

TOPPENISH CITY COUNCIL
Regular Meeting Minutes
July 9, 2012

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

ROLL CALL

Present: Mayor Clara Jiménez and Councilmembers Loren Belton, Zachary Dorr, Derald Ortloff, Randy Taylor, and Blaine Thorington.

Absent: Councilmember Mark Oaks.

Staff Present: City Manager William C. Murphy (CM Murphy), City Interpreter Jorge Villaseñor, MidValley Television Manager Judy Devall, and Executive Assistant/Deputy City Clerk Heidi Riojas.

Councilmember Thorington moved, seconded by Councilmember Belton to excuse Councilmember Mark Oaks from the July 9, 2012 Council meeting. Motion carried unanimously.

PUBLIC COMMENT

Diane Sampson, 512 South Alder Street, Toppenish, announced that the Community Safety Network will be hosting a Community Barbeque at Patterson Park on July 18, 2012 from 4:00 p.m. to 8:00 p.m. Mrs. Sampson invited the City Council to attend the free event that is open to the public.

CONSENT AGENDA

Councilmember Thorington moved, seconded by Councilmember Taylor to approve Consent Agenda items a through f:

- a. Accept Minutes of the June 18, 2012 Public Safety Committee Meeting.
- b. Approve Minutes of the June 23, 2012 Special Meeting.
- c. Approve Minutes of the June 25, 2012 Regular Meeting.
- d. Approve Minutes of the July 2, 2012 Study Session.
- e. Approve Payroll Checks Number 31683 through 31697 in the total amount of \$227,738.65 dated June 30, 2012.
- f. Approve Claims Checks Number 75382 through 75455 in the total amount of \$123,527.61 dated July 9, 2012.

Motion carried unanimously.

PUBLIC HEARING

Public Hearing Re: Telecommunications Franchise Ordinance for Light Speed Networks.

Mayor Jiménez opened the Public Hearing at 7:05 p.m.

City Manager Murphy (CM Murphy) reported that Council received a copy of the proposed Franchise Ordinance and discussed the matter during the July 2, 2012 Study Session. CM Murphy reported that LS Networks agreed to reimburse the City for administrative costs associated with the franchise agreement, including the legal services of Attorney Bacha to represent the City in negotiating the terms of the franchise ordinance. CM Murphy explained that the purpose of the Franchise Ordinance is to establish the guidelines for the provider to

ensure compliance with Federal, State, and Local laws and regulations, and to manage access to public rights of way. Murphy stated prior concerns expressed by Council have been addressed, which are competition for telecommunications and the requirement to have underground installation of all wires, unless authorization is granted to use existing power poles. He reported that the public hearing is to allow the public to speak for or against the proposed telecommunication franchise ordinance.

There being no comments from the public, Mayor Jiménez closed the Public Hearing at 7:08 p.m.

Ordinance 2012-6:

Ordinance Granting Light Speed Networks, d/b/a “LS Networks” an Oregon Corporation, a Non-Exclusive Franchise to Construct, Operate and Maintain a Telecommunication Network within the City of Toppenish.

Councilmember Belton moved, seconded by Councilmember Taylor to adopt Ordinance 2012-6 an Ordinance Granting Light Speed Networks, d/b/a/ “LS Networks” an Oregon Corporation, a Non-Exclusive Franchise to Construct, Operate and Maintain a Telecommunication Network within the City of Toppenish. Motion carried unanimously.

Public Hearing Re: Telecommunications Franchise Application for NoaNet.

Mayor Jiménez opened the Public Hearing at 7:09 p.m.

CM Murphy reported that the terms of the NoaNet Franchise Ordinance were still under negotiation with Mr. Bacha; however, Mr. Walker, a NoaNet representative was at the meeting. Murphy stated that NoaNet has agreed to construct facilities underground and to advance costs for administration and legal fees for the franchise ordinance.

Chris Walker, 422 West Riverside Avenue, Spokane, Washington, a NoaNet Telecommunications Director, stated that NoaNet has been in business since 2000 providing broadband service to rural and underserved areas of Washington State. Mr. Walker reported that NoaNet is expanding its network to deliver new and enhanced broadband capabilities for government agencies, schools, Tribal facilities, hospitals, emergency responders, libraries, colleges, and universities.

There being no more comments from the public, Mayor Jiménez closed the Public Hearing at 7:16 p.m.

NEW BUSINESS

Presentation by City Manager Regarding Plans and Funding for Pioneer Park Pathway, Records Storage in the Library Building, Re-Roofing City Hall and the Safe Haven Building, Upgrading Playground Equipment, Swimming Pool and Jail Equipment, and Additional Waste Receptacles for Downtown Areas.

