

**MINUTES FOR THE REGULAR MEETING
ASHLAND CITY COUNCIL
October 21, 2014
Council Chambers
1175 E. Main Street**

CALL TO ORDER

Mayor Stromberg called the meeting to order at 7:00 p.m. in the Civic Center Council Chambers.

ROLL CALL

Councilor Voisin, Morris, Lemhouse, Slattery, Rosenthal, and Marsh were present.

MAYOR'S ANNOUNCEMENTS

Mayor Stromberg announced vacancies on the Forest Lands, Wildfire Mitigation, Historic, Public Arts, Transportation, and Tree Commissions.

APPROVAL OF MINUTES

The minutes of the Study Session of October 6, 2014, Executive Session of October 6, 2014 and Business Meeting of October 7, 2014 were approved with the following clarification to the October 7, 2014 meeting regarding the discussion on Title 18 Land Use:

Page 4 of 6, Council agreed to forward an increase in height along with a conditional use permit (CUP).

SPECIAL PRESENTATIONS & AWARDS

1. Public Art Commission annual presentation to City Council

Margaret Garrington, Chair of the Public Arts Commission presented the annual report to Council. She noted the following projects in her report:

- Gateway Island Project
- Calle Staircase
- Walkway between New Theatre and East Main Street
- Public Art Inventory
- Newest Public Art

Chair Garrington shared the Commission's goals and timelines on current and ongoing projects and identified future public art projects for 2015. In addition, she brought forward a request from the Commission that Council consider revising AMC 2.10.040 "Quorum and Effect of Lack Thereof" to allow a quorum of more than one-half of the appointed commissioners. The current language requires a quorum of more than one-half of the members including vacant positions.

2. Code Compliance Program – one-year update

Code Compliance Specialist Kevin Flynn explained to date code compliance had received over 900 contacts from citizens and partners in city government. Some calls were easily resolved and others took time. The majority of issues was land use, assistance to various city departments, and recently sign code. He addressed the Short-term Vacation Rental Compliance History map noting the program's success and that at this time there were no properties out of compliance.

Trending code complaints included the following:

- Medical marijuana agricultural grow sites as causing a negative impact due to noxious odor of the plants

Mr. Flynn was using the same model for medical grow sites used for short-term vacation rentals, he

contacted the property owners and advised them of the ordinance and put them on a cease and abate warning. Because it was a medicinal grow, he was not requesting they remove their plants but asked them not to grow the following year or at the level that caused the strong odor. City Attorney Dave Lohman thought the nuisance ordinance was sufficient for enforcement.

- Recreational trailers, utility sheds and other temporary structures being used as long-term dwelling units in backyards and driveways in single-family zones on private property
- Increase of mice and rats that some citizens are associating with chicken coops

Council expressed appreciation for Mr. Flynn's efforts.

PUBLIC FORUM

David Wick/2560 Eagle Creek Lane/Asked Council to consider forming a Culture of Peace Commission (CPC). A culture of peace encompassed values, attitudes, traditions, modes of behavior and ways of life as well as how the City could function with practices that were practical and grounded with a return on investment. The community supported this commission. He submitted documents into the record.

Irene Kai/2560 Eagle Creek Lane/Noted Ashland was recently designated Google eCity for the second year in a row. It took leadership and vision for the Chamber of Commerce in the 1980s to establish internet. Ashland was innovative with great leadership, vision, and the courage to create their vision. If Council created a Culture of Peace Commission it would lead the citizens to practice the culture of peace and put Ashland forward as a city of peace to the rest of the world.

Eric Sirotkin/2016 Ashland Mine Road/Explained he was an attorney and mediator and spoke on creating a Culture of Peace Commission in Ashland. The Commission would bring in people with non-violent communication skills, reconciliation and mediation skills, and compassionate listening. The commission would help confront issues in a way that built a solid, healthy, forward thinking city. He asked Council to place the Culture of Peace Commission on a future agenda for discussion.

Councilor Marsh/Lemhouse m/s to add to the agenda a discussion on the timing of Ragland Award. Roll Call Vote: Councilor Voisin, Morris, Lemhouse, Slattery, Rosenthal, and Marsh, YES. Motion passed.

Councilor Voisin requested adding a discussion regarding the Culture of Peace Commission to a future Study Session agenda in 2014.

CONSENT AGENDA

- 1. Approval of commission, committee, and board minutes**
- 2. Special procurement for the purchase of Allen-Bradley (brand specific) electrical products and components**

Councilor Rosenthal/Marsh m/s to approve Consent Agenda items. Voice Vote: all AYES. Motion passed.

