



YAKIMA CITY COUNCIL

August 21, 2018

City Hall -- Council Chambers

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

EXECUTIVE SESSION

1. Executive Session regarding pending litigation

Council: Mayor Kathy Coffey, presiding, Assistant Mayor Dulce Gutierrez, Council Members Holly Cousens, Kay Funk, Brad Hill, Carmen Mendez and Jason White

MOTION: Gutierrez moved and Cousens seconded to adjourn to Executive Session for up to 30 minutes to discuss pending litigation. The motion carried by unanimous vote.

Executive Session was held and adjourned at 5:47 p.m.

BUSINESS MEETING

1. **Roll Call**

Council: Mayor Kathy Coffey, presiding, Assistant Mayor Dulce Gutierrez, Council Members Holly Cousens, Kay Funk, Brad Hill, Carmen Mendez and Jason White

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 introduced Jorge Villasenor who announced interpreter services are available.

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

A. Presentations / Recognitions / Introductions

- i. Recognition of Yakima Police Explorers

Yakima Police Lieutenant Shawn Boyle reported the Yakima Police Explorer Post had the opportunity to attend this year's National Law Enforcement Explorer Conference and received first place for the Arrest and Search scenario competition. Detective Diaz introduced the Explorers.

5. **Council Reports**

- A. Discussion regarding the Healthy Neighborhood and Community Building Committee request to discuss the written mandate to discuss, analyze, consider, review data, input and ideas on homeless resources and network

Mayor Coffey noted this was a motion made by Council Member Funk at the July 17th meeting regarding the Healthy Neighborhood and Community Building Committee's mandate. Council Member Funk stated she believes Yakima Valley Conference of Governments (YVCOG) is not being transparent or providing information in a timely manner and that she understood the Mayor wanted to make a policy change. Mayor Coffey stated the Committee formally requested an item on the September 11 agenda for the YVCOG Council Liaison to request a report from YVCOG about homeless programming and funding. Council Member Funk requested Council Member Hill, as the YVCOG representative, bring her concerns to the YVCOG Board. Council Member Hill noted only one Council member in the Yakima Valley has issues with YVCOG. Assistant Mayor Gutierrez raised a point of order that members should refrain from making direct comments to other members. Mayor Coffey stated the point is well taken.

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 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: Gutierrez moved and Mendez seconded to approve the consent agenda. The motion carried by unanimous vote.

- A. Approval of the minutes from the August 6, 2018, City Council Business Meeting
- B. Approve payment of disbursements for the period July 1 – 31, 2018
- C. 2nd Quarter 2018 Accounts Receivable Status Report
- D. 2nd Quarter 2018 Treasury Report
- E. Set date of September 11, 2018, for a Public Hearing to declare property surplus to the City needs and abandon a section of former Drainage Improvement District (DID) #13
- F. Resolution holding that maintaining an index pursuant to RCW 42.56.070 would be unduly burdensome

RESOLUTION NO. R-2018-088, A RESOLUTION holding that maintaining an index pursuant to RCW 42.56.070 would be unduly burdensome.

- G. Resolution adopting the City of Yakima Public Disclosure Policy, Administrative Code 1-1400

RESOLUTION NO. R-2018-089, A RESOLUTION adopting the City of Yakima Public Disclosure Policy, Administrative Code 1-1400.

- H. Resolution ratifying the declaration of an emergency and authorizing execution of

contracts for the labor and materials for repairing the Wastewater Treatment Plant Sharples Centrifuge

RESOLUTION NO. R-2018-090, A RESOLUTION ratifying the declaration of an emergency and authorizing execution of all applicable contracts for the labor and materials for repairing the Wastewater Treatment Plant Sharples Centrifuge.

- I. Resolution authorizing an Airport Lease Agreement with PocketiNet, Inc. for property located at the Yakima Air Terminal-McAllister Field

RESOLUTION NO. R-2018-091, A RESOLUTION authorizing an Airport Lease Agreement with PocketiNet, Inc. for property located at 2400 West Washington Avenue, Yakima Air Terminal-McAllister Field.

- J. Resolution authorizing execution of a recurring annual Memorandum of Agreement with the Bureau of Alcohol, Tobacco, Firearms and Explosives for Reimbursement of Overtime Salary Costs associated with ATF Task Force

RESOLUTION NO. R-2018-092, A RESOLUTION authorizing execution of a recurring annual Memorandum of Agreement with the Bureau of Alcohol, Tobacco, Firearms and Explosives for Reimbursement of Overtime Salary Costs associated with ATF Task Force.

