

**GRANDVIEW CITY COUNCIL  
MEETING AGENDA  
TUESDAY, AUGUST 25, 2015**



**REGULAR MEETING – 7:00 PM**

**PAGE**

- 1. CALL TO ORDER & ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. PRESENTATIONS**
  - A. Distinguished Service Award – Councilmember Mike Bren
- 4. PUBLIC COMMENT**
- 5. CONSENT AGENDA**
  - A. Minutes of the August 11, 2015 study session 1
  - B. Minutes of the August 11, 2015 regular meeting 2-5
  - C. Payroll Electronic Fund Transfers (EFT) Nos. 5426-5430 in the amount of \$66,747.03
  - D. Payroll Check Nos. 8283-8310 in the amount of \$85,028.68
  - E. Payroll Direct Deposit 8/1/15–8/15/15 in the amount of \$85,401.57
  - F. Claim Check Nos. 108712-108800 in the amount of \$656,512.03
- 6. ACTIVE AGENDA**
  - A. Ordinance No. 2015-10 amending Section 12.20.070 of the Grandview Municipal Code to eliminate the prohibition on carrying firearms in public parks as required by Ch. 9.41 RCW 6-7
  - B. Ordinance No. 2015-11 amending Section 2.48.160 of the Grandview Municipal Code to eliminate the prohibition on firearms in the City Cemetery as required by Ch. 9.41 RCW 8-9
  - C. Resolution No. 2015-37 authorizing the Mayor to sign the Community Development Block Grant (CDBG) Program General Purpose Grant No. 14-6500-021 Contract Amendment Number “A” with the State of Washington Department of Commerce for the East Fourth Street Neighborhood Improvements 10-12
- 7. UNFINISHED AND NEW BUSINESS**
- 8. CITY ADMINISTRATOR AND/OR STAFF REPORTS**
- 9. MAYOR & COUNCILMEMBER MEETING REPORTS**
- 10. EXECUTIVE SESSION**
- 11. ADJOURNMENT**

**GRANDVIEW CITY COUNCIL  
STUDY SESSION  
AUGUST 11, 2015**

**1. CALL TO ORDER**

Mayor Norm Childress called the study session to order at 6:00 p.m. in the Council Chambers at City Hall.

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

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

**2. FRUITSMART – STREET VACATION REQUEST (BONNIEVIEW ROAD)**

Terry Chambers, President–GM FruitSmart, Inc., provided a powerpoint presentation of FruitSmart's request to vacate a portion of Bonnieview Road from Euclid to the railroad right-of-way, a copy of which is attached hereto and incorporated herein as part of these minutes.

City Administrator Arteaga presented staff recommendation to the Bonnieview Road closure, a copy of which is attached hereto and incorporated herein as part of these minutes. He suggested Council authorize a temporary closure of that portion of Bonnieview Road for a trial period prior to scheduling a public hearing.

Following discussion, Council consensus was to place the item on the regular meeting agenda for consideration.

**3. 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

**GRANDVIEW CITY COUNCIL  
REGULAR MEETING MINUTES  
AUGUST 11, 2015**

**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 Mike Everett, Dennis McDonald, Bill Moore, Javier Rodriguez and Joan Souders. Excused from the meeting were Councilmembers Gloria Mendoza and Jesse Palacios.

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

**2. PLEDGE OF ALLEGIANCE**

Councilmember McDonald led the pledge of allegiance.

**3. PRESENTATIONS**

**A. New Employee Introductions – Police Department**

Police Chief Fuller introduced Kendra Bean as the City's new Corrections Officer. Ms. Bean was formerly a dispatcher for the Police Department. He also introduced Police Officer Cole Hecker. Mr. Hecker was formerly the corrections officer for the Police Department.

**B. 25-Year Service Award – Anita Palacios, City Clerk/Human Resources**

Mayor Childress presented a 25-Year Service Award to Anita Palacios, City Clerk/Human Resources, in recognition and appreciation of her loyal service and dedication to the City of Grandview.

