



**TOPPENISH CITY COUNCIL
REGULAR MEETING AGENDA
MARCH 8, 2021 – 7:00 P.M.**

TELEVISED LIVE ON MIDVALLEY TELEVISION
SPECTRUM CABLE CHANNEL 194

1. REMOTE MEETING INSTRUCTIONS

Pursuant to Governor Inslee's Emergency Proclamation regarding suspending certain provisions of the Open Public Meetings Act during the COVID-19 Outbreak, the Toppenish City Council will not accept in-person public comments. All members of the public wanting to comment on City Council agenda items may submit written comments, to include your name and address for the record, in advance by email to CityClerk@cityoftoppenish.us by 4:00 p.m. on March 8, 2021 to be read during the meeting. Call-in information for "listen-only" mode is: (253) 215-8782 [Meeting ID: 823 6926 2912] [Passcode: 643960] Email CityClerk@cityoftoppenish.us or call (509) 865-6754 with questions.

2. REGULAR SESSION CALL TO ORDER

Pledge of Allegiance/Roll Call/Welcome

3. APPROVE AGENDA

4. ADVANCE PUBLIC COMMENTS RECEIVED BY 4:00 P.M. ON MARCH 8, 2021 TO BE READ BY STAFF AT THE MEETING

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.

- a. Approve Minutes of the February 22, 2021 Regular Council Meeting
- b. Approve Minutes of the March 1, 2021 Study Session
- c. Approve Payroll Checks Number 35216 through 35227 and electronic transfers in the total amount of \$154,892.10 dated March 3, 2021
- d. Approve Claims Checks Number 93355 through 93408, EFTAP3/2021, and EFTAP256 in the total amount of \$359,443.16 dated March 8, 2021

6. NEW BUSINESS

- a. AB 21-014: Resolution 2021-11, Approve Telecommunications Franchise Consent for Transfer
- b. Set Agenda for the April 5, 2021 Study Session

7. COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

8. CITY MANAGER REPORTS

9. ADJOURNMENT

NEXT REGULAR COUNCIL MEETING WILL BE HELD ON MARCH 22, 2021.

**TOPPENISH CITY COUNCIL
Regular Meeting Minutes
February 22, 2021**

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

REMOTE MEETING INSTRUCTIONS

CC Riojas recited the remote meeting instructions for the record pursuant to Governor Inslee's Emergency Proclamation with the temporary suspension of certain provisions of the Open Public Meetings Act during the COVID-19 Outbreak that prohibit all in-person public comments. In addition, she recited the instructions to attend the meeting in "listen only" mode by using the call-in phone number.

ROLL CALL

Remote Attendees: Mayor Mark Oaks, Mayor Pro Tem Elpidia Saavedra, and Councilmembers Loren Belton, Juan Ceja, Naila Duval, George Garcia, and Clara Jiménez.
Remote Staff: City Manager Lance Hoyt (CM Hoyt), City Attorney Gary Cuillier, Administrative Services Director Debbie Zabell, Permit Coordinator Victor Shaul, City Clerk Heidi Riojas (CC Riojas), and Cable Television Manager Judy Devall.

CC Riojas conducted roll call for each City Councilmember to respond their attendance at the meeting. Mayor Oaks, Mayor Pro Tem Saavedra, and Councilmembers Belton, Ceja, Duval, Garcia, and Jiménez responded their remote attendance during roll call.

APPROVE AGENDA

Councilmember Jiménez moved, seconded by Mayor Pro Tem Saavedra to approve the February 22, 2021 Agenda. Motion carried unanimously.

ADVANCE PUBLIC COMMENTS RECEIVED BY 4:00 P.M. ON FEBRUARY 22, 2021

CC Riojas noted the City received no public comments by the 4:00 p.m. deadline prior to the meeting.

CONSENT AGENDA

Mayor Pro Tem Saavedra moved, seconded by Councilmember Garcia to approve Consent Agenda items a and d:

- a. Approve Minutes of the February 1, 2021 Study Session
- b. Approve Minutes of the February 8, 2021 Regular Council Meeting
- c. Approve Payroll Checks Number 35205 through 35215 and electronic transfers in the total amount of \$227,371.06 dated February 18, 2021
- d. Approve Claims Checks Number 93286 through 93354 and electronic transfers in the total amount of \$240,703.41 dated February 22, 2021 and void Checks NR93259 and NR93259-2

Motion carried unanimously.

