

UNION GAP CITY COUNCIL REGULAR MEETING
Council Chambers, City Hall
Union Gap, Washington
August 24, 2009

Call to Order

Mayor Pro Tem Wentz called the Regular Meeting of the Union Gap City Council to order at 7:03 p.m.

Council Members Present

Council Members Dan Olson, Glenn Bateman, Dan Vanover, Dave Matson, and Jim Murr were present.

Staff Present

Robert Noe, City Attorney; Dennis Henne, Public Works Director; William Rathbone, Development Coordinator; Bill Steele, Fire Chief; Robert Almeida, Police Chief; Karen Clifton, City Treasurer; and Kathryn Thompson, City Clerk were present.

Audience Present

Michael, Joshua & Stephanie Murr, Debbie Matson, Fred Thomson, John Hodgkinson, Jeff Louman, Janice Easter, Julie Schilling, Jo Collier, Chad Lenz, Ray Kempf, Greg Cobb, Aubrey Reeves, Jason Hatfield, Eric Turley, Monty McNearney, Shawn James, Pat Thompson, Stace McKinley, Angela Levno, Erick Delp, Larry Warden, Alba Levesque, Joe Vanicek, Chris Martinez, Curtis Santucci, Terryl Way, Delta Vincent, Mark Carasy, Rafael Castillo, Kelly Rosenow, Mike O'Hara, Jennifer Knight, Kari Luft, Kim & Connie Eisenzimmer, Bill Hordon, Ron Frank, Erin Snelgrove, and others were present.

Pledge of Allegiance

Council Member Matson led the Pledge of Allegiance.

Discussion of Current Expense Fund Ending Balance

Mayor Pro Tem Wentz stated he would like to add a presentation from the City Treasurer regarding the current expense fund ending balance to the agenda at this time.

The City Treasurer informed she was asked by the Mayor to prepare a memorandum for the Council showing the shortfall between budgeted tax revenues and actual tax revenues. She informed as of July there is a 5.46 percent revenue shortfall. She then reviewed two scenarios showing the actual 2008 carryover minus the projected tax revenue shortfall at 5.5 percent and at 6.5 percent minus the projected jail cost shortfall showing what the projected 2009 ending fund balance to carryover to 2010 would be. She explained that the ending fund balance to carryover to 2010 needs to be enough for the City to pay operating expenses January through April until the first property tax amount is received. The projected ending fund balance with a 5.5 percent shortfall will be \$78,847 which is not enough to cover expenses the first month of next year.

Mayor Pro Tem Wentz questioned if the City Treasurer recommends serious cuts so the City does not end up with the projected shortfall.

The City Treasurer stated something will have to be done to carry the City through the first four months of next year, but it is up to the Mayor and Council what action to take.

Council Member Vanover questioned how the Police Department is doing on their overtime budget.

The City Treasurer informed the Police Department is doing pretty good on overtime, but we don't have figures from National Night Out, the holiday parade, or anything else that might occur. She stated we do get some overtime reimbursement from the Traffic Safety Commission, but so far this year we have only received \$8,000.

Mayor Pro Tem Wentz commented the City will need about \$350,000 to begin next year and any employee raises will increase that amount.

Council Member Vanover questioned if November property tax revenue is included in these figures.

The City Treasurer informed the estimated November property taxes are included, but we have no way of knowing the actual amount until November. She informed property taxes come in two large payments rather than every month, and we did receive a large amount the first part of the year this year.

Council Member Vanover commented it appears there is no money to spend on anything that is not mandatory.

Consent Agenda

Council Member Vanover requested item C. 5., Ordinance No. 2629 – Creating Deputy Police Chief Position, be removed from the consent agenda.

Mayor Pro Tem Wentz informed item C. 5. will become item H. under III. General Items.

Motion by Council Member Vanover, seconded by Council Member Olson to approve the consent agenda, as follows:

Approve the Regular Council Meeting Minutes, dated August 10, 2009, as sent out on pages 4957 through 4960 of the Minute Book.

Approve Petty Cash Check Nos. 1558 through 1564, issued and paid in the month of June, in the amount of \$70.00 & Petty Cash Check Nos. 1565 through 1569, issued and paid in the month of July, in the amount of \$350.00.

Approve Municipal Court Check Nos. 3202 through 3203, issued and paid in the month of June, in the amount of \$57,537.93 & Municipal Court Check Nos. 3204 through 3234, issued and paid in the month of July, in the amount of \$60,610.20

Approve Advanced Travel Check Nos. 1064 through 1069, issued and paid in the month of June, in the amount of \$844.54 & Advanced Travel Check Nos. 1070 through 1074, issued and paid in the month of July, in the amount of \$498.71.

