



YAKIMA CITY COUNCIL

November 2, 2020

City Hall -- Council Chambers

5:30 p.m. Regular Meeting; 6:00 p.m. Public Hearings -- Conducted via speakerphone, live streamed at www.yakimawa.gov and telecast live on Y-PAC, Spectrum Cable Channel 194 or you may call in and listen by dialing 1-253-215-8782 or 1-888-788-0099. When prompted for the webinar ID enter 916 1795 3829#. When prompted for the participant ID enter #. When prompted for the meeting password enter 108823#. There will be no opportunity for oral communications with the exception of public hearings; however, if you wish to provide written comment to the City Council, please email ccouncil2@yakimawa.gov. Written comments received by 3 pm for this meeting will be provided to the City Council prior to the meeting. MINUTES

1. Roll Call

Council: Mayor Patricia Byers (via Zoom audio), presiding, Assistant Mayor Holly Cousens (via Zoom audio), Councilmembers, Kay Funk, Brad Hill (via Zoom audio), Soneya Lund and Eliana Macias

Staff: City Manager Robert Harrison, City Attorney Jeff Cutter and City Clerk Sonya Claar Tee

Absent: Councilmember Jason White

2. Open Discussion for the Good of the Order

A. Coronavirus (COVID-19) update

City Manager Harrison provided an update on COVID-19's effect on the City.

B. Resolution approving extension of Mayoral Proclamation declaring emergency and order, if the Mayor issues a Proclamation extending the civil emergency proclamation and order due to COVID-19

City Manager Harrison introduced the item.

The City Clerk read the resolution by title only.

MOTION: Cousens moved and Hill seconded to adopt the resolution. The motion carried by unanimous vote, White absent.

RESOLUTION NO. R-2020-123, A RESOLUTION extending the Mayor's Proclamation of Civil Emergency and Order regarding a state of emergency in the City of Yakima due to the coronavirus disease 2019 ("COVID-19")

C. Presentations / Recognitions / Introductions

i. Introductory overview of Property Tax Valuation and Levy Process

Yakima County Assessor Dave Cook provided an introductory overview of Property Tax Valuation and Levy Process and answered questions from Council members.

3. **Council Reports**

Councilmember Hill reported on the recent Community Integration Committee meeting.

4. **Consent Agenda**

Mayor Byers referred to the items placed on the Consent Agenda, questioning whether there were any additions or deletions from Council members present. There were no changes. 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: Cousens moved and Lund seconded to approve the consent agenda. The motion carried by unanimous vote, White absent.

A. Approval of minutes from the October 20, 2020 City Council regular meeting

B. 2020 3rd Quarter Financial Report

C. 2020 3rd Quarter Treasury Report

D. Project Completion and Acceptance for Leslie and Campbell, Inc. - Project 2513
Public Works Re-Roof

E. Resolution awarding RFP 12020P and authorizing a contract with Medstar, LLC for ADA Paratransit Services

RESOLUTION NO. R-2020-124, A RESOLUTION awarding RFP 12020P and authorizing a Contract with Medstar, LLC for provision of ADA Paratransit Services

F. Resolution authorizing supplement 7 to contract 2014-180 with Maul Foster Alongi for environmental monitoring at former Tiger Oil site at 2312 West Nob Hill Blvd

RESOLUTION NO. R-2020-125, A RESOLUTION authorizing a Supplement to the Professional Services Agreement with Maul Foster Alongi, Inc. (MFA) to provide additional tasks in the design and construction oversight for the environmental cleanup of the former Tiger Oil site at 2312 West Nob Hill Boulevard, in the City of Yakima.

G. Ordinance amending Section 1.80.020: Opening and tabulation of bids

ORDINANCE NO. 2020-026, AN ORDINANCE amending Yakima Municipal Code Section 1.80.020: Opening and tabulation of bids

PUBLIC HEARINGS-Anyone wishing to comment on a public hearing should: dial 1-253-215-8782 or 1-888-788-0099; when prompted for the webinar ID enter 916 1795 3829#; when prompted for the participant ID enter #; when prompted for the meeting password enter 108823#. If you wish to speak to the Council during the public hearing

press *9 on your phone. When it is your turn to speak you will hear an automated announcement indicating your phone has been unmuted and you can now be heard by all participating in the meeting.

5. Open record public hearing to consider the Yakima Planning Commission's recommendation on a Comprehensive Plan Amendment (CPA#001-20) and Rezone (RZ#002-20) request submitted by Les Heimgartner for property at 8014 Occidental Rd

Associate Planner Martin briefed Council on the item. Mayor Byers stated this is a quasi-judicial hearing and asked Council members the following questions:

- Do you have any interest in the property or the application, or do you own property within 300 feet of the property subject to the application? Councilmembers stated negative to the question.
- Do you stand to gain or lose any financial benefit as a result of the outcome of the appeal? Councilmembers stated negative to the question.
- Can you hear and consider the application in a fair and objective manner? Councilmembers stated affirmative to the question.
- Have you had any ex parte communications with the developer or anyone else regarding this proposed subdivision? Councilmembers stated negative to the question.

Mayor Byers asked Council and the public if anyone wished to challenge any Council member's participation on the appearance of fairness grounds.

