

TOPPENISH CITY COUNCIL

Regular Meeting Minutes

November 10, 2008

REGULAR SESSION CALL TO ORDER

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

Roll Call:

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, Public Works Director Lance Hoyt, Police Sergeant Adam Diaz, Fire Captain Tim Smith, Building Official/Code Enforcement Officer Fletcher Scaife, City Interpreter Jorge Villaseñor, MidValley Television Manager Judy Devall, and Executive Assistant/Deputy City Clerk Heidi Riojas.

PUBLIC COMMENT

None.

CONSENT AGENDA

City Manager Murphy requested that item 3f be held for discussion. Councilman Thorington requested that item 3g be held for discussion.

Councilman Rogers moved, seconded by Councilman Thorington to approve Consent Agenda items a through e:

- a. Approve Minutes of the October 27, 2008 Regular Meeting.
- b. Approve Minutes of the November 3, 2008 Study Session.
- c. Approve Payroll Vouchers Number 26078 through 26166 in the amount of \$156,691.84 dated October 31, 2008.
- d. Approve Pay Estimate #4-Revised to Granite Northwest, Inc. for the E. Toppenish/E 2nd Avenue Railroad Crossing Improvements Project in the amount of \$25,253.61 with retainage held in the amount of \$1,329.14.
- e. Approve Pay Estimate #7 to Pacific Crest Construction for the WWTF Improvements Project in the amount of \$475,563.47 and payment of retainage to escrow in the amount of \$23,108.04.

Motion carried unanimously.

City Manager Murphy stated that before the Council approves final payment to Granite Northwest, Inc. for the railroad crossing project the Council needs to be advised and go on record whether or not the project is complete. At the request of City Manager Murphy, Public Works Director Hoyt gave a brief statement regarding the completion of the project. Public Works Director Hoyt reported that in August 2008 he had the final walk through, which he discovered discrepancies that needed to be corrected. He stated that the final pay estimate is for the additional gravel and asphalt to correct the problems.

Councilman Hubert moved, seconded by Councilman Pacheco to approve Consent Agenda item f:

- f. Approve Pay Estimate #5 & Final to Granite Northwest, Inc. for the E. Toppenish/E. 2nd Avenue Railroad Crossing Project in the amount of \$6,280.64 with retainage held in the amount of \$330.56.

Motion carried unanimously.

Councilman Thorington asked about the lack of detail on the accounts payable report. Finance Director/City Clerk Mead responded that there was a technical problem printing the report and that the next accounts payable report will have the voucher detail.

Councilman Thorington moved, seconded by Councilman Ortloff to approve Consent Agenda item g:

- g. Approve Claims Vouchers Number 66549 through 66642 in the amount of \$719,482.66 dated November 10, 2008.

Motion carried unanimously.

NEW BUSINESS

Receive report by Mike Rohrich, Gray & Osborne engineer, about status of Wastewater Treatment Facility upgrade project.

Mike Rohrich with Gray & Osborne reported on the progress of the Wastewater Treatment Facility upgrade project. Mr. Rohrich stated that currently the project is 7 months into construction with 14 months left until there will be a substantial completion and 20 months to final completion. He noted that the start up date for the facility is December 2009 with substantial completion by the end of January 2010, and final completion by July 2010. Mr. Rohrich stated that the project is 29% complete based on dollars spent, which includes construction complete as well as several large pieces of equipment on site being stored. He reported that a change order will be presented to Council in December to discuss some items that include underground piping, unknown conditions that they have experienced, and dealing with some leakage from one of the old clarifiers and determine the best procedure for fixing the problem. Mr. Rohrich stated that they will have a recommendation for the Council and the City in December on how to proceed with the leakage issue. He reported in detail about the structures being constructed for the facility upgrade, along with the equipment being used for the project. Councilman Ortloff inquired if a project manager was onsite at all times. Mr. Rohrich responded that there is a construction observer at the project site to watch the work to make sure that the work is being performed, as best as they can tell, in accordance with the contract requirements. He mentioned that the materials that are going to be utilized for the project are reviewed at the office to make sure they meet the requirements of the contract and are the pieces of equipment installed so that the treatment plant works the way it is supposed to. Mr. Rohrich spoke in detail about the daily reports and bi weekly meetings with City staff and the contractor. Councilman Pacheco asked if the project is within budget. Mr. Rohrich responded yes that the project is within budget.

