

**DRAFT MINUTES FOR THE REGULAR MEETING
ASHLAND CITY COUNCIL
Tuesday, July 16, 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 Business 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

Mayor Stromberg announced the current Commission and Committee Vacancies.

V. CITY ADMINISTRATOR REPORT

City Administrator Kelly Madding announced that on Saturday the City will have an evacuation exercise at 9 AM on Saturday. She recommended that Citizens in the City to sign up for Nixle. She explained that a message will go out on Thursday which will announce the evacuation exercise. She explained that there will be two mock shelters; one for people with pets and one for people without.

Madding also announced that two churches applied for homeless camping permits which have been issued.

VI. APPROVAL OF MINUTES

1. Study Session of June 17, 2019
2. Business Meeting of June 18, 2019
3. Special Meeting of July 8, 2019

Rosenthal/Graham moved approval of the minutes. Discussion: None. All Ayes. Motion passed unanimously.

VII. SPECIAL PRESENTATIONS & AWARDS

1. Engage Ashland Spring 2019 Presentation

Madding gave a brief Staff report and went over a PowerPoint presentation (*see attached*).

Items discussed were:

- Amount of teams.
- # of residents that answered the door.
- # of residents that did the survey.
- Survey results.

Rosenthal thanked Madding. He spoke that he read all of the comments and suggested that feedback question #4 should be removed.

Graham thanked Staff and spoke that it was a great experience to meet people.

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]*

Kelly Marcatulli – Ashland – Spoke regarding 5G. She spoke that she would like to see action taken on moving forward with this topic. She spoke that she would be willing to start a Committee regarding 5G. She spoke that Citizens are waiting and hoping that Council will do something to address this issue.

Mayor Stromberg explained that action has not been taken since the previous meeting due to him being out of town but he is working on the issue.

Huelz Gutcheon – Ashland – Spoke regarding technology and how to best use it safely for our economy.

William Shanor – Ashland – Spoke regarding the canal project.

X. CONSENT AGENDA

1. Resolution 2019-23 Council Goals

Graham pulled this item. Graham suggested to bring this item back to a future meeting when value of services are identified more clearly.

Graham/Slattery moved to have a Study Session about the Resolution adopting the 2019-2021 goals to refine the document. Discussion: None. Roll Call Vote: Jensen, Rosenthal, Seffinger, Akins, Graham and Slattery: YES. Motion passed unanimously.

2. Reappointments to the Building Appeals Board
3. Appointment of Mark Brouillard to the Transportation Commission
4. Liquor License Approval for Soyoung Im
5. Approval of Radio Maintenance Agreement with Day Wireless
6. Approval of Contract with Pathway Enterprises Inc. (QRF) for Janitorial Services
7. Approval of Two Contracts with Emergency Communications of Southern Oregon
8. Approval of a Three Year Contract with Brown & Brown Northwest for Professional Risk Management Services

Seffinger pulled this item.

Human Resources Director gave a Staff report.

9. Approval of a Memorandum of Understanding with Addictions Recovery Center

Jensen pulled this item.

Police Chief Tighe O'Meara gave a Staff report.

10. Approval to Award Multiple Public Contracts for Water Inventory Materials

Rosenthal/Seffinger moved to approve items 2-10. 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

XIII. NEW AND MISCELLANEOUS BUSINESS

1. Approval of City Administrator to Assume the Duties of the Finance/Administrative Services Director

Madding gave a Staff report. She explained that the Finance Director resigned at the end of the budget process and that duties are being redistributed.

Council discussed the long-term sustainability of this change.

Council discussed a possible compensation increase. Staff explained that this would require approval by Council. Staff explained that Madding has an upcoming performance evaluation and will look at the contract then.

Jesen/Seffinger moved to authorize the City Administrator to assume the duties of the Finance/Administrative Services Director. Discussion- Jensen spoke that this is a wise move. Seffinger spoke in support of Madding. Akins spoke that should be based on a temporary basis. Slattery agreed with Akins. Madding spoke that if the job becomes too much she will bring it to Council. Rosenthal thanked Bryn Morrison and Cindy Hanks for stepping up in their roles in the Finance Department. **Roll Call Vote: Rosenthal, Slattery, Jensen, Akins, Graham and Seffinger: YES. Motion passed unanimously.**

2. Confirmation of Mayoral Appointment of David Shepherd as Fire Chief

Madding gave a Staff report. She spoke in support of Shepherd and recommended approval.

