

**CITY OF PROSSER, WASHINGTON**  
**601 7<sup>TH</sup> STREET**  
**CITY COUNCIL CHAMBERS**  
**CITY COUNCIL SPECIAL MEETING**  
**TUESDAY, AUGUST 5, 2014**

**CALL TO ORDER**

Mayor Warden called the Special Meeting of the Prosser City Council to order at 7:00 p.m.

**PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was recited.

**ROLL CALL**

Council Members Aubrey, Taylor, Hamilton, Everett, Ward, Becken, and Elder were present.

Others in attendance were City Clerk Shaw, Finance Director Mauras, Finance Manager Yost, Police Chief Giles, and City Attorney Saxton.

**CITIZEN PARTICIPATION**

Louis Garcia, 1226 Hillcrest Drive, Grandview, Washington, expressed his concern with the City's personnel policy manual and stated he wanted to defend his daughter Alexis Garcia's honor, whose employment at the City Aquatic Center was terminated on August 4, 2014. Mr. Garcia provided a handout to Council from the City's personnel manual and asked that Council review the accusations made against his daughter.

Mayor Warden explained to the Council that he, Mr. Garcia and Alexis Garcia met earlier in the day, at Mr. Garcia's request and discussed the details of the termination and the fact that Council does not administer the day-to-day proceedings of the City, that task belongs to the Mayor.

Alexis Garcia, 1226 Hillcrest Drive, Grandview, Washington, provided an explanation of the circumstances surrounding her termination from her perspective.

Karin Garcia, 1226 Hillcrest Drive, Grandview, Washington, stated she was the mother of Alexis Garcia and said this matter is very important to her family.

***Marijuana Moratorium***

Tom Denlea, 145 W SR 22, asked Council to consider banning all marijuana activity in city limits and further stated that if the City found itself in a situation of litigation, that he and several other residents would be willing to pay legal fees to defend the City.

Council Member Hamilton asked Mr. Denlea if he was asking the Council to consider banning all marijuana store activity including the existing licensed business or future businesses.

Mr. Denlea clarified that he meant all potential future businesses.

Mayor Warden stated the item on the agenda for Council's review was an ordinance declaring a moratorium prohibiting marijuana production, processing and retail sales; the current store would not be impacted if Council decided to adopt the ordinance at a future City Council meeting.

### **MAYOR AND COUNCIL REPORTS AND COMMENTS**

Council Member Hamilton said he was at the Farmer's Market over the weekend and congratulated Council Member Everett for his daughter's performance.

Council Member Elder reported Junebug's bakery is now open and they are offering free coffee until 9:00 a.m. The grand opening is scheduled for this Friday.

#### ***Chamber of Commerce Quarterly Report***

Mayor Warden stated Agenda Item 5b Chamber of Commerce Quarterly Report would be removed from the night's agenda and rescheduled for August 12, 2014 Regular City Council meeting.

#### ***Historic Downtown Prosser Association Quarterly Report***

Dan Smith, Executive Director, echoed Council Member Elder's report of the grand opening of Junebug's bakery. Mr. Smith provided a handout regarding upcoming important dates for downtown activities and discussed the HDPa quarterly highlights including the opening of Jeremy's 1896 Public House restaurant and the installation of two new benches.

Council Member Taylor commended HDPa for a great job with the flower baskets downtown.

#### ***Training Monies for City Attorney***

Mayor Warden stated according to the conditions of City Attorney Saxton's contract with the City, staff is required to request training monies. Mayor briefed Council about an upcoming training that he'd like the City Planner and the City Attorney to attend. Council authorized the expenditure.

### **CONSENT AGENDA**

Finance Manager Yost provided Council an updated Wage Schedule related to the Labor Agreement, item "B" of the Consent Agenda and explained a discrepancy was noted in the Agreement in the Council's packet for consideration. The OPEIU representative has agreed to the changes.

A motion was made by Council Member Everett, seconded by Council Member Becken to approve Consent Agenda Items "A – C." Motion passed 7 YES, 0 NO, 0 ABSENT.

- a. Approve the USDA Outlay Report and Draw Request No. 33 in an Amount of \$4,775.76, for Costs Associated with the Northwest Improvements Project (Contract Addendum No. 2) and Authorize the Mayor to Sign the Documents
- b. Approve Labor Agreement, between the City of Prosser and Office of Professional Employees International Union (OPEIU) Local No. 11, and

Subscription Agreement between the City of Prosser and Washington Teamsters Welfare Trust, for Clerical and Wastewater employees, for the term of January 1, 2014 through December 31, 2016, and Authorize the Mayor to Sign the Documents (as amended)

- c. Approve an Investment Grade Audit (IGA) with Apollo Solutions, as approved by the Washington State Department of Enterprise Services

## **COUNCIL ACTION**

### **APPROVE NOTE MODIFICATION AGREEMENT WITH WASHINGTON TRUST BANK, ADDRESSING THE MATURITY DATE OF INTERIM FINANCING LOAN FOR THE NORTH PROSSER WATER SYSTEM IMPROVEMENT PROJECT**

Mayor Warden provided Council with an explanation of the amendment and noted the Agreement in the Council's packet inaccurately had former Deputy City Administrator Cathleen Koch's name listed as the signatory. A revised Agreement has since been provided to the City with the correct authorized signer listed.

