

TOPPENISH CITY COUNCIL
Regular Meeting Minutes
September 28, 2009

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

ROLL CALL

Present: Mayor Loren Belton and Councilmen Al Hubert, Mark Oaks, Derald Ortloff, Randy Taylor, and Blaine Thorington.

Absent: William Rogers.

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

Councilman Taylor moved, seconded by Councilman Ortloff to excuse Councilman William Rogers from the September 28, 2009 Council meeting. Motion carried unanimously.

PUBLIC COMMENT

Alex Santillanes, 1407 West Chestnut Avenue, Yakima, inquired if the City Council would be discussing the skateboard park during the meeting. City Manager Murphy (CM Murphy) responded that he received minutes late today so the matter would be on the agenda at the next regular meeting for Parks and Recreation Director James Cole to make a presentation to the Council, if the Council approves since a public hearing is scheduled for the October 12, 2009 meeting. CM Murphy stated that the Parks and Recreation Board members are recommending that the skateboard park be located in Pioneer Park. Mr. Santillanes expressed his support of the City having a skateboard park available for young people to use and stated that there has been a reduction in crime in the area of the skateboard park that the City of Yakima installed on Fair Avenue.

Jackie McMican, 511 South Toppenish Avenue, Toppenish, reported her complaint and safety concern about vehicles making semi u-turns to park on South Toppenish Avenue between West First Avenue and West Second Avenue. CM Murphy stated that he would let law enforcement know of the complaint and concern. Councilman Hubert suggested having the matter on the agenda for the Public Safety Committee to review.

CONSENT AGENDA

Councilman Thorington moved, seconded by Councilman Hubert to approve Consent Agenda items a through d:

- a. Approve Minutes of the September 14, 2009 Regular Meeting.
- b. Accept Minutes of the September 21, 2009 Public Safety Committee Meeting.
- c. Approve Payroll Vouchers Number 28132 through 28212 in the total amount of \$232,524.04 dated September 15, 2009.
- d. Approve Claims Vouchers Number 68794 through 68886 in the total amount of \$106,916.15 dated September 28, 2009 and void Voucher Number 68848.

Motion carried unanimously.

OLD BUSINESS

Continue Discussion about the Billboard at 411 Washington Avenue.

CM Murphy reported that he has been advised that the sign was approved by the Planning Commission before the first changes to the sign ordinance; however, there was a significant delay between the issuance of the permit and the installation of the sign. The sign structure is consistent with the application and permit as long as the tri vision panel is not utilized and the lighting is

exterior. CM Murphy stated that in his opinion there is an issue based on the June 3, 2008 Planning Commission meeting minutes stating that the Commissioners discussed and commented on the design review requirements that included each advertiser would need to have approval as to compliance with the Western Theme before the installation of the signs. It is CM Murphy's belief that the sign content for advertising was not approved by the Planning Commission and that he is in the process of guiding staff on how to deal with the issue. Councilman Taylor commented that he did not believe that the above grade is consistent with what was on the original sign permit application. CM Murphy responded that he would do more detail checking on the matter.

NEW BUSINESS

Receive January-August 2009 Budget Report and Update from Finance Director/City Clerk Linda Mead.

Finance Director/City Clerk Mead reported that the budget is tracking well and that the Investment Activities Report was from the new Vision Software. CM Murphy stated that he is scheduled to meet with staff every day this week to discuss the preliminary 2010 budget

Discuss Methods To Notify Legislators Of The City's Support Of The Attorney General's Proposal For New Legislation For A Statewide Anti-Gang Civil Injunction.

CM Murphy reported that the topic was discussed during the September 21, 2009 Public Safety Committee meeting. Councilman Taylor, Chair of the committee, stated that CM Murphy and Police Chief Diaz have researched civil injunctions as a method to control gang activity. CM Murphy reported that the use of gang injunctions was pioneered successfully by the Los Angeles City Attorney's office by applying public nuisance laws to control the activities of criminal street gangs. The Washington State Attorney General is interested in making a presentation to the state legislature to adopt a new law to be enforced statewide. CM Murphy stated that if the Attorney General follows the California statute as a model, it would include a "do not associate" requirement that would restrict the ability of gang members to gather in groups in public view. The injunction would enable a police officer to conduct an arrest based on probable cause without having to rely on information from neighborhood residents who might be reluctant to report the activity. It was the consensus of the Council to invite the legislators to meet face to face to educate and advise them that the City and other organizations support the efforts of the Attorney General to propose a new statewide anti-gang civil injunction to control gang activity.

ORDINANCES AND RESOLUTIONS

Ordinance 2009-9:

An Ordinance Amending the 2009 Operating Budget and Amending Ordinance 2008-31 and Ordinance 2009-3 for the City of Toppenish, Washington.

FD Mead reported that the proposed amendment provides for various items, which includes reimbursements to the garbage fund for an interfund loan, the special projects fund for a downtown revitalization grant, an increase in the transfer to allow additional funds for the rehabilitation program, and the additional transfer amount from the water fund to pay the increase in the bond payment for Public Works Trust Fund Number 6, and the reduction of the transfer for the garbage vehicle replacement fund.

Councilman Hubert moved, seconded by Councilman Thorington to adopt Ordinance 2009-9 An Ordinance Amending the 2009 Operating Budget and Amending Ordinance 2008-31 and Ordinance 2009-3 for the City of Toppenish, Washington. Motion carried unanimously.

Resolution 2009-22:

Resolution in Support of the Passage of Proposition No. 1, Entitled Local Sales and Use Tax for Criminal Justice Services.

Councilman Hubert moved, seconded by Councilman Taylor adopt Resolution 2009-22 in Support of the Passage of Proposition No. 1, Entitled Local Sales and Use Tax for Criminal Justice Services. Motion carried unanimously.

COUNCIL MEETING REPORTS/COMMUNITY ANNOUNCEMENTS

Councilman Taylor reported that he, Councilmen Hubert and Oaks attended the Public Safety Committee meeting on September 21, 2009.

Mayor Belton reported that he attended the Community Safety Network meeting, the Yakima Valley Conference of Governments meeting, and the dedication of Wildcat Stadium – Bob Winters football field.

Councilman Hubert inquired about the status of Rattlesnake Hills Tourist Trail being disbanded. Mayor Belton responded that the matter would be voted on during the October meeting.

CITY MANAGER REPORTS

CM Murphy reported that he will be attending the AWC Regional meeting on October 1, 2009 in Yakima and that he will be working the rest of the week with staff on the preliminary budget.

FD Mead reported on the progress of the 2007 Annual report and that it will be delivered to Council in the next week with the required check off list.

ADJOURNMENT

There being no further business to come before the Council, the meeting was adjourned at 7:47 p.m.

LOREN O. BELTON, MAYOR

HEIDI RIOJAS, EXECUTIVE ASSISTANT/DEPUTY CITY CLERK