- K. Resolution authorizing the City of Yakima to acquire portions of parcels 181334-13002 and 181334-22007 for the purpose of widening Spring Creek Road

RESOLUTION NO. R-2018-093, A RESOLUTION authorizing the City of Yakima, in its proprietary capacity as the owner of the Yakima Air Terminal-McAllister Field, to sell to the City of Yakima, in its governmental capacity and role to construct and maintain roadways through its Public Works Department, portions of parcels numbered 181334-13002 and 181334-22007, for the widening of Spring Creek Road.

- L. Resolution authorizing consent to a settlement entered into by the City of Yakima and Cities Insurance Association of Washington ("CIAW") to resolve and settle the damage claim brought by PacifiCorp dba Pacific Power

RESOLUTION NO. R-2018-094, A RESOLUTION authorizing consent to a settlement entered into by the City of Yakima and Cities Insurance Association of Washington ("CIAW") to resolve and settle the damage claim brought by PacifiCorp dba Pacific Power.

- M. Resolution authorizing contract with YVCOG for \$200,000 to extend utilities to Camp Hope and up to \$50,000 to install electrical service to same

RESOLUTION NO. R-2018-095, A RESOLUTION authorizing a contract with YVCOG for \$200,000 to extend utilities to Camp Hope and up to \$50,000 to install electrical service to same

- N. Resolution declaring a Ladder Truck to be surplus to the needs of the City and authorizing its sale through PublicSurplus.com

RESOLUTION NO. R-2018-096, A RESOLUTION declaring a Ladder Truck to be surplus to the needs of the City of Yakima, and authorizing its sale through PublicSurplus.com.

- O. Ordinance to amend the Yakima Municipal Code 11.10.600 to add language concerning the priority of the City's liens and assessments on real property

ORDINANCE NO. 2018-025, AN ORDINANCE amending the City of Yakima Municipal Code Chapter 11.10.600 relating to assessments and liens on real property.

- P. Ordinance amending the Yakima Municipal Code, Ch. 6.55, and adopting Revised Code of Washington statute RCW 9.94A.835, "Special Allegation - Sexual Motivation," to allow city prosecutors to prosecute sexually motivated crimes in municipal court

ORDINANCE NO. 2018-026, AN ORDINANCE relating to Public Safety; amending the Yakima Municipal Code, Ch. 6.55, Offenses against Public Decency and Morality, and adopting the Revised Code of Washington statute RCW 9.94A.835, Special Allegation - Sexual Motivation, to allow city prosecutors to prosecute sexually motivated crimes in municipal court.

7. **Public Comment**

Morgana Holman, City resident, reminded Council of the changes in the dangerous dog ordinance and thanked Council for supporting that ordinance.

Kris Fork, City resident, spoke on several issues.

Mark Christensen, non-resident, spoke about the World War II victory.

PUBLIC HEARINGS

8. Public Hearing and resolution authorizing an Interlocal Agreement with Yakima County regarding the 2018 JAG Grant

Yakima Police Lieutenant Shawn Boyle briefed Council on the item. Mayor Coffey opened the public hearing and, with no one coming forward to speak, closed the hearing. The City Clerk read the resolution by title only.

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

RESOLUTION NO. R-2018-097, A RESOLUTION ratifying an application for a grant in the total amount of \$59,046 from the United States Department of Justice, Bureau of Justice Administration, Edward Byrne Memorial Justice Assistance Grant Program, and designating and authorizing the City Manager to act as the official representative of the City of Yakima and to take such additional steps, including but not limited to execution of all documents and contracts necessary to complete said grant transaction.

9. Public Hearing and Ordinance adopting the City of Yakima Public Records Fee Schedule consistent with RCW 42.56.120

Assistant City Attorney Bronson Faul introduced the item. Mayor Coffey 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: Gutierrez moved and Mendez seconded to pass the ordinance. The motion carried by unanimous vote.

ORDINANCE NO. 2018-027, AN ORDINANCE adopting the City of Yakima Public Records Fee Schedule consistent with RCW 42.56.120.

