



**TOPPENISH CITY COUNCIL  
REGULAR MEETING AGENDA  
MARCH 11, 2024 – 7:00 P.M.**

TELEVISED LIVE ON MIDVALLEY TELEVISION  
SPECTRUM CABLE CHANNEL 194

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**1. REGULAR SESSION CALL TO ORDER**

Pledge of Allegiance/Roll Call/Welcome

**2. APPROVE AGENDA**

**3. PROCLAMATION**

- Honoring Top-Hi Wildcats Boys & Girls Wrestling Teams, Team Coaches, and Volunteer Coaches for each Team Winning a 2024 State Wrestling Championship Title

**4. PUBLIC COMMENT**

The City Council welcomes public attendance at Council meetings. This meeting is for the conduct of regular City business. At this time, citizen comments and inquiries about agenda business or general City matters are encouraged. If you wish to address the City Council, please stand or raise a hand so you can be called upon. After you are recognized, please come forward to the lectern, state your name, and address for the public record. Your remarks must be limited to three minutes or less. Please use the microphone.

**5. CONSENT AGENDA**

All matters on the consent agenda have been provided to each Councilmember for review and are considered to be routine or have been previously discussed and will be adopted by one motion and vote without discussion. However, if a Councilmember desires, any item on this agenda will be discussed before any action is taken on it.

- Approve Minutes of the February 26, 2024, Regular Meeting
- Approve Minutes of the March 4, 2024, Study Session
- Approve Payroll Checks Numbers 36604 through 36616 and Electronic Transfers EFTPR3130A, EFTPR3196 through EFTPR3204 in the total amount of \$207,387.63 dated March 6, 2024, and void Checks Numbers NR36551, NR36565, NR36581, and NR36595
- Approve Claims Checks Numbers 98547 through 98628 and Electronic Transfers EFTAP381 through EFTAP383 in the total amount of \$366,512.67 dated March 11, 2024

**6. NEW BUSINESS**

- AB 24-015 [Proposed] Ordinance 2024-01, Adopting New Toppenish Municipal Code Chapter 2.98 for Indemnification
- AB 24-016 [Proposed] Resolution 2024-14, Approve HLA Task Order 2024-02 for Jackson-Juniper Watermain Project
- AB 24-017 [Proposed] Resolution 2024-15, Adopting the 2024 City of Toppenish Strategic Plan
- AB 24-018 [Proposed] Resolution 2024-16, Approve Washington State Department of Transportation Traffic Signal Replacement
- AB 24-019 [Proposed] Resolution 2024-17, Accept Phase II of the Wastewater Improvement Project, as required by the USDA-RD

**7. COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS**

**8. CITY MANAGER REPORT**

**9. INTERVIEW COUNCIL CANDIDATES**

*City Council meetings are accessible to persons with disabilities. For individuals who may require special accommodations, please contact City Hall at (509) 865-6754, 24 hours in advance.*

**10. EXECUTIVE SESSION**

Purpose: To evaluate the qualifications of a candidate for appointment to fill the City Council vacancy [RCW 42.30.110(1)(h)]

Time: 15 minutes

Action: Anticipated action

**11. SELECT NEW COUNCILMEMBER BY MAJORITY ROLL-CALL VOTE**

**12. CITY CLERK TO ADMINISTER OATH OF OFFICE**

**13. ADJOURNMENT**

**NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MONDAY, MARCH 25, 2024**

**PROCLAMATION HONORING THE  
TOP-HI WILDCATS BOYS & GIRLS WRESTLING TEAMS,  
TEAM COACHES AND VOLUNTEER COACHES  
FOR EACH TEAM WINNING A  
2024 STATE WRESTLING CHAMPIONSHIP TITLE**

*WHEREAS, eighteen young men of the Toppenish High School Boys Wrestling Team participated in the 2024 State Wrestling Championship Tournament at Tacoma, including Steve Romero Jr., Isaiah Rios, Noah Rodriguez, Adan Estrada, Emmanuel Vela, Justyce Zuniga, Anthony Sifuentes, Ruben Rios, Kiyanno Zuniga, Marcos Torrez, Angelo Simental, Jose Gatica, Fabricio Alvarez, Kaiden Kintner, Luis Mendoza, Darrell Leslie Jr., Miguel Camacho, Anthony Nava, and*

*WHEREAS, fourteen young women of the Toppenish High School Girls Wrestling Team participated in the 2024 State Wrestling Championship Tournament at Tacoma, including Sophia Torrez, Adalyne Montiel, Linsey Ortega, Natallie Piñon, Sara Ortega, Brianna Arias, Ruby Clark, Makayla Torres, Islah Alcalá, Mackenzie Adams, Evette Esquivel, Amy Perez, Rose Jerry, Charlene Underwood, and*

*WHEREAS, both teams succeeded from the dedicated efforts of team coaches Jose Pepe Segovia, Austin Kintner, Zechariah Romero, Andres Aguilera, Sergio Morales, Jennifer Gonzalez, Jefferson Stancliffe, and volunteer coaches Abel Nava, Mike Torrez, Anthony Zuniga, Jacob Mortensen, Rocco Clark Jr., Jose Vela, Steve Romero, Mario Estrada, David Escamilla, Manuel Arambul, Rolando Rodriguez, and*

*WHEREAS, the achievement of these Toppenish Wildcats demonstrates that team spirit, diligence, and “will do” attitude brings forth personal success and wins championships, and*

*WHEREAS, these Top-Hi Wildcats Boys & Girls Wrestling Teams have won 2024 State Wrestling Championship Titles, bringing positive local and state-wide attention to themselves, their school, and the entire Toppenish community and has given us greater pride in our youth,*

*NOW THEREFORE, we hereby give recognition to the outstanding athletic achievement of these young men, young women, team coaches, and volunteer coaches by proclaiming March 11, 2024, through March 15, 2024 to be:*

**“TOP-HI WILDCATS BOYS & GIRLS WRESTLING WEEK”**

*we encourage the Toppenish community to congratulate these young men, young women, team coaches and volunteer coaches for their successes winning 2024 State Wrestling Championship Titles and bringing these honors home.*

*THE OFFICE OF THE MAYOR, I have hereunto set my hand and caused the Seal of the City of Toppenish to be affixed this 11th day of March, 2024.*

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*Elpidia Saavedra, Mayor*

**TOPPENISH CITY COUNCIL  
Regular Meeting Minutes  
February 26, 2024**

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

**ROLL CALL**

Attendees: Mayor Elpidia Saavedra and Councilmembers Naila Duval, George Garcia, Josh Garza, and Cristian Sanchez  
Absent: Mayor Pro Tem Loren Belton  
Staff: City Manager Debbie Zabell (CM Zabell), City Attorney Gary Cuillier, Assistant City Manager/Public Works Director Dan Ford (ACM/PWD Ford), Chief of Police Joseph Mehline (CP Mehline), Budget and Finance Director Adam Vaughn (FD Vaughn), Public Works Superintendent Shaun Burgess (PWS Burgess), Police Sergeant Ryan Castaneda, Police Sergeant Zackary Williams, City Clerk Heidi Riojas (CC Riojas), and IT Services Manager Van Donley

CC Riojas conducted roll call for each City Councilmember to respond their attendance at the meeting. Mayor Saavedra and Councilmembers Duval, Garcia, Garza, and Sanchez responded their attendance during roll call.

Councilmember Duval moved, seconded by Councilmember Garza to excuse Mayor Pro Tem Belton from the February 26, 2024, Regular Meeting. Motion carried unanimously.

**APPROVE AGENDA**

Councilmember Garza moved, seconded by Councilmember Sanchez to approve the February 26, 2024, Agenda. Motion carried unanimously.

**EMPLOYEE RECOGNITION**

- **Sergeant Ryan Castaneda**
- **Sergeant Zackary Williams**

CP Mehline recognized the promotions of Police Sergeant Ryan Castaneda and Police Sergeant Zackary Williams.

**PUBLIC COMMENT**

Walt Wegener, 192 Pleasure Lane, Toppenish, spoke to conflict of interest for City employees to serve on a board or as an officer for non-profit corporations.

**CONSENT AGENDA**

Councilmember Sanchez moved, seconded by Councilmember Duval to approve Consent Agenda items a through c:

- a. Approve Minutes of the February 12, 2024, Regular Meeting

- b. Approve Payroll Checks Numbers 36587 through 36603 and Electronic Transfers EFTPR3094A, and EFTPR3186 through EFTPR3195 in the total amount of \$436,506.36 dated February 22, 2024, and void Check Number NR36590
- c. Approve Claims Checks Numbers 98475 through 98546 and Electronic Transfer EFTAP380 in the total amount of \$607,110.16 dated February 26, 2024, and void Check Numbers NR98454 and NR98461

Motion carried unanimously.

## NEW BUSINESS

### **Receive Accountability Audit Report for Period January 1, 2020 through December 31, 2022.**

FD Vaughn noted that the Council received a copy the completed Accountability Audit for the period January 1, 2020 through January 31, 2022.

### **Resolution 2024-11: A Resolution Approving the Community Development Block Grant Amendment to Expand the Senior Assistance Program to Include all Qualifying Yakima County Seniors in Non-Entitlement Communities and Increasing the Program Grant by \$200,000, Providing for Severability and Establishing an Effective Date.**

Councilmember Garza moved, seconded by Councilmember Duval to approve Resolution 2024-11. Motion carried unanimously.

### **Resolution 2024-12: A Resolution Approving HLA Engineering and Land Surveying, Inc. Task Order 2024-02 for the Wastewater Treatment Plant Solids Treatment System Evaluation Project, Providing for Severability and Establishing an Effective Date.**

Councilmember Duval moved, seconded by Councilmember Garcia to approve Resolution 2024-12. Motion carried unanimously.

### **Resolution 2024-13: A Resolution Accepting Wastewater Improvement Project, Phase III, as Recommended by Gray & Osborne, Inc., Providing for Severability and Establishing an Effective Date.**

Councilmember Garza moved, seconded by Councilmember Sanchez to approve Resolution 2024-13. Motion carried.

## COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

Councilmember Duval reported her attendance in Olympia on February 19, 2024, to meet with Senator King, Representative Corry, and Representative Mosbrucker to discuss the financial needs of the community to make repairs to the Wastewater Treatment Plant (WWTP), a new Police Department building, and the installation of Flock cameras. She reported her attendance at the Yakima Valley Conference of Governments General Membership meeting on February 21, 2024, in Zillah. In addition, she shared upcoming activities with a parent advisory meeting and a craft night held in the recreation building.

Councilmember Sanchez had nothing to report.

Councilmember Garza had nothing to report.

Councilmember Garcia had nothing to report.

Mayor Saavedra reported her attendance at the Mayors' meeting. She noted that the discussion was regarding the needs of law enforcement to mitigate the delays with the installation of the Flock cameras.

### **CITY MANAGER REPORT**

CM updated Council on the following:

- Virtual Townhall on February 22, 2024, with Senator King, Representative Corry, and Representative Mosbrucker
- Olympia visit on February 19, 2024, with WWTP overview,
- Mural Society General Membership meeting on February 15, 2024
- Regroup on Response Extreme Weather Shelter throughout Yakima County on February 14, 2024

### **ADJOURNMENT**

There being no further business to come before the Council, the meeting adjourned at 7:49 p.m.

