



YAKIMA CITY COUNCIL
July 16, 2019
City Hall -- Council Chambers
5:30 p.m. Regular Meeting; 6:00 p.m. Public Hearings -- MINUTES

1. Roll Call

Council: Mayor Kathy Coffey, presiding, Assistant Mayor Dulce Gutierrez, Councilmembers Holly Cousens, Kay Funk, Brad Hill, Carmen Mendez and Jason White

Staff: City Manager Moore, City Attorney Cutter and City Clerk Claar Tee

2. Pledge of Allegiance

Mayor Coffey led the Pledge of Allegiance.

3. Interpreter Services

Mayor Coffey introduced Jose Vilasenor who announced that interpretation services are available.

4. Open Discussion for the Good of the Code

A. Presentations / Recognitions / Introduction

- i. Recognition of Councilmember Carmen Mendez by the Association of Washington Cities

Peter King, Chief Executive Officer of the Association of Washington Cities (AWC), recognized Councilmember Mendez for serving on the AWC Board.

- ii. Retirement recognition of Joe Caruso, Code Administration Manager, for 18 years of service to the City of Yakima

Joan Davenport, Community Development Director, recognized Code Administration Manager Joe Caruso for 18 years of service to the City of Yakima. Lynn Harden, City resident, thanked Mr. Caruso for his service.

- iii. Request by Councilmember Funk

Councilmember Funk made a request for information. She stated she had prepared a document that she requested be added to the agenda packet, but there is no policy for that and it was not added.

MOTION: Funk moved and Hill seconded to have her documents copied and made available for the public. The motion carried by a 4-3 vote with Coffey, Hill and Cousens voting no.

5. **Council Reports**

A. Council Economic Development Committee report

Councilmember White reported on the recent Council Economic Development Committee meeting including: vacant building ordinance and minimum maintenance standards, an airport lease, the cruising issue, which will be discussed later in this meeting, and added a reminder about the Study Session on July 30th at 5:30 p.m. on the Downtown Master Plan. He stated the Committee agreed not to use the words Plaza and Game Changer due to the emotions they evoke. Councilmember Hill encouraged Council to review the guiding document on the Downtown Master Plan prior to the meeting, which has buy in from community stakeholders.

B. Council Public Safety Committee report

Assistant Mayor Gutierrez reported on the recent Council Public Safety Committee meeting including: EMS proposal, barking dog ordinance and safe streets to school.

MOTION: Gutierrez moved and Mendez seconded to have a study session on safe routes to elementary schools by the end of August. The motion carried by unanimous vote.

6. **Consent Agenda**

Mayor Coffey referred to the items placed on the Consent Agenda, questioning whether there were any additions or deletions from Council members present. Item E was postponed to a future meeting, item G was removed from the consent agenda becoming item 10 and item 13 was added to consent agenda becoming item 6H, and item 14 was added to the agenda. The City Clerk read the Consent Agenda items, including resolutions and ordinances, by title. (Items on the Consent Agenda are handled under one motion without further discussion—see motion directly below.)

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MOTION: Cousens moved and Mendez seconded to approve the consent agenda. The motion carried by unanimous vote.

- A. Approval of the minutes from the July 2, 2019 City Council regular meeting
- B. 2019 2nd Quarter Treasury Report
- C. Approve payment of disbursements for the period June 1 - 30, 2019
- D. Resolution accepting and approving 2nd Quarter 2019 Claim Report

RESOLUTION NO. R-2019-066, A RESOLUTION accepting and approving the 2nd Quarter 2019 Claim Report for the City of Yakima.

- E. This item was postponed to a future meeting
- F. This item was removed from the consent agenda becoming item #10
- G. Resolution authorizing a grant application to the Federal Aviation Administration (FAA) for Capital Improvement Projects at the Yakima Air Terminal-McAllister Field

RESOLUTION NO. R-2019-067, A RESOLUTION authorizing a grant application to the

Federal Aviation Administration (FAA) for Capital Improvement Projects at the Yakima Air Terminal-McAllister Field.

H. Ordinance amending One Way Streets and Alleys to one-way restrictions on Fairbanks Avenue between North 6th Avenue and Custer Avenue, and Jerome Avenue between Campbell Lane and North 6th Avenue, YMC 9.50.290

ORDINANCE NO. 2019-015, AN ORDINANCE amending the City of Yakima Municipal Code Chapter 9.50.290 One-way streets and alleys to add a portion of Fairbanks Avenue and a portion of Jerome Avenue.

7. Public Comment

Liz Hallock, City resident, thanked the Police Department for its assistance regarding a burglary at her home and added that she would like to see more police personnel to solve property crimes.