10. Public Hearing to consider: A) Resolution adopting the Six-Year Transportation Improvement Program for the years 2019 to 2024, and to amend the Metropolitan Transportation Plan; and

B) Resolution amending the Yakima Urban Area Comprehensive Plan Capital Facilities Element

Chief Engineer Sheffield briefed Council on the item. Council Member White asked staff to explain once more why the paver project grant funding had to be returned. Public Works Director Schafer noted they did not have the staff available to complete the design work, which resulted in a loss of the grant. He reported they have put measures in place to keep track of projects more effectively.

Assistant Mayor Gutierrez and Council Member White shared their frustrations over the loss of this funding. City Manager Moore acknowledged Council's concern and reported that with half the Engineering staff and more projects than ever, it is a challenge keeping up. He stated staff will continue to seek grant funding for this and other projects, are addressing this issue internally, and apologized to Council and the Community for the mistake. Council Members Mendez and Cousens thanked staff for their hard work.

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

The City Clerk read the resolutions by titles only.

MOTION: Cousens moved and Funk seconded to adopt both resolutions. The motion carried by unanimous vote.

RESOLUTION NO. R-2018-098, A RESOLUTION adopting the Six-Year Transportation Improvement Program for the period of 2019 through 2024 for the construction of streets and arterial streets in the City of Yakima and amending the Metropolitan Transportation Plan.

RESOLUTION NO. R-2018-099, 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 2019 through 2024.

DEPARTMENT ITEMS

11. Ordinance authorizing the issuance and sale of a Limited Tax General Obligation (LTGO) and Refunding Bond by the City related to the construction of an aquatic facility; and refunding the City's outstanding 2015 LTGO Sports Complex Bond; and paying costs of issuance of the Bond; and providing the form of the bond; and authorizing the sale of the bond to Banner Bank

Financial Services Manager Tara Lewis and Deanna Gregory, Partner with Pacifica Law Group and the City's Bond Counsel, briefed Council on the item. Assistant Mayor Gutierrez stated it is important for the public to understand this is related to a recent renegotiated agreement with the YMCA, and although they weren't able to negotiate a better deal, this will save money down the line. Council Member White commented on his recent meeting with the City Manager. Council Member Hill raised a point of order on Council decorum during meetings. Mayor Coffey stated the point is well taken.

The City Clerk read the ordinance by title only.

MOTION: Cousens moved and Hill seconded to pass the ordinance. The motion carried by a 5-2 vote, Mendez and Gutierrez voting no.

ORDINANCE NO. 2018-028, AN ORDINANCE of the City Council of the City of Yakima, Washington, authorizing the issuance of a Limited Tax General Obligation and Refunding

Bond of the City in the principal amount of not to exceed \$12,600,000 to finance costs related to constructing an aquatic facility, refunding the City's outstanding Limited Tax General Obligation Bond, 2015 (Taxable), and paying costs of issuance of the bond; providing the form of the Bond; and authorizing the sale of the Bond to Banner Bank.

12. Ordinance repealing Municipal Code Chapter 6.18 relating to Pit Bull Dogs

City Attorney Cutter briefed Council on the ordinance. Mayor Coffey noted the large number of people requesting to speak to this issue and asked if Council would like to limit speaker time. It was Council consensus to limit speaker time to two minutes.

The following community members spoke against the ordinance to repeal the pit bull ban: Ellen Taft, non-resident and Denise Pharmer, City resident.

The following community members spoke in favor of the ordinance to repeal the pit bull ban: Candie Turner, City resident; Cassy Frayle, City resident; Enrique Gudino, City resident; Connie Chronister, City resident; DeEtte Wood, non-resident; Morgana Holman, City resident; and, Rene Barnes, non-resident.

Charles Stanton, Humane Society Executive Director, spoke in support of lifting the pit bull ban and looks forward to continuing their strong partnership with the City. He also stated the Humane Society is deeply impressed with the City's dangerous dog ordinance and commended the City on its passage of that ordinance, which renders the breed restriction obsolete. Mr. Stanton reported they have over 13,000 signatures supporting the repeal of the pit bull ban.

Jean Ragland, non-resident; stated she is neither for or against the ban and just asked that dog owners respect others.

Council Member White expressed his appreciation to the community for creating so much support to remove the ban and feels, with the robust dangerous dog ordinance, the ban is not necessary. Council Member Mendez commended residents for the work they have done, as well as thanking the Public Safety Committee for the time they took on the dangerous dog ordinance. Council Member Hill stated they were elected to make these decisions as a representative democracy no matter how controversial the decision is.

