



**MINUTES
YAKIMA CITY COUNCIL**

November 16, 2021

City Hall -- Council Chambers

5:30 p.m. Regular meeting 6:00 p.m. public hearings -- conducted via Zoom

1. Roll Call

Present: 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. Presentations / Recognitions / Introductions

i. Introduction of Interim Assistant City Manager Matthew "Selby" Selby

City Manager Harrison introduced Interim Assistant City Manager Matthew "Selby" Selby.

B. Appointments to Boards, Commissions and Council Committees

i. Council Nominating Committee Recommendation of Appointments to Boards and Committees

MOTION: Macias moved and Cousens seconded to appoint and reappoint:

- **Juan Alvarado to the Yakima Housing Authority**
- **John Cooper, Sara Davila and Anne Moneymaker to the Lodging Tax Advisory Committee**
- **Jennifer Gindt to the Bicycle/Pedestrian Committee**
- **Louisa Beckstrand to the Charter Civil Service Commission**
- **Clayton Bussey to the Historic Preservation Commission**
- **Sara Davila, Sarah Purdy and Jerens Frank to the Hotel/Motel – Tourist Promotion Area (TPA)**

The motion carried by unanimous vote, White absent.

3. Council Reports

None.

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. Item 4F was removed from the consent agenda and items 10 and 11 were added to the consent 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.)

MOTION: Cousens moved and Macias seconded to approve the consent agenda. The motion carried by unanimous vote, White absent.

- A. Approval of minutes from the November 1, 2021 City Council regular meeting and November 9, 2021 City Council study session
- B. Approve payment of disbursements for the period October 1 – 31, 2021
- C. October 2021 Investment Transactions Report
- D. 2021 3rd Quarter Financial Report
- E. Resolution accepting and approving 3rd Quarter 2021 Claim Report

RESOLUTION NO. R-2021-146, A RESOLUTION accepting and approving the 3rd Quarter 2021 Claim Report for the City of Yakima.

- F. This item was removed from the consent agenda
- G. Resolution authorizing the City Treasurers Petty Cash and Change Funds

RESOLUTION NO. R-2021-147, A RESOLUTION authorizing the existence of Change Funds, and other Petty Cash Funds, within the various Funds of the City of Yakima.

- H. Resolution authorizing an agreement with the Washington State Department of Transportation to fund the Yakima/Ellensburg Commuter Service

RESOLUTION NO. R-2021-148, A RESOLUTION authorizing an agreement with the Washington State Department of Transportation to fund the Yakima/Ellensburg Commuter.

- I. Resolution authorizing an agreement with the Washington State Department of Transportation to fund Paratransit Services (Dial A Ride)

RESOLUTION NO. R-2021-149, A RESOLUTION authorizing an agreement with the Washington State Department of Transportation to fund Paratransit Services (Dial A Ride).

- J. Resolution authorizing an Agreement with TTC Construction, LLC. for Project No. AC2533 30-inch transmission main valve installation

RESOLUTION NO. R-2021-150, A RESOLUTION authorizing an agreement with TTC Construction, LLC. for Project No. AC2533 30-inch transmission main valve installation.

- K. Resolution accepting a grant from Resources Legacy Fund and authorizing a Grant Agreement for the Nelson Dam deconstruction

RESOLUTION NO. R-2021-151, A RESOLUTION accepting a grant from Resources Legacy Fund and authorizing a Grant Agreement for the Nelson Dam Removal: Water Supply, Riverine Process and Fish Passage Improvements.

- L. Resolution authorizing a settlement agreement by Cities Insurance Association of Washington ("CIAW") and Munich Reinsurance to resolve and settle the claim brought by Marie Bossert

RESOLUTION NO. R-2021-152, A RESOLUTION approving the conditional settlement agreement entered into by Cities Insurance Association of Washington ("CIAW") and Munich Reinsurance to settle the claim brought against the City of Yakima by Marie Bossert.

- M. Resolution ratifying and approving a grant agreement with the Washington State Office of Public Defense for 2022-2023 to assist with indigent defense expenses

RESOLUTION NO. R-2021-153, A RESOLUTION ratifying and approving the City Manager's execution of a grant agreement with the Washington State Office of Public Defense accepting the terms and conditions for a grant for 2022-2023.

- N. Resolution authorizing a Memorandum of Understanding with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) regarding the NIBIN Enforcement Support System (NESS)

RESOLUTION NO. R-2021-154, A RESOLUTION authorizing a Memorandum of Understanding with the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) regarding the NIBIN Enforcement Support System (NESS).

- O. Resolution authorizing a professional services contract for inmate health care services with Kite Med Consultants, LLC

RESOLUTION NO. R-2021-155, A RESOLUTION authorizing a professional services contract for inmate health care services with Kite Med Consultants, LLC.

