

**MINUTES FOR THE REGULAR MEETING
ASHLAND CITY COUNCIL
September 2, 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 Wildfire Mitigation, Forest Lands, Public Arts, and Tree Commissions.

City Administrator Dave Kanner and Council set September 18, 2014 at 8:30 a.m. for the next Goal Setting session.

APPROVAL OF MINUTES

The minutes of the Study Session of August 18, 2014, the Executive Session of August 18, 2014 and the Business Meeting of August 19, 2014 were approved with a clarification from the Mayor.

Mayor Stromberg clarified his intention on page 5 of the Business Meeting of August 19, 2014, under the motion to approve the Resolution establishing tax rates for the sale of medical marijuana, with the following statement, "that although I support not taxing dispensaries if they operate like actual pharmacies, there's a good chance they won't, especially if the State integrates them with recreational marijuana outlets. In this case, the City may have substantial additional costs. So, for now, I believe we should tax the dispensaries to protect ourselves in case we get grandfathered but as part of the deal dispensaries are left out because we set their tax rate at zero."

SPECIAL PRESENTATIONS & AWARDS

City Administrator Dave Kanner presented the 2014 drought noted the following:

- Talent/Phoenix/Ashland (TAP) completed and under budget
- Few calls received on quality of water
- Reeder Reservoir is 99% full – due to addition of Talent Irrigation District (TID) water
- Water use remains low – under 4,000,000 gallons per day (mgd)
- TID closes irrigation season on September 15 – if the City continued getting 2 mgd from the East and West Forks it may start to draw down the reservoir at 1 mgd
- Water measures if the drought continued into winter and possibly banking water

Division Chief-Forest Resource Chris Chambers and Lomakatsi Executive Director Marko Bey presented an update on Ashland Forest Resiliency (AFR) Stewardship Project funding. The update included background on the Master Stewardship Agreement, funds spent using stimulus dollars, grants, and dedicated funds. Lomakatsi Restoration Project provided fuel reduction work on 215 acres in the watershed and submitted a proposal, AFAR, for fuels treatment all around the watershed on private non-federal lands to compliment the work in the AFR project. The National Resources Conservation Service (NRCS) could provide an additional \$3,900,000 to treat the 4,200 acres involved in that project through a special mechanism called the Regional Cooperative Conservation Partnership. Lomakatsi implemented 140 acres with 2013-14 funds from the City. Using matching funds from the National Forest Foundation

and the City, Lomakatsi implemented 75 acres with 275 acres targeted for completion December 31, 2014. Of the \$350,000, AFR spent all but \$35,000.

CONSENT AGENDA

- 1. Approval of commission, committee, and board minutes**
- 2. Appointments to Airport Commission**
- 3. Appointment to Historic Commission**
- 4. Endorsement of the Monster Dash for the purpose of hanging a banner**

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

PUBLIC HEARINGS - None

PUBLIC FORUM

Kelly Hammond/184 Clearcreek Drive/Requested a stronger police presence downtown specifically on the southwest corner of East Main Street and Pioneer Street. This area was a gathering place for the transient community and this summer brought an increase of unacceptable behavior. She shared an incident where a transient's dog bit a customer from the store she worked at. An officer stationed in the area would have prevented this occurrence. Another issue was the escalation in aggressive pan handling and lewd comments. She stressed this was bad behavior of a few, not all and submitted a document into the record.

Pam Hammond/642 Van Sant Street/Suggested the Mayor and Council remind downtown businesses of their responsibility for keeping the sidewalks safe and clean adjacent to their businesses. She suggested the City offer a steam cleaning service for a fee to downtown businesses on a monthly basis. She expressed concern for the animals that accompanied transients and spent their days on leashes in the hot sun and cement on the corner of Pioneer Street and East Main Street. She thanked Police Chief Holderness for the more visible police presence over the Labor Day weekend. The last few weeks were extremely challenging for her employees and visitors with the dense population of people and animals on the corner of East Main Street and Pioneer Street. They were grateful when they received a quick response to their phone calls.

Councilor Lemhouse/Rosenthal m/s to place both items under New Business for council discussion. Voice Vote: all AYES. Motion passed. Mayor Stromberg moved the items under Other Business with Council consent.

UNFINISHED BUSINESS - None

NEW AND MISCELLANEOUS BUSINESS

1. FY 2013-2014 Fourth Quarter Financial Report

Administrative Services Director Lee Tuneberg explained the report showed preliminary numbers, staff was still finishing the audit and preparing financial reports for a meeting with the Audit Commission. Total cash was flat between the years with many revenues and several expenditures in capital projects. The year finished within budget compliance and relatively close to projections. Mr. Tuneberg clarified and explained how water sales increasing and usage decreasing did not necessarily indicate a rate increase. The similar applied to the city overspending \$1,600,000 compared to the anticipated \$11,000,000 reduction in working capital carry forward. Staff compared total resources to total requirements. Another factor were capital projects not starting as scheduled causing fluctuations on the carry forward with funds received for one year being spent in the following year. He went on to clarify

the money transferred from the Reserve Fund into the General Fund was for the Community Resource Center and the health benefits fund as a loan.

Councilor Rosenthal/Voisin m/s to accept the preliminary fourth quarter financial report for Fiscal Year 2013-2014. Voice Vote: all AYES. Motion passed.

