

TOPPENISH CITY COUNCIL
Regular Meeting Minutes
October 8, 2012

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, and Blaine Thorington.

Absent: Randy Taylor.

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

Councilmember Thorington moved, seconded by Councilmember Ortloff to excuse Councilmember Taylor from the October 8, 2012 Regular Council Meeting. Motion carried unanimously.

PUBLIC COMMENT

None.

CONSENT AGENDA

Councilmember Oaks moved, seconded by Councilmember Dorr to approve Consent Agenda items a through e:

- a. Approve Minutes of the September 24, 2012 Regular Council Meeting.
- b. Approve Minutes of the October 1, 2012 Study Session.
- c. Approve Pay Estimate #3 and Final Payment for the Franklin Avenue Resurfacing Project to Granite Construction Company in the amount of \$2,516.81 with retainage held in the amount of \$132.47.
- d. Approve Payroll Checks Number 31852 through 31868 in the total amount of \$226,515.87 dated September 30, 2012.
- e. Approve Claims Checks Number 75900 through 75987 in the total amount of \$344,457.61 dated October 8, 2012.

Motion carried unanimously.

NEW BUSINESS

Ordinance 2012-8:

Ordinance Exempting Nonprofit Community Organizations from Park Rental Fees.

City Manager Murphy (CM Murphy) reported that the proposed Ordinance is to correct an oversight on an Ordinance adopted in 2009 that inadvertently left out the listing of the nonprofit community organizations exempt from park rental fees. The new Ordinance provides a list of the nonprofit community organizations exempt from park rental fees.

Councilmember Ortloff moved, seconded by Councilmember Oaks to adopt Ordinance 2012-8 A Ordinance Exempting Nonprofit Community Organizations from Park Rental Fees. Motion carried unanimously.

Ordinance 2012-9:

Ordinance Amending Section 3.43.030 of the Toppenish Municipal Code to Allow Real Estate Excise Tax to be Used, with some Conditions, for Operations and Maintenance of Existing Capital Projects.

CM Murphy handed out the correct version of the proposed Ordinance that updates the last line of the second paragraph to read exceed \$1 million per year and that illustrates the words that are added and stricken out. The proposed Ordinance authorizes the City to utilize the real estate excise tax funds for operations and maintenance of existing capital projects, with some conditions, that were previously restricted. CM Murphy stated that the adoption of the Ordinance allows the City to use the real estate excise tax funds to reroof the City Hall building and the Safe Haven building.

Councilmember Belton moved, seconded by Councilmember Thorington to adopt Ordinance 2012-9 An Ordinance Amending Section 3.43.030 of the Toppenish Municipal Code to Allow Real Estate Excise Tax to be Used, with some Conditions, for Operations and Maintenance of Existing Capital Projects. Motion carried unanimously.

Ordinance 2012-10:

Ordinance Repealing Chapter 9.98 of the Toppenish Municipal Code and Enacting New Ordinance to Control Public Disturbance Noises, Establish Exemptions and Set Penalties.

CM Murphy reported that the proposed Ordinance was the topic of discussion during the October 1, 2012 Study Session. At the direction of Council, the last page of the proposed Ordinance included an update with an extension for sounds exempt during daytime hours to be 10:00 p.m. for sounds from the rodeos at the Toppenish Rodeo Grounds and sounds of public concerts and public dances.

Councilmember Thorington moved, seconded by Councilmember Oaks to adopt Ordinance 2012-10 An Ordinance Repealing Chapter 9.98 of the Toppenish Municipal Code and Enacting New Ordinance to Control Public Disturbance Noises, Establish Exemptions and Set Penalties. Motion carried unanimously.

Resolution 2012-19:

Resolution Approving Change Order No. 1 to Contract with Tacoma Pump & Drilling Co., Inc. for the Drilling of Well No. 9.

CM Murphy reported that the proposed Resolution is for the costs incurred for the unforeseen geological conditions that resulted in additional drilling for Well No. 9. The amount for Change Order No. 1 is \$49,163.83 and does not exceed the amount budgeted for the project.

Councilmember Thorington moved, seconded by Councilmember Dorr to adopt Resolution 2012-19 A Resolution Approving Change Order No. 1 to Contract with Tacoma Pump & Drilling Co., Inc. for the Drilling of Well No. 9. Motion carried unanimously.

Declare the Franklin Avenue Resurfacing Project Complete and Begin the 60-day Lien Process.

CM Murphy reported that Council received a copy of a letter from the City's engineer, Huibregtse, Louman Associates, Inc., indicating that the project has been satisfactorily completed and recommending acceptance of the project and begin the 60-day lien process.

Councilmember Thorington moved, seconded by Councilmember Oaks to Declare the Franklin Avenue Resurfacing Project Complete and Begin the 60-Day Lien Process. Motion carried unanimously.

Award Bid for the City Hall and Safe Haven Roof Replacement Projects.

CM Murphy reported that he spoke earlier regarding Ordinance 2012-9 to authorize the City to use real estate excise tax funds for operations and maintenance of existing capital projects. The real estate excise tax will be the source of funds to pay for the City Hall and Safe Haven roof replacement projects. CM Murphy stated that Council received a copy of a letter from the City's engineer summarizing the bids received and recommending the City award the apparent low bid of \$120,308.50 to Mike's Roofing, Inc.

Councilmember Oaks moved, seconded by Councilmember Dorr to Award Bid for the City Hall and Safe Haven Roof Replacement Projects to Mike's Roofing, Inc. for \$120,308.50. Motion carried unanimously.

