



YAKIMA CITY COUNCIL

February 16, 2016

City Hall -- Council Chambers

5:30 - 6 p.m. Executive Session; 6 p.m. Business Meeting; 6:30 p.m. Public Hearings

EXECUTIVE SESSION

1. Executive Session regarding pending litigation

Council: Mayor Avina Gutierrez, presiding, Assistant Mayor Holly Cousens, Council Members Maureen Adkison, Kathy Coffey, Dulce Gutierrez, Bill Lover, and Carmen Mendez

Executive Session was held and adjourned at 6 p.m.

BUSINESS MEETING

1. **Roll Call**

Council: Mayor Avina Gutierrez, presiding, Assistant Mayor Holly Cousens, Council Members Maureen Adkison, Kathy Coffey, Dulce Gutierrez, Bill Lover, and Carmen Mendez

Staff: Interim City Manager Cutter, Acting City Attorney Kunkler and City Clerk Claar Tee

2. **Pledge of Allegiance**

Mayor Gutierrez led the Pledge of Allegiance.

3. **Open Discussions for the Good of the Order**

A. Proclamations

- i. Arbor Day proclamation

Mayor Gutierrez proclaimed the third Saturday in April as Arbor Day and Jheri Ketcham accepted the proclamation.

B. Presentations / Recognitions / Introductions

- i. Recognition of 30 Years of Service for Fire Captain Rocky Willette and Fire Lieutenant Hans Solie, and 25 years of Service for Fire Captain Bruce Drollinger

Chief Stewart recognized Fire Captain Rocky Willette and Fire Lieutenant Hans Solie for 30 years of service and Bruce Drollinger for 25 years of service.

4. **Council Reports**

- A. Memorandum re: Olympia visit of Mayor Gutiérrez and Councilmember Gutiérrez

Mayor Gutierrez reported she and Council Member D. Gutierrez visited Olympia for the Association of Washington Cities ("AWC") City Action Days conference and met with Yakima Valley legislators, Governor Jay Inslee, and other local and state elected officials.

5. Consent Agenda

Mayor Gutierrez referred to the items placed on the Consent Agenda, questioning whether there were any additions or deletions from Council members or citizens 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: Coffey moved and Lover seconded to approve the consent agenda. The motion carried by unanimous vote.

- A. 4th Quarter 2015 Capital Improvement Projects Report
- B. 4th Quarter 2015 Accounts Receivable Status Report
- C. 4th Quarter 2015 Treasury Report
- D. Approve payment of disbursements for the period January 1, 2016 through January 31, 2016
- E. Resolution authorizing an Intergovernmental Cooperative Purchasing Agreement with PEPPM, Central Susquehanna Intermediate Unit and to take such actions as are necessary to register the City of Yakima as a participating public agency with PEPPM

RESOLUTION NO. R-2016-021, A RESOLUTION authorizing and directing the City Manager of the City of Yakima to take such actions as are necessary to register the City of Yakima as a participating public agency with PEPPM Purchasing Cooperative.

- F. Resolution authorizing the execution of an Intergovernmental Cooperative Purchasing Agreement with the City of Kent Fire Department

RESOLUTION NO. R-2016-022, A RESOLUTION authorizing the execution of an Intergovernmental Cooperative Purchasing Agreement with the City of Kent Fire Department.

- G. Resolution authorizing a third party integrated software agreement with Invoice Cloud and Sage Solutions for Merchant Services payment processing

RESOLUTION NO. R-2016-023, A RESOLUTION authorizing the Interim City Manager of the City of Yakima to execute agreements with Invoice Cloud and Sage Solutions.

- H. Resolution authorizing a contract with Absco Solutions for Yakima Municipal Jail Security Renovation Project as authorized through Washington Learning Source

RESOLUTION NO. 2016-024, A RESOLUTION authorizing the City Manager to execute Contract Documents with Absco Solutions for Yakima Municipal Jail Security Renovation Project as authorized through Washington Learning Source (WSL) Contract No. WLS258.

- I. Resolution authorizing a Memorandum of Understanding with Eastern Washington Phase II Permittees to collaborate on the permit requirement concerning Effectiveness Studies

RESOLUTION NO. R-2016-025, A RESOLUTION authorizing the City Manager to execute a Memorandum of Understanding constituting an interlocal agreement among Eastern Washington Phase II Municipal Stormwater Permittees to collaborate to perform Best Management Practices for such permit.

6. Audience Participation

Randie Gottlieb, City resident, spoke as Executive Director of Unity Works Foundation and asked for funding from the City of Yakima for matching funds or to sponsor a future conference for their non-profit educational organization. She invited Council members to attend their spring conference on May 24.

Luz Gutierrez, City resident, thanked Council for letting people know in advance of the Cinco De Mayo event in downtown Yakima on May 7-8, 2016, and encouraged Council members to attend.

Joey Anderson, City resident, complained about RecordTrac no longer being on the website and asked if Council knew there are 35 pending lawsuits against the City.

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PUBLIC HEARING

7. First public input hearing on the 2015 Consolidated Annual Performance Evaluation Report (CAPER)

Archie Matthews, ONDS Manager, briefed Council on the hearing.