**4. PUBLIC COMMENT – None**

**5. CONSENT AGENDA**

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

- A. Minutes of the July 14, 2015 regular meeting**
- B. Payroll Electronic Fund Transfers (EFT) Nos. 5409-5413 in the amount of \$69,975.65 and Nos. 5418-5423 in the amount of \$84,736.25**
- C. Payroll Check Nos. 8208-8281 in the amount of \$108,007.81**
- D. Payroll Direct Deposit 7/1/15–7/15/15 & 7/16/15–7/30/15 in the amount of \$91,233.06**
- E. Claim Check Nos. 108549-108711 in the amount of \$299,381.37**
- F. Port Point (Wallace Way Business Park) Project Acceptance**

6. **ACTIVE AGENDA**

A. **Resolution No. 2015-36 accepting the bid for the Fourth Street and Birch Street CDBG Improvements and authorizing the Mayor to sign all contract documents with Advantage Dirt Contractors, Inc.**

Bids for the Fourth Street and Birch Street CDBG Improvements were opened on July 29, 2015. A total of four (4) bids were received with Advantage Dirt Contractors, Inc., of Ellensburg, Washington, submitting the low bid in the amount of \$1,123,563.42. The low bid was approximately 15% above the City Engineer's estimate of \$973,232.54.

The low bid was over the budgeted amount by approximately \$160,000. Staff presented the following options for completing the project:

- Reject all bids and rebid the project in the spring (2016); or
- Amend the scope of work to eliminate the City-owned steel street light poles with PP&L-owned wood poles saving approximately \$100,000 and increase the City's local match an additional \$60,000 from the general fund. Staff received tentative approval from CDBG to amend the scope of work with respect to the street light poles.

**On motion by Councilmember Moore, second by Councilmember Rodriguez, Council unanimously amended the scope of work to eliminate the City-owned steel street light poles with PP&L-owned wood poles saving approximately \$100,000 and increased the City's local match an additional \$60,000 from the general fund; and approved Resolution No. 2015-36 accepting the bid for the Fourth Street and Birch Street CDBG Improvements and authorizing the Mayor to sign all contract documents with Advantage Dirt Contractors, Inc.**

B. **Municipal Firearms Regulation**

City Attorney Plant explained that earlier this month, legal counsel was asked to amend two provisions of the Grandview Municipal Code (Sections 2.48.160 and 12.20.070) in such a manner that the provisions become consistent with Washington law on municipal regulations of firearms. Chapter 9.41 RCW preempted the field of firearms regulation in the State of Washington and, with limited exceptions, precluded municipalities from banning firearms in parks and cemeteries. Two ordinances were presented to Council for consideration at the meeting on July 14, 2015. Following discussion, legal counsel was directed to explore options for prohibiting firearms at certain locations within the Country Park Events Center. The Country Park Events Center has a number of facilities, including an amphitheater, food pavilion, softball fields, rodeo grounds and fair buildings. The question presented was whether the City may prohibit firearms from the park and any facilities within the park. The City presently prohibited the discharge of firearms in its public parks and cemetery, although these prohibitions were not enforceable. Washington law authorized the City to restrict the possession of firearms at stadiums and convention centers operated by the City. The rodeo arena was arguably a "stadium" as contemplated by RCW 9.41.300(2)(b). Other structures and facilities cannot be reasonably characterized as either a "stadium" or a "convention center." The amphitheater and softball fields were not buildings. While the community center was used from time to time by groups for purposes similar to those you may find at a convention center, the primary purpose of the community center was much broader. The City may only restrict the possession of firearms in stadiums "operated by" the City. The City does not appear to operate the rodeo arena or any other facility leased to the Yakima Valley Fair and Rodeo Board. The existing lease agreement

provided that the Board has “exclusive possession” of the rodeo arena. The lease also indicated that the Board owns the rodeo arena. For these reasons, the City cannot reasonably claim to “operate” the rodeo arena. The City lacks authority to restrict the possession of firearms in municipal parks, to include facilities at the Country Parks Event Center.

Councilmember Everett moved and Councilmember Souders seconded that the City negotiate a lease amendment with the Yakima Valley Fair and Rodeo Board to restrict firearms at facilities leased from the City at the Country Parks Event Center. Councilmember Everett voted in favor and Councilmembers McDonald, Rodriguez, Souders and Moore voted in opposition. The motion failed.

**On motion by Councilmember Souders, second by Councilmember Moore, Council agreed to take from the table Ordinance Nos. 2015-10 and 2015-11 for consideration at the next Council meeting.** Councilmember Everett voted in opposition.