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ELPIDIA SAAVEDRA, MAYOR

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HEIDI RIOJAS, CMC, CITY CLERK

**TOPPENISH CITY COUNCIL**  
**Study Session Minutes**  
**March 4, 2024**

**Agenda Item**  
**5b**

**CALL TO ORDER**

Mayor Saavedra called the meeting to order at 5:00 p.m.

**ROLL CALL**

**Present:** Mayor Elpidia Saavedra and Mayor Pro Tem Loren Belton, and Councilmembers Naila Duval, George Garcia, Joshua Garza, and Cristian Sanchez

**Staff Present:** City Manager Debbie Zabell (CM Zabell), City Attorney Gary Cuillier, Assistant City Manager/Public Works Director Dan Ford, Chief of Police Joseph Mehline, Fire Chief Tim Smith, Budget and Finance Director Adam Vaughn, Public Works Superintendent Shaun Burgess (PWS Burgess), Public Works Administrative Assistant Veronica Luna City Clerk Heidi Riojas, and Human Resource Generalist Mary Beltran (HRG Beltran)

HRG Beltran conducted roll call for each City Councilmember to respond their attendance at the meeting. Mayor Saavedra, Mayor Pro Tem Belton, and Councilmembers Duval, Garcia, Garza, Sanchez responded their attendance during roll call.

**APPROVE AGENDA**

Mayor Pro Tem Beltron moved, seconded by Councilmember Garcia to approve the March 4, 2024, Agenda. Motion carried unanimously.

**NEW EMPLOYEE INTRODUCTION**

PWS Shaun Burgess introduced Public Works Administrative Assistant Veronica Luna to the Council.

**PUBLIC COMMENT**

None

**RECEIVE STRATEGIC PLAN UPDATE**

Zach Ratkai with Sageland Strategic LLC presented the Council with an overview of the process, the findings from previous strategic planning sessions held in 2023 with staff in August, and in December with Council and staff.. Mr. Ratkai facilitated the Council in determining the top four priorities to be outlined in the final version of the Strategic Plan for Council adoption. The Council unanimously agreed on the following top four priorities:

- 1) Public Safety: Make Toppenish Safer at All Hours
- 2) Infrastructure and City Improvement: Ensure Basic City Services are Provided to All Community Members

- 3) Economic Development and Finance: Attract Additional Businesses
- 4) Housing: Promote Higher Quality Housing Opportunities

The next steps for the Council are adopting the final Strategic Plan, staff implementing the plan, and projects and processes aligning with the priorities and goals in the plan.

### **ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 5:51 p.m.

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ELPIDIA SAAVEDRA, MAYOR

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HEIDI RIOJAS, CMC, CITY CLERK



# Payroll Check Register

Payroll for Period: 2/16-2/29, 2024

Fund Number	Description	Amount
001-000-011	Legislative	\$2,498.81
001-000-013	Executive	\$6,540.83
001-000-014	Finance, Record	\$12,915.61
001-000-018	Central Services, Personnel Services	\$13,652.33
001-000-021	Law Enforcement	\$43,392.94
001-000-022	Fire Services	\$31,108.99
001-000-024	Protective Inspections	\$2,778.80
001-000-058	Planning and Community Development	\$1,082.32
001-000-071	Recreational Services	\$2,960.31
001-000-076	Pool, Park Facilities	\$5,186.79
030-000-021	Criminal Justice Fund	\$22,636.01
050-000-000	Special Projects Fund	\$662.03
101-000-000	Street Fund	\$4,918.93
108-000-000	Cemetery Fund	\$3,449.70
157-000-000	Cable TV Fund	(\$51.35)
157-000-000	Cable TV Fund	\$4,349.87
401-000-000	Water Fund	\$16,104.31
403-000-000	Wastewater Fund	\$20,080.96
405-000-000	Solid Waste Fund	\$13,119.44
<b>Grand Total</b>		<b>\$207,387.63</b>

### Payroll Checks

Payroll Checks 36604-36616, Electronic Transfers EFTPR3130A, EFTPR3196-EFTPR3204, and Voided Checks NR36551, NR36565, NR36581, & NR36595.

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Toppenish, and that I am authorized to authenticate and certify to said claim.



\_\_\_\_\_  
Adam Vaughn, Finance Director

\_\_\_\_\_  
March 6, 2024  
Date

# Accounts Payable Check Register

March 11, 2024

Number	Vendor Name	Account Description	Amount
98547	Hawkins, Danilo	Travel	\$378.00
98548	Pacific Power & Light Co.	Electricity	\$6,597.22
		Electricity - Cemetery	\$74.60
		Electricity - Parks	\$681.55
		Electricity - Street Lights	\$4,794.84
		Electricity - Traffic Signals	\$342.34
		Lift Station Electricity	\$620.31
		WWTP Electricity	\$9,344.62
		Check Total:	\$22,455.48
98549	Employment Security Dept.	Unemployment Compensation	\$25.00
98550	911 Supply Inc	Uniforms & Clothing	\$467.11
98551	Abigail Howard	Wellness Program Travel	\$72.00
98552	Alba Enterprises	Professional Services - Interpreting/Translation Services	\$240.00
98553	Amazon Capital Services	Office & Operating Supplies	\$214.78
		Operating/Maint. Supplies - Park Facilities	\$589.25
		Operating/Maintenance Supplies - General	\$205.16
		Small Tools & Minor Equipment	\$634.92
		Check Total:	\$1,644.11
98554	American Cemetery Supplies	Operating/Maintenance Supplies - General	\$192.18
98555	Anatek Labs, Inc.	Professional Services	\$400.00
98556	Aramark	Rentals	\$73.76
98557	Axon Enterprise, Inc.	Capital Purchase - Equipment	\$62,943.14
98558	Bureau of Indian Affairs	Irrigation - Library	\$105.80
		Irrigation Water	\$1,805.66
		Check Total:	\$1,911.46
98559	Cascade Fire Equipment Corp.	Uniforms & Clothing	\$1,378.08
98560	Cascade Natural Gas Corp.	Fuel for Heating	\$3,367.02
		Fuel for Heating - Fire	\$888.15
		Fuel for Heating - Parks	\$39.56
		Check Total:	\$4,294.73
98561	Castaneda, Ryan	Travel	\$118.00
98562	Central Valley Truck Driving School LLC	Memberships- Registrations - Subscriptions	\$5,500.00
98563	CenturyLink	Telephone	\$887.50
		Telephone - Utility Billing	\$80.68
		Check Total:	\$968.18
98564	CenturyLink	Telephone	\$2,373.55
98565	Charter Communications	Internet	\$744.99
		Internet & Cable MVTV	\$186.96
		Internet & Cable City Hall	\$189.56
		Internet & Cable Fire Department	\$179.98
		Internet & Cable Police Department	\$25.24

		Internet & Cable Recreation	\$149.98
		Check Total:	\$1,476.71
98566	Cintas Corporation #605	Rentals	\$48.01
		Uniform Cleaning	\$192.21
		Check Total:	\$240.22
98567	City of Sunnyside - Finance Dept.	Corrections Services Sunnyside	\$6,402.50
		Counsel for Indigents	\$18,985.80
		Court Services	\$18,985.80
		Check Total:	\$44,374.10
98568	Coastal Farm and Home Supply	Personal Protective Equipment	\$138.61
98569	Corporate Billing, LLC	Repair & Maintenance - Vehicles	\$1,842.46
98570	Department of Licensing	Weapon Permit - DOL License	\$90.00
98571	Dept. Of Transportation	Service Repair & Maintenance Equipment - Traffic Control Devices	\$180.44
98572	DeVries Business Records Management, Inc.	Professional Services	\$23.02
		Recycling & Shred Services	\$11.51
		Check Total:	\$34.53
98573	EarthCam, Inc.	Alarm Monitoring	\$375.00
98574	Eurofins Environment Testing South Central, LLC	WWTP Testing Services	\$11,114.94
98575	Fidelity Title Co.	Sewer Sales Residential	\$69.96
		Solid Waste Services	\$22.44
		Water Sales Residential	\$39.60
		Check Total:	\$132.00
98576	Galls, Inc.	Uniforms & Clothing	\$244.08
98577	Gray & Osborne, Inc.	Professional Services - New Police Building	\$12,913.88
98578	H.D. Fowler Co., Inc.	Operating Maintenance Supplies - General	\$552.91
98579	HLA Engineering and Land Surveying, Inc.	Professional Services	\$2,613.00
		Professional Services - Developer Eng/Plan Review Services	\$74.50
		Check Total:	\$2,687.50
98580	Howard's Tire Factory Inc	Operating/Maintenance Supplies - Vehicles	\$815.23
98581	Intermedia.net Inc.	Telephone	\$143.65
98582	Intermountain Cleaning Service, Inc.	Janitorial Services - City Hall	\$1,715.00
		Janitorial Services - Police Department	\$1,885.42
		Operating/Maintenance Supplies - General	\$98.55
		Check Total:	\$3,698.97
98583	James Andrews	LEOFF Out Pocket Medical	\$3,000.00
98584	Jose Barragan	Sewer Sales NonResidential	\$0.86
		Solid Waste Services	\$0.28
		Water Sales NonResidential	\$0.49
		Water Sales NonResidential Fire Sprinklers	\$0.03
		Check Total:	\$1.66
98585	Kruse, Peter	LEOFF Out Pocket Medical	\$2,321.15

98586	Lab Test	WWTP Testing Services	\$3,275.00
98587	Law Office of Gary M. Cuillier	Legal Services	\$264.00
		Legal Services - City Attorney	\$1,894.50
		Professional Services	\$66.00
		Sewer System Imp - Legal	\$66.00
		Check Total:	\$2,290.50
98588	Life-Assist, Inc.	Operating/Maint Supplies - General	\$527.26
98589	Mary Beltran	Wellness Program Travel	\$72.00
98590	Masters Telecom LLC	Telephone	\$36.28
98591	Mobile Modular	Police Station Rent	\$12,931.70
98592	Moon Security Service, Inc.	Alarm Monitoring	\$134.15
98593	ODP Business Solutions, LLC	Office & Operating Supplies	\$214.69
98594	O'Reilly Auto Parts	Operating Maintenance Supplies - General	\$9.94
		Operating/Maintenance Supplies - Vehicles	\$500.79
		Check Total:	\$510.73
98595	Pacific Office Automation	Photocopies	\$339.89
		Photocopies - WWTP	\$6.62
		Check Total:	\$346.51
98596	Pitney Bowes Global Financial Services	Rentals	\$505.98
98597	Rathbun Iron Works, Inc.	Operating Maintenance Supplies - General	\$86.39
		Operating/Maintenance Supplies - General	\$124.31
		Operating/Maintenance Supplies - Vehicles	\$18.33
		Service Repair/Maintenance 50% Rec Bldg.	\$29.20
		Service Repair/Maintenance Equipment	\$61.55
		Small Tools & Minor Equipment	\$4,157.46
		Check Total:	\$4,477.24
98598	Rio Foltz, PLLC	Professional Services	\$2,000.00
98599	Riojas, Heidi	Miscellaneous Fees & Charges	\$400.00
98600	San Diego Police Equipt Co. Inc.	Range Supplies	\$7,985.96
98601	Sean Davido	Employee Medical Insurance	\$51.35
98602	Solid Waste Division	Dump Site Fees	\$16,400.65
98603	SymbolArts LLC	Uniforms & Clothing	\$831.64
98604	Systems for Public Safety, Inc.	Capital Purchase - Police Vehicle	(\$1,107.05)
		Service Repair/Maintenance Vehicles	\$1,955.05
		Check Total:	\$848.00
98605	Tamara Colley	Employee Longevity	\$10.00
		Travel	\$278.00
		Check Total:	\$288.00
98606	The Bunker Tri-Cities LLC	Uniforms & Clothing	\$241.92
98607	TK Elevator Corporation	Service Repair/Maintenance City Hall	\$752.14
98608	TransUnion Risk and Alternative Data Solutions, Inc.	Professional Services	\$129.60
98609	Trevor Pottle	Travel	\$31.00
98610	U.S. Bank Corporate Payment Systems	Advertising	\$445.00

