



YAKIMA CITY COUNCIL

November 19, 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, Council Members Holly Cousens, Kay Funk, Brad Hill, Carmen Mendez (via speakerphone until 8:20 p.m. at which time she arrived in person) and Jason White

Staff: Interim City Manager Alex Meyerhoff, City Attorney Jeff Cutter and City Clerk Sonya Claar Tee

2. Pledge of Allegiance

Mayor Coffey led the Pledge of Allegiance.

3. Interpreter Services

Mayor Coffey introduced Jorge Villasenor who announced interpreter services are available.

4. Open Discussion for the Good of the Order

A. Proclamations

i. 2019 Small Business Saturday Proclamation

Councilmember Cousens proclaimed Saturday, November 30, 2019 as "SMALL BUSINESS SATURDAY."

ii. Downtown Rotary Club 100th anniversary proclamation

Mayor Coffey proclaimed December as the Celebration of Yakima Rotary Service Above Self month and Eric Silvers, President of the Yakima Downtown Rotary, accepted it.

B. Presentations / Recognitions / Introductions

i. Recognition of Royale Schneider for 20 years of service to the City of Yakima

Financial Services Division Manager Kimberly Dominé recognized Royale Schneider for 20 years of service to the City of Yakima.

ii. Yakima County Development Association update

Jon Smith, Executive Director of Yakima County Development Association (YCDA), presented YCDA's accomplishments for 2019.

C. Appointments to Boards, Commissions and Council Committees

i. Appointment of Greg Lighty to the Charter Civil Service Commission

MOTION: Gutierrez moved and Cousens seconded to appoint Greg Lighty to the Charter Civil Service Commission. The motion carried by unanimous vote.

5. **Council Reports**

A. Summary of Downtown Plan Implementation Committee meeting

Councilmember Hill reported on the Downtown Plan Implementation Committee meeting held on November 4, 2019, and stated that additional meetings are planned.

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 9 was added to consent becoming item 6P. 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.)

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

A. Approval of the minutes from the November 5, 2019 City Council regular meeting and November 12, 2019 City Council study session

B. Approve payment of disbursements for the period October 1 – 31, 2019

C. October 2019 Investment Transactions Report

D. Resolution authorizing Yakima Police Corrections Sergeants (Teamsters Local 760) Collective Bargaining Agreement for 2020-2023

RESOLUTION NO. R-2019-102, A RESOLUTION authorizing a collective bargaining agreement with the Yakima Police Corrections Sergeants (Teamsters Local 760) for January 1, 2020 - December 31, 2023.

E. Resolution authorizing Yakima Supervisors & Administrative Unit (Teamsters Local 760) Collective Bargaining Agreement for 2020-2023

RESOLUTION NO. R-2019-103, A RESOLUTION authorizing a collective bargaining agreement with Teamsters Local 760 representing the Yakima Supervisors & Administrative Unit for January 1, 2020 - December 31, 2023.

F. Resolution adopting Yakima Transit's Transit Development Plan for 2019-2024 and annual report for 2018

RESOLUTION NO. R-2019-104, A RESOLUTION adopting Yakima Transit's Transit Development Plan for 2019-2024 and annual report for 2018.

G. Resolution authorizing a revised agreement with the Yakima Valley Conference of Governments (YVCOG) for sharing Transit planning information

RESOLUTION NO. R-2019-105, A RESOLUTION authorizing a revised agreement with the Yakima Valley Conference of Governments for sharing Transit planning information.

- H. Resolution authorizing an agreement to fund the Yakima/Ellensburg Commuter Service and the Paratransit Services (Dial A Ride)

RESOLUTION NO. R-2019-106, A RESOLUTION authorizing an agreement to fund Commuter bus service between Yakima and Ellensburg and to fund paratransit services (Dial A Ride).

- I. Resolution ratifying the City Manager's execution of Change Order No. 1 to City Contract 2016-238 for the completion of the City-wide LED Street Light Upgrade Project

RESOLUTION NO. R-2019-107, A RESOLUTION ratifying the City Manager's execution of Change Order No. 1 of City Contract 2016-238 for the completion of the City-wide LED Street Light Upgrade Project.

- J. Resolution authorizing a Mutual Aid Agreement between the Department of the Army and the Yakima Fire Department

RESOLUTION NO. R-2019-108, RESOLUTION authorizing a Mutual Aid Agreement between the Department of the Army and the City of Yakima.