Approve Treasurer's Check Nos. 10205 through 10206, issued and paid in the month of June, in the amount of \$606.77. There were no Treasurer's Checks issued and paid in the month of July.

Approve Claim Voucher Nos. 75249 through 75351, in the amount of \$172,639.59 dated August 24, 2009 and transfer from the operating funds to the Claims Fund.

Adopt and Publish Ordinance No. 2625, An Ordinance providing that employees participating in the trial four day, ten hour per day work week, from September 1, 2009 through October 31, 2009, shall accrue holiday pay benefits in the amount of ten (10) hours for Labor Day.

Adopt and Publish Ordinance No. 2626, An Ordinance establishing the rate of Interfund Charges for payments made toward the salaries/benefits and other charges associated with certain employees and establishing the rate of Interfund Charges for payments made toward the City Attorney legal services contract and for payments made toward the Development Coordinator's salary and benefits.

Adopt and Publish Ordinance No. 2627, An Ordinance amending the 2009 Budget authorizing refund of monies paid by utility customers who were billed too much.

Adopt and Publish Ordinance No. 2628, An Ordinance requiring that any fuel vendor that provides liquid fuel to the City of Union Gap for its use and consumption recognize and provide for the federal tax exemption related to such fuel provided.

Adopt Resolution No. 801, A Resolution in support of the City of Union Gap United States Post Office and authorizing the Mayor to take steps necessary to communicate to the Postal Service and others that the City of Union Gap is separate and apart from the City of Yakima and that the Post Office in Union Gap is not a branch office for the City of Yakima.

Adopt Resolution No. 802, A Resolution authorizing the Mayor to sign an Agreement for Professional Services for Conflict Public Defender services with Patrick A. True.

Adopt Resolution No. 803, A Resolution authorizing the Mayor to sign a Memorandum of Understanding between the Cities of Yakima and Union Gap and the International Association of Firefighters Local 469 and Local 3680 regarding Yakima Fire Department's temporary relocation of its personnel from Yakima Fire Station 94 and a limited amount of equipment and office supplies to the City of Union Gap Station 86 during the Station 94 remodeling project.

Adopt Resolution No. 804, A Resolution authorizing the Mayor to sign a Memorandum of Understanding between the International Association of Firefighters Local 3680 and the City of Union Gap, Washington, to address the issue of Yakima Fire Department truck company automatic-aid response into Union Gap Fire Department fire response area (including Yakima Fire District #11).

Adopt Resolution No. 805, A Resolution authorizing the Mayor to enter into payment agreements with underbilled utility customers.

Adopt Resolution No. 807, A Resolution authorizing the Mayor to sign a Facility Use Agreement with the Yakima Youth Soccer Association (YYSA) for use of part of the Ahtanum Youth Activities Park for soccer practices and games for Fall of 2009 through Spring of 2011 League play.

Adopt Resolution No. 808, A Resolution approving the inclusion of the City of Union Gap information in a Crime Mapping data base.

Motion carried unanimously; Mayor Lemon and Council Member Butler absent.

Discuss TIGER Grant Application/South Union Gap Beltway Project

Jeff Louman, Huibregtse, Louman Associates, informed the City had made a motion to move forward with pursuing a TIGER grant application for the South Union Gap Beltway Project. He stated the TIGER grant is for projects totalling 25 to 30 million dollars. He informed since he last met with the City Council he has spoken with the Department of Transportation (DOT) and believes it is not advisable to proceed with the expense of the TIGER grant application at this time because DOT has not done a lot of work on the South end interchange.

Presentation from Yakima County Prosecuting Attorney Regarding Law and Justice Tax

James Hagarty, Yakima County Prosecuting Attorney, informed he is here to discuss the 3/10th's of a percent criminal justice tax. He stated the 3/10th's tax does work by assisting in supporting the ability to address the criminal justice problem in Yakima County. He stated this is not a new tax, but is a renewal of the 3/10th's tax already in existence. The tax currently supports 98 positions throughout the County and without this tax the County Prosecutor's office will lose 19 employees, 13 of which are attorneys.

Mayor Pro Tem Wentz questioned what will happen if the County loses that

many attorneys.

