



**MINUTES
YAKIMA CITY COUNCIL**

May 18, 2021

City Hall -- Council Chambers

5:30 p.m. Regular meeting 6 p.m. public hearings -- conducted virtually via Zoom

1. Roll Call

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

Staff: City Manager Robert Harrison, City Attorney Sara Watkins and City Clerk Sonya Claar Tee

Absent: Councilmember Jason White

2. Open Discussion for the Good of the Order

A. Proclamations

i. Pride Month proclamation

Councilmember Hill proclaimed the month of June 2021 as LGBTQ Pride Month and Cristina Ortega accepted it.

MOTION: Cousens moved and Hill seconded to direct staff to prepare a resolution to display the PRIDE flag on a temporary basis at City Hall between June 2 and June 30. The motion carried by a 5-1 vote, Byers voting no and White absent.

3. Council Reports

A. Discussion about Association of Washington Cities delegates

Mayor Byers asked Council to decide on three voting delegates for the AWC business meeting on June 24. Mayor Byers, Assistant Mayor Cousens and Councilmember Lund volunteered to be the voting delegates.

B. Planning/scheduling of a joint meeting with the Yakima County Commissioners

City Manager Harrison reported the following topics have been suggested by Council members for the joint City/County agenda:

- Yakima County Care Campus
- Climate Change suppression and prevention support
- Opportunities for partnership on services through YVCOG
- Conversation around regional SWAT that is provided by the City

Councilmember Funk stated she would like to add YakCorps to the agenda as she recently attended a meeting where the bylaws were discussed that included the Mayor designated as the City's voting representative, which she does not think is appropriate. Assistant Mayor Cousens raised a Point of Order that this should be a discussion with Council, not in a joint meeting with the Commissioners. Mayor Byers ruled the point was not well taken and believes there is some confusion on this issue. Councilmember Funk added she would like to add to the agenda a discussion on the County's interference with the practice of medicine related to the County's actions with the Board of Health. After discussion the following items were also added to the agenda:

- Yakcorps
- Interference with practice of medicine
- RV project at the State Fair Park

- C. Discussion of a motion to direct staff to draft resolution in support of the Fossil Fuel Non-Proliferation Treaty and to committing the City of Yakima to take a SAFE Cities climate change stand

MOTION: Hill moved and Lund seconded to direct staff to prepare a resolution in support of the Fossil Fuel Non-Proliferation Treaty and to make Yakima a SAFE City.

After discussion, the motion carried by a 5-1 vote, Byers voting no and White absent.

- D. Copies of the Judge's Orders in the *Montes v. City of Yakima* lawsuit and discussion on housing segregation

Councilmember Funk stated she requested this topic at the last meeting and read a statement highlighting her concerns. Council members discussed using an equitable lens on the Planning Commission by possibly having a representative from the Community Integration Committee on the Commission.

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. Items E and F were removed from the consent agenda and item 8 was added becoming item 4O. 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 May 4, 2021 City Council regular meeting and May 11, 2021 City Council study session
- B. Approve payment of disbursements for the period April 1 – 30, 2021.
- C. April 2021 Investment Transactions Report
- D. Resolution awarding RFP 12104P and authorizing an agreement with PPC Solutions, Inc. for armed security guard and other services

RESOLUTION NO. R-2021-059, A RESOLUTION awarding RFP 12104P and authorizing an agreement with PPC Solutions, Inc., for armed security guard and other services

- E. This item was removed from the consent agenda

- F. This item was removed from the consent agenda
- G. Resolution authorizing a grant from the Washington State Department of Transportation (WSDOT) Aviation Division for capital improvements at the Yakima Air Terminal-McAllister Field

RESOLUTION NO. R-2021-060, A RESOLUTION authorizing a grant from the Washington State Department of Transportation (WSDOT) Aviation Division for capital improvements at the Yakima Air Terminal-McAllister Field.