Tony Sandoval, City resident, stated he has created an application to help support fighting crime.

Sam Johnson and Ben Johnson, City residents, spoke against the ICE flights at the Yakima Airport.

Roman Kilinkaridis, City resident, spoke in favor of the ICE flights and asked people to stop targeting officers for doing their jobs. He also congratulated City Manager Moore on his new job and Councilmember Mendez for her contribution on the Association of Washington Cities Board.

Tony Cour... City resident... on several issues.

PUBLIC HEARINGS

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8. Closed record public hearing and Resolution to consider the Yakima Planning Commission's recommendation regarding the preliminary plat of Vista Ridge Phase 2 located in the vicinity of S 72nd Ave & Coolidge Rd

Joseph Calhoun, Planning Manager, briefed Council on the hearing. Mayor Coffey opened the public hearing. Tom Durant, City resident, spoke in support of the resolution. The City Clerk read the resolution by title only.

MOTION: Gutierrez moved and Mendez seconded to adopt the resolution. The motion carried by unanimous vote.

RESOLUTION NO. R-2019-068, A RESOLUTION approving the preliminary long plat of Vista Ridge Phase 2, a thirty two lot single-family subdivision, located in the vicinity of S. 72nd Ave. and Coolidge Rd., Yakima, Washington.

9. Second of two Public Hearings to consider: Resolution adopting the 2020-2025 Six-year Transportation Improvement Plan and amend the Transportation Systems Plan 2040; and Resolution amending the Yakima Urban Area Comprehensive Plan Capital Facilities Element

Acting Chief Engineer Bob Desgrosellier briefed Council on the hearing. Mayor Coffey opened the public hearing and, with no one coming forward to speak, closed the hearing. The City Clerk read the resolutions by title only.

MOTION: Gutierrez moved and Mendez seconded to adopt both of the resolutions.
The motion carried by unanimous vote.

RESOLUTION NO. R-2019-069, A RESOLUTION adopting the Six-Year Transportation Improvement Program for the period of 2020 through 2025 for the construction of the streets and arterial streets in the City of Yakima and amending the Transportation Systems Plan 2040.

RESOLUTION NO. R-2019-070, A RESOLUTION to amend the Yakima Urban Area Comprehensive Plan Capital Facilities Element to incorporate the Six-year Transportation Improvement Program (TIP) for the period of 2020 through 2025.

DEPARTMENT ITEMS

10. Resolution authorizing an Agreement for Sewer and Infrastructure Development and Easement with Catalyss, LLC

Assistant City Attorney Sara Watkins briefed Council on the change to the agreement. The City Clerk read the resolution by title only.

MOTION: Mendez moved and Cousens seconded to approve. The motion carried by unanimous vote.

RESOLUTION NO. R-2019-071, A RESOLUTION authorizing an Agreement for Sewer and Infrastructure Development and Easement with Catalyss, LLC.

11. Consideration of "Cruise the Ave" issues

Community development specialist Colleen Monick briefed Council on special events including insurance requirements and noted she contacted six other cities that all have anti-cruising ordinances with the exception of Shelton.

The following people spoke against the insurance requirements for cruising events: Michael Brown, non resident; Rhonda Cook, City resident; Art Reis, non resident; T.J. Davis, City resident; Javier Gonzalez, City resident and Gary Campbell, City resident.

City Manager Moore stated repealing the ordinance will cause liability to our agency and recommended creating an Ad Hoc Committee to review the issues associated with cruising insurance. After Council discussion,

MOTION: Cousens moved and Mendez seconded to repeal Ordinance 9.25. The motion carried by a 5-2 vote, Coffey and Mendez voting no. Assistant City Attorney Watkins advised an ordinance will need to be brought back to Council to repeal the existing ordinance, which would not be effective until 30 days after the ordinance publication date.

MOTION: Cousens moved and Hill seconded to create an Ad Hoc Committee to evaluate future cruising activities. The motion carried by a unanimous vote.

MOTION: Hill moved to appoint Cousens, White and Funk to that Committee. The motion failed due to lack of a second.

MOTION: Gutierrez moved and Cousens seconded to have White and Cousens on the Ad Hoc Committee. The motion carried by unanimous vote.

12. Resolution authorizing a contract with Yakima Housing Authority for \$1,000,000 of HOME Investment funds to assist with the redevelopment and construction of the Veteran's Supportive

Housing & Service Center project located at the former US Marine Corp Armory at 1702 Tahoma Avenue

Lowell Kruger, Executive Director of the Yakima Housing Authority, spoke in support of the resolution and requested an additional \$100,000 to assist with utility issues at the homeless veteran project. Archie Matthews, ONDS Manager, briefed Council on the resolution and recommended support of the additional funding request. The City Clerk read the resolution by title only.

