

**DRAFT MINUTES FOR THE REGULAR MEETING
ASHLAND CITY COUNCIL
Tuesday, February 19, 2019
Council Chambers
1175 E. Main Street**

Note: Items on the Agenda not considered due to time constraints are automatically continued to the next regularly scheduled Council meeting [AMC 2.04.030.E.]

I. CALL TO ORDER

Mayor Stromberg called the Meeting to order at 7:00 PM.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Councilors Slattery, Graham, Akins, Seffinger, Rosenthal and Jensen were present.

IV. MAYOR'S ANNOUNCEMENTS

Jensen/Slattery moved to move XIV. Ordinances, Resolutions and Contracts Item 1- Veto of Ordinance 3165 Related to Vehicle's for Hire to XII. Unfinished Business. Discussion: None. All Ayes. Motion passed unanimously.

V. CITY ADMINISTRATOR REPORT

City Administrator Kelly Madding spoke that there will be a Study Session in April regarding 5G.

She also announced that the 2082 East Main site application was denied for car camping. She explained one reason was security watch and that there weren't adequate findings addressing potential loitering, camping or use of the property.

Slattery questioned if there is an appeal process. Madding answered yes and that there is a 12-day appeal process that costs \$250.

Madding explained that citizens had concerns as well as the County.

VI. APPROVAL OF MINUTES

1. Study Session of February 4, 2019
2. Business Meeting of February 5, 2019

Seffinger/Graham moved to approve the minutes. Discussion: None. All Ayes. Motion passed unanimously.

VII. SPECIAL PRESENTATIONS & AWARDS

1. Climate and Energy Action Plan Implementation ad-hoc Committee Final Recommendation

Seffinger thanked the members of the Ad-Hoc Commission.

Climate and Energy Analyst Stu Green went over the activities summary. CEAP Committee Member James McGinnis went over the development plan. He explained this plan has been in process since 2006. He thanked Council for moving forward with this plan. He spoke to the importance of Community outreach.

Slattery suggested Staff come back with this item to report at a future meeting to go over the progress being made.

Rosenthal/Graham moved to accept the recommendations report of the Ad-hoc Climate and Energy Action Plan Committee and direct Staff to present final draft Commission establishment and modification Ordinances for Council review at a future Council meeting. Discussion: Rosenthal spoke to the importance of the Commission structure. He spoke in support of implementing this. Graham thanked Staff for their work. She spoke to looking at the Commission’s structure. Seffinger spoke that the City is fortunate for having people excited about working with the Community on this. Slattery spoke in support the commission. **Roll Call Vote: Slattery, Graham, Akins, Seffinger, Rosenthal and Jensen: YES. All Ayes. Motion passed unanimously.**

VIII. MINUTES OF BOARDS, COMMISSIONS, AND COMMITTEES

| | | |
|--------------------------|---|--|
| Airport | Conservation | Forest Lands |
| Historic | Housing and Human Svcs. | Parks & Recreation |
| Planning | Public Arts | Transportation |
| Tree | Wildfire Mitigation | |

- IX. PUBLIC FORUM** Business from the audience not included on the agenda. (Total time allowed for Public Forum is 15 minutes. The Mayor will set time limits to enable all people wishing to speak to complete their testimony.) *[15 minutes maximum]*

Brian Comns –Ashland – Spoke requesting Council to find ways to reduce the deer population. He went over his concerns to this issue.

Jim Falkenstein -Ashland- Spoke Complimenting Public Works Department and the pictures posted of the canal. He spoke that he is a member of a group called “Keep the Canal”.

Craig Martin - Ashland – Spoke against the proposed piping of the canal. He submitted a letter for the record from Keep the Canal Committee (*see attached*).

Suzanne Witucki - Ashland – Spoke that she had come to Council a month ago and came to finisher her presentation regarding the hog farm. She spoke to the harms of having a pig farm and the contamination to the water.