		Capital Purchase - Equipment	\$647.63
		Employee Appreciation Awards/Supplies	\$385.00
		Memberships- Registrations - Subscriptions	\$3,227.94
		Miscellaneous Fees & Charges	\$33.17
		Office & Operating Supplies	\$60.06
		Operating Maintenance Supplies - General	\$540.00
		Operating/Maintenance Supplies	\$485.97
		Operating/Maintenance Supplies - General	\$475.19
		Operating/Maintenance Supplies - Vehicles	\$1,258.82
		Postage	\$8.00
		Professional Services	\$1,025.16
		Recreation Program Supplies	\$658.51
		Repair & Maintenance Equipment	\$104.58
		Small Tools & Minor Equipment	\$1,063.44
		Travel	\$2,689.79
		Wellness Program Supplies	\$44.70
		Check Total:	\$13,152.96
98611	Valley Ford	Service Repair/Maintenance Vehicles	\$1,159.77
98612	Vanderhoof, Jordan	Travel	\$118.00
98613	Vision Municipal Solutions, LLC	Office & Operating Supplies	\$529.71
		Service/Maintenance Agreements	\$15,258.00
		Check Total:	\$15,787.71
98614	Washington Law Enforcement Information and Records Association	Memberships- Registrations - Subscriptions	\$150.00
98615	Washington State Patrol	Pre-Employment Services	\$11.00
		Weapon Permit - State Background Check	\$26.50
		Check Total:	\$37.50
98616	Washington State Treasurer	Death Investigation Account	\$19.46
		DNA Account	\$5.15
		DOL Tech Support	\$64.39
		Domestic Violence Prevention Acct.	\$2.10
		Highway Safety Account	\$92.73
		Judicial Information Services	\$416.40
		St Gen Fund 93 (WA Auto Theft)	\$130.37
		State General Fund 40	\$1,662.73
		State General Fund 50	\$909.51
		State General Fund 54	\$22.18
		State Patrol Highway Account	\$110.46
		Trauma Care	\$65.10
		Traumatic Brain Injury Account	\$58.85
		Check Total:	\$3,559.43
98617	Wex Bank	Fuel Consumed Vehicles	\$2,298.32
		Fuel Vehicles	\$6,433.02
		Fuel Vehicles - WWTP	\$734.09
		Check Total:	\$9,465.43

98618	Whitney Equipment Co., Inc.	Operating/Maintenance Supplies - General	\$1,637.28
98619	Wilbert Precast, Inc.	Liners & Markers	\$2,610.00
98620	Workhub Software Inc.	Memberships- Registrations - Subscriptions	\$52.26
98621	Yakima County Department of Corrections	Corrections Services Yakima County	\$12,105.08
		Medical Services	\$149.13
		Check Total:	\$12,254.21
98622	Yakima County Treasurer	County Crime Victims	\$65.35
98623	Yakima County Treasurer	City of Yakima IPSS	\$14,445.90
		Check Total:	\$14,511.25
98624	Yakima Tent and Awning Co. LTD	Service Repair/Maintenance Flag Plaza	\$649.80
98625	Yakima Valley Conference of Governments	Professional Services	\$41,642.26
98626	Yakima Valley Radiology	Medical Services	\$215.50
98627	Yakima Waste Systems, Inc.	Recycling & Shred Services	\$22.38
98628	Zabell, Debbie	Travel - Per Diem	\$379.41
EFTAP381	Pitney Bowes Inc.	Meter Postage - 02/13/2024	\$1,000.00
EFTAP382	Invoice Cloud (EFT)	IC Fees - 01/01/2024 - 01/31/2024	\$551.20
EFTAP383	Invoice Cloud (EFT)	On-Line Utility Payment Charges	\$461.20
	<b>Grand Total</b>		<b>\$366,512.67</b>

Accounts Payable Checks 98547-98628, and EFTAP381, EFTAP382, EFTAP383

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein, that any advance payment is due and payable pursuant to a contract or is available as an option for full or partial fulfillment of a contractual obligation, and that the claim is a just, due and unpaid obligation against the City of Toppenish, and that I am authorized to authenticate and certify to said claim.

Adam Vaughn, Finance Director

March 11, 2024



**CITY OF TOPPENISH  
REQUEST FOR COUNCIL ACTION  
Agenda Bill No.: 24-015**

**Agenda Item  
6a**

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**Meeting Date:** March 11, 2024

**Subject:** New Toppenish Municipal Code Chapter 2.98 – Indemnification

**Attachments:** Ordinance 2024-01

**Presented by:** Dan Ford, Assistant City Manager

**Approved For Agenda By:** Debbie Zabell, City Manager

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**Discussion:**

The City of Toppenish, like other cities, depends upon the services of its elected and appointed officials as well as its employees and others serving in various volunteer capacities. On occasion cities find themselves having to face lawsuits from people challenging city action.

A Lawsuit against a city may also personally name individual officials, employees and even volunteers as parties to such lawsuits. In these circumstances, such lawsuits could put such officials, employees, and volunteers in the position of having to defend themselves because of their actions taken on behalf of the city.

Like other cities, it is reasonable for the City of Toppenish to provide a level of protection for its officials, employees and volunteers from lawsuits stemming from actions taken as part of their official duties. Adopting the proposed ordinance adds provisions to the Municipal Code that provide protection from lawsuits for its officials, employees, and volunteers.

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**Fiscal Impact:** No fiscal impact

**Recommendation:** Adopt Ordinance 2024-01 to enact a new Chapter 2.98 of Toppenish Municipal Code titled Indemnification.

**Alternatives:** 1) Do not adopt. 2) Forward to Study Session for further review.

ORDINANCE 2024-01

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, CREATING A NEW CHAPTER 2.98 OF THE TOPPENISH MUNICIPAL CODE RELATING TO INDEMNIFICATION FOR CITY OFFICIALS, CITY EMPLOYEES AND CITY VOLUNTEERS, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE**

WHEREAS, the City of Toppenish, like many cities, depends upon the services of its elected and appointed officials as well as its employees and others serving in various volunteer capacities; and

WHEREAS, cities occasionally find themselves having to face lawsuits from people challenging city action; and

WHEREAS, such lawsuits sometimes also personally name individual officials, employees and even volunteers as parties to such lawsuits; and

WHEREAS, such lawsuits could put such officials, employees and volunteers in the position of having to defend themselves because of their actions taken on behalf of the city; and

WHEREAS, it is reasonable for the City of Toppenish to provide some level of protection for its officials, employees and volunteers from lawsuits stemming from actions taken as part of their official duties; and

WHEREAS, it is therefore appropriate for the City Council to adopt an Ordinance adding provisions to the Municipal Code providing protection from lawsuits for its officials, employees and volunteers,

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. That a new Chapter 2.98 of the Toppenish Municipal Code is created to read as follows:

Chapter 2.98

**INDEMNIFICATION FOR CITY OFFICIALS, CITY EMPLOYEES  
AND CITY VOLUNTEERS**

Sections:

- |          |  |
|----------|--|
| 2.98.010 | Definitions.                                       |
| 2.98.020 | Legal representation.                              |
| 2.98.030 | Exclusions.  |
| 2.98.040 | Determination of exclusion.                        |
| 2.98.050 | Representation and payment of claims – Conditions. |
| 2.98.060 | Effect of compliance with conditions.              |



- 2.98.070 Failure to comply with conditions.
- 2.98.080 Reimbursement of incurred expenses.
- 2.98.090 Conflict with provisions of insurance policies.
- 2.98.100 Pending claims.

2.98.010 Definitions.

Unless the context indicates otherwise, the words and phrases used in this chapter shall have the following meanings:

A. "Official" means any person who is serving or has served as an elected city official, and any person who is serving or has served as an appointed member of any city board, commission, committee, or other appointed position with the city.

B. "Employee" means any person who is or has been employed by the city of Toppenish.

C. "Volunteer" means any person who, without monetary compensation, serves or has served the city of Toppenish under the explicit authorization and direction of a city department.

2.98.020 Legal representation.

A. As a condition of service or employment the city shall provide to an official, employee or volunteer, and any spouse of an official, employee or volunteer to the extent the marital community is implicated, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such official, employee or volunteer may have concluded service or employment with the city, such legal representations as may be reasonably necessary to defend a claim or lawsuit filed against such official, employee or volunteer resulting from any conduct, act or omission of such official, employee or volunteer performed or omitted on behalf of the city in their capacity as a city official, employee or volunteer, which act or omission is within the scope of their service or employment with the city.

B. The legal services shall be provided by the office of the city attorney unless:

1. Any provision of an applicable policy of insurance provides otherwise; or
2. A conflict of interest or ethical bar exists with respect to said representation; or
3. The city attorney appoints outside legal counsel to the case.

In the event that outside counsel is retained under subsection (B)(1), (2), or (3) of this section, the city shall indemnify the official, employee or volunteer from the reasonable costs of defense paid by the official, employee or volunteer; provided, that in no event shall the official, employee or volunteer be indemnified for attorneys' fees paid in excess of the hourly rates established by the city's contract with the attorney selected by the city. The official, employee, or volunteer shall be liable for all hourly charges in excess of said rate.

2.98.030 Exclusions.

A. In no event shall protection be offered under this chapter by the city to:

1. Any dishonest, fraudulent, criminal, willful, intentional or malicious act or course of conduct of an official, employee, or volunteer;
2. Any act or course of conduct of an official, employee or volunteer which is not performed on behalf of the city;
3. Any act or course of conduct which is outside the scope of any official's, employee's, or volunteer's service or employment with the city; and/or
4. Any lawsuit brought against an official, employee or volunteer by or on behalf of the city.

B. Nothing herein shall be construed to waive or impair the right of the city manager or the city council to institute suit or counterclaim against any official, employee or volunteer nor to limit its ability to discipline or terminate an employee or terminate the services of a volunteer.

C. The provisions of this chapter shall have no force or effect with respect to any accident, occurrence, or circumstance for which the city or the official, employee or volunteer is insured against loss or damages under the terms of any valid insurance policy; provided, that this chapter shall provide protection, subject to its terms and limitations, above any loss limit of such policy. The provisions of this chapter are intended to be secondary to any contract or policy of insurance owned or applicable to any official, employee or volunteer. The city shall have the right to require an official, employee or volunteer to utilize any such policy protection prior to requesting the protection afforded by this chapter.