NEW BUSINESS

Mayor Oaks Read Ordinance 2021-02 into the Record: An Ordinance Amending Section 15.01.010 of the Toppenish Municipal Code for Adoption of Referenced Building Codes and Amendments Thereto.

Mayor Pro Tem Saavedra moved, seconded by Councilmember Belton to adopt Ordinance 2021-02. Motion carried. Councilmember Jiménez voted no.

Mayor Oaks Read Ordinance 2021-03 into the Record: An Ordinance Amending and Enacting New Sections to Chapter 15.30 of the Toppenish Municipal Code for Flood Damage Prevention.

Councilmember Belton moved, seconded by Councilmember Duval to adopt Ordinance 2021-03. Motion carried. Councilmember Jiménez voted no.

Resolution 2021-09: A Resolution Approving Local Agency Federal Aid Project Prospectus with Washington State Department of Transportation for the 2020 Sidewalk Improvements Project.

Councilmember Jiménez moved, seconded by Councilmember Garcia to approve Resolution 2021-09. Motion carried unanimously.

Resolution 2021-10: A Resolution Approving Local Agency Agreement Supplement with Washington State Department of Transportation for the West First Avenue Sidewalk Improvements Project.

Councilmember Belton moved, seconded by Councilmember Jiménez to approve Resolution 2021-10. Motion carried unanimously.

Set Agenda for the March 1, 2021 Study Session.

It was the consensus of Council to have further discussion on Ordinance 2021-01 and updates for the fee resolution.

COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

Councilmember Ceja had nothing to report.

Councilmember Garcia reported his online participation in the AWC City Action Days on February 10, 2021 and February 11, 2021. He noted his delivery of food and snow removal for elderly residents.

Councilmember Belton had nothing to report.

Councilmember Jiménez had nothing to report.

Mayor Pro Tem Saavedra had nothing to report.

Councilmember Duval had nothing to report.

Mayor Oaks had nothing to report.

CITY MANAGER REPORT

CM Hoyt updated Council on the following:

- YVCOG General Membership meeting with presentation by Karen Francis-McWhite with Department of Commerce
- Police Chief Recruitment progress
- Public Works projects
- Extreme Weather Shelter
- Attended AWC virtual City Action Days

ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 8:01 p.m.

MARK OAKS, MAYOR

HEIDI RIOJAS, CMC, CITY CLERK

**TOPPENISH CITY COUNCIL
Study Session Minutes
March 1, 2021**

CALL TO ORDER

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

REMOTE MEETING INSTRUCTIONS

CC Riojas recited the remote meeting instructions for the record pursuant to Governor Inslee's Emergency Proclamation with the temporary suspension of certain provisions of the Open Public Meetings Act during the COVID-19 Outbreak, the Toppenish City Council Chambers will not be open for the public to attend the meeting in person. In addition, she recited the instructions to attend the meeting in "listen only" mode by using the call-in phone number.

ROLL CALL

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

Absent: Councilmember Juan Ceja

Remote Staff: City Manager Lance Hoyt (CM Hoyt), City Attorney Gary Cuillier, Administrative Services Director Debbie Zabell (ASD Zabell), Fire Chief Tim Smith, Interim Chief of Police Tim Bardwell, Permit Services Coordinator Victor Shaul, City Clerk Heidi Riojas (CC Riojas), and Cable Television Manager Judy Devall.

CC Riojas conducted roll call for each City Councilmember to respond their attendance at the meeting. Mayor Oaks, Mayor Pro Tem Saavedra, and Councilmembers Belton, Duval, Garcia, and Jiménez responded their remote attendance during roll call. Councilmember Ceja received an unexcused absence since CC Riojas or CM Hoyt did not receive prior notification of absence before the meeting.

