



**TOPPENISH CITY COUNCIL
REGULAR MEETING AGENDA
FEBRUARY 10, 2020 – 7:00 P.M.**

1. REGULAR SESSION CALL TO ORDER

Pledge of Allegiance/Roll Call/Welcome

2. APPROVE AGENDA

3. 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.

4. 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.

- a. Approve Minutes of the January 27, 2020 Regular Council Meeting.
- b. Approve Minutes of the February 3, 2020 Study Session.
- c. Approve Payroll Checks Number 34868 through 34871 and electronic transfers in the total amount of \$172,461.00 dated February 4, 2020.
- d. Approve Claims Checks Number 91475 through 91544 and electronic transfers in the total amount of \$245,174.07 dated February 10, 2020 and void Checks Number NR90782 and NR91436.

5. NEW BUSINESS

- a. AB 20-005: Ordinance 2020-01: Amending Toppenish Municipal Code Chapter 5.45 to Increase the Telecommunication Application Fees.
- b. Set Agenda for March 2, 2020 Study Session.

6. COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

7. CITY MANAGER REPORTS

8. ADJOURNMENT

NEXT REGULAR COUNCIL MEETING WILL BE HELD ON FEBRUARY 24, 2020.

**TOPPENISH CITY COUNCIL
Regular Meeting Minutes
January 27, 2020**

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

ROLL CALL

Present: Mayor Mark Oaks, Mayor Pro Tem Blaine Thorington and Councilmembers Loren Belton, Naila Duval, George Garcia, Clara Jiménez and Elpidia Saavedra.

Staff Present: City Manager Lance Hoyt (CM Hoyt), City Clerk Heidi Riojas and Mid Valley Television Manager Judy Devall.

Councilmember Saavedra moved, seconded by Mayor Pro Tem Thorington to excuse Councilmember Jiménez from the January 13, 2020 Regular Meeting. Motion carried unanimously.

PUBLIC COMMENT

None.

CONSENT AGENDA

Councilmember Jiménez moved, seconded by Councilmember Duval to approve Consent Agenda items a through e:

- a. Approve Minutes of the January 13, 2020 Regular Council Meeting.
- b. Approve Payroll Checks Number 34856 through 34867 and electronic transfers in the total amount of \$241,919.20 dated January 15, 2020.
- c. Approve Claims Checks Number 91215 through 91285 and electronic transfers in the total amount of \$201,475.22 dated December 23, 2019 and void Check Numbers NR83360, NR91108 and NR91118.
- d. Approve Claims Checks Number 91394 through 91412 and electronic transfers in the total amount of \$181,212.86 dated January 17, 2020.
- e. Approve Claims Checks Number 91413 through 91474 and electronic transfers in the total amount of \$105,163.29 dated January 27, 2020.

COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

Councilmember Garcia had nothing to report.

Councilmember Duval had nothing to report.

Councilmember Jiménez reported her attendance at Toy Train Christmas, participating in the MLK Peace March and being a keynote speaker at the MLK community celebration. She thanked City staff from Public Works, Police and Fire for their involvement with the success of the MLK Peace March.

Mayor Pro Tem Thorington had nothing to report.

Councilmember Saavedra had nothing to report.

Councilmember Belton had nothing to report.

Mayor Oaks reported his attendance at the MLK community celebration and reading the Proclamation. He presented the City's participation award for being involved the last 10 years in the MLK community celebration.

CITY MANAGER REPORT

CM Hoyt updated Council on the following:

- Update on the Temporary Extreme Weather Shelter
- Update on damage to Fire Truck 11 while it was offsite for annual service
- AWC Action Days January 28, 2020 and January 29, 2020 in Olympia.
- Update on his attendance at the National Rural Water Annual Conference
- Yakima Valley Transportation Survey
- Training to comply with the Open Government Training Act will be on February 3, 2020
- Update on the Public Works Complex

ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 7:22 p.m.

MARK OAKS, MAYOR

HEIDI RIOJAS, CMC, CITY CLERK

**TOPPENISH CITY COUNCIL
Study Session Minutes
February 3, 2020**

**Agenda Item
4b**

CALL TO ORDER

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

ROLL CALL

Present: Mayor Mark Oaks, Mayor Pro Tem Blaine Thorington and Councilmembers Loren Belton, Naila Duval, George Garcia, Clara Jiménez and Elpidia Saavedra.
Staff Present: Administrative Services Director Debbie Zabell, City Clerk Heidi Riojas (CC Riojas) and Deputy City Clerk Liliana Pearson.