Resolution 2008-17:

A Resolution of the City Council of the City Of Toppenish, Washington, Canceling Claims Warrants.

City Manager Murphy reported that any claims warrant not presented within a year after it is issued must be canceled by Resolution, which would be accomplished by the adoption of the proposed Resolution

Councilman Rogers moved, seconded by Councilman Thorington to adopt Resolution 2008-17 A Resolution of the City Council of the City Of Toppenish, Washington, Canceling Claims Warrants. Motion carried unanimously.

Consider adopting ordinance to establish reckless endangerment as a crime punishable by up to one year in jail and/or a \$5,000 fine.

City Manager Murphy reported that Sergeant Diaz is prepared to make a brief presentation to the Council as to the rationale for presenting the proposed Ordinance for consideration. Sergeant Diaz stated that the proposed Ordinance will assist enforcing issues that involve the endangerment of students and toddlers. He described the concern of the Police Department that involves youth that are encouraged to run into the street to a waiting vehicle, which draws the child into the way of traffic and is not safe. Sergeant Diaz talked about holding the parent or guardian accountable when a toddler is found walking in the street unattended by an adult. Councilman Rogers asked if the Ordinance will assist with the gang prevention problem by holding the parent responsible for endangering their minor child by allowing him to wander the City streets. Sergeant Diaz responded that the Police Department has been enforcing a municipal law that charges a parent with failing to supervise a child. Councilman Hubert asked if the charge will apply if a person is doing something that endangers another person. Sergeant Diaz responded yes that the charge will apply and potentially other charges if a person is hurt as a result of the reckless activity. Councilman Ortloff commented on the age group involved with the proposed Ordinance and the involvement of Child Protective Services (CPS). Sergeant Diaz stated that CPS is always going to be involved with the process; however, CPS does not deal with the criminal part of the matter. The Council commenced a discussion on the issue of adopting the proposed ordinance, which Sergeant Diaz stated will streamline the process within the Toppenish Municipal Court.

Ordinance 2008-21:

Ordinance Establishing That Reckless Endangerment is a Crime Punishable By Up To One Year In Jail and/or a Fine Up to \$5,000.

Councilman Thorington moved, seconded by Councilman Hubert to adopt Ordinance 2008-21 Ordinance Establishing That Reckless Endangerment is a Crime Punishable By Up To One Year In Jail and/or a Fine Up to \$5,000. Motion carried unanimously.

Public Hearing Re: 2009 Tax Levy

Receive staff presentation and public comments on proposed levy.

Mayor Belton called the public hearing to order at 7:28 p.m. There being no comments, the hearing was closed at 7:29 p.m., and Mayor Belton reconvened the meeting in regular session.

City Manager Murphy reported that the City Council has been provided with a memorandum from Finance Director/City Clerk Mead concerning the 2009 Tax Levy. Finance Director/City Clerk Mead reported that the City is required by law to hold the first public hearing for the preliminary budget, which must include the revenues that the City is proposing for the new year. She stated that the proposed Ordinance for Ad Valorem taxes proposes a 1% increase in property taxes, which amounts to an estimated \$6,986 that the City will receive for the proposed 2009 property tax levy.

Ordinance 2008-22.

Ordinance Of The City Council Of The City Of Toppenish, Washington, Determining And Fixing The Amount Of Moneys To Be Raised By Ad Valorem Taxes To Finance The Municipal Operations For The City Of Toppenish, Washington, For The Fiscal Year Ending December 31, 2009.

Councilman Rogers moved, seconded by Councilman Ortloff to adopt Ordinance 2008-22 Ordinance Of The City Council Of The City Of Toppenish, Washington, Determining And Fixing The Amount Of Moneys To Be Raised By Ad Valorem Taxes To Finance The Municipal Operations For The City Of Toppenish, Washington, For The Fiscal Year Ending December 31, 2009. Motion carried unanimously.