**CONTINUE DISCUSSION ON PROPOSED ORDINANCE 2021-01,
AMENDING CHAPTER 5.65 OF THE TOPPENISH MUNICIPAL CODE
FOR SPECIAL EVENT PERMITS**

Mayor Oaks Read Ordinance 2021-01 into the Record: An Ordinance Amending and Adding Sections to Chapter 5.65 of the Toppenish Municipal Code Regulating Parades, Athletic Events and Other Special Events Within the City of Toppenish.

ASD Zabell noted that Council discussed proposed Ordinance 2021-01 during the January 11, 2021 Regular Meeting. During that meeting Council referred the item for further discussion at the March 1, 2021 Study Session to allow staff time to provide additional information regarding the specific number of attendees at parks and at private residences that require to Special Event Permits. After discussion, Council decided to establish rates for an application fee: \$50 resident and \$63 nonresident for applying more than 30 days before an event, and \$75 resident and \$94 nonresident for applying less than 30 days before an event; increasing the threshold for park

attendees to be over 50 people before requiring a Special Event Permit; and maintaining the threshold for private residence attendees to be over 100 people before requiring a Special Event Permit.

Councilmember Jiménez moved, seconded by Councilmember Belton to adopt Ordinance 2021-01. Motion carried. Councilmember Duval voted no.

**RECEIVE UPDATES FROM TONY MILLER, DIRECTOR OF
YAKIMA COUNTY EMERGENCY MEDICAL SERVICES (EMS) FOR
YAKIMA COUNTY'S CURRENT EMS DELIVERY SYSTEM AND
YAKIMA COUNTY'S EMS LEVY FOR 2024**

FC Smith and EMS Director Tony Miller updated Council with the plan for the Yakima County EMS delivery system to transition to single source ambulance services. FC Smith noted that a group of impartial members consisting of Fire Chiefs from Ellensburg and Benton County, and a retired EMS Director graded all the proposals. EMS Director Miller summarized for Council the timeline from August 2019 to February 2021 for the Request for Proposals process for the single source ambulance services that will provide better response time and coverage for the lower valley communities.

In addition, FC Smith and EMS Director Miller updated Council on the status of the Yakima County EMS Levy for 2024. EMS Director Miller noted that the EMS Levy will be on the ballot in November 2022. FC Smith stated that the Fire Chiefs decided to modify the formula for the next levy to be one-third based on 80% of assessed property value, one-third based on population, and one-third for total number of EMS calls to reduce the concerns with the distribution of the EMS levy funds.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 6:08 p.m.

MARK OAKS, MAYOR

HEIDI RIOJAS, CMC, CITY CLERK

Payroll Check Register

Payroll for Period 2/16/2021 - 2/28/2021

Fund Number	Description	Amount
001-000-011	Legislative	\$2,930.84
001-000-013	Executive	\$4,380.00
001-000-014	Finance, Record	\$11,557.87
001-000-018	Central Services, Personnel Services	\$5,117.73
001-000-021	Law Enforcement	\$45,824.22
001-000-022	Fire Services	\$22,813.86
001-000-024	Protective Inspections	\$1,059.20
001-000-058	Planning and Community Development	\$264.80
001-000-076	Pool, Park Facilities	\$3,678.40
030-000-021	Criminal Justice Fund	\$16,900.92
101-000-000	Street Fund	\$2,013.35
108-000-000	Cemetery Fund	\$3,225.10
401-000-000	Water Fund	\$10,464.99
403-000-000	Wastewater Fund	\$11,795.21
405-000-000	Solid Waste Fund	\$9,062.99
457-000-000	Cable TV Fund	\$3,802.62
	Grand Total	\$154,892.10

Payroll checks 35216 - 35227 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

