

**GRANDVIEW CITY COUNCIL
COMMITTEE-OF-THE-WHOLE
MEETING MINUTES
JULY 11, 2017**

1. CALL TO ORDER

Mayor Norm Childress called the Committee-of-the-Whole meeting to order at 6:00 p.m. in the Council Chambers at City Hall.

2. ROLL CALL

Present were: Mayor Childress and Councilmembers Gaylord Brewer, Mike Everett, Bill Moore and Javier Rodriguez. Councilmember Gloria Mendoza arrived at 6:10 p.m. Councilmember Dennis McDonald arrived at 6:25 p.m.

Absent from the meeting was Councilmember Joan Souders.

Staff present were: City Administrator/Public Works Director Cus Arteaga, City Attorney Quinn Plant, City Treasurer Matt Cordray, Parks & Recreation Director Mike Carpenter, Assistant Public Works Director Santos Trevino and City Clerk Anita Palacios.

3. PUBLIC COMMENT – None

4. NEW BUSINESS

A. Resolution authorizing the Mayor to sign a License Agreement between Phillip Winterholler and the City of Grandview for the Memorial Plaza

Parks and Recreation Director Carpenter explained that at the June 13, 2017 C.O.W. meeting, the Beautification Commission's proposal was presented with respect to the VFW monument and flag pole. Following discussion, the C.O.W. moved a resolution authorizing the Mayor to sign a License Agreement between Phillip Winterholler and the City of Grandview for the Memorial Plaza to the June 27, 2017 regular Council meeting for consideration. At the June 27, 2017 regular Council meeting, Councilmember Brewer asked whether the License Agreement would extend to a new owner should Mr. Winterholler sell the property. Following discussion, the agenda item was referred to the City Attorney for clarification.

City Attorney Plant advised that the current license agreement would not continue. The license was personal to Mr. Winterholler. He was allowing the City onto his property to maintain the Memorial Plaza. If he no longer owned the property, then he would not have the authority to allow the City onto the property. The City would need to enter into a new license agreement with the new owner. Note that even if the license agreement stated that it would be binding on a new owner, the owner would have the ability to terminate the license upon written notice to the City. If the City wanted to obtain more permanent access to the Memorial Plaza, the City could explore acquiring an easement from Mr. Winterholler. The City would need to see if Mr. Winterholler was willing to grant the City an easement and, if so, whether he would want compensation. The City would need to survey Memorial Plaza and obtain a legal description of the property that would be subject to the easement. Once executed, a grant of easement would be recorded on the title to the real property.

Staff provided an estimate in the amount of \$4,500.00 from the City's engineering firm to survey the parcel and create a legal description should Council consider the potential acquisition of an easement from Mr. Winterholler. In addition, there would be recording fees in the amount of \$75.00. At this point in time, staff was unaware if Mr. Winterholler would request compensation for the permanent easement.

Councilmember Everett recused himself from the discussion due to an appearance of fairness as Mr. Winterholler was a client of Mr. Everett's law office.

At that point during the meeting, a quorum of council did not exist to continue the discussion on this agenda item.

On motion by Councilmember Brewer, second by Councilmember Everett, the C.O.W. moved the resolution authorizing the Mayor to sign a License Agreement between Phillip Winterholler and the City of Grandview for the Memorial Plaza to the July 25, 2017 C.O.W. meeting for consideration.

5. OTHER BUSINESS

A. Re-schedule Budget Retreat

City Administrator Arteaga explained that at the June 27, 2017 meeting, Council agreed to hold a budget retreat on July 25th. He was unaware that certain Department Heads would not be available that week and requested that Council reschedule the budget retreat. He suggested Tuesday, August 8th from 1:30 to 5:30 p.m., at the Library program room.

Discussion took place.

Following discussion, the C.O.W. concurred with the date change.

B. Joint City/Port Meeting

City Administrator Arteaga explained that at the May 9, 2017 C.O.W. meeting, he reported that staff would be coordinating a joint meeting between the City Council and Port of Grandview. Following an invitation to the Port, Commissioner Jim Sewell requested that the Council provide specific items for discussion.