TRAINING COMPLIANCE

City Council and staff viewed the Washington State Attorney General's Office (AGO) training videos to be in compliance with the Open Government Trainings Act for elected officials. They watched the following AGO training videos: Open Government Overviews and General Principles; Public Records Act Basics, RCW 42.56; Open Public Meetings Act, RCW 42.30; and Records Management and Retention Basics, RCW 40.14.

PUBLIC HEARING FOR THE PARK PLAN 2020-2025

Councilmember Jiménez moved, seconded by Councilmember Saavedra to set February 24, 2020 as the date for the Public Hearing to adopt Park Plan 2020-2025. Motion carried unanimously.

PLANNING COMMISSION VACANCIES

Councilmember Thorington, seconded by Councilmember Duval to appoint Ezequiel Morfin and Trevor Oswalt to fill the two vacancies on the Planning Commission. Motion carried unanimously.

AGENDA UPDATES

CC Riojas updated Council on changes to the agenda formatting and posting of the agenda packet on the City's website.

EMAIL AND SOCIAL MEDIA

CC Riojas updated Council on changes to the process of agenda packet email distribution to reduce the possibility of violating the OPMA by inadvertently selecting reply all. In addition, she reminded Council of the City's recommendation for making any social media posts.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 6:01 p.m.

MARK OAKS, MAYOR

LILIANA PEARSON, CMC
DEPUTY CITY CLERK

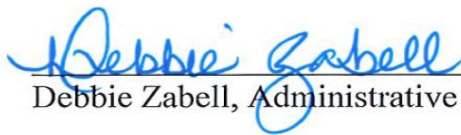
Payroll Check Register

Payroll for Period 01/16/2020 - 01/31/2020

Fund Number	Description	Amount
001-000-011	Legislative	\$2,934.83
001-000-013	Executive	\$5,913.69
001-000-014	Finance, Record	\$11,544.68
001-000-018	Central Services, Personnel Services	\$5,135.12
001-000-021	Law Enforcement	\$48,331.02
001-000-022	Fire Services	\$21,049.20
001-000-024	Protective Inspections	\$1,290.45
001-000-058	Planning and Community Development	\$280.52
001-000-076	Pool, Park Facilities	\$4,452.38
030-000-000	Criminal Justice Fund	\$19,631.20
071-000-071	Recreation	\$2,966.75
101-000-000	Street Fund	\$4,804.94
108-000-000	Cemetery Fund	\$3,704.79
401-000-000	Water Fund	\$12,788.63
403-000-000	Wastewater Fund	\$14,564.97
405-000-000	Solid Waste Fund	\$9,339.84
457-000-000	Cable TV Fund	<u>\$3,727.99</u>
Grand Total		\$172,461.00

Payroll checks 34868 - 34871 and electronic transfers.

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.


