

**TOPPENISH CITY COUNCIL**  
**Regular Meeting Minutes**  
**September 23, 2013**

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

**ROLL CALL**

Present: Mayor Clara Jiménez and Councilmembers Loren Belton, Mark Oaks, Derald Ortloff, Randy Taylor, and Blaine Thorington.  
Absent: Councilmember Zachary Dorr.  
Staff Present: City Manager William C. Murphy (CM Murphy), City Attorney Gary Cuillier, Community Development Director William Rathbone (CDD Rathbone), MidValley Television Manager Judy Devall, and Executive Assistant/Deputy City Clerk Heidi Riojas.

Councilmember Belton moved, seconded by Councilmember Oaks to excuse Councilmember Dorr from the September 23, 2013 Regular Meeting. Motion carried unanimously.

**PUBLIC COMMENT**

Abundia Sanchez, 104 Franklin Avenue, Toppenish, stated her objections to the new dog kennel in her neighborhood. Ms. Sanchez reported her concerns with the excessive dog barking and the smell.

Lucila Hernandez, 106 Franklin Avenue, Toppenish, stated her objections to the new dog kennel in her neighborhood. Ms. Hernandez reported concerns with the location of the dog kennel being directly behind her house.

**EXPANSION OF HEAD START SERVICES**  
**PRESENTATION BY TADEO SAENZ-THOMPSON, INSPIRE DEVELOPMENT**  
**CENTERS CEO**

Tadeo Saenz-Thomson, CEO for Inspire Development Centers, formerly the Washington Migrant Council, reported that for the past 30 years his organization has been serving the community with comprehensive health and education services with the Head Start and Early Head Start Programs. Mr. Saenz-Thomson stated that Inspire manages 23 centers from Walla Walla to Ferndale by providing education readiness and health programs for underserved children. After Council received additional background on the organization and the benefits provided for the underserved children of the community from Michael Morales and Lupe Juarez, Mr. Saenz-Thomson requested a letter of support from the City to submit with its grant application for the expansion of the Head Start Early Head Start Programs.

Councilmember Thorington moved, seconded by Councilmember Taylor for the City Manager to draft a letter of support from the template provided by Inspire Development Centers. Motion carried unanimously.

**CONSENT AGENDA**

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

- a. Approve Minutes of the September 9, 2013 Regular Council Meeting.
- b. Approve Pay Estimate #2 and Final Payment to Columbia Asphalt & Gravel, Inc. in the amount of \$980.00 with total retainage held in the amount of \$7,318.39 for the Washington Avenue Resurfacing Project.
- c. Approve Payroll Check Numbers 32377 through 32390 and EFTPR211-218 in the total amount of \$261,738.84 dated September 18, 2013.

d. Approve Claims Check Numbers 78016 through 78099 and EFTAP109 in the total amount of \$287,673.15 dated September 23, 2013 and Void Check Number 78009. Motion carried unanimously.

## **NEW BUSINESS**

### **Receive Findings of Fact, Conclusions of Law and Recommendation from the Planning Commission Regarding the Proposed Adult Entertainment Ordinance. Presentation by William J. Rathbone, Community Development Director.**

William Rathbone, Community Development Director (CDD), reported that Council received a copy of the Findings of Fact, Conclusions of Law and Recommendation from the Planning Commission regarding zoning for adult entertainment business. CDD Rathbone stated that the Planning Commission has reviewed the land use standards for the regulation of adult entertainment businesses and conducted the required public hearing. The standards include detailed definitions, the appropriate zoning to restrict adult entertainment businesses to the M2 Heavy Industrial District, and for the establishment of buffers of 800 feet from sensitive uses for churches, schools, day care facilities, existing public parks or library, and residential zoning districts. CDD Rathbone reported that it is the Planning Commission's recommendation that the City Council adopt the proposed land use standards to regulate adult entertainment businesses seeking to locate in Toppenish.

### **Ordinance 2013-14: Ordinance Regulating Adult Entertainment Businesses by Enacting New Chapter 17.92 of the Toppenish Municipal Code; Defining Terms; Establishing Permitted Uses; Creating Development Standards; Establishing Prohibited Uses; Providing Severability; and Establishing an Effective Date.**

Councilmember Thorington moved, seconded by Councilmember Ortloff to adopt Ordinance 2013-14, an Ordinance Regulating Adult Entertainment Businesses by Enacting New Chapter 17.92 of the Toppenish Municipal Code; Defining Terms; Establishing Permitted Uses; Creating Development Standards; Establishing Prohibited Uses; Providing Severability; and Establishing an Effective Date. Motion carried unanimously.