Shepard thanked the Mayor, Councilors and Staff for the opportunity.

Seffinger/Slattery I move to appoint David Shepherd to serve as the City of Ashland’s Fire Chief and authorize the Mayor to sign the accompanying Employment Agreement between the City of Ashland and David Shepherd. Discussion: Seffinger spoke in support of Shepherd. Slattery spoke that Shephard has started here from the beginning and has invested time in the Community. He spoke in support of Shephard. Rosenthal agreed with Seffinger Slattery. **Roll Call Vote: Seffinger, Rosenthal, Graham, Akins, Slattery and Jensen: YES. Motion passed unanimously.**

3. Confirmation of Mayoral Appointment Adam Hanks as Assistant City Administrator

Madding gave a Staff report. She spoke in support of Hanks and recommended approval.

Slattery/Rosenthal moved to appoint Adam Hanks to serve as the City of Ashland’s Assistant City Administrator and authorize the Mayor to sign the accompanying Employment Agreement

between the City of Ashland and Adam Hanks. Discussion: Slattery spoke in agreement with Madding's recommendation. He spoke in support of Adam Hanks and that he has done a great job over the years with the City. Rosenthal agreed with Slattery. He spoke that Hanks has been with the City for 27 years and it is not common for an employee to stay that long. Akins questioned if there would be any contingency with having a married couple working in these positions and if they decided to move. Madding answered no. no difference than any other hire nothing that requires them to stay. Unique but will give city plenty of notice. Madding is Cindy's boss.

Roll Call Vote: Seffinger, Jensen, Slattery, Graham, Akins and Rosenthal: YES. Motion passed unanimously.

Hanks thanked Council and spoke that he has loved every position and time he has had working at the City.

4. National Citizens' Survey Add-Ons and Custom Questions

Madding gave a Staff report.

Council directed Staff to bring this item back with suggested options.

5. Approval of Personal Services Contract - Water Quality Temp Trading Program Partnership Phase 2

Public Works Director Paula Brown gave a Staff report.

Graham/Seffinger moved to approve the execution of a personal services contract with The Freshwater Trust for the Water Quality Temperature Trading Program Partnership; Phase Two.

Discussion: Graham spoke that she is excited for this and it is a great solution. Seffinger agreed. **Roll call vote: Slattery, Graham, Akins, Seffinger, Rosenthal and Jensen: YES. All Ayes. Motion passed unanimously.**

XIV. ORDINANCES, RESOLUTIONS AND CONTRACTS

1. Second Reading of Ordinance 3176 Relating to Public Safety, Adding New Ashland Municipal Code Chapter 10.58

Assistant City Attorney Katrina Brown and Police Chief Tighe O'Meara gave a Staff report.

Brown spoke that this Ordinance does not allow a Police Officer to stop anyone and ask for identification even with probable cause to believe the person has committed a violation. She also spoke that the City Attorney's office nor the Department of Justice believe this Ordinance is unconstitutional. She also spoke that there is a new provision in the Ordinance which would repeal the Ordinance in a year unless the Council takes further action.

Chief O'Meara spoke regarding updates on policy development regarding engaging with members of the transgender community. He spoke that a draft policy has shared with Council and are close to a final policy that will be released to all.

He spoke that on October 2nd there will be training sessions to the Police Department for best practices in engagement with the LGBTQ Community.

He spoke that a debriefing will take place at a future Council Business to report back on training efforts

and on statistical transparency of policing data.

Council questioned if one is committed of a crime can they do community service instead of pay the fine. Brown answered that our Court does not allow for community service. Chief O'Meara spoke that the Court is very accommodating and payment plans can be made.

Public Input:

Ceara Kornblum – Spoke against the Ordinance. Spoke giving statistics regarding Police Officers and minorities getting targeted. She spoke that disciplinary actions to Police Officers are rarely taken. Spoke that a vast percentage use authority to prey on oppressed people.

