

**ASHLAND CITY COUNCIL
BUSINESS MEETING DRAFT MINUTES
Tuesday, August 16, 2022**

View on Channel 9 or Channels 180 and 181 (Charter Communications) or live stream via rvtv.sou.edu select RVTV Prime.

**HELD HYBRID (Limited In-Person Social Distancing Seating and Zoom Meeting Access)
The Special Business Meeting will be held in Council Chambers, 1175 E. Main Street.**

Written and oral testimony will be accepted for public input. For written testimony, email public-testimony@ashland.or.us using the subject line: Ashland City Council Public Testimony.

For oral testimony, fill out a Speaker Request Form at ashland.or.us/speakerrequest and return to the City Recorder. **ASHLAND CITY COUNCIL**

5:30 PM Executive Session

The Ashland City Council will hold an Executive Session and may conduct the following:

1. Deliberations with persons designated by the governing body to carry on labor negotiations, pursuant to ORS 192.660(2)(d).

Mayor Akins called the Executive Session was called to order at 5:30 PM.

Mayor Akins, Council Hyatt, Councilor Graham, Councilor Moran Councilor Seffinger, Councilor DuQuenne and Councilor Jensen were Present.

The Executive Session was adjourned at 6:02 PM.

I. CALL TO ORDER

Mayor Akins called the Council Business Meeting to order at 6:11 PM.

II. PLEDGE OF ALLEGIANCE

Councilor Moran led the Pledge of Allegiance.

III. ROLL CALL

Councilors' Hyatt, Graham, Moran, Akins, Seffinger, DuQuenne, and Jensen were present.

IV. MAYOR'S ANNOUNCEMENTS

Councilor Graham read the Land Acknowledgement.

V. APPROVAL OF MINUTES

VI. CITY MANAGER REPORT

City Manager Joe Lessard gave the Manager Report. Items discussed were:

- Arrival of new ambulances for the Fire Department
- A grant for the Fire Department
- Reeder Reservoir capacity compared to last year
- Chip and seal work had begun on several roads this week.

VII. SPECIAL PRESENTATIONS

VIII. PUBLIC FORUM

Barry Thald – Ashland- Spoke regarding his background with public art in Ashland. He spoke to the importance of art and commented on the process for the “Crystalizing Our Call” sculpture.

Linda Peterson Adams- Ashland -Thanked Fire Chief Sartain and Division Chief Forestry Division, Chris Chambers for their work regarding wildfire and fire prevention. She referred to the Almeda conflagration and expressed concern regarding evacuation routes.

Kelly Marcotulli-Ashland - Spoke to the 10% to 20% of citizens experiencing negative reactions to EMFs and the medical community’s lack of understanding regarding this issue. She wanted the issue referred to the SERJ Commission.

Lola May Haynes – Ashland - Spoke to the importance of the “Say Their Names” art installation and the racism she has experienced in Ashland since she was young. A physical representation of love and support for black community was needed. Alternately, the artist who created the “Crystalizing Our Call” sculpture should be compensated.

Cassie Preskenis -Ashland - Served on the Public Arts Commission (PAC). She commented on the process regarding the sculpture “Crystalizing Our Call” and explained how racism existed in Ashland.

Kofi Preskenis - Ashland – Spoke regarding why historical art is so important and shared how one sculpture regarding slavery changed him in a powerful way.

Paikea Preskenis – Ashland – Spoke that this inspired her seeing all of the art because it shows how life actually works.

Aziza Preskenis – Ashland – Spoke in support of the art and how a black history tour and artwork in the south changed her.

Tony Foster – Ashland – Spoke regarding the significance of the art installation and the importance to art in general in the community. He spoke that there is a lot of historical meaning and emphasized the cultural resource. He spoke that he wanted everyone’s action to follow the principles of equity, diversity and change the history of Southern Oregon and Ashland.

Jaime Powell – Ashland – Spoke regarding the process for the “Crystalizing Our Call” sculpture and spoke to the trauma of racism, and how a remedy for white dominance was committees and groups where white bodied people could learn to listen more, and black and brown bodied people could be heard.