Mr. Hagarty stated they will have to find new ways to handle District Court and many offenses will become infractions. He stated the juvenile facility has about 94 beds but only has the money to fund 50 beds and most of the serious offenders today are juveniles in gangs. He informed it is tough to house the juvenile offenders because there have been gang problems in the juvenile facility. He informed juvenile offenders are being released without supervision because of lack of funding for probation officers and more probation officers will be cut if the tax does not pass. He stated serious crimes have to be taken care of, but without the tax not much will be done about break-ins, car theft, minor assaults, etc. He stated his office is hunting for and applying for grants to bring in new money everyday. He informed this tax has a sunset clause and every agency receiving funds must be accountable for where the funds are spent. He informed his purpose tonight is to ask for the support of the Council and to ask the Council to speak in favor of renewing this tax in the community.

Motion by Council Member Vanover, seconded by Council Member Matson to instruct staff to place a resolution on the next consent agenda supporting the 3/10th's of a percent law and justice tax. Motion carried unanimously; Mayor Lemon and Council Member Butler absent.

Council Member Olson commented a portion of this tax comes to the City also; it does not just fund Yakima County.

Resolution No. 806 –
Calling Upon Yakima
School District to
Provide Funding for
Continuation of SRO at
Stanton High School

Council Member Vanover stated he believes passing this resolution will help apply pressure to the Yakima School District to keep the Student Resource Officer (SRO) at Stanton School, especially because it is the only SRO being cut.

Motion by Council Member Vanover, seconded by Council Member Matson to adopt Resolution No. 806, A Resolution calling upon the Yakima School District to provide funding so a School Resource Officer can continue to be a positive presence at the Stanton Alternative High School. Motion carried unanimously; Mayor Lemon and Council Member Butler absent.

Council Member Matson informed there are court mandated students attending that school and the neighborhood is up in arms.

Council Member Vanover stated he would like to add a potential budget amendment to the agenda to fund the officer through the end of this year so the City has time to work with the School District.

Mayor Pro Tem Wentz questioned if it would be wise for the City to fund the officer through the end of year because the School District may not restore the position if they receive the SRO by the City paying for it.

After discussion, Mayor Pro Tem Wentz informed the potential budget amendment will be discussed as item I under III. General Items.

Park Board
Appointment

Motion by Council Member Olson, seconded by Council Member Vanover to confirm the appointment of Julie Schilling to the Park Board for a term expiring June 25, 2010. Motion carried unanimously; Mayor Lemon and Council Member Butler absent.

Emergency Comp. Plan
Amendment Requested
by Frank's Tire

The Development Coordinator informed an emergency comprehensive plan amendment for land on the southwest corner of 5th and Valley Mall Boulevard has been requested by Frank's Tire. He stated Frank's Tire proposes the designation of this property be changed from residential to non-residential. He informed cities are allowed one comp plan amendment per year and since we

recently adopted our revised comp plan, the normal process would be 11 months away.

Bill Hordon informed he is here with Ron Frank and John Hodkinson and they believe this request constitutes an emergency. He stated Frank's recently sold property to the Medi-Center so the Medi-Center could stay in their current location, but now Frank's has to move their storage tires off the property by November 30th. Frank's has looked for property that meets their criteria of staying in Union Gap and being close to their current location, and this is the only property that would be appropriate.

Mayor Pro Tem Wentz questioned if the City has received any opposition to this proposal.

The Development Coordinator informed no one has been notified at this time. If the Council finds an emergency exists, an application will be filed and processed and then the proposal will be advertised, the property posted, and people within 300 feet will be notified.

Council Member Matson thanked Frank's Tire for helping the Medi-Center and stated the City caused the condemnation and to every action there is a re-action. He stated he believes Valley Mall Boulevard is not suited for the current zoning and this request is not out of line.

Motion by Council Member Matson, seconded by Council Member Murr to approve the request of Frank's Tire for an emergency comprehensive plan amendment. Motion carried unanimously; Mayor Lemon and Council Member Butler absent.

Resolution No. 809 –
Authorizing Contract
for Professional
Services with The
Wesley Group

Council Member Vanover commented he believes in the long run approving this contract with The Wesley Group will save the City money.

Motion by Council Member Vanover, seconded by Council Member Wentz to adopt Resolution No. 809, A Resolution authorizing the Mayor to sign a Contract for Professional Services with The Wesley Group, for labor contract negotiations, labor relations, and human resources services. Motion carried unanimously; Mayor Lemon and Council Member Butler absent.

Ordinance No. 2630 –
Amending 2009 Budget
– The Wesley Group
Contract

Motion by Council Member Vanover, seconded by Council Member Wentz to adopt and publish Ordinance No. 2630, An Ordinance amending the 2009 Budget authorizing an expenditure of up to \$11,000 from the Contingency Fund (109.511.60.41) for expenses relating to union negotiations through The Wesley Group. Motion carried unanimously; Mayor Lemon and Council Member Butler absent.