March 3, 2021
Date

Accounts Payable Check Register

February 22, 2021

Number	Vendor Name	Account Description	Amount
93355	Castaneda, Ryan	Memberships & Registrations	\$91.00
93356	Pena, Jose	Memberships & Registrations	\$91.00
93357	Shah, Sandra	Travel	\$91.00
93358	WA St Dept of Labor & Industries	Service Repair/Maintenance City Hall	\$134.10
93359	911 Supply Inc.	Office & Operating Supplies	\$395.55
93360	A WorkSAFE Service, Inc.	Professional Services	\$35.00
93361	Absolute Comfort Technology, LLC	Service Repair/Maintenance - Fire Dept Building	\$421.20
93362	Adams View Glass & Screen, LLC	Service Repair/Maintenance Vehicles	\$356.40
93363	Amazon Capital Services	Office & Operating Supplies	\$490.92
		Operating/Maintenance Supplies - General	\$29.70
		Check Total:	\$520.62
93364	Aramark Uniform Services Everett Lockbox	Service Repair/Maintenance Police Dept Bldg	\$15.93
93365	Backflow Management, Inc.	Cross Connection Program	\$2,003.00
93366	Bureau of Indian Affairs	Irrigation Water	\$1,765.58
93367	Cascade Natural Gas Corp.	Fuel for Heating	\$1,881.06
		Fuel for Heating - City Hall	\$197.64
		Fuel for Heating - Fire	\$589.34
		Fuel for Heating - Police	\$744.70
		Check Total:	\$3,412.74
93368	Cintas Corporation #605	Rentals	\$64.23
		Uniform Cleaning	\$274.46
		Check Total:	\$338.69
93369	City of Sunnyside - Finance Dept.	Corrections Services Sunnyside	\$4,213.57
93370	Coastal Farm and Home Supply	Personal Protective Equipment	\$350.86
93371	D&G Cleaning LLC.	Janitorial Services - City Hall	\$1,200.00
		Janitorial Services - Police Department	\$1,200.00
		Check Total:	\$2,400.00
93372	Datec, Inc.	Capital Purchase - Equipment	\$113.41
93373	Dobbs Peterbilt - Yakima, WA	Repair & Maintenance - Vehicles	\$4,638.06
93374	Eurofins Cascade Analytical	Professional Services	\$962.00
93375	Federal Express Corporation	Postage	\$69.13
93376	Federated Auto Parts	Operating/Maintenance Supplies - General	\$411.44
93377	Gray & Osborne, Inc.	Sewer System Imp (Ph#4) - Engineering	\$85,183.71
93378	Howards Tire Factory Inc	Repair & Maintenance - Vehicles	\$199.69
93379	Ideal Lumber & Hardware, Inc.	Graffiti Program Supplies	\$56.99
		Operating/Maint. Supplies - General	\$64.26
		Operating/Maintenance Supplies - General	\$170.78
		Service Repair/Maintenance	\$19.42
		Service Repair/Maintenance Police Dept Bldg	\$76.55
		Service Repair/Maintenance Vehicles	\$25.72

Number	Vendor Name	Account Description	Amount
		Small Tools & Minor Equipment	\$12.95
		Check Total:	\$426.67
93380	Intermedia.net Inc.	Telephone	\$144.44
93381	Lightning Graphics, Inc.	Operating/Maintenance Supplies - General	\$112.35
93382	Lynden Precast LLC	Liners & Markers	\$1,286.25
93383	Mora, Arthur R	Counsel for Indigents	\$5,100.00
93384	Municipal Emergency Services Inc.	Personal Protective Equipment	\$509.37
		Small Tools & Minor Equipment	\$149,436.67
		Uniforms & Clothing	\$452.52
		Check Total:	\$150,398.56
93385	Office Depot Card Plan	Office & Operating Supplies	\$28.94
		Office Supplies	\$42.42
		Check Total:	\$71.36
93386	Ogden Murphy Wallace Attorneys	Legal Services	\$240.00
93387	One Call Concepts, Inc.	Professional Services	\$29.96
93388	O'Reilly Auto Parts	Operating/Maintenance Supplies - Vehicles	\$103.55
93389	Pacific Office Automation	Rentals	\$11.01
93390	Pacific Power & Light Co.	Electricity	\$3,832.35
		Electricity - Cemetery	\$172.48
		Electricity - Parks	\$588.37
		Electricity - Street Lights	\$4,136.39
		Lift Station Electricity	\$688.67
		Repair & Maintenance Equipment	\$467.46
		WWTP Electricity	\$6,954.10
		Check Total:	\$16,839.82
93391	Peabody Communications	Memberships & Registrations	\$1,850.00
93392	Screening Mimies	Personal Protective Equipment	\$116.86
93393	Sea Western, Inc.	Service Repair/Maintenance Equipment	\$943.03
93394	Spectrum	Professional Services	\$126.85
93395	Summit Law Group	Legal Services	\$368.50
93396	TestAmerica Laboratories, Inc.	Professional Services	\$1,357.50
93397	The Greg Prothman Company	Professional Services	\$6,666.67
93398	The Janitor's Closet	Janitorial Services - Police Department	\$97.37
		Operating/Maint. Supplies	\$113.24
		Check Total:	\$210.61
93399	The Lockshop	Office & Operating Supplies	\$37.87
93400	Upper Yakima Kittitas County	Memberships & Registrations	\$120.00
93401	UPS	Postage	\$726.85
93402	Vanderhoof, Jordan	Travel	\$686.00
93403	Verizon Wireless	Telephone	\$1,610.04
		Telephone - Utility Billing	\$42.03
		Check Total:	\$1,652.07
93404	Vision Municipal Solutions, LLC	IT Services - Building	\$3,366.36
		IT Services - Cemetery	\$249.26
		IT Services - City Clerk	\$1,417.90

