

**TOPPENISH CITY COUNCIL**  
**Regular Meeting Minutes**  
**October 28, 2013**

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

**ROLL CALL**

Present: Mayor Clara Jiménez and Councilmembers Loren Belton, Zachary Dorr, Mark Oaks, Derald Ortloff, Randy Taylor, and Blaine Thorington.  
Staff Present: City Manager William C. Murphy (CM Murphy), City Attorney Gary Cuillier, Finance Director/City Clerk Linda B. Mead (FD Mead), Parks and Recreation Director James Cole (PRD Cole), City Interpreter Jorge Villaseñor, MidValley Television Manager Judy Devall, and Executive Assistant/Deputy City Clerk Heidi Riojas.

**PUBLIC COMMENT**

Angie Lopez, 101 North Fir Street, Toppenish, reported her concerns regarding various dog issues in the community. Ms. Lopez stated that she has had several encounters with unaltered male dogs that are loose in the community. She suggested that Council consider updating the dog ordinance to encourage male dogs to be altered and to increase the dog license fees.

**CONSENT AGENDA**

Councilmember Thorington moved, seconded by Councilmember Taylor to approve Consent Agenda item a through d:

- a. Approve Minutes of the October 14, 2013 Regular Council Meeting.
- b. Receive September 2013 Budget Report and Update Memorandum Submitted by Finance Director/City Clerk Linda Mead.
- c. Approve Payroll Checks Number 32409 through 32422 and EFTPR226-233 in the total amount of \$258,734.30 dated October 21, 2013.
- d. Approve Claims Checks Number 78220 through 78293, NR Check Number 71448 and EFTAP110 in the total amount of \$171,270.35 dated October 28, 2013 and Void Check Numbers 71448 and 78177.

Motion carried unanimously.

**PUBLIC HEARINGS**

**Public Hearing Regarding 2014 Tax Levy and Revenues. Receive Staff Presentation and Public Comments on Proposed Levy.**

Mayor Jiménez opened the public hearing at 7:07 p.m.

Finance Director Mead (FD Mead) reported that the proposed revenues for all funds for the 2014 Preliminary Budget consist of various sources with the largest being derived from Beginning Fund Balances, taxes such as Property Tax and Sales Tax, Utility Taxes, and Charges for Services, accounting for total projected revenues of \$22,018,360.

FD Mead reported that the 2014 Preliminary Budget includes an anticipated 1% increase or \$8,004.72 in Ad Valorem Taxes, better known as Property Taxes, in addition to the proposed refund levy of \$3,836.69. The City will receive an additional \$5,593.05 in new construction, which will increase the total assessed value by an additional \$2,021,100. It is anticipated the levy rate in 2014 will be an estimated 2.7983 per \$1,000 of assessed value compared to the rate of 2.7673 in 2013.

There being no comments from the public, Mayor Jiménez closed the public hearing at 7:12 p.m.

**Ordinance 2013-17:**

**An Ordinance of the City Council of the City of Toppenish, Washington, Determining and Fixing the Amount of Moneys to be Raised by Ad Valorem Taxes to Finance the Municipal Operations for the City of Toppenish, Washington, for the Fiscal Year Ending December 31, 2014.**

Councilmember Belton moved, seconded by Councilmember Oaks to adopt Ordinance 2013-17, an Ordinance of the City Council of the City of Toppenish, Washington, Determining and Fixing the Amount of Moneys to be Raised by Ad Valorem Taxes to Finance the Municipal Operations for the City of Toppenish, Washington, for the Fiscal Year Ending December 31, 2014. Motion carried unanimously.

**Public Hearing Regarding City of Toppenish Parks and Recreation Plan 2014-2019. Receive Staff Presentation and Public Comments.**

Mayor Jiménez opened the public hearing at 7:13 p.m.

Parks and Recreation Director Cole (PRD Cole) reported that the City contracted with Yakima Valley Conference of Governments (YVCOG) to complete the necessary work for the Parks and Recreation Plan update for 2014-2019. The City is required to have an updated plan in place to be eligible to apply for funding from the State Recreation Conservation Office (RCO). The Toppenish Parks and Recreation Advisory Board reviewed the proposed plan during its September 19, 2013 meeting and recommended adoption. The Toppenish Planning Commission reviewed the final draft of the proposed Toppenish Parks and Recreation Plan during its October 15, 2013 meeting and voted unanimously to recommend that Council adopt the plan.

There being no comments from the public, Mayor Jiménez closed the public hearing at 7:18 p.m.