Kristen Tussey – Ashland – Spoke regarding the band camp that plays at the SOU Football field. She spoke that it is a noise issue and would like it to stop. She spoke that she is looking into ways to appeal this from happening again.

Brent Thompson - Ashland – Spoke in agreement with Ms. Tussey regarding the band noise. He also spoke regarding Commission meeting decorum and how to respect each other in a meeting and not attacking one another.

X. CONSENT AGENDA

1. Appointment of Jackie Bachman to the Housing and Human Services Commission
2. Approval of Liquor License for ABC Kitchen Catering
3. Adoption of a Jackson County Deadly Force Plan Pursuant to SB 111

Graham pulled this item. She spoke in concern of the document. She spoke to the importance of treating officers fairly. Police Chief O’Meara gave clarification. He explained that the agency sets up the investigation and that the case agent will not be from the employing agency. He spoke that each case is looked at individually and the importance of transparency.

Rosenthal questioned if Council did not approve the document how would the City comply. Chief O’Meara spoke that if there was an incident they would still follow this documents rules even without Council approval.

Slattery/Seffinger moved to approve the Consent Agenda. Discussion: None. All Ayes. Motion passed unanimously.

XI. PUBLIC HEARINGS (Persons wishing to speak are to submit a “speaker request form” prior to the commencement of the public hearing. Public hearings shall conclude at 9:00 p.m. and be continued to a future date to be set by the Council, unless the Council, by a two-thirds vote of those present, extends the hearing(s) until up to 10:30 p.m. at which time the Council shall set a date for continuance and shall proceed with the balance of the agenda.)

XII. UNFINISHED BUSINESS

1. Veto of Ordinance 3165 Related to Vehicles for Hire

Madding gave a brief Staff report.

City Attorney David Lohman read the veto into the record (*see attached*).

Mark Thomas – Ashland – Spoke that he works for 333-3333 Taxi. He spoke that there should be some updates to the proposed Ordinance. He explained that some elderly customers do not have smart phones and that Uber/Lyft would not be the best option for them. He thanked the Mayor for his veto recommendation.

Michael Schroery – Ashland – Spoke regarding issues with Uber and Lyft pick up locations. He spoke to concerns of Uber/Lyft drivers violating the code and not having proper insurance.

Nancy Buffington – Ashland – Ms. Buffington spoke that she has worked at Cascade Airport Shuttle since 2007. Thanked the Mayor for asking the Council to reconsider the Ordinance. She spoke to the importance of safety for the Citizens.

Slattery spoke in appreciation for all the public comment. Slattery called the question.

Roll call: Akins, Slattery, Graham, Seffinger, Jensen: YES. Rosenthal: NO.

Motion to approve Ordinance 3165. Slattery, Akins, Seffinger and Jensen: YES. Graham and Rosenthal: NO. Motion passed 4-2.

Rosenthal/Slattery moved to direct Staff to present City Council with an update on Ordinance 3165 in one year. Discussion: Rosenthal spoke to the importance in looking back on this to see if there are any issues and to follow up. Slattery agreed. **Roll Call Vote: Jensen, Rosenthal, Slattery, Graham, Akins and Seffinger: YES. Motion passed unanimously.**

2. 10 by 20 Progress and Findings

Madding gave a brief Staff report.

Assistant to the City Administrator Adam Hanks and Electric Utility Director Thomas McBarlett presented Council with a PowerPoint (*see attached*).

Items discussed were:

- Draft request for proposals for large scale solar project.
- Background information. 10x20 Ordinance accepted by Council 10% Local clean generated by 2020.
- Timeline.
- Key reports and analysis.
- Solar PV generation interconnection analysis.
- Biological assessment of imperatrice property.
- BPA Contract.
- Conservation Commission Recommendation.

- Electric Utility Rate Design Study.
- BPA Meeting Summary. Take or Pay contract provision.
- Potential agreement of Take or Pay.
- Development of potential projects.

Madding explained the take or pay option.

Council discussed the project options and costs.

