

City of Othello
Regular Council Meeting
February 9, 2015

CALL TO ORDER:

Mayor Shawn Logan called the meeting to order at 7:00 p.m. and Councilmember Ken Johnson to the lead the invocation and the Pledge of Allegiance.

Present: Mayor Shawn Logan; Councilmembers: Eugene Bain, Genna Dorow, Corey Everett, Angel Garza, Kenneth Johnson, John Lallas, Mark Snyder.

Also Present: Administrator Wade Farris; Department Heads: Public Works Director Terry Clements, Police Chief Phil Schenck, Community Development Director Travis Goddard, Finance Officer Spencer Williams, Deputy City Clerk Rebecca Perez-Ozuna and City Attorney Kelly Konkright.

CITIZEN INPUT

There was none

APPROVAL OF AGENDA

Council carried a motion to approve the agenda. M/S Snyder/Lallas.

CONSENT AGENDA:

- A. Approval of City Council Minutes January 26, 2015
- B. Approval of Accounts Payable Checks
- C. Approval of Payroll and Related Expenses
- D. Contract Renewal with Berks Refrigeration for Electrical Services
- E. Interlocal Agreement with Toppenish for Jail Services
- F. Acceptance of Ashwood Notch Phase 3

Accounts Payable was audited and certified by the Auditing Officer, as required by RCW 42.24.080; and those expense reimbursement claims certified and as required by RCW 42.24.090, have been recorded on a listing that has been reviewed by the Council audit committee and is available to the Council.

Accounts Payable Check No.44948 to No. 44987 in the amount of \$126,159.78.

Payroll and Related Expenses Check No. 29182 to No. 29215 in the amount of \$313,335.68.

Payroll Quarterly Payment Check No. 29181 in the amount of \$13,962.04.

Council carried a motion to approve the Consent Agenda, as presented. M/S Garza/Dorow.

PUBLIC HEARING ON EAST CUNNINGHAM ROAD ANNEXATION AND ORDINANCE

Mayor Shawn Logan opened the public hearing at 7:02 p.m. Community Development Director Travis Goddard advised that the annexation is the east Cunningham Road Annexation. Mr. Goddard stated that the project site is from the east end of the Wal-Mart site to Highway 17 strictly on the north half-width right-of-way for Cunningham Road. Mr. Goddard went on to explain the RCW's that pertain to this annexation and mentioned that this was a "direct annexation" because it was requested by 100% of the property owner. Mr. Goddard stated that the property to be annexed will be zoned C-1 so that it matches the other half-width of right-of-way for Cunningham Street and adjacent property within the City of Othello. Community Development Director Travis Goddard gave a brief explanation of the steps to follow if the annexation is approved and the ordinance accepted. Mayor Logan asked if anyone from Adams County would like to comment. No one was present from Adams County Public Works. Mayor Logan asked for public comments. No public comments were made. Mayor Logan closed the public hearing at 7:07 p.m.

Council carried a motion to approve AN ORDINANCE ANNEXING CERTAIN LANDS TO THE CITY OF OTHELLO. M/S Snyder/Johnson. This shall be known as Ordinance No. 1426

CRIME FREE RENTAL HOUSING DISCUSSION

Police Chief Phil Schenck commented that the City of Othello has individuals involved in gang and drug activity that significantly impacts the health and safety of our community. While not all

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gang members live in rental housing, many do. Police Chief Schenck explained that there is currently a nuisance ordinance that covers the situation if they own the property, however he did mentioned that they are currently looking the current ordinance to see how it can be more effective. Chief Schenck commented suggested that the city needs is an ordinance for a Crime Free Rental Program. He mentioned that he developed a similar ordinance while he was in Sunnyside and it was passed prior to 2009 before the law was passed stating that all future programs after July 2010 had to be voluntary. Chief Schenck presented the council with a draft voluntary Crime Free Housing Program ordinance.

Chief Schenck also mentioned that the state law did allows that if there is criminal behavior at the location and the way the draft is written is that if there are two (2) or more incidences at the property then the Crime Free Rental Housing Program would be mandatory. Currently there are no estimations of how many rental properties there are in town and staff has been reviewing this information for the past week which has identified some property managers through utility billing. Police Chief Schenck gave a brief explanation of how the program will work regarding flagging the rental properties, fees, application forms, workshops, and other specifications pertaining to the draft ordinance. Chief Schenck also mentioned that this program would allow the police department to provide a free local background check on the tenants if they requested it instead of paying the normal \$.15 and also have an addendum attached to every lease or rental agreement which would have a list of crimes and any violation of those crimes would be grounds for eviction.

Police Chief Schenck commented that if the police department serves the landlord that there as criminal behavior at the property, the expectation would be that the landlord will handle the situation which can generally mean eviction which is not demanded but suggested. Another option would be revocation of the landlord's license. Chief Schenck explained that if they are a mandatory participant and have taken no action after 30 days to clean up the property, their license can be revoked and they can no longer rent their property, along with receiving a C-5 civil infraction. Councilmember Angel Garza inquired if it would be mandatory for the landlords to attend the workshops. Chief Schenck responded that if the participant was a mandatory participant of the program then the property manager or landlord would be required to attend. Councilmember Garza also inquired about how many landlords there are in the area because of knowledge that people are renting rooms right next to them. Chief Schenck commented that one of the things that will be asked to the residents of the property for a period of time when responding to calls is whether the property is a rental property.

