anita Palacios

**2. PLEDGE OF ALLEGIANCE**

Mayor Mendoza led the pledge of allegiance.

**3. PRESENTATIONS – None**

**4. PUBLIC COMMENT**

Grandview Chamber of Commerce – Cody Goepfner, President of the Grandview Chamber of Commerce stated that a ribbon cutting ceremony for the new business Tortilleria La Milpa was held on April 23<sup>rd</sup>. The Community Awards Event would be held as a virtual ceremony and the Chamber was accepting nominations. The hybrid Chamber meetings were being held on the 2<sup>nd</sup> Tuesday of each month at Casa Tequila in downtown Grandview.

Euclid Meadows Manufactured Home Park Rezone Denial (Ordinance No. 2021-05) – Ben Harris, 3505 South Johnson, Kennewick, WA., and Brad Beauchamp, 4001 S. Vancouver Street, Kennewick, WA, with North 44 Homes, LLC, applicants for the Euclid Meadows Manufactured Home Park rezone and conditional use permit, provided their perspective on how the process unfolded and materials in the record.

Rogelio Jimenez, 3510 Gap Road, Prosser, Washington, realtor for North 44 Homes LLC., stated that the proposed development was an opportunity to see the town grow in the right direction.

**5. CONSENT AGENDA**

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

- A. Minutes of the April 13, 2021 Committee-of-the-Whole meeting
- B. Minutes of the April 13, 2021 Council meeting
- C. Payroll Check Nos. 12125-12140 in the amount of \$95,549.78

- E. **Payroll Electronic Fund Transfers (EFT) Nos. 60532-60536 in the amount of \$94,106.76**
- E. **Payroll Direct Deposit 4/1/21-4/15/21 in the amount of \$118,190.05**
- F. **Claim Check Nos. 121869-121957 in the amount of \$511,262.77**

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

**6. ACTIVE AGENDA**

- A. **Resolution No. 2021-17 authorizing the Mayor to sign Amendment #1 to the Professional Service Agreement with the Yakima Valley Conference of Governments for the Shoreline Master Program Plan Update**

This item was previously discussed at the April 13, 2021 C.O.W. meeting.

**On motion by Councilmember Ozuna, second by Councilmember Souders, Council approved Resolution No. 2021-17 authorizing the Mayor to sign Amendment #1 to the Professional Service Agreement with the Yakima Valley Conference of Governments for the Shoreline Master Program Plan Update.**

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

- B. **Resolution No. 2021-18 authorizing the Mayor to sign an Amendment to the Agreement between the City of Grandview and Yakima County Development Association for the pass through and use of Washington State Department of Commerce Coronavirus Relief Funds**

This item was previously discussed at the April 13, 2021 C.O.W. meeting.

**On motion by Councilmember Moore, second by Councilmember Diaz, Council approved Resolution No. 2021-18 authorizing the Mayor to sign an Amendment to the Agreement between the City of Grandview and Yakima County Development Association for the pass through and use of Washington State Department of Commerce Coronavirus Relief Funds.**

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

**C. Resolution No. 2021-19 authorizing the Mayor to sign a Master License Agreement between the City of Grandview and Yakima MSA Limited Partnership, United States Cellular Operating Company of Yakima for Small Cell Wireless Facilities**

This item was previously discussed at the April 13, 2021 C.O.W. meeting.

**On motion by Councilmember Diaz, second by Councilmember Moore, Council approved Resolution No. 2021-19 authorizing the Mayor to sign a Master License Agreement between the City of Grandview and Yakima MSA Limited Partnership, United States Cellular Operating Company of Yakima for Small Cell Wireless Facilities.**

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – Yes
- Councilmember Moore – Yes
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

**D. Ordinance No. 2021-05 denying the proposal to amend the zone classification from R-1 and R-3 to MR for the real property described as Yakima County Parcel Nos. 230914-32001 and 230914-32004**

This item was previously discussed at the April 13, 2021 regular meeting.