Debbie Zabell, Administrative Services Director

February 4, 2020

Date

Accounts Payable Check Register

Agenda Item
4d

February 10, 2020

Number	Vendor Name	Account Description	Amount
91475	Kroes, Arthur	Travel	\$19.00
91476	911 Supply Inc.	Uniforms & Clothing	\$886.30
91477	A WorkSAFE Service, Inc.	Professional Services	\$55.00
91478	Advanced Digital Imaging LLC.	Capital Purchase - Equipment	\$1,514.80
91479	Alba Enterprises	Professional Services	\$180.00
91480	Apollo, Inc.	Retainage Release	\$54,426.15
91481	Aramark Uniform Services Everett Lockbox	Service Repair/Maintenance City Hall	\$32.38
		Service Repair/Maintenance Police Dept Bldg	\$21.58
		Check Total:	\$53.96
91482	Attorney Messenger Service Inc.	Professional Services	\$50.00
91483	Auto Zone	Service Repair/Maintenance Vehicles	\$116.49
91484	Backflow Management, Inc.	Cross Connection Program	\$2,003.00
91485	BNSF Railway Company	Miscellaneous Fees & Charges	\$1,400.00
91486	Budget Septic & Drain LLC	Rentals	\$211.48
91487	Cascade Analytical, Inc.	Professional Services	\$916.70
91488	CenturyLink	Telephone	\$1,552.38
91489	CenturyLink 313081835	Telephone	\$820.69
		Telephone - Utility Billing	\$117.36
		Check Total:	\$938.05
91490	Cintas Corporation #605	Rentals	\$19.40
		Uniform Cleaning	\$217.24
		Check Total:	\$236.64
91491	City of Toppenish	City Utility Service - Fire	\$259.06
		City Utility Service - Police	\$573.56
		City Utility Services - Cemetery	\$23.66
		City Utility Services - City Hall	\$350.38
		City Utility Services - Parks	\$1,117.70
		City Utility Services - Swimming Pool	\$586.10
		City Utility Services - Treatment Plant	\$457.02
		Check Total:	\$3,367.48
91492	Consolidated Electrical Dist.Inc.	Operating/Maint. Supplies - General	\$129.84
91493	Cruz, Melissa Sue	Recreation Program Costs	\$165.00
91494	Deshong, Micheal John	Travel	\$38.00
91495	DeVries Business Records Management, Inc.	Miscellaneous Fees & Charges	\$30.00
91496	Fajardo, Martin	Building Permits - Buildings	\$69.00
		Plan Check Fees	\$44.85
		Check Total:	\$113.85
91497	Fankhauser, Dean R.	Travel	\$154.00
91498	Federal Express Corporation	Postage	\$27.25
91499	Federated Auto Parts	Service Repair/Maintenance Vehicles	\$31.45
91500	Fidelity Title Co.	2017 Sewer System Improvements - Engineering	\$2,477.80
91501	Galaviz, Leanne R	Recreation Program Costs	\$27.72

Number	Vendor Name	Account Description	Amount
91502	Galls, Inc.	Service Repair/Maintenance Vehicles	\$135.78
91503	Gonzales, Charles	LEOFF Out Pocket Medical	\$1,626.00
91504	H.D. Fowler Company	Operating/Maintenance Supplies - General	\$1,834.35
		Service Repair/Maintenance Pool	\$211.84
		Check Total:	\$2,046.19
91505	Ideal Lumber & Hardware, Inc.	Abatement Charges	\$254.14
		Graffiti Program Supplies	\$105.09
		Operating Supplies	\$4.08
		Operating/Maint. Supplies	\$105.81
		Operating/Maint. Supplies - General	\$651.97
		Operating/Maintenance Supplies - General	\$967.53
		Operating/Maintenance Supplies - Street Signs/Paint	\$45.51
		Service Repair/Maintenance Fire Bldg - DO NOT USE	\$20.15
		Service Repair/Maintenance Police Dept Bldg	\$20.54
		Small Tools & Minor Equipment	\$861.48
		Check Total:	\$3,036.30
91506	IMSA	Memberships & Registrations	\$425.00
91507	Intermedia.net Inc.	Telephone	\$137.83
91508	International Inst of Municipal Clerks	Memberships & Registrations	\$110.00
91509	Kent D. Bruce Company, LLC	Capital Purchase - Equipment	\$420.76
91510	Kruse, Peter	LEOFF Out Pocket Medical	\$1,795.42
91511	Law Office of Gary M. Cuillier	2017 Sewer System Improvements - Legal	\$182.00
		Jackson Street - Legal Services	\$42.00
		Legal Services - City Attorney	\$448.00
		Check Total:	\$672.00
91512	Law Office of Thomas M. Pors	Legal Services	\$385.00
91513	Lexipol, LLC	Professional Services	\$5,529.00
91514	Mid-American Research Chemical Corp.	Operating/Maint. Supplies - Vehicles	\$646.43
91515	Milner, Malarey	Travel	\$72.00
91516	Milton, Joseph	Professional Services	\$1,200.00
		Service Repair/Maintenance Parks	\$4,550.00
		Check Total:	\$5,750.00
91517	Mora, Arthur R	Counsel for Indigents	\$5,100.00
91518	Office Depot Card Plan	Office & Operating Supplies	\$297.54
91519	One Call Concepts, Inc.	Professional Services	\$53.50
91520	O'Reilly Auto Parts	Operating/Maintenance Supplies - General	\$12.93
		Operating/Maintenance Supplies - Vehicles	\$280.57
		Service Repair/Maintenance Vehicles	\$34.20
		Check Total:	\$327.70
91521	Pacheco Bautista, Gilardo	Recreation Program Costs	\$376.86
91522	Pacific Alliance Title	Sewer Sales Residential	\$193.94