2.98.040 Determination of exclusion.

The determination of whether an official, employee or volunteer shall be afforded a defense by the city under the terms of this chapter shall be made by the city council on the recommendation of the city manager. The decision of the city council shall be final as a legislative determination and shall be based upon a finding that the claim or suit against an official, employee or volunteer meets or does not meet the criteria of this chapter. Nothing herein shall preclude the city from undertaking an official's, employee's, or volunteer's defense under a reservation of rights. The determination as to whether to furnish a defense as provided under this chapter to a member or members of the city council shall be made without the vote of such member or members of the city council unless the inclusion of such member or members is required for a quorum; provided, that if a claim or lawsuit affects a quorum or greater number of the members of the city council, all such affected members shall retain their voting privileges under this section.

The affected official, employee or volunteer will be notified by registered mail, return receipt, of the council's determination within five business days. Denial of a request for representation or indemnification may be reviewed only by an action in the Yakima County superior court filed within 30 days of the date of the denial by the city council.

2.98.050 Representation and payment of claims – Conditions.

The provisions of this chapter shall apply only when the following conditions are met:

A. In the event of any incident or course of conduct potentially giving rise to a claim for damage, or the commencement of a suit, the official, employee or volunteer involved shall, as soon as practicable, give the city clerk written notice thereof, identifying the official, employee or volunteer involved, all information known to the official, employee or volunteer with respect to the date, time, place and circumstances surrounding the incident or conduct giving rise to the claim or lawsuit, as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses. The city clerk shall forward all information pertaining to the claim to the Washington Cities Insurance Authority.

B. Upon receipt thereof, the official, employee or volunteer shall forthwith deliver any claim, demand, notice or summons or other process relating to any such incident or conduct to the city clerk, and shall cooperate with the Washington Cities Insurance Authority and any attorney designated by the Washington Cities Insurance Authority, and, upon request, assist in making settlement of any suit and enforcing any claim for any right of subrogation against any persons or organizations that may be liable to the city because of any damage or claim of loss arising from said incident or course of conduct, including but not limited to rights of recovery for costs and

attorneys' fees arising out of state or federal statute upon a determination that the suit brought is frivolous in nature.

C. Such official, employee or volunteer shall attend interviews, depositions, hearings and trials and shall assist in securing and giving evidence and obtaining attendance of witnesses all without any additional compensation to the official, employee or volunteer and, in the event that an official, employee or volunteer has left the employ or service of the city, no fee or compensation shall be provided.

D. Such official, employee or volunteer shall not accept nor voluntarily make any payment, assume any obligation, or incur any expense relating to said claim or suit, other than for first aid to others at the time of any incident or course of conduct giving rise to any such, claim, loss, or damage.

#### 2.98.060 Effect of compliance with conditions.

If legal representation of an official, employee or volunteer is undertaken by the city attorney or by outside legal counsel designated under this chapter, all of the conditions of representation are met, and a judgment is entered against the official, employee or volunteer, or a settlement made, the city shall pay such judgment or settlement not otherwise covered by insurance in the same manner as a judgment or settlement against the city, except any portion of the judgment which is for punitive damages.

The city council may, by separate resolution, authorize payment of a judgment for punitive damages against a person who has been represented by the city attorney or outside counsel designated under this chapter.

#### 2.98.070 Failure to comply with conditions.

In the event that any official, employee or volunteer fails or refuses to comply with any of the conditions of this chapter or elects to provide their own representation with respect to any such claim or litigation, then all the provisions of this chapter shall be inapplicable, and have no force or effect with respect to any such claim or litigation.

#### 2.98.080 Reimbursement of incurred expenses.

A. If the city determines that an official, employee or volunteer does not come within the provisions of this chapter, and a court of competent jurisdiction later determines that such claim does come within the provisions of this chapter, then the city shall pay any judgment rendered against the official, employee or volunteer and reasonable attorneys' fees incurred in obtaining the determination that such claim is covered by the provisions of this chapter.

B. If the city determines that a claim against a city official, employee or volunteer does come within the provisions of this chapter, and a court of competent jurisdiction later finds that such claim does not come within the provisions of this chapter, then the city shall be reimbursed for costs or expenses incurred in obtaining the determination that such claim is not covered by the provisions of this chapter.

#### 2.98.090 Conflict with provisions of insurance policies.

Nothing contained in this chapter shall be construed to modify or amend any provision of any policy of insurance where any city official, employee or volunteer thereof is the named insured. In the event of any conflict between this chapter and the provisions of any such policy of insurance, the policy provisions shall be controlling; provided, however, that nothing contained in this section

shall be deemed to limit or restrict any employee's, official's or volunteer's right to full coverage pursuant to this chapter, it being the intent of this chapter and section to provide the coverage detailed in this chapter outside and beyond insurance policies which may be in effect, while not compromising the terms and conditions of such policies by any conflicting provision contained in this chapter.

2.98.100 Pending claims.

The provisions of this chapter shall apply to any pending claim or lawsuit against an official, employee or volunteer, or any such claim or lawsuit hereafter filed, irrespective to the date of the events or circumstances which are the basis of such claim or lawsuit.

Section 2. Severability: If any section, sentence, clause, or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 3. Corrections: The city clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the corrections of scriveners/clerical errors, references, section or subsection numbers and any references thereto.

Section 4. Effective Date: That this Ordinance shall be effective five (5) days after passage, approval and publication as required by law.

PASSED by the Toppenish City Council at its regular meeting held on the \_\_\_\_ day of March, 2024.

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ELPIDIA SAAVEDRA, Mayor

ATTEST:

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HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

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GARY M. CUILLIER, City Attorney



**CITY OF TOPPENISH  
REQUEST FOR COUNCIL ACTION  
Agenda Bill No.: 24-016**

**Meeting Date:** March 11, 2024

**Subject:** Jackson Street and Juniper Street Watermain Improvements

**Attachments:** Resolution 2024-14, HLA Task Order No. 2024-02

**Presented by:** Shaun Burgess, Public Works Superintendent

**Approved For Agenda By:** Debbie Zabell, City Manager

**Discussion:**

Jackson/Juniper Street improvements have been on the City’s Statewide Transportation Improvement Program (STIP) for several years and is now scheduled to start construction this year.

To accomplish this project the City received awards from both the Transportation Improvement Board (TIB), which covered 90 percent and Safe Routes to Schools (SRTS), 10 percent to fully fund the surface improvement portion of this project.

Due to the condition of the water transmission main within this roadway and the desire to replace that before a new surface is placed over the top of it, the City requested and received \$700,000 in ARPA funds from the Yakima County Commissioners to replace the water main under the roadway.

This task order will utilize the General Professional Engineering Services contract currently in use for the Jackson/Juniper Street Improvement project to contract with HLA Engineering and Surveying for design and construction management services to include the replacement of this water transmission main. HLA has experience with the City’s domestic water system, continuity with the existing Jackson/Juniper Street Project and their history with water transmission replacement projects.

Task Order Breakdown	
Design Engineering:	\$69,600.00
Construction Engineering (not to exceed):	<u>\$87,100.00</u>
<b>TOTAL</b>	<b>\$156,700.00</b>

**Fiscal Impact:** A budget amendment in the Capital Water Fund (410) in amount of \$156,700 in expenditure and \$156,700 in grant revenue will be required.

**Recommendation:** Approve Resolution 2024-14, authorizing the City Manager to sign Task Order 2024-02, for the Jackson Street and Juniper Street Watermain Improvements.

**Alternatives:** 1) Do not adopt. 2) Forward to Study Session for further review.

RESOLUTION 2024-14

**A RESOLUTION APPROVING THE TASK ORDER 2024-02 WITH HLA FOR THE JACKSON STREET AND JUNIPER STREET WATERMAIN IMPROVEMENTS, FOR THE CITY OF TOPPENISH, WASHINGTON**

WHEREAS the City and HLA Engineering have entered into an agreement to facilitate the Jackson Street and Juniper Street Watermain Improvement project, and

WHEREAS it has been deemed necessary to revise the terms of said agreement to streamline the scope of work and focus efforts on specific objectives, and

WHEREAS the City seeks to focus the efforts of HLA Engineering on design engineering, construction engineering, and additional services as needed for the Jackson Street and Juniper Street Watermain Improvements,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON AS FOLLOWS:

Section 1. Approval: Task Order 2024-02 between HLA and City of Toppenish outlining the scope of work for the Jackson Street and Juniper Street Watermain Improvements is approved and the City Manager is authorized and directed to execute said agreement on behalf of the City.

Section 2. Corrections: The City Clerk is authorized to make necessary corrections to this Resolution including, but not limited to, the correction of scrivener's/clerical errors, references, Resolution numbering, section/subsection numbering and any references thereto.

Section 3. Effective Date: This Resolution shall be effective immediately upon passage and signatures hereto.

PASSED by the Toppenish City Council at its regular meeting held on March 11, 2024.

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ELPIDIA SAAVEDRA, Mayor

ATTEST:

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HEIDI RIOJAS, CMC, City Clerk

**TASK ORDER NO. 2024-02**

REGARDING GENERAL AGREEMENT BETWEEN CITY OF TOPPENISH

AND

HLA ENGINEERING AND LAND SURVEYING, INC. (HLA)

**PROJECT DESCRIPTION:**

**Jackson Street and Juniper Street Watermain Improvements**  
**HLA Project No. 24071E**

The City of Toppenish (CITY) has been selected to receive American Rescue Plan Act (ARPA) funds from Yakima County in the amount of \$700,000 for this project. Funding is for the design and construction of watermain improvements and will be completed in coordination with the Transportation Improvement Board (TIB) funded Jackson Street and Juniper Street Reconstruction project.

**SCOPE OF SERVICES:**

HLA shall provide professional engineering and land surveying services for the Jackson Street and Juniper Street Watermain Improvements (PROJECT). HLA will provide a comprehensive civil engineering construction document package (plans, specifications, and estimate), bidding services, and services during construction to for watermain improvements in coordination with the larger street reconstruction project.

HLA shall provide the following services:

**1.0 Design Engineering**

- 1.1 Provide complete PROJECT management to deliver the PROJECT within mutually determined expectations.
- 1.2 Perform field investigations necessary to design the identified improvements.
- 1.3 Attend meetings with the CITY to address technical aspects of the work related to scope, design, and schedule of the PROJECT. Up to two (2) meetings are anticipated.
- 1.4 Prepare preliminary 60% plans and a cost estimate of improvements for review and approval by the CITY.
- 1.5 Notify private utilities of pending improvements.
- 1.6 Based on approved preliminary 60% engineering plans, perform and present design to the CITY at 90% completion for final coordination.
- 1.7 Incorporate CITY review comments and prepare final draft plans, specifications, and estimate for review and approval by CITY and WSDOT.
- 1.8 Perform quality control and assurance review of all final documents.
- 1.9 Prepare Engineer's construction cost estimate.
- 1.10 Provide final plans and specifications to the CITY in electronic format suitable for printing and use at time of bid advertisement. It is anticipated HLA will prepare one (1) complete set of plans and specifications for one bid call; additional bid packages will be considered additional services.