**On motion by Councilmember Everett, second by Councilmember Souders, Council amended Ordinance No. 2021-05 to add to the first page of the ordinance, as an additional “Whereas” paragraph the following: *The Yakima Valley Conference of Governments, acting as staff for the City of Grandview, recommended that the application as proposed for a conditional use permit and a rezone of Parcel Nos. 230914-32001 and 230914-32004 from R-1 Low Density Residential and R-3 High Density Residential to MR Manufactured Home Park be denied.***

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – Abstained

- Councilmember Moore – No
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

**On motion by Councilmember Everett, second by Councilmember Rodriguez, Council approved Ordinance No. 2021-05 denying the proposal to amend the zone classification from R-1 and R-3 to MR for the real property described as Yakima County Parcel Nos. 230914-32001 and 230914-32004 as amended.**

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Jennings – No
- Councilmember Moore – No
- Councilmember Ozuna – Yes
- Councilmember Rodriguez – Yes
- Councilmember Souders – Yes

7. **UNFINISHED AND NEW BUSINESS** – None

8. **CITY ADMINISTRATOR AND/OR STAFF REPORTS** – None

9. **MAYOR & COUNCILMEMBER REPORTS**

Contracted Engineers/Planners/Attorneys – Mayor Mendoza recommended that the City's contracted engineers, planners, attorneys, etc., be invited to future Council meetings for introduction, education and training on their specialties.

Economic Development Planning Road Map/Framework – Councilmember Ozuna presented an Economic Development Planning Road Map/Framework for consideration at the May 11<sup>th</sup> Council meeting wherein a date for an Economic Development Planning special meeting would be determined.

10. **EXECUTIVE SESSION – Union Negotiations**

Mayor Mendoza adjourned the meeting to an executive session at 8:15 p.m., for approximately one (1) hour to discuss personnel matters per RCW 42.30.110(1)(g) with the aforementioned Mayor, Councilmembers, City Attorney Menke, City Attorney Plant, City Administrator and City Clerk present.

The meeting resumed at 9:00 p.m., with the aforementioned Mayor, Council and staff present.

No action was taken.

11. **ADJOURNMENT**

**On motion by Councilmember Moore, second by Councilmember Rodriguez, the Council meeting adjourned at 9:00 p.m.**

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Mayor Gloria Mendoza

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Anita Palacios, City Clerk

**RESOLUTION NO. 2021-20**

**A RESOLUTION OF THE CITY OF GRANDVIEW, WASHINGTON,  
ACCEPTING THE PUBLIC INFRASTRUCTURE IMPROVEMENTS AND STREET  
RIGHT-OF-WAY OF THE PLAZA WAY COMMERCIAL DEVELOPMENT**

**WHEREAS**, the developer, William (Wes) Hallett d/b/a Landstar NW L.L.C., requests the City of Grandview accept the public infrastructure improvements and street right-of-way of the Plaza Way commercial development; and,

**WHEREAS**, the developer has completed the infrastructure improvements and street right-of-way for the Plaza Way commercial development per the City's standards; and,

**WHEREAS**, the City Council of the City of Grandview has determined that accepting the public infrastructure improvements and street right-of-way is in the best interest of the City of Grandview,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GRANDVIEW**, as follows:

The dedication and acceptance of the public infrastructure improvements and street right-of-way within the Plaza Way commercial development as shown on the attached is hereby approved.

**PASSED** by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on May 11, 2021.

**MAYOR**

\_\_\_\_\_  
**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**William (Wes) Hallett**

6005 Burden Blvd. Ste. 106 Pasco WA

99301

Phone: (509) 837-5505

Fax: (509) 837-3032

Wesh2@LandstarNW.com

04/12/2021

This letter is to confirm Landstar NW L.L.C.'s request to have the city of Grandview accept ownership of;

#1. The Sewage Lift station located on the south east corner of the Yakima county assessor's parcel number 230915-44404. This would include the lift station, pumps, electrical and all other equipment tied to the lift station's operation.

#2. The paved road tentatively named "Plaza Way," as well as a five-foot utility easement corridor on each side of the improved road. This road is located on Lot 4 of the development, beginning at Euclid road and running approximately 226' feet to the west / north west. (See attached rough diagram).