CM Murphy reported that he has a list that he has been adding to that consists of various projects for repairs and improvements to City owned facilities. When a project is added to the list, Murphy stated that he starts planning and researching to be able to present Council with options to fund the projects. He reported that his concerns consist of the roof for City Hall, the roof for the Safe Haven building, the Pioneer Park Pathway, storage facilities in the library basement for paper records, filters and filter covers for the swimming pool, upgrades for some playground equipment, bunk beds for the jail, additional decorative waste containers for the

downtown area, and improvements to the showers and toilets for the swimming pool facility. CM Murphy stated that his proposed plan deals with the problems without impacting the General Fund, without impacting the level of service the City provides, and without diminishing the level of personnel the City currently maintains. He proposed using the restricted revenues from Fund 116 that have accumulated since 1999 and currently amount to over \$700,000. The source of the money in Fund 116 is real estate excise tax (REET) that the City receives when there is a real estate sale that is subject to excise tax. CM Murphy stated that recently the State Legislature has provided a temporary window for the REET to be used for maintenance of capital facilities, such as City Hall, the City Parks, the City Jail, the Library building, and the Safe Haven building. Murphy reported that the City is authorized to use the Special Projects Fund that currently has around \$540,000 for these projects; however, approximately \$240,000 of that is allocated for the Downtown Revitalization Program and other expenditures. He stated that the revenues in Fund 116 and the revenues in Fund 150 exceed the amount needed to accomplish the projects. Murphy reported that the City Hall roof will cost approximately \$45,000, and the Pioneer Park Pathway is estimated to need around \$100,000 in addition to the \$33,100 that is in Fund 104 for the project. The source of the money in Fund 104 includes proceeds from the City employee yard sale and the \$15,500 contribution from the Yakima Valley Farm Workers Clinic. He mentioned that the proposed storage in the library basement is estimated to cost between \$5,000 to \$10,000 and the cost for the 28 jail bunk beds is estimated to be \$25,000. Murphy explained that an evaluation needs to be completed for the Safe Haven building and that some of the playground equipment is old and needs to be replaced. He wants to start working on the projects right now. He said that the City is able to spend the REET revenues each year up to the greater of 35% of the fund balance or \$100,000, until the window closes in December 2016. CM Murphy prioritized the top four projects to be the City Hall roof, the Pioneer Park Pathway, the storage facilities in the library basement, and the pool filters and filter covers.

Councilmember Thorington moved, seconded by Councilmember Ortloff to authorize the City Manager to prioritize and proceed with the projects using funds from Fund 116 and Fund 150. Motion carried unanimously.

Set Agenda for August 6, 2012 Study Session.

CM Murphy requested this item be continued to the July 23, 2012 Council Agenda.

COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

Mayor Jiménez reported that on July 4, 2012, she and Councilmembers Thorington, Ortloff, and Dorr attended the Fourth of July Parade, and on July 6, 2012 and July 7, 2012, she attended the Toppenish Rodeo. Mayor Jiménez expressed her appreciation to the Toppenish firefighters for efforts and dedication to protect Heritage University during the fire at Petrie Hall on July 8, 2012.

Councilmember Belton reported that he was the parade announcer for the 97 entries for the Fourth of July Parade. He stated that on July 9, 2012 he, Councilmember Ortloff, and a large number of City employees attended services for Bill Rogers, a man that served for 28 years as a member of the City Council.

Councilmember Ortloff commented that the community suffered a great loss with the passing of Bill Rogers.

Councilmember Dorr commented on the tragedy at Heritage University with the loss of Petrie Hall.

Mayor Jiménez reminded the public of the Community Barbeque hosted by Community Safety Network on July 18, 2012 from 4:00 p.m. to 8:00 p.m. at Patterson Park, across from Garfield School.

CITY MANAGER REPORTS

CM Murphy recited the email that he received from Fire Chief Smith regarding the contribution by City fire staff in putting out the fire at Petrie Hall. The report stated that the ladder truck and City personnel spent about 9 hours on the fire and putting the equipment back in service. The heat from the fire with the triple digit temperature caused the need for three City firefighters to be treated at the scene for heat exhaustion.

CM Murphy stated that he has been approached by the Mural Society to find out if the City is willing to share in the expense of maintenance of the metal mural that was prepared by Bill Parrish and Val Kerby and is located at the City entrance at the intersection of Highway 97 and Highway 22. The City Council was supportive in sharing the maintenance cost for the mural. Murphy stated that he will report back when he receives the estimate for the cost to have an artist repair the mural and the application of the protective coating.

CM Murphy reported that he had a conversation with the Mural Society to find out if the members are willing to grant the City authorization to display copies of some of the comprehensive murals in the downtown area, as long as the City provides protection and security. The Mural Society is willing to have the comprehensive murals digitized so a reprint is created of the original comprehensive mural. Murphy stated that he wants to contact downtown merchants about displaying the mural pictures in the business windows. CM Murphy informed Council that he will report back when he has an estimate for the project cost.

ADJOURNMENT

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

CLARA R. JIMÉNEZ, MAYOR

HEIDI RIOJAS, EXECUTIVE ASSISTANT/DEPUTY CITY CLERK