- P. Ordinance adopting the City Council's decision on CPA#002-21 and RZ#002-21

ORDINANCE NO. 2021-030, AN ORDINANCE amending the Future Land Use Map and Zoning Map of the City of Yakima for a portion of parcel 181321-13468 as follows: Future Land Use Map from Mixed Residential to Community Mixed-Use and Zoning Map from Two-Family Residential (R-2) to Local Business (B-2) .

- Q. Ordinance adopting the City Council's decision on CPA#003-21 and RZ#003-21

ORDINANCE NO. 2021-031, AN ORDINANCE amending the Future Land Use Map and Zoning Map of the City of Yakima for a portion of parcel 181335-23406 as follows: Future Land Use Map from Low-Density Residential to Mixed Residential and Zoning Map from Single-Family Residential (R-1) to Multi-Family Residential (R-3).

- R. Ordinance adopting the City Council's decision on CPA#004-21 and RZ#004-21

ORDINANCE NO. 2021-032, AN ORDINANCE amending the Future Land Use Map and Zoning Map of the City of Yakima for a Parcel 181326-32008 as follows: Future Land Use Map from Low-Density Residential to Community Mixed-Use and Zoning Map from Single-Family Residential (R-1) to Local Business (B-2).

- S. Ordinance adopting the City Council's decision on CPA#005-21 and RZ#005-21

ORDINANCE NO. 2021-033, AN ORDINANCE amending the Future Land Use Map and

Zoning Map of the City of Yakima for a portion of Parcel 191331-22545 as follows: Future Land Use Map from Community Mixed-Use to Mixed Residential and Zoning Map from Local Business (B-2) to Two-Family Residential (R-2).

T. Ordinance adopting the City Council's decision on CPA#006-21 and RZ#006-21

ORDINANCE NO. 2021-034, AN ORDINANCE amending the Future Land Use Map and Zoning Map of the City of Yakima for Parcel 181328-11008 as follows: Future Land Use Map from Low Density Residential to Community Mixed-Use and Zoning Map from Single-Family Residential (R-1) to Local Business (B-2).

U. Ordinance adopting the City Council's decision on CPA#007-21 and RZ#007-21

ORDINANCE NO. 2021-035, AN ORDINANCE amending the Future Land Use Map and Zoning Map of the City of Yakima for Parcel 181329-42428 as follows: Future Land Use Map from Low Density Residential to Commercial Mixed Use and Zoning Map from Single-Family Residential (R-1) to Large Convenience Center (LCC).

V. Ordinance updating Classification and Compensation Plan for City Employees Section 2.20.100

ORDINANCE NO. 2021-036, AN ORDINANCE relating to City personnel; adopting a classification and compensation plan for City employees to be effective December 19, 2021 and repealing all preceding pay ordinances in the City of Yakima Municipal Code.

W. Ordinance Creating Custodial Fund 633 and adding Municipal Code Section 3.126 (second reading)

ORDINANCE NO. 2021-037, AN ORDINANCE authorizing the establishment of a Fiduciary Fund 633 "Custodial Fund" to account for the monies collected on behalf of another agency and adding Municipal Code Section 3.126.

X. Ordinance amending the City of Yakima Municipal Codes Section 3.125.010, Clean City Fund (first reading)

First reading of an ordinance amending the City of Yakima Municipal Code Section 3.125.010, Clean City Fund.

Y. Ordinance Amending Municipal Code 3.15 Equipment Rental & Replacement Fund (first reading)

First reading of an ordinance amending Municipal Code 3.15 Equipment Rental & Replacement Fund language to reflect current practice and administration.

Z. Resolution authorizing a contract with Genesis Housing Services, a division of Catholic Charities Housing Services, for \$750,000 of HOME Investment funds to support the construction of a 16-unit farmworker affordable housing complex located at 615 N 16th Ave

RESOLUTION NO. R-2021-156, A RESOLUTION authorizing an agreement with Genesis Housing Services in the amount of up to Seven Hundred and Fifty Thousand Dollars (\$750,000) in Federal Housing and Urban Development HOME funds for assistance with the construction of 16 low-income farmworker housing units.

AA. Resolution authorizing an application to the Yakima County Supporting Investment in Economic Development (SIED) Grant Program for the Traffic and Safety Study for Yakima Chief Hop Campus Expansion

RESOLUTION NO. R-2021-157, A RESOLUTION authorizing a grant of up to \$30,000 from Yakima County Supporting Investments in Economic Development (SIED) fund to support a traffic study for Yakima Chief Hops.

Items Removed from the Consent Agenda

- A. Resolution setting the date of December 7, 2021 for a Public Hearing regarding modification of the Transportation Benefit District Project List

Council members discussed and questioned the project list and process. After discussion,

MOTION: Lund moved and Cousens seconded to postpone this issue to the next meeting. The motion carried by unanimous vote, White absent.

5. Public Comment

Dulce Gutierrez, City resident, spoke about the City's legislative priorities related to her support for an eastside pool.