- 1.11 Assist the CITY with Yakima County funding reimbursement requests and supporting documentation, as requested.
- 1.12 Prepare advertisements for bids. Coordinate with CITY on number and location publications. All advertising fees to be paid by the CITY.
- 1.13 Post documents to HLA website and notify potential bidders, utility companies, and plan centers of PROJECT posting, and maintain planholder list.
- 1.14 Answer and supply information as requested by prospective bidders.
- 1.15 Prepare and issue addenda to contract documents, if necessary.
- 1.16 Attend PROJECT bid opening, check and tabulate bids, and review bidder's qualifications and responsiveness.
- 1.17 Make recommendation of award to the CITY for construction contract.

## **2.0 Construction Engineering**

- 2.1 Following Council award authorization, prepare notice of award to the Contractor, assemble construction contract documents, and coordinate contract execution with the CITY and Contractor.
- 2.2 Review Contractor's submission of certificate of insurance and contract bond.
- 2.3 Coordinate and facilitate preconstruction meeting with the CITY, Contractor, private utilities, and affected agencies.
- 2.4 Prepare and transmit notice to proceed to Contractor.
- 2.5 Furnish a field survey crew to provide geometric control, including construction staking.
- 2.6 Furnish a qualified resident engineer (inspector) to observe construction for substantial compliance with plans and specifications and CITY Construction Standards.
- 2.7 Maintain record of materials for duration of PROJECT.
- 2.8 Respond to Contractor requests for information (RFI).
- 2.9 Interpret plans and specifications when necessary.
- 2.10 Prepare daily progress reports.
- 2.11 Prepare weekly statements of working days.
- 2.12 Create and maintain accurate construction documentation for the life of the PROJECT.
- 2.13 Ensure the CITY has all necessary files for potential audits.
- 2.14 Consult and advise the CITY during construction and make final review and report of the completed work with CITY representatives.
- 2.15 Review acceptance sampling and testing for construction materials.
- 2.16 Review Contractor's submission of samples and shop drawings.
- 2.17 Attend construction meetings anticipated once per week during the duration of improvements.



- 2.18 Perform measurement and computation of pay items.
- 2.19 Prepare and provide monthly progress estimates to the CITY and recommend progress payments for the Contractor.
- 2.20 Prepare proposed contract change orders and/or force account computations as required.
- 2.21 Conduct final walkthrough inspection with the Contractor, CITY, WSDOT, and HLA. Prepare and transmit punchlist to Contractor.
- 2.22 Prepare and furnish record drawings and field notes of completed work in accordance with PROJECT field records provided by the resident engineer.
- 2.23 Prepare administrative documents to the appropriate agencies which have jurisdiction over funding, design, and construction of this PROJECT.
- 2.24 Monitor the Contractor's compliance with federal and state labor standards.
- 2.25 Assist the CITY with Yakima County funding reimbursement requests and supporting documentation.
- 2.26 Coordinate testing scheduling with material testing firm.
- 2.27 Prepare and submit recommendation of PROJECT acceptance.
- 2.28 Prepare and submit Notice of Completion of Public Works Contract (NOC). Monitor lien releases from state agencies.
- 2.29 Notify CITY when retainage may be released.
- 2.30 Ensure the PROJECT is completed as designed and contract specifications are adhered to during construction.

### **3.0 Additional Services**

Provide professional engineering services for additional work requested by the CITY that is not included in this Task Order.

### **4.0 Items to be Furnished and Responsibility of CITY**

The CITY will provide or perform the following:

- 4.1 Provide full information as to CITY requirements for the PROJECT.
- 4.2 Provide all available information pertinent to the PROJECT relative to completion of design and construction of the PROJECT.
- 4.3 Examine all documents presented by HLA and provide written decisions within a reasonable time so as not to delay the work of HLA.
- 4.4 Obtain approval of all required governmental authorities for the PROJECT, and approvals and consents from other individuals as necessary for completion of the PROJECT. Pay all review fees and costs associated with obtaining such approvals.
- 4.5 Pay for advertising, notices, or other publications as may be required.
- 4.6 Pay for all necessary permits and testing fees not paid by the Contractor.

## **TIME OF PERFORMANCE:**

HLA will diligently pursue completion of the PROJECT as follows:

### **1.0 Design Engineering**

- 1.1 60% draft plans, specifications, cost estimate for CITY review within (30) calendar days following authorization to proceed.
- 1.2 90% draft plans, specifications, and estimate will be provided within twenty (20) calendar days following receipt of CITY 60% review comments.
- 1.3 Final plans, specifications, and estimate will be provided to the CITY on the same schedule as the Jackson Street and Juniper Street Reconstruction project (HLA Project No. 21258).

### **2.0 Construction Engineering**

- 2.1 Construction engineering services shall begin upon construction contract award by the CITY to the lowest responsible bidder and extend through the completion of construction, and completion of as-constructed drawings.
- 2.2 A maximum of seventy (70) working days has been assumed for the construction of the improvements, utilizing a standard 40-hour work week.
- 2.3 Should the Contractor be granted time extensions for construction completion due to recognized delays, requested additional work, and/or change orders, services during construction beyond seventy (70) working days shall be considered additional services.

### **3.0 Additional Services**

Time for completion of work directed by the CITY under additional services shall be negotiated and mutually agreed upon at the time of service requested by the CITY.

## **FEE FOR SERVICE:**

For the services furnished by HLA as described within this Task Order, the CITY agrees to pay HLA the fees as set forth herein. The amounts listed below may be revised only by written agreement of both parties.

### **1.0 Design Engineering**

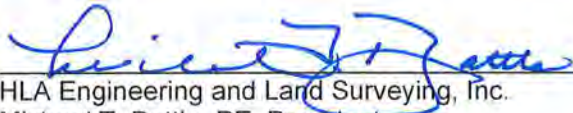
All work for design engineering services shall be performed for the lump sum fee of \$69,600.

### **2.0 Construction Engineering**

All work for construction engineering services during construction shall be performed on a time-spent basis at the normal hourly billing rates included in our General Agreement, plus reimbursement for non-salary expenses, not to exceed \$87,100. If the Contractor is granted additional working days beyond those identified in the Time of Performance, then work shall be considered additional services until an amendment to this Task Order is executed.

**3.0 Additional Services**

Additional work requested by the CITY that is not included in this Task Order shall be authorized by the CITY and agreed upon by HLA in writing prior to proceeding with the services. HLA will perform the additional services as directed/authorized by the CITY on a time-spent basis at the hourly billing rates included in our General Agreement, plus reimbursement for direct non-salary expenses such as laboratory testing, printing expenses, vehicle mileage, out-of-town travel costs, and outside consultants.

**Proposed:**  \_\_\_\_\_ 2/15/2024  
HLA Engineering and Land Surveying, Inc. Date  
Michael T. Battle, PE, President

**Approved:** \_\_\_\_\_ \_\_\_\_\_  
City of Toppenish Date  
Debbie Zabell, City Manager



**CITY OF TOPPENISH**  
**REQUEST FOR COUNCIL ACTION**  
**Agenda Bill No.: 24-017**

**Agenda Item**  
**6c**

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**Meeting Date:** March 11, 2024

**Subject:** 2024 City of Toppenish Strategic Plan

**Attachments:** Resolution 2024-15, 2024 City of Toppenish Strategic Plan

**Presented by:** Debbie Zabell, City Manager

**Approved For Agenda By:** Debbie Zabell, City Manager

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**Discussion:**

In December 2023, the City Council and the City's Leadership Team held a retreat facilitated by Zach Ratkai from Sageland Strategic, Inc., to collaboratively craft a Strategic Plan. As a result of the retreat the City Council identified Six Key Priorities:

- Infrastructure and City Improvements
- Community Outreach and Engagement
- Economic Development and Finance
- Housing
- Organizational Development
- Public Safety

At the Council's March 4, 2024, Study Session, Mr. Ratkai presented the Preliminary Strategic Plan to the Council. Upon the Council's review, the Council ranked the priority of the Goals as follows:

- Public Safety  
Goal #1: Make Toppenish safer at all hours.
- Infrastructure and City Improvements  
Goal #2: Goal: Ensure the City provides basic city services to all community members.
- Economic Development and Finance  
Goal #3: Attract additional businesses.
- Housing  
Goal #4: Goal: Promote higher quality housing opportunities.

The City's Leadership team will begin implementation and task planning of the Goals in April.

The attached Resolution Adopts the Strategic Plan and sets for the City a Road Map that will establish the standard by which budgets, process, policies, and how the daily work will be undertaken.

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**Fiscal Impact:** No fiscal impact.

**Recommendation:** Approve Resolution 2024-15 Adopting the 2024 City of Toppenish Strategic Plan prepared by Sageland Strategic, Inc.

**Alternatives:** 1) Do not adopt. 2) Forward to Study Session for further review.

RESOLUTION 2024-15

**A RESOLUTION ADOPTING THE 2024 CITY OF TOPPENISH STRATEGIC PLAN  
FOR THE CITY OF TOPPENISH, WASHINGTON**

WHEREAS, the City Council and the City Leadership Team held a retreat to collaboratively craft a Strategic Plan, and

WHEREAS, the City of Toppenish and its City Council recognize the importance of developing a Strategic Plan that will establish the standard by which budgets, process, policies, and how the daily work will be undertaken, and

WHEREAS, the City replaces previous goals with a 2024 Strategic Plan, and directs the City Leadership Team to implement,

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON, AS FOLLOWS:

Section 1. Approval of a 2024 City of Toppenish Strategic Plan: The City of Toppenish hereby adopts the attached 2024 Strategic Plan prepared by the Sageland Strategic, Inc.

Section 2. Corrections: The City Clerk is authorized to make necessary corrections to this Resolution including, but not limited to, the correction of scrivener's/clerical errors, references, Resolution numbering, section/subsection numbering and any references thereto.

Section 3. Effective Date: This resolution shall be effective immediately upon passage and signatures hereto.

PASSED by the Toppenish City Council at its regular meeting held on March 11, 2024.

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ELPEDIA SAAVEDRA, Mayor

ATTEST:

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HEIDI RIOJAS, CMC, City Clerk





# CITY OF TOPPENISH STRATEGIC PLAN

2024



# ACKNOWLEDGEMENTS



We want to acknowledge the hard work, participation, and dedication that went into the strategic plan. The Toppenish community was valuable in providing information from 2019-2021 to help guide staff and City Council in prioritizing the community's future.

The Strategic Planning team met numerous times to review community input, provide feedback on challenges and opportunities, and refine information into a set of priorities, goals, and objectives.

## CITY COUNCIL

- Elpidia Saavedra, Mayor
- Cristian Sanchez, Councilmember
- Josh Garza, Councilmember
- Loren Belton, Mayor Pro Tem
- George Garcia, Councilmember
- Naila Duval, Councilmember

## STAFF

- Debbie Zabell, City Manager
- Heidi Riojas
- Gary Kroll
- John Clary
- Joseph Mehline
- Shaun Burgess
- Tim Smith
- Van Donley
- Dan Ford, Assistant City Manager
- Beth Simmons
- Dale Northrup
- Daniel Musgrave
- Katie Goodale
- Linda Finley
- Mary Beltran
- Sean Davido





# KEY PRIORITIES



PUBLIC SAFETY



ECONOMIC  
DEVELOPMENT AND  
FINANCE



INFRASTRUCTURE AND  
CITY IMPROVEMENT



COMMUNITY  
OUTREACH AND  
ENGAGEMENT



HOUSING



ORGANIZATIONAL  
DEVELOPMENT



# TOP PRIORITIES AND GOALS



## PUBLIC SAFETY

### Goal: Make Toppenish Safer at All Hours

Improve crime and sense of place in Toppenish to provide a safer environment for the community.