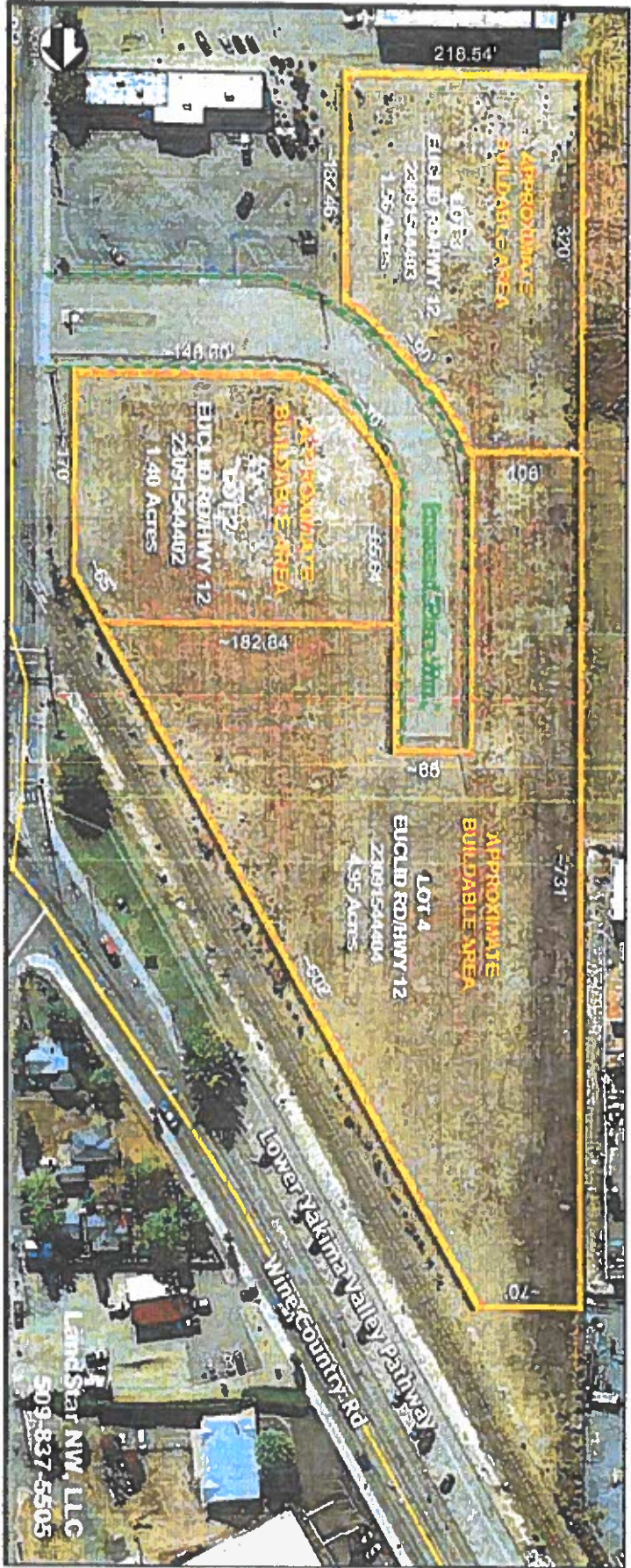
#3. The Three streetlights, poles and electrical along the proposed "Plaza Way" road located on Lot 4 of the Development.

#4. The utilities running under the proposed "Plaza Way" road attached to Lot 4 of the Development.

All of the of the above meet the city of Grandview's standards. I will also include any and all as-built plans and specifications. There are no liens on any of the above and PP&L has already been paid in advance for the streetlight work.



Wes Hallett  
Landstar NW LLC  
(509) 837-5505





**ORDINANCE NO. 2021-06**

**AN ORDINANCE OF THE CITY OF GRANDVIEW, WASHINGTON,  
AMENDING SECTION 7.04.080(B)(6) BASE UTILITY CHARGES OF THE  
GRANDVIEW MUNICIPAL CODE TO INCLUDE FEDERAL OR STATE  
HOUSING PROGRAMS**

**WHEREAS**, the City Council approved Ordinance No. 2021-03 adopting a new Title 7 of the Grandview Municipal Code establishing an Ambulance Utility on March 23, 2021; and

**WHEREAS**, the City Council desires to add verbiage to include federal or state housing programs, whether the assistance is project-based or by individual rental assistance such as a housing choice voucher; and

**WHEREAS**, the City Council finds and determines amending Section 7.04.080(B)(6) of the Grandview Municipal Code is the best interest of the residents of the City of Grandview and will benefit the general health, safety and welfare,

