

**TOPPENISH CITY COUNCIL**  
**Regular Meeting Minutes**  
**June 11, 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, Mark Oaks, Derald Ortloff, Randy Taylor, and Blaine Thorington.  
Staff Present: City Manager William C. Murphy (CM Murphy), City Attorney Gary Cuillier, Community Development Director William Rathbone (CDD Rathbone), MidValley Television Manager Judy Devall, and Deputy Finance Director/City Clerk Lynette Bisconer.

**PUBLIC COMMENT**

Mike Dexter, 705 S. Alder Street, Toppenish, expressed his concern regarding the Horse-drawn Wagon not adhering to traffic laws such as stopping at stop signs.

City Manager Murphy informed Council that Mr. Dexter had spoken to both he and Police Chief Diaz, and that Chief Diaz has spoken to the owner/operator of the wagon who is now following traffic laws. CM Murphy thanked Mr. Dexter for being instrumental in bringing this concern to the attention of the city.

**CONSENT AGENDA**

Councilmember Thorington moved, seconded by Councilmember Oaks to approve Consent Agenda items a through e:

- a. Approve Minutes of the May 29, 2012 Regular Meeting.
- b. Receive City of Toppenish 2011 Annual Report.
- c. Approve Pay Estimate #2 for the Library Building Repair Project Contract to Stephens & Sons Construction in the amount of \$11,192.49 with Retainage held in the amount of \$543.85.
- d. Approve Payroll Checks Number 31628 through 31653 in the total amount of \$219,249.76 dated May 31, 2012.
- e. Approve Claims Checks Numbered 75182 through 75269 and EFT 99120530 in the total amount of \$133,667.35 dated June 11, 2012 and void EFT99120528.

Motion carried unanimously.

**PUBLIC HEARING**

**Community Development Block Grant Final Project Performance for the Neighborhood Stabilization Program.**

The Public Hearing was opened at 7:08 p.m. by Mayor Jimenez. Purpose of the Public Hearing is to receive comments from the public regarding the Community Development Block Grant Final Project Performance for the Neighborhood Stabilization Program.

Community Development Director William (Bill) Rathbone reported that the Community Development Block Grant received through the Department of Commerce for the Neighborhood Stabilization Program is now complete. CDD Rathbone further reported that the appropriate notices regarding this Public Hearing were advertised and posted as required, in English and Spanish, as well as Interpreter Services provided. CDD Rathbone stated that the total grant amount received was \$252,351, and provided emergency funding for high property vacancy and/or closures/abandonment within the community. The funds were utilized to purchase three abandoned properties, with one being subdivided, that have all been chronic code enforcement issues and nuisances for the city. The City partnered with Yakima Valley Habitat for Humanities to demolish the old structures and build four new homes on the sites. The new structures provided homes to 18 members of the community that met the low-income pre-requisites. CDD Rathbone informed Council that without this funding source these families would not have qualified for the four safe, decent and affordable single family homes.

CDD Rathbone stated that this program was so successful, it is now being used as a model for other housing assistance programs in the Yakima Valley.

Mr. Steve Luten, Executive Director for Yakima Valley Habitat for Humanities expressed his thanks to Council, and praised the support of City Manager Murphy, Tom Kehm who is no longer with the City, and Community Development Director Bill Rathbone. Mr. Luten stated that City Staff was wonderful to work with and were instrumental in making this program such a success.

There being no comments from the public, the Public Hearing was closed at 7:14 p.m. by Mayor Jimenez.

## **NEW BUSINESS**

### **Ordinance 2012-5, an Ordinance Amending Sections 15.10.015 and 15.10.035 of the Toppenish Municipal Code for the Purpose of Making Corporate Logos on Signs Subject to Western Theme Requirements.**

Councilmember Belton moved, seconded by Councilmember Taylor to adopt Ordinance 2012-5, an Ordinance Amending Sections 15.10.015 and 15.10.035 of the Toppenish Municipal Code for the Purpose of Making Corporate Logos on Signs Subject to Western Theme Requirements. Motion carried unanimously.