## ECONOMIC DEVELOPMENT & FINANCE

### Goal: Attract Additional Businesses

The Toppenish business community will thrive and grow with a variety of businesses to serve the region.



## INFRASTRUCTURE & CITY IMPROVEMENT

### Goal: Ensure Basic City Services are Provided to All Community Members

Examine all public services the city provides to determine reach, improvements needed, and efficiencies where possible.

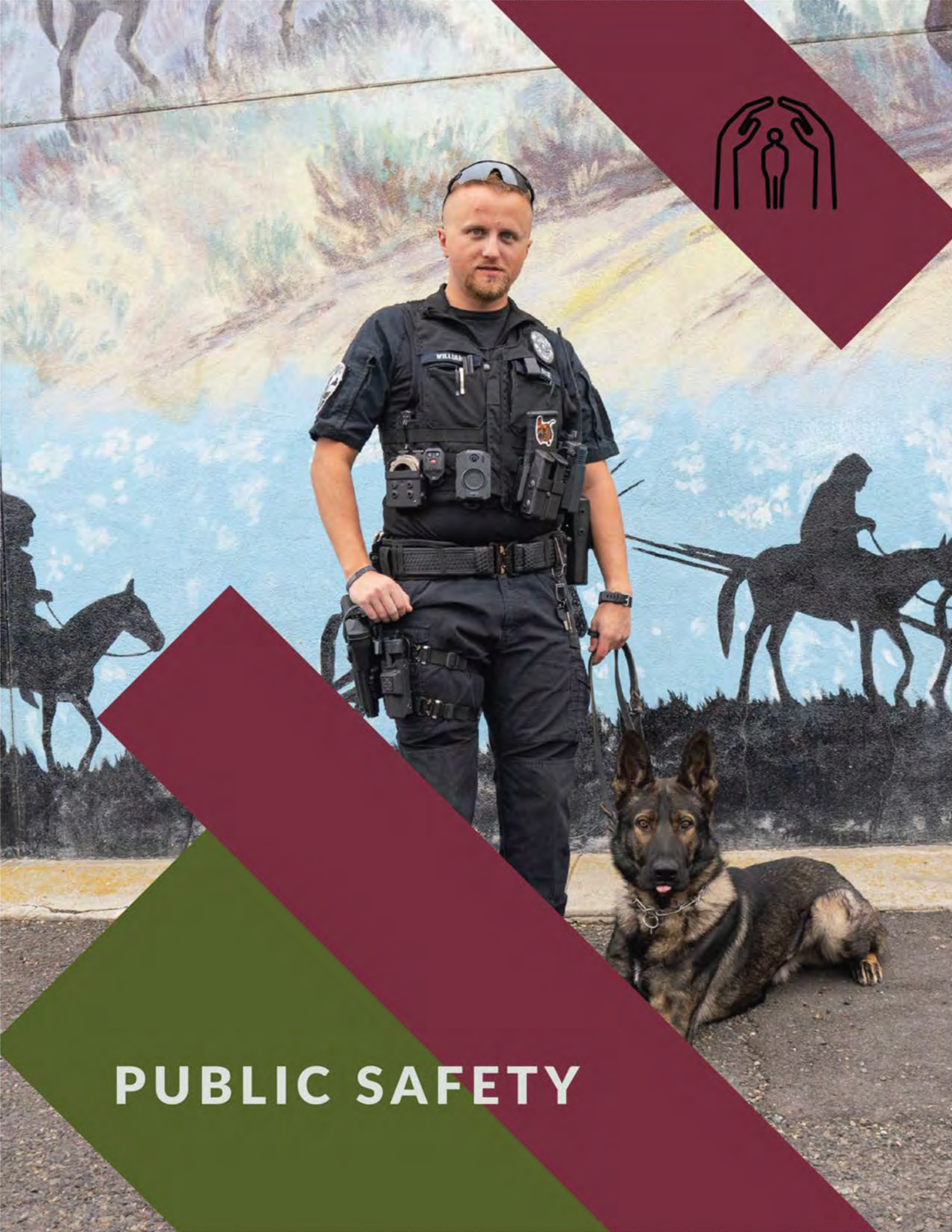


## COMMUNITY OUTREACH & ENGAGEMENT

### Goal: Development Innovative and Efficient Outreach

The City of Toppenish will be well known for great civic communication that reaches all residents through multiple platforms.





**PUBLIC SAFETY**



# PUBLIC SAFETY



## GOAL: MAKE TOPPENISH SAFER AT ALL HOURS

Improve crime and sense of place in Toppenish to provide a safer environment for the community.

- Objectives:**
- Find and develop partnership with community organizations to address mental health response, youth development, and crime prevention.
  - Educate the community on the role of Police/Fire/EMS and what they can provide for the community.
  - Plan for long term, sustainable funding for Police/Fire/EMS to address current and future staffing, technology, fleet, and equipment needs.

- Strategies:**
- Need to focus on providing town youth with things to do outside of school
  - Provide more connections to the community
  - Making the community safe and having the appearance of a safe community is a foundational issue to all other goals.

## GOAL: BUILD A NEW FACILITY FOR POLICE AND FIRE

Address the current and future need for a public safety facility.

- Objectives:**
- Determine current and future scale of need for Police and Fire facilities including housing, equipment, and fleet.
  - Examine response times for emergency service providers to determine optimal locations for facilities.





**ECONOMIC DEVELOPMENT  
AND FINANCE**





## **GOAL: ATTRACT ADDITIONAL BUSINESSES**

The Toppenish business community will thrive and grow with a variety of businesses to serve the region.

- Objectives:**
- Assess and determine what businesses will be successful in Toppenish.
  - Attract and provide additional commerce to serve seasonal workers.
  - Address vacant buildings downtown through examination of programs, best practices, or incentives.

- Strategies:**
- Improve accessibility through improving ADA access downtown
  - Attract experienced staff
  - Develop an economic development plan

## **GOAL: ENABLE GREATER FINANCIAL SUSTAINABILITY**

Toppenish will work to determine the best financial means by which the community can be served and focus on the greatest return on investment for spending.

- Objectives:**
- Fund basic levels of maintenance and essential services
  - Examine ways in which sales tax revenues could be increased to provide better balance with the utility tax.

- Strategies:**
- Address issues with cash-only businesses.
  - Promote businesses that produce goods, but also sell them in Toppenish



# ECONOMIC DEVELOPMENT AND FINANCE



## GOAL: PROMOTE A POSITIVE FUTURE

Toppenish will value its history while looking to build a positive future for the community.

**Objectives:**

- The city will prioritize execution and implementation of plans it puts into place.
- Promote a positive image of Toppenish through focused and prioritized city processes, crime prevention, and business enforcement.

**Strategies:**

- Improve internal culture to follow through on plans
- Use this goal as a foundation for daily work by City Staff







**TOPPENISH**



**INFRASTRUCTURE AND  
CITY IMPROVEMENT**





## GOAL: REVITALIZE DOWNTOWN

Revitalize downtown to have a safe, well-run, and attractive focal point for the community.

- Objectives:**
- Prioritize infrastructure improvements downtown to provide standard service and improvements.
  - Support current business and attract new businesses to downtown.
  - Improve accessibility and safety for all community members.
  - Preserve Toppenish's rich history and appeal.

- Strategies:**
- Reduce number of vacant businesses and storefronts
  - Determine the cost to bring business back downtown
  - Determine staff roles to focus on downtown
  - Partner with the Chamber of Commerce
  - Determine what current Toppenish businesses need for support
  - Make improvements to aesthetics, curb appeal, and image of community
  - Conduct meetings with Chambers, business leaders, community organizations, and the City Council/City leaders.

## GOAL: IMPROVE CITY FACILITIES & PARKS

Analyze and establish basic level of repairs and improvements to city buildings and parks to provide a better level of service for staff and community members.

- Objectives:**
- Assess all city facilities to determine conditions and improvements where needed.
  - Assess all city parks and recreation areas for improvements, activity levels, and features.

- Strategies:**
- Provide additional lighting and trash cans in the parks
  - Improve, repair, upgrade parks features
  - Work to lessen the impact of vandalism, homelessness, and drug use in parks.
  - Plan more activities in the parks to bring in more users
  - Utilize community partnerships to share resources
  - Showcase and celebrates investments in parks and successful upgrades





## **GOAL: ENSURE BASIC CITY SERVICES ARE PROVIDED TO ALL COMMUNITY MEMBERS**

Examine all public services the city provides to determine reach, improvements needed, and efficiencies where possible.

- Objectives:**
- Analyze the functionality of all city services provided to determine effectiveness.
  - Define the scope of city services to define roles, discover shortcomings, and determine impacts to the community.
  - Modernize and standardize the city vehicle and equipment fleet and scope of maintenance programs and activities.

- Strategies:**
- Prioritize PW infrastructure
  - Examine response times for Public Safety
  - Look into mutual aid provision and ensure that PD/FD has coverage & availability in the city first
  - Move to proactive service and be less reliant on other agencies
  - Work to add more full time positions to meet national/regional standards for service

## **GOAL: TOPPENISH WILL HAVE A FUNCTIONAL & EFFICIENT WORK ENVIRONMENT**

Toppenish staff will have access to safe and effective workspace, functional technology, and the correct equipment to serve the community.

- Objectives:**
- Provide modern, capable, functional technology to staff.
  - Address ergonomics & wellness standards
  - Provide proper equipment, software, policies, safeguards, and processes for staff to serve the community.

- Strategies:**
- Utility billing software needs to be prioritized
  - Begin/improve an asset management program, incorporate with new financial software.





# COMMUNITY OUTREACH AND ENGAGEMENT



# COMMUNITY OUTREACH AND ENGAGEMENT



## GOAL: INCREASE COMMUNITY INVOLVEMENT

The Toppenish community will play a greater role in not only the government of the city, but also in overall civic engagement.

- Objectives:**
- Foster a greater interest in serving on the City Council & other City boards & commissions.
  - Increase awareness of the community and the region through increased content output
  - Grow engagement & partnerships with other community organizations & outside partners.

- Strategies:**
- Increase partnerships to grow staff engagement
  - Utilize a School Resource Officer program
  - Encourage people to live and work in Toppenish
  - Promote high school student involvement through tours, job fairs, scout programs
  - Maintain a master calendar of community events
  - Promote a unified message/branding for Toppenish
  - Form a Youth Commission/Junior Council
  - Form a service committee

## GOAL: INCREASE COMMUNITY TRUST

The City of Toppenish will be a trusted partner in the community.

- Objectives:**
- Control the narrative on City-led events, issues, and processes through greater outreach.
  - Communicate consistently with transparency, accountability, and unity.
  - Train and inform staff at all levels of key community initiatives to create better community communication.

- Strategies:**
- Form better partnerships throughout the community
  - Establish a measurable means by which trust can be assessed
  - Don't impede the mission/progress of community groups
  - Continue to educate the community



# COMMUNITY OUTREACH AND ENGAGEMENT



## GOAL: DEVELOP INNOVATIVE & ENGAGING OUTREACH

The City of Toppenish will be well known for great civic communication that reaches all residents through multiple platforms.

