

**TOPPENISH CITY COUNCIL**  
**Regular Meeting Minutes**  
**April 25, 2016**

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

**ROLL CALL**

Present: Mayor Clara Jiménez and Councilmembers Derald Ortloff, Blaine Thorington and Angelica Walle.  
Absent: Councilmembers J. Eligio Jiménez, Mark Oaks and Gabriel Piñon.  
Staff Present: City Manager Lance Hoyt (CM Hoyt), City Attorney Gary Cuillier (CA Cuillier), Community Development Director William Rathbone (CDD Rathbone), City Interpreter Jorge Villaseñor, MidValley Television Manager Judy Devall, and Executive Assistant/Deputy City Clerk Heidi Riojas.

**PUBLIC COMMENT**

Francisco Maltos, 5 North K Street, Toppenish, reported that he was at the meeting to comment on the expansion of Washington Beef. Mayor C. Jiménez responded that the public hearing will be later in the meeting after the Consent Agenda.

**CONSENT AGENDA**

Councilmember Thorington moved, seconded by Councilmember Ortloff approve Consent Agenda items a through d:

- a. Approve Minutes of the April 11, 2016 Regular Council Meeting.
- b. Correct the April 5, 2016 Payroll Check Numbers. The Payroll Check Register should have listed Checks Number 33355 through 33369. No change to Payroll dollar amount.
- c. Approve Payroll Checks Number 33370 through 33383 and EFTPR676-683 in the total amount of \$250,771.96 dated April 20, 2016.
- d. Approve Claims Checks Number 83696 through 83774, EFTAP146 and EFTAP147 in the total amount of \$115,575.39 dated April 25, 2016 and void Check Number 83635.

Motion carried unanimously.

**CONTINUED PUBLIC HEARING**

**Continued Public Hearing from April 11, 2016 Regarding the Proposed Amendment to Future Land Use Map of the Toppenish Comprehensive Plan. Receive Staff Presentation and Public Comments.**

Mayor C. Jiménez opened the public hearing at 7:05 p.m. For the benefit of the audience, Mayor C. Jiménez recited the Hearing Procedures that summarize the process how she will conduct the public hearing and that an interpreter of the Spanish language was available with headsets.

CDD Rathbone stated the purpose of the continuation of the public hearing was to provide staff time to prepare a written draft of the Findings of Facts for consideration by the City Council based on the testimony received during the Public Hearing on April 11, 2016. CDD Rathbone summarized the Findings of Fact that consist of a listing of the following: 1) Yakima County Tax Parcels subject to the application; 2) the manner of advertising, notifying property owners and the

Yakama Nation Environmental Review Coordinator of the April 11, 2016 public hearing; 3) the State of Washington Department of Commerce was notified of the proposed amendment; 4) review of the proposal pursuant to the State Environmental Policy Act was conducted and a Determination of Non-Significance was issued; 5) description of the existing zoning for the lands subject to the application, with the exception of one parcel, are designated R-1 Residential; 6) the general description of land use in the surrounding area; 7) review of the Future Land Use Map for the Toppenish Comprehensive Plan; 8) the applicable goals and policies of the Toppenish Comprehensive Plan; 9) intent of the Industrial/Manufacturing designation; 10) description of the Residential designation; 11) the lands subject to the application are in Yakima County jurisdiction, but within the Toppenish Urban Growth Area; 12) the Toppenish Planning Commission considered the application in a Public Hearing on February 2, 2016 and recommends approval of the application as presented; 13) summation of testimony of Thomas Durant, President of Durant Development Services, representing Washington Beef; 14) summation of testimony of Bradley A. McDowell, President of Washington Beef/AB Foods, as applicant; 15) summation of testimony of Patrice Kent, Yakama Nation Office of Legal Counsel; 16) summation of testimony of Darrell Buell, 320 West Elmwood Lane; 17) summation of testimony of Alex Mejia, 402 Bolin Drive; 18) summation of testimony of Donald Fiander, 350 Elmwood Road; 19) summation of written comment received from Marla Powers, Senior Project Planner, Yakima County Planning Division; 20) review of urban level utilities at the site; 21) review of streets in the vicinity; 22) review of critical areas in the vicinity; and 23) response received from the State of Washington Department of Ecology for the environmental review. CDD Rathbone summarized the suggested conclusions of the City Council that include the following: 1) the Toppenish City Council has jurisdiction; 2) required public notice requirements have been completed; 3) the proposed Industrial/Manufacturing designation is consistent and compatible use of adjoining lands; 4) the SEPA review and DNS adequately addresses environmental review issues; 5) the proposal is consistent with the provisions of the Growth Management Act; 6) the proposed Industrial/Manufacturing designation is consistent with a pattern of changing zoning and land use in the vicinity; 7) the proposal will increase the development of use potential of a site or area without creating adverse impacts on existing sensitive land uses, or uses legally permitted in the vicinity; 8) the proposed Industrial/Manufacturing designation is consistent with the goals and policies of the Toppenish Comprehensive Plan; 9) through a combination of public and private facilities adequate urban level facilities exist to support the proposed Industrial/Manufacturing designation; 10) testimony at the public hearing consisted of people expressing concerns with traffic congestion, noise and odor pollution, requests for additional time to consider application and testimony expressing no opposition to the proposed Industrial/Manufacturing designation; 11) the Toppenish City Council finds that the public health, safety and general welfare will be furthered by the proposed Industrial/Manufacturing designation; and 12) the Toppenish City Council finds that public use and interest will be served by the proposed Industrial/Manufacturing designation. CDD Rathbone proposed an additional finding to address an unintended consequence of the application that is a concern of Yakama Power, a utility owned by the Yakama Nation, regarding the status of existing franchise agreements on Elmwood Road to be as follows: 13) utility enterprises of the Yakama Nation have franchise agreements with Yakima County that allow utilities including power and fiber optic lines in the right of way of Elmwood Road. This comprehensive plan amendment will not affect any existing franchise agreements which any public utility or other entity has with Yakima County.

