



**MINUTES  
YAKIMA CITY COUNCIL**

**June 7, 2022**

**City Hall -- Council Chambers**

**4:45 p.m. Executive session; 5:30 p.m. regular meeting; 6:00 p.m. public hearings --  
conducted in person and virtually via Zoom**

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**EXECUTIVE SESSION**

1. Executive Session regarding pending litigation and to consider the selection of a site or the acquisition of real estate by lease or purchase per RCW 42.30.110 (1)(i) and (b)

Present: Mayor Janice Deccio, presiding, Assistant Mayor Soneya Lund and Councilmembers Matt Brown, Patricia Byers, Holly Cousens, Danny Herrera and Eliana Macias

**MOTION: Lund moved and Byers seconded to adjourn to Executive Session for up to 45 minutes regarding pending litigation and acquisition of real estate per RCW 42.30.110 (1)(i) and (b).** The motion carried by unanimous vote. Executive Session was held and adjourned at 5:17 p.m.

1. **Roll Call**

Present: Mayor Janice Deccio, presiding, Assistant Mayor Soneya Lund and Councilmembers Matt Brown, Patricia Byers, Holly Cousens, Danny Herrera and Eliana Macias

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

2. **Pledge of Allegiance**

Mayor Deccio led the Pledge of Allegiance.

3. **Interpreter Services**

Mayor Deccio introduced Jorge Villasenor who announced interpreter services are available in Spanish.

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

A. Proclamations

- i. Juneteenth Freedom Week proclamation

Assistant Mayor Lund proclaimed the week of June 13 through June 19, 2022 as "Juneteenth Freedom Week", Reesha Cosby, President of the Yakima County NAACP, accepted the proclamation.

- ii. Pride month proclamation

Mayor Deccio proclaimed the month of June 2022 as “Lesbian, Gay, Bisexual, Transgender, Queer, Two-Spirit, and Intersex Pride Month” and Cristina Ortega accepted the proclamation.

- iii. Narcissa Whitman Chapter, NSDAR Day proclamation

Councilmember Byers proclaimed June 19, 2022 as “Narcissa Whitman Chapter, NSDAR Day” and Jill Scott accepted the proclamation.

- iv. Yakima Citizens and Family Diversity month proclamation

Councilmember Herrera proclaimed the month of June 2022 as “Yakima Citizens and family diversity month” and Edgar Hernandez Jr. accepted the proclamation.

B. Presentations / Recognitions / Introductions

- i. Yakima School District Board update

Yakima School District Superintendent Trevor Greene provided an update on Yakima School District activities. Mr. Greene reported on a new Capital Facilities Advisory Committee and invited two non-elected City staff members to be part of the Committee.

C. Appointments to Boards, Commissions and Council Committees

- i. Appointments to Boards & Committees

Councilmember Cousens reported on the recent Council Nominating Committee meeting.

**MOTION: Macias moved and Cousens seconded to appoint Linda Ferguson to the Parks and Recreation Commission.** The motion carried by unanimous vote.

**MOTION: Macias moved and Cousens seconded to reappoint Donna Janovitch, and appoint Trisha Williams and Analilia Nunez to the Henry Beauchamp Community Center Advisory Committee.** The motion carried by unanimous vote.

**MOTION: Macias moved and Cousens seconded to reappoint Jheri Ketchum and Daniel Layton to the Tree City USA Board.** The motion carried by unanimous vote.

**MOTION: Macias moved and Byers seconded to reappoint Mary Place and Leanne Hughes-Mickel, and appoint Frieda Stephens to the Planning Commission.** The motion carried by unanimous vote.

**MOTION: Macias moved Cousens seconded to reappoint Margaret Luera to the Public Facilities District Board.** The motion carried by unanimous vote.

**MOTION: Macias moved Cousens seconded to reappoint Dori Peralta Baker and appoint Giovanni Severino and Natalie McClendon to the Community Integration Committee.** The motion carried by unanimous vote.

After discussion,

**MOTION: Byers moved and Brown seconded to appoint Kenton Gartrell to the Community Integration Committee.** The motion failed by a 5-2 vote with Cousens, Deccio, Herrera, Macias and Lund voting no.

5. **Council Reports**

None.

6. **Consent Agenda**

Mayor Deccio referred to the items placed on the Consent Agenda, questioning whether there were any additions or deletions from Council members present. Item 6Q was removed from 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 Byers seconded to approve the consent agenda.** The motion carried by unanimous vote.

