

TOPPENISH CITY COUNCIL

Regular Meeting Minutes

May 27, 2008

REGULAR SESSION CALL TO ORDER

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

Present: Mayor Loren Belton and Councilmen Al Hubert, Derald Ortloff, Ed Pacheco, William Rogers, Randy Taylor, and Blaine Thorington.

Absent: None.

Staff Present: City Manager William C. Murphy, City Attorney Philip A. Lamb, Finance Director/City Clerk Linda B. Mead, Interim Public Safety Director Tom Kehm, Police Sergeant Adam Diaz, Fire Captain Tim Smith, Police Sergeant Curt Ruggles, Police Sergeant Jacob Church, Firefighter Pat Perrault, Firefighter Kelley Melcher, Executive Assistant/Deputy City Clerk Heidi Riojas, and MidValley Television Manager Judy Devall.

PUBLIC COMMENT

Mr. Alexander Mejia, 402 Bolin Drive, Toppenish, expressed his opinion about the War on Drugs. He stated that he had not received the information that he requested on his three public records requests. City Manager Murphy responded that the City has maintained a strict policy of absolute compliance with every Public Records Request for an existing document. He stated that the City has no duty to do any research to provide information when the requesting party makes a request for a document that does not exist and is readily identifiable, but instead is a request for some kind of ambiguous information for which there is no public record. City Manager Murphy reported that the City has always and always will provide records when they exist and are properly identified by the requesting party.

CONSENT AGENDA

Mayor Belton put a hold on item H from the Consent Agenda.

Councilman Rogers moved, seconded by Councilman Hubert to approve the Consent Agenda items a through g.

- a. Approve Minutes of the May 12, 2008 Regular Council Meeting.
- b. Accept Minutes of the May 19, 2008 Public Safety Committee Meeting.
- c. Approve Claims Voucher Number 65351 and 65352, which amounts were approved at the May 12, 2008 meeting but not listed on the A/P Check Register 05/12/08.
- d. Approve Payroll Vouchers for May 15, 2008:
Voucher Number 24891 through 24974 for \$218,565.94.
- e. Approve Payroll Vouchers for May 15, 2008:
Voucher Number 24975 through 24979 for \$3,000.67.
- f. Approve Claims Vouchers for May 20, 2008:
Voucher Number 65353 through 65357 for \$17,922.47.
- g. Approve Pay Estimate #3 to Granite Northwest, Inc. for the Railroad Crossing project in the amount of \$73,210.23, with \$3,853.17 held for retainage.
- h. Approve Claims Vouchers for May 27, 2008:
Voucher Number 65358 through 65462 for \$130,187.59.

Motion carried unanimously.

Finance Director Mead stated that item h was for the approval of Voucher Number 65358 through 65463 for \$181,985.78. She stated that Voucher Number 65389 for Pay Estimate #3 to Granite Northwest was voided, and replaced with Voucher Number 65463.

Councilman Thorington moved, seconded by Councilman Ortloff to approve revised Consent Agenda item h.

- h. Approve Claims Vouchers for May 27, 2008:
Voucher Number 65358 through 65463 for \$181,985.78.

Motion carried unanimously.

UNFINISHED BUSINESS

Finance Report re: Year End and Current Status By Finance Director Linda Mead.

Mayor Belton thanked the City staff for their work in staying under budget. Finance Director Mead thanked the Council for their patience during the past year while the Finance Department worked through the conversion process to MUNIS. She reported that the budget report came in under on expenditures and over on revenues. Councilman Pacheco inquired about the impact of the gas prices on the budget. Finance Director Mead responded that the departments impacted by the gas prices are police, fire, parks, and public works. Councilman Rogers asked if the City had a fuel contract with the local distributor. City Manager Murphy responded that the City does not have a fuel contract. Sergeant Diaz stated that the police department is paying the pump price. Finance Director Mead suggested that the Council consider forming a Council finance committee to review monthly reports and the annual report. City Manager Murphy stated that the committee should consist of three Councilmen and one or two City staff members. Finance Director Mead mentioned that the finance committee could go into line item detail on the budget, and then report back to the full Council. It was the consensus of the Council to discuss the issue further during the Study Session on June 2, 2008.

NEW BUSINESS

Discuss Suggested Topics for the Public Safety Committee.

City Manager Murphy reported that the Public Safety Committee members were looking for suggestions from the full Council for some topics that they would like to have the committee review and consider. He said that a few of the outcomes from the Public Safety Committee include the reports from Sergeant Diaz and Captain Smith, along with the ordinances decriminalizing offenses. Councilman Rogers suggested that the committee review and consider implementing traffic changes in front of the bank by either installing double striping or placing cones. Councilman Pacheco stated that he would like the committee to consider options for dealing with the graffiti issue. City Manager Murphy responded that he and Public Works Director Hoyt received his voice message the morning of May 27, 2008. He stated that in the future, to avoid delays, he should contact Public Works directly regarding his concerns about graffiti removal. City Manager Murphy stated that Public Works staff had been so busy preparing the cemetery for Memorial Day and dealing with the effects of the fire on May 23, 2008 that the graffiti probably would not have been removed that day. Councilman Pacheco encouraged City staff to contact Public Works when they notice graffiti that needs to be painted out in the City. Mayor Belton suggested that the committee review the judicial side of implementing a program for juveniles to work off their fines by painting out graffiti. He stated that property owners have to consent before the graffiti is removed from their property. Councilman Taylor commented that the City of Union Gap recently enacted an ordinance that would fine the property owner if the graffiti is not removed within a certain amount of time. He said the fine could be waived if the property owner gives the City permission to paint out the graffiti. City Manager Murphy mentioned that the Council has studied the issue, at least twice, in the past about making the property owner responsible for removal in lieu of a fine. He stated that the Council determined that it would be like adding insult to injury to fine the property owner for not removing the graffiti, but perhaps the Council would like to review the issue again. City Manager Murphy said that the