Councilmember Ortloff expressed his concern regarding the comments from Patrice Kent during the April 11, 2016 Public Hearing requesting additional time for the Yakama Nation. City Attorney Cuillier responded that CDD Rathbone provided the Yakama Nation with the required notice.

Tom Durant, President of Durant Development Services, Inc., 513 North Front Street, Suite Q, Yakima, requested clarification on the procedure for the public hearing held on April 11, 2016. Mayor C. Jiménez responded that she continued the public hearing on April 11, 2016 to provide staff an opportunity to prepare the Findings of Fact to incorporate the testimony from the public hearing and to allow more public testimony during the April 25, 2016 meeting. Mr. Durant did not have anything further to provide, and had no concern with the draft Findings of Fact and no issue with the existing franchise agreements for Yakama Power on Elmwood Road.

Francisco Maltos, 5 North K Street, Toppenish, stated he opposes the application because of his concerns regarding the impact on the land, water and air quality for the community in general. Mr. Maltos asked for more time for citizens to evaluate the proposal.

Herado Perado, 280 Elmwood Road, Toppenish, expressed his concern for the property values in the vicinity with the approval of the application.

Brianna Buettner, 930 Forsell Road, Grandview, commented that she works in the surrounding area and is concerned with the odors and air emissions from the plant. Ms. Buettner stated that her car windshield frequently has debris at the end of the day caused by emissions, which she believes is from the Washington Beef facility.

CDD Rathbone stated that during the previous public hearing, Mr. McDowell reported that the purpose of the application is to change the land designation to Industrial/Manufacturing and was not for an expansion of the Washington Beef plant.

Dave Steiner, 303 Berger Lane, Toppenish, representative for Washington Beef, responded that Washington Beef is a beef processing plant and not a dairy.

Tom Durant, President of Durant Development Services, Inc., 513 North Front Street, Suite Q, Yakima, stated for the benefit of the people in the audience the reason for the proposed rezoning of the Washington Beef owned parcels from Residential to Industrial/Manufacturing is to provide more of a buffer between plant operations and the residential properties. Mr. Durant reported that Mr. McDowell explained during the public hearing on April 11, 2016 that he has no intention of an expansion of Washington Beef.

Brianna Buettner, 930 Forsell Road, Grandview, stated that she was not able to locate documents on the City website regarding the pending issue.

There being no further comments from the public, Mayor C. Jiménez closed the hearing at 7:38 p.m. Mayor C. Jiménez stated that she is going to post pone taking the vote until the May 9, 2016 Regular Meeting.

## NEW BUSINESS

### **Resolution 2016-08:**

**A Resolution That Authorizes Submitting an Application for Funding Assistance for a Washington Wildlife and Recreation Program (WWRP) Project to the Recreation and Conservation Office Funding Board as Provided in Chapter 79A.15 and 79A.250 RCW, WAC 286, and Other Applicable Authorities.**

CM Hoyt updated Council that the proposed Resolution is to authorize the City to apply for a Recreation and Conservation Office (RCO) grant that is due by May 2, 2016. Joseph Calhoun with Yakima Valley Conference of Governments is assisting with the preparation of the grant. CM Hoyt stated that the grant proposal is to make improvements in Pioneer Park with the removal and replacement of the basketball court surface and four ten-foot basketball hoops, and install two eight-foot basketball hoops for young children. In addition, CM Hoyt reported that the proposal includes the installation of the following: 1) a shade cover for the Seahawks playground equipment; 2) handicap accessibility at the softball field to permit wheelchairs to use the bleachers and bench area; 3) eight park benches around the walking path; and 4) new restrooms in closer proximity to the visitor center and parking lot. CM Hoyt stated that the estimate cost of \$250,000 requires a 50% match, which can include the partnering with Fort Simcoe Job Corp to build the restrooms. The City will conduct a fundraising campaign to assist with the remaining match costs. CM Hoyt reported that RCO will announce grant awards during the fall of this year.