- K. Resolution authorizing the City Manager to set the 2020 rates and charges for services, facilities and uses available at the Yakima Air Terminal-McAllister Field

RESOLUTION NO. R-2019-109, A RESOLUTION authorizing the City Manager to set the 2020 rates and charges for services, facilities and uses available at the Yakima Air Terminal-McAllister Field.

- L. Resolution authorizing specific cost recoveries for Fire Department services provided as "Event Management Personnel Costs"

RESOLUTION NO. R-2019-110, RESOLUTION authorizing increases to previously approved specific cost recoveries for Fire Department services provided as "event management personnel costs" during special events.

- M. Ordinance increasing the monetary penalty schedule for parking infractions amending Section 9.60.030 of the Municipal Code

ORDINANCE NO. 2019-038, AN ORDINANCE relating to parking, increasing the penalty schedule for parking infractions and amending Section 9.60.030 of the City of Yakima Municipal Code.

- N. Ordinance amending Fire Inspection Fees Yakima Municipal Code Section 10.05.015

ORDINANCE NO. 2019-039, AN ORDINANCE relating to Public Safety; amending the City of Yakima Municipal Code for the purpose of updating the fee schedule for certain fire services.

- O. Ordinance amending the City of Yakima Municipal Code Section 5.01.06 entitled Business license—Denial, revocation, or refusal to renew—Grounds—Appeals

ORDINANCE NO. 2019-040, AN ORDINANCE amending the City of Yakima Municipal Code Section 5.01.06 entitled Business license—Denial, revocation, or refusal to renew—

Grounds—Appeals

- P. Resolution authorizing an Agreement with the Rotary Club of Yakima for development of the Martin Luther King Jr. Park playground facility

RESOLUTION NO. R-2019-111, A RESOLUTION authorizing an agreement with the Rotary Club of Yakima for the development, maintenance and use of Martin Luther King Jr. Park

7. Public Comment

Briana Wilcox, City resident, spoke about some issues she has noticed since recently moving to Yakima.

Tony Courcy, City resident, spoke about various issues.

Jerry Mellen, City resident, shared his concerns about the amount of money spent on homelessness.

James Parks, City resident, reported issues regarding the Henry Beauchamp Community Center.

Bill Duerr, City resident, spoke about matters related to council residence in the City Charter.

Liz Hallock, City resident, discussed public disclosure laws and reported she plans to file a complaint with the Public Disclosure Commission.

PUBLIC HEARINGS

8. Second public hearing on the 2020 Preliminary Budget for the City of Yakima

Steve Groom, Director of Finance & Budget, reported on the 2020 preliminary budget. Mayor Coffey opened the public hearing.

Brian Robertson, City Fire Lieutenant, shared his concerns about the Fire Department budget. Mayor Coffey closed the hearing and noted the budget will be brought back at the next business meeting for adoption.

DEPARTMENT ITEMS

9. This item was moved to consent becoming item 6P

10. Resolution authorizing a Tier II Hazardous Materials Fee

Fire Chief Aaron Markham briefed Council on the resolution. The City Clerk read the resolution by title only.

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

RESOLUTION NO. R-2019-112, RESOLUTION authorizing the Yakima Fire Department to impose a fee for services to occupancies required to report hazardous material quantities in accordance with the "Emergency Planning and Community Right to Know Act".

11. 3rd Quarter 2019 Capital Improvement Projects Report

Acting City Engineer Bob Desgrosellier briefed Council on the report.

12. Discussion regarding mobile application related to real time count of low-barrier shelter availability

Councilmember Hill requested this item be brought back to Council on December 3, which was approved by consensus.

13. Discussion regarding shopping carts

Assistant City Attorney Jeff Schaap briefed Council on the issue. Council members questioned the actual costs associated with this issue.

MOTION: Gutierrez moved and Cousens seconded to direct staff to prepare for the next meeting an amended Ordinance based on the actual cost assessment, and to include the limited commissions issue. The motion carried by unanimous vote.

14. Ordinance amending the City of Yakima Municipal Code for the purpose of regulating structures in parks

Assistant City Attorney Jeff Schaap briefed Council on the issue. The City Clerk read the ordinance by title only.

MOTION: Cousens moved and Funk seconded to pass the ordinance. The motion carried by unanimous vote.

ORDINANCE NO. 2019-041, AN ORDINANCE relating to Parks and Playgrounds; amending the City of Yakima Municipal Code for the purpose of regulating structures in parks.

CITY MANAGER UPDATE

15. Resolution providing for the submission to the voters of the City of Yakima, at a special election to be held therein on February 11, 2020, of a Proposition on whether the Charter of the City of Yakima should be amended to abandon and abolish the Council-Manager form of government and adopt the Mayor-Council form of government; and requesting the Yakima County Auditor to call a special election

Mayor Coffey opened the item to audience comments.