PUBLIC HEARINGS (None)

UNFINISHED BUSINESS (None)

NEW AND MISCELLANEOUS BUSINESS

- 1. Approval of three Request for Proposals (RFP) for architectural designs for downtown improvement projects**

Engineering Services Manager Scott Fleury explained the RFP projects included:

1. Improvements to the planter area at the corner of Winburn Way and North Main Street and the triangle at the corner of Lithia Way and Pioneer Street
2. Landscaping at the Pioneer Street and Lithia Way parking lot
3. The addition of plant material to the Plaza and partial paver replacement

Two projects that required additional work and safety improvements involved pushing out the handicap ramp by the Winburn Way planter for higher visibility. The second project was the corner of Lithia and Pioneer. There was an existing driveway where the beautification project would go and staff recommended replacing the driveway apron and improving grade issues on the sidewalk.

Mr. Fleury explained the initial estimate did not include the \$18,000 in design work. Covey Pardee provided probable construction cost estimates. The engineering cost estimates came after and included professional associated costs. City Administrator Dave Kanner further explained the cost estimates had a 20% contingency that was typical at the design stage and would most likely not be spent. The projects were scaled in a way they could all be done with the available dollars and within budget.

Councilor Lemhouse/Rosenthal m/s to approve the RFP for design and implementation for improvements to the planter on the corner of Winburn Way and North Main and the triangle at the corner of Pioneer Street and Lithia Way. DISCUSSION: Councilor Lemhouse emphasized all three were requests for proposal, design questions would happen later. Councilor Rosenthal concurred. Councilor Voisin would not support the RFPs, these were public spaces, and Council needed to hear from the public beyond the special interest of the Downtown Beautification Committee. She also wanted the Tree Commission involved for tree selection, and an arborist and staff from the Conservation Department involved as well.

Councilor Voisin motioned to amend each RFP that 1) a public forum be required for each project, 2) that the Tree Commission be consulted for trees only, that the City hire an arborist to oversee all construction especially around the native cedar on North Main Street and 3) that Julie Smitherman be consulted for drought tolerant shrubs and plants for all three projects. Motion died for lack of a second.

Mayor Stromberg objected to the characterization of the Committee as representing special interests. He appointed the members to work on behalf of all the citizens. Councilor Voisin clarified the members were stakeholders. Councilor Lemhouse called for a point of order and Mayor Stromberg ruled in his favor.

Councilor Voisin motion to challenge the decision made on the point of order. Motion died for lack of a second.

Continued discussion on amended main motion: Councilor Marsh supported the main motion, both areas in the RFP needed to become more pedestrian friendly. **Roll Call Vote: Councilor Lemhouse, Marsh, Morris, Slattery, and Rosenthal, YES; Councilor Voisin, NO. Motion passed 5-1.**

Councilor Lemhouse/Slattery m/s to approve the RFP for design work and implementation of landscape improvements to the parking lot at the corner of Pioneer Street and Lithia Way. Roll Call Vote: Councilor Lemhouse, Marsh, Morris, Slattery, and Rosenthal, YES; Councilor Voisin, NO. Motion passed 5-1.

Councilor Lemhouse/Slattery m/s to approve the RFP for design work and implementation of improvements to the Plaza.

Councilor Marsh/Slattery m/s to amend the motion to delay consideration of the RFP until after the

Study Session on December 2, 2014. DISCUSSION: Councilor Marsh explained Council would meet to discuss what kind of planning process they wanted for the Plaza at the December 2, 2014 Study Session. Councilor Slattery agreed adding it would allow public input.

Councilor Marsh withdrew her amendment. Councilor Lemhouse withdrew his motion.

Councilor Marsh/Slattery m/s that consideration of the RFP for design work on the Plaza improvements be deferred until after the Study Session on December 2, 2014.

DISCUSSION: Councilor Rosenthal would not support the motion and did not think the delay was necessary. **Roll Call Vote: Councilor Lemhouse, Marsh, Morris, and Slattery, YES; Councilor Voisin and Rosenthal, NO. Motion passed 4-2.**

2. Ad-Hoc Recycle Center Committee recommendations for the Recycle Center, waste reduction and recycling

Management Analyst Adam Hanks explained the ad-Hoc Recycle Center Committee made the following recommendations:

- **Creation of a sticker program for curbside recycling**

The Committee recommended approving and implementing this program.

Councilor Morris/Lemhouse m/s to approve the creation of a sticker program for curbside recycling. Roll Call Vote: Councilor Morris, Marsh, Rosenthal, Voisin, Slattery, and Lemhouse, YES. Motion passed.

