

**MINUTES FOR THE REGULAR MEETING
ASHLAND CITY COUNCIL
September 6, 2016
Council Chambers
1175 E. Main Street**

CALL TO ORDER

Mayor Stromberg called the meeting to order at 8:15 p.m. in the Civic Center Council Chambers.

ROLL CALL

Councilor Voisin, Morris, Lemhouse, Rosenthal, and Marsh were present. Councilor Seffinger was absent.

MAYOR'S ANNOUNCEMENTS

Mayor Stromberg announced vacancies on the Forest Lands, Housing and Human Services, Tree, Historic, and Public Arts Commissions.

APPROVAL OF MINUTES

The minutes of the Study Session of August 15, 2016 and Business Meeting of August 16, 2016 were approved as presented.

SPECIAL PRESENTATIONS & AWARDS

City Administrator Dave Kanner announced September 15, 2016 at 1:00 p.m. in Council Chambers, Ashland would host the League of Oregon Cities (LOC) City Hall Day. The LOC's legislative priorities for the 2017 session included property tax reform, PERS reform, recreational immunity, and transportation funding. Mr. Kanner thought the community would be interested in discussing affordable housing and homeless services.

PUBLIC FORUM – Held during the Study Session prior to this meeting.

CONSENT AGENDA

- 1. Minutes of boards, commissions, and committees**
- 2. Approval of a liquor license application for David Jesser dba The Culinarium at 270 E Main Street**
- 3. Approval of a resolution titled, "A resolution revising the financial management policies and accounting methodologies and repealing Resolution No. 2016-024"**
- 4. Change order exceeding 25% - North Mountain Culvert Repair project No. 85**

Councilor Rosenthal pulled Consent Agenda item #4 for discussion. Jeff McFarland, the open space/outer parks supervisor for the Parks and Recreation Department provided background on the pedestrian bridge in North Mountain Park currently under repair. They received an additional two-week extension for the in-water work permit originally targeted for September 15, 2016. Parks Superintendent Bruce Dickens further explained closing the area was a risk management decision due to the steep drop-offs next to the trail. The Contract Change Order would cover the repair of damage to the culvert discovered after diverting water flow under the bridge. Repair work would create a 50-year fix.

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

PUBLIC HEARINGS - None

UNFINISHED BUSINESS

1. Continuation of Grandview Drive discussion

Public Works Director Mike Faught explained staff continued to recommend leaving the non-permitted guardrail in place, as recommended by the traffic engineer and supported by the engineering staff. They proposed constructing a shared road facility that extended just past the guardrail and included the following:

- A 3' refuge on the guardrail site;
- An 18' paved section;
- A 3' refuge on the uphill side;
- Reduced speed limit to 15 mph;
- Installation of two speed indicator signs;
- Make the Skycrest Drive and Grandview Drive intersection a 4-way stop;
- Leave the non-permitted guardrail in place as recommended by both the traffic engineer and Construction Engineering Consultants, Inc. (CEC)

If approved, the City would require the property owners to submit a right of way permit application that would include negotiations for the property owner's financial responsibility for the shared road project. The estimated cost was \$127,200 and included a 30% contingency. City staff could construct everything except the 4-foot retaining walls in Phase 1. Survey work for Phase 2 was recently completed. Engineering work for Phase 2 was currently 3 to 6 months out. Another element of Phase 2 was re-profiling the 18-foot section of roadway. The increased costs were due to shifting the road towards the bank.

Tom Bradley/612 Iowa Street/Wanted to see drawings before Council committed to the plans.

City Administrator Dave Kanner responded the road improvement plan and the cross section drawings were in the Council Packet and available on the City website since September 1, 2016.

Courtney Burkholder/124 Manzanita Street/She and her husband purchased the lot at 320 Grandview. The negative opinions from people opposing the guardrail in the local media disturbed her. The guardrail was necessary and she supported the shared road project. The public was vilifying the Ali's for trying to protect their family and doing something that benefited the neighborhood. She asked Council to represent those in support of the guardrail.

Matt Burkholder/124 Manzanita Street/Spoke at the July Council meeting in support of the guardrail and the shared road project. City experts and engineers stated and restated the guardrail needed to remain for the safety of everyone that utilized Grandview Drive. A majority of citizens who attended a recent Grandview meeting supported the guardrail and the shared road plan. He questioned why Council had not voted to retain the guardrail and proceed with the shared road project, and wondered if those aggressively opposing the project had caused that delay.