Public Input:

Dave Helmick – Ashland - Spoke regarding the 10 x 20 options. He went over 3 suggestions.

Louise Shawkat – Ashland – She spoke to the important of carrying out this project. She spoke that the next steps are to come up with a business plan. She spoke that Ashland needs to achieve more renewable energy. She spoke regarding global warming.

Jeff Sharp – Ashland – Spoke regarding the transition of solar power. He spoke that Cities are beginning to recognize and act on the clean energy revolution. He spoke regarding solar panels. He spoke regarding the 10 x 20 options.

Council directed Staff to come back with more information on this issue at a future Study Session.

XIII. NEW AND MISCELLANEOUS BUSINESS

1. Pioneer Parking Lot Boundary Improvement Options

Public Works Director Paula Brown and Public Works Project Manager Kaylea Kathol gave a background.

Kathol went over the 4 options and costs:

- Upgrading lighting only: \$10,500
- Upgrade lighting and rebuild fence: \$10,500-\$15,000
- Upgrade lighting and rebuild fence and landscaping: \$31,000
- Upgrade lighting, upgrade landscaping, and build a concrete masonry unit (CMU) wall: \$147,000-\$154,000.

Council discussed the options.

Resident at 150 Pioneer Street Stan Potocki spoke that he would like a taller fence to avoid disturbances. He thanked Council for their time.

Roy Loird – Ashland – Owner of the Bookstore spoke in agreement with Mr. Potocki that something needs to be done to eliminate danger issues and harassment. He spoke that it is currently an unsafe location.

Derek Pyle – Ashland – He spoke regarding the history of kids being kicked out of the park. He spoke that there should be security cameras. He questioned how much more is the City going to do and kicking people out. He explained Ashland is a tourist community and the importance to work on building community relationships.

Rosenthal/Jensen moved to approve Option 2 to upgrade lighting and rebuild the fence.

Discussion: Rosenthal spoke that the landscaping can be done at a later time. Jensen asked Staff to expedite the permit for the fence. Akins spoke that she is not too keen on the lighting. She spoke to the importance of finding solutions for homelessness and behaviors. Slattery spoke regarding the application process. Seffinger spoke regarding the landscaping. **Roll Call Vote: Jensen, Rosenthal, Slattery, Graham, Akins and Seffinger: YES. Motion passed unanimously.**

2. Replace Sidewalk – Plaza at N. Main and E. Main Streets

Brown gave a staff report. She explained that this is a replacement due to safety.

Seffinger/Rosenthal moved to approve Staff’s recommendation to replace the sidewalk as recommended. Discussion: Seffinger spoke that this was a well thought out plan and will provide safety without having to remove trees. Rosenthal agreed. **Roll Call Vote: Seffinger, Rosenthal, Slattery, Graham, Akins and Jensen: YES. Motion passed unanimously.**

3. Memorandum of Understanding with Croman South Property Owner

Community Development Director Bill Molnar and Planning Manager Maria Harris gave a Staff Report.

Ms. Harris went over the history of the property.

Council discussed the timeline of the project.

Mr. Montero - Medford – Spoke in support of this project. He explained that ground breaking can begin in 2 years. He explained that this property can be used for mixed use development.

Seffinger/Akins moved to approve participation in a project to consider potential amendments to the Croman Mill District. Discussion: Seffinger spoke in support of the project. Akins spoke in the need for more housing. **Voice vote: Slattery, Akins, Graham, Seffinger and Rosenthal: YES. Jensen NO. Motion passed 5-1.**

XIV. ORDINANCES, RESOLUTIONS AND CONTRACTS

1. First Reading of an Ordinance amending AMC CH 2.26 Ashland Wildfire Mitigation Commission to Ashland Wildfire Safety Commission

Graham/Slattery moved to approve first reading of an Ordinance amending AMC CH 2.26 Ashland Wildfire Mitigation Commission to Ashland Wildfire Safety Commission.