Number	Vendor Name	Account Description	Amount
		Solid Waste Services	\$49.88
		Water Sales Residential	\$101.28
		Check Total:	\$345.10
91523	Pacific Office Automation	Photocopies	\$56.39
		Rentals	\$21.36
		Check Total:	\$77.75
91524	Pac-Van, Inc	Rentals	\$184.79
91525	Pape Kenworth Northwest	Service Repair/Maintenance Vehicles	\$2,295.02
91526	PNCWA Yakima Valley Section	Memberships & Registrations	\$60.00
91527	Rathbun Iron Works Inc.	Small Tools & Minor Equipment	\$2,045.03
91528	Roberts, Bill	LEOFF Out Pocket Medical	\$1,626.00
91529	Safelite Fulfillment, Inc.	Service Repair/Maintenance Vehicles	\$64.64
91530	SHC Medical Center Toppenish	Medical Services	\$705.07
91531	The Janitor's Closet	Operating/Maint. Supplies	\$84.44
		Service Repair/Maintenance Police Dept Bldg	\$313.79
		Check Total:	\$398.23
91532	Thyssenkrupp Elevators Corp.	Service Repair/Maintenance City Hall	\$592.60
91533	U.S. Bank Corporate Payment System	Capital Purchase - Equipment	\$256.69
		Fuel Vehicles	\$37.27
		Internet - MVTV	\$74.97
		Memberships & Registrations	\$2,682.31
		Office & Operating Supplies	\$1,036.12
		Operating/Maint. Supplies	\$175.73
		Operating/Maintenance Supplies - General	\$185.93
		Operating/Maintenance Supplies - Vehicles	\$760.75
		Service Repair/Maintenance Vehicles	\$23.51
		Small Tools & Minor Equipment	\$326.19
		Travel	\$2,079.30
		Check Total:	\$7,638.77
91534	Vision Municipal Solutions, LLC	Office & Operating Supplies	\$537.62
91535	WA St Dept of Agriculture	Memberships & Registrations	\$58.00
91536	WA St Dept of Ecology	Intergovernmental Loan Interest - DOE Centen.	\$2,833.90
		Intergovernmental Loan Principal - DOE Cent.	\$93,407.43
		Check Total:	\$96,241.33
91537	WA St Dept of Health	Operating Permits	\$3,392.70
91538	WA St Dept of Licensing	Weapon Permit - DOL License	\$54.00
91539	Wells Fargo Vendor Fin Serv	Photocopies	\$5.81
		Rentals	\$362.53
		Check Total:	\$368.34
91540	Yakama Nation Water Code Admin	Memberships & Registrations	\$10,025.00
91541	Yakima County Dept. of Emergency Medical Services	Training Supplies - First Aid/CPR	\$789.00
91542	Yakima County Solid Waste	Dump Site Fees	\$14,005.03

Number	Vendor Name	Account Description	Amount
91543	Yakima Industrial Electrical Supply LLC	Repair & Maintenance Equipment	\$1,236.68
		Service Repair/Maintenance 50% Rec Bldg	\$571.87
		Service Repair/Maintenance City Hall	\$1,528.08
		Service Repair/Maintenance Pool	\$571.87
		Check Total:	\$3,908.50
91544	Yakima Valley Fire & Injury Prevention Assoc.	Memberships & Registrations	\$75.00
NR90782	Fadness, Delcia	Sewer Sales Residential	(\$193.94)
		Solid Waste Services	(\$49.88)
		Water Sales Residential	(\$101.28)
		Check Total:	(\$345.10)
NR91436	Kroes, Arthur	Travel	(\$34.00)
	Grand Total		\$245,174.07
Accounts Payable Checks: 91475 - 91544, and Void Checks 90782 & 91436			\$245,174.07

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.



 Debbie Zabell, Administrative Services Director

February 6, 2020



CITY OF TOPPENISH
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 20-005

Agenda Item
5a

Meeting Date: February 10, 2020

Subject: Telecommunications Franchise and Right of Way Use Authorization Application Fees

Attachments: Ordinance 2020-01

Presented by: Lance Hoyt, City Manager

Approved For Agenda By: Lance Hoyt, City Manager

Discussion:

With the deployment of small wireless facilities, the City expects to receive multiple applications for franchises for the deployment of wireline and wireless facilities. The City already has one pending application and another potential applicant requesting information about the telecommunications franchise process. Currently, the application fee in TMC Chapter 5.45 for both initial and renewal telecommunications franchises and right-of-way use authorizations is set at \$300. This amount has not increased since 2004; however, the City's actual costs have.