Katie Ali/340 Grandview Drive/Thanked City staff for their plan to make Grandview Drive a shared road. She urged Council to approve the shared road project. The need to improve Grandview Drive was now and not later. She wanted her children and her neighbor's children to travel the road safely.

Shahrzad Sheibani/111 Sunnyview Street/Represented the East Village Homeowners Association. The road was dangerous and not safe. She took issue that the road was originally "grandfathered" and the City would not have actually installed a guardrail. She noted previous accidents, one that involved her, the dangers of driving at night, and in inclement weather.

Mona McArdle/352 Grandview Drive/Supported the continued improvement of Grandview Drive, noted prior accidents on the property, and how some were not documented. The guardrail created a distinctive

edge to the road. She supported the four way stop, reduction in speed and flashing signs.

Carlos Reichenshammer/64 North Pioneer Street/Appreciated the testimony others provided and agreed with the necessity of a shared road and the guardrail. He expressed his gratitude to the Mayor, Council, and City staff for their time and efforts to analyze the different views.

Mr. Faught explained the project to transition Grandview Drive to a shared road was not in the current Capital Improvement Plan (CIP). Staff was planning to recommend the project during the next CIP process. The project would involve the full length of the street. The Public Works Department would pay \$130,000 for the first phase with savings from the slurry seal project. The remaining would come from other street funds. The only potential “payback” was the negotiations with the property owners in terms of their shared costs of the project regarding the permit application.

Engineering Services Manager Scott Fleury clarified the Transportation Commission was updated, a public hearing was held, but the Commission had not reviewed the final plan. Mr. Faught further clarified the Transportation Commission had a prior concern regarding the four way stop however, Kim Parducci, the traffic engineer from Southern Oregon Transportation reviewed the current status and recommended the four way stop based on the activity occurring now.

Councilor Marsh/Morris m/s to approve the submitted plan for improving Grandview Drive to the shared road standards with final approved engineering drawings. DISCUSSION: Councilor Marsh explained it was Council’s job to set aside the accusations, the recriminations, and determine how to make Grandview Drive as safe as reasonable, quickly, and in an economic manner. Councilor Morris agreed with Councilor Marsh and commented he had never seen a public hearing for an encroachment permit. This proposal was probably the best solution given the current standards and actions the City could take.

Councilor Rosenthal would oppose the motion on the principle that project management by duress was not conducive for sound funding decisions. It seemed more reasonable to consider the project during the budget process as part of the Capital Improvement Plan. Using slurry seal funds made him question the budgeting process and allocation for that project. The guardrail had disproportionately influenced the consideration and “painted” Council into a corner. However, he did not fault the property owner or contractor. Councilor Voisin had difficulty that a subcontractor could change the priority on the list of shared roads. Installing a non-permitted guardrail should not drive the decision on which road became shared. She wanted a better inspection of the guardrail to determine its viability. She thought the project was “piece meal” and should be done all at once and not in phases.

Councilor Lemhouse observed the situation put people against each other due to a subcontractor not following the right procedures. This is not how the City should conduct business. It was a difficult issue with valid points on both sides. He had to consider what was the best path going forward and thought this alternative was better than the original proposal. **Roll Call Vote: Councilor Morris, Lemhouse, and Marsh, YES; Councilor Voisin and Rosenthal, NO. Motion passed 3-2.**

NEW AND MISCELLANEOUS BUSINESS (None)

ORDINANCES, RESOLUTIONS AND CONTRACTS

- 1. Approval of first and second reading by title only of an ordinance titled, “An ordinance requiring the City of Ashland to produce 10 percent of the electricity used in the city from new, local, and clean resource by the year 2020 and declared to take effect on its passage”**

City Administrator Dave Kanner explained the ordinance was a result of an initiative petition titled, “Shall Ashland produce 10% of electricity used in the City by year 2020 from new, local, and clean sources?” The petition gathered enough signatures to qualify for the ballot. It came before Council at which point

there were three choices to take. One option was take no action and allow the initiative to go to the ballot in November. For the second option, Council could take no action on the initiative and submit an alternative ordinance to the ballot. However, time did not permit this option. The third option and the one Council chose adopted the ordinance instead of sending it to the ballot. Due to election deadlines, Council needed to adopt the ordinance on first and second reading with an emergency clause at this meeting and have it go into effect immediately. Under election law, Council had to adopt the ordinance as written and make no changes.

Jeff Sharpe/553 Fordyce Street/Read from a document submitted into the record supporting the ordinance.