- **Remove comingle recycle collections from the Recycle Center**

The Committee did not recommend approving this option because the savings gained did not outweigh overall objectives of waste diversion options for the public.

Councilor Rosenthal/Slattery m/s to continue comingle recycle collections at the Recycle Center. DISCUSSION: Councilor Slattery explained this was an important aspect to the Recycle Center and Ashland was doing something good for the environment by retaining the service. **Roll Call Vote: Councilor Morris, Marsh, Rosenthal, Voisin, Slattery and Lemhouse, YES. Motion passed.**

- **Change fee methodology for Recycle Center surcharge**

The Committee recommended maintaining the existing monthly flat fee on Recology customer bills.

Recology received approximately 12-15 calls regarding the \$1.60 surcharge on customer bills. Establishing a donation system raised operational concerns. The Committee spent considerable time on charging a fee to use the Recycle Center. It was problematic on several levels that included social equity issues, cash handling, paying someone to collect the money. In the end the \$1.60 was successful in capturing costs. The Recycle Center was a part of the culture of Ashland and that people utilized it without paying fell under the category of providing a good service for the planet. The Committee agreed the Recycle Center needed to evolve and was open to exploring options in the future.

Councilor Rosenthal/Slattery m/s to maintain the existing monthly flat fee on Recology customer bills.

Councilor Marsh/Lemhouse m/s to amend motion to direct staff to continue discussions with Recology regarding a donation system. DISCUSSION: Councilor Marsh wanted the committee to determine a way for people to understand there was a cost to the recycling service Ashland was offering and provide them with an opportunity to contribute. **Roll Call Vote: Councilor Morris, Marsh, Rosenthal, Slattery, and Lemhouse, YES; Voisin, NO. Motion passed 5-1.**

Continued discussion on amended main motion: Councilor Lemhouse struggled with the idea that some people did not have to pay for a service others paid for. Attaching a fee to the electric or water bills seemed fairer. **Roll Call Vote on main motion: Councilor Morris, Marsh, Rosenthal, Voisin, Slattery, and Lemhouse, YES. Motion passed.**

- **Expand non-curbside collections materials available to reuse/recycle at the Recycle Cent**

The Committee recommended approving and bringing back results to the Council for final implementation approval with review by the Conservation Commission.

Councilor Marsh/Lemhouse m/s approve the Committee recommendation and direct staff to bring back results to the Council for final approval. Roll Call Vote: Councilor Morris, Marsh, Rosenthal, Voisin, Slattery, and Lemhouse, YES. Motion passed.

- **Develop and implement a waste reduction and recycling education and outreach program for the community**

Committee recommendation to approve and bring back results to the Council for final implementation approval with review by the Conservation Commission.

Councilor Lemhouse/Rosenthal m/s to accept the Committee recommendation regarding the development and implementation of a waste reduction and recycling education and outreach program and bring it back to Council for final implementation approval. DISCUSSION: Councilor Lemhouse strongly supported education commenting that it helped change behavior. Councilor Rosenthal thought Ashland had the opportunity to be an innovator in this regard. **Roll Call Vote: Councilor Morris, Marsh, Rosenthal, Voisin, Slattery and Lemhouse, YES. Motion passed.**

- **Explore a pilot program or system to offer pre and/or post consumer food waste diversion options**

Committee recommendation was approve and bring back results to the Council for final implementation approval with review by the Conservation Commission.

Councilor Rosenthal explained post food waste handling made up to 30% of the waste stream.

Councilor Rosenthal/Slattery m/s to explore a pilot program or system to offer pre and/or post consumer food waste diversion options and bring back results to Council for final implementation or approval. DISCUSSION: Councilor Morris thought this was a recommendation that could bring a large return. **Roll Call Vote: Councilor Morris, Marsh, Rosenthal, Voisin, Slattery, and Lemhouse, YES. Motion passed.**

- **Update Ashland Municipal Code 9.22 – Opportunity to Recycle**

The Committee recommended approving and bringing back results to Council for final implementation approval with review from the Conservation Commission.

Councilor Marsh/Rosenthal m/s to instruct staff to investigate updates to the Ashland Municipal Code 9.22 – Opportunity to Recycle and report to Council for final approval and implementation. DISCUSSION: Councilor Marsh noted the intention was making recycling available to everyone in the community and sometimes that was missed in multifamily developments. Council Rosenthal added it had been 22 years and it was time to review the code. **Roll Call Vote: Councilor Morris, Marsh, Rosenthal, Voisin, Slattery, and Lemhouse, YES. Motion passed**

Council directed staff to bring back the report from Recology on financial incentives in the payment structure

for trash services along with the other items requiring approval by Council.