Discussion: None. **Roll Call Vote:** Slattery, Graham, Akins, Seffinger, Rosenthal and Jensen: YES. **Motion passed unanimously.**

2. First Reading of an Ordinance Amending Ashland Municipal Code 4.20, Systems Development Charges

Council moved this item to the next Council Business Meeting.

3. Second Reading of an Ordinance Amending Ashland Municipal Code 2.13, Transportation Commission

Rosenthal/Jensen moved to approve Second Reading of an Ordinance Amending Ashland Municipal Code 2.13, Transportation Commission. Discussion: None. **Roll Call Vote:** Rosenthal, Slattery, Jensen, Graham, Akins and Seffinger: YES. **Motion passed unanimously.**

4. Second Reading of an Ordinance No. 3171 an Ordinance relating to overnight sleeping in vehicles; adding new AMC Chapter 10.48

Seffinger/Jensen moved to approve Second Reading of an Ordinance No. 3171 an Ordinance relating to overnight sleeping in vehicles; adding new AMC Chapter 10.48. Discussion: None. **Roll Call Vote:** Jensen, Rosenthal, Seffinger, Akins, Graham and Slattery: YES. **Motion passed unanimously.**

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

XVI. ADJOURNMENT OF BUSINESS MEETING

The Business meeting was adjourned at 10:33 PM.

Respectfully submitted by:

City Recorder Melissa Huhtala

Attest:

Mayor Stromberg

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Administrator's office at (541) 488-6002 (TTY phone number 1-800-735-2900). Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title I).

Hello Friends and Neighbors!

As you may know, some in the City Public Works Department are pushing an ill-conceived project proposal that would replace the T.I.D. canal with a buried pipe. The same goals set forth in the project plan can be met, or exceeded, using much less intrusive and much less expensive methods. We, the 'Keep the Canal' committee, feel that with enough voices expressing thoughtful and heart-felt opposition to the TID Pipe Project, the City Council can be educated as to the options available and persuaded to vote "No" on further funding for "the pipe".

Please visit the Ashland Trails website, click on the "Keep The Canal" link to get important information and see how you might also become involved or aid in this effort!

Spread the word!

Thank you, Keep the Canal Committee

www.ashlandtrails.com

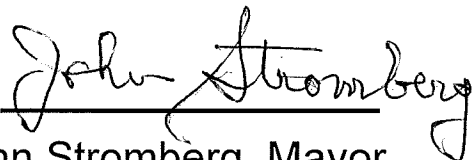
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VETO OF ORDINANCE 3165 RELATED TO VEHICLES FOR
HIRE

Pursuant to Section 3 of Article 4 of the Ashland City Charter, I hereby veto Ordinance 3165 Related to Vehicles for Hire, the second reading of which was approved by the Ashland City Council February 5, 2019.

The reasons for this veto are set forth in the attached memorandum.

Dated this 10th day of February, 2019


John Stromberg, Mayor

Encl: 2/10/2019 Memorandum stating reasons for veto
Cc: Ashland City Recorder; Ashland City Councilors

TO: Ashland City Recorder and Ashland City Councilors
FROM: Mayor John Stromberg
SUBJECT: Veto of Ordinance 3165 Related To Vehicles For Hire
DATE: February 10, 2019

This message accompanying my mayoral veto of Ordinance 3165 Related to Vehicles for Hire is to state the reasons for the veto. But I want to begin by providing some context.

As Mayor, my role is generally to support and help implement Council decisions. In cases of tie votes, my vote breaks the tie. But sometimes – rarely – a majority of the Council makes a decision with which the Mayor at the time strongly disagrees or believes is in need of further consideration before a final determination is made. Then, an option available to the Mayor is veto.

I have vetoed only one other ordinance in the past 10 years, one having to do with chickens. I took that action to give the Council an opportunity to redo a vote in which there was some confusion.

