



**YAKIMA CITY COUNCIL**  
**October 4, 2016**  
**City Hall -- Council Chambers**

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

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**EXECUTIVE SESSION**

1. Executive Session regarding prospective litigation

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

**MOTION: Mendez moved and Cousens seconded to adjourn to Executive Session for up to one hour to discuss prospective litigation.** The motion carried by unanimous vote.

Executive Session was held and adjourned at 5:55 p.m.

**BUSINESS MEETING**

1. **Roll Call**

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

Staff: City Manager Moore, City Attorney Cutter and City Clerk Claar Tee

2. **Pledge of Allegiance**

Mayor Coffey led the Pledge of Allegiance.

3. **Interpreter Services**

Mayor Coffey announced interpreter services are available.

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

A. Proclamations

- i. Fire Prevention Week Proclamation

Mayor Coffey proclaimed October 9-15, 2016, as Fire Prevention Week and Fire Department Captain Jeff Pfaff accepted the proclamation.

B. Presentations / Recognitions / Introductions

- i. Presentation on Rural Community Development Resources (RCDR)  
10 minutes

Maria DJ Rodriguez, Executive Director of Rural Community Development Resources, gave a PowerPoint presentation on their services.

## 5. Council Reports

- A. Accept Public Safety Committee Meeting Minutes of 3/24/16, 4/28/16, 5/26/16, 6/30/16, and 7/28/16

**MOTION: D. Gutierrez moved and Adkison seconded to accept the minutes.** The motion carried by unanimous vote.

- B. Acceptance of Council Nominating Committee minutes from September 22, 28 and 29, 2016, and recommendation of appointments to the Community Review Board, Parks and Recreation Committee and Bicycle and Pedestrian Committee

Council Member Lover reported on the Council Nominating Committee meeting. He stated the Committee did not reach consensus for one Bicycle and Pedestrian appointment, and he recommends Darrell Patterson for that position. Council Member A. Gutierrez noted she recommends Ken Jones for the position. After Council discussion,

**MOTION: Lover moved and A. Gutierrez seconded to appoint Carmela Solorzano to the Community Review Board; Stacy Hackenmueller to the Parks & Recreation Commission and the following individuals to the Bicycle & Pedestrian Advisory Committee: Elissa Southward, Neil McClure, Shirley Strader, Phil Matoon, Michele McGinnis and Susan Schoolcraft.** The motion carried by unanimous vote.

**MOTION: A. Gutierrez moved and Cousens seconded to appoint Ken Jones to the Bicycle & Pedestrian Advisory Committee.** The motion carried by a 4-3 vote with Lover, Adkison and Coffey voting no.

**MOTION: Cousens moved and Lover seconded to accept the Council Nominating Committee minutes.** The motion carried by unanimous vote.

Council Member D. Gutierrez reported she would like the Exploratory Committees to officially begin in January due to the upcoming holiday months and the fact that the Committees are for a duration of one year. She suggested the Committees could have an orientation meeting in November.

**MOTION: D. Gutierrez moved and A. Gutierrez seconded that the Nominating Committee establish a start date at their next meeting.** The motion carried by unanimous vote.

## 6. Consent Agenda

Mayor Coffey 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: Mendez moved and Adkison seconded to approve the consent agenda.**

The motion carried by unanimous vote.

- A. Set date of November 1, 2016, for a closed record public hearing to consider the Yakima Planning Commission's recommendation regarding an application submitted by Khushdip Hans for an 18-lot preliminary plat, known as Vista Ridge, in the vicinity of S. 72nd Ave & Easy Street
- B. Resolution authorizing a radio site sublease agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company for the purpose of leasing available space on the City's Look Out Point radio communications site

**RESOLUTION NO. R-2016-114, A RESOLUTION** authorizing the City Manager to enter into a Radio Site Sublease Agreement with New Cingular Wireless PCS, LLC, a Delaware limited liability company for the purpose of leasing available space on the City's Look Out Point radio communications site.

- C. Resolution authorizing City of Yakima Municipal Court Presiding Judge, on behalf of the City, to execute an Interlocal Agreement with the Clerk of Superior Court for Yakima County for jury services from May 1, 2015 through September 30, 2016

**RESOLUTION NO. R-2016-115, A RESOLUTION** authorizing City of Yakima Municipal Court Presiding Judge, on behalf of the City, to execute an Interlocal Agreement with the Clerk of Superior Court for Yakima County for jury services from May 1, 2015 through September 30, 2016.

