



**MINUTES
YAKIMA CITY COUNCIL**

October 4, 2022

City Hall -- Council Chambers

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

EXECUTIVE SESSION

1. Executive Session regarding pending litigation pursuant to RCW 42.30.110 (1)(i)

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

Absent and excused: Councilmember Holly Cousens

MOTION: Lund moved and Brown seconded to adjourn to an Executive Session for 30 minutes regarding pending litigation pursuant to RCW 42.30.110 (1)(i). The motion carried by unanimous vote, Cousens absent. Executive session was held and adjourned at 5:23 p.m.

1. **Roll Call**

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

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

Absent and excused: Councilmember Holly Cousens

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. Domestic Violence Awareness Month proclamation

Mayor Deccio proclaimed the month of October 2022 as Domestic Violence Awareness month

and Cheri Kilty, YWCA Executive Director, accepted the proclamation.

5. Council Reports

- A. Report on Association of Washington Cities (AWC) Board meeting by Councilmember Cousens

Mayor Deccio reported with Councilmember Cousens absent, this item will be moved to another meeting.

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. Items 12 (now 6I) and 13 (now 6J) were added to the consent agenda, renumbering the agenda items in the minutes. 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: Lund moved and Byers seconded to approve the consent agenda. The motion carried by unanimous vote, Cousens absent.

- A. Approval of minutes from the September 20, 2022 City Council regular meeting and September 27, 2022 City Council study session
- B. Set date of November 1, 2022 for a closed record public hearing to consider the Yakima Hearing Examiner's recommendation regarding the preliminary plat of "Canterfield Estates" submitted by Mayling Chin, located at 4802 Spring Creek Rd
- C. Set date of November 1, 2022 for an open record public hearing to consider the Hearing Examiner's recommendation regarding a right-of-way petition to vacate 10 ft of public right of way at 609 South Front Street
- D. Resolution declaring Refuse Truck (ER3352) as surplus and authorizing its disposal per Surplus Disposal Policy 3-100

RESOLUTION NO. R-2022-132, A RESOLUTION declaring refuse truck (ER3352) surplus and authorizing its disposal per Surplus Disposal Policy 3-100.

- E. Resolution authorizing an agreement with Combined Construction, Inc. for the First Level Reservoir Repairs and Improvements Project AC2553

RESOLUTION NO. R-2022-133, A RESOLUTION authorizing an agreement with Combined Construction, Inc. for Project No. AC2533 1st Level Reservoir Improvements.

- F. Resolution authorizing a lease agreement with United States Department of Transportation Federal Aviation Administration for a lease of property for aeronautical navigation equipment and to provide Air Traffic Control services

RESOLUTION NO. R-2022-134, A RESOLUTION authorizing a lease agreement with the United States Department of Transportation Federal Aviation Administration for a lease of property for aeronautical navigation equipment and to provide Air Traffic Control services.

- G. Resolution authorizing an agreement with the Clerk of Superior Court for Yakima County for jury services beginning September 1, 2022 through September 1, 2027

RESOLUTION NO. R-2022-135, A RESOLUTION authorizing City of Yakima Municipal Court Presiding Judge, on behalf of the City of Yakima, to execute an interlocal agreement with the Clerk of Superior Court for jury services beginning September 1, 2022 through September 1, 2027.

H. Resolution authorizing a First Amendment to the Employment Agreement for the City Manager

RESOLUTION NO. R-2022-136, A RESOLUTION authorizing a First Amendment to the Employment Agreement for the City Manager.

I. Ordinance amending the City of Yakima Municipal Code Chapter 2.24.010 Longevity Plan (non-represented employees)

ORDINANCE NO. 2022-028, AN ORDINANCE amending the City of Yakima Municipal Code Chapter 2.24.010 Longevity plan—Eligibility--Restrictions

J. Ordinance amending the City of Yakima Municipal Code Chapter 2.20.130 Tax deferred compensation plan (non-represented employees)

ORDINANCE NO. 2022-029, AN ORDINANCE amending the City of Yakima Municipal Code Chapter 2.20.130 Management group tax deferred compensation plan

7. Public Comment

Joe Mann, City resident and member of the Yakima Historic Preservation Commission, spoke against the proposed pedestrian crossing over the Yakima Trolley Bridge.

James Parks, City resident, shared concerns with homeless in the area of Garfield and Oregon Avenues.

David Huycke, City resident and Scout Master of a local Boy Scout Troop, spoke in support of the proposed pedestrian crossing over the Yakima Trolley Bridge.

Coleen Anderson, City resident, spoke in support of the proposed pedestrian crossing over the Yakima Trolley Bridge.

Tony Courcy, City resident, complained about a water rights claim in Selah.

