

**GRANDVIEW CITY COUNCIL  
REGULAR MEETING MINUTES  
JUNE 12, 2018**

**1. CALL TO ORDER**

Mayor Pro Tem Bill Moore called the regular meeting to order at 7:00 p.m. in the Council Chambers at City Hall.

Present were: Mayor Pro Tem Moore and Councilmembers Gay Brewer, Mike Everett, Gloria Mendoza, Javier Rodriguez and Joan Souders.

Absent were: Mayor Norm Childress and Councilmember Dennis McDonald

**On motion by Councilmember Mendoza, second by Councilmember Everett, Council excused Mayor Childress and Councilmember McDonald from the meeting.**

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

**2. PLEDGE OF ALLEGIANCE**

Councilmember Rodriguez led the pledge of allegiance.

**3. PRESENTATIONS – None**

**4. PUBLIC COMMENT**

Rick Mottice announced his candidacy for Yakima County Sheriff.

**5. CONSENT AGENDA**

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

- A. Minutes of the May 8, 2018 Committee-of-the-Whole meeting**
- B. Minutes of the May 8, 2018 Council meeting**
- C. Payroll Electronic Fund Transfers (EFT) Nos. 5946-5950 in the amount of \$81,368.65**
- D. Payroll Electronic Fund Transfers (EFT) Nos. 5954-5959 in the amount of \$94,719.35**
- E. Payroll Check Nos. 10263-10313 in the amount of \$113,984.40**
- F. Payroll Direct Deposit 5/1/18-5/15/18 in the amount of \$102,300.32**
- G. Payroll Direct Deposit 5/16/18-5/31/18 in the amount of \$114,233.19**
- H. Claim Check Nos. 115254-115482 in the amount of \$491,335.49**

**6. ACTIVE AGENDA**

**A. Closed Record Public Hearing – Rezone Application submitted by LPI Holdings, LLC, and Ramandeep Malhi & Sukhjinder Kaur for 912 Hillcrest, Grandview**

Mayor Pro Tem Moore opened the closed record public hearing to consider a rezone application submitted by LPI Holdings, LLC, and Ramandeep Malhi & Sukhjinder Kaur for Parcel No. 230922-43470 located at 912 Hillcrest, Grandview, WA, by reading the public hearing procedure.

There was no one in the audience who objected to his participation as Mayor Pro Tem or any of the Councilmembers' participation in these proceedings. None of the Councilmembers had an interest in this issue nor did any stand to gain or lose any financial benefit as a result of the outcome of this hearing and all indicated they could hear and consider the issue in a fair and objective manner.

The purpose of the hearing was for the Council to review the record and consider the pertinent facts relating to this issue. No new public testimony was allowed.

City Clerk Palacios provided the following review of the record:

- LPI Holdings, LLC, and Ramandeep Malhi & Sukhjinder Kaur submitted a rezone application for Parcel No. 230922-43470 consisting of 1.97 acres located at 912 Hillcrest, Grandview, WA. The building was formerly utilized as a nursing home. The applicants requested a rezone from C-1 Neighborhood Business District to R-3 High Density Residential. The applicants proposed to operate the building as an assisted living facility.
- On May 8, 2018, a public hearing was held before the Hearing Examiner to receive comments on the proposed rezone. A copy of the Hearing Examiner's Recommendation RZ #2018-02 dated May 17, 2018 was presented.
- The Hearing Examiner recommended that the City Council approve the requested rezone C-1 Neighborhood Business District to R-3 High Density Residential for Parcel No. 230922-43470 located at 912 Hillcrest, Grandview, WA.

Council requested clarification of the record as follows (*transcribed verbatim*):

*Everett – Mr. Mayor, I reviewed the record and I thought it covered all the issues and covered them well and what we're dealing with is actually looks like economically beneficial.*

*Brewer – Mike, could you speak up a little bit?*

*Everett – I was going to say it looks like we are dealing with something that economically could be beneficial and, and put to use something that is just kind of sitting idle basically.*

*Souders – Did you make a motion?*

*Everett – No, no (inaudible).*

*Brewer – If we're still open, are we open for questions?*

Moore – Yes.

Brewer – Thank you. What's the difference in the way it was zoned before. Why, why do we have to change it? What specifically?

Palacios – That building was built in 1960. It was built in the County. It was annexed in as commercial. Now assisted living facilities are zoned high density residential and not commercial. So in order for them to purchase it and operate it as an assisted living facility, they have to have it rezoned.

Brewer – When did you say that was changed?