**Ordinance 2013-18:**

**An Ordinance of the City of Toppenish, Washington, Adopting Amendments to the Parks and Recreation Section of the Capital Facilities Element of the Toppenish Comprehensive Plan.**

Councilmember Belton moved, seconded by Councilmember Ortloff to adopt Ordinance 2013-18, an Ordinance of the City of Toppenish, Washington, Adopting Amendments to the Parks and Recreation Section of the Capital Facilities Element of the Toppenish Comprehensive Plan. Motion carried unanimously.

**Public Hearing Regarding the Moratorium and Interim Zoning Ordinance 2013-13 Regarding Facilities and Use of Medical and Recreational Marijuana. Receive Staff Presentation and Public Comments.**

Mayor Jiménez opened the public hearing at 7:19 p.m.

CM Murphy reported that the memorandum he prepared and presented to Council recommends that the moratorium be retained until March 8, 2014, unless terminated earlier by Council. The City Council received a copy of the draft recommendations issued by the Washington State Liquor Control Board (WSLCB) for regulating and taxing medical marijuana, a copy of the Municipal Research and Services Corporation (MRSC) Question and Answers, and a copy of a blog from MRSC. CM Murphy stated that an article recently published in the *Yakima Herald-Republic* states that the Yakama Nation plans to take the position to deny all license applications for the production, processing, or retailing of marijuana products when notice is received from the WSLCB. In conclusion, CM Murphy stated that the appropriate action to take at this time is to retain the moratorium until March 8, 2013.

Diane Sampson, 512 South Alder Street, Toppenish, reported her concerns and objections to the use of marijuana by young people.

Anna Marie Dufault a Yakima County Gang Commission representative reported that this community has a high percentage of people under 21 years of age and supports extending the moratorium until March 8, 2014.

There being no other comments from the public, Mayor Jiménez closed the public hearing at 7:27 p.m.

It was the consensus of Council to retain the moratorium until March 8, 2014 and to have an Ordinance prepared for consideration at the November 12, 2013 meeting.

## **NEW BUSINESS**

### **Resolution 2013-24:**

**A Resolution of the City Council of the City of Toppenish, Washington, Canceling Claims Checks.**

CM Murphy reported that the proposed Resolution is an annual process to cancel claims checks that are unclaimed for more than one year for utility refunds, witness fees, or jury fees.

Councilmember Belton moved, seconded by Councilmember Taylor to adopt Resolution 2013-24, a Resolution of the City Council of the City of Toppenish, Washington, Canceling Claims Checks. Motion carried unanimously.

### **Resolution 2013-25:**

**Resolution Approving Drinking Water State Revolving Fund Loan Agreement for the 2014 Water System Improvements, in the Amount of \$1,683,983 with an Interest Rate of 1%.**

CM Murphy reported that the proposed Resolution is to approve the loan agreement for the 2014 Water System Improvements Project.

Councilmember Ortloff moved, seconded by Councilmember Oaks to adopt Resolution 2013-25, a Resolution Approving Drinking Water State Revolving Fund Loan Agreement for the 2014 Water System Improvements, in the Amount of \$1,683,983 with an Interest Rate of 1%. Motion carried unanimously.

### **Resolution 2013-26:**

**A Resolution Designating Official Newspaper.**

CM Murphy reported that the proposed Resolution is to designate the *Review-Independent* as the official newspaper for the City for the period January 1, 2014 through December 31, 2014.

Councilmember Thorington moved, seconded by Councilmember Dorr to adopt Resolution 2013-26, a Resolution Designating Official Newspaper. Motion carried unanimously.

**Receive Notice from International Institute of Municipal Clerks that Heidi Riojas has earned the Designation of Certified Municipal Clerk (CMC).**

Mayor Jiménez presented Heidi Riojas with a plaque from the International Institute of Municipal Clerks designating her as a Certified Municipal Clerk (CMC). Council and those present congratulated Heidi Riojas, CMC for the honor she has worked so hard to achieve.

## **COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS**

Councilmember Dorr announced that he attended the Fall Festival at Railroad Park on October 26, 2013.

Councilmember Belton reported that he attended the Office of Emergency Management Executive Board Meeting on October 16, 2013, the County Planning Policy Board Executive Committee Meeting on October 17, 2013, and the YVCOG MPO/RTPO Executive Board Meetings on October 21, 2013.

Mayor Jiménez reported that she attended the YVCOG General Membership Meeting on October 17, 2013.

## **CITY MANAGER REPORTS**

CM Murphy reported that Finance Director/City Clerk Mead has been diligently working on the 2014 Preliminary Budget. It was noted that Council received a copy of the 2014 Preliminary Budget on October 28, 2013, and will receive a comprehensive budget presentation during the Study Session on November 4, 2013.

## **ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 7:38 p.m.

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CLARA R. JIMÉNEZ, MAYOR

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HEIDI RIOJAS, CMC  
EXECUTIVE ASSISTANT/DEPUTY CITY CLERK