Jessie Kinny – Medford – Member of Rogue Action Center spoke urging Council to say no to this Ordinance. She read a statement into the record (*see attached*).

Rory Meza- Chair of LGBTQ. Read a Resolution into the record (*see attached*). Spoke to not pass this Ordinance.

Pauleen Black – Ashland – Spoke that opposition is based on clear understanding. Spoke that the City needs to look at ways to help people with lack of funds and mental illness. Spoke that if this Ordinance passes it will make the Community less safe. Spoke that there is no rush to pass this Ordinance and urged Council to listen to the Citizens.

Jordan Marshall – Ashland – Spoke against approving the Ordinance. Spoke that this would demonstrate the trans community to have reason to be afraid to give their legal names and urged Council to vote no.

Syd Browning – Ashland – Spoke in disappointment of the vote on the first reading. Spoke that this will increase targeting and harassment from the cops and more violence. Urged Council to vote no.

Maya Jarrad – Ashland – Spoke against the Ordinance. Spoke regarding the fees that citizens could incur.

Morgan Lindsey – Ashland – Thanked the Council for allowing citizens to speak. Urged Council to vote no on the Ordinance. Spoke in concern of how this will affect friends, neighbors and coworkers. Spoke that she works for OSF and children of color came to Ashland to perform at the Greenshow; they experienced multiple harassments and now the children no longer feel welcome and will not be returning.

Kayla Fennell - Ashland – Spoke against the Ordinance and feels it is a step in the wrong direction and thanked Akins for voting no at the first reading.

Gavin Banes – Ashland – Spoke that passing this Ordinance is not the way to go. Spoke to do something interesting and progressive. Spoke to the importance of inclusion rather than division. Spoke to the importance of fairness and protection.

Kylan De Vries- Spoke that he is a transgender. Spoke that some cannot afford to change their name. He spoke regarding fear. He spoke that he is an SOU professor and the importance to be LGBTQ friendly.

Allie Rosenbluth – Ashland – Urged Council to vote no and read a letter from a Civil Rights Attorney into the record (*see attached*).

Aleph – Ashland – Spoke regarding the statistics of stops from 2010-2016. Spoke questioning why the Hispanic population was not included. Urged Council to vote no and thanked Akins for her vote at the

first reading. Also questioned the Council where are the people that support this Ordinance?

Anna Ford –Ashland – Spoke regarding the fines for a citation. She spoke regarding a personal story of being pulled over as one of and comparison to when her boyfriend got pulled over. She spoke to the inequities of the situation.

Matthew Coleman – Ashland – Spoke against the Ordinance and urged Council to vote no.

Amiko–Gabriel Oscar Blue- Was an Ashland resident now currently in Medford – Thanked Council for allowing to speak on this topic. She spoke against the Ordinance and urged Council to vote no.

Devin Vaittine – Was an Ashland resident now currently in Phoenix -Thanked Akins for her vote on the first reading of the Ordinance. Spoke against the Ordinance. Spoke that no one has spoken for this Ordinance and urged Council to listen to the citizens.

Jamie Powell – Ashland – Thanked Council for taking the time to hear from the constituents and people who voted in the current Councilors. Discussed white supremacy. Spoke in disbelief that the Ordinance is even being contemplated. Spoke in hopes that all can enjoy living in Ashland.

Seval Delong- Ashland – Spoke to the importance of protecting family and friends of color. Spoke that the Council represents the will of the citizens of Ashland and to listen to the citizens. Spoke urging Council to not pass the Ordinance. Spoke that training for equity and inclusion should be for not only the Police Department but for all city employees.

Brandy MacDonald – Ashland – Spoke that she has been a resident for and is a mother. Spoke urging Council to vote no. Spoke that if the Ordinance is passed it will further penalize the homeless and that the City needs resources to help people in need.

Barbara Henson – Ashland – Spoke that she is an employee at SOU. She had a petition of over 200 signatures of citizens wanting to stop the proposed Ordinance. Spoke urging Council to vote no and explained if it is passed it can negatively impact those in marginalized groups.

