



## CITY COUNCIL MEETING AGENDA

**Tuesday October 9, 2018**

Present: Council Members Mark Gourneau, Sophia Sotelo, Arturo De La Fuente, Diana Castaneda, Vera Zavala, Mayor Laura Vazquez, City Attorney David Therrien-Power, City Clerk Sylvia Sanchez, City Treasurer Michelle Coronado

1. Call to Order Time:7:00pm
2. Pledge of Allegiance, Moment of Silence and Roll Call
3. Vote on the Meeting Agenda

There was a motion by Mark and a second by Arturo to approve the Meeting Agenda. Approved

5-0

4. **Visitor Comments** (At the discretion of the presiding Chair, Visitor Comments may be accepted on individual business items only and will be limited to 2 to 5 minutes.)

We heard from Frankie Ochoa 5330 Sunnyside/Mabton Rd. who came in about an issue that he has with the cemetery. His uncle Elias Martinez had passed the June prior. They waited a year and then bought a headstone after no one placed a stone one after a year his uncle had passed. They purchased a headstone and paid the setting fee and it has been over two months and no one has set the stone. The reason that the city supposedly had not set the stone is because former Mayor Martinez stated that he would sue the city.

City Clerk Sanchez wanted to make sure that it was on record that former Mayor Martinez never stated that he would be suing anybody.

The issue is that Ruben Martinez purchased the plot giving him the rights over the space. Ruben has since passed meaning that the rights to his estate move to his surviving spouse. Attorney

Therrien-Power cited several RCW on the matter including: RCW683202010 "Instrument of Conveyance" he also stated that these rights could be waived but they would need to be signed off by the survivors of the estate. He also quoted RCW 683040 that the title of right is left to the surviving spouse.

Mr. Ochoa also asked they could not do the setting then who was to pay for the stone that they ordered that now has nowhere to go. The attorney stated that he was not here for legal advice to anyone but the city and that this could be discussed at another time. He did suggest that Mr. Ochoa get some third party legal advice before moving forward.

We also heard from Janice Alaniz of 202 Jefferson who wanted to ask about city council members doing the wrong thing. She stated that she heard that Mark was using water illegally and if he was then what was going to be done about it. Mark stated that he did not turn his water on he doesn't even know how to turn the water on. He stated that his water was off previous and he left it off. There was discussion about the water at the council meeting and he figured that it was worked out and that was why his water was on. He also said that he received a call at 3:30pm that day from city staff and he thought that this was just a late notice because his water had been on since the morning. Mark inquired at this time how she came to know that there was even a discussion about his water being turned on. Janice explained that she heard it from the comments at the last meeting and this is the only way she knew and all she knew which is why she was asking. Janice also stated that she saw on Facebook issues with public records request and she was wondering what was going on and what recourse there was from that. She also stated that she only heard one side of the story and wanted to hear the city's side of the story. City Clerk Sylvia explained that she is receiving a response and that those kinds of things are run through our attorney before they get a response; City Clerk Sylvia also stated that she has had her response sent to her but she does not have a PO Box for us to send her response to. City Treasurer Michelle thanked Janice for coming to us to hear the city's side and making up her own mind.

Janice went on further to say that there is a lot of distrust in the city because there are different stories when someone asks a question. She said if there is a problem or someone makes a mistake then just own the mistake and move on you will get a lot more respect. For reference Janice talked about her reimbursement check for the use of the park. If someone says it is handled and then someone else says it is not then people are not sure who to believe. She just thinks it would be better if people would just say what is actually happening and quit passing it off to someone else.

We heard from Rachel Ruelas of 309 Maple St. wants to know how the attorney could just make it ok for council members to have their water turned back on but there are elderly and children with the water turned off. She states that she saw it on social media and she wants to know how the attorney can be granting favors. Attorney Therrien-Power explained that what the attorney was addressing the city and anything that he said to them would be confidential. He did state that he gave no such allowance.

Vera explained that most of what people are saying on Facebook is not completely true and you should not take everything they say at face value. Rachel made her opinion clear that she thinks that the Facebook should be taken down. Sophia asked if it she is allowed to remove who she thinks are causing a problem without being in trouble. Attorney Therrien-Power stated that he would not have a full answer at this time but his initial reaction was that it is a private page and she is allowed to remove or block anyone she sees fit as long as it is not tied into any sort of public affiliate.