PUBLIC HEARINGS

6. Public hearing and ordinances pertaining to Ad Valorem Taxes to be levied for collection in Fiscal Year 2022

Jennifer Ferrer-Santa Ines, Director of Finance & Budget, briefed Council on the ad valorem ordinances.

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

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

MOTION: Cousens moved and Macias seconded to pass ordinances A & B. The motion carried by unanimous vote, White absent.

A. ORDINANCE NO. 2021-038, AN ORDINANCE relating to the annual property tax levy; declaring the City Council's intent to increase the City's 2022 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.

B. ORDINANCE NO. 2021-039, AN ORDINANCE fixing and levying the amount of ad valorem taxes necessary to discharge the expected expenses and obligations for the 2022 Budget for the City of Yakima.

7. Second public hearing on the 2022 Preliminary Budget for the City of Yakima

Jennifer Ferrer-Santa Ines, Director of Finance & Budget, briefed Council on the 2022 preliminary budget and stated an ordinance to adopt the budget will be brought to the next Council meeting.

Mayor Byers opened the public hearing. Dulce Gutierrez, City resident, spoke in support of capital investments on the east side of Yakima. With no one else calling in to speak, Mayor Byers closed the hearing.

8. Public hearing and ordinance relating to health and sanitation; regarding an increase in refuse rates, and amending Chapter 4.16.140 of the City of Yakima Municipal Code accordingly

Scott Schafer, Public Works Director, briefed Council on the ordinance.

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

The City Clerk read the ordinance by title only.

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

ORDINANCE NO. 2021-040, AN ORDINANCE relating to health and sanitation; regarding an increase in refuse rates, and; amending Chapter 4.16.140 of the City of Yakima Municipal Code accordingly.

9. Closed record hearing to consider an appeal of the Hearing Examiner's decision regarding a modification to an existing site plan for the West Valley School District - Apple Valley Elementary

Mayor Byers stated this is a closed record appeal and the Council is sitting in its quasi-judicial capacity. She stated because this is a quasi-judicial hearing, there is an appearance of fairness doctrine and Council will need to answer the following questions:

1) Do any Council members have any interest in the property or the application, or own property within 300 feet of the property subject to the application? Council responded they did not.

2) Do Council members stand to gain or lose a financial benefit as a result of the outcome of the appeal? The response was no.

3) Can Council hear and consider the application in a fair and objective manner? Council stated they could.

4) Has Council had any ex parte communications with West Valley School District personnel, Julia Ericson, or John Manfredi, or anyone else, regarding this modification application or the appeal thereof during the pendency of this appeal? With the exception of Mayor Byers, no Council members have had any ex parte communications. Mayor Byers noted a West Valley School Board member mentioned the appeal and she reported to him that she could not discuss the issue.

Mayor Byers asked if anyone wished to challenge any Council members participation in this appeal on appearance of fairness grounds and no one from the audience spoke to the matter.

Mayor Byers reviewed the ground rules and then opened the public hearing.

Appellant Julie Wilson-McNerney, Attorney with Perkins Coie Law Firm and speaking on behalf of West Valley School District, read a statement and asked Council to reverse the Hearing Examiner's decision. Respondent Sara Watkins, City Attorney, spoke on behalf of the City regarding why the Council should uphold and affirm the Hearing Examiner's decision.

Appellant Julie Wilson-McNerney reiterated why the West Valley School District believes the City should overturn the Hearing Examiner's decision. With no one else calling in to speak, the Mayor closed the hearing. After Council discussion,

MOTION: Cousens moved and Hill seconded to affirm and adopt the Hearing Examiner's decision. The motion carried by a 5-1 vote, Funk voting no and White absent.

DEPARTMENT ITEMS

10. This item was added to the consent agenda becoming item 4Z

11. This item was added to the consent agenda becoming item 4AA

12. Consideration of 2022 City of Yakima State and Federal Legislative Priorities

Randy Beehler, Communications and Public Affairs Manager, briefed Council on the revised State and Federal Legislative Priorities. After discussion,

MOTION: Cousens moved and Funk seconded to adopt the revised 2022 City of Yakima State and Federal Legislative Priorities. The motion carried by unanimous vote, White absent.

13. **Other Business**

Councilmember Funk referenced the information item on the Comprehensive Master Plan for Yakima Parks and Recreation and suggested Council have a study session on this topic in January. Parks and Recreation Manager Wilkinson reported this item will be brought back to Council in February for action.

14. **Adjournment**

MOTION: Cousens moved and Funk seconded to adjourn to the next City Council regular meeting on December 7, 2021, at 5:30 p.m. via Zoom. The motion carried by unanimous vote, White absent. The meeting adjourned at 7:11 p.m.

CERTIFICATION

READ AND CERTIFIED ACCURATE BY

DRAFT

COUNCIL MEMBER

DATE

COUNCIL MEMBER

DATE

ATTEST:

CITY CLERK

MAYOR