Mayor Stromberg moved the agenda item regarding the **Approval of a resolution titled, “A resolution in support of fossil fuel divestment” under Ordinances, Resolutions, and Contracts from #2 to #1.**

3. Discussion of deer education proposals

City Administrator Dave Kanner explained the agenda item was a result of a citizen testifying under Public Forum during the September 16, 2014 Council meeting who requested the City increase public awareness about living with deer. Council could limit the discussion to education or look into mitigation that had limited options. Staff had received a small amount of emails from citizens that wanted the City to take some form of mitigation.

Amy Felmley/187 Gresham Street/Explained she had lived in Ashland for a year and spent four months researching deer after an attack she experienced in her yard. She did not expect the City to take the lead on education but wanted information made public on what to do when you encounter a deer while walking a dog and how to respond when being chased by a deer. The City newsletter fell short providing that information to the public and the links mostly discussed fences. She thought the perception of deer being harmless should change to potentially dangerous. She clarified she was not talking about culling deer or sterilization at this time but wanted deer identified as dangerous removed. She had discovered the Oregon Department of Wildlife would occasionally grant a permit to remove a specific deer.

Councilor Marsh/Slattery m/s to suspend rules to allow questions. Voice Vote: all AYES. Motion passed.

Ms. Felmley thought the City website was the appropriate place for new residents to learn of deer being potentially dangerous but the site did not offer information on protecting oneself from an attack. Mayor Stromberg added citizens signing up for utilities presented another opportunity to inform citizens of potential harm from deer. Ms. Felmley went on to read steps a person could take if attacked by a deer from a document she submitted into the record. Mayor Stromberg reinstated Council rules.

Council directed staff to bring back an educational campaign on dealing with deer and wildlife in general using the website, City Source, providing information when a citizen signed up to receive utilities, and research possible partnerships in the community. Council suggested a television program with experts talking directly to the public, or a Town Hall meeting on the topic. Council comments regarding mitigation wanted to know the options and other comment did not want to pursue mitigation.

ORDINANCES, RESOLUTIONS AND CONTRACTS

1. Approval of a resolution titled, “A resolution in support of fossil fuel divestment”

City Recorder Barbara Christensen worked with Southern Oregon Climate Action Now (SOCAN) who asked Council to support fossil fuels divestment by requesting the Oregon Short Term Board (OSTB) and PERS Board (Public Employee Retirement System) not invest in fossil fuel companies. The resolution would not make any changes to the City investment policy.

Tamsin Taylor/594 Great Oaks Drive/The resolution in support of fossil fuel divestment provided an opportunity for Council to request the OSTB and PERS Boards review and consider divestment. The resolution was only a recommendation. Divestment would not result in lower returns.

Diana O’Farrell/929 Mountain Meadows/Explained the recent drought and reduced snow packs were consistent with global warming models. If the economic plans of fossil fuel corporations continued unabated, the climate changes would get worse. She asked the City to join others and take a stand to support divestment and encourage fossil fuel corporations to adjust their practices.

Reverend Thomas Buechele/829 Boulder Creek Lane/Governments at all levels were under strong corporate voice promoting maximization of short term profits in relationship to the whole issue of oil fossil fuels. Intergenerational justice demanded that people take whatever actions possible at this time to assure future generations were able to enjoy a livable, hospitable, and beautiful planet. He urged Council to support the resolution.

Councilor Slattery/Voisin m/s to approve Resolution #2014-19. DISCUSSION: Councilor Slattery supported the resolution. Councilor Voisin commented SOCAN had researched the resolution and the City Recorder did due diligence for the City. By supporting this resolution, Ashland was joining hundreds of cities and organizations who were taking the cause of the climate crisis seriously. Councilor Morris supported the motion but questioned how to achieve the goal. The real goal should be reducing reliance on fossil fuel. Councilor Lemhouse would support the motion and appreciated the changes SOCAN made to the resolution after Council expressed concerns. This was an active step but people should do more than resolutions to change the issue. Councilor Rosenthal thought it might be easier to divest from coal. Councilor Marsh noted that Council chose as one of its five priorities for the next five years to develop and implement a climate and energy plan. This was a step in that direction. **Roll Call Vote: Councilor Morris, Marsh, Lemhouse, Voisin, Rosenthal, and Slattery, YES. Motion passed.**

NEW AND MISCELLANEOUS BUSINESS-continued

4. Plaza replacement tree recommendations

Assistant Planner Michael Pina explained two arborists on the Tree Commission thought the Red Oak might have more invasive root systems than the Bur Oak. Both trees produced acorns. The Tree Commission had discussed the potential risk to roots due to overwatering. To Mr. Pina's knowledge, the Parks and Recreation Department had not participated in the tree selection.

