

TOPPENISH CITY COUNCIL

Regular Meeting Minutes

December 8, 2008

REGULAR SESSION CALL TO ORDER

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

Roll Call:

Present: Mayor Pro Tem Blaine Thorington and Councilmen Al Hubert, Derald Ortloff, Ed Pacheco, William Rogers, and Randy Taylor.

Absent: Mayor Loren Belton.

Staff Present: City Manager William C. Murphy (CM Murphy), City Attorney Philip A. Lamb (CA Lamb), Finance Director/City Clerk Linda B. Mead (FD Mead), Public Works Director Lance Hoyt (PWD Hoyt), Building Official/Code Enforcement Officer Fletcher Scaife (BO Scaife), City Interpreter Jorge Villaseñor (CI Villaseñor), MidValley Television Manager Judy Devall (MVTV Devall), and Executive Assistant/Deputy City Clerk Heidi Riojas (EA Riojas).

Councilman Rogers moved, seconded by Councilman Hubert to excuse Mayor Loren Belton from the December 8, 2008 Council meeting. Motion carried unanimously.

PUBLIC COMMENT

Del Schmidt, 525 North Chestnut Street, Toppenish, stated that he recently received a notice about parking his vehicle in his front yard. Mr. Schmidt reported that he parks in the front yard to help his handicapped wife and to minimize the broken windows and graffiti to his vehicles. City Manager Murphy stated that Mr. Schmidt presents a difficult issue; however, the enforcement needs to be done uniformly. Councilman Hubert suggested that the Council review the Ordinance to look into addressing hardship or disability issues. CM Murphy stated that he is reluctant to make exceptions to a new Ordinance without having some experience dealing with it. CM Murphy reported that he will discuss the issue with staff, to try to find an alternative to address Mrs. Schmidt's condition.

Alexander Mejia, 402 Bolin Drive, Toppenish, spoke about his concerns regarding the refurbishment of the train at the train depot, the City budget, and the role of the City Attorney. Mr. Mejia commented that he feels that CM Murphy answers all the questions rather than City Attorney Lamb. CM Murphy stated that the City Attorney responds as appropriate and that the City Manager responds as appropriate. CA Lamb responded that this topic is starting to be a recurring issue that has been discussed at two previous Council meetings. CA Lamb summarized his City Attorney activities earlier in the day regarding issues concerning the City.

RECOGNITION OF SERVICE

Mayor Pro Tem Thorington presented 10-year service pins to Eric Bakker, Wastewater Treatment Plant Operator II, Virginia Holmes, Dispatcher, and a 15-year service pin to Arthur Kroes, Public Works Supervisor. It was announced that Adam Diaz, Police Sgt. was not present to receive his 15-year service pin because he was home ill. The Council thanked the City employees for their dedication and service to the community.

CONSENT AGENDA

Councilman Rogers moved, seconded by Councilman Ortloff to approve Consent Agenda items a through e:

- a. Approve Minutes of the November 24, 2008 Regular Meeting.
- b. Approve Minutes of the December 1, 2008 Study Session.
- c. Approve Payroll Vouchers Number 26248 through 26330 in the total amount of \$161,087.89 dated November 30, 2008.
- d. Approve Pay Estimate #8 to Pacific Crest Construction for the WWTF Improvements Project in the amount of \$854,928.30 and payment of retainage to escrow in the amount of \$41,541.71.
- e. Approve Claims Vouchers Number 66728 through 66811 in the total amount of \$1,131,307.10 dated December 8, 2008 and void Vouchers Number 66788 and 66810.

Motion carried unanimously.

NEW BUSINESS

Presentation from Pastor Frank East Regarding the Graffiti Cleanup Project

Pastor Frank East reported that fourteen churches have been participating with the graffiti clean up project, and four of the churches have submitted reports to the Public Works Department. During the past two and a half months the volunteers have reported 35 hours of clean up to paint out 12,530 square feet of graffiti. Pastor East reported that the churches desire to continue with the clean up project in 2009 and displayed the orange Love Thy Neighbor t-shirts that the volunteers wear when they paint out graffiti. The Council thanked Pastor East and all the clergy involved with the graffiti cleanup project, and encouraged their continued volunteerism.