A motion was made by Council Member Everett, seconded by Council Member Taylor to adopt a Note Modification Agreement with Washington Trust Bank addressing the maturity date of interim financing loan for the North Prosser Water System Improvement Project. Motion passed 7 YES, 0 NO, 0 ABSENT.

### **CONSIDERATION OF ORDINANCE NO. 14-2899 RELATING TO THE BOND ANTICIPATION NOTE AND AMENDING ORDINANCES 11-2730, 12-2800 AND 13-2849**

A motion was made by Council Member Everett, seconded by Council Member Taylor to adopt Ordinance No. 14-2899 relating to the Bond Anticipation Note and Amending Ordinances 11-2730, 12-2800 and 13-2849. Motion passed 7 YES, 0 NO, 0 ABSENT.

### **CONSIDERATION OF ORDINANCE NO. 14-2900 ESTABLISHING PROSSER MUNICIPAL CODE CHAPTER 9.220.010 TO MAKE HAVING TWO OR MORE FALSE ALARMS IN A NINETY DAY PERIOD UNLAWFUL**

Mayor Warden provided Council with an explanation of the two ordinances brought forward for consideration.

Council Member Becken inquired about the appeal process.

Mayor Warden stated there is a waiver process that authorizes the Police Chief to approve appeals.

Council Member Hamilton expressed his displeasure with the proposed ordinance.

A motion was made by Council Member Taylor, seconded by Council Member Everett to adopt Ordinance No. 14-2900 establishing Prosser Municipal Code Chapter 9.220.010 to make having

two or more false alarms in a ninety day period unlawful. Motion passed 5 YES, 2 NO (Hamilton, Becken), 0 ABSENT.

**CONSIDERATION OF ORDINANCE 14-2901 REPEALING ORDINANCE 1485, AMENDING ORDINANCES 1471 AND 1462 REGARDING ANNEXATION OF PROPERTY COMMONLY KNOWN AS THE SPRAYFIELD**

A motion was made by Council Member Everett, seconded by Council Member Elder to adopt Ordinance No. 14-2901 repealing Ordinance 1485, amending Ordinances 1471 and 1462 regarding annexation of property commonly known as the Sprayfield. Motion passed 7 YES, 0 NO, 0 ABSENT.

**DISCUSSION ITEMS**

**MARIJUANA MORATORIUM**

Jen Dorsett, CIA Representative, reviewed marijuana growing and processing issues related to pesticides in waterways that were reported by State of Colorado since grow operations have been legalized. Mrs. Dorsett expressed her continued concern with youth access and her role as the Community Coordinator for drug and alcohol prevention.

Jim White, 2111 Miller Court, echoed Mr. Denlea's comments previously stated regarding the request to ban all future marijuana activity within city limits. Mr. White expressed his concern with making marijuana appear "normal" and acceptable to society rather than "abnormal" and further stated the need for City representatives to improve the quality of life for citizens, not to take from it. Mr. White thanked the Mayor and Council for the ability to voice his opinion on the matter.

Peggy Brown, 1323 Grant Avenue, said she was in favor of the moratorium and further expressed her desire for the City to enact a full ban on marijuana. Mrs. Brown stated she had recently been in touch with Mr. Martinez, the Washington State Liquor Control Board representative who previously spoke at a City Council meeting on the matter of social media advertisement requirements for marijuana stores and advised he told her he misspoke at the Council meeting. Mrs. Brown said Mr. Martinez later learned that the requirements he quoted were incorrect and the stores do have the ability to advertise on social media. Mrs. Brown expressed her displeasure with the City's marijuana store being able to advertise on social media to youths and said she does not feel that the State has the community's best interest in mind. She added that cities will not reap any financial benefit from allowing pot stores within their communities as I-502 is written.

Mayor Warden provided an explanation of I-502 as the City understands it and clarified the fact that the City never was under the impression it would gain any financial benefit.

City Clerk Shaw read aloud an email the City received from Ray Tolcacher, Prosser School District Superintendent, related to the marijuana moratorium. The email stated the School District's concerns related to additional permitting of marijuana growing operations, processing and retail sales within city limits.

Bill Gobbel, Route 2 Box 7149, McDonald Road, asked the Council and Mayor if there was ever a vote on allowing the marijuana store in town and said the schools and businesses should have been contacted.

City Attorney Saxton explained how the Land Use Code applies to the issue of allowing or not allowing the marijuana store in city limits. He further explained the proposed moratorium would enact a temporary ban on new grow and processing operations as well as any future stores, however would not impact the current establishment.

Council Member Hamilton said he wanted staff to place the marijuana moratorium ordinance on the August 12, 2014 City Council meeting.

After Council concurred, Mayor Warden said staff will bring forward a moratorium ordinance for Council's consideration at the next Regular Business meeting.

**EXECUTIVE SESSION**

At 8:11 p.m., Mayor Warden recessed the Special Meeting of the Prosser City Council to conduct 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 was expected to last for 5 minutes and was to include Mayor and Council Members, City Clerk, Finance Director, and City Attorney.

At 8:16 p.m., Mayor Warden reconvened the Regular Meeting of the Prosser City Council and stated no action occurred.

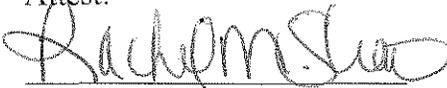
**ADJOURNMENT**

There being no further business before the City Council at this time, the Special Meeting of the Prosser City Council was adjourned at 8:16 p.m.



Mayor Paul Warden

Attest:



City Clerk Rachel Shaw