- H. Resolution authorizing a Construction Services Agreement with JUB Engineering, Inc. in an amount not to exceed \$268,050 for Construction Services to rehabilitate the East General Aviation Apron

RESOLUTION NO. R-2021-061, A RESOLUTION authorizing a Construction Services Agreement with JUB Engineering, Inc. in the amount not to exceed \$268,050 for Construction Services to rehabilitate the East General Aviation Apron.

- I. Resolution authorizing the City of Yakima to acquire property from the Yakima Air Terminal-McAllister Field to improve vehicle safety at 24th and Washington Avenue

RESOLUTION NO. R-2021-062, A RESOLUTION authorizing the City of Yakima to acquire property from the Yakima Air Terminal-McAllister Field to improve vehicle safety at 24th and Washington Avenue

- J. Resolution authorizing a contract with Granite Construction for Spring Creek Road Improvements, Phase 2, which provides for roadway and related improvements in the vicinity of the Yakima Sports Complex

RESOLUTION NO. R-2021-063, A RESOLUTION authorizing a contract with Granite Construction for Spring Creek Road Improvements, Phase 2, which provides for roadway and related improvements in the vicinity of the Yakima Sports Complex

- K. Resolution authorizing an Agreement with H.W. Lochner, Inc for Professional Services for the design of Bravo Company Boulevard Phases 2 and 3

RESOLUTION NO. 2021-064, A RESOLUTION authorizing an Agreement with Lochner, Inc. to prepare civil engineering plans and specifications for the Bravo Company Boulevard project (PROJECT)

- L. Resolution authorizing a settlement agreement by Cities Insurance Association of Washington ("CIAW") and Munich Reinsurance to resolve and settle the claims brought by Daniel and Lynnette Haller, Kimberly Johnson, and Jack Gabbard as personal representative of the estate of Alene Gabbard

RESOLUTION NO. R-2021-065, A RESOLUTION approving the conditional settlement agreement entered into by Cities Insurance Association of Washington ("CIAW") and Munich Reinsurance to resolve and settle the claims brought by Daniel and Lynnette Haller, Kimberly Johnson, and Jack Gabbard as personal representative of the estate of Alene Gabbard

- M. Resolution authorizing an Agreement with People For People for \$235,000.00 of CDBG funding for its Meals on Wheels senior meal and nutrition program to address the consequences of COVID-19

RESOLUTION NO. R-2021-066, A RESOLUTION authorizing an agreement with People

For People (PFP) in the amount not to exceed Two Hundred Thirty-Five Thousand Dollars (\$235,000.00) in Community Development Block Grant funds to provide grants to micro-enterprises affected by COVID-19

N. Resolution endorsing the Energy Innovation and Carbon Dividend Act

RESOLUTION NO. R-2021-067, A RESOLUTION authorizing endorsing the Energy Innovation and Carbon Dividend Act.

O. Ordinance amending the 2021 Budget for the City of Yakima; and making appropriations from Unappropriated Fund Balance within the Capitol Theatre's Capital Fund for expenditure during 2021 for capital expenditures (First Reading)

First reading of an ordinance amending the 2021 Budget for the City of Yakima; and making appropriations from Unappropriated Fund Balances within various funds for expenditure during 2021 for various purposes described in the attached Schedule.

Items Removed from the Consent Agenda

A. Resolution authorizing a Professional Services Agreement and a License, Maintenance and Support Agreement for the purchase and use of the eProsecutor prosecution case management system

Cynthia Martinez, Senior Assistant City Attorney, briefed Council on the two agreements. Councilmember Funk shared her concern about reliance on private software vendors who have their own interests at heart and thinks there should be legislative advocacy on this issue.

The City Clerk read the resolution by title only.

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

RESOLUTION NO. R-2021-068, A RESOLUTION authorizing a Professional Services Agreement and a License, Maintenance and Support Agreement for the purchase and use of the eProsecutor prosecution case management system.

B. Resolution authorizing an Interlocal Agreement with Yakima County for the joint purchase and future costs of the eProsecutor prosecution case management system

The City Clerk read the resolution by title only.

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

RESOLUTION NO. R-2021-069, A RESOLUTION approving an Interlocal Agreement with Yakima County for the joint purchase and future costs of the eProsecutor prosecution case management system.