### **Resolution 2013-22: Resolution Approving Health Care Program Interlocal Agreement with the Association of Washington Cities Employee Benefit Trust.**

City Manager Murphy (CM Murphy) reported that the State Risk Manager has approved an action taken by the Association of Washington Cities Employee Benefit Trust to convert from a fully insured benefit program to a self-insured benefit program. The proposed resolution and interlocal agreements are required for the City to continue purchasing medical, dental, and vision benefits from the Association of Washington Cities Employee Benefit Trust. CM Murphy stated that the advantages and cost savings with self-funding will be a 0% increase for medical, dental, vision plans for 2014 provided through the Association of Washington Cities employee Benefit Trust.

Councilmember Oaks moved, seconded by Councilmember Taylor to adopt Resolution 2013-22, a Resolution Approving Health Care Program Interlocal Agreement with the Association of Washington Cities Employee Benefit Trust. Motion carried unanimously.

### **Declare the Washington Avenue Resurfacing Project Complete and Start the 60-Day Lien Process.**

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

**Award Bid for the 1.7 MG Standpipe Water Reservoir No. 5 Project.**

Councilmember Taylor moved, seconded by Councilmember Belton to Award the Low Bid of \$2,452,545.75 to T. Bailey, Inc. of Anacortes, Washington for the 1.7 MG Standpipe Water Reservoir No. 5 Project. Motion carried unanimously.

**Award Bid for the Police Training Center Remodel Project.**

Councilmember Belton moved, seconded by Councilmember Ortloff to Award the Low Bid of \$110,893.61 to Booth & Sons Construction, Inc. of Richland, Washington for the Police Training Center Remodel Project. Motion carried unanimously.

**Schedule Public Hearing for the Comprehensive Park Plan.**

Councilmember Oaks moved, seconded by Councilmember to set October 7, 2013 as the date for the Public Hearing for the Comprehensive Park Plan. Motion carried unanimously.

**Discuss Submitting a Letter of Support for the Yakima County Gang Commission’s Grant Application to the Washington State Partnership Council on Juvenile Justice.**

Councilmember Ortloff moved, seconded by Councilmember Oaks to support the City submitting a letter of support for the Yakima County Gang Commission’s Grant Application to the Washington State Partnership Council on Juvenile Justice. Motion carried unanimously.

**Decide Whether to Proceed with Converting from Paper Agenda Packets to Electronic Tablets.**

Councilmember Thorington moved, seconded by Councilmember Oaks to direct the City to purchase ten Surface RT Tablets for use by the City Council and staff to complete the conversion from paper agenda packets to electronic tablets. Motion carried unanimously.

**Proclamation to Declare the Month of October as “The Big Read Month” and Encourage all the City Residents, Both Young and Old, to Read.**

Mayor Jiménez recited the Proclamation to declare the month of October as “The Big Read Month” and encourage the entire City resident, both young and old, to read.

**Appoint New Mural Society Representative to Serve on the Tourism Fund Advisory Committee.**

Councilmember Belton moved, seconded by Councilmember Thorington to appoint Karen Gulley-Wesselius to serve as the Mural Society representative on the Tourism Fund Advisory Committee. Motion carried unanimously.

**COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS**

Councilmember Belton reported that he attended the Yakima Valley Conference of Governments Executive Board meeting and the Yakima Valley Visitors and Convention Bureau Executive Board meeting.

Councilmember Ortloff reported that he attend the Yakima Valley Conference of Governments General Membership meeting.

Mayor Jiménez reported that she attend the Yakima Valley Conference of Governments General Membership meeting.

## **CITY MANAGER REPORTS**

CM Murphy reported that he and staff have been working on the 2014 Budget. The City is facing declining State revenues, declining retail sales tax revenues, and increasing costs. The Enterprise Funds, which consist of the water, sewer, and garbage funds, continue to be self-sustaining. The current challenge is with the General Fund, which supports public safety for fire and police, and parks and recreation. CM Murphy stated that the City might have to make undesirable choices; however, that is developing day by day.

## **ADJOURNMENT**

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

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CLARA R. JIMÉNEZ, MAYOR

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HEIDI RIOJAS, EXECUTIVE ASSISTANT/DEPUTY CITY CLERK