MOTION: Gutierrez moved and Mendez seconded to adopt the resolution with an amendment increasing the amount to \$1.1 million. The motion carried by unanimous vote.

RESOLUTION NO. R-2019-072, A RESOLUTION authorizing an agreement with Yakima Housing Authority in the amount of up to One Million Dollars (\$1,000,000) in Federal Housing and Urban Development HOME funds for assistance with the rehabilitation of existing structures and construction of 41 low-income housing units.

13. Resolution expressing the City Council's intent to adopt legislation authorizing the imposition of the maximum capacity available from the City's annual taxable retail sales and use tax, as provided for in Substitute House Bill 1406 effective July 28, 2019, to be used for the provision of affordable housing opportunities within the City

City Manager Moore stated this item needs to be postponed until the August 5, 2019 Council meeting, which was approved by Council consensus.

CITY MANAGER UPDATE

14. Update on ICE flights

City Manager Moore provided an update related to the ICE flights at the Yakima Airport. Councilmember Hill requested clarification on how restricting flights could affect the airport. Rob Peterson, Director of the Yakima Airport, reported the airport receives millions of dollars in grant funding from the Federal Aviation Administration (FAA) and those agreements state that the airport is not allowed to discriminate against any type of airplane that lands or departs at our public airport. Mr. Peterson added that the Department of Transportation (DOT) feels strongly against King County's Executive Order and that the DOT has placed an official Part 13 Complaint Notice on King County, which is the first step in proper notice of a violation of the federal grant assurance agreements that King County signed. The next step is a Part 16 Complaint, which may restrict any FAA grant funding at King County's Boeing Field, along with other ramifications.

City Manager Moore advised that were the FAA to determine that the Yakima Airport was in violation of any grant funding agreements, the City could be liable for repaying over \$19 million in grant funding received over the last ten years and be in jeopardy of not receiving over \$15 million of future funding that is expected to be received over the next five years.

The following people spoke against having ICE utilize the Yakima Airport: Liz Hallock, City resident; Ruthi Roth Erdman, non resident; Fran CuhtahLatah, non resident; Aileen Kane, City resident; Maru Mora-Villalpando, non resident; Wendy Panto, non resident; Cassie Collins, City resident; Martha Rickey, City resident; Noemi Sanchez, City resident; Janie Wright, City resident; Anarose Reardon-Helferd, City resident; Michele Besso, City resident Viviana (refused to provide last name and city of residence); David Morales, non resident; Benjamin Rodgers, City resident; Phil Dindia, City resident, Rocio Carrion, City resident; Todd

Mildon, non resident; Luz Gutierrez, City resident; Giovanni Severino, City resident; Jamaica Zoglman, City resident; Heliodora Morfin (refused to provide city of residence); and, Vivian Dunbar, non resident.

The following spoke in support of ICE utilizing the Yakima Airport: Mary Place, City resident; Jerry Mellen, City resident; Lois Lopez, City resident; Kari Hannon, non resident; and, Roman Kilinkaridis, City resident.

After Council discussion, Councilmember Hill added he thinks it is unprofessional and not appropriate when Councilmembers discuss controversial issues on social media outlets. Councilmember Funk raised a Point of Order that these are personal attacks. Mayor Coffey ruled the point was well taken. After further Council discussion,

MOTION: Funk moved and Mendez seconded to direct staff to prepare a city resolution comparable to King County International Airport -- Prohibition on Immigrant Deportations PFC-7-1 EO, and this resolution will affirm our commitment to lawfulness by preserving this language: the City of Yakima "shall adhere to any rulings or orders of any court of competent jurisdiction in carrying out the directives provided herein."

The motion failed by a 4-3 vote, Coffey, Cousens, Hill and White voting no.

Assistant Mayor Gutierrez stated she would like to replicate what King County did with its Fixed Based Operators (FBO) at Boeing Field and is interested in exploring those options with Yakima's FBO, McCormick Air.

Rob McCormick, of McCormick Air, responded that he does not discriminate against any flights that legally land at or out of the airport. He stated he is not in the same position as King County's FBO's who were intimidated by King County with threats of lease non-renewals. He urged the Council not to threaten cancellation of his lease because he is the largest leasee at the airport. He added that he has observed several flights and has not seen anyone mistreated. Assistant Mayor Gutierrez suggested Council explore other options for FBO's.

