

TOPPENISH CITY COUNCIL
Study Session Minutes
July 2, 2012

CALL TO ORDER

Mayor Jiménez called the meeting to order at 5:00 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), and Executive Assistant/Deputy City Clerk Heidi Riojas.

FRANCHISE AGREEMENTS

Presentation by City Manager Murphy and Attorney Chris Bacha Regarding the Responsibilities, Obligations and Options of the City Council in Response to Proposed Franchise Agreements.

City Manager Murphy (CM Murphy) reported that the purpose of the meeting was to inform the City Council of its scope of authority regarding franchise agreements before the public hearing on July 9, 2012 on the proposed franchise ordinances. CM Murphy stated that Council received a copy of the proposed franchise ordinance for LS Networks. Murphy reported that the proposed franchise ordinance with NoaNet would be presented at a later date. He explained that franchise agreements with telecommunication providers follow different rules than franchise agreements with electric utility providers. Murphy stated that Toppenish Municipal Code Sections 5.45.001 and 5.45.130 address prior concerns expressed by Council concerning competition for telecommunications and requiring the installation of wires to be underground, unless Pacific Power grants authorization to use existing power poles. CM Murphy reported that both telecommunication companies have agreed to reimburse the City for administrative costs associated with the franchise agreements, including the legal services of Attorney Bacha to represent the City in negotiating the terms of the franchise ordinances. Mr. Bacha explained that the proposed Franchise Ordinance for LS Networks, in his opinion, provides protection of the City's interests in managing the operations of the franchisee within the public Right-of-Way. Mr. Bacha further reported that the proposed Franchise Ordinance with LS Networks complies with the Federal, State and Local laws regarding Telecommunication Franchise Agreements. Mr. Bacha reminded Council that the proposed Franchise Ordinance for NoaNet is still under negotiation and would be presented later.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 6:17 p.m.

CLARA R. JIMÉNEZ, MAYOR

HEIDI RIOJAS, EXECUTIVE ASSISTANT/DEPUTY CITY CLERK