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

Mr. Matthews reported no Council action is needed at this time, and a second public hearing will be held in March, 2016.

8. Public hearing and resolution to amend the 2016 through 2021 Six-year Transportation Improvement Program

Chief Engineer Sheffield briefed Council the issue.

Mayor Gutierrez opened the public hearing.

Susan Fairbrook Paoella, non-resident, spoke as a representative of the William O. Douglas (WOD) Trail Foundation, and requested Council study further alternatives regarding the Lower Cowiche Creek portion of the WOD trail instead of approving the item in the report.

Phil Lamb, non-resident, referred to the Lower Cowiche Creek portion of the WOD

trail item and feels there needs to be further clarification on this issue.

Margaret Newman, Executive Director of Mid-Columbia Fisheries, stated they serve five counties in Washington with projects improving salmon and fish habitat in general. They have been working with the City for several years and approve of the Lower Cowlitz Creek portion of the WOD trail project.

Mayor Gutierrez closed the public hearing. Chief Engineer Sheffield stated the Lower Cowlitz Creek portion of the WOD trail on this list is for \$200,000 in design funds and if not approved, there will be no funding to continue the design plan. He believes they have a design that will work for both pedestrians and fish.

The City Clerk read the resolution by title only.

RESOLUTION NO. 2016-026, A RESOLUTION to amend the Six-year Transportation Program (TIP) for the period of 2016 through 2021 to include projects affecting the City's Transportation Plan.

MOTION: Lover moved and D. Gutierrez seconded to adopt the resolution and accept the plan as written, with the exception of item #53, and let them mitigate that issue. The motion carried by a 6-1 vote, Adkison voting no.

CITY MANAGER REPORTS

9. 2015 Year End Strategic Plan Monitoring Reports
- Interim City Manager Cutter briefed Council on the reports.
10. Resolution supporting retention of tax exempt status of Municipal Bonds and authorizing the City Manager to execute a letter of support

Cindy Epperson, Director of Finance and Budget, briefed Council on the issue. The City Clerk read the resolution by title only.

RESOLUTION NO. R-2016-027, A RESOLUTION supporting retention of tax exempt status of municipal bonds and authorizing the City Manager to execute letter of support.

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

11. Resolution authorizing an engineering and consulting services agreement with CDM Smith, Inc. for engineering and consulting services associated with the 2017 Wastewater Facility Plan update and Solids Handling Plan, not to exceed \$514,210

Interim City Manager Cutter briefed Council on the report.

The City Clerk read the resolution by title only.

A RESOLUTION authorizing the City Manager to execute the attached and incorporated engineering and consulting services agreement with CDM Smith, Inc. for engineering and consulting services associated with the 2017 Wastewater Facility Plan Update and Solids Handling Plan, not to exceed \$514,210.

MOTION: Coffey moved and Adkison seconded to adopt the resolution. The motion failed by a 4-3 vote with Cousens, D. Gutierrez, A. Gutierrez and Lover voting no.

Council Member Coffey asked what would happen since this did not pass. Interim City Manager Cutter stated they will need to begin the process again. Council Member Coffey noted Council members have had over three weeks to address any issues and they are there to set policy, not manage the directors.

12. Resolution declaring intent to lift ban on recreational and medical marijuana production, processing and retailing, and directing the Planning Commission to develop land use regulations pertaining to locations and regulation of such uses

Interim City Manager Cutter briefed Council on the resolution.

MOTION: **Coffey moved and Adkison seconded to postpone this item to the regular Council meeting of May 17, 2016.** The motion carried by a 5-2 vote, with Cousens and Lover voting no.

Council Member Coffey and Assistant Mayor Cousens spoke in favor of removing the ban on marijuana.

Al Marquez, City resident, spoke against marijuana.

The following people spoke in support of removing the ban: Brian Platte, City resident; Amy Syling, Seaside resident; Jedidiah Hanes, Tukwilla resident; David Rand, non-resident; Michael Platte, non-resident; John Mullen, non-resident; Paris Thorp, City resident; Jason Gray, non-resident; Kassy Bertram, non-resident; Paul Tabayoyon, City resident; and Courtney Baswell, non-resident.

MOTION: Coffey moved and A. Gutierrez seconded to direct the Planning Commission to begin consideration of recommended zoning regulations regarding location and related controls associated with the sale, production, and processing of marijuana within the City and to bring those recommendations back for Council consideration. The motion failed by a 4-3 vote, with Adkison, D. Gutierrez, Lover and Mendez voting no.

13. Other Business

None.

14. Adjournment

Motion: **Coffey moved and Lover seconded to adjourn to a Council Study Session on February 17, 2016, at 10 a.m. in the Council Chambers at City Hall.** The motion carried by unanimous vote. The meeting adjourned at 8:03 p.m.

CERTIFICATION

READ AND CERTIFIED ACCURATE BY

COUNCIL MEMBER

DATE

COUNCIL MEMBER

DATE

ATTEST:

CITY CLERK

MAYOR

DRAFT