RCW 35.21.860 which governs fees permitted to be charged to applicants for telecommunications franchises, allows the City to recover the actual administrative expenses incurred by the City in approving and processing a franchise. Further, FCC Order 18-133 pertaining to the deployment of small wireless facilities, allows the City to collect the reasonable approximation of its objectively reasonable costs. City staff and outside counsel believes that the cost of reviewing a franchise application, drafting, processing, negotiating and preparing the franchise for Council review costs the City approximately \$3,000. As such, City staff is recommending that the City set the application fee as a deposit of \$3,000. As a deposit, if the City exceeds this amount, the City will then request additional funds from the franchise applicant; however, if the City does not use all of the deposit, it will refund the remaining portion to the applicant.

Fiscal Impact: Allows the City to obtain an upfront application deposit to cover the City's costs associated with drafting, processing, negotiating, administering, and presenting telecommunications franchises and right-of-way use authorizations.

Recommendation: Motion to adopt Ordinance 2020-01 to increase the Telecommunications application fee.

Alternatives: 1) If no approval, the \$300 application fee will remain. 2) Forward to Study Session for further review.

ORDINANCE 2020-01

AN ORDINANCE OF THE CITY OF TOPPENISH, WASHINGTON, AMENDING TOPPENISH MUNICIPAL CODE CHAPTER 5.45 TELECOMMUNICATIONS TO INCREASE THE APPLICATION FEES; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of Toppenish (City) requires users of the City's rights-of-way to obtain a franchise or right-of-way use authorization prior to placing telecommunications facilities within the City's rights-of-way; and

WHEREAS, the City requires such users to apply for a franchise or a right-of-way use authorization consistent with the requirements of Toppenish Municipal Code Sections 5.45.410 and 5.45.510; and

WHEREAS, the City requires that existing holders of a telecommunications franchise or right-of-way use authorization apply to renew the telecommunications franchise or right-of-way use authorization; and

WHEREAS, the City has not updated the application fee for a franchise or a right-of-way use authorization for telecommunications facilities since 2004; and

WHEREAS, the City desires to increase the application fee to reflect the City's actual costs in processing and issuing or renewing a right-of-way use authorization or a franchise.

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

Section 1. Section 5.45.410(L) Telecommunications right-of-way use authorization application is hereby amended to read as follows:

L. An application fee deposit in the amount of ~~\$300.00~~ \$3,000.00. If the actual costs to the City are less than the application fee deposit, then the City shall refund to the applicant any remaining portion of the fee deposit. If the actual costs to the City exceed the application fee deposit, then the City may request that the applicant increase its deposit.

Section 2. Section 5.45.470(D) Renewal of telecommunications right-of-way use authorization is hereby amended to read as follows:

D. An application fee deposit as described in TMC 5.45.410(L) ~~in the amount of \$300.00~~.

Section 3. Section 5.45.510(H) Franchise application is hereby amended to read as follows:

H. An application fee deposit as described in TMC 5.45.410(L) ~~in the amount of \$300.00~~.

Section 4. Section 5.45.570(D) Renewal application is hereby amended to read as follows:

D. An application fee deposit as described in TMC 5.45.410(L) ~~in the amount of \$300.00.~~

Section 5. Section 5.45.610(I) Lease application is hereby amended to read as follows:

I. An application fee deposit as described in TMC 5.45.410(L) ~~in the amount of \$300.00.~~

Section 6. Section 5.45.670(D) Renewal application is hereby amended to read as follows:

D. An application fee deposit as described in TMC 5.45.410(L) ~~in the amount of \$300.00.~~

Section 7. Severability. If any section, sentence, clause, or phrase of this ordinance shall be held to be invalid or unconstitutional 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 8. 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 correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 9. Effective Date. This ordinance shall become effective five (5) days after publication of a summary thereof.

PASSED by the Toppenish City Council at its regular meeting held on February 10, 2020.

MARK OAKS, MAYOR

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

APPROVED AS TO FORM:

GARY M. CUILIER, City Attorney