Mia Maraeck – Ashland – Urged Council to vote no and spoke that the Ordinance is marginalizing and criminalizing. Spoke thanking the Police Department for their work and the audience members that spoke. More people in prison and this is how it starts. Possible and thanked police and the audience. Vote no.

Veronica Silva – Ashland – Spoke that this is a very emotional topic and thanked Akins for her vote at the first reading. Spoke urging Council to vote no.

Edward Masler - Ashland – Spoke regarding the 4th of July speech give by the Mayor and stated he felt it was puzzling.

Nick Morales – Ashland – Spoke in concern about the Ordinance. Spoke regarding the African American who was mistakenly detained in Ashland. Spoke that people who do not speak fluent English can be negatively affected. Spoke to the importance of tourism in Ashland and if people feel unwanted they will not come. Urged Council to vote no.

Johanna Pardo– Ashland – Director of Governmental of Chairs at SOU. Spoke to the importance for Council to listen to the Community and all points of view. Urged Council to vote no.

Cassandra Del Nero – Ashland –Spoke that the Ordinance will be a dangerous tool to the Community and

urged Council to vote no.

Discussion:

Mayor Stromberg asked Staff to speak regarding any of the comments made by the citizens.

Chief O'Meara clarified that Hispanics were not included in the 2012-2016 stops study because there were none.

City Attorney David Lohman explained that the reason this Ordinance has come up is because there are increasing incidents where people are refusing to say their name; if the Police Department does not have any information then they cannot issue a citation.

Akins questioned how is known that it is happening more and more if there are no stats. Chief O'Meara answered that the Police Officers are reporting back that it is happening more and more. He spoke that the City is just trying to get back to the place where we were pre McNally Case.

Council discussed probable cause of a violation. Chief O'Meara explained that no matter what the Police Officers must follow State Laws.

Mayor Stromberg thanked all who spoke. He spoke that it is important for Council to take care of and enforce reasonable laws for the Community.

Akins moved to postpone 2nd reading of Ordinance 3176 and establish a schedule for a study session to discuss other options. No second. Motion died.

Rosenthal/Jensen moved to approve Second Reading of Ordinance No. 3176. Discussion: Rosenthal spoke that he is confident that this is the right thing as a practical matter for public safety prior to the McNally Case. He spoke that if he thought this was marginalizing or abuse of power in Ashland he would be against it. Jensen spoke that this is not a stop and frisk or a tool for targeting certain individuals. He spoke that this is not unique to Ashland and that this is not unconstitutional, not racist or homophobic. He explained that this is an essential tool for ensuring we all live in our social contract as a Community. Graham spoke that the world we live in now the awareness of issues is growing. She explained that because of that the City needs to be careful about what laws are put in place. She spoke to the importance of training. She spoke that as a Community there is more work to be done. Slattery spoke that he has done a lot of research and work on this issue. He explained that he cares deeply about the people who spoke tonight. He spoke that if he thought that this Ordinance would put people at risk he would think differently. He explained that if rights are being violated Council would want to hear you and help. He explained that this Ordinance is not looking to hurt people or to put people in jail. He thanked all who spoke and the importance of Ashland being a place for protecting each other.

Akins spoke that her problem is the criminalization aspect. Taking something that is a small violation to 30 days in jail and \$2050. She spoke that many people came 3 times asking for this not to pass, she explained that the Council works for the people and the importance to listen to them. She spoke that this needs to be re-examined in a year and statistics need to be kept. She spoke in concern that this will hurt the City Ashland and will be voting against the Ordinance. Seffinger spoke in concern that people of any ethnic heritage feeling safe.

Due to time constraints this item was moved to next meeting.

2. Second Reading of Ordinance 3177 Amending AMC CH 2.18 Conservation Commission to the Conservation and Climate Outreach Commission and Ordinance No. 3178 Creating the

Climate Policy Commission; Adding New AMC CH 2.27

Due to time constraints this item was moved to next meeting.

3. Climate Policy Advisory Commission Appointments

Due to time constraints this item was moved to next meeting.

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

XVI. ADJOURNMENT OF BUSINESS MEETING

The Business Meeting was adjourned at 10:30 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).