

**GRANDVIEW CITY COUNCIL
REGULAR MEETING MINUTES
MARCH 23, 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.

Governor Proclamation 20-28.15 continued the prohibition on "in-person" meetings through termination of the State of Emergency or until rescinded whichever occurs first. This meeting was available via teleconference.

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

Absent: Councilmember Diana Jennings

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

2. PLEDGE OF ALLEGIANCE

Mayor Mendoza led the pledge of allegiance.

3. PRESENTATIONS – None

4. PUBLIC COMMENT – None

5. CONSENT AGENDA

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

- A. Minutes of the March 9, 2021 Committee-of-the-Whole meeting**
- B. Minutes of the March 9, 2021 Council meeting**
- C. Payroll Check Nos. 12081-12095 in the amount of \$93,485.49**
- D. Payroll Electronic Fund Transfers (EFT) Nos. 60515-60519 in the amount of \$92,667.30**
- E. Payroll Direct Deposit 3/1/21-3/15/21 in the amount of \$115,536.20**
- F. Claim Check Nos. 121672-121763 in the amount of \$944,855.72**

Roll Call Vote:

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

6. ACTIVE AGENDA

A. Public Hearing – Ambulance Service Utility Fee

Mayor Mendoza opened the public hearing for the purpose of receiving comments on the implementation of an ambulance service utility fee by reading the public hearing procedure.

Fire Chief Mason presented the staff report. He explained that Grandview predominately had an ambulance that responded from within the city limits since the 1990's. The local ambulance services transitioned from being privately owned businesses to publicly operated services in the mid to late 1990's. This was when the downward trend of ambulance services not being able to fully fund themselves privately occurred. Since then, the level of care expected and provided increased and the ability of the ambulance service to fully fund itself continued to decline. In 2018, City Council was advised by the current ambulance service provider that additional funding was needed from the City or the level of service would be reduced, which included removing the ambulance from the Grandview location. Council and staff studied the issue and it was decided to begin paying Sunnyside Fire Department ambulance services in order to continue providing the ambulance service from the Grandview location. This agreement was initiated with an understanding the City would need to secure a long-term revenue source to sustain the ambulance service. In 2020, Council and staff began researching the possibility of implementing an ambulance utility fee to provide a long-term revenue source for EMS/ambulance services in the City. A cost study was completed which established that a rate of \$5.95 per month per ERU would generate approximately \$275,000 per year to fund the ambulance services. An ordinance was prepared to implement an ambulance utility of \$5.95 per month per ERU. One of the steps required to implement the ambulance utility fee was to advertise and hold a public hearing. In mid-February 2021, a public hearing notice was advertised and mailed to all City utility account holders. He advised that he personally spoke to the Rotary and Chamber groups, was interviewed by local news agencies and received approximately 10 phone calls in regards to the implementation of the ambulance utility fee. One of the phone calls was from a gentleman who did not live in Grandview, but owned a rental property and was concerned about the financial burden this was going to place on him. A couple of people he spoke with understood the need, but questioned how this would be implemented for multi-family apartment complexes and what could be done to assist with dividing the cost to individual units. The remaining calls were for clarification of what the fee was or how it would be applied. All in all, he said the people he talked with understood the situation the City was in and what the City was trying to do to remedy it.

City Clerk Palacios indicated that the following written public comments were received:

Letter dated March 21, 2021 from James A. & Nancy E. Davidson, P.O. Box 56, 606 Cherry Lane, Grandview, Washington, in support of the establishment of the utility fee.

Email dated March 23, 2021 from Jim & Sharon Sewell, 906 King Street, Grandview, Washington, in support of the ambulance service utility and the proposed monthly fee.

Mayor Mendoza requested public comments.

The following public comments were received during the hearing:

Erika Nava-Sanchez, Grandridge Apartments, LLC, 610 Grandridge Road, Grandview, Washington, requested Council consider defining or declaring the City's intent within the ordinance that the ambulance utility was, and should be considered, a traditional public utility like water, sewer, or garbage for purposes of any federal or state program that considers public utilities for purposes of establishing rent reasonableness, contract rent, housing assistance payments, rent reasonableness, operating cost adjustment factors, utility allowances or other similar determinations where public utilities were factored, weighted, or calculated as part of the government program providing housing assistance to either a tenant or landlord/owner. General provision/allowance for owners/landlords to request individualized billing to each unit regardless of whether the property (or unit) was part of a government subsidy program. The landlord/owner would have the option to pay the entire amount (like water/sewer/garbage) or treat the ambulance utility more like electricity, where the tenant was responsible for placing the utility in the tenant's names, and if the tenant defaults billing ultimately remains responsible owner/landlord.

Jon Seitz, general legal counsel to Grandridge Apartments LLC, Yakima, Washington, requested that the following points of consideration for language changes be included in the record:

Specific Points:

GMC 7.04.080 Base Utility Charges.

