

**MINUTES FOR THE REGULAR MEETING  
ASHLAND CITY COUNCIL  
November 15, 2016  
Council Chambers  
1175 E. Main Street**

**CALL TO ORDER**

Mayor Stromberg called the meeting to order at 6:00 p.m. in the Civic Center Council Chambers.

**ROLL CALL**

Councilor Voisin, Morris, Lemhouse, and Rosenthal were present. Councilor Seffinger arrived at 6:04 p.m. Councilor Marsh was absent.

**CONTINUATION OF DISCUSSION FROM NOVEMBER 1, 2016**

**1. Discussion of policy questions to be addressed regarding the 10x20 ordinance**

Mayor Stromberg explained there were three kinds of clean power, solar, wind, and hydro. Management Analyst Adam Hanks would provide the best case for each during the discussion. Complex resolutions or topics that could not be resolved during the meeting would go on a list for further review and action at the next Council meeting.

**Wind**

Mr. Hanks explained part of using wind power was getting inventories where there were enough flows. A renewable energy assessment from 2011 indicated one location of scale on the backside of Shale City due to its close proximity to connect to larger lines. There was talk regarding Mt. Ashland but wind volume and how it would connect were unknown at this time. Wind was most likely not viable. Mayor Stromberg moved it to the list.

**Hydro**

Hydro required the right flow, head, and diameter pipe. There were a few locations in the City's system that had potential but the scale of production would not meet the 10x20 ordinance requirements. The item moved to the list.

Mayor Stromberg explained the City defined the 10% clean energy as 10% of the annual electric power usage of the City of Ashland. Mr. Hanks clarified 10% of the 170,000,000 kilowatt hours used per year would mean 17,000,000-kilowatt hours coming from a clean energy source. It equated to .017 gigawatts. A solar industrial plant would have be a 12 to 15 megawatt facility to produce that annually.

**Solar**

There were three options for solar power. Option 1 would put a solar farm on the Imperatrice property. The second option would add solar panels to City owned facilities like rooftops, parking lots, and covering the reservoir. Staff was currently conducting a site inventory. Option 3 would place community solar on commercial and residential buildings. It would require new incentive packages to form various utility City partnerships.

Mayor Stromberg added the following concerns regarding solar to the list for future discussion:

- Potential issues with tree shading to cool the affluent may affect the use of the Imperatrice property
- Environmental concerns on using 150 acres for a 12-15 megawatt facility
- Ordinance requiring local energy – the City defined local as wherever the facility was located it connected directly into an Ashland electric utilities distribution grid

There were two ways to fund a solar power system. One way was determine the cost to build a facility and recoup the expense through user rates. Another way was entering into a power purchase agreement (PPA)

with an entity or organization that would build the facility, operate it, and sell the electricity to the City with the city assuming ownership after a 20-year period.

Mr. Hanks explained the carbon mitigation component was indirect regarding a solar power system in that the less hydro purchased left more available in the grid and offset the need for other generation opportunities regionally. However, the way the greenhouse gas inventory was calculated worked to the City's advantage from a climate action planning perspective because it calculated it on the regional grid. Alternately, if it was just a carbon concern then a PPA from a facility within the grid itself either locally or regionally was more feasible.

The City was committed to purchasing a certain amount of electricity from the Bonneville Power Administration (BPA). If the City was generating some of their own through the 10x20 ordinance it could drop total usage with BPA and cause the City to pay for both. Mayor Stromberg acknowledged this as a potential issue and set it aside for future review.

Mr. Hanks addressed having a solar farm system on the Imperatrice property. The City could send out a request for proposal (RFP) for a 12-megawatt solar installation on the Imperatrice property. The RFP could include a request for a PPA estimate but was not necessary. It would take staff 30-45 days to develop the RFP. It/Electric Director Mark Holden added the RFP would include connection to the distribution site at the Mountain Avenue station. It would need a substantial transformer and lead to purchasing the Mountain Avenue station from BPA prior to updating the equipment.

Council majority directed staff to create an RFP with a review by Council prior to sending it out for bid.

Council went on to discuss postponing agenda item **#2 Discussion of removing public art review and approval requirements from Chapter 18 of the Ashland Municipal Code** under **New and Miscellaneous Business** to the January 17, 2017 Council meeting.

**Councilor Lemhouse/Rosenthal m/s to postpone this item until January 17, 2017, or a date that accommodates both the Historic and the Public Arts Commission. Voice Vote: All AYES. Motion passed.**

### **MAYOR'S ANNOUNCEMENTS**

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

### **APPROVAL OF MINUTES**

The minutes of the Study Session of October 31, 2016, the Executive Session of October 31, 2016, and the Business Meeting of November 1, 2016 were approved as presented.