The following community members spoke against the Mayor-Council form of government: Alex Alexiades, Aileen Kane, Liz Hallock, Sam Johnson, Lindsay Johnson and Faviola Lopez representing Planned Parenthood, Ben Johnson, Kathy Tierney, Keally Cieslik, Mike Gempler, Tony Sandoval, Nicholas Malmstrom, Jackie Beard, Gina Ord, Tom Sund, President of the NAACP Damone Harris, Felipe Rodriguez-Flores, Noemi Sanchez, Giovanni Severino, Susan Soto Palmer and Kristine Ortega representing Yakima United for Change, Emily Morris, Alfredo Gonzalez Benitez, Analilia Nunez, Edith Martinez, Nick Marquez, representatives of the Latino Community Fund and Rogelio Montes represented a group of District 2 business owners and residents who presented a petition to Councilmember White to reject the proposed changes to the City Charter.

The following community members spoke in support of the Mayor-Council form of Government: Dave Ettl, Kenton Gartrell, Mike Leita and Dave Edler.

The City Clerk read the Community Member's version #3 resolution by title only. Councilmember Funk questioned the cost of the ballot measure. Mayor Coffey reported the

cost would be around \$5,000.

MOTION: Cousens moved and White seconded to approve the resolution that places the Community Members proposed changes to the Yakima City Charter on the February 2020 ballot. City Clerk Claar Tee confirmed this is the Community Members version #3, which was sent to Council members on November 7, 2019. City Attorney Cutter explained that the version moved forward for consideration contains a conflict with state law under article 2 section 5 regarding the open public meetings act that requires special meetings be called by the Council president or a majority of Council. Mayor Coffey stated that state law will take precedence over the Charter. **MOTION: Gutierrez moved and Mendez seconded to amend the motion to include the resolution associated with this ballot measure to add the language, therefore be it resolved, that current city council members refrain from running for mayor of Yakima should the ballot measure be approved by the voters.**

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

MOTION: Gutierrez moved and Mendez seconded to amend the motion to include language on the ballot measure itself that says if approved, this proposal is likely to result in a civil rights lawsuit against the City of Yakima the cost of which will ultimately be paid by tax payers due to a federal court order establishing a history of voting rights discrimination against latinos. The motion to amend failed by a 4-3 vote, Coffey, Cousens, Hill and White voting no. **MOTION: Gutierrez moved and Mendez seconded to amend the motion to include on the ballot measure itself the language that says if approved this measure would increase City of Yakima expenses by an X amount of dollars annually over the next 10 years with that X amount of dollars being determined by our finance department.** The motion to amend failed by a 4-3 vote, Coffey, Cousens, Hill and White voting no. **MOTION: Mendez moved and Gutierrez seconded to amend the motion that this ballot measure be put on the November ballot.** The motion to amend failed by a 4-3 vote, Coffey, Cousens, Hill and White voting no. The motion carried by a 4-3 vote, Funk, Gutierrez and Mendez voting no.

RESOLUTION NO. R-2019-113, A RESOLUTION of the City Council of the City of Yakima, Washington, providing for the submission to the voters of the City of Yakima, at a special election to be held therein on February 11, 2020, of a Proposition on whether Articles I, II, IV, VI, VII, VIII, XIII, XIV, and XV of the Charter of the City of Yakima should be amended to abandon and abolish the Council-Manager form of government and adopt the Mayor-Council form of government; making ancillary and corrective amendments throughout the Charter to accommodate the change in the form of government; and requesting the Yakima County Auditor to call a special election.

16. Other Business

MOTION: Gutierrez moved and Hill seconded to bring back information on transit routes to the West Valley Aquatic Center and SOZO, as well as information on the fee schedule for the aquatic center. The motion carried by unanimous vote.

City Attorney Cutter shared his concerns with Council members about a Chamber of Commerce meeting tomorrow, which only three members can attend. Councilmember White stated Councilmember Funk will attend in his place in order to avoid a quorum and a violation of the Open Public Meetings Act.

17. Adjournment

MOTION: Gutierrez moved and Hill seconded to adjourn to the next City Council regular meeting on December 3, 2019, at 5:30 p.m. at City Hall. The motion carried by unanimous vote. The meeting adjourned at 8:57 p.m.

CERTIFICATION

READ AND CERTIFIED ACCURATE BY

COUNCIL MEMBER

DATE _____

COUNCIL MEMBER

DATE _____

ATTEST:

CITY CLERK

MAYOR

DRAFT