

TOPPENISH CITY COUNCIL
Regular Meeting Minutes
October 11, 2010

Mayor Blaine Thorington called the meeting to order at 7:00 p.m.

ROLL CALL

Present: Mayor Blaine Thorington and Councilmembers Loren Belton, Clara Jiménez, Christina Kwan, Mark Oaks, Derald Ortloff, and Randy Taylor.

Staff Present: City Manager William C. Murphy (CM Murphy), City Attorney Gary M. Cuillier, Finance Director/City Clerk Linda B. Mead (FD Mead), Public Works Director Lance Hoyt, Police Chief Adam Diaz, Fire Chief Tim Smith, City Interpreter Jorge Villaseñor, MidValley Television Manager Judy Devall, and Executive Assistant/Deputy City Clerk Heidi Riojas.

Mayor Thorington welcomed all the Toppenish High School students that were present at the meeting.

PUBLIC COMMENT

None.

CONSENT AGENDA

Councilmember Jiménez moved, seconded by Councilmember Ortloff to approve Consent Agenda items a through e:

- a. Approve Minutes of the September 27, 2010 Regular Meeting.
- b. Approve Minutes of the October 4, 2010 Study Session.
- c. Approve Pay Estimate #28 to Pacific Crest Construction for the WWTF Improvements Project in the total amount of \$40,892.18 and payment of retainage to escrow in the total amount of \$1,986.99.
- d. Approve Payroll Checks Number 30447 through 30480 in the total amount of \$178,606.91 dated September 30, 2010.
- e. Approve Claims Checks Number 71426 through 71542 in the total amount of \$232,773.91 dated October 11, 2010.

Motion carried unanimously.

NEW BUSINESS

Decide and take action to allocate the 2011 Tourism Development Funds after reviewing and discussing recommendations from the Tourism Fund Advisory Committee and the Lodging Tax Advisory Committee.

Mayor Thorington reported that he attended the Lodging Tax Advisory Committee (LTAC) meeting on October 6, 2010. During the meeting, the LTAC members decided to make a slight revision to the \$75,300 recommendation proposed by the Tourism Fund Advisory Committee (TFAC) by recommending Priority 2 funding to the Yakima Valley Visitors and Convention Bureau and allocating the excess to the Toppenish Chamber of Commerce. The Council discussed the proposals and the concerns of the TFAC members and the LTAC members to be conservative with the allocation in order to maintain an ending fund balance due to the uncertainty of the economy.

Councilmember Belton moved, seconded by Councilmember Oaks to accept the funding recommendations totaling \$75,300 from the Lodging Tax Advisory Committee for allocation of the 2011 Tourism Development Funds by awarding: \$3,000 to the Central Washington Junior Livestock Show; \$6,000 to the Yakima Valley Rail and Steam Museum Association; zero to the Yakima Valley Newspapers, LLC; \$3,000 to the Yakima Valley Barrios Unidos; \$3,000 to the Toppenish Western Art Association, \$52,500 to the Toppenish Chamber of Commerce; and \$7,800 to the Yakima Valley Visitor's and Convention Bureau. Motion carried unanimously.

Set October 25, 2010 as date for Public Hearing regarding 2011 proposed revenues and Ad Valorem Tax Levy.

Councilmember Taylor moved, seconded by Councilmember Jiménez to set October 25, 2010 as the date for the Public Hearing regarding the 2011 proposed revenues and Ad Valorem Tax Levy. Motion carried unanimously.

Set agenda for the November 1, 2010 Study Session.

City Manager Murphy (CM Murphy) suggested that Council set the topic for the November 1, 2010 Study Session to be the final review of the 2011 Preliminary Budget and that the anticipated date for adoption of the budget to be November 8, 2010. It was the consensus of Council to approve CM Murphy's suggestion for the agenda topic at the November 1, 2010 Study Session.

ORDINANCES AND RESOLUTIONS

**Ordinance 2010-14:
Ordinance Amending Chapter 5.50 of the Toppenish Municipal Code by Re-Defining "Yard Sales," Defining "Signs," by Creating New Regulations for Yard Sale Signs, and by Requiring Permits for Yard Sales.**

CM Murphy reported that the proposed Ordinance is the result of recommendations of the Public Safety Committee and the City Council to make an amendment to the Yard Sale Ordinance to require a no-fee permit as a way to educate the public concerning regulations and to assist with code enforcement. CM Murphy stated that Council received an edited version of the Ordinance and a second copy of the final document with the removal of the edited items. CM Murphy reminded Council that the focus of staff is to inform and educate the public and not penalize them, and then gives them an opportunity for voluntary compliance, however there is a section that addresses individuals that are aware and still decide not to comply.

Councilmember Jiménez moved, seconded by Councilmember Oaks to adopt Ordinance 2010-14 amending Chapter 5.50 of the Toppenish Municipal Code by re-defining "Yard Sales," defining "Signs," by creating new regulations for yard sale signs, and by requiring permits for yard sales. Motion carried unanimously.