Number	Vendor Name	Account Description	Amount
		IT Services - Code Enforcement	\$48.86
		IT Services - Community Dev	\$45.10
		IT Services - Customer Service	\$893.70
		IT Services - Executive	\$78.53
		IT Services - Facilities	\$19.94
		IT Services - Finance	\$2,621.67
		IT Services - Fire	\$939.60
		IT Services - Legislative	\$136.08
		IT Services - MVTV	\$375.84
		IT Services - Parks	\$259.23
		IT Services - Personnel	\$1,729.89
		IT Services - Police	\$9,214.56
		IT Services - Sewer Operations	\$1,174.06
		IT Services - Sewer Treatment	\$263.65
		IT Services - Solid Waste Operations	\$1,012.55
		IT Services - Street	\$306.78
		IT Services - Water Operations	\$740.44
		Operating/Maintenance Supplies - General	\$1,737.68
		Professional Services	\$277.03
		Service/Maintenance Agreements	\$8,553.60
		Check Total:	\$35,462.31
93405	WA St Dept of Licensing	Weapon Permit - DOL License	\$57.00
93406	Yakima Bindery & Printing Co	Office & Operating Supplies	\$36.13
93407	Yakima Valley Conference of Governments	Professional Services	\$648.50
93408	Yakima Waste Systems, Inc.	Recycling Services	\$112.54
EFTAP3/2021	Invoice Cloud	1/3 On-Line Utility Payment Charges	\$3,358.55
EFTAP256	WA St Dept of Revenue	Excise Taxes	<u>\$21,927.67</u>
	Grand Total		\$359,443.16

Total Accounts Payable for Checks #93355 - 93408 and EFTAP3/2021 & EFTAP256.

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

March 4, 2021



CITY OF TOPPENISH
REQUEST FOR COUNCIL ACTION
Agenda Bill No.: 21-014

Meeting Date: March 8, 2021

Subject: Telecommunications Franchise Change of Indirect Control for LS Networks to InstarAGF Asset Management Inc.

Attachments: Resolution 2021-11, Exhibit A - Consent to Transfer of LS Networks Stock to InstarAGF Asset Management Inc.

Presented by: Lance Hoyt, City Manager

Approved For Agenda By: Lance Hoyt, City Manager

Discussion:

Lightspeed Networks owns a telecommunications network within the City of Toppenish and holds a franchise (2012) from the City for its operations. LS Networks has requested approval by the city of a sale of its stock to InstarAGF Asset Management Inc. through Pacific Broadband Partners IA, LLC. The franchisee is a limited asset corporation which is being acquired by a holding company. Such transfers are common in the telecommunications industry.

The City's franchisee requires that certain information be certified to the City and that the City has the right to approve any transfer either of the franchise itself or of an ownership interest in the company. In this case, W. Scott Snyder, Ogden Murphy Wallace, has reviewed the franchise action and recommends that the City Council approve the transfer.

The holder of the franchise, LS Networks, remains in operation, only its stock has been sold. The sale of stock could improve the funds available to the franchisee, LS Networks, to conduct its operations in the City and maintain its facilities. Accordingly, Mr. Snyder suggests that there is no detriment to the City and potential benefits from being tied to a larger framework with greater resources.