### **SPECIAL PRESENTATIONS & AWARDS**

#### **1. Annual presentation by the Housing and Human Services Commission**

Housing and Human Services Commission (HHSC) vice Chair Rich Rohde and Commissioner Tom Buechele provided the annual update for the HHSC. Vice Chair Rohde commented on the housing emergency crisis in Ashland. Medford and Ashland had become the fastest growing unaffordable housing cities in the country.

This year the HHSC worked on the Housing Trust Fund, developing a funding strategy chart, student fair housing, and recommendations for Community Development Block Grant (CDBG) funding. HHSC created nine goals that included donation boxes, affordable housing, inclusionary zoning, diversity, more Porta-Potties, developing resources for middle-income work force housing, increase shelter nights, ongoing rental research, and housing solutions that included the aging community.

## **PUBLIC FORUM**

**Michael Molitch-Hou/1151 Tolman Creek Road**/Recently spoke with Unite Oregon in Medford who reported there were 70 counts of hate speeches and acts following the election directed towards Latino and Muslim Americans. He wanted to know if any similar acts had occurred in Ashland, if the City had a process in place to deal with racial harassment, and if there was a specific group a person could contact. He suggested Ashland become a Sanctuary City.

City Attorney Dave Lohman explained Ashland was already a sanctuary city and Oregon was a sanctuary state. City Administrator Dave Kanner encouraged anyone experiencing any form of hate speech to call the police. Police Chief Tighe O'Meara was not aware of any hate speech since the election and reiterated anyone experiencing that behavior should call the police.

**Huelz Gutcheon/2253 Hwy 99**/Spoke on solar energy.

**Shane Elder/830 Carol Rae, Medford OR**/Asked Council to amend the ordinance that prohibited address number painting on curbs. Ashland allowed this form of painting until two years ago. He went on to note the benefits of having addresses painted on curbs.

City Attorney Dave Lohman confirmed the issue came up two years prior where it was determined prohibitive. Council could change the ordinance. Mr. Lohman would follow up with Mr. Elder.

## **CONSENT AGENDA**

- 1. Minutes of boards, commissions, and committees**
- 2. Approval of a resolution titled, "A resolution adopting guidelines for the creation and installation of murals"**
- 3. Medford Water Commission water delivery contract**

Councilor Voisin pulled Consent Agenda item #3 for further discussion. Public Works Director Mike Faught explained the only change to the agreement removed using Talent Ashland Phoenix (TAP) water for emergency purposes under Article 3. The new agreement would last five years with three five-year extensions. Talent, Ashland, and Phoenix could sell excess water to each other if a city exceeded their allotment. Each city had their own meter.

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

Engineering Services Manager Scott Fleury provided an update on the Grandview Drive shared road project. Public Works and Electric department staff determined a strategy to install the storm drain, the electrical conduit, the new transformer, paving, and cleanup regarding the retaining wall. The location of the new transformer required extending the guardrail 20-feet and partial relocation of the old guardrail to accommodate the radius. Mr. Fleury confirmed the City did not require an encroachment permit since it was a City contract and staff did the work. They would install the electrical conduit that week followed by paving and cleanup work. Once that was completed, they would set up speed limit and share the roadway signs. They targeted the second week of December for completion of the first phase. Council expressed concern they were not notified of the guardrail extension prior to it happening. Public Works Director Mike Faught took responsibility for the oversight. Staff followed policy regarding notifying neighbors within the project site. After the project finished, staff would itemize the expenditures, determine overall costs, and forward that information to Council.

**PUBLIC HEARINGS** - None

**UNFINISHED BUSINESS** - None

## **NEW AND MISCELLANEOUS BUSINESS**

### **1. Council review of questions for downtown behavior study**

Management Analyst Ann Seltzer explained the City contracted with Southern Oregon University Research Center (SOURCE) to conduct a survey of downtown businesses to determine the effectiveness of the ordinances that went into effect over the summer. Director of SOURCE, Dr. Eva Skuratowicz explained the process in measuring downtown activities involved people who were in that area consistently over time. She decided to focus on the 194 businesses in the downtown, primarily street level businesses. It was also important to be clear on activities that took place in the front, side and back of the business. SOURCE would mail out the survey twice with research assistants calling businesses to get an accurate sense of how these behaviors have shifted, changed, reduced, or increased. Dr. Skuratowicz would follow up with any business in person who failed to respond to all of SOURCE's attempts to gather information. She may talk to the Oregon Shakespeare Festival (OSF) separately.

Council discussed the question regarding the occurrence of ATM users solicited for money. Dr. Skuratowicz would remove the question, call the banks instead, and replace it with another question relating to smoking in the alley or sidewalk areas.

### **2. Discussion of removing public art review and approval requirements from Chapter 18 of the Ashland Municipal Code**

Item delayed to the January 17, 2017 meeting.