## **7. UNFINISHED AND NEW BUSINESS**

### **A. FruitSmart Street Vacation Request (Bonnieview Road)**

**On motion by Councilmember Everett, second by Councilmember Souders, Council unanimously instructed staff to develop an approach to temporarily close Bonnieview Road from Euclid to the railroad right-of-way for a period of 45-days while working with FruitSmart and others affected; and set a public hearing at the end of that period or shortly thereafter for consideration of the request to vacate.**

### **B. Non-Union Salaries and Benefit Comparisons**

City Administrator Arteaga explained that during union negotiations this past year, Council recommended non-union employee salaries and benefits be reviewed in comparison to the settled union contracts. With the budget process approaching, he requested Council confirm that directive.

**On motion by Councilmember Moore, second by Councilmember Everett, Council unanimously directed the City Administrator to complete a salary and benefit comparison for non-union employees and recommend any changes during the budget process.**

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

Transportation Improvement Board Application – Wine Country Road (Ash to Fir) – City Administrator Arteaga reported that a funding application would be submitted to the Transportation Improvement Board (TIB) 2015 Arterial Preservation Program. The request would be in the amount of \$400,000 for a grind and overlay of Wine Country Road from Ash to Fir. A 10% local match would be required should the funding application be approved. The local match would be allocated from the Transportation Benefit District. The application was due this month and notification would be mid-September.

Landfill Closure – City Administrator Arteaga reported that he met with representatives from the Department of Ecology (DOE) and Yakima Health District (YHD) at the former landfill to finalize the post-closure requirements for Area 2. Following the site visit, he submitted an official

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request for approval from DOE and YHD that the City has successfully complied with the pre-1985 post-closure requirements of the Grandview Landfill Area 2.

New Museum – City Administrator Arteaga reported that the Public Works maintenance employees were performing some interior demolition of the building purchased at 115 West Wine Country Road for the new museum. Once complete, the architect would submit an estimate for renovations.

**9. MAYOR & COUNCILMEMBER MEETING REPORTS**

Chamber of Commerce Community Parade & Car Show – The Chamber of Commerce Community Parade was held on August 6<sup>th</sup> and Car Show was held on August 8<sup>th</sup>.

Pool Renovations – Councilmember Souders reported that the Pool Committee would begin the installation of the new fixtures and rubberized tile flooring in the bathhouse.

Dog Park – Councilmember Souders reported that the Dog Park Committee had a booth at the fair. The Committee anticipated having the first 400 feet of fencing installed in September.

**10. EXECUTIVE SESSION – None**

**11. ADJOURNMENT**

The regular meeting adjourned at 7:55 p.m.

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Mayor Norm Childress

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Anita Palacios, City Clerk

**ORDINANCE NO. 2015-10**

**AN ORDINANCE OF THE CITY OF GRANDVIEW, WASHINGTON,  
AMENDING SECTION 12.20.070 OF THE GRANDVIEW MUNICIPAL CODE TO  
ELIMINATE THE PROHIBITION ON CARRYING FIREARMS IN PUBLIC PARKS  
AS REQUIRED BY CH. 9.41 RCW**

**WHEREAS**, the State of Washington has in Ch. 9.41 RCW preempted the entire field of firearms regulation within the boundaries of the State of Washington except as authorized in RCW 9.41.290; and

**WHEREAS**, the State of Washington has in RCW 9.41.290 authorized municipalities to prohibit the general public from discharging firearms in any portion of a municipality where there is a reasonable likelihood that humans, domestic animals or property will be jeopardized; and

**WHEREAS**, the Grandview Municipal Code at section 12.20.070 prohibits *inter alia* the carrying of firearms in city parks; and

**WHEREAS**, the City Council finds and determines amending section 12.20.070 of the Grandview Municipal Code to eliminate the prohibition on carrying firearms in city parks 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 12.20.070, Explosives or weapons, which currently reads as follows:

**12.20.070 Explosives or weapons.**

It is unlawful to shoot, fire or explode any firearm, fireworks, firecracker, torpedo or explosive of any kind or to carry any firearm or to shoot or fire any air gun, bows and arrows, BB gun or use any slingshot in any park, except for professional fireworks displays allowed under this code and except for law enforcement personnel.

is hereby amended to read as follows:

**12.20.070 Explosives or weapons.**

It is unlawful to shoot, fire or explode any firearm, fireworks, firecracker, torpedo or explosive of any kind or to shoot or fire any air gun, bows and arrows, BB gun or use any slingshot in any park, except for professional fireworks displays allowed under this code and except for law enforcement personnel.