City Administrator Dave Kanner had talked to various people in the Parks and Recreation Department and no one had a strong recommendation on the type of tree. The Red Oak was slightly smaller in base and diameter height than the Burr Oak and produced bright red leaves in the fall. The Bur Oak turned a yellowish brown in the fall.

Councilor Voisin/Marsh m/s to select a Red Oak to replace the recent deceased tree in the downtown Plaza. DISCUSSION: Councilor Voisin thought the Red Oak was more appropriate and a better fit due to the size of the Plaza than the Bur Oak that could grow large. Councilor Rosenthal would not support the motion. He disagreed with the tree choice, was concerned the Parks and Recreation Department was not consulted on the choice, and thought more examination was needed. Councilor Lemhouse agreed with Councilor Rosenthal and did not think the Council should be picking a tree. He trusted staff would make the right decision. Councilor Slattery thought the Parks Commission needed to be involved in the choice and would not support the motion. Councilor Morris would vote against the choice as well. He had hoped for a native tree instead of an eastern one. Mr. Pina explained a native tree would not do as well given the irrigation in the area. The Tree Commission made the tree selections just prior to Michael Black being hired as the new Parks and Recreation Director. Mr. Pina had a discussion with Mr. Black regarding the choice and he was fine with the selection. **Roll Call Vote: Councilor Slattery, Voisin, Marsh, Lemhouse, Morris, and Rosenthal, NO. Motion died.**

Council directed staff to consult with the Parks and Recreation Department, follow appropriate protocol with the Parks Commission, and make a decision on behalf of the Council and not bring the decision back to Council unless the selection did not include either the Red Oak or Bur Oak.

ORDINANCES, RESOLUTIONS AND CONTRACTS-continued

2. Approval of a resolution titled, "A resolution authorizing the City of Ashland to provide a city building for a winter shelter two nights per week through April, 2015"

City Administrator Dave Kanner explained this was the same resolution adopted over the past two winters allowing the use of Pioneer Hall as winter shelter two nights a week staffed by volunteers from the Rogue Valley Unitarian Universalist Fellowship (RVUUF) and Temple Emek Shalom.

Councilor Marsh did not want to allow children in the shelter and wanted to delete the reference to children under **Section 2 Terms and Conditions (g)**. Mr. Kanner clarified volunteers' designated separate sleeping areas for men and women but did not enforce it if the guest was uncomfortable with that sleeping arrangement.

Councilor Marsh/Lemhouse m/s to approve Resolution #2014-20 and delete from Section 2 (g) "Appropriate signage must be displayed that warns against children being left alone."

DISCUSSION: Councilor Marsh thought it was a terrific program and a great way to leverage a City resource with volunteers. **Roll Call Vote: Councilor Voisin, Marsh, Rosenthal, Slattery, Morris, and Lemhouse, YES. Motion passed.**

3. Approval of a resolution titled, "A resolution consenting to the transfer of control of the cable franchisee Falcon Cable Systems Company II, L.P. to Comcast Corporation, with conditions"

City Attorney Dave Lohman explained the only basis for challenging a transfer like this was if the City had reasonable legal, technical, and financial capability questions about Comcast. Staff had hired a telecommunications attorney to ensure the City asked for everything possible in terms of conditions. Mr. Lohman received a call from Charter asking the City to remove item (2) under **Section 2 Conditions to the Transfer of Control** because it would limit their due process rights under the existing franchise.

Councilor Slattery/Lemhouse m/s to approve Resolution #2014-18 and delete under Section 2, item 2.

DISCUSSION: Councilor Rosenthal would not support the motion and expressed serious concern regarding the level of customer service from Comcast. Mr. Kanner clarified the City could charge Comcast 5% of gross revenues on cable service. The City could not assess a franchise fee on internet and data services. The 5% charge was a limitation set by federal law. **Roll Call Vote: Councilor Slattery, Lemhouse, Morris, Marsh, YES; Councilor Rosenthal and Voisin, NO. Motion passed 3-2.**

OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

Councilor Marsh suggested removing the State of the City from the Council meeting and making it an event that included the presentation of the Ragland Award.

Councilor Marsh/Slattery m/s to award the Ragland Award at the annual State of the City address in January. Voice Vote: all AYES. Motion passed.

Councilor Lemhouse expressed concern moving agenda items during the meeting and preferred adhering to the printed agenda established prior to the meeting.

ADJOURNMENT OF BUSINESS MEETING

Meeting adjourned at 10:25 p.m.

Barbara Christensen, City Recorder

John Stromberg, Mayor