2. Recommendation from the ad hoc Downtown Improvement and Beautification Committee for the use of TOT funds for “other City projects that qualify”

Management Analyst Ann Seltzer explained the Committee developed a plan using transient occupancy tax (TOT) funds for beautification projects primarily in the downtown area. The Committee identified the following projects for the current budget cycle:

- Landscape Improvements to Lithia Way/Pioneer Street Parking Lot

Ms. Seltzer explained pedestrian traffic patterns were already established and the Parks and Recreation Department created bark dust pathways to channel people through the area. The Parks and Recreation Department used fencing to protect new plants along the Lithia Way buffer in the past and removed it when the plants were established. The intention was protect the plants and make a decision regarding the fencing later.

Council wanted to review implementation plans for each project for final approval.

- Commission a vertical decorative element/public art for the half wall adjacent to Earthly Goods and incorporate seating

Ms. Seltzer clarified the Public Arts Commission would develop a request for proposal (RFP) for conceptual designs. Brent Thompson vice-chair of Beautification Committee further clarified the allocation was up to \$18,000.

- Planter at the corner of Winburn Way and North Main
- Triangle at the corner of Pioneer Street and Lithia Way

Staff confirmed the Engineering Department was involved in the recommendation to use funds from the miscellaneous concrete fund. Mr. Thompson confirmed recommendations before Council did not go through the Transportation Commission. The Downtown Improvement and Beautification Committee did not think they were germane to the Transportation Commission.

Councilor Voisin motioned that the Transportation Commission look at those projects dealing with pedestrian safety issues. Motion died for lack of a second.

- Plaza - free standing planters, additional plants, decorative fencing to protect new plants

Council wanted to know the type of planter, plants, and colors, which department would provide maintenance, projected annual overhead costs, staff time, budget, and who would decide what it looked like. Mr. Thompson responded the project would go out for bid and come back to Council for plan approval.

- Plaza partial paver replacement

The Committee would forward recommendations for the next fiscal year to Council at a future meeting. Projects the Committee had already implemented included three new temporary Welcome to Ashland signs, colored pennants in the Plaza, installing a pedestrian light at the staircase leading from New Theatre to East Main Street, and allocating \$12,500 for right of way improvements on Lithia Way between Pioneer Street and Oak Street that would begin fall 2014.

Isabeau Vollhardt/45 Alida Street #2/Expressed concern regarding the color of the pavers in the Plaza and explained the color created heat issues during the summer. The first priority project should be replacing 60%-75% of the pavers. If cost was an issue, there were several residents willing to spearhead a fund raising campaign. Shade was another issue that needed attention.

Rik Burns/77 California Street #4/Also had concerns regarding the Plaza and wanted to remind the Committees and those involved in future projects to honor the agreed plans between the City and the community to avoid another “Plaza Gate.”

Doug Burns/77 California Street #4/Referred to his previous public testimony regarding paver selection in the Plaza that outlined violations of the Ashland Municipal Code, and how the City Administrator and City Attorney did not know or take responsibility for the obvious violations. The violations included the decision to change the pavers from salmon to gray because it complimented public art and the other was a subcommittee making a decision on a \$225,000 project. He felt maligned by the City Administrator following his prior testimony.

Councilor Lemhouse called for a point of order explaining Mr. Burns’s comments did not pertain to the topic and he should have spoken during Public Forum. The City Attorney agreed. Mr. Burns took issue with the decision and reiterated his points.

John Wieczorek/165 Orange Street/Noted the need for more public restrooms open 24 hours a day. He specifically addressed the Porta Potty.

Marilyn Briggs/490 Glenview Drive/Researched public spaces and noted the original discussion regarding the Plaza included requests for low maintenance and decisions that would avoid vandalism. The recommendation to add planters would cost more to maintain and most likely incur vandalism. If people wanted greenery, Lithia Park was across the street. She did not want more expenditure on greenery for the Plaza. She noted designers talked about open public space being neutral creating a background. It was the people in the space providing the color and movement. From her research, very few plaza spaces used red or sand colored brick. She hoped the City would not spend a lot of money on something not needed. She went on to suggest the City create a proper entry to City Hall.

Committee member Stefani Seffinger thought the Beautification Committee should continue and work on the paver project if Council went forward with that recommendation. The purpose of the Plaza needed better definition, was it a gathering space or an area to pass through. She submitted an article on trees that pollute into the record. Committee member Michael Dawkins shared input from long term residents that noted the Plaza had more activity recently than years before. He also added on hot days it did not matter what color the pavers were, they were all hot. Mr. Thompson made additional comments on the Committee and explained there was \$25,000 of unallocated funds leftover for biennium July 1, 2015 – June 30, 2017. The Committee would reconvene if Council wanted.

Councilor Lemhouse/Slattery m/s to approve the recommendations of the Downtown Beautification Improvement ad hoc Committee and direct staff to provide Council with a plan for implementation for each project. DISCUSSION: Councilor Lemhouse thanked the Committee and City staff for their involvement and efforts and appreciated their willingness to reconvene if needed. It was prudent to accept the recommendations and get further into the details when the implementation plans came before Council. He was not comfortable at the Council level choosing color palettes. Councilor Slattery sat in on the Committee once and thought how the Committee behaved defined democracy in a small