Presentation by Drew Miller from Yakima Valley Conference of Governments, on the Planning Commission's Recommended Findings and Proposed Revisions to the Comprehensive Plan for Amending Provisions of the Natural Systems, Land Use, Capital Facilities, Transportation, Housing, and Administration Elements of the Plan.

Drew Miller, Planner with Yakima Valley Conference of Governments (YVCOG), reported that YVCOG has been assisting the City for the past few years on updating and amending the Comprehensive Plan as required by the Washington State Growth Management Act. Mr. Miller stated that the Comprehensive Plan is a 20-year planning document, which is required to be updated every seven years. Mr. Miller reported that all of the elements of the Comprehensive Plan have been reviewed by the Washington State Department of Community Trade and Economic Development (CTED) and that all the comments received from CTED have been incorporated into the document. He stated that the Planning Commission, after holding the required Public Hearings, has recommended that the Council adopt the proposed revisions to the Comprehensive Plan. Mr. Miller stated that the intention is for the document to be implemented through the Toppenish Municipal Code, along with the future land use map. Mr. Miller stated that it is envisioned for the zoning map to be updated to include the future land use map. Building Official Scaife explained in detail the proposed land use changes on South E Street, East Toppenish Avenue, and on the north side of East McDonald Road that is within the urban growth area.

Public Hearing Regarding Comprehensive Plan Amendments – receive public comments.

Mayor Pro Tem Thorington called the public hearing to order at 7:26 p.m.

Alexander Mejia, 402 Bolin Drive, Toppenish, expressed his concern about the City contacting the Yakama Nation regarding the proposed updates to the Comprehensive Plan.

There being no further comment, the hearing was closed at 7:28 p.m., and Mayor Pro Tem Thorington reconvened the meeting in regular session.

Ordinance 2008-24:

An Ordinance Of The City Of Toppenish, Washington, Adopting the Toppenish Comprehensive Plan Amendments To The Natural Systems, Land Use, Capital Facilities, Transportation, Housing, and Administration Elements

Councilman Hubert moved, seconded by Councilman Taylor to adopt Ordinance 2008-24, an Ordinance of the City Of Toppenish, Washington, Adopting the Toppenish Comprehensive Plan Amendments to the Natural Systems, Land Use, Capital Facilities, Transportation, Housing, and Administration Elements. Motion carried unanimously.

Presentation by Drew Miller from Yakima Valley Conference of Governments regarding proposed amendments to zoning ordinances.

Drew Miller from YVCOG reported on the two major changes to the zoning ordinance to enact changes made by the Washington State legislature relating to manufactured homes and to daycare centers. Mr. Miller stated that the manufactured home law was changed in 2004 to require Cities to treat manufactured homes the same as stick built homes and allow them in all residential areas. Mr. Miller reported that daycare centers are to be allowed in all residential and commercial areas. Mr. Miller stated that the law allows the City to put limitations on the hours of operation to address the neighborhood compatibility concerns. CA Lamb reported that the City has control on the parking issues for public safety issues. CA Lamb stated that the City needs to adopt the proposed amendments to the zoning ordinances in order to maintain eligibility in the future for funding relating to land use issues.

Ordinance 2008-25:

Ordinance to Amend Zoning for Residential District (R1), Residential District (R2), Local Business District (B1), General Business District (B2), and Professional Official District (B3) by Amending Sections 17.28.020, 17.32.020, 17.40.020, 17.44.020, and 17.46.020, and by Enacting New Sections 17.28.035, 17.32.035, 17.40.035, and 17.46.035 of the Toppenish Municipal Code

Councilman Rogers moved, seconded by Councilman Pacheco to adopt Ordinance 2008-25 Ordinance to Amend Zoning for Residential District (R1), Residential District (R2), Local Business District (B1), General Business District (B2), and Professional Official District (B3) by Amending Sections 17.28.020, 17.32.020, 17.40.020, 17.44.020, and 17.46.020, and by Enacting New Sections 17.28.035, 17.32.035, 17.40.035, and 17.46.035 of the Toppenish Municipal Code. Motion carried unanimously.

Presentation by Gray & Osborne, Inc. Regarding Wastewater Treatment Facility and Proposed Change Order #1.

Nancy Morter from Gray & Osborne, Inc. reported that she is the Project Engineer for the Wastewater Treatment Facility (WWTF) Project and that the WWTF is 37% complete on spending. Ms. Morter also reported that the Project is anticipated to continue through July 2010. Ms. Morter stated that proposed Change Order #1 is in the amount of \$36,000, which includes eleven items that address safety and construction issues. Ms. Morter discussed the three phases for a construction project that include digging, installation, and startup and testing. Ms. Morter stated that she anticipates more Change Orders for the WWTF project.