Ordinance No. 2629 –
Creating Deputy Police
Chief Position

The Police Chief informed the Deputy Police Chief position would be an administrative second in command position that would allow a non-union mid manager to oversee the department in the Police Chief's absence and assist the Chief with internal affairs investigations, as well as other duties. He stated right now when the Chief is gone a sergeant is paid an additional 5 percent, but the Deputy Chief will be a salaried position that is not subject to overtime.

Council Member Matson questioned if the Deputy Chief would be a commissioned officer.

The Police Chief stated yes.

Motion by Council Member Olson, seconded by Mayor Pro Tem Wentz to adopt and publish Ordinance No. 2629, An Ordinance creating the position of Deputy Police Chief and setting the salary for the position. Motion carried: Council

Budget Amendment for
SRO Funding

Members Olson, Bateman, Vanover, Matson, and Mayor Pro Tem Wentz voting in favor; Council Member Murr voting no; Mayor Lemon and Council Member Butler absent.

Council Member Vanover proposed transferring, from the Contingency Fund, the money necessary to cover the School District's portion of the Student Resource Officer's wages for the rest of this year because he feels laying off an officer is not acceptable and the City will be dealing with the problems at the school even if there is no SRO assigned.

Mayor Pro Tem Wentz questioned if the City funding the position through the end of the year is telling the School District they do not need to pay for the position. He informed there is only about \$28,000 in the Contingency Fund and if that money is used up there will be no emergency money.

Council Member Vanover stated it should be less than \$20,000 to fund the School District's portion of the SRO and he is not proposing to replace the SRO at the school; he is talking about not laying off an officer.

Mayor Pro Tem Wentz questioned how the City would schedule the officer if he was funded and not at the school.

The Police Chief informed the officer could be utilized in many ways i.e. split shift, traffic control, court security, special assignments, vacation coverage, etc. He informed he would rather have more than enough officers and this officer could generate revenue for the City on traffic patrol.

Mayor Pro Tem Wentz questioned if Council Member Vanover would consider funding the position for two months instead of four months.

Council Member Olson pointed out another issue in this discussion is that the Council has no control over this issue; only the Mayor has the authority to make the decision.

Council Member Vanover agreed this is the Mayor's call, but if the Council approves the funding it gives the Mayor a chance to do something different and time to pressure the School District.

Mayor Pro Tem Wentz informed he believes the Mayor has attempted to meet with the School Superintendent.

The Police Chief informed he and the SRO met with the new superintendent who said the school does not have the finances to support the position. He stated the school proposed a part time position of four hours a day with the school district paying for three of those hours. The first month the school wanted seven hours a day and then four hours a day after that.

Mayor Pro Tem Wentz questioned if we have any part time officers.

The Police Chief stated no, the SRO at Union Gap School spends four hours at the school and four hours on patrol.

Council Member Vanover commented the problems the City had with Stanton School prior to having a SRO will likely return.

The Police Chief stated even with the officer at the school there were problems off school property; if the position is eliminated completely there will definitely be problems. He informed the school population is going to increase, there are a high number of violent juveniles in the area, and many attend these types of schools. Even if the school hires trained security officers the City will still have

to police the school and surrounding area.

Pat Thompson, School Resource Officer, informed during the school year there were several fights, thefts, marijuana use, and wandering off campus (even though the school has a closed campus). He also informed so far this summer the police have dealt with two Stanton students with firearms.

Mayor Pro Tem Wentz questioned if there are alternatives such as extra patrols for the area if the City does not have the money to fund the SRO position.

The Police Chief stated they will provide as much patrol to the school as any other area of the City, but it will not be the same as having the presence of an SRO.

Council Member Vanover explained his intent is not to give the school a free SRO, but if the City funds the position the rest of the year, the police department could have an officer patrolling the Broadway area. He stated if the position is funded for the rest of this year it would give the City some time to apply pressure to the school board to reconsider funding the position. He informed when the City first convinced the school to help pay for a SRO several residents and Council Members went to a school board meeting to apply pressure.

Council Member Matson questioned if this is the only SRO being cut.

The Police Chief stated he believes so, and informed Deputy Chief Rosenow from Yakima is present and might have additional information.

Kelly Rosenow, Yakima Deputy Police Chief, stated Yakima has a contract with the school district good through 2010 and are in negotiations with the school district for subsequent years.

The Police Chief informed Union Gap had a contract good through 2010 also, but the school district terminated it early.

Sgt. Greg Cobb, Union Representative, stated there has been a lot of talk about laying off an officer, but there is a gang problem in the area and Yakima recently put \$80,000 toward the problem. He stated when Yakima puts pressure on the gangs they will go south which will mean the gang problem will be in Union Gap. He stated crimes in Yakima County per 1,000 are the highest in Union Gap. He stated the Mayor recently requested \$30,000 for parks for graffiti removal and litter pickup.