Liza Ebony - Explained she was a participant in the selection panel and spoke to the process used in selecting the “Crystalizing Our Call” sculpture. The criticism that not enough white people were involved in picking art piece meant to illuminate the experience of black residents in Southern Oregon was similar to politicians legislating women’s bodies as well as white people telling her how to deal with racism in her town. She spoke that Ashland has a history of dismissing and silencing voices of color. She spoke that art has never had the obligation of being pretty and acceptable to everyone; it is meant to convey a sentiment.

Micah – Spoke that he was the artist and explained he was not coming from militancy or anger. What he was trying to do was start conversations to look at what legitimate Community can look like and feel like with people who have similar and opposing views. He spoke that he intended the piece to be a catalyst to start and hold the space for those kinds of conversations to have sustainable relationships and build actual culture. He expressed gratitude for the experience.

Faith Cohen Ketsia Carvalhaes/ Jonah Carvalhaes/Andre Carvalhaes/ /Stated their names in support of the “Crystalizing Our Call” sculpture. Ketsia Carvalhaes explained the sculpture was a powerful message and something everyone should discuss. It demonstrated diversity and equity through art.

IX. CONSENT AGENDA

1. Approval of a Liquor License for Cocorico

Hyatt/Moran moved to approve the Consent Agenda. Discussion: None. Voice Vote: All AYES. Motion passed unanimously.

9. PUBLIC HEARINGS – None

10. UNFINISHED BUSINESS

1. Board and Commissions Update – Resolution Creating Standing Advisory Committees

Lessard gave a Staff Report.

Public Testimony

James McGinnis – Ashland - Spoke to combining the Climate Policy with the Conservation & Climate Outreach Commissions to create the Climate Environment Policy Advisory Committee. He agreed with combining both committees but wanted certain responsibilities defined. The duties for the CEPAC did not fit the requirements of the ordinance.

Linda Peterson Adams – Ashland - Spoke on the importance of the current commissions structure and wanted to see it strengthened. Programs created by the commissions were inadequately communicated to the public for an informed and engaged citizenry. She shared her concern for the Transportation Commission.

Emily Simon – Ashland - The Social Equity and Racial Justice Commission (SERJ) lost three commissioners due to the lack of communication and the wording of the documentation. The commission did not have enough people to meet and was asking for direction.

Precious Yamaguchi - Ashland/Served as Co-chair of SERJ and shared her disappointment in the loss of three commissioners.

Graham recommended the matter be added to a study session and discussed further. She suggested the Mayor appoint any Commissioners who wanted to be reappointed.

Jensen agreed with Graham and proposed Council table this discussion and decision tonight until there is a Study Session on this topic.

Jensen/Graham moved to continue this matter for further consideration to the Council Business meeting on September 20, 2022 and to reserve the September 19, 2022 Study Session for a topic alone of the commission rearrangement.

DISCUSSION: Seffinger commented on the amount of Staff time involved supporting the commissions and the current limited staffing issues. Lessard confirmed Council wanted to receive updates to the Resolution until the Study Session in September. **Roll Call Vote: Moran, Graham, Jensen, Hyatt, DuQuenne, and Seffinger: YES. Motion passed unanimously.**

2. Croman Mill Site Remediation

Community Development Director Bill Molnar and Planning Manager Brandon Goldman gave a Staff Report.

Mr. Goldman went over a PowerPoint Presentation (*see attached*).

Items Discussed were:

- Regulatory Framework
 - Building Code
 - Public Nuisances
 - Department of Environmental Quality
 - Voluntary DEQ Inspections
- Department of Environmental Quality Review
- Next Steps
 - Ongoing City Monitoring
 - Community Information
- Planning for Redevelopment

Council discussed options.

Council and Staff discussed timelines.