Bill Hordan, Hordan Planning Services, spoke on behalf of the applicant, Les Heimgartner, and requested Councilmember Funk recuse herself since she testified against the issue during the Planning Commission's public hearing.

Councilmember Funk stated she will not disqualify herself as her objection is not a conflict of interest but rather a policy position.

Mayor Byers opened the public hearing.

Bill Hordan, Hordan Planning Services, spoke on behalf of the applicant, Les Heimgartner, in favor of the rezone.

Andrew Sawyer and Tracy Sawyer, City residents, spoke against the rezone.

After discussion and amendment, **MOTION: Hill moved and Cousens seconded to adjourn to an executive session regarding prospective litigation for up to 10 minutes.** The motion carried by unanimous vote, White absent. Executive Session was held at 6:44 until 6:54, at which time the Mayor extended the Executive Session for five minutes, beginning at 6:56 until 7:01, when the Mayor extended the Executive Session for five more minutes beginning at 7:02 p.m. and adjourning at 7:06 p.m. The meeting reconvened at 7:07 p.m.

MOTION: Macias moved and Hill seconded to approve and affirm the decision of the Planning Commission and adopt the Planning Commission's findings, conclusions and recommendations. The motion failed by a 3-3 vote with Funk, Lund and Hill voting no, White absent.

After discussion and amendment, **MOTION: Funk moved and Hill seconded to deny the application of the rezone and find concerns of the neighbors and their attorney adequately persuasive.** The motion carried by a 5-1 vote, Byers voting no and White absent.

6. Public hearing and Resolution declaring certain property originally part of Drainage Improvement District #4, later abandoned by Yakima County and ceded to the City, to be surplus to City needs

Wastewater Manager Price briefed Council on the resolution.

Mayor Byers opened the public hearing and, with no one calling in to speak, closed the hearing.

The City Clerk read the resolution by title only.

MOTION: Hill moved and Lund seconded to approve the resolution. The motion carried by unanimous vote, White absent.

RESOLUTION NO. R-2020-126, A RESOLUTION declaring certain property originally part of Drainage Improvement District #4 later abandoned by Yakima County to be surplus to City needs and abandoning all interest to the property owners over which the pipeline extends.

7. First public hearing on the 2021 Preliminary Budget for the City of Yakima

Director of Finance & Budget Groom, briefed Council on the 2021 preliminary budget and reported on the following three revisions made as a result of the study sessions: 1) Transportation Benefit District revenue; 2) Mill site development funding and 3) Lodging Tax Advisory Committee's (LTAC) revised allocation of 2021 Lodging Tax Revenue.

Mayor Byers opened the public hearing and, with no one calling in to speak, closed the hearing. Mr. Groom announced no action is needed at this meeting as this item will be brought back for a second public hearing on November 17, 2020.

Councilmember Lund voiced her dissatisfaction with the division of LTAC funds for a County facility receiving more of an allocation than the Capital Theatre, which is City owned. Councilmember Funk shared her concern with no funding for police and fire vehicle replacement.

8. Public hearing and ordinances pertaining to Ad Valorem Taxes to be levied for collection in Fiscal Year 2021

Director of Finance & Budget Groom, briefed Council on the ordinances.

Mayor Byers opened the public hearing and, with no one calling in to speak, closed the hearing.

The City Clerk read the ordinances by title only.

MOTION: Cousens moved and Funk seconded to pass ordinance A. The motion carried by unanimous vote, White absent.

ORDINANCE NO. 2020-027, AN ORDINANCE relating to the annual property tax levy; declaring the City Council's intent to increase the City's 2021 regular levy up to 101% along

with new construction, annexation, refunds and growth in state-assessed property values from the amount levied the previous year.

MOTION: Cousens moved and Funk seconded to pass ordinance B. The motion carried by unanimous vote, White absent.

ORDINANCE NO. 2020-028, AN ORDINANCE fixing and levying the amount of ad valorem taxes necessary to discharge the expected expenses and obligations for the 2021 Budget for the City of Yakima.

DEPARTMENT ITEMS

9. Update on additional COVID-19 funds from CDBG-CV and CARES Act funds

Senior Assistant City Attorney Watkins provided an update on small business grants.

10. Consideration of 2021 State and Federal Legislative Priorities

Communications and Public Affairs Manager Beehler reviewed the City's draft State and Federal Legislative Priorities.

MOTION: Cousens moved and Lund seconded to adopt the 2021 Legislative Priorities. The motion carried by unanimous vote, White absent.

11. **Other Business**

Mayor Byers reported she is sending a letter to the Legislature in support of Miller Park funding and if any Council members wish to see it, please contact Cally Price.

MOTION: Cousens moved and Hill seconded to have the current policy for events and parades emailed to all Council members and to add this topic to a future agenda item. The motion carried by unanimous vote, White absent.

Councilmember Hill provided an update on the success of the Clean City Program.

12. **Adjournment**

MOTION: Cousens moved and Hill seconded to adjourn to the next Council regular meeting on November 17, 2020, at 5:30 p.m. in the Council Chambers at City Hall. The motion carried by unanimous vote, White absent. The meeting adjourned at 8:12 p.m.

CERTIFICATION

READ AND CERTIFIED ACCURATE BY

COUNCIL MEMBER

DATE

COUNCIL MEMBER

DATE

ATTEST:

CITY CLERK

MAYOR

DRAFT