



**MINUTES
YAKIMA CITY COUNCIL**

July 20, 2021

City Hall – Council Chambers

5:00 p.m. Executive Session; 5:30 p.m. Regular meeting; 6:00 p.m. Public hearings.

EXECUTIVE SESSION

1. Executive Session regarding pending litigation

Present: Mayor Patricia Byers, presiding, Assistant Mayor Holly Cousens and Councilmembers Kay Funk, Brad Hill (attending via speakerphone), Soneya Lund and Eliana Macias

Staff: Acting City Manager Scott Schafer, City Attorney Sara Watkins and City Clerk Sonya Claar Tee

Absent: Councilmember Jason White

MOTION: Cousens moved and Macias seconded to adjourn to Executive Session for up to 30 minutes to discuss pending litigation. The motion carried by unanimous vote, White absent.

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Executive Session was held and adjourned at 5:29 p.m.

1. **Roll Call**

Present: Mayor Patricia Byers, presiding, Assistant Mayor Holly Cousens and Councilmembers Kay Funk, Brad Hill (attending via speakerphone), Soneya Lund, Eliana Macias and Jason White (attending via speakerphone)

Staff: Acting City Manager Scott Schafer, City Attorney Sara Watkins and City Clerk Sonya Claar Tee

2. **Pledge of Allegiance**

Mayor Byers led the Pledge of Allegiance.

3. **Interpreter Services**

Mayor Byers introduced Aurora who announced interpreter services are available in Spanish.

4. **Open Discussion for the Good of the Order**

A. Proclamations

- i. National Night Out proclamation

Councilmember Soneya Lund proclaimed Tuesday, August 3, 2021 as “Yakima's Night Out Against Crime & Drugs.” Adrienne Garner and Anthony Peterson accepted the proclamation via the telephone.

5. Council Reports

- A. Discussion regarding the City Council Rules of Procedures for appointing Council members to outside boards

Councilmember Funk outlined her proposal regarding appointing Council members to outside boards and committees.

MOTION: Funk moved and Hill seconded to accept the attached redline version as an amendment to the Council Rules of Procedures. Mayor Byers read the amendment as follows: (h) In accordance with our City Charter, the Mayor has no executive authority. All appointments to represent the City of Yakima and the Yakima City Council to outside groups are full Council decisions. There will be an exception when state statute requires representation from the Mayor. The motion carried by a 4-3 vote, Cousens, Byers, and White voting no.

- B. Discussion regarding allowing street legal altered leisure vehicles on streets within City limits

Acting City Manager Schafer introduced the item. After Council discussion,

MOTION: Lund moved and Cousens seconded to direct staff to bring back an ordinance allowing street legal altered vehicles according to Washington state laws. The motion carried by unanimous vote.

- C. Proposed resolutions associated with requested Charter change language

City Attorney Sara Watkins briefed Council on the proposed Charter amendments. Ms. Watkins stated each ballot measure will need to have a three member pro/con committee, which could be formed at the August 2 Council meeting.

After Council discussion, the City Clerk read the resolutions by title only.

MOTION: Funk moved and Macias seconded to adopt the resolution for proposition 1 amendment for Council attendance. The motion carried by unanimous vote.

Proposition 1: **RESOLUTION NO. R-2021-093, A RESOLUTION** providing for the submission to the qualified electors of the City of Yakima at an election to be held on November 2, 2021, of a Proposition on whether Article VI, Section 4 of the Charter of the City of Yakima should be amended to add language regarding attendance and vacancies of City Council members; approving ballot title; making ancillary and corrective amendments throughout the Charter; and requesting the Yakima County Auditor to submit the Proposition to the voters on the regular municipal general election to be held November 2, 2021.

MOTION: Funk moved and Cousens seconded to adopt the resolution proposal for the amendment clarification for housekeeping as written. The motion carried by unanimous vote.

Proposition 2: **RESOLUTION NO. R-2021-094, A RESOLUTION** providing for the

submission to the qualified electors of the City of Yakima at an election to be held on November 2, 2021, of a Proposition on whether Articles II, VI, VII, XIII, and XV of the Charter of the City of Yakima should be amended to make corrective and clarifying amendments throughout, conforming to state law provisions regarding purchases of supplies, material, equipment or services, appropriations, amendments to the Charter and civil service; approving ballot title; making ancillary and corrective amendments throughout the Charter; and requesting the Yakima County Auditor to submit the Proposition to the voters on the regular municipal general election to be held November 2, 2021.

6. 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.

- A. Approval of minutes from the June 29, 2021 City Council special meeting, July 6, 2021 City Council regular meeting and July 13, 2021 City Council study session
- B. Approve payment of disbursements for the period June 1 – 30, 2021.
- C. 2021 2nd Quarter Treasury Report
- D. Request for authorization to purchase fire engines
- E. Resolution authorizing acceptance of a grant from the Federal Aviation Administration (FAA) under the American Rescue Plan Act to provide economic assistance in response to COVID-19 operational impacts

RESOLUTION NO. R-2021-095, A RESOLUTION authorizing acceptance of a grant from the Federal Aviation Administration (FAA) under the American Rescue Plan Act to provide economic assistance in response to COVID-19 operational impacts.