Councilmember John Lallas asked if most apartment complexes in Othello are licensed and Chief Schenck responded that they would be under the ordinance. Councilmember Lallas clarified asking if they are or are they not currently licensed. Police Chief Schenck clarified that there is no state law that requires a business license to rent a rental property unless there is a business and they are managing the business. Councilmember Lallas asked if there was a current ordinance demanding a license agreement with the City and if this was legal. Chief Schenck responded that there is not one and this draft ordinance would create that and he believed it was legal. City Attorney Kelly Konkright commented that he did not see anything wrong with this ordinance. Councilmember Lallas expressed his concern of a fee or penalty being attached if no license was not attained and Chief Schenck responded that no, there would be none, and the way it is written it would be if there were two or more violations at the property, then they will receive a notice that it is now mandatory to license. If they fail to license, that is when they will receive a fine.

There was further discussion. Mayor Logan asked how they anticipate the process to work between now and the final adoption of the ordinance. Chief Schenck advised that the process would include putting notices on the City Facebook page, put a notice in the newspaper, holding a workshop with the landlords to gather their input on the program and ordinance and hopefully sell the idea. Mayor Logan inquired if they are planning to hold the meeting during the March workshop and Chief Schenck that they want to do this without the council being involved. Then, he would come back to council with an updated ordinance for approval.

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RESOLUTION ADJUSTING CERTAIN PARKS AND RECREATION FEES

Park and Recreations Director Molly Klippert commented that on January 26th, staff presented a proposed change to the City of Othello Parks and Recreation fee schedule. At the request of the council, the previously presented resolution has been amended to define the terms "resident" and "non-resident" for fees specific to the Othello Community Pool. Fees specific to the Othello Community Pool shall be defined dependent upon residence within the boundary of the Adams County Parks and Recreation District No. 1, as the park district originally issued a bond to finance the construction of the pool.

Othello Community Pool

Parks and Recreation fees specific to the Othello Community Pool shall be applied in adherence to the boundaries established by the Adams County Parks and Recreation District No. 1.

Therefore, the following shall be true in reference to all Parks and Recreation fees specific to the Othello Community Pool:

1. The term "Resident" is defined as anyone residing within the geographical boundaries of the Adams County Parks and Recreation District No. 1, who pays property taxes contributing to the Park District.
2. The term "Non-Resident" is defined as anyone residing outside the geographical boundaries of the Adams County Parks and Recreation District No. 1, who does not pay property taxes contributing to the Park District.

Fees Not Specific to the Othello Community Pool

Parks and Recreation fees not specific to the Othello Community Pool shall be defined as follows:

1. The term "Resident" is defined as anyone residing within the geographical limits of Othello, Adams County, Washington.
2. The term "Non-Resident" is defined as anyone not residing within the geographical limits of Othello, Adams County, Washington.

Councilmember Eugene Bain inquired if these fees would affect the Little League or Swim Team and Ms. Klippert advised that these fees would not affect them, as they are on a separate agreement rate. Councilmember Corey Everett voiced his opinion that the pool fees should be the same as the park fees due to the amount of money that the pool was in the red that was paid by city residents including a \$46,000 repair that was paid by city residents and not the people in Adams County Park and Recreation District No. 1 and the \$10,000 payment that is being paid back to Park District. Councilmember Everett commented that fees should apply to all the people who live outside the city limits not just to people who live outside the Park District limits.

Councilmember Genna Dorow clarified that whoever lives within the boundaries of the school district basically is within the boundaries of the park district. Councilmember Everett inquired how the City is going to manage and determine what park district people are in and was responded by Ms. Klippert by clarifying that each park district is located by school district so whatever school district is that is the park district. Deputy City Clerk Rebecca Perez-Ozuna also commented that City Hall will request a map indicating the limits of the park district to determine whether they are "resident" or "non-resident".

Council carried a motion to approve the **RESOLUTION ADOPTING CHANGES TO THE PARKS AND RECREATION FEE SCHEDULE**. M/S Dorow/Johnson. Councilmember Corey Everett cast an opposing vote. This shall be known as Resolution No. 2015-06

UNFINISHED BUSINESS

Council determined that the Planning Session Retreat will be on March 2, 2015 from 5:30 p.m. to 8:00 p.m. in lieu of City Workshop Meeting.

NEW BUSINESS

There was no new business

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EXECUTIVE SESSION

Council will now adjourn at 7:31 p.m. to go into an executive session pursuant to RCW 42.30.110 (1) (i) "To discuss with legal counsel representing the agency matters relating to agency enforcement actions, or to discuss with legal counsel representing the agency litigation or potential litigation to which the agency, the governing body, or a member acting in an official capacity is, or is likely to become, a party, when public knowledge regarding the discussion is likely to result in an adverse legal or financial consequence to the agency." The executive session is expected to last up to 30 minutes. No action will be taken during the executive session. Mayor Shawn Logan requested the additional attendance of Deputy City Clerk Rebecca Perez-Ozuna, City Administrator Wade Farris and City Attorney Kelly E. Konkright. At 8:01 p.m. City Administrator Wade Farris advised the executive session would extend for another couple minutes. Council came out of executive session at 8:19 p.m.

ADJOURNMENT

With no further items to discuss, Mayor Logan adjourned the Council meeting at 8:19 p.m.

By: _____
SHAWN LOGAN, Mayor

ATTEST:

By: _____
REBECCA PEREZ-OZUNA, Deputy City Clerk