Everett – What change?

Palacios – We are changing it now.

Everett – Yeah, but the change is what, how, how, it's not, it's not, the change is not from the commercial, but it was to change how you designate it. What do you call it? What are they operating, um?

Palacios – The assisted living facility.

Everett – Assisted living.

Palacios – Correct.

Everett – Use to be categorized in a different way.

Palacios – Nursing home use to be categorized.

Everett – Right.

Palacios – Nursing home is categorized as commercial use.

Everett – Right, but this is.

Palacios – Assisted living facility is categorized as a residential use. Orchard House.

Everett – Right.

Palacios – Right now is zoned R-3 High Density Residential.

Everett – So, so.

Palacios – So in order for them to purchase this building and operate it as an assisted living facility, because it sat vacant for so many years, it lost that non-conforming use, it now has to be rezoned to fit within.

*Brewer – The other question I have, you know, I have trouble pronouncing these names, but what is, what is their experience as far as operating a assisted living prior to this. What do they have as a record that we can look at? Our own Planning Commission didn't have an opportunity to look at this from our standpoint, from the City's standpoint. A what?*

*Everett – I don't think.*

*Plant – Right now, we are just reviewing whether this parcel of real property should be rezoned to high density residential. Whether they ultimately submit a, you know, the stated purpose is to operate an assisted living facility, but I think even at that point, I don't know that we have any basis to kind of get into.*

*Brewer – Well it's addressed on the page their experience and their qualifications and I just want to know where they came from.*

*Moore – But all we are addressing tonight is the rezone, nothing to do with anybody's qualifications.*

*Everett – But the information that he is referring to came from the Hearing Examiner's hearing.*

*Palacios – At the hearing, yeah, we have.*

*Everett – At a public hearing.*

*Palacios – The public hearings are done before a Hearing Examiner, not the Planning Commission.*

*Brewer – I know, but they use to be.*

*Everett – I use to have a lot more hair than I do now.*

*Brewer – I don't think this is joke really.*

*Everett – No, it isn't not a joke, but I mean.*

*Brewer – And, you know, some of us are getting close to having to go to those kind of places and so I have another interest in it.*

*Everett – Could be.*

*Brewer – And I'm familiar with, I have family that has been in several of these different places and I, you know, I have a concern on what kind of history these people have and if it wasn't important, the City Attorney says it shouldn't be considered, but why is it in here then.*

*Plant – So, the Hearing Examiner had a hearing on whether this property should be rezoned and under the City's ordinances there are certain criteria that you look at to determine whether property should be rezoned. The first one is whether the proposed rezone is consistent with the City's Comprehensive Plan. The second one is whether the rezone would make adequate provisions for drainage, streets and other public ways, water, so on and so forth. The third is whether there are environmental impacts that we would need to mitigate by rezoning this*

*property. The fourth is whether in general rezoning this property to high density residential would benefit the public health, safety and welfare and the fifth is whether it affects the transportation infrastructure. So those are the criteria that we're judging. The Hearing Examiner reviewed this criteria and said this rezone makes sense and he recommends that we approve it and that's sort of where we're at is that we're reviewing this Hearing Examiner's analysis of those factors and we can approve his recommendation or adopt it or we can adopt it with some other conditions we want to add on there or we can reject it.*

*Brewer – Well that's real good to review it, but if we can't do anything about it what's the sense of even reviewing it if we can't address a question.*

*Plant – Anybody could certainly contact those people and ask them what their criteria are, but.*

*Brewer – Well I'm not sure we can because earlier in the paper here it specifically tells us that we shouldn't contact people or at least they question our contacts outside the hearing.*

*Plant – Right, but it certainly would be an inappropriate part of this hearing, but if at some point in the future somebody wanted to contact these people and say.*

*Brewer – What was that again?*

*Plant – If somebody wanted to contact these people at some point in the future and ask them what their qualifications are to open up an assisted living facility in Grandview, they could tell you. I mean they could tell you to take a hike as well, I mean.*

*Brewer – I just happened to check on some of these people's names on the internet and I have a question about it, you know, I don't know if anybody else did or not, but.*

*Everett – That's a problem.*

*Plant – Yeah.*

*Everett – Mr. Mayor, point of order, that's a problem, because that's obtaining information outside this public hearing.*

*Souders – Right.*

*Everett – And that's not appropriate for us as Council people to do independent research like that. That's why we have this glorious and detailed hearing process.*

*Brewer – I don't, I don't remember reading that. I remember a phrase about conversation with somebody.*