Section 7.04.080B.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 USC § 1437f) or other similar federal housing programs may request that the City assign, cost-allocate, and disseminate monthly assessments, as authorized by this, to the tenant leaseholder of each residential unit; provided, that: [...]*

- *Consider removing the metering language as a condition precedent to individualized tenant allocation. Whether a multifamily complex is individually metered or not, it is important that the landlord/owner can have the option to allocate the utility to the tenant for purposes of these programs.*
- *Consider language that applies to tenants holding housing assistance "housing choice vouchers" that are not considered "project-based" rental assistance (that is, assistance that is tied specifically to the real property) because the choice vouchers also factor utilities for purposes of determining the allowable rental assistance.*
- *Consider language that broadens the scope of programs to state and federal programs.*

Proposed:

Section 7.04.080B.6. Federally Subsidized Rental Properties. *Owners and landlords of properties with multiple rented residential units that are subject to rent control under Section 8 of the Housing Act of 1937 (42 USC § 1437f), or other similar federal or state housing assistance 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, to the tenant leaseholder of each residential unit; provided, that: [...]*

Section 7.04.080B.6.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 [...]*

- *Consider a more finite requirement regarding the updating of information where continually updating is a vague standard and, in some cases may not be necessary where there is relative stability for tenant's being housed.*
- *Consider expanding the federal component to federal and state.*

Proposed:

Section 7.04.080B.6.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 or housing assisted tenant leaseholder's name and address to the Finance Director; and [...]

Section 7.04.080B.6.c.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 and published in SMC 2.02.020(D); or

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

- *Consider notice of delinquency requirement to landlord/owner prior to liability attaching with warning period that allows landlord / owner to take multiple actions, e.g., paying account, transferring account back to landlord's name, and/or 14-day pay/vacate notice. Without notification, tenants may allow a delinquency to continue without notice to the landlord/owner, which results in undue delay and fees that could be avoided where the landlord/owner had notice.*
- *Check/reference code section "SMC 2.02.020(D)"—may be a citation to another municipal code.*

Proposed:

Section 7.04.080B.6.c.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 and published in SMC 2.02.020(D); or

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

Provided, upon either occurrence set forth in (A) or (B), the City's Finance Department will provide written notification of the delinquency to the landlord/owner before the landlord / owner shall have the responsibility to assume financial liability for the delinquency or be assessed with any late fees. Upon such notification, the landlord/owner shall 30 days, or

until the next billing cycle following the notification, whichever period is longer, to cure any delinquency or late fees associated with the tenant account.

Section 7.04.080B.6.c.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.*

- *Consider removal of interrupting other utility services as a remedy if the ambulance fee is placed in the tenant's name. There can be scenarios where a tenant may be ultimately responsible and the landlord is pursuing a pay/vacate option against the tenant. However, if other utilities are discontinued, that could be considered a retaliatory act under the RLTA that is attributable to the landlord.*

Proposed:

Section 7.04.080B.6.c.ii. The City may take enforcement action to collect upon the delinquency until such time that any past due amount, to include late fees, for each delinquent utility assessment is paid in full.

The public testimony portion of the hearing was declared closed and no further comments were received.

B. Ordinance No. 2021-03 adopting a new Title 7 of the Grandview Municipal Code Establishing an Ambulance Utility

On motion by Councilmember Everett, second by Councilmember Rodriguez, Council approved Ordinance No. 2021-03 adopting a new Title 7 of the Grandview Municipal Code Establishing an Ambulance Utility.

Roll Call Vote:

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

C. Resolution No. 2021-12 authorizing the Mayor to sign a Recreational Use Permit by and between the City of Grandview and the Lower Valley Cal Ripken League

This item was previously discussed at the March 9, 2021 C.O.W. meeting.

On motion by Councilmember Moore, second by Councilmember Rodriguez, Council approved Resolution No. 2021-12 authorizing the Mayor to sign a Recreational Use Permit by and between the City of Grandview and the Lower Valley Cal Ripken League.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes

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

D. Resolution No. 2021-13 accepting the fuel bid from Bleyhl Farm Service for the year Beginning April 1, 2021 to March 31, 2022

On motion by Councilmember Everett, second by Councilmember Diaz, Council approved Resolution No. 2021-13 accepting the fuel bid from Bleyhl Farm Service for the year Beginning April 1, 2021 to March 31, 2022.

Roll Call Vote:

- Councilmember Diaz – Yes
- Councilmember Everett – Yes
- Councilmember Moore – Yes
- 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

Ambulance Utility Fee – Mayor Mendoza thanked Fire Chief Mason for his work on the ambulance utility fee implementation.

10. ADJOURNMENT

On motion by Councilmember Moore, second by Councilmember Rodriguez, the Council meeting adjourned at 7:40 p.m.

Mayor Gloria Mendoza

Anita Palacios, City Clerk