Councilmember Ortloff moved, seconded by Councilmember Walle to adopt Resolution 2016-08, a Resolution That Authorizes Submitting an Application for Funding Assistance for a Washington Wildlife and Recreation Program (WWRP) Project to the Recreation and Conservation Office Funding Board as Provided in Chapter 79A.15 and 79A.250 RCW, WAC 286, and Other Applicable Authorities. Motion carried unanimously.

**Authorize City Manager Lance Hoyt to Applicate for Design and Construction Funding Through the Washington State Department of Transportation Local Programs for the 2016 Safe Routes to School Funding Program for Sidewalk Improvements Along Jackson Street and South Juniper Street. Receive presentation by City Manager on project.**

CM Hoyt updated Council on the proposed application for design and construction funding through the State DOT Local Programs for the 2016 Safe Routes to School Funding Program. The proposal is for sidewalk improvements along Jackson Street and South Juniper Street with preliminary cost estimate to be \$401,575, which the City will contribute \$25,000.

Councilmember Thorington expressed his concern with the increased traffic in the area of the Toppenish Middle School because of the Zillah bridge closure. CM Hoyt responded that DOT has been approached for the need to provide funding to install devices to slow down the traffic in the School Zone areas along Buena Way and Elm Street by Garfield Elementary School.

Councilmember Ortloff moved, seconded by Councilmember Thorington to Authorize City Manager Lance Hoyt to Applicate for Design and Construction Funding Through the Washington State Department of Transportation Local Programs for the 2016 Safe Routes to School Funding Program for Sidewalk Improvements Along Jackson Street and South Juniper Street. Motion carried unanimously.

**Authorize City Manager Lance Hoyt to Apply for Design and Construction Funding Through the Washington State Department of Transportation Local Programs for the 2016 Pedestrian and Bicycle Funding Program for the Toppenish Mural Route. Receive presentation by City Manager on project.**

CM Hoyt updated Council on the proposed application for design and construction funding through the State DOT Local Programs for the 2016 Pedestrian and Bicycle Funding Program. The proposal is for the improvements along the Toppenish Mural Route that consists of a two-mile loop route that begins at the visitor center in Pioneer Park around the pathway towards historic downtown Toppenish. The preliminary cost estimates for the project are \$740,963, which the City will contribute \$75,000.

Councilmember Thorington moved, seconded by Councilmember Walle to Authorize City Manager Lance Hoyt to Apply for Design and Construction Funding Through the Washington State Department of Transportation Local Programs for the 2016 Pedestrian and Bicycle Funding Program for the Toppenish Mural Route. Motion carried unanimously.

**COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS**

Councilmember Walle announced that the CSN Spring Clean-up event and the City's Tire Amnesty will be on April 30, 2016.

Councilmember Ortloff reported that he, Councilmember J. Jiménez and CM Hoyt attended the Yakama Nation event on April 22, 2016.

Mayor C. Jiménez announced that the Central Washington Junior Livestock Show will start on May 1, 2016 through May 4, 2016 at the rodeo grounds.

Mayor C. Jiménez reported that Council will be holding a retreat on April 30, 2016 from 8:00 a.m. to 1:30 p.m. at the Benton Rural Electric Association building.

**CITY MANAGER REPORTS**

CM Hoyt updated Council on the following:

- Study Session on May 2, 2016 will include an update on retrocession.
- The Yakama Nation event on April 22, 2016 was well attended with law enforcement agents from Washington D.C. present for the event.
- CSN will be hosting a City wide clean-up on April 30, 2016 from 8:00 a.m. to noon.
- The City is hosting a tire amnesty at the railroad depot on April 30, 2016. The Lions Club will be helping collect the tires and the Public Works crew will be helping CSN.

CA Cuillier stated that he wanted to clarify that the majority of the entire Council is required to vote on an Ordinance for an affirmative vote with four of seven. CA Cuillier reported that in order to Amend a Comprehensive Plan also requires the affirmative vote of a majority of the whole Council. Mr. Cuillier explained the differences between a majority of a quorum of the whole

Council, and the requirements for an emergency meeting to have a majority of the whole Council, plus one. CA Cuillier reported that the missing Councilmembers are required to watch the public hearing on April 11, 2016 and this public hearing on April 25, 2016, before they will be permitted to vote on May 9, 2016.

Councilmember Ortloff moved, seconded by Councilmember Walle to excuse Councilmember J. Jiménez and Councilmember Piñon from the April 25, 2016. Motion carried unanimously.

**ADJOURNMENT**

There being no further business to come before the Council, the meeting adjourned at 8:12 p.m.

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CLARA R. JIMÉNEZ, MAYOR

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HEIDI RIOJAS, CMC  
EXECUTIVE ASSISTANT/DEPUTY CITY CLERK