XI. NEW AND MISCELLANEOUS BUSINESS

1. Labor Agreements and Non-represented Employees Conditions of Employment
 - a. **Management Resolution**
 - b. **IBEW Clerical/Technical Union 659 – Three Year Agreement**
 - c. **IBEW Electrical Union 659 – Three Year Agreement**
 - d. **Management, Confidential & Unrepresented Employee – Personnel Policies Updates**

Deputy City Manager Sabrina Cotta gave a Staff Report.

Graham declared a conflict of interest regarding IBEW Clerical Union. She explained that her sister was a member of that union. Mayor Akins rearranged the agenda order to accommodate the conflict of interest.

Council voted to recuse Councilor Graham. Roll Call Vote: Graham, Jensen, Moran, Hyatt, and DuQuenne, YES. Motion passed unanimously. Councilor Seffinger was not present for the vote.

(a.) **Management Resolution**

Jenson/Seffinger moved to approve Resolution 2022-26 clarifying certain employment conditions for management, confidential and non-represented employees for the fiscal year 2022-2025. DISCUSSION: Jensen thought it was prudent and necessary resolution and relative to retaining quality employees. This was an essential action. Seffinger agreed. Graham added this contract was for unrepresented staff and it was important to maintain parity for employees not represented by a union.

Councilor Moran read a statement into the record (*see attached*)

Graham clarified that the Parks and Recreation Department were furloughed during the pandemic. She spoke that Staff did not receive a COLA raise in 2020. She spoke that the compensation study is out of date. She spoke in support of the motion.

Councilor Hyatt acknowledged there had been 25 resignations since January 1, 2022 and spoke to her concern about that. She spoke to the importance of taking care of Staff. She spoke that it is critical to the goals Council set out. She spoke in support of the motion. She thanked Ms. Cotta for in addition to being Deputy City Manager, but also Interim Human Resource Director.

Mayor Akins stated how is it possible everyone is right and explained how. She spoke that it is disconnected from labor market. She spoke that the city has lost employees and this is not the only industry that is having trouble keeping employees. **Roll Call Vote: Seffinger, Hyatt, Jensen, and Graham, YES: DuQuenne and Moran, NO. Motion passed 4-2.**

(c.) **IBEW Electrical Union 659 – Three Year Agreement**

Ms. Cotta gave a Staff Report.

Councilor Jensen/Hyatt m/s to approve the three-year labor agreement with the IBEW Electrical Union and Resolution 2022-26 repealing Resolution 2021-18 and authorize the city manager to sign the three year agreements.

DISCUSSION: Hyatt noted the city would incur savings from the healthcare benefits. She explained the personal risk to linemen. People working linemen were highly trained and needed

to be acknowledged. She would support the motion. Councilor Graham appreciated the IBEW Electrical Union meeting the city halfway.

Roll Call Vote: Councilor Hyatt, Seffinger, Moran, DuQuenne, Jensen, and Graham, YES. Motion passed.

Councilor Graham recused herself and left the room.

(b.) IBEW Clerical/Technical Union 659 – Three Year Agreement

Ms. Cotta gave a Staff Report.

Council discussed how the City is paying for this item.

Jensen/Hyatt moved to approve the three-year labor agreement with the IBEW Clerical and Technical Union and Resolution 2022-26 repealing Resolution 2021-18 and authorize the city manager to sign the three year agreements.

DISCUSSION: Jensen thanked bargaining units. Hyatt thanked the team for bargaining with good faith. She spoke that to the importance of these agreements. She spoke that she has seen the impacts of the lack of workers being treated with value and respect. Those situations you do not always recover from. She spoke that it is important for the city to support our workers and our families and spoke in support of the motion. Moran spoke that asking difficult questions and demanding accountability had nothing to do with being appreciative of staff. He spoke in support the motion as well. **Roll Call Vote: Councilor Jensen, Moran, DuQuenne, Seffinger, and Hyatt, YES. Motion passed unanimously.**

Graham returned to the meeting.

1. City Manager Compensation Review and Approval
 1. **City Manager salary adjustment following performance review by the City Council**

Ms. Cotta explained that City Manager Joe Lessard successfully passed his performance review.