5. Public Comment

Robert Strader and Coleen Anderson, City residents, spoke in support of the resolution endorsing the Energy Innovation and Carbon Dividend Act, Fossil Fuel Non-Proliferation Treaty and SAFE cities climate change.

PUBLIC HEARINGS

6. Final public input meeting on the 2020 Consolidated Annual Performance Evaluation Report (CAPER)

Angelica Saldivar, ONDS Grant Financial Specialist, briefed Council on the hearing. Mayor Byers opened the public hearing and, with no one calling in to speak, closed the hearing.

DEPARTMENT ITEMS

7. Discussion of petition from lodging properties located within the Yakima County Tourism Promotion Area ("TPA") to charge an additional two dollars per night of lodging pursuant to RCW 35.101.057 in order to fund increased efforts to market tourism and convention opportunities within the TPA and support the recovery of those industries

Ryan Bleek, Senior Assistant City Attorney briefed Council on the request from representatives of lodging properties within the Tourist Promotion Area (TPA) to increase the per night lodging charge within the TPA. Lisa Vallejo and Sara Davilla with the Lodging Association and TPA, spoke in support of this issue, which is needed for tourism.

MOTION: Cousens moved and Lund seconded to direct staff to bring back a resolution of intent to modify Chapter 5.99 of the Yakima Municipal Code entitled "Tourism Promotion Area." The motion carried by unanimous vote, White absent.

8. This item was added to the consent agenda becoming item 4O

CITY MANAGER UPDATE

9. State Fair Park's request for 4th of July firework participation.

City Manager Harrison reported on the State Fair Park's request. Anne Moneymaker, with the State Fair Park, asked for Council's support in funding the annual 4th of July celebration, a long-standing community event.

MOTION: Cousens moved and Lund seconded to fund up to \$15,000 for the 4th of July celebration. The motion carried by unanimous vote, White absent.

10. Discussion of study session schedule

City Manager Harrison reviewed the study session schedule and suggested Council waive having study sessions in August. It was Council consensus to take a break from study sessions in the month of August. Councilmember Funk commented on issues with previous staff and Council members. Assistant Mayor Cousens raised a Point of Order that members shall refrain from speaking negatively about past actions. The Mayor ruled the point was well taken. Councilmember Funk requested a study session to review and revise the Council's Ethic's and Council Rules of Procedure documents, which was approved by Council consensus for September.

11. Consideration of letters of support

City Manager Harrison briefed Council on the requested letters of support. Lowell Krueger, Executive Director of the Yakima Housing Authority and Cheri Kilty, Executive Director of YMCA briefed Council on their requests.

MOTION: Cousens moved and Lund seconded to approve the letters of support. The motion carried by unanimous vote, White absent.

12. Resolution authorizing a Letter of Intent with the Yakima Housing Authority regarding development of affordable housing

City Manager Harrison briefed Council on the letter of intent.

The City Clerk read the resolution by title only.

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

RESOLUTION NO. R-2021-070, A RESOLUTION authorizing a Letter of Intent with the Yakima Housing Authority regarding development of affordable housing.

13. COVID update

City Manager Harrison reported City Hall will be fully reopened to the public on June 1, with fully vaccinated people able to enter without a mask. Councilmember Lund asked if the City Council will be meeting in person at that time. Mr. Harrison reported that will likely happen at the end of June as the City is following state guidelines.

14. **Other Business**

MOTION: Lund moved and Cousens seconded to add to the next business meeting agenda a discussion on requesting a report from staff regarding street racing. The motion carried by unanimous vote, White absent.

15. **Adjournment**

MOTION: Cousens moved and Macias seconded to adjourn to a City Council study session on May 25, 2021, at 5:00 p.m. at City Hall. The motion carried by unanimous vote, White absent. The meeting adjourned at 7:20 p.m.

DRAFT

CERTIFICATION

READ AND CERTIFIED ACCURATE BY

COUNCIL MEMBER

DATE

COUNCIL MEMBER

DATE

ATTEST:

CITY CLERK

MAYOR