Mayor Pro Tem Wentz stated the parks department has had cuts also.

Sgt. Cobb stated lack of graffiti and litter are quality of life issues; they are not safety issues. He stated the crime deterrent is keeping the police officer and by eliminating the police officer the citizens will suffer. He reiterated that the Mayor requested \$30,000 for graffiti and litter and settled for \$10,000, but priorities need to be addressed first. There is not a tremendous graffiti or litter problem in this community and public safety should be first. He informed the Court Clerk has done a remarkable job of turning the court around and in the first four months of this year the court brought in \$114,000 more than 2008's first four months. The Deputy Court Clerk is paid with 3/10th's money and since the court is bringing in more money they should pay for their own staff and give the Police Department all of the 3/10th's money. He also questioned why the Council is talking about a Deputy Chief position that will add another layer of bureaucracy, and stated the Deputy Chief will not take shift work. He stated if the SRO is taken out of the school the department needs the officer for traffic patrol and a traffic officer will pay for themselves and be revenue neutral. He

stated the Council only needs to come up with 75 percent of the funding because 25 percent is already budgeted.

Mayor Pro Tem Wentz questioned what the dollar figure would be for 75 percent of the wages of the SRO for the rest of the year.

The City Treasurer informed the school was paying \$4100 a month.

Angela Levno, Police Officer, informed there is money coming to the City from the closure of the City/County Narcotics Unit and questioned why that money cannot be used.

The Police Chief informed he already discussed that money with the Council and the Council decided that money would be used to cover overtime expenses. He also informed Union Gap will only be receiving money for one year and we do not know the amount yet.

Sgt. Cobb stated if a police officer is cut there will be more overtime because right now the SRO is able to help cover overtime when school is not in session. He stated he cannot believe this city, with the resources it has, can't fund this position and suggested the Council concentrate on priorities and keep the position.

Aubrey Reeves informed he lives 1 ½ blocks from Stanton School and was here when the Mayor and Council went to the school to assist the neighbors in getting the SRO position. He informed prior to the SRO there were gang members who would stand in the middle of the street threatening to kill people that drove by. He stated he believes if the Mayor and Council will get with the school board they will be able to keep the SRO.

Ray Kempf stated there is a difference between having a SRO at the site and an officer patrolling the area. He stated this should be a priority and the Council should follow-up on the desire of the public. He informed he spoke with the Union Gap Superintendent who spoke with the Yakima Superintendent and the outcome sounded positive.

Jennifer Knight stated she has worked in Union Gap for the last 13 years; she supports the police department, and believes the Council should be putting more officers on the street. She also stated graffiti cleanup is not a priority, the police officers put their lives on the line for the community daily, and there should be more officers.

Council Member Matson commented graffiti removal only cost \$9,000 for the year.

Sgt. Cobb stated every \$1,000 the City has puts the police department that much closer to saving the officer; the Mayor recently asked for \$30,000 for graffiti and litter and if the City didn't have the money the Mayor would not have asked for it.

Council Member Matson questioned if graffiti is part of gang activity.

Sgt. Cobb stated not always, some graffiti has nothing to do with gangs.

Motion by Council Member Vanover, seconded by Council Member Murr to pass a budget amendment transferring \$16,800 from the Contingency Fund to the Police Fund to pay for the 75 percent of the SRO wages. Motion failed: Council Members Vanover and Murr voting in favor; Council Members Olson, Bateman, Matson, and Mayor Pro Tem Wentz voting no. Mayor Lemon and

Items from the Audience

Council Member Butler absent.

There was no one present wishing to speak.

Develop Agenda for September 14, 2009 Council Meeting

There were no items added to the draft September 14th agenda.

Departmental Reports

Mayor Pro Tem Wentz informed the following reports are in the packet and questioned if the Council has any questions of the departments: Public Works Department Status Report - July 2009; Police Department Status Report – July 2009; New Businesses Report – July/August 2009; Fire Department Status Report – July 2009; Treasurer’s Report – June 2009; and Tax Revenue Report – July 2009.

Communications/Questions/Comments

There were no Council Communications/Questions/Comments.

Adjournment

At 8:44 p.m., Mayor Pro Tem Wentz adjourned the Regular Council meeting.

These minutes dated August 24, 2009 were approved at the Regular Council Meeting of September 14, 2009.

Jim Lemon
Mayor

ATTEST:

Kathryn Thompson, CMC
City Clerk