Joseph Kauth/One Corral #3/Expressed concern this would result in a field of solar panels and impact local residents and wildlife. Another concern was solar reflection increasing the heat generated through the urban island effect. He preferred solar panels on buildings.

James Stephens/640 Oak Street/Noted he had met with the Mayor to discuss possible ways to move Ashland into the sustainable energy economy. He supported electric powered transportation and vehicles and went on to describe how the ordinance would benefit Ashland.

Louise Shawkat/870 Cambridge Street/Read from a document submitted into the record that supported the ordinance.

Philip Westergaard/462 Williamson Way/Expressed his support for the proposed ordinance and noted other communities that were now capable of being independent from the grid.

Allie Rosenbluth/730 Liberty Street/Represented Rogue Climate who supported Council adopting the ordinance. The ordinance needed to benefit the local community, build jobs in Ashland, and have the lowest environmental impact possible that did not raise utility rates for the most vulnerable citizens.

Andrew Kubik/1251 Munson Drive/Of the 200 people he spoke to while gathering petition signatures, 75% to 80% supported the ordinance. Most were surprised the City produced only 2% of the electrical energy through clean, local sources. The majority thought the 10% by 2020 was conservative while some challenged the sense of urgency.

Dave Helmich/468 Williamson Way/Read from a document he submitted into the record regarding discussion items for Council and the City to consider regarding the ordinance.

Jesse Sharpe/107 Lincoln Street/Provided his credentials, supported the ordinance, and urged Council to make it effective at this meeting. This was a key point of transition in the country and world as a whole.

Councilor Lemhouse/Voisin m/s to approve first reading of ordinance of an ordinance titled, “An ordinance requiring the City of Ashland to produce 10 percent of the electricity used in the city from new, local, and clean resource by the year 2020 and declared to take effect on its passage,” move to second reading. DISCUSSION: Councilor Lemhouse looked forward to seeing what the Climate and Energy Action Plan ad hoc Committee would produce. Councilor Voisin added the ordinance was an innovative way of going into the future in terms of energy. Councilor Rosenthal thought it was an aggressive move and dovetailed with the current Climate Energy Action Plan. Council would provide more definition and specificity to the ordinance. He gladly supported the motion. Councilor Morris talked to Mr. Kanner about altering the language regarding energy security and greenhouse gases but would support the motion. **Roll Call Vote: Councilor Voisin, Lemhouse, Marsh, Rosenthal, and Morris, YES. Motion approved.**

Councilor Voisin/Marsh m/s to approve Ordinance #3134 with the emergency clause to adopt the ordinance effective immediately. DISCUSSION: Councilor Marsh noted climate change was actually an emergency and this was an acknowledgement. Mayor Stromberg thought the timing coincided with the Climate and Energy Action Plan ad hoc Committee's forthcoming recommendation.

Roll Call Vote: Councilor Voisin, Lemhouse, Marsh, Rosenthal, and Morris, YES. Motion passed.

OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

City Administrator Dave Kanner reviewed items on the Look Ahead. Mr. Kanner noted the upcoming National Citizen Survey and suggested one of the questions ask community and businesses their perception on the efforts made this year to address downtown behavior. Councilor Voisin wanted homeless citizens surveyed to determine the effect the ordinance had on them. Mr. Kanner thought the people targeted by the ordinances were lawbreakers and the vast majority of the homeless did not break the law. Staff might be able to quantify that by reviewing court records. Councilor Voisin did not agree and thought many of the citizens attending court were homeless and now displaced due to the ordinances. City Attorney Dave Lohman clarified court records would not designate who was homeless or identify people's financial capabilities. Councilor Marsh thought the survey information, citation data generated from the new ordinances, and information from homeless advocates would help determine whether the changes worked. Councilor Voisin would contact homeless service agencies for data.

City Recorder Barbara Christensen announced the annual Oregon Association of Municipal Recorders Conference would occur September 21 through the 23. Approximately 100 recorders from Oregon, Alaska and parts of California would attend.

Councilor Voisin reported the Band Committee would present a "wish list" for repairs to the band shell in Lithia Park. She went on to note Ashland Daily Tidings reporter Julie Akins would start a Tour for Humanity to understand homelessness and travel the I-5 corridor from Seattle to Los Angeles hoping to interview 200 people.

Councilor Lemhouse congratulated the School Board and the community for their efforts on the new playing field.

ADJOURNMENT OF BUSINESS MEETING

Meeting adjourned at 10:07 p.m.

Barbara Christensen, City Recorder

John Stromberg, Mayor