Resolution 2008-19:

Resolution Approving Change Order No. 1 to Contract with Pacific Crest Construction, Inc., for the Wastewater Treatment Facilities Improvements Project

Councilman Hubert moved, seconded by Councilman Rogers to adopt Resolution 2008-19 Resolution Approving Change Order No. 1 to Contract with Pacific Crest Construction, Inc., for the Wastewater Treatment Facilities Improvements Project. Motion carried unanimously.

Presentation by Gray & Osborne, Inc. Regarding Engineering Services for the Well #9 Project.

Michael Rohrich, Engineer with Gray & Osborne, Inc., reported that the proposed contract is for the engineering services for the Well #9 Project, which is a project that the City has been pursuing since 2003. Mr. Rohrich spoke about the three phases of the project that include the first phase to work with the property owner and to divide the property into two pieces; second phase to develop the engineering documents and the geohydrological documents so a well can be drilled on the site; and the third phase to design pipelines that will connect the well to the City system to expand the system to the north. Mr. Rohrich described the future work that will occur after the well is drilled and it is determined how much water the well will yield, which includes the installation of a pump, constructing a building, and providing for electrical service. Mr. Rohrich reported that the City has secured a \$2.5 million loan from the Drinking Water State Revolving Fund for the project. CM Murphy reported that the repayment of the loan has been built into the utility rates based on the utility rate study prepared by Gray & Osborne, Inc. Mr. Rohrich reported that if everything goes as planned the well should be functioning next year at this time or the first part of 2010. CM Murphy stated that the property owner has agreed to donate the property to the City. Mr. Rohrich said that the City will be updating its water system plan in 2009 to address long range planning for additional storage on the same site to have adequate fire flows for development to the north.

Resolution 2008-20:

Resolution Approving and Contract With Gray & Osborne, Inc., for Professional Engineering Services for the Construction of Well No. 9 Project

Councilman Taylor moved, seconded by Councilman Hubert to adopt Resolution 2008-20 Resolution Approving Proposal and Contract with Gray & Osborne, Inc., for Professional Engineering Services for the Construction of Well No. 9 Project. Motion carried unanimously.

Resolution 2008-21:

Resolution Accepting Low Bid and Authorizing Contract for the Construction of an Equipment Shed at Public Works, to Replace Building Demolished by Windstorm.

Public Works Director Hoyt reported that the equipment shed at public works was demolished during the November 11, 2007 windstorm. PWD Hoyt stated that the City's insurance carrier, Washington Cities Insurance Authority, was notified about the damage and instructed the City to start the replacement process. PWD Hoyt reported that three bids were received and that the lowest bid was received from Systems West L.L.C. in the amount of \$48,000. PWD Hoyt stated that the \$5,000 insurance deductible is a budgeted item.

Councilman Taylor moved, seconded by Councilman Rogers to adopt Resolution 2008-21 Resolution Accepting Low Bid and Authorizing Contract for the Construction of an Equipment Shed at Public Works, to Replace Building Demolished by Windstorm. Motion carried unanimously.

Ordinance 2008-26:

Ordinance Creating Positions of Chief of Police Department and Chief of Fire Department, and Repealing Ordinance 2006-2 Section 2, which Established the Public Safety Director Position

CM Murphy stated that the proposed Ordinances 2008-26, 2008-27, 2008-28, and 2008-29 have been discussed at length during the budget meetings.

Councilman Hubert moved, seconded by Councilman Ortloff to adopt Ordinance 2008-26 Ordinance Creating Positions of Chief of Police Department and Chief of Fire Department, and Repealing Ordinance 2006-2 Section 2, which Established the Public Safety Director Position. Motion carried unanimously.

Ordinance 2008-27:

Ordinance Reducing Tax on Water and Wastewater Services by Six Percent, from 32 Percent to 26 Percent by Amending Section 3.39.010 of the Toppenish Municipal Code

Councilman Rogers moved, seconded by Councilman Taylor to adopt Ordinance 2008-27 Ordinance Reducing Tax on Water and Wastewater Services by Six Percent, from 32 Percent to 26 Percent by Amending Section 3.39.010 of the Toppenish Municipal Code. Motion carried unanimously.