**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 August 25, 2015.

**MAYOR**

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**ATTEST:**

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**CITY CLERK**

**APPROVED AS TO FORM:**

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**CITY ATTORNEY**

PUBLICATION: 8/26/15  
EFFECTIVE: 8/31/15

**ORDINANCE NO. 2015-11**

**AN ORDINANCE OF THE CITY OF GRANDVIEW, WASHINGTON,  
AMENDING SECTION 2.48.160 OF THE GRANDVIEW MUNICIPAL CODE TO  
ELIMINATE THE PROHIBITION ON FIREARMS IN THE CITY CEMETERY  
AS REQUIRED BY CH. 9.41 RCW**

**WHEREAS**, the State of Washington has in Ch. 9.41 RCW preempted the entire field of firearms regulation within the boundaries of the State of Washington except as authorized in RCW 9.41.290; and

**WHEREAS**, the State of Washington has in RCW 9.41.290 authorized municipalities to prohibit the general public from discharging firearms in any portion of a municipality where there is a reasonable likelihood that humans, domestic animals or property will be jeopardized; and

**WHEREAS**, the Grandview Municipal Code at section 2.48.160 prohibits *inter alia* the possession of firearms within the City cemetery except for military funerals and commissioned police officers; and

**WHEREAS**, the City Council finds and determines amending section 2.28.160 of the Grandview Municipal Code to prohibit the discharge but not possession of firearms in the City cemetery 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 2.48.160, Miscellaneous, which currently reads as follows:

**2.48.160 Miscellaneous.**

A. No vehicle shall be driven within the park at a speed exceeding 15 miles per hour. Cars should be driven on the right side of all driveways and exceptional care should be exercised to avoid accidents.

B. Soliciting work of any description or placing business cards or signs on any section or lots will not be permitted and persons doing such acts will be excluded from the grounds.

C. No money for any work done should be paid to any workman on the grounds. All payments shall be paid at the office of the public works department.

D. Employees are forbidden to accept gratuities from anyone.

E. No firearms will be permitted within the grounds except at military funerals and commissioned police officers.

F. The city reserves the right to refuse admission to bicycles or motorcycles except such as may be in attendance at funerals or on business.

is hereby amended to read as follows:

**2.48.160 Miscellaneous.**

A. No vehicle shall be driven within the park at a speed exceeding 15 miles per hour. Cars should be driven on the right side of all driveways and exceptional care should be exercised to avoid accidents.

B. Soliciting work of any description or placing business cards or signs on any section or lots will not be permitted and persons doing such acts will be excluded from the grounds.

C. No money for any work done should be paid to any workman on the grounds. All payments shall be paid at the office of the public works department.

D. Employees are forbidden to accept gratuities from anyone.

E. No firearms may be discharged within the grounds except at military funerals or by commissioned police officers.

F. The city reserves the right to refuse admission to bicycles or motorcycles except such as may be in attendance at funerals or on business.

**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 August 25, 2015.

**MAYOR**

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**ATTEST:**

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**CITY CLERK**

**APPROVED AS TO FORM:**

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**CITY ATTORNEY**

PUBLICATION: 8/26/15

EFFECTIVE: 8/31/15

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

**ITEM TITLE**

Resolution No. 2015-37 authorizing the Mayor to sign the Community Development Block Grant (CDBG) Program General Purpose Grant No. 14-6500-021 Contract Amendment Number "A" with the State of Washington Department of Commerce for the East Fourth Street Neighborhood Improvements

**AGENDA NO.:** Active 6 (C)

**AGENDA DATE:** August 25, 2015

**ORIGINATING SOURCE**

Public Works Department

**FUNDING CERTIFICATION** (City Treasurer)  
(If applicable)

**DEPARTMENT HEAD REVIEW**

Cus Arteaga, City Administrator/Public Works Director

**CITY ADMINISTRATOR**

**MAYOR**

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

On November 25, 2014, the City of Grandview entered into a Community Development Block Grant (CDBG) Program General Purpose Grant No. 14-6500-021 Contract with the State of Washington Department of Commerce for the East Fourth Street Neighborhood Improvements.

**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 August 11<sup>th</sup> Council Meeting, I informed Council of the need to modify the scope of work to the East Fourth Street Neighborhood Improvements because of the high bids that were received. The recommendation was to eliminate the steel pole street light fixtures and to continue with the wooden street light poles as in past street projects. This scope of work change reduces the project by approximately \$90,000, however, we will still need to add an additional \$60,000 to the project. The funds would be supported by the Current Expense Fund and the project could be constructed this fall.