City has a consent form for property owners to sign to authorize City staff to go on their property to paint out the graffiti; however, not all property owners have agreed to sign the form. He reported that he has been talking with Toppenish School District Superintendent Steve Myers about alternative ways of addressing the problem. City Manager Murphy stated that they have discussed partnering together to deal with the graffiti on a long term basis.

Discuss Status Of Planning Commission/Design Review District Issues Re: Western Theme.

City Manager Murphy reported that he wanted the Council to be aware of the recent discussions that the Planning Commission had been holding. He said that the Planning Commission would like to meet with the Council during the June 9, 2008 meeting to go over their recommendations. City Manager Murphy stated that in his resignation letter, Mr. Gehlen listed his concerns about the approval of signs, the sign designs, and the lack of specific guidance. Councilman Taylor inquired if the Council would be able to consider recommendations from the Mural Society and the Chamber of Commerce regarding the issue. Councilman Hubert stated that they should have time to study the matter before any action is taken by the Council. Councilman Rogers said that the design review issue is a subjective matter. City Manager Murphy stated that the Ordinance was written in 1974 and needs updating. He said that the Planning Commission needs an improved tool to enforce the ordinance. Councilman Pacheco stated his concern about the litter in the community caused by certain businesses. Councilman Taylor expressed his appreciation of the work provided by the Planning Commission members. The Council referred the litter issue to the Public Safety Committee for review.

Councilman Rogers moved, seconded by Councilman Thorington to set June 9, 2008 as the date for the public hearing on the Six Year Street Transportation Improvements Program. Motion carried unanimously.

Councilman Thorington moved, seconded by Councilman Taylor to set June 9, 2008 as the date for the public hearing on the Shoreline Master Program update. Motion carried unanimously.

COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

Mayor Belton reported that on May 21, 2008, he and several Councilmen attended the Yakima Valley Conference of Governments General Membership meeting at Mt. Adams Country Club. He reported that Yakima Gang Unit Officer Salinas was the presenter at the Mayor's Meeting on May 22, 2008.

Councilman Taylor reported that he, Councilman Hubert, and Councilman Pacheco attended the Public Safety Committee meeting on May 19, 2008 and they discussed employee parking.

Councilman Taylor moved, seconded by Councilman Thorington to appoint Anna Sidwell to fill the Community at Large vacancy on the Tourism Fund Advisory Committee. Motion carried unanimously.

Councilman Rogers moved, seconded by Councilman Hubert to appoint Councilman Thorington as the alternate on the Public Safety Committee. Motion carried unanimously.

Councilman Taylor reported on the difficulties he experienced in trying to fill the Toppenish Rodeo Board member vacancy on the Tourism Fund Advisory Committee. He suggested that the Council consider changing the membership to a Community at Large member.

Councilman Rogers moved, seconded by Councilman Thorington to change the Toppenish Rodeo Board member on the Tourism Fund Advisory Committee to a Community at Large member. Motion carried unanimously.

City Manager Murphy stated that the change would require an amendment to the existing Ordinance. He said that the ordinance will be prepared for the June 9, 2008 meeting.

Councilman Taylor asked about the status of the Berger Lane Local Improvement District. Mayor Belton responded that he had not contacted every citizen; however, the majority of the people he spoke with said no. City Manager Murphy stated that the City has the authority to use the funds for other projects. The Council requested to have the matter put on the June 9, 2008 meeting agenda for final discussion.

Councilman Hubert requested to be registered for the AWC Small City Round Up on June 5, 2008.

City Manager Murphy acknowledged the presence of City staff at in meeting in support of Interim Public Safety Director Tom Kehm and Sergeant Adam Diaz for their handling of recent gang related activities. Mayor Belton stated that he, City Manager Murphy, Interim Public Safety Director Tom Kehm and Sergeant Adam Diaz spoke with the media on May 21, 2008. The Council expressed their appreciation and support for the work provided to the citizens by the Police Department, the Fire Department, and the Public Works Department.

EXECUTIVE SESSION

At 8:02 p.m., Mayor Belton announced that the Council would be going into executive session for approximately 25 minutes to discuss potential litigation and a potential land lease. He stated that the Council might be returning to take action.

At 8:27 p.m., Mayor Belton reconvened the meeting in regular session. No further action was taken.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 8:27 p.m.

LOREN O. BELTON, MAYOR

HEIDI RIOJAS, EXECUTIVE ASSISTANT/DEPUTY CITY CLERK