MOTION: Gutierrez moved and Mendez seconded to direct city staff to expand fixed base agency operators at the airport. After discussion, the motion failed by a 6-1 vote, Coffey, Cousens, Funk, Hill, Mendez and White voting no.

Assistant Mayor Gutierrez stated she would like to discuss liability issues related to detainees using City owned steps to deplane at the airport related to these flights.

MOTION: Gutierrez moved and Funk seconded to direct city staff to provide a legal review of potential liability with the facilitation of or permission for operations associated with transportation of immigration detainees. The motion carried by unanimous vote.

MOTION: Gutierrez moved and Funk seconded to direct city staff to provide lawful options around increasing insurance rates for operations associated with the transportation of detainees. After discussion, the motion failed by a 4-3 vote, Coffey, Cousens, Hill and White voting no.

MOTION: Gutierrez moved and Hill seconded to direct city staff to retrieve a summary from the city's lobbyist in Washington, DC re immigration lobbying efforts and set up a special meeting with our congressional delegation or their representatives to discuss Yakima's need for humane and comprehensive immigration laws. The motion carried by unanimous vote.

Councilmembers discussed a time frame for a response. City Manager Moore stated staff can have information related to this issue by the September 17 Council meeting.

- 15. Discussion regarding potential Levy Lid Lift and Repeal of 2013 and 2014 Charter Amendments

Director of Finance Steve Groom introduced the item. Councilmember Funk discussed removal of streets and park fund sequestrations and a levy lid lift. City Manager Moore advised that Council discussed this during the 2018 budget process and it was recommended that the best opportunity to generate revenue would be a levy lid lift rather than a repeal of the Charter amendments due to debt obligation on streets until 2028 and on parks until 2042.

MOTION: Funk moved and Mendez seconded to place a proposition on the 2020 General Election ballot, before the registered voters of the City to repeal City Charter Article VI, Section 8, sequestering \$2M/yr street fund from General Fund revenue, and Section 9, sequestering \$750K/yr park and recreation fund to be taken from General Fund revenue. Staff is directed to prepare a resolution with ballot language expressing this intent for Council consideration and approval. After discussion, the motion failed by a 6-1 vote with Coffey, Cousens, Gutierrez, Hill, Mendez and White voting no.

MOTION: Funk moved and Gutierrez seconded to have staff prepare a Study Session to educate the Council and the public on the impact of the 1% property tax cap on Yakima property tax revenues. The motion carried by unanimous vote.

- 16. Discussion regarding the National Night Out schedule

City Manager Moore reported the August Council meeting was moved to August 5 in order for Council to attend National Night Out activities; however, the activities start with a kick-off the evening of August 5. It was Council consensus is to keep the date and time already set for August 5.

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- 17. Follow up on discussions from the joint City Council and Yakima School District Board meeting

City Manager Moore reported his meeting with Superintendent Green was moved to July 24.

- 18. **Other Business**

- A. Discussion related to the City Manager position

MOTION: Gutierrez moved and Cousens seconded to create a Council Ad Hoc Committee consisting of the Mayor, Assistant City Manager and one other councilmember to review the process for hiring the City Manager and Assistant City Manager. After discussion, the motion carried by a 5-2 vote, Funk and White voting no.

MOTION: Cousens moved and Mendez seconded to nominate Hill to this Committee. The motion carried by a 6-1, Funk voting no.

City Manager Moore distributed a memo regarding executive search firms for the City Manager and that the City Manager, not Council, has appointing authority over the Assistant City Manager.

MOTION: Funk moved to direct staff to prepare a contract offer for an interim city manager contracted through the International City/County Management Association for an estimated duration of August 2019 through February 2020, the contract offer will

include salary allowance similar to current city manager, as well as housing and mileage allowance. The motion failed for lack of a second.

B. Other business

Councilmember Cousens stated the City has committees for everything; however, the one committee they don't have is a finance committee. **MOTION: Cousens moved and Hill seconded to create a finance committee to keep a better eye on the budget.** After discussion, the motion failed by a 5-2 vote, with Coffey, Funk, Hill, Mendez and White voting no.

Councilmember Hill stressed the importance of parliamentary training for newly elected officials. **MOTION: Hill moved and White seconded to schedule Jurassic Parliament training for the incoming Council after the election is certified and no later than January 31, 2020.** The motion carried by unanimous vote.

19. **Adjournment**

The next meeting will be a City Council special meeting on July 23, 2019, at 5:30 p.m. at City Hall Adjourned at 10:23 p.m.

CERTIFICATION

READ AND CERTIFIED ACCURATE BY

DRAFT	COUNCIL MEMBER	DATE
	COUNCIL MEMBER	DATE

ATTEST:

CITY CLERK

MAYOR