*Plant – So it's a closed record hearing so the only thing that Councilmembers are suppose to consider is what was in the record submitted to the Hearing Examiner. Cause all we're doing is reviewing the Hearing Examiner's recommendation.*

*Brewer – And that's what I asked if he checked. Did he check on these people?*

*Arteaga – But I think that Councilman Everett is correct cause on page 9, 1(b) where is says can you hear and consider this in a fair and objective manner. If, if a Councilmember is doing research on its own can he be fair and objective.*

*Everett – Well the problem is that you don't know because somebody's obtaining information. My understanding is the public hearing process is transparency so that everybody knows what was said by whom, when, where and it's all in the record. There is no way for a person and for the citizens to know what information somebody gathered outside the hearing process if it's a councilman. We're like jurors. I think of it like a juror and we're not suppose to obtain information independently. That's the hearing process and so I understand that, but it troubles me that we're sidetracking this public hearing. I'm not sure (inaudible) with that information that I did research on the internet and that I defer to the City Attorney who gets the big bucks.*

*Plant – Yeah, it would be my recommendation that Councilmember Brewer if you did do outside research, that you recuse yourself from voting on this then.*

*Brewer – Fine.*

The public hearing was declared closed.

**On motion by Councilmember Everett, second by Councilmember Souders, Council accepted the Hearing Examiner's conclusions and recommendation RZ #2018-02 to approve the requested rezone from C-1 Neighborhood Business District to R-3 High Density Residential District (R-3) for Parcel No. 230922-43470 located at 912 Hillcrest, Grandview, WA., and directed staff to present an ordinance changing the zoning classification of certain lands and amending the zoning map of the City of Grandview as requested for Parcel No. 230922-43470 to R-3 High Density Residential for consideration at the June 26, 2018 regular Council meeting.**

Councilmember Brewer recused from the vote.

**B. Ordinance No. 2018-7 amending the 2018 Annual Budget**

This item was previously discussed at the May 8, 2018 C.O.W. meeting

**On motion by Councilmember Souders, second by Councilmember Rodriguez, Council approved Ordinance No. 2018-7 amending the 2018 Annual Budget.**

**7. UNFINISHED AND NEW BUSINESS**

Safe Routes to School Grant – City Administrator Arteaga requested that Council consider a resolution at the June 26, 2018 regular meeting authorizing the Mayor to sign the updated funding prospectus package for the Safe Routes to School grant. He explained that he was recently informed by the Washington State Department of Transportation Local Programs that the new timeframe to get construction funding obligated could take up to six weeks.

**On motion by Councilmember Everett, second by Councilmember Souders, Council directed staff to present a resolution authorizing the Mayor to sign the Safe Routes to School State Updated Funding Prospectus Package – Construction Funding Obligation for consideration at the June 26, 2018 regular Council meeting.**

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

9. **MAYOR & COUNCILMEMBER REPORTS**

Swimming Pool Improvements – Councilmember Souders reported that she has received several positive comments on the swimming pool improvements.

RECon Retail Convention – Councilmember Mendoza reported that she along with Mayor Childress and City Administrator Arteaga attended the RECon Retail Convention in Las Vegas on May 20<sup>th</sup> through 24<sup>th</sup>. They were in the process of preparing a report to present to Council.

Additional Staffing Requests – Councilmember Rodriguez apologized to staff for the way the Council had, in his opinion, disrespectfully treated staff in public meetings regarding the presentation of additional staffing requests. Staff was following the Council's direction to reconsider staffing levels as was recommended by Council at the November 13, 2017 meeting.

10. **EXECUTIVE SESSION** – Potential Litigation & Union Negotiations

Mayor Pro Tem Moore adjourned the meeting to an executive session at 7:40 p.m., for approximately 10 minutes to discuss potential litigation with the aforementioned Mayor Pro Tem, Councilmembers, City Attorney, City Administrator and City Clerk present.

Mayor Pro Tem Moore adjourned the meeting to an executive session at 7:50 p.m., for approximately 20 minutes to discuss union negotiations with the aforementioned Mayor Pro Tem, Councilmembers, City Attorney, City Administrator and City Clerk present.

The meeting resumed at 8:00 p.m., with the aforementioned Mayor, Council and staff present.

No action was taken.

11. **ADJOURNMENT**

**On motion by Councilmember Mendoza, second by Councilmember Everett, Council adjourned the regular meeting at 8:00 p.m.**

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Mayor Pro Tem Bill Moore

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Anita Palacios, City Clerk