Discussion took place.

Following discussion, the C.O.W. suggested the following items:

- Port's plans for spending money on retail community in Grandview (Councilmember Everett)
- Coordination between City and Port on business referrals (Councilmember Mendoza)
- Joint funding of an economic development coordinator position (Councilmember Brewer)
- Port's support of Parks & Recreation Department as part of economic development (Councilmember Brewer)

City Administrator Arteaga advised that staff would meet with the Port to finalize meeting arrangements.

C. City of Grandview Facebook Page – Restricted Postings

City Administrator Arteaga advised that staff was requested to research the possibility of filtering and/or removing posts or comments that were negative and/or from out of State residents.

City Clerk Palacios contacted Municipal Research and Services Center (MRSC) and provided the following information and question:

“In March 2017, the City of Grandview adopted a Social Media Policy and created a Facebook Page as an open public forum. A Councilmember has requested that we research the possibility of a closed forum (information gateway only). The concern is alleviating visitor posts (specifically negative and/or out of State public posts). We have yet to find a Facebook government page with a closed forum. Can the City choose who posts on our Facebook page without any legal ramifications?”

The following response was received from Paul Sullivan, Legal Consultant with MRSC:

“It seems to me that the real question is whether Facebook has an option allowing the city to merely post information, but not allowing citizen comment in return. If there is such an option, I see no reason why the city could not take advantage of it. It would merely be another vehicle for providing information to the public. There shouldn’t be a problem if no one could post a comment directly to the information provided.

I am concerned, however, if the above option was not available, and the city (somehow) could control who could post comments. It would be discriminatory if the city could allow some comments but not others. If the site provides an open forum, it would need to be open to all. Restricting some comments would be, in my opinion, a violation of free speech. (Some comments, I suppose, such as those stating a threat or using obscene language, could likely be restricted or removed, but general comments, even if they opposed some city initiative, would need to be allowed.)

If Facebook does not allow an information gateway only, no comments allowed, the issue about allowing elective posts would be moot.”

Following receipt of the response from MRSC, Deputy City Clerk Gretchen Chronis (City’s Facebook Page coordinator) provided the following”

“As a follow up to our recent discussion regarding Facebook settings/options, it has been determined that we do NOT have the ability to host a page that prohibits comments altogether. Keep in mind that all comments are subject to a Limited Public Forum format in conjunction with the City of Grandview’s Social Media Policy. We do, however, have the option of “reviewing visitor posts” prior to the their publication. This would alleviate any and all issues regarding citizens outside of Washington State inadvertently posting on our business page. This only happens on occasion and would be quite simple to manage. I would not consider this a policy change, rather a courtesy to others who reside in regions with similar city names (i.e. Grandview, South Dakota, Grandview, Missouri, Grand View, Idaho)”.

Discussion took place and no action was taken.

City Clerk Palacios also distributed an e-mail from Ray Vining who was a Grandview Museum Board member and volunteer at the Grandview Rose Garden. She explained that Mr. Vining created Facebook pages for the Grandview Museum and Grandview Rose Garden. Staff advised Mr. Vining of the City's Social Media Policy. She explained that the City's Social Media Policy provided that "Any additional social media sites (other than Facebook) proposed for City use must be approved by the City Council prior to activation". She requested Council's direction with respect to the Facebook pages created by Mr. Vining for the Museum and Rose Garden.

Discussion took place.

Following discussion, the C.O.W. thanked Mr. Vining for his volunteer efforts and suggested that his Facebook pages for the Museum and Rose Garden be identified as "Friends of the Grandview Museum" and "Friends of the Grandview Rose Garden". The City Attorney would recommend disclaimer language for staff to provide to Mr. Vining for addition to said Facebook pages identifying that his pages were not official pages of the City of Grandview, Washington.

6. ADJOURNMENT

The study session adjourned at 7:00 p.m.

Mayor Norm Childress

Anita Palacios, City Clerk