**Ordinance 2010-15:
Ordinance Requiring Permits and Setting Regulations for Non-Commercial Car Washes.**

CM Murphy reported that the proposed Ordinance was created due to the recommendations of the Public Safety Committee and the City Council to set regulations and require permits for non-commercial car washes to address public safety concerns and the environmental impact to the City's storm drain system. CM Murphy stated the no-fee permit is a way to inform and educate the public regarding the regulations pertaining to non-commercial car washes, advising of the Department of Ecology recommendations using biodegradable detergents and to conduct car washes on permeable surfaces to divert water runoff from the City sewer and storm drain system.

Councilmember Belton moved, seconded by Councilmember Taylor to adopt Ordinance 2010-15 requiring permits and setting regulations for non-commercial car washes. Motion carried unanimously.

**Resolution 2010-22:
Resolution Approving Agreement with the Humane Society of Central Washington for Animal Control Services.**

Councilmember Belton moved, seconded by Councilmember Jiménez to adopt Resolution 2010-22 approving Agreement with the Humane Society of Central Washington for animal control services. Motion carried unanimously.

Resolution 2010-23:

Resolution Approving Local Agency Agreement with the Washington State Department of Transportation for the East McDonald Road Improvements Project.

Councilmember Taylor moved, seconded by Councilmember Belton to adopt Resolution 2010-23 approving Local Agency Agreement with the Washington State Department of Transportation for the East McDonald Road Improvements Project. Motion carried unanimously.

Resolution 2010-24:

Resolution Approving Utility Construction Agreement with the State of Washington Department of Transportation for Installation of Water Line Casing Required for the Well #9 Project.

Councilmember Jiménez moved, seconded by Councilmember Taylor to adopt Resolution 2010-24 approving Utility Construction Agreement with the State of Washington Department of Transportation for installation of water line casing required for the Well #9 Project. Motion carried unanimously.

Mayor Thorington called for a break in the meeting to allow the Toppenish High School students to have their papers signed before beginning with the department budget reviews.

DEPARTMENT BUDGET REVIEWS

Police Department

Police Chief Diaz reported that the police department budget maintains current personnel with no budget enhancements. Chief Diaz explained the ways his department addresses various challenges involved with saving costs by having personnel handle information technology issues and continuing to apply for grants. The Council thanked Chief Diaz and his department for their service to the community.

Fire Department

Fire Chief Smith reported that the fire department budget maintains current personnel with no budget enhancements. Chief Smith explained the obstacles his department faces with maintaining an adequate number of volunteers, which is a nation-wide problem. Chief Smith stated that the mutual aid agreements with local communities have been helpful for his department. The Council thanked Chief Smith and his department for their service to the community.

Finance and Miscellaneous Funds

Finance Director Mead (FD Mead) reported that the finance department budget has been reduced by approximately \$20,000 because of the reduction of audit costs. FD Mead commented on the following funds: 1) Records Services Department has an increase to allow for training expenses for her two Deputy City Clerks to eventually become Certified Municipal Clerks (CMCs); 2) Risk Management Department has an increase for medical expenses and out of pocket medical expenses for LEOFF Retirees; 3) Housing Rehabilitation Fund has revenue increases thanks to the hard work of Gene Weinmann, Loan Management Consultant; and 4) Firemen's Pension Fund has a \$24,680 transfer from the General Fund to sustain the Pension Fund.

Legislative, Executive and Administrative Departments

CM Murphy reported that the challenges the City is facing in the upcoming year are the rising cost of medical insurance premiums, the anticipated passage of Initiatives 1100 and 1105, an increase in electricity costs, and the continued steady decline in retail sales tax. CM Murphy commended his Department Directors for their work and efforts to meet the challenges and holding the line to maintain the same level of services.

CM Murphy reported on the following proposed budgets: 1) Legislative Department has no change; 2) Court Department has no significant change other than medical insurance; 3) Executive Department is reduced about \$48,000 because the Special Projects Assistant will not

be funded and acknowledged his appreciation to Tom Kehm for his service the past few years; 4) Legal Services Department has an increase to address the new Washington State Supreme Court Rule that requires both the Prosecutor and the Public Defender to be present at arraignments; 5) Personnel Services Department has no significant change other than medical insurance; 6) Planning and Community Development Department has no significant change other than medical insurance; 7) Community Support Services Department has a 32% increase to the Yakima Valley Conference of Governments assessment; and 8) General Fund Capital Reserve Fund, Municipal Capital Improvement Fund, UDAG, and Special Projects Fund have no significant change and the investments have minimal gain because of the market. CM Murphy stated that he is proposing to use \$25,000 that has been set-aside in the Special Projects Fund for the Downtown Revitalization Project to pay for the demolition and construction of a new gazebo at Olney Park.

The Council expressed their appreciation to FD Mead and her staff for the easy reading format of the budget.

COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

Councilmember Jiménez reported that on October 7, 2010, she and Councilmember Ortloff attended AWC Regional meeting in Yakima.

CITY MANAGER REPORTS

CM Murphy inquired who would be attending the next Yakima Valley Conference of Governments meeting on October 20, 2010 at the Grandview Senior Center. Councilmember Jiménez responded that she would be attending the meeting.

CM Murphy reported that a Public Hearing is scheduled on October 21, 2010 at the Yakima Valley Community College regarding the proposed Pacific Power rate increase. Mayor Thorington stated he would attend the meeting.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:15 p.m.

BLAINE R. THORINGTON, MAYOR

HEIDI RIOJAS, EXECUTIVE ASSISTANT/DEPUTY CITY CLERK