- F. Resolution authorizing a contract with Thayer Excavating LLC for Wetland Mitigation Area Construction Project 2549 as part of Phase 2 of the Spring Creek Road Improvements

RESOLUTION NO. R-2021-096, A RESOLUTION authorizing an Agreement with Thayer Excavating LLC to establish wetland mitigation site within the Wastewater Treatment Plant property for Project 2549 as part of Phase 2 of the Spring Creek Road Improvement Project.

- G. Resolution authorizing an Agreement with M Sevigny Construction Inc for the Yakima Police Department Special Investigations Unit Office Construction Project

RESOLUTION NO. R-2021-097, A RESOLUTION authorizing an agreement with M Sevigny Construction Inc for the Yakima Police Department Special Investigation Unit Office Construction Project

- H. Resolution authorizing settlement of a damage claim filed by Central Washington Railroad (“CWRR”) and the associated suit for declaratory judgment filed by Yakima County, including all cross claims and counter claims between the parties

RESOLUTION NO. R-2021-098, A RESOLUTION authorizing settlement of a damage claim filed by Central Washington Railroad (“CWRR”) and the associated suit for declaratory judgment filed by Yakima County, including all cross claims and counter claims between the parties

- I. 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 (Second Reading)

ORDINANCE NO. 2021-013, 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.

- J. Ordinance amending section 6.05.130, for the purpose of adopting the equivalent Revised Code of Washington statute; and enacting a new section relating to exposing minor child(ren) to domestic violence

ORDINANCE NO. 2021-014, AN ORDINANCE relating to Public Safety; amending the City of Yakima Municipal Code; amending section 6.05.130, for the purpose of adopting the equivalent Revised Code of Washington statute; and enacting a new section relating to exposing minor child(ren) to domestic violence.

7. **Public Comment**

Joey Anderson, city resident, wanted to speak on a non agenda item. Mayor Byers indicated that public comment is limited to items listed on the agenda.

Gary Kissling, city resident, spoke in support of the street legal altered vehicle.

Liz Hallock, city resident, spoke via telephone in support of the ordinance relating to domestic violence in the presence of a minor.

PUBLIC HEARINGS

8. Public Hearing and resolution authorizing an Interlocal Agreement with Yakima County regarding the 2021 Justice Assistance Grant

Chief Murray briefed Council on the item.

Mayor Byers opened the public hearing and, with no one coming forward to speak, closed the hearing.

The City Clerk read the resolution by title only.

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

RESOLUTION NO. R-2021-099, A RESOLUTION ratifying an application for a grant in the total amount of \$63,105 from the United States Department of Justice, Bureau of Justice Administration, Edward Byrne Memorial Justice Assistance Grant Program

DEPARTMENT ITEMS

9. Equipment Repair and Replacement Plan

Chief Markham reviewed the Fire Department's equipment repair and replacement plan and answered questions by Council members.

10. Other Business

MOTION: Funk moved and Macias seconded that we add to the August 2 Business meeting agenda, discussion of an application for a grant for a feasibility study for an anaerobic digester. The motion carried by unanimous vote.

MOTION: Funk moved that we add to the August 2 Business meeting agenda, review of the credentials or resume of our previous Deputy Fire Chief, Patrick Reid, the incoming Deputy Fire Chief and the other applicants for the position. The motion died for a lack of a second.

Councilmember Funk requested information and regular updates on the staff recommendations to actualize our affordable housing plan, and noted the City is not adding very many housing units despite our housing crisis.

MOTION: Byers moved and Cousens seconded to direct staff to bring back to the next Council meeting, a resolution putting forth to a vote of the people whether to change the Yakima City Charter to prohibit a local income tax and any other documents needed to put such a Charter resolution on the November 2021 ballot. The motion carried by a 5-2 vote, Funk and Macias voting no.

Councilmember Funk again brought up the credentials of former and current Deputy Fire Chiefs. Assistant Mayor Cousens raised a Point of Order, stating the topic is not in the purview of the Council to make that determination. Mayor Byers stated the point is well taken. Councilmember Funk appealed the Mayor's ruling, which died for lack of a second.

11. Adjournment

MOTION: Cousens moved and Lund seconded to adjourn to a City Council study session on July 27, 2021 at 5 p.m. in the Council Chambers. The motion carried by unanimous vote. The meeting adjourned at 6:37 p.m.

CERTIFICATION

READ AND CERTIFIED ACCURATE BY

COUNCIL MEMBER DATE

COUNCIL MEMBER DATE

ATTEST:

CITY CLERK

MAYOR

DRAFT