**Objectives:**

- Increase content and programming.
- Find out what, how, and why people engage with the city.

**Strategies:**

- Utilize Facebook and a community newsletter, also direct mail
- Use potential Youth Council for outreach to the community





An aerial photograph of a city, likely in a winter or high-altitude setting, with snow covering the ground. The city features a mix of residential and commercial buildings, streets, and parking lots. In the background, there are mountains and a large body of water. A large green diagonal shape is overlaid on the bottom left of the image, containing the word 'HOUSING' in white capital letters.

# HOUSING





## GOAL: PROMOTE HIGHER QUALITY HOUSING OPPORTUNITIES

Toppenish will work to improve the quality of housing at all price levels and housing type.

- Objectives:**
- Promote higher building standards in the community.
  - Attract new housing for residents.
  - Encourage in-fill housing and redevelopment within the city.

- Strategies:**
- Establish areas to grow the city.
  - Improve maintenance service for infrastructure
  - Provide additional focus on codes/permitting and enforcement
  - Complete the accessory dwelling unit code

## GOAL: ENCOURAGE NEIGHBORHOOD DEVELOPMENT

Encourage community through smaller-scale housing, gathering places, and other amenities.

- Objectives:**
- Promote and enable smaller-scale community-based gathering places or centers that serve neighborhoods.
  - Examine codes and/or incentives to promote small-scale mixed-use development.
  - Encourage in-fill and redevelopment to revitalize neighborhoods.
  - Promote and market Toppenish as a place for multiple generations.

- Strategies:**
- Address issues with development in the 100-year floodplain
  - Foster a market where developers would want to come



# HOUSING



## GOAL: ESTABLISH A VISION FOR FUTURE RESIDENTIAL

Toppenish will determine what kind of residential properties will be offered to unify the community and organization in decision making.

### Objectives:

- Set a vision for what housing looks like in the future for the community.
- Promote redevelopment of dilapidated properties to ensure safe and attractive housing.
- Incentivize owner-occupied housing to keep money in the community.

### Strategies:

- Promote owner-occupied housing







# ORGANIZATIONAL DEVELOPMENT



# ORGANIZATIONAL DEVELOPMENT



## GOAL: ENSURE A BASIC STAFFING LEVEL AT THE CITY

Toppenish will strive to recruit and maintain a staffing level conducive to fulfilling its mission to the community.

**Objectives:**

- Hire and keep staff at the city.
- Ensure that minimum levels of services through expanded hiring pools, succession planning, and adequate training.
- Assess and define current processes and roles to determine effectiveness and need.

**Strategies:**

- Promote Toppenish as a great place to work

## GOAL: INCREASE AWARENESS OF CITY OPERATIONS

Staff, the Toppenish community, and the City Council will be informed and acquainted with city departments, scope of work, roles and processes for the community.

**Objectives:**

- Establish partnerships to build the relationship between Council and Staff
- Provide training/orientation to give community members, City Council members, and interdepartmental co-workers a basis of understanding of the roles, responsibilities, and processes of the Toppenish government.
- Build trust with the community and Council through greater credibility and transparency.

**Strategies:**

- Use new website to improve image, drive content, and foster community connections.



# ORGANIZATIONAL DEVELOPMENT



## GOAL: BUILD A COHESIVE TOPPENISH CITY TEAM

Create an organization that is self-aware, driven, and community-minded to serve the residents.

- Objectives:**
- Provide a comprehensive orientation for staff (and potentially new Council/Commission members) on roles, responsibilities, and missions of each department.
  - Provide training and awareness of Diversity, Equity, and Inclusion principles for inter-departmental and community relations.
  - Build relationships among staff through organizational events, training, and tours.

- Strategies:**
- Unify staff to a single mission





# KEY TAKEAWAY



The strategic planning process revealed a strong alignment of priorities and goals, with a shared mission for the community between staff and Council.

Public Safety, Partnerships, and Housing were identified as critical priorities. The retreat formalized unified factors that drive collective dedication to Toppenish.

Both staff and Council are deeply invested in the future of Toppenish. They are committed to achieving the community's goals, with a collaborative and determined approach.

# NEXT STEPS

## HOW WILL THIS BE IMPLEMENTED?



- The Strategic Plan is a road map that will establish the standard by which budgets, processes, policies, and daily work will be undertaken.
- This is meant to be a “living document” evolving as goals and objectives are fulfilled and new opportunities are presented.
- Staff will begin working on implementing projects, incorporating specific actions to each goal, and conforming their daily work in accordance with the direction outlined herein.

CITY OF  
TOPPENISH



Facillitated by Sageland Strategic, LLC





**CITY OF TOPPENISH**  
**REQUEST FOR COUNCIL ACTION**  
**Agenda Bill No.: 24-018**

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**Meeting Date:** March 11, 2024

**Subject:** West First Avenue Traffic Signal Replacement

**Attachments:** Resolution 2024-16, Washington State Department of Transportation (WSDOT) Cost Estimate

**Presented by:** Shaun Burgess, Public Works Superintendent

**Approved For Agenda By:** Debbie Zabell, City Manager

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**Discussion:**

The City's traffic control signal infrastructure plays a crucial role in ensuring efficient travel flow and road safety. As a result of a recent power outage, the traffic signal at West First Avenue experienced a complete failure. Staff was able to activate the signal so that it would provide temporary control of the intersection with a flashing red light.

As required by the Manual on Uniform Traffic Control Devices (MUTCD), an intersection controlled by a traffic control signal must remain a traffic control signal, i.e., it cannot be changed to a flashing four-way signal. Due to the age of the traffic control signal, as well as the signal cabinet, parts needed to repair the signal are no longer available. This situation necessitates immediate action to replace the failing components and signal cabinet with modern and dependable equipment so that the traffic control signal can operate as required by the MUTCD.

Staff is recommending replacing all components and the signal cabinet with the most advanced and modern technology available, this will restore the functionality of the city's traffic signal network and ensure road and pedestrian safety, now and in the future.

Staff received the attached cost estimate from WSDOT in the amount of \$20,573.50 to complete the required repair.

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**Fiscal Impact:** A budget amendment in the Street Fund (101) in the amount of \$20,573.50 will be required.

**Recommendation:** Approve Resolution 2024-16 authorizing City Manager to approve replacement of traffic signal

**Alternatives:** 1) Do not adopt. 2) Forward to Study Session for further review.

RESOLUTION 2024-16

**A RESOLUTION APPROVING THE ALLOCATION OF FUNDS  
FOR THE REPLACEMENT OF THE TRAFFIC CONTROL SIGNAL  
COMPONENTS AND CABINET AT WEST FIRST AVENUE,  
FOR THE CITY OF TOPPENISH, WASHINGTON**

WHEREAS the city's traffic signal and signal cabinet at West First Avenue experienced irreparable failure due to a power outage, and

WHEREAS it is imperative to replace the traffic signal and signal cabinet with modern, dependable equipment, and

WHEREAS the required replacement will ensure the city's traffic control system remains compatible with future technological advancements,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON AS FOLLOWS:

Section 1. Authorization: Replacement of the traffic control signal at West First Avenue is approved and funds for the replacement will be allocated. The City Manager is authorized and directed to proceed with the required repair.

Section 2. Corrections: The City Clerk is authorized to make necessary corrections to this Resolution including, but not limited to, the correction of scrivener's/clerical errors, references, Resolution numbering, section/subsection numbering and any references thereto.

Section 3. Effective Date: This Resolution shall be effective immediately upon passage and signatures hereto.

PASSED by the Toppenish City Council at its regular meeting held on March 11, 2024.

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ELPIDIA SAAVEDRA, Mayor

ATTEST:

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HEIDI RIOJAS, CMC, City Clerk



**COST ESTIMATE**

Estimate Id: 89670

DATE: 01/29/2024	ORG CODE 455510	LOCATION OF WORK SR 022 Begin MP: 3.66 Description: intersection of washington and Toppenish
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DESCRIPTION OF WORK:  
Remove old signal cabinet and replace with new.

**ESTIMATE**

LABOR DESCRIPTION	QTY	REG. HOURS	O/T HOURS	AMOUNT
Electrical & Electronic Systems Specialist 2	1	10.0		\$706.10
Electrical & Electronic Systems Specialist 3	1	10.0		\$736.60
<b>TOTAL LABOR ESTIMATE:</b>				<b>\$1,442.70</b>

EQUIPMENT TYPE	QTY	HOURS	AMOUNT
0414 - FLATBED, CREW CAB, 15K GVWR	1	10.0	\$52.30
0704 - MANLIFT, 40 FT, >15K GVWR, W/ SERVICE BODY	1	10.0	\$135.10
<b>TOTAL EQUIPMENT ESTIMATE:</b>			<b>\$187.40</b>

MATERIAL TYPE	QTY	AMOUNT
		\$0.00
<b>TOTAL MATERIAL ESTIMATE:</b>		<b>\$0.00</b>

MISCELLANEOUS CHARGES - DESCRIPTION	QTY	AMOUNT
misc parts	1.0	\$200.00
Signal cabinet with flashers	1.0	\$8,266.00
<b>TOTAL MISCELLANEOUS ESTIMATE:</b>		<b>\$8,466.00</b>

**TOTAL CHARGES: \$10,096.10**

MAINT. AREA LOCATION:	REGION South Central	CONT. SECTION E99000	WORK ORDER NO: ME5510
CREATED BY: Drason Wilder	DATE: 01/29/2024	OFFICE USE ONLY: Estimate Only: Y Revised Estimate: N Work Completed: N Work Completed Date:	



**COST ESTIMATE**

Estimate Id: 89671

DATE: 01/29/2024	ORG CODE 455510	LOCATION OF WORK SR 022 Begin MP: 3.66 Description: Intersection of Toppenish and Asotin
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DESCRIPTION OF WORK:  
Remove pole mounted signal cabinet and install new

**ESTIMATE**

LABOR DESCRIPTION	QTY	REG. HOURS	O/T HOURS	AMOUNT
Electrical & Electronic Systems Specialist 2	1	10.0		\$706.10
Electrical & Electronic Systems Specialist 3	1	10.0		\$736.60
<b>TOTAL LABOR ESTIMATE:</b>				<b>\$1,442.70</b>

EQUIPMENT TYPE	QTY	HOURS	AMOUNT
0414 - FLATBED, CREW CAB, 15K GVWR	1	10.0	\$135.10
0704 - MANLIFT, 40 FT, >15K GVWR, W/ SERVICE BODY	1	10.0	\$135.10
<b>TOTAL EQUIPMENT ESTIMATE:</b>			<b>\$270.20</b>

MATERIAL TYPE	QTY	AMOUNT
		\$0.00
<b>TOTAL MATERIAL ESTIMATE:</b>		<b>\$0.00</b>

MISCELLANEOUS CHARGES - DESCRIPTION	QTY	AMOUNT
misc parts	1.0	\$200.00
Pole mounted flasher cabinet	1.0	\$568.27
<b>TOTAL MISCELLANEOUS ESTIMATE:</b>		<b>\$768.27</b>