We heard from Rosa Martinez of 414 Cedar St. asked about the whole situation asked isn't this restricting freedom of speech or something. Attorney Therrien-Power stated that there is some 1<sup>st</sup> amendment rules there the question is whether they are public or private. Rosa's main question was referring to the story in the Yakima Herald about the Audit Report. City Treasurer explained that the 1.1 million that was misappropriated. Michelle started by explaining that they misappropriated does not mean missing it means that it is actually put in the wrong place. This issue was something that happened actually last year in "13<sup>th</sup> month" and something that we actually knew about at the end of our last audit but it was not something that was "audited" until now. Rosa also questioned the weed issue and was wondering why we could not just borrow someone with a license from another city. Mayor explained that it was a little more complicated than that but she actually talked to Grandview and Sunnyside and said that we may actually be able to contract with Bleyhl for weeds next year; they kill the weeds at the beginning of the year and guarantee it for the year. She also stated that this actually saves these cities money in the long run because their workers can do other things. Rosa also asked why that one officer can't do some code enforcement while he is patrolling and doing other things.

We heard from Abel Orozco of 309 6<sup>th</sup> Ave. who was concerned that his bill went up. He explained that the city staff told him that he has a new meter and now that it is working he may have a little higher bill with his actual water consumption. He was also upset for being charged the \$10 late fee two separate times when he says that he never received the bill. Council explained that if he came in to talk to the city staff they would be better able to help him with his problem.

**5. Consent Agenda** (The following will be enacted by one motion. There will be no discussion separate of these

items unless a Council Member requests separate discussion. The item will be removed from the Consent agenda and added to New Business.)

**A. Approve Study Session Minutes for Tuesday September 25, 2018**

**B. Approve City Council Meeting Minutes for Tuesday September 25, 2018**

C. Approve Payroll Warrant Register Number #9788 To #9842 & Direct Deposit in the amount of \$7,216.02 in the amount of \$43,639.83

D. Approve Claim Voucher/Payment Number #9885 to #9915 in the amount of \$44,252.00

Note: Checks #9916 to #9920 were voided due to printing error

There was a motion by Mark and a second By Diana to approve the Consent Agenda. Approved

5-0

## 6. New Business

A. Approval of Change Order No. 9 Reservoir No. 2 and Water System Improvements Project in the Amount of \$6,328.54.

There was a motion by Mark and a second by Vera to approve Change Order No. 9. Approved 5-

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B. Approval Ordinance No. 2018-1122 Amending Ordinance No. 2018-1121 Setting Wages for Staff

There was a motion by Mark and a second by Diana to approve Ordinance No. 2018-1122.

Approved 5-0

## 7. Staff Reports

Attorney Therrien-Power gave some clarity to the ordinance for collection and shut-off. He explained that after you receive a shut-off notice that they are then required to pay the full amount. He stated that he had some supporting documentation that he would hand out to staff and council.

Sophia was questioning how it was that Tammy Rehms got a hold of information so quickly. She wanted to know how it was that they she got the information before many of the council members were informed of the situation. She stated that if it was through an employee then something needed to be done.

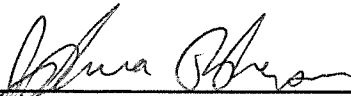
Vera asked if our budget was posted to the website after it is passed and where people can go to find it. It was also stated that if they would like it through the office we are happy to provide it to them but they can view it for free through the State Auditor's website.

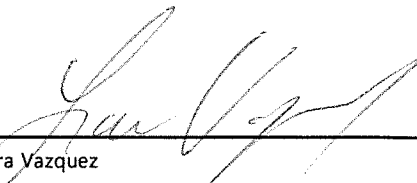
## 8. Mayor's Report

Free Dump Day will be October 13<sup>th</sup> it will be from 9am to whenever we are at capacity of 2pm.

Diana asked what about the seniors that need some help getting their garbage picked up. The mayor explained that we are assisting seniors as long as there are no other adults in the house etc. who can help them get their stuff to the dump site.

9. Adjournment:                      Time:8:20pm

X   
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Joshua Roberson  
Deputy City Clerk

X   
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Laura Vazquez  
Mayor