**ACTION PROPOSED**

Approve Resolution No. 2015-37 authorizing the Mayor to sign the Community Development Block Grant (CDBG) Program General Purpose Grant No. 14-6500-021 Contract Amendment Number "A" with the State of Washington Department of Commerce for the East Fourth Street Neighborhood Improvements.

**RESOLUTION NO. 2015-37**

**A RESOLUTION OF THE CITY OF GRANDVIEW, WASHINGTON,  
AUTHORIZING THE MAYOR TO SIGN THE CDBG PROGRAM GENERAL PURPOSE  
GRANT NO. 14-65400-021 CONTRACT AMENDMENT NUMBER "A" WITH THE  
WASHINGTON STATE DEPARTMENT OF COMMERCE FOR THE  
EAST FOURTH STREET NEIGHBORHOOD IMPROVEMENTS**

**WHEREAS**, on November 25, 2014 the City of Grandview entered into a Community Development Block Grant (CDBG) Program General Purpose Grant No. 14-6500-021 Contract with the State of Washington Department of Commerce for the East Fourth Street Neighborhood Improvements; and

**WHEREAS**, the City has requested an amendment to said contract to decrease the scope of work by omitting the new street lighting due to the increase of construction costs,

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

The Mayor is hereby authorized to sign the Community Development Block Grant (CDBG) Program General Purpose Grant No. 14-6500-021 Contract Amendment Number "A" with the State of Washington Department of Commerce for the East Fourth Street Neighborhood Improvements in the form as is attached hereto and incorporated herein by reference.

**PASSED** by the **CITY COUNCIL** and **APPROVED** by the **MAYOR** at its regular meeting on August 25, 2015.

**MAYOR**

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**ATTEST:**

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**CITY CLERK**

**APPROVED AS TO FORM:**

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**CITY ATTORNEY**

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**Amendment**

**Contract Number: 14-65400-021**

**Amendment Number: A**

**Washington State Department of Commerce  
Local Government Division  
Community Development Block Grant Program**

<b>1. Contractor</b> City of Grandview 207 West Second Street Grandview, WA 98930		<b>2. Contractor Doing Business as (optional)</b> N/A	
<b>3. Contractor Representative (only if updated)</b> Cus Arteaga City Administrator/Public Works Director (509) 882-9200 carteaga@grandview.wa.us		<b>4. COMMERCE Representative (only if updated)</b> Arlene Escobar CDBG Project Manager Phone (360) 725-2725 arlene.escobar@commerce.wa.gov	
<b>5. Original Contract Amount</b> \$750,000	<b>6. Amendment Amount</b> No Change	<b>7. New Contract Amount</b> No Change	
<b>8. Amendment Funding Source</b> Federal: 100%		<b>9. Amendment Start Date</b> 8/14/15	<b>10. Amendment End Date</b> 6/30/17
<b>11. Federal Funds (as applicable):</b> No Change	<b>Federal Agency:</b> U.S. Department of Housing and Urban Development	<b>CFDA Number:</b> 14.228	
<b>12. Amendment Purpose:</b>  The purpose of this amendment is to decrease the scope of work by omitting the new street lighting. The lighting will be provided by existing functioning street lighting. This was due to the increase of construction costs.			
COMMERCE, defined as the Department of Commerce, and the Contractor acknowledge and accept the terms of this Contract As Amended and attachments and have executed this Contract Amendment on the date below to start as of the date and year referenced above. The rights and obligations of both parties to this Contract As Amended are governed by this Contract Amendment and the following other documents incorporated by reference: Contract Terms and Conditions including Attachment A, Scope of Work and Budget. A copy of this Contract Amendment shall be attached to and made a part of the original Contract between COMMERCE and the Contractor. Any reference in the original Contract to the "Contract" shall mean the "Contract As Amended".			
<b>FOR THE CONTRACTOR</b>		<b>FOR COMMERCE</b>	
_____ The Honorable Norm Childress Mayor of Grandview		_____ Mark K. Barkley, Assistant Director Local Government Division	
_____ Date		_____ Date	
		APPROVED AS TO FORM ONLY Assistant Attorney General Richard McCarten _____ 6/4/04 Date	