**TOTAL CHARGES: \$2,481.17**

MAINT. AREA LOCATION:	REGION South Central	CONT. SECTION E99000	WORK ORDER NO: ME5510
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CREATED BY: Drason Wilder	DATE: 01/29/2024	OFFICE USE ONLY: Estimate Only: Y Revised Estimate: N Work Completed: N Work Completed Date:
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Estimate Id: 89668

DATE: 01/29/2024	ORG CODE 455510	LOCATION OF WORK SR 022 Begin MP: 3.66 Description: Intersection of Toppenish and 1st
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DESCRIPTION OF WORK:  
Remove old signal cabinet and install new

**ESTIMATE**

LABOR DESCRIPTION	QTY	REG. HOURS	O/T HOURS	AMOUNT
Electrical & Electronic Systems Specialist 2	2	10.0		\$1,412.20
Electrical & Electronic Systems Specialist 3	1	30.0		\$2,209.80
<b>TOTAL LABOR ESTIMATE:</b>				<b>\$3,622.00</b>

EQUIPMENT TYPE	QTY	HOURS	AMOUNT
0414 - FLATBED, CREW CAB, 15K GVWR	1	10.0	\$52.30
0704 - MANLIFT, 40 FT, >15K GVWR, W/ SERVICE BODY	1	20.0	\$270.20
<b>TOTAL EQUIPMENT ESTIMATE:</b>			<b>\$322.50</b>

MATERIAL TYPE	QTY	AMOUNT
		\$0.00
<b>TOTAL MATERIAL ESTIMATE:</b>		<b>\$0.00</b>

MISCELLANEOUS CHARGES - DESCRIPTION	QTY	AMOUNT
2070-LDX intelight controller	1.0	\$4,000.00
comms plan	1.0	\$50.00
comms/ cell modem	1.0	\$800.00
Kenetics license	1.0	\$1,500.00
misc parts	1.0	\$200.00
signal cabinet with monitor	1.0	\$10,079.00
<b>TOTAL MISCELLANEOUS ESTIMATE:</b>		<b>\$16,629.00</b>

**TOTAL CHARGES: \$20,573.50**

MAINT. AREA LOCATION:	REGION South Central	CONT. SECTION E99000	WORK ORDER NO: ME5510
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CREATED BY: Drason Wilder	DATE: 01/29/2024	OFFICE USE ONLY: Estimate Only: Y Revised Estimate: N Work Completed: N Work Completed Date:
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**CITY OF TOPPENISH**  
**REQUEST FOR COUNCIL ACTION**  
**Agenda Bill No.: 24-019**

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**Meeting Date:** March 11, 2024

**Subject:** Accept Wastewater Improvement Project Phase II

**Attachments:** Resolution 2024-17, Final Progress Estimate, Final Contract Voucher Certificate.

**Presented by:** Debbie Zabell, City Manager

**Approved For Agenda By:** Debbie Zabell, City Manager

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**Discussion:**

At the July 24, 2023, Regular City Council meeting, the City Council declared Phase II of the Wastewater Improvement Project complete.

The USDA-RD funded portions of the city-wide Wastewater Improvement project are in the final stages of close-out. A new requirement for USDA funded projects is a Resolution from the governing body accepting the project.

Proposed Resolution 2024-17 is being presented to the Council so that the City is following the new requirement for project close out.

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**Fiscal Impact:** No fiscal impact

**Recommendation:** Motion approve Resolution 2024-17 to Accept Phase II of the Wastewater Improvement Project, as required by the USDA-RD.

**Alternatives:** 1) Do not adopt. 2) Forward to Study Session for further review.

RESOLUTION 2024-17

**A RESOLUTION ACCEPTING WASTEWATER IMPROVEMENT  
PROJECT, PHASE II, AS RECOMMENDED BY GRAY & OSBORNE,  
INC., FOR THE CITY OF TOPPENISH, WASHINGTON**

WHEREAS all the work performed for Wastewater Improvement Project Phase II by DW Excavating, Inc. has been satisfactorily completed, and

WHEREAS the City has received confirmation from Gray & Osborne, Inc. that the project has been completed in compliance with the contract, and

WHEREAS the City has received the Final Contract Voucher Certificate from DW Excavating, Inc., and

WHEREAS the City has received the required Certificate of Release from the Washington State Department of Revenue, the Department of Labor and Industries, and Employment Security Department,

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TOPPENISH, WASHINGTON AS FOLLOWS:

Section 1. Approval: The City Council of the City of Toppenish accepts Wastewater Improvement Project, Phase II, as recommended by Gray & Osborne, Inc.

Section 2. Corrections: The City Clerk is authorized to make necessary corrections to this Resolution including, but not limited to, the correction of scrivener's/clerical errors, references, Resolution numbering, section/subsection numbering and any references thereto.

Section 3. Effective Date: This Resolution shall be effective immediately upon passage and signatures hereto.

PASSED by the Toppenish City Council at its regular meeting held on March 11, 2024.

\_\_\_\_\_  
ELPIDIA SAAVEDRA, Mayor

ATTEST:

\_\_\_\_\_  
HEIDI RIOJAS, CMC, City Clerk



July 18, 2023

Mr. Shaun Burgess  
Public Works Superintendent  
City of Toppenish  
21 West First Avenue  
Toppenish, Washington, 98948

SUBJECT: FINAL PROGRESS ESTIMATE 7, PROJECT ACCEPTANCE, AND  
RELEASE OF RETAINAGE, SEWER (PHASE II) IMPROVEMENTS  
CITY OF TOPPENISH, YAKIMA COUNTY, WASHINGTON  
G&O #18054

Dear Mr. Burgess:

This letter provides the City with guidance regarding the final progress estimate, accepting the project as complete, and release of the retainage.

## 1. FINAL PROGRESS ESTIMATE

We have attached the signed Final Contract Voucher and Progress Estimate 7, which is the final progress estimate for this project. The City should place the progress estimate in its files and forward a copy of the progress estimate to the contractor with the payment. The amount due the contractor and the amount to be deposited in the retainage account are as follows:

<u>Payment to Contractor</u>	<u>Retainage (Held by USDA RD)</u>	<u>Total Amount Earned</u>
\$117,363.93	\$127,461.08	\$2,708,293.02

## 2. PROJECT COMPLETION ACCEPTANCE

The project has been completed in compliance with the Contract, with the exception of the contractor submitting Affidavits of Wages Paid for all subcontractors on the project. After the contractor has submitted documentation that all required Affidavits of Wages Paid forms have been submitted to the Department of Labor and Industries, we recommend the City accept the project as complete and submit the "Notice of Completion of Public Works Contract" form online via the Awarding Agency Portal

Mr. Shaun Burgess  
 July 18, 2023  
 Page 2

(<https://lni.wa.gov/licensing-permits/public-works-projects/awarding-agencies/awarding-agency-portal>).

Note that the form will not be available if the prime contractor has not filed their affidavit or if it is still pending approval by the Department of Labor and Industries. The following data is provided to assist with the form submittal:

		Date Work Completed <b>June 8, 2023</b>	Date Work Accepted <b>July 17, 2023</b>
Is this a Federally Funded Transportation Project?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, attach the Contract Bond Statement
Have Subcontractors been used?		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	If yes, complete Addendum A
<input checked="" type="checkbox"/> Contract/Payment Bond	Waived? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<input type="checkbox"/> Retainage Bond	Waived? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Detailed Description of Work Completed Replaced approximately 14,000 LF of gravity sewer lines. New manholes were also installed and lift station electrical connections for emergency generator were installed.			
<b>DOR Tax Information</b>			
Contract Amount	\$2,700,660.00	Liquidated Damages	0
Additions (+)	\$64,500.00	Amount Disbursed	\$2,708,293.02
Reductions (-)	\$139,461.76	Amount Retained	\$127,461.08
Subtotal	\$2,625,698.24	Other	0
Sales Tax Amount	\$210,055.86	Sales Tax Rate	8.0%
<b>Total</b>	<b>\$2,835,754.10</b>	<b>Total</b>	<b>\$2,835,754.10</b>
<b>Both totals must be equal – If multiple sales tax rates, attach a list</b>			

After the City has accepted the project, please sign the attached “Final Contract Voucher” and forward a copy to the contractor and Gray & Osborne, Inc.

### 3. RELEASE OF RETAINAGE

The retainage should be released to the contractor contingent upon the following requirements being fulfilled:

1. The City receives approval from USDA RD, the funding agency for the project, for the final construction payment.
2. Sixty days have elapsed since the Contract Completion Date.
3. The City receives the Washington State Department of Revenue “Certificate of Payment of State Excise Taxes by Public Works Contractor” (RCW 60.28).
4. The City receives the “Certificate of Payment of Contribution Penalties and Interest on Public Works Contract” from the Washington State Employment Security Department.

Mr. Shaun Burgess  
July 18, 2023  
Page 3

5. There are no claims or liens filed for labor and materials furnished on this Contract.
6. The City receives notification from the Washington State Department of Labor and Industries that the contractor and their subcontractors are current with payments of industrial insurance and medical aid premiums.

Please contact me if you have any questions or concerns regarding these matters.

Sincerely,

GRAY & OSBORNE, INC.

A handwritten signature in black ink that reads "David G. Ellis". The signature is written in a cursive, slightly slanted style.

David G. Ellis, P.E.

DGE/cah  
Encl.  
By email

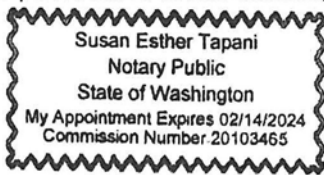
cc: Mr. Van Falt, DW Excavating, Inc.

# Final Contract Voucher Certificate

Contractor <b>DW Excavating, Inc.</b>			
Street Address <b>P.O. Box 1089</b>			
City <b>Davenport</b>	State <b>WA</b>	Zip <b>99122</b>	Date <b>July 17, 2023</b>
Project Number (Owner) <b>18054</b>			
Job Description (Title) <b>Toppenish Sewer (Phase II) Improvements</b>			
Date Work Physically Completed <b>June 8, 2023</b>		Final Amount (including Sales Tax) <b>\$2,835,754.10</b>	

### Contractor's Certification

I, The undersigned, having first been duly sworn, certify that I am authorized to sign for the claimant; that in connection with the work performed and to the best of my knowledge no loan, gratuity or gift in any form whatsoever has been extended to any employee of the Owner nor have I rented or purchased any equipment or materials from any employee of the Owner; I further certify that the attached final estimate is a true and correct statement showing all the monies due me from the Owner for work performed and material furnished under this Contract; that I have carefully examined said final estimate and understand the same; have paid all labor, material, and other costs for this project; and that I hereby release the Owner from any and all claims of whatsoever nature which I may have, arising out of the performance of said contract, which are not set forth in said estimate.



x *[Signature]*  
Contractor Authorized Signature Required

Derrek Wilson  
Type Signature Name

Subscribed and sworn to before me this 17 day of July 2023

x *[Signature]* Notary Public in and for the State of Washington

Residing at Davenport

### Owner Certification

I, certify the attached final estimate to be based upon actual measurements, and to be true and correct.

Approved Date July 18, 2023

x *[Signature]*  
Project Engineer

x \_\_\_\_\_  
Owner

This Final Contract Voucher Certification is to be prepared by the Engineer and the original forwarded to the Owner for acceptance and payment.

Contractors Claims, if any, must be included and the Contractors Certification must be labeled indicating a claim attached.