Set October 22, 2012 as Date for a Public Hearing Regarding 2013 Tax Levy.

Councilmember Dorr moved, seconded by Councilmember Thorington to Set October 22, 2012 as Date for a Public Hearing Regarding 2013 Levy including Revenues. Motion carried unanimously.

RECEIVE 2013 PROPOSED PRELIMINARY BUDGET SHOWING DEPARTMENT EXPENDITURES AND REVENUES TO FINANCE THOSE EXPENDITURES.

CM Murphy reported that Council has received a copy of the 2013 proposed Preliminary Budget and the matter is on the agenda to make a record that it happened.

DEPARTMENT PRELIMINARY BUDGET REVIEWS: FIRE (CHIEF TIM SMITH), POLICE (CHIEF ADAM DIAZ), FINANCE (LINDA MEAD), LEGISLATIVE, ADMINISTRATION, AND ALL OTHER FUNDS (BILL MURPHY)

CM Murphy reported that the proposed Preliminary Budget has a 0% cost of living adjustment for all employees, with the exception of the Collective Bargaining Agreements that require a step increase. Further, the Preliminary Budget includes a 6% increase for medical insurance costs.

CM Murphy stated that the proposed Preliminary Budget allows the City to maintain current service and personnel levels in all departments without any rate or tax increases.

Fire Department:

Fire Chief Smith (FC Smith) reported on the proposed 2013 budget for the various funds in the Fire Department, which include Administration, Fire Suppression, Rescue and Emergency Aid, Protective Inspections, and Code Enforcement. Chief Smith stated that the Fire Department budget maintains current personnel with no budget enhancements and explained that his department is continuing to help with reducing the overtime expenses by working together to cover shifts. FC Smith thanked Council for their support of his department.

Police:

Police Chief Diaz (PC Diaz) reported on the proposed 2013 budget for the various funds in the Police Department, which include Administration, Investigation, Patrol, Crime Prevention, Care & Custody of Prisoners, Communications & Dispatch, Animal Control, and the Special Investigative Drug Account. Chief Diaz stated that the proposed 2013 budget maintains the current level of personnel and services, along with a budget enhancement for the purchase of three police patrol vehicles. PC Diaz thanked Council for their support of his department.

Finance:

Finance Director Mead (FD Mead) reported that the proposed 2013 budget for the various funds in the Finance Department, which include Financial Services, Records Services, Risk Management, Information Technology, Government Services, and Other General Government Transfers-Out. In addition, FD Mead reported on the Urban Development Action Grant Fund, the Community Economic Development Loan Fund, and the Firemen's Pension Trust Fund. The proposed 2013 budget maintains the current level of personnel and services, some readjustments to salaries and wages to reflect more accurately the use of staff time, and a transfer out of \$28,700 for the Firemen's Pension Trust Fund to sustain the fund.

Legislative, Administration, and All Other Funds:

CM Murphy reported on the proposed 2013 budget for the Legislative, Municipal Court, Executive, Personnel Services, Legal Services, Capital Reserve Account, the Trail & Path Services Fund, the Municipal Capital Improvement Fund, the Special Projects Fund, and the Housing Rehabilitation Fund. The proposed 2013 budget maintains the current level of personnel and services, some readjustments to salaries and wages to reflect more accurately the use of staff time, the possibility of future changes with the expenses for public defenders, an increase for interpreting services, and maintain professional legal services. CM Murphy reported that the Pioneer Park Pathway has been completed and that the project was funded by multiple sources that included the proceeds from the City employee yard sale, donations from the Yakima Valley Farm Workers Clinic, Washington Beef, Toppenish Rotary, Pacific Power, Loren Belton, the funds generated over the years for bicycle licenses, and the remainder from Fund 150, which is income generated from old housing and rehabilitation loans. CM Murphy reported that the project was funded without impacting the General Fund.

FD Mead reported a few corrections for Fund 150 and for the Organization Chart with the number of staff and volunteers.

COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

Mayor Jiménez reported that she attended the following: 1) September 26, 2012 the Tourism Fund Advisory Committee meeting to listen to presentations from the applicants requesting tourism funds; 2) September 27, 2012 the Driving Rural Yakima Valley Economy fair booth; 3) September 29, 2012 the Mural Auction and Dinner; 4) October 2, 2012 the Gubernatorial Debate; 5) October 3, 2012 the Lodging Tax Advisory Committee meeting; and 5) October 6, 2012 the Wapato Tamale Festival as a judge for the tamale competition.

Councilmember Ortloff reported that he attended the Gubernatorial Debate. Councilmember Ortloff inquired about the new business selling guns and ammunition across the street from City Hall. PC Diaz responded that the business owner has been working with his department on various issues.

Councilmember Thorington reported that he attended the September 29, 2012 Mural Auction and Dinner.

Councilmember Dorr reported that he hosted the September 29, 2012 Mural Auction and Dinner and attended the October 2, 2012 Gubernatorial Debate.

CITY MANAGER REPORTS

CM Murphy reported that the next Yakima Valley Conference of Governments meeting is scheduled for October 17, 2012 in Sunnyside. Mayor Jiménez and Councilmembers Ortloff, Belton and Thorington acknowledged that they will be attending the meeting.

Mayor Jiménez complemented Chief Diaz for the Police Officer interacting with small children in the community to help with implanting a positive image of the department.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:23 p.m.

CLARA R. JIMÉNEZ, MAYOR

HEIDI RIOJAS, EXECUTIVE ASSISTANT/DEPUTY CITY CLERK