Budget Reviews: (Public Safety – Police and Fire)

City Manager Murphy reported that the budget reflects another 6% decrease in utility taxes from 32% to 26% for water, sewer, and garbage. He stated that the proposed budget maintains the same level of personnel and services as provided in 2008. City Manager Murphy reported that the proposed budget does include expansion and improvement in code enforcement, building inspection and building permit services, and an improved chain of command within the Fire and Police Departments. He stated that the budget anticipates that Sergeant Diaz will fill the Public Safety Director position and that within the chain of command there will be operational leaders in both departments. City Manager Murphy said that \$500,000 is being set aside for a Capital Reserve Fund within the General Fund and that \$10,000 is being set aside for a Capital Reserve Fund within the Cable Television Fund. He reported that the garbage rates will be increased by \$2.39 per 90-gallon container to keep the garbage fund self-sufficient. Further, City Manager Murphy reported that the proposed budget reflects that salaries will remain the same, including mandatory step increases and merit range increases; however, negotiations are still in progress with the bargaining units for the personnel represented in police, fire, dispatch, public works, and other segments of City personnel. He stated that the City is confident that it will be able to strike a deal with the bargaining units, which all parties will deem to be fair and will leave a healthy beginning fund balance for the coming year. City Manager Murphy commented that he deems it necessary to be fiscally conservative for the next two years because of the uncertainty with the economy. He said that the Public Safety Department budgets will be discussed tonight.

Interim Public Safety Director Kehm stated that the City budget is in the current good position thanks to the leadership and the teamwork with the City staff. He acknowledged the hard work by City staff to be diligent to stay within budget and maintain the quality of service for the residents.

Police Sergeant Diaz reported in detail on each enhancement that City Manager Murphy has approved and summarized the chain of command structure within the Police Department. The proposed budget will anticipate the creation of a Captain position in the Police Department, which will not be included within the bargaining unit, to oversee the investigations division and operations. Councilman Rogers inquired about the impact of the 3/10th sales tax for the Police Department. Director Kehm responded that the tax expires December 31, 2010 and generates \$196,000, more or less, and pays for 1

jailer position and 3 police officer positions. Sergeant Diaz explained the team approach that is used to manage the divisions in the Police Department.

Fire Captain Smith reported in detail on each enhancement that City Manager Murphy has approved. The proposed budget will anticipate that the Captain position will be removed from the bargaining unit and will be a Monday through Friday position to improve supervision of personnel and to increase to services to residents. Captain Smith stated that he will be assisting Fletcher Scaife with the Planning Department and Code Enforcement issues. He explained that a new firefighter will be hired to fill the vacancy in the Fire Department caused by with the removal of Captain Smith from the bargaining unit. Captain Smith reported that his department has been actively pursuing grant funding and has secured over \$741,000 since 2001, which includes over \$430,000 from Yakama Nation Legends Casino.

Building Official/Code Enforcement Office Scaife reported that the enhancement that City Manager Murphy has approved will be the sharing of the Parks and Recreation Secretary Cecilia Garcia. Ms. Garcia will be assisting Mr. Scaife from the Parks and Recreation Office with the increased paperwork generated with improving code enforcement in the City. Mr. Scaife reported that Ms. Garcia will be assisting in interpreting services with his building inspection services to improve the services offered to the residents.

Councilman Taylor expressed his concerns about the additional cost for Ms. Garcia assisting with clerical duties for improved code enforcement. Director Kehm explained that the plan for sharing the clerical support offered by Ms. Garcia. Finance Director/City Clerk Mead reported on the positive side of having Ms. Garcia assist Mr. Scaife to increase code enforcement. Councilman Thorington stated his concern about hiring a secretary for Mr. Scaife to improve code enforcement. City Manager Murphy mentioned that when more people are involved with enforcement activities it will generate more paperwork, which will take away from Mr. Scaife being out in the field. The Council discussed the issue further about the need to improve code enforcement to make a positive impact in the community. It was decided to move forward with sharing the cost of the secretary to assist Code Enforcement Officer Fletcher Scaife with clerical duties to improve code enforcement issues in the community. Mayor Belton and Councilmen Rogers, Ortloff, Hubert, and Pacheco voted by hand in favor and Councilmen Thorington and Taylor voted by hand opposed.

December 1, 2008 Study Session Topic: Continue Budget Reviews With Department Heads.

It was the consensus of the Council to continue budget reviews with Department Heads on the agenda for the December 1, 2008 Study Session.

COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

None.

CITY MANAGER REPORTS

None.

EXECUTIVE SESSION TO DISCUSS POTENTIAL LITIGATION

At 8:55 p.m., Mayor Belton announced that the Council would be going into executive session for 20 minutes or less to discuss potential litigation. He stated that the Council might return to take action.

At 9:14 p.m., Mayor Belton reconvened the meeting into regular session.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 9:15 p.m.

LOREN O. BELTON, MAYOR

HEIDI RIOJAS, EXECUTIVE ASSISTANT/DEPUTY CITY CLERK