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

**Section 1.** Grandview Municipal Code Section 7.04.080(B)(6), Base Utility Charges 2.48.160, which currently reads as follows:

7.04.080 Base utility charges.

B. Base Utility Charge – Rates. The following monthly utility charges shall be assessed and collected:

6. Federally Subsidized Rental Properties. Owners and landlords of properties with multiple rented residential units that are not individually metered and that are subject to rent control under Section 8 of the Housing Act of 1937 (42 U.S.C. § 1437f) or other similar federal housing programs may request that the City assign, cost-allocate, and disseminate monthly assessments, as authorized by this section, to the tenant leaseholder of each residential unit; provided, that:

a. The owner or landlord making such request shall provide to the Finance Director proof of participation in Section 8 or other similar federal rent controlled housing program(s) for each individual unit the owner or landlord is seeking assignment, cost-allocation, and dissemination of monthly assessment; and

b. The owner or landlord making such request shall submit and continually update a listing of each federally subsidized tenant leaseholder's name and address to the Finance Director; and

c. Upon the City's approval of such request, provided no statutory or other prohibitions exist, the tenant leaseholder shall then bear fiscal responsibility for monthly utility assessments as authorized by this section; provided, that:

i. The owner or landlord making such request, as a condition of its business license or occupancy and operational permit, shall assume financial liability for any past due amount, to include late fees, for each delinquent uniquely addressed utility assessment in the event that:

(A) Any tenant leaseholder subject to this request becomes 45 or more days delinquent on any assessed utility fee, as authorized under this section; or

(B) Any utility fee assessment addressed to the tenant leaseholder is returned marked undeliverable by the U.S. Postal Service.

ii. The City may take enforcement action, to include interruption of City utility services, until such time that any past due amount, to include late fees, for each delinquent utility assessment is paid in full.

Nothing in this section shall create a warranty of eligibility for reimbursement in a federally subsidized housing program or other housing assistance program.

**is hereby amended to read as follows:**

7.04.080 Base utility charges.

B. Base Utility Charge – Rates. The following monthly utility charges shall be assessed and collected:

6. Federally Subsidized Rental Properties. Owners and landlords of properties with multiple rented residential units that are not individually metered and that are subject to rent control under Section 8 of the Housing Act of 1937 (42 U.S.C. § 1437f) or other similar federal or state housing programs, whether the assistance is project-based or by individual rental assistance such as a housing choice voucher, may request that the City assign, cost-allocate, and disseminate monthly assessments, as authorized by this section, to the tenant leaseholder of each residential unit; provided, that:

a. The owner or landlord making such request shall provide to the Finance Director proof of participation in Section 8 or other similar federal rent controlled housing program(s) for each individual unit the owner or landlord is seeking assignment, cost-allocation, and dissemination of monthly assessment; and

b. The owner or landlord making such request shall, upon tenant change in occupancy or vacancy, submit and continually update a listing of each federal or state subsidized tenant leaseholder's name and address to the Finance Director; and

c. Upon the City's approval of such request, provided no statutory or other prohibitions exist, the tenant leaseholder shall then bear fiscal responsibility for monthly utility assessments as authorized by this section; provided, that:

i. The owner or landlord making such request, as a condition of its business license or occupancy and operational permit, shall assume financial liability for any past due amount, to include late fees, for each delinquent uniquely addressed utility assessment in the event that:

(A) Any tenant leaseholder subject to this request becomes 45 or more days delinquent on any assessed utility fee, as authorized under this section; or

(B) Any utility fee assessment addressed to the tenant leaseholder is returned marked undeliverable by the U.S. Postal Service.

ii. The City may take enforcement action, to include interruption of City utility services, until such time that any past due amount, to include late fees, for each delinquent utility assessment is paid in full.

Nothing in this section shall create a warranty of eligibility for reimbursement in a federally subsidized housing program or other housing assistance program.

**Section 2.** This Ordinance shall be in full force and effect five (5) day after its passage and publication as required by law.

**PASSED** by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on May 11, 2021.

\_\_\_\_\_  
**MAYOR**

**ATTEST:**

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

**APPROVED AS TO FORM:**

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

**PUBLICATION: 5/12/2021**

**EFFECTIVE: 5/17/2021**