This type of ownership structure and the occasional transfer of equity ownership is common in the telecommunications industry.

Fiscal Impact: No financial impact to the City.

Recommendation: Motion to approve Resolution 2021-11 authorizing the City Manager to sign Exhibit A – Consent to Transfer of LS Networks Stock to InstarAGF Asset Management Inc.

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

RESOLUTION 2021-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
TOPPENISH, WASHINGTON, APPROVING THE CHANGE OF
INDIRECT CONTROL OF LIGHTSPEED NETWORKS, INC.
DBA LS NETWORKS, A FRANCHISEE OF THE CITY**

WHEREAS, Lightspeed Networks, Inc. an Oregon corporation dba LS Networks ("Franchisee") owns, operates and maintains a telecommunications system (the "System") in the City of Toppenish pursuant to a telecommunications franchise ("Franchise") granted by the City of Toppenish (the "Franchise Authority"), and Franchisee is the current duly authorized holder of the Franchise; and

WHEREAS, pursuant to an agreement for purchase of all outstanding stock ("Agreement"), associated with Franchisee by Instar AGF Asset Management, Inc. through Pacific Broadband Partners IA, LLC ("Acquirer"), a Delaware corporation, Acquirer will purchase 100% of the shareholder interests of Franchisee, (and so will own 100% of the indirect ownership interests in Franchisee), and, as a result, the indirect control of Franchisee will change (the "Change of Control"); and

WHEREAS, Franchisee and Acquirer have requested the consent of the City of Toppenish to the transfer of control in accordance with the requirements of the Franchise Article IV, Section 1, and have provided the Franchise Authority with all certified information necessary to facilitate a decision by the Franchise Authority (the "Certification"); and

WHEREAS, the City Council has reviewed the Certification, followed all required procedures in order to consider and act upon the application for approval of Change of Control, and finds Acquirer to be suitable to indirectly control Franchisee.

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

Section 1. The City Council hereby consents to the Change of Control, all in accordance with the terms of the Franchise and applicable law and authorizes the City Manager to execute a Consent to Transfer, attached hereto as Exhibit A and incorporated by this reference as fully as if herein set forth.

Section 2. The City Council confirms that the Franchise is valid and outstanding and in full force and effect and there are no defaults under the Franchise. Subject to compliance with the terms of this Resolution, any action necessary with respect to the Change of Control has been duly and validly taken.

Section 3. This Change of Control does not change any of the terms contained within the Franchise. Franchisee must continue to comply with all such terms of the Franchise.

Section 4. This Resolution shall be effective immediately upon passage and signatures hereto.

Section 5. This Resolution shall have the force of a continuing agreement with Franchisee and Acquirer, and Franchise Authority shall not amend or otherwise alter this Resolution without the consent of Franchisee and Acquirer.

PASSED by the Toppenish City Council at its regular meeting held on March 8, 2021.

MARK OAKS, Mayor

ATTEST:

HEIDI RIOJAS, CMC, City Clerk

Exhibit A

**CONSENT TO TRANSFER OF LS NETWORKS STOCK TO
INSTARAGF ASSET MANAGEMENT INC.**

On October 10, 2020, LS Networks' shareholders agreed to sell all shares in LS Networks to InstarAGF Asset Management Inc. While ownership of the company will change, LS Networks, its operations, and services will remain the same. As a result, LS Networks will remain the franchisee and will continue to be bound by the lawful terms and conditions of its current franchise agreement with the City of Toppenish ("Franchise Agreement").

LS Networks' Franchise Agreement with Toppenish requires that LS Networks provide notice to and request approval from Toppenish of changes in ownership. To comply with Article IV of the Franchise Agreement, LS Networks provided notice of the sale of its stock to Toppenish on October 21, 2020, to which Toppenish hereby consents as executed below.

I hereby warrant that I, on the behalf of the City of Toppenish, am authorized to consent to the transfer of ownership described above. No amendment or other alteration of the Franchise Agreement is adopted at this time. This consent is effective upon execution and shall have the force of a continuing agreement with the franchisee, LS Networks.

Executed on the ____ of _____, 202__.

Signature

Printed Name of Signatory

Title

ATTEST:

Clerk