Thomas Francis McCormick, City resident, asked for and was granted 10 seconds of silence for Queen Elizabeth of Great Britain and shared his support of the trucking industry.

PUBLIC HEARINGS

8. Open record public hearing to consider the Yakima Planning Commission's recommendation on a Comprehensive Plan Amendment (CPA#001-22) request submitted by the City of Yakima Planning Division

Planning Manager Joseph Calhoun briefed Council on the public hearing.

Mayor Deccio opened the public hearing and Daniel Tilley, City resident, spoke in support of the comprehensive plan amendment. With no one else coming forward or calling in to speak, Mayor Deccio closed the hearing.

MOTION: Lund moved and Brown seconded to approve and direct staff to prepare the appropriate ordinance for consideration at a subsequent meeting. The motion carried by unanimous vote, Cousens absent.

DEPARTMENT ITEMS

9. Presentation by FCS Group regarding preliminary study results for fees related to land use, building permits, and fire inspections

Community Development Director Joan Davenport provided a brief introduction of the fee proposal and staff's recommendations regarding land use development and fire permit fees. City Manager Harrison provided additional detail regarding the recommendations for the fee proposal, specifically that Council will be deciding if those parties utilizing the services should pay the associated costs; or, in the alternative, if the community should subsidize a portion of the costs for community benefit.

Martin Chaw, Project Manager with the FCS Group, attended and shared a PowerPoint presentation on development services and fire permits fees via Zoom. After questions and discussion,

MOTION: Byers moved and Lund seconded to place this item on the agenda for the budget study session on October 11, 2022. The motion carried by unanimous vote, Cousens absent.

10. Proposed Pedestrian Crossing Over Yakima Trolley Bridge

City Attorney Sara Watkins briefed Council on the issue.

Assistant Mayor Lund reported the Bicycle and Pedestrian Advisory Committee has discussed this matter at length and although the Committee is not prepared to make a recommendation at this time, she wanted to ensure Council members have information on the subject.

James Carmody of Meyer Fluegge and Tenney, presented on behalf of the William O. Douglas Trail Foundation (WODTF). Mr. Carmody reviewed the benefits of sharing the trolley bridge for pedestrian access and requested the City Council direct Yakima Valley Trolleys and WODTF to work together with City Staff to: (1) strengthen a Naches River Crossing National Historic Landmark application by including the Naches River Trolley Bridge in association with the historic William O. Douglas Trail, and (2) find a win-win accommodation that promotes the complementary community interests in the historic trolley and historic trail.

Ken Johnsen, President of Yakima Valley Trolley Association (YVT), reviewed the YVT's recent financial accomplishments to fund trolley improvements and the pending application for National Historic Landmark status of YVT. Mr. Johnson also reviewed YVT's concerns with building a pedestrian crossing and fence on the trolley bridge and asked the City Council to reject the trail group's proposal. YVT Board Members Scott Neal and Gregory Johnsen spoke against the pedestrian crossing.

Councilmember Brown questioned the Burlington Northern Santa Fe (BNSF) railway's position regarding the proposed pedestrian crossing over the trolley bridge. City Attorney Watkins stated the BNSF is willing to engage in conversation; however, there is no clear preclusion to a pedestrian access until BNSF can review plans before making a decision.

James Carmody was provided additional time to make rebuttal statements regarding YVT's presentation since YVT's presentation was extended.

Ray Paoella, County resident and WODTF member, spoke in favor of the trail and said that cooperation between the agencies will improve the Trolley's prospects of obtaining National Historic Landmark status.

After discussion it was Council consensus to have a legal opinion on liability issues. After further Council discussion,

MOTION: Brown moved and Lund seconded to table discussion until the Bike/Pedestrian Committee finishes their plan. The motion carried by a 5-1 vote with Byers voting no, Cousens absent.

11. Proposed fee increase for City of Yakima Parks and Recreation Division programs and services

Parks and Recreation Manager Ken Wilkinson reviewed a proposed fee increase for Parks and Recreation, which the Parks and Recreation Commission supports.

After discussion, Council requested amendments be brought back for additional consideration at the October 11, 2022 study session.

12. **Other Business**

Councilmember Byers reported an art work at the Central Washington State Fair.

13. **Adjournment**

MOTION: Lund moved and Byers seconded to adjourn to a City Council Study Session on October 6, 2022 at 12:00 noon. The motion carried by unanimous vote, Cousens absent. The meeting adjourned at 7:55 p.m.

DRAFT

CERTIFICATION

READ AND CERTIFIED ACCURATE BY

COUNCIL MEMBER

DATE

COUNCIL MEMBER

DATE

ATTEST:

CITY CLERK

MAYOR