### **[Proposed] Ordinance 2012-6, an Ordinance Granting Light Speed Networks, d/b/a “LS Networks” an Oregon Corporation, a Non-Exclusive Franchise to Construct, Operate & Maintain a Telecommunication Network within the City of Toppenish.**

Mr. Chris Bacha, the City’s Franchise Counsel with Kenyon Disend, PLLC, informed Council that the city has been in negotiations with LS Network, a telecommunications provider, to provide a Franchise Agreement. Mr. Bacha explained that the Agreement complies with Federal, State and City laws regarding Franchise Agreements.

Mr. Bacha informed Council that the Agreement, in his opinion, provides protection of the City’s interests and the ability to manage and operate within the Right-of-Way. The Agreement has a term of 10 years, which will provide a review for any future technology or change in the laws pertaining to Franchise Agreements.

Mr. Bacha further explained that the city has also been negotiating with another telecommunications provider, NoaNet. However, that Agreement is still under negotiation regarding contract language about risk allocation as well as grant language. NoaNet is a non-profit provider that has received Federal Funding for their project.

Mr. Bacha informed Council that the law requires a Public Hearing and one more reading of the Ordinance before the adoption of the Franchise Agreement Ordinance.

Councilman Ortloff, reciting new FCC regulations, inquired whether the Yakama Nation had been contacted regarding the Franchise Request.

Robin Smith, representing LS Network, stated that her company is complying with all regulations, and has in fact been in contact and negotiations with the Yakama Nation. Ms. Smith informed Council that her company, LS Network, originated by formation of several small utility companies and two tribes in Oregon to provide internet service and e-mail service to businesses such as Hospitals and government agencies. Ms. Smith further explained that this project, contracted through U.S. Cellular, will connect all of the cellular towers from the Tri-Cities through Yakima and beyond. Ms. Smith further informed Council that this project will also provide, through contracted services, 3G internet service to the hospital and governmental agencies in the City of Toppenish. Ms. Smith reported that through the services provided by her company, the City will benefit by receiving Utility Taxes, Property Taxes, and Permit Fees.

**[Proposed] Ordinance 2012-7, and Ordinance Granting Northwest Open Access Network, d/b/a “NoaNet”, a Non-Exclusive Franchise to Construct, Operate & Maintain a Telecommunication Network within the City of Toppenish.**

Mr. Chris Bacha informed Council, through the earlier discussion, that this Franchise Agreement Ordinance is not ready for Council action at this time.

**Set Agenda for June 18, 2012 Public Safety Committee Meeting.**

Council consented to set the Agenda for the June 18, 2012 Public Safety Meeting to include “Drug Enforcement Presentation by Police Chief Diaz.

**Set Agenda for July 2, 2012 Study Session.**

CM Murphy requested this item be continued to the June 25, 2012 Council Agenda.

**COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS**

Mayor Jiménez announced that the Mural in a Day, the Lion’s Club Breakfast, and the Lion’s Club Steak Dinner, a Car Show, and the Grand Opening for the Skate Park were all held on June 2, 2012 at Pioneer Park. Mayor Jiménez expressed her appreciation and thanks to all of those that worked so hard to make the Skate Park a reality.

Councilman Belton announced that he along with Councilman Taylor, Thorington, and Dorr participated in the Treaty Days Parade.

## **CITY MANAGER REPORTS**

CM Murphy informed Council that Washington Cities Insurance Authority (WCIA), the City's Insurance Pool, has confirmed that a member of their Risk Management Department will be present for Council training on June 23, 2012.

CM Murphy further informed Council that since Councilman Belton will not be able to facilitate the Council/Staff Planning Session on June 23, 2012, he has asked Dave McFadden, with New Vision to serve in that capacity.

## **ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 7:55 p.m.

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CLARA R. JIMÉNEZ, MAYOR

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LINDA B. MEAD, CMC, FINANCE DIRECTOR/CITY CLERK