In the case of this Ordinance 3165, it is again intended as a “friendly veto.” By that, I mean it’s my belief that some important questions need to be answered before the City makes its final decision on whether to allow Transportation Network Companies (“TNCs”), such as Uber and Lyft, to operate in Ashland with virtually none of the passenger assurances required of taxicabs since at least the year 2000. As suggested by Councilor Graham, we need to get this decision right because once it is in place it will be very hard politically to change.

I want to acknowledge at the outset that the ride-hailing software used by Uber, Lyft, Drive Austin, and others is a brilliant concept in that it allows individual drivers and consumers of for-hire transportation to communicate directly with one another and replaces the taxicab company middleman with a less obvious new middleman, usually a mega-corporation in some distant city. I have personally used Uber and found it convenient and believe availability of TNCs could be especially helpful to older individuals who no longer have drivers’ licenses, if they can afford it.

But there are at least these questions still to be answered:

1. Will the TNC corporations themselves (as opposed to their independent contractor drivers) be likely to play a constructive role in the community?

Comment: Along Councilor Graham's line of reasoning, the TNCs have so far offered no basis for believing they will participate in the local community in a positive way. The principal local effect of corporate Uber and Lyft may be the exporting of local revenue to them for providing minimal oversight from afar to their “independent contractors.” Other cities’ problems with the TNCs’ seeming disinterest in being constructive community partners has been covered in numerous news stories over the last few years.

2. Did we, as a Council, pay sufficient heed to the recommendations of our Transportation Commission?

Comment: Our own Transportation Commission made cogent, community-minded recommendations to the Council after devoting significantly more time and attention to a draft ordinance than the Council has been able to do. The Commission recommended more extensive

requirements for vehicle safety inspections, meaningful criminal background checks for drivers, and accessibility for wheelchair users. These provisions have been deleted from the proposed ordinance without much deliberation, apparently simply because Uber and Lyft refuse to serve Ashland if we apply those conditions.

3. Could Ashland citizens get the same protections and services that the TNCs offer citizens in larger cities?

Comment: The citizens of Portland and Eugene get the benefit of TNCs' commitment to comply with requirements for vehicle safety inspections and more comprehensive background checks. In addition, Portland requires that TNCs provide wheelchair accessible vehicle service within a reasonable amount of time. Would it be possible to make those benefits available to the citizens of Ashland, too?

4. Have we adequately explored possibilities for working collectively with other cities and the League of Oregon Cities to try to gain leverage in negotiating with Uber/Lyft?

5. How would the TNCs' ride-hailing service affect RVTD's growing bus service?

Comment: Wouldn't it be wise to wait to see if RVTD gets funding for its hybrid buses to provide door-to-door service as a pilot test in Ashland? RVTD may be able to provide similar service to community members who can't afford either TNCs or taxis. This service, and perhaps even regular RVTD bus service, may be undercut by TNCs primarily serving middle and upper class persons and neighborhoods.

6. How affordable would TNC service be for those on a fixed income?

Comment: Will TNC service benefit primarily those on a fixed income, or those with disposable income? What has been the experience of other cities?

7. Will our local taxicab companies be put out of business?

Comment: Does City government have some responsibility to avoid tilting the competitive field to favor transnational corporations at the expense of home-grown businesses, whose owners probably have much of their personal resources tied up in their businesses? Uber and Lyft are not even close to turning a profit but seem to be using their ample investor capital to undercut their competitors, the taxicab companies. The TNCs have shown they are ready to raise their prices dramatically when they have captive customers: "dynamic pricing" after snow storms or big events (OSF plays?) can yield shockingly expensive rides. If local taxi service is lost and the TNCs are not finally able to make a profit in small cities, will Ashland be left with only very expensive vehicle-for-hire service or possibly no such service at all?

8. Have we sufficiently considered the impact of TNC service on other City initiatives?

Comment: Council's deliberations on this ordinance to date have not taken into account its impact on our CEAP goal of encouraging reductions in greenhouse gas emissions or the goal of reducing annual vehicle miles traveled within the city. The results of studies of the impact of TNCs on such goals have been inconclusive and disputed. See June 21, 2018 *Portland Business Journal* ("More Ride Services, More Congestion?"). In our desire to make new transportation alternatives available for our citizens as soon as reasonably possible, we did not consider possible unintended consequences for these other important City goals.

