

**TOPPENISH CITY COUNCIL**  
**Regular Meeting Minutes**  
**May 10, 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, Interim Police Chief Tim Bardwell, Public Works Superintendent Rocky Wallace, 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**

Mayor Pro Tem Saavedra moved, seconded by Councilmember Garcia to approve the May 10, 2021 Agenda. Motion carried unanimously.

**ADVANCE PUBLIC COMMENTS RECEIVED BY 4:00 P.M. ON MAY 10, 2021**

CC Riojas noted the City received advance written public comments by the noted deadline from two people. First, Jesus Acosta, 708 South Toppenish Avenue, Toppenish. She read into the record the written letter from Mr. Acosta to express his public safety concerns with the aggressive panhandling and witnessing loitering in front of businesses, and people drinking in public. CM Hoyt and IPC Bardwell both shared the enforcement limitations of the Police Officers dealing with Retrocession and the 2016 Washington Supreme Court ruling striking down most panhandling laws as a violation of First Amendment Rights. Council thanked Mr. Acosta for his comments.

Second, Chase Reiff, 325 South 5th Street, #47, Sunnyside. CC Riojas read into the record the written letter from Mr. Reiff regarding his proposal to design a mural to help discourage graffiti. She noted that Mr. Reiff was invited to attend the next Toppenish Mural Society meeting held at 6:00 p.m. on May 20, 2021 at the Visitor Center.

**CONSENT AGENDA**

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

- a. Approve Minutes of the April 26, 2021 Regular Council Meeting
- b. Approve Minutes of the May 3, 2021 Study Session

- c. Approve Payroll Checks Number 35262 through 35273 and electronic transfers in the total amount of \$164,274.97 dated May 6, 2021
- d. Approve Claims Checks Number 93646 through 93665, and 93667 through 93718, and electronic transfers in the total amount of \$178,571.03 dated May 10, 2021 and void Check Number NR93645

Motion carried unanimously.

## NEW BUSINESS

**Resolution 2021-15: A Resolution Approving and Authorizing the Collective Bargaining Agreement Between the City of Toppenish and Teamsters Local Union No. 760 (Administrative Services, Development Services, and Public Works Employees) for the Period January 1, 2021 Through December 31, 2023.**

Councilmember Duval moved, seconded by Councilmember Duval to approve Resolution 2021-15. Motion carried unanimously.

**Award Bid to Wheeler Excavation, LLC in the amount of \$486,082.75 for the West 1st Avenue/2020 Sidewalk Improvements Project.**

Mayor Pro Tem Saavedra moved, seconded by Councilmember Ceja to Award Bid to Wheeler Excavation, LLC in the amount of \$486,082.75; contingent upon the City receiving additional funding of \$27,339.75 from Yakima Valley Conference of Governments for the West 1st Avenue portion of said project and that the contractor has provided the executed contract bond, schedule of working hours and other prerequisites of the City. Motion carried unanimously.

**Resolution 2021-16: A Resolution Authorizing Contract With Wheeler Excavation, LLC For The West First Avenue And 2020 Sidewalk Improvements Project.**

Councilmember Duval moved, seconded by Councilmember Garcia to approve Resolution 2021-16. Motion carried unanimously.

**Resolution 2021-17: A Resolution Authorizing the City Manager to Purchase Three Lawn Mowers.**

Councilmember Duval moved, seconded by Councilmember Garcia to table item Resolution 2021-17 for further discussion during the May 24, 2021 Regular Meeting. Motion carried unanimously.

**Set June 14, 2021 as the Date for Public Hearing Regarding Adopting the Six-Year Comprehensive Transportation (Streets) Improvement Program for the Years 2022 Through 2027.**

Councilmember Jiménez moved, seconded by Councilmember Duval to set June 14, 2021 as the Date for the Public Hearing Regarding Adopting the Six-Year Comprehensive Transportation (Streets) Improvement Program for the Years 2022 Through 2027. Motion carried unanimously.

**Set Agenda for June 7, 2021 Study Session.**

It was the consensus of Council to discuss the Six Year Transportation Improvement Program, updates to the fee schedule, and status report on the YVCOG housing-quality of life project as Agenda items for the June 7, 2021 Study Session.

## COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

Councilmember Ceja had nothing to report.

Councilmember Duval thanked the people for submitting public comments, thanked the local pharmacies that have helped distribute vaccines to the community, and shared an opportunity for rent and utility grant assistance.

Councilmember Belton had nothing to report.

Councilmember Garcia reported his attendance at the YVCOG community meeting at the Visitor Center.

Councilmember Jiménez noted the first Ann MacFarlane virtual training session will be May 13, 2021.

Mayor Pro Tem Saavedra encouraged the public to use the garbage containers available in all the parks to help in keeping the parks clean for all community members.

Mayor Oaks had nothing to report.

## CITY MANAGER REPORT

CM Hoyt updated Council on the following:

- Public Works Projects
- Police Chief Recruitment
- Building Official/Zoning Administrator Recruitment
- Annual AWC Virtual Conference voting delegates

## ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 8:10 p.m.



MARK OAKS, MAYOR



HEIDI RIOJAS, CMC, CITY CLERK