Hyatt/Jensen moved the City Manager's compensation be adjusted effective July 1, 2022, from Step 3 to Step 4 of the pay schedule classification for the city manager position in the City of Ashland. DISCUSSION: Hyatt spoke in support of the motion. Jensen spoke that Lessard had performed wonderfully in a tough job and hoped he continued. Moran agreed. He spoke that Mr. Lessard was the first City Manager as the defacto CEO. He spoke to his experience when he lived in Tokyo, Japan working with a CEO and explained getting a raise after 6 months never happened. He explained it would take at least a year. Moran spoke that he thought Mr. Lessard's contract went against his idea of a management team sending the right message. He spoke that he was supportive of what Mr. Lessard was doing but would not support the motion.

DuQuenne expressed her appreciation of Mr. Lessard and his willingness to be open minded. She spoke that she hopes he continues to be brave because he does not have an easy job.

Graham concurred with DuQuenne. She spoke that Council needed to understand the difference in a phase from when they discussed a contract and signed it. She spoke that if councilors had an issue with this six-month review in the contract, it should have been discussed before the City signed it. She explained once we have signed a contract it needs to be honored. She spoke in support of the motion. Mayor Akins also thanked Mr. Lessard and commented on the difficulty of his role. She sided on supporting a signed contract. Hyatt thanked Mr. Lessard for his service. Seffinger spoke in appreciation of Mr. Lessard.

Roll Call Vote: Hyatt, Seffinger, Graham, Jensen, and DuQuenne, YES; Councilor Moran: NO. Motion passed 5-1.

Mayor Akins thanked Ms. Cotta for her hard work with the negotiations.

XII. ORDINANCES, RESOLUTIONS AND CONTRACTS

1. Resolution Establishing a Govt. Speech Policy for Commemorative & Ceremonial Flags at City Facilities

Item delayed due to time constraints.

2. Chamber of Commerce Agreement for Travel Ashland Marketing

Katharine Cato and Sandra Slattery spoke regarding the Travel Ashland Marketing contract.

Moran questioned when the Council would see the quarterly report. Ms. Cato responded they needed a signed contract to respond, and the first quarterly report would happen in October.

Graham/Seffinger moved to authorize the City Manager to enter into an agreement with the Ashland Chamber of Commerce to promote the City of Ashland as a destination for visitors. DISCUSSION: DuQuenne asked about reaching out to the airport. Ms. Cato explained there was a lot of coverage from travel agencies, visitor guides, but they could always do more. DuQuenne noted last year when the grant was received it was asked that they come back quarterly with a report and that has not happened. The City had to take from another account to fund them. She spoke that Transient Occupancy Tax (TOT) is for tourism and tourist infrastructure. She explained that Council has the authority to grant TOT now or quarterly. She thanked them for the work they have done. Ms. Slattery explained that the Travel Ashland committee was currently booking winter right now. She explained that the Chamber was prepared to come back and meet quarterly but not month to month.

Graham spoke that Ashland is one of the fastest rebounding towns in Oregon. She spoke that Travel Ashland has worked to gain diverse visitors. She spoke in support of the motion. Councilor Moran agreed with Council. He spoke that he wanted to investigate a quarterly type of system the City could fund. He that he would support the motion but was not comfortable doing so. **Roll Call Vote: Hyatt, DuQuenne, Graham, Seffinger, Jensen, and Moran, YES. Motion passed unanimously.**

3. First Reading - Telecommunications Ordinance Updates for Small Wireless Facilities

Acting City Attorney Doug McGeary gave a Staff Report.

He proposed new language and recommended the following motion:

“I move to approve first reading of Ordinance #3213, an ordinance amending AMC Chapter 13.02 Public Rights-of-Way and Establishing Standards for Small Wireless Facilities in the Rights-Of-Way in the City of Ashland with the following corrections:

1. Insert language into 13.02.060(B)(1) as follows: “The applicant’s insurance policy must not contain a pollutant exclusion clause,”, and
2. Remove, Section 13.02.301€ and correct paragraph designations thereafter; and
3. Insert language into 13.02.303 by creating a new section 4 that states, “Fails to comply with FCC guidelines regarding Radio Frequency emissions.” And correct paragraph designations thereafter.”