## **ORDINANCES, RESOLUTIONS AND CONTRACTS**

### **1. First reading by title only of an ordinance titled, "An ordinance amending AMC 14.04.060 Water Connections Outside City The Limits" and move to second reading.**

City Attorney Dave Lohman noted the ordinance currently stated no premises located outside the City of Ashland may be connected to the City water system with some provisions for Council to make specific approvals. The wording, "may be" could be misunderstood. He proposed changing the language to read, "**no premises located outside the City of Ashland may be connected to the city water system or make use of water obtained through a direct or indirect connection to the city water system.**" Exceptions were narrowly defined but lacked clarity. For **14.04.060(C)(3)(i-v)**, the punctuation did not make it clear that all five criteria needed to be met. Mr. Lohman proposed changing **14.04.060(C)(3)** to read, "**Connections authorized under subsection (B)(3) above shall be made only after all the criteria in subsection (B)(3) and the following have been met.**"

Under **14.04.060(E)**, Mr. Lohman suggested removing the current language and adding, "**Any person who violates any provision of this Chapter shall be punished as set forth in Section 1.08.020 of the Ashland Municipal Code, in addition to other legal and equitable remedies to the City of Ashland, including restriction or termination of service.**" Termination of service was already in **14.05.070** where the City could disconnect service connection from the water supply line if the equipment using the water did not comply with all city, state, and federal laws or standards. He reiterated this was not a change in policy or direction, just clarification.

**John Benson/1120 South Mountain/**Questioned whether premises had to have a structure on the property. Oregon state law said he could water a half acre from a city connection into a county lot. Last Thursday, Mike Faught and Steve Wilson came to his mother's house who had recently come home from the hospital, and informed her she needed to cut the line extending to county property. He claimed the City had given them approval to use city water in 1970, 1990 and in 2009. His neighbor below him had the same zoning and the City had not talked to them. The Oregon state law he referred to was on the Oregon Medical Marijuana Program (OMMP) website. He could get a pump from Talent Irrigation District (TID), or drill a well but that actually violated OMMP rules. He went on to talk about the complaint process, traffic to neighbor's homes and false statements that he had armed guards and vicious dogs. He confirmed he had two lots, one county,

and the other had the city limits boundary running through the lot.

Council confirmed the proposed changes clarified the ordinance and that Mr. Benson had brought up points he wanted Council to consider. Mr. Lohman added Council could make changes to the ordinance and Mr. Benson could appeal his water issues through the appeals process.

The term premise did not mean a structure or building. Councilor Morris noted a situation on his property that meant he too was violating the ordinance. His lot was half in the City and half in the county.

Mr. Lohman clarified they had researched the claims the Benson's received permission to use city water three times in the past and did not find anything indicating there was an agreement to that effect. Nor had the City received any documentation from the Benson's confirming permission. The ordinance did not provide for an exception. Mr. Benson's family could have received a verbal ok but that still did not comply with the ordinance.

**Councilor Lemhouse/Rosenthal m/s to approve the first reading of an Ordinance titled, "An Ordinance Amending AMC 14.04.060 Water Connections Outside the City Limits."**

**DISCUSSION:** Councilor Lemhouse did not think Council could make a value judgment on what occurred on someone's property to determine whether to enforce or clarify the code. He did not want the trees to die but the code was there for a reason. Making an exception set a precedence of value judgments. The code did not provide water outside the city unless the request matched the exceptions criteria. Councilor Rosenthal expressed concern about wading into a neighborhood relations issue and that Council was potentially revising an ordinance that may have unintended consequences. He did not know if clarifying the language clarified the implementation of the ordinance.

Councilor Morris recused himself from the matter.

Councilor Voisin did not think it was a water supply issue because the City supplied water to the Welcome Center and would supply water to the 550 residential units in the Normal Neighborhood Plan. The issue was accommodating residents living on the edge of town who may bring their properties into city limits in the future. She suggested extending the ordinance to include the urban growth boundary. Councilor Seffinger was not comfortable with the possible unintended consequences of changing the ordinance at this point. She wanted a different way to address the neighborhood concerns regarding the use of the property. It was unknown how the clarifications would affect other properties. Mayor Stromberg noted the ordinance was not changing and questioned how it would affect anyone differently.

**Roll Call Vote: Councilor Rosenthal and Lemhouse, YES; Councilor Seffinger and Voisin, NO. Mayor Stromberg broke the tie with a YES vote. Motion passed 3-2.**

**OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS**

Councilor Seffinger announced the Red Cross had a program that provided smoke detectors for citizens that may need financial assistance or help with installation.

**ADJOURNMENT OF BUSINESS MEETING**

Meeting adjourned at 8:20 p.m.