



**MINUTES
YAKIMA CITY COUNCIL
December 14, 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. Newly Elected Process

A. Administration of Oaths of Office to Judge Woodard and Judge Olwell

City Clerk Claar Tee administered the Oath of Office to Judge Woodard and Judge Olwell.

3. Open Discussion for the Good of the Order

A. Proclamations

i. Homeless Persons Memorial Proclamation

Mayor Byers proclaimed December 21, 2021, as "Homeless Persons' Memorial Day" and Rhonda Hauff, CEO at Yakima Neighborhood Health, accepted it.

B. Presentations / Recognitions / Introductions

i. Recognition of outgoing Council members Funk, Hill and White

Mayor Byers recognized outgoing Councilmembers Funk, Hill and White for their service to the City of Yakima.

4. Council Reports

None.

5. 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 Macias seconded to approve the consent agenda. The motion carried by unanimous vote, White absent.

- A. Approve payment of disbursements for the period November 1 – 30, 2021.
- B. November 2021 Investment Transactions Report
- C. Resolution authorizing award of BID 12126S and execution of agreements with Core Northwest LLC, and Knobel's Electric, Inc., to purchase Unit-Price Electrical Services

RESOLUTION NO. R-2021-165, A RESOLUTION authorizing award of BID 12126S and execution of agreements with Core Northwest LLC, and Knobel's Electric, Inc., to purchase Unit-Price Electrical Services.

- D. Resolution authorizing a Professional Services Agreement with Gray & Osborne, Inc. for the Robertson Elementary Safe Routes to School Project AT2562

RESOLUTION NO. R-2021-166, A RESOLUTION authorizing a Professional Services Agreement with Gray & Osborne, Inc. to prepare civil engineering plans and specifications for the Robertson Elementary Safe Routes to School project.

- E. Resolution authorizing an agreement with People for People to provide assessment and case management services for the City of Yakima Community Diversion Program through December 2022.

RESOLUTION NO. R-2021-167, A RESOLUTION authorizing and directing the City Manager of the City of Yakima to execute an agreement with People for People to provide assessment and case management services for the City of Yakima Community Diversion Program through December 2022.

- F. Resolution authorizing the Chief of Police of the City of Yakima to execute an Interlocal Agreement with the Washington Traffic Safety Commission for funding a law enforcement liaison

RESOLUTION NO. R-2021-168, A RESOLUTION authorizing the Chief of Police of the City of Yakima to execute an Interlocal Agreement Between the City of Yakima Police Department and the Washington Traffic Safety Commission for funding a Law Enforcement Liaison.

- G. Resolution authorizing the City Manager to sign an Assignment and Assumption Agreement regarding the Purchase and Sale Agreement dated August 6, 2021 between Filer Holdings, LLC and the City of Yakima and ratifying the signatures of the City Manager on all prior documents and amendments associated with the Agreement

RESOLUTION NO. R-2021-169, A RESOLUTION authorizing the City Manager to sign an Assignment and Assumption Agreement regarding the Purchase and Sale Agreement dated August 6, 2021 between Filer Holdings, LLC and the City of Yakima and ratifying the signatures of the City Manager on all prior documents and amendments associated with the Agreement.

- H. 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. 2021-044, 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.

6. Public Comment

Kelly Tobey, City resident, spoke in support of the Homeless Persons Memorial.

PUBLIC HEARINGS

7. Closed record public hearing and Resolution to consider the Hearing Examiner's recommendation regarding the master planned development and development agreement originally submitted by Greg and Adele Bainter for the Plat of Upper Valley Estates, located at 502 S 90th Avenue

Mayor Byers stated this is a closed record public hearing 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 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? Council responded they did not.
2. Do you stand to gain or lose any financial benefit as a result of the outcome of the appeal? The response from Council was no.
3. Can you hear and consider the application in a fair and objective manner? Council stated they could.
4. Have you had any ex parte communications with the developer or anyone else regarding this proposed subdivision? Council members stated they have not had any ex parte communications.

Mayor Byers asked if anyone wished to challenge any council member's participation in this matter on appearance of fairness grounds, and no one from the audience spoke to the issue. Mayor Byers introduced Senior Planner Trevor Martin who provided the staff report.

Mayor Byers opened the public hearing. Before the public commenters spoke, the City Clerk asked each person the following question: "do you promise to tell the truth in this matter presently before the City Council?" Each speaker promised to tell the truth in this matter.

Carl Neuman, City resident, spoke against the issue, stating he owns neighboring property and the scope of the development has enlarged since inception. He asked Council to delay approval of the project, citing public safety concerns with children walking to school. Katie and Max Rutger, City residents, echoed Mr. Neuman's comments. Tom Durant, spoke on behalf of the developer, stated the Hearing Examiner held the hearing open for additional information from the applicant, staff addressed the concerns raised, and all of this information is included in the record. With no one else calling in to speak, Mayor Byers closed the hearing.

Trevor Martin, Senior Planner, clarified the Rutger's did not participate in the hearing. Mayor Byers indicated the Rutger's statements cannot be considered.

The City Clerk read the resolution by title only. After discussion,

MOTION: Cousens moved and Macias seconded to adopt the resolution. The motion

carried by a unanimous vote, White absent.

RESOLUTION NO. R-2021-170, A RESOLUTION approving the Master Planned Development (PD#002-21) and authorizing and directing the City Manager to execute a Development Agreement with A DLT INVESTMENT GROUP LLC (herein after “Developer”) to provide for the terms and conditions of development of a preliminary short plat and planned development to be located at 502 S. 90th Ave., in the City of Yakima.

8. Closed record public hearing and Resolution to consider the Yakima Planning Commission's recommendation regarding the preliminary plat of Aspen Estates Phase 2 submitted by Aspen Tree LLC located in the vicinity of W Washington Ave & S 64th Ave

Mayor Byers stated this is a closed record public hearing 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 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? Council responded they did not.
2. Do you stand to gain or lose any financial benefit as a result of the outcome of the appeal? The response from Council was no.
3. Can you hear and consider the application in a fair and objective manner? Council stated they could.
4. Have you had any ex parte communications with the developer or anyone else regarding this proposed subdivision? Council members stated they have not had any ex parte communications.

Mayor Byers asked if anyone wished to challenge any council member's participation in this matter on appearance of fairness grounds, and no one from the audience spoke to the issue. Mayor Byers introduced Senior Planner Trevor Martin who provided the staff report and informed Council that Eric Herzog, on behalf of the developer, is available for any questions.

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

RESOLUTION NO. R-2021-171, A RESOLUTION approving the Preliminary Long Plat of Aspen Estates – Phase 2, a 22-lot subdivision located in the vicinity of S. 64th Ave. and W. Washington Ave.

9. **Other Business**

Mayor Byers thanked Public Works Director Scott Schafer, Assistant Public Works Director Dave Brown, and Code Administration Manager Glenn Denman on their reports referenced in general information. She wished the community happy holidays.

10. **Adjournment**

MOTION: Cousens moved and Lund seconded to adjourn to a Special meeting on December 21, 2021, at 5:00 p.m. via Zoom. The motion carried by unanimous vote, White absent. The meeting adjourned at 6:38 p.m.

CERTIFICATION

READ AND CERTIFIED ACCURATE BY

COUNCIL MEMBER

DATE _____

COUNCIL MEMBER

DATE _____

ATTEST:

CITY CLERK

MAYOR

DRAFT