Public Testimony

Miriam Reed – Ashland -Spoke regarding tower fires and the increase of lightning strikes around them. She spoke that she thought AFN had great coverage and that cable worked just fine for what was needed.

Ivy Ross – Ashland – Spoke that she was a part of Oregon for Safer Technology (OST). She spoke in concern with all cell towers and small facilities. She cautioned that the FCC was not following their own safety standards. She spoke regarding the Public Works Director having the authority to accept or deny encroachment permits for cell towers was a lot of power and questioned if it was complimentary with the Planning Division.

Mayor Akins suggested having the item come back to a future meeting.

Council directed Staff to bring this item back to a future Business Meeting.

XIV. OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

XV. ADJOURNMENT OF BUSINESS MEETING
Meeting adjourned at 9:44 PM

Respectfully Submitted by:

City Recorder Melissa Huhtala

Attest:

Mayor Akins

Having qualified competent staff is an essential part of the framework for ensuring the success of any city – that is especially the case for our small town. Ensuring that staff feel supported, engaged, and have all the tools necessary to do the work at hand to support our citizens is essential. Ensuring staff is being fairly compensated for that work is an important part of the formula for success as well. With what I have seen historically Ashland staff have been incredibly well looked after.

Back just a few years ago during the COVID pandemic when other – I should say most- communities, organizations and even state agencies were looking to furlough staff to meet their reduced revenue expectations the city of Ashland didn't furlough anyone. No staff were fired, managers even got paid their monthly car allowances to work from home. In fact when you review the 19-21 budget – in that 2nd year – Ashland employees were actually given an increase in compensation. Yes we have looked after our employees.

We all agree that Ashland has dire fiscal issues to address. Adjustments to pay and benefits are needed when it is financially viable to do so but this council is in the midst of addressing a systemic structural deficit due to years of overspending and fiscal mismanagement so how can compensation for staff – **the single biggest cost component on the budget** – not be seriously looked at and addressed. On the agenda before us tonight "Compensation for Ashland Staff" – actually goes up. I acknowledge inflation is cutting into real wages but that same inflation is cutting into the real wages of our citizens struggling to pay the bills yet no one seems to care. Will the teachers, seamstresses, day laborers, waiters, tenured professors, bartenders and nurses get an increase so they can continue to live in our town? Data shows that every other home in Ashland is rent or mortgage burdened. Only 25% of people in Ashland can afford to buy a home and live here yet the 21-23 budget shows the average compensation for a Ashland city staff at \$150,000 per year. Compare that to the median income of an Ashland family at \$50-60k and you understand my point that Ashland has taken care of staff.

The 2021-23 manager's budget proposed by Adam Hanks and approved by the Council majority (Graham, Jensen, Hyatt, Seffinger) did not include any money for raises this fiscal year putting the city in an extremely difficult situation. I think it is clear this was not only misleading, but incompetent budgeting. The Citizens Budget Committee, the Council and the people of Ashland were clearly duped and we are all paying for that now.

When organizations thrive and prosper all those who contribute to that success reap the benefits; conversely when organizations struggle those who manage need to step up and lead that organization back to success and sustainability. That's how things work. That said I appreciate management stepping up for their employees demanding they get increases and I agree those folks should be looked after – I will support that – but I think we must hold our management team accountable. Once Ashland is financially back on track we should consider pay and benefit increases for them, but not until then.

In line with what I asked Joe to do last night, we need as a council to understand ALL (Each and Every one) of the services the city provides and the exact personnel needed to deliver those services. Staff needs to follow thru and do a comparative review of compensation by an independent board as requested over 2 years ago by the cost-cut Ad Hoc Committee. That review was unanimously approved and endorsed by the council yet no one did a thing. That needs to be completed immediately.

I'd conclude by acknowledging that we all knew this day was coming, but the city completely failed in planning for it.

Thank you.

Shaun Moran