Ordinance 2008-28:

Ordinance Reducing Tax on Solid Waste Services by Six Percent, from 32 Percent to 26 Percent by Amending Section 3.41.010 of the Toppenish Municipal Code

Councilman Rogers moved, seconded by Councilman Taylor to adopt Ordinance 2008-28 Ordinance Reducing Tax on Solid Waste Services by Six Percent, from 32 Percent to 26 Percent by Amending Section 3.41.010 of the Toppenish Municipal Code. Motion carried unanimously.

Ordinance 2008-29:

Ordinance Increasing Refuse Collection Rates by Amending Section 8.10.170 of the Toppenish Municipal Code

Councilman Rogers moved, seconded by Councilman Ortloff to adopt Ordinance 2008-29 Ordinance Increasing Refuse Collection Rates by Amending Section 8.10.170 of the Toppenish Municipal Code. Motion carried unanimously.

Ordinance 2008-30:

An Ordinance Amending the 2008 Operating Budget for the City Of Toppenish, Washington and Amending Ordinance 2007-22

Finance Director Mead reported that the proposed Ordinance would amend the 2008 budget for an end of -year clean-up to reflect the adjustments for grant funds and for Local Option Capital Asset Lending Program (LOCAL) funds that the City received during the year. FD Mead explained that the LOCAL funds were used to purchase the new garbage truck, the new lawn mowers for the park department, three new police cars, and the new water meters and handheld equipment, and have been approved by Council. FD Mead reported that the total budget amendment is in the amount \$2,267,817, of which the largest amendments were in the Street Fund, the Municipal Capital Improvement Fund, the Local Program Fund, and the Water Capital Fund.

Councilman Rogers moved, seconded by Councilman Taylor to adopt Ordinance 2008-30, An Ordinance Amending the 2008 Operating Budget for the City of Toppenish, Washington and Amending Ordinance 2007-22. Motion carried unanimously.

**Ordinance 2008-31:
An Ordinance Adopting the 2009 Budget for the City of Toppenish, Washington**

FD Mead reported that the proposed 2009 budget is in the total amount of \$29,434,320, which provides for the Police Chief, the Fire Chief, the elimination of the Public Safety Director position, addition of the full time secretary to be shared between the Parks and Recreation Department and the Building and Code Enforcement Department, all the enhancements that were approved by CM Murphy, along with a new police officer and a new fire fighter. Councilman Rogers praised FD Mead and CM Murphy on presenting the balanced 2009 Budget. FD Mead reported that CM Murphy gave staff direction on the budget and all the Department Directors worked together in presenting the balanced 2009 budget.

Councilman Hubert moved, seconded by Councilman Pacheco to adopt Ordinance 2008-31 An Ordinance Adopting the 2009 Budget for the City of Toppenish, Washington. Motion carried unanimously.

CM Murphy thanked the Council and congratulated them for accomplishing important business this evening. CM Murphy expressed his sincere thanks and gratitude to FD Mead and all department directors for a job exceedingly well done, which is the result of a great deal of commitment, effort, and long hours that benefited the City of Toppenish.

Discussion about Canceling the December 22, 2008 Council Meeting.

Councilman Rogers moved, seconded by Councilman Ortloff to cancel the December 22, 2008 Council meeting. Motion carried unanimously.

COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

CM Murphy reminded the Council about the Yakima Valley Conference of Governments meeting on December 10, 2008 at Mt. Adams Country Club.

Councilman Taylor moved, seconded by Councilman Pacheco to cancel the December 15, 2008 Public Safety Committee meeting. Motion carried unanimously by the Public Safety Committee Members, consisting of Councilmen Hubert, Pacheco, and Taylor.

CM Murphy stated that he is not aware that Council has a topic designated for the January 5, 2009 Study Session.

Councilman Hubert moved, seconded by Councilman Rogers to cancel the January 5, 2009 Study Session. Motion carried unanimously.

FD Mead reminded the Council about the Holiday Party and Ornament Exchange at the Fire Station on Tuesday, December 9, 2008.

CITY MANAGER REPORTS

None.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:17 p.m.

BLAINE R. THORINGTON, MAYOR PRO TEM

HEIDI RIOJAS, EXECUTIVE ASSISTANT/DEPUTY CITY CLERK