- D. Resolution authorizing City of Yakima Municipal Court Presiding Judge, on behalf of the City, to execute an Interlocal Agreement with the Clerk of Superior Court for Yakima County for jury services beginning October 1, 2016 through December 31, 2021

**RESOLUTION NO. R-2016-116, A RESOLUTION** authorizing City of Yakima Municipal Court Presiding Judge, on behalf of the City, to execute an Interlocal Agreement with the Clerk of Superior Court for Yakima County for jury services beginning October 1, 2016 through December 31, 2021.

- E. Resolution authorizing application for funding, accept the funds if offered and execute the necessary agreement for \$249,988 in grant funds and \$249,988 in loan funds from the Yakima County SIED Board, the total of which to be contributed to costs of engineering, design and construction of Oak Avenue to support development of the property located between 23<sup>rd</sup> and 26<sup>th</sup> Avenues

**RESOLUTION NO. R-2016-117, A RESOLUTION** authorizing the City Manager to apply for funding, accept the funds if offered and execute the necessary agreement for \$249,988 in grant funds and \$249,988 in loan funds from the Yakima County SIED Board, the total of which to be contributed to costs of engineering, design and construction of Oak Avenue to support development of the property located between 23rd and 26th Avenues.

**7. Audience Participation**

David Powell, city resident, encouraged the City Council to change Columbus Day to Indigenous Peoples Day in the City of Yakima.

Kenneth Ohnemus, homeless encampment resident, stated he is a veteran and has lived in the area off and on since 1981. He asked about the City's plans for the homeless encampment after it closes as not everyone will be housed and many will not go to the Union Gospel Mission.

Brian Keyes, homeless encampment resident, stated he is from Texas, moved to Oregon and then Washington State as this state helps homeless with social security benefits. He would like to know where the accountability is with the City taking over the enforcement at the camp. Mr. Keyes reported he would like to be involved in the long-term solutions and asked about the City purchasing bus tickets to send people home.

Mayor Coffey commented that the City has no funding or intention of purchasing bus tickets and the City is struggling with solutions to the homeless issue. She reported the Council is encouraging Yakima Valley Conference of Governments to release funding to help with the problem as the City is not in a position to assist.

Walt Ranta, city resident, noted he recently visited Missoula, Montana, which has done an amazing job of advertising their community.

Kelly Penfold, city resident, stated she works with the homeless and would be happy to provide them information from the City.

#### **PUBLIC HEARINGS**

8. Open record public hearing to discuss initiating a right-of-way vacation in the vicinity of S. 51st Ave. & Walnut St.

Trevor Martin, Associate Planner, briefed Council on the public hearing, reporting Council received a letter of opposition from John Borton.

Mayor Coffey opened the public hearing. Douglas Field, Yakima business owner and Selah resident, spoke in support of the right-of-way vacation. He reported he met with Mr. Borton, who revoked his opposition to this vacation with a handwritten note, which he presented. Justin Howell spoke in favor of the vacation. Mayor Coffey closed the hearing.

City Attorney Cutter suggested Mr. Field come forward with a petition that represents the 86 percent of nearby property owners in favor of the vacation and the City would process it for a hearing as normal. **This was approved by Council consensus.**

#### **DEPARTMENT ITEMS**

9. Resolution authorizing a Right-of-Way Use Permit for Amalia Vivanco to allow for the placement of a mobile food vendor stand within the public right-of-way adjacent to 702 S 1st Street

Trevor Martin, Associate Planner, briefed Council on the right-of-way use permit.

The City Clerk read the resolution by title only.

**RESOLUTION NO. R-2016-118, A RESOLUTION** authorizing issuance of a right-of-way use permit to allow the placement of a food vendor stand within the public right-of-way along South 1st St.

**MOTION: A. Gutierrez moved and D. Gutierrez seconded to adopt the resolution.** The motion carried by unanimous vote.

10. Resolution authorizing a Right-of-Way Use Permit for F&M Construction to construct an elevated conveyor for boxed fruit above the right-of-way on N. 1st Avenue

Eric Crowell, Associate Planner, briefed Council on the right-of-way use permit.

The City Clerk read the resolution by title only.