Council Member Funk stated she prefers to have an advisory vote of the people as this is an issue about individual and cultural values. She also shared her concern about how the process was managed since it was referred to the Public Safety Committee for a recommendation, which was then overlooked. Council Member Cousens stated she sees both sides of this issue; however, she cannot forget about an incident in March when an officer had to defend himself against a pit bull dog who attacked him.

Assistant Mayor Gutierrez commented that she does not think the Public Safety Committee's work was considered on this issue and sees today's vote within the context of a threat by the Humane Society. She reported her long standing opposition to the ban; however, feels terminating the partnership with the Humane Society would be dangerous and expensive. Mayor Coffey stated she has long been a proponent of lifting the ban and shared her disappointment with the actions of the Humane Society.

The City Clerk read the ordinance by title only.

MOTION: White moved and Mendez seconded to repeal the pit bull ordinance (pass the ordinance). MOTION: Funk moved to amend the motion and postpone

consideration of repeal of the ban until November to give us more time to reconsider the dangerous dog ordinance within the window in which the Humane Society shelter will still be available. The motion to amend/postpone failed due to lack of a second. The motion to repeal the pit bull ordinance carried by a 5-2 vote, Cousens and Funk voting no.

ORDINANCE NO. 2018-029, AN ORDINANCE repealing City of Yakima Municipal Code Chapter 6.18 relating to Pit Bull Dogs.

CITY MANAGER UPDATE

13. Consideration of proposal from Jurassic Parliament for consulting and training services

Assistant City Manager Ana Cortez stated Ann Macfarlane of Jurassic Parliament has previously conducted trainings for the City Council. These trainings have covered rules of order, procedure, best practices for interactions and other topics that enhance the effectiveness of Council interactions. Ms. Cortez reviewed a proposal from Jurassic Parliament for potential activities that could better support the Council. Council members reported on the value of having this training for newly elected officials and **it was Council consensus to bring this forward during the 2019 budget process.**

14. Discussion regarding National League of Cities membership

Council Member Cousens briefed Council on the cost associated with rejoining the National League of Cities and requested it be included in the 2019 budget process. Mayor Coffey stated she could not support this at this time as there are other budgetary needs. Council Member Mendez believes this would help play a vital role on the City's Strategic Priorities. **It was Council consensus to discuss this during the 2019 budget process.**

15. **Other Business**

Council Member Hill reported as the Council's member on the Yakima Valley Conference of Governments (YVCOG) Executive Committee, he is trying to do a good job and if there are a majority of Council members who would like him to do something different, to please make a motion. Council Member Funk stated she would like YVCOG to do a better job on their reports and make them available in a timely fashion and in a way that is transparent.

MOTION: Funk moved to have the Council direct Hill to take that message to the YVCOG Executive Committee, that we would like to see their reports on homelessness done in timely fashion, made available to all, and sufficiently transparent to demonstrate that they are acting within the law in their RFP processes, and we need HMIS data, and to have a commitment to HMIS data, and when they are asked to come to a homeless study session, they should come and give us information. The motion failed due to lack of a second.

Assistant Mayor Gutierrez stated it is important to look at the whole process and that one Council member should not be the messenger. Council Member Mendez agreed and noted Council members are liaisons to different boards and committees to advocate for the best interest of all residents.

MOTION: Funk moved to have a study session on our processes, particularly with how we are being informed on homeless management and networks. The motion failed due to lack of a second.

Council Member Mendez reminded the public that there will be a Special City Council listening meeting on August 30, 2018, from 3-5 p.m. at the Fairbridge Inn to give an update on the North

1st Street revitalization project.

16. **Adjournment**

MOTION: Gutierrez moved and Cousens seconded to adjourn to a City Council Study Session on August 28, 2018, at 10 a.m. at City Hall in the Council Chambers. The motion carried by unanimous vote. The meeting adjourned at 8:28 p.m.

CERTIFICATION

READ AND CERTIFIED ACCURATE BY

Dulce Gutierrez 09/18/18
COUNCIL MEMBER DATE

[Signature] 9-18-18
COUNCIL MEMBER DATE

ATTEST:

[Signature]
CITY CLERK



[Signature]
MAYOR