- A. Approval of minutes from the May 17, 2022 City Council regular meeting
- B. Set Date of July 5, 2022 to consider a Notice of Intent to Commence Annexation
- C. Set date of July 5, 2022 for a closed record public hearing to consider the Hearing Examiner's recommendation regarding the preliminary plat of "Anderson Park Phase 4" submitted by Cottonwood Partners LLC located in the vicinity of Occidental Rd & S 58th Ave
- D. Project Completion of the Fuel Management System Upgrades Project 2512 with Mascott Equipment Company
- E. Project Completion and Contract Acceptance for Total Site Services LLC - E Viola Ave Waterline Replacement Project AC2503
- F. Resolution authorizing a contingent settlement agreement by Cities Insurance Association of Washington, Munich Reinsurance, and the City of Yakima to resolve and settle the claim brought by Mario Garcia, Sr., et al.

**RESOLUTION NO. R-2022-058, A RESOLUTION** approving the conditional settlement agreement entered into by Cities Insurance Association of Washington ("CIAW"), Munich Reinsurance ("Munich"), and the City of Yakima to settle the claim brought against the City of Yakima by Mario Garcia, Sr., et al.

- G. Resolution authorizing an agreement with Active Construction, Inc. for the Naches River Water Intake Project

**RESOLUTION NO. R-2022-059, A RESOLUTION** authorizing an agreement with Active Construction, Inc. for Project No. AC2335 Naches River Water Intake Project.

- H. Resolution to accept agreement with the Bureau of Reclamation to remove the existing fish ladder at Nelson Dam

**RESOLUTION NO. R-2022-060, A RESOLUTION** authorizing acceptance of an Agreement with the Bureau of Reclamation for \$490,000 pay expenses related to the fish ladder removal as part of the Nelson Dam Removal: Water Supply, Riverine Process and Fish Passage Improvements, Project IC2010.

- I. Resolution authorizing the sole source purchase of spiral heat exchangers from Alfa

**RESOLUTION NO. R-2022-061, A RESOLUTION** authorizing the sole source purchase of spiral heat exchangers from Alfa Laval, Inc. for the City of Yakima Wastewater Treatment Plant.

- J. Resolution authorizing acceptance of a Revised Department of Transportation 2021 National Highway System Asset Management Award for N. 1st Street Phase 3

**RESOLUTION NO. R-2022-062, A RESOLUTION** authorizing acceptance of a Revised Department of Transportation 2021 National Highway System Asset Management Award for the N 1st Street Phase 3 project and directing the City Manager to take all necessary steps to secure the funding.

- K. Resolution declaring a refuse truck (ER 3282) surplus and authorizing its disposal per Surplus Disposal Policy 3-100

**RESOLUTION NO. R-2022-063, A RESOLUTION** declaring refuse truck (ER 3282) surplus and authorizing its disposal per Surplus Disposal Policy 3-100.

- L. Resolution authorizing an agreement with the Washington Traffic Safety Commission for high visibility traffic safety emphasis patrols

**RESOLUTION NO. R-2022-064, A RESOLUTION** authorizing an agreement with Washington Traffic Safety Commission to provide pass-through funding from the US Department of Transportation to conduct high-visibility enforcement traffic safety emphasis patrols.

- M. Resolution authorizing an agreement with AMS for alcohol monitoring services for the Yakima Police Department

**RESOLUTION NO. R-2022-065, A RESOLUTION** authorizing execution of an agreement with Alcohol Monitoring Systems, Inc., for provision of alcohol monitoring equipment and supporting services for the Yakima Police Department.

- N. Resolution authorizing the Yakima County Commissioners to place the Emergency Medical Services Levy on the ballot for a county-wide vote

**RESOLUTION NO. R-2022-066, A RESOLUTION** approving Yakima County's placement of a proposed Emergency Medical Services (EMS) levy on the ballot before December 31, 2022, for a county-wide vote pursuant to RCW 84.52.169.

- O. Resolution authorizing a one year lease extension with the Tower, LLC to provide office space to house the Capitol Theatre staff

**RESOLUTION NO. R-2022-067, A RESOLUTION** authorizing a lease extension with The Tower, LLC to provide office space to house the Capitol Theatre staff.

- P. Resolution authorizing an agreement between the City of Yakima Coordinated Community Response for Domestic Violence Team members to formalize a partnership with a shared purpose, define roles, and confidentiality obligations

**RESOLUTION NO. R-2022-068, A RESOLUTION** authorizing the City Manager to execute an agreement between the City of Yakima Coordinated Community Response for Domestic Violence Team (DVCCRT) members to formalize a partnership with a shared purpose, and to define roles and confidentiality obligations.

## Items Removed from the Consent Agenda

### A. Resolution rescinding Resolution R-2021-080

Mayor Deccio stated after listening to community members, she changed her mind and is now in favor of keeping the resolution supporting a SAFE Cities climate change.

Councilmember Cousens stated she made the motion to rescind the resolution on SAFE Cities Climate Change in order for the Sustainability Committee to create their own framework based on our community. Councilmembers Brown and Byers shared their concern that this was a 6-0 vote to rescind the resolution at the previous meeting and feel the Council is going backwards.