9. How would passing this ordinance at this time impact decisions being made in the current session of the Oregon Legislature?

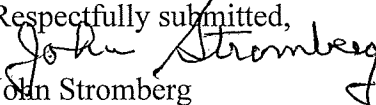
Comment: Uber and Lyft are lobbying in Salem to get the Legislature to preempt local governments' ability to regulate TNCs and force their business model on every city in the state. See February 2, 2019 *Willamette Week* ("Oregon Legislation on Uber and Lyft Might Override Portland Rules") and February 4, 2019 *Oregonian* ("Portland Blasts Lyft for Proposed Statewide Bill, Says May Undercut Local Regulations"). Ashland's unilateral acquiescence to the TNCs' preferences at this stage of the legislative session could signal to our legislators a willingness to cede local control not only to the TNCs, but also to the state.

The purpose of this veto is not to permanently ban ride-hailing services from operating out of Ashland. Its purpose is to urge the Council to more thoroughly consider the pros and cons and to seek some fairly minor accommodations from the TNCs on behalf of our citizens.

The effect of the veto is to put the draft ordinance before the Council again for a final vote. If the measure receives fewer than four votes this time, I will propose a joint study session with the Transportation Commission to get the full benefits of its members' thinking. I will also seek Council approval to ask staff to seek collaboration with other Oregon cities on TNC-related issues. Finally, I will seek Council approval to have staff bring back First Reading of a subsequent TNC ordinance with revised provisions to reflect any new insights gained in the interim.

If the re-vote following this veto again receives enough votes for passage, it will at least be clear to Ashland citizens that the Council took the trouble to deliberate the hard questions posed above.

Respectfully submitted,


John Stromberg
Mayor



10 by 20 Ordinance

PROJECT AND PROCESS UPDATE – FEBRUARY 19, 2019

Current Status

- ▶ **November 5, 2018** – Final Draft RFP for Large-scale solar project presented to Council
- ▶ **January 11, 2019** - Mayor Stromberg and Staff met with Senior BPA staff to discuss existing contract and impact on large-scale solar project

Background Information

- ▶ Summary of Council Presentations, Discussion and Direction
 - ▶ **November 5, 2018** – Final draft RFP
 - ▶ **September 17, 2018** – Initial Review/Direction of draft RFP
 - ▶ **December 18, 2017** – Progress Update - Take or Pay, Environmental survey, options
 - ▶ **July 17, 2017** – Study Session Update/Q & A
 - ▶ **February 21, 2017** – Progress Update – Interconnection Study
 - ▶ **November 15, 2016** – Initial Ordinance Discussion – Policy Questions

Key Reports & Analysis

- ▶ Solar PV Generation Interconnection Analysis (January 2017)
- ▶ Biological Assessment of Imperatrice Property (August 2017)
- ▶ BPA Contract (Take or Pay) Response Letter (December 2017)
- ▶ Conservation Commission Recommendation on Solar at Imperatrice Property (December 2017)
- ▶ Electric Utility Rate Design Study (May 2018)

BPA Meeting Summary

- ▶ Take or Pay contract provision does apply
- ▶ Take or Pay mitigated by BPA charging only the difference of City allotment and “spot market” sale (TBD from BPA)
- ▶ New contracts available for review/execution in 2025
- ▶ Positive engagement with BPA Leadership and agreed upon future involvement in contract development and potential case studies/pilot projects

Council Direction

- 1) Issue Final Draft RFP?
- 2) Schedule future Study Session with direction to staff:
 - ▶ Clearly define 10 by 20 Objectives
 - ▶ Focus on Development of Potential Projects that:
 - ▶ Meet stated objectives
 - ▶ Do not trigger Take or Pay
 - ▶ Align with/Compliment other Council Goals and Objectives
- 3) Other?