**RESOLUTION NO. R-2016-119, A RESOLUTION** authorizing issuance of a right-of-way use permit to allow the construction of an elevated conveyor for boxed fruit above N. 1st Ave.

**MOTION: Mendez moved and Cousens seconded to adopt the resolution.** The motion carried by unanimous vote.

11. Ordinance relating to land use and zoning, amending Yakima Municipal Code 15.09.220 to add "Family Home Child Care Centers" to the definition of "Child Care Centers" for purposes of buffered uses

Joan Davenport, Community Development Director, briefed Council on the ordinance.

Jedidiah Haney, city resident, spoke against the ordinance.

The City Clerk read the ordinance by title only.

**ORDINANCE NO. 2016-017, AN ORDINANCE** relating to land use and zoning, amending Yakima Municipal Code Section 15.09.220 to add "Family Home Child Care Centers" to the definition of "Child Care Centers" for purposes of buffered uses.

**MOTION: Mendez moved and A. Gutierrez seconded to pass the ordinance.** The motion carried by a 4-3 vote, with Cousens, A. Gutierrez and D. Gutierrez voting no.

12. Ordinance relating to land use and zoning, amending Yakima Municipal Code to add the Small Convenience Center (SCC) to the list of allowed zones wherein marijuana retailers may operate, as outlined in the Table of Permitted Land Uses found in YMC 15.040.030

Joan Davenport, Community Development Director, briefed Council on the ordinance. The City Clerk read the ordinance by title only.

**ORDINANCE NO. 2016-018, AN ORDINANCE** relating to land use and zoning, amending Yakima Municipal Code to add the Small Convenience Center (SCC) to the list of allowed zones wherein marijuana retailers may operate, as outlined in the Table of Permitted Land Uses found in Section 15.04.030.

**MOTION: A. Gutierrez moved and Cousens seconded to pass the ordinance.** The motion carried by a 4-3 vote, with Adkison, Lover and Mendez voting no.

## CITY MANAGER UPDATE

13. Status of the City of Yakima Hazard Mitigation Plan

Charles Erwin, Emergency Management Analyst, briefed Council on the City's Hazard Mitigation Plan.

14. Informational item regarding addressing public notice concerns for franchised private utility projects

City Engineer Sheffield briefed Council on the notification process for excavation and other utility permits.

15. **Other Business**

Assistant Mayor Mendez requested Council to approve a letter of support for the Yakima Housing Authority's Homeless Veterans Project.

**MOTION: Mendez moved and D. Gutierrez seconded *that the City Council present a letter of support for the Homeless Veteran's project for the Yakima Housing Authority.*** The motion carried by unanimous vote.

Council Member Cousens would like to address Mr. Powell's request to change Columbus Day to Indigenous Peoples Day in the City of Yakima. MOTION: Cousens moved and Mendez seconded to direct staff to look into what other cities did to change Columbus Day to Indigenous Peoples Day with the intent for our City to do the same. Council Member D. Gutierrez noted Columbus Day is on Monday so this would be for next year.

**MOTION: Cousens moved and Mendez seconded *to withdraw the motion.*** The motion carried by unanimous vote.

Council Member Lover noted this should be brought back at the next Council meeting in order for staff to review and the public to comment. After further discussion, **MOTION: Cousens moved and Mendez seconded *to change Columbus Day to Indigenous Peoples Day.*** The motion carried by a 5-2 vote with Adkison and Lover voting no. City Manager Moore reported staff will bring back a resolution at the next meeting formalizing this action.

Council Member D. Gutierrez stated at the last meeting she brought up safety concerns regarding Miller Park. After further discussion, **MOTION: D. Gutierrez moved and A. Gutierrez seconded *that Council evaluate the quality of Miller Park including, but not limited to, its design, programming, maintenance and citizenship involvement for the next agenda for an ongoing conversation.*** The motion carried by unanimous vote.

16. **Adjournment**

**MOTION: Mendez moved and Cousens seconded *to adjourn to the next Council Business Meeting on October 18, 2016, at 6 p.m. in the Council Chambers at City Hall.*** The motion carried by unanimous vote. The meeting adjourned at 7:50 p.m.

## CERTIFICATION

READ AND CERTIFIED ACCURATE BY

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COUNCIL MEMBER

DATE

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COUNCIL MEMBER

DATE

ATTEST:

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CITY CLERK

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MAYOR