**MOTION: Cousens moved and Byers seconded to adopt the resolution.** The motion failed by a 4-3 vote with Deccio, Herrera, Lund, and Macias voting no.

## 7. Public Comment

Charley Mulvey, Coleen Anderson and Robert Strader, City residents, spoke in support of keeping the resolution supporting the SAFE Cities climate change stand.

Frieda Stephens, City resident, shared her concerns with SAFE Cities resolution affecting our agriculture community. Additionally, she believes the City should only be flying the American, state and POW flags.

Eric Torres, non-resident, and Janet Sedy, City resident, spoke against the SAFE Cities climate change stand.

## PUBLIC HEARINGS

## 8. Public hearing and Ordinance to consider the Hearing Examiner's recommendation regarding a right-of-way petition submitted by Pape Properties Inc to vacate a portion of right of way in the southwest corner of "Tract B" where S 18th St becomes Pacific Ave.

Senior Planner Trevor Martin briefed Council on the ordinance.

Mayor Deccio opened the public hearing and, with no one coming forward 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.

**ORDINANCE NO. 2022-013, AN ORDINANCE** relating to land use; vacating a portion of public right-of-way, along a street that extends along Pacific Ave., in the City of Yakima, Washington.

## 9. Public hearing to consider: A) Resolution adopting the Six-Year Transportation Improvement Program for the period of 2023 through 2028, and to amend the Transportation Systems Plan 2040; and B) Resolution amending the Yakima Urban Area Comprehensive Plan Capital Facilities Element

City Engineer Bill Preston briefed Council on the issue.

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

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

**MOTION: Byers moved and Lund seconded to adopt both resolutions.** The motion carried by unanimous vote.

**RESOLUTION NO. R-2022-069, A RESOLUTION** adopting the Six-Year Transportation Improvement Program (TIP) for the period of 2023 through 2028 for transportation improvements to arterial streets in the City of Yakima and amending the Transportation Systems Plan 2040.

**RESOLUTION NO. R-2022-070, A RESOLUTION** to amend the Yakima Urban Area Comprehensive Plan Capital Facilities Element to incorporate the Six-year Transportation Improvement Program (TIP) for the period of 2023 through 2028.

### **DEPARTMENT ITEMS**

10. Fire Department Cost Recovery Fees

Fire Chief Aaron Markham reported on Fire Department Cost Recovery Fees.

11. Ordinance amending the Yakima Municipal Code Chapter 11.40 Property Maintenance Code to consolidate other city ordinances that address similar property conditions; and repeal Chapters YMC 10.05.145, YMC 11.09, YMC 11.11

Code Administration Manager Glenn Denman briefed Council on the ordinance.

After discussion, the City Clerk read the ordinance by title only.

**MOTION: Cousens moved and Byers seconded to pass the ordinance.** The motion carried by unanimous vote.

**ORDINANCE NO. 2022-014, AN ORDINANCE** amending Chapter 11.40 of the City of Yakima Municipal Code.

12. Ordinance repealing Yakima Municipal Code Title 1.13 relating to Flag Display; In the alternative, Ordinance amending City of Yakima Municipal Code Section 1.13.020 relating to Flag Display Policies

**MOTION: Cousens moved and Lund seconded to direct our City Legal Department to look into what other cities, including San Mateo, CA., did with their pride proclamation, specifically the legal language regarding flying the Pride flag during Pride month.** The motion passed by a 6-1 vote, Brown voting no.

**MOTION: Cousens moved and Lund seconded to table this item until we receive additional information.** The motion carried by a 5-2 vote with Brown and Byers voting no.

13. **Other Business**

Mayor Deccio reported that Assistant Mayor Lund, Councilmember Cousens and herself will be attending the Association of Washington Cities (AWC) conference and they would like permission to be the AWC voting delegates at the conference. This was approved by Council consensus.

Councilmember Byers reminded members about the Rules of Procedure when voicing opinions on Council issues via social media. Councilmember Cousens reminded the community to contact them on City issues through City email or City cell phone instead of on personal social media accounts.

**MOTION: Lund moved and Cousens seconded to add to a future agenda a discussion of the Council Nominating Committee process.** The motion carried by a 5-2 vote with Brown and Byers voting no.

**MOTION: Lund moved and Macias seconded to add to a future agenda a review of the proclamation policy.** The motion carried by unanimous vote.

**14. Adjournment**

**MOTION: Lund moved and Byers seconded to adjourn to a City Council study session on June 14, 2022, at 5 p.m. in the Council Chambers.** The motion carried by unanimous vote. The meeting adjourned at 6:51 p.m.

**CERTIFICATION**

READ AND CERTIFIED ACCURATE BY

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
DATE

**DRAFT**

\_\_\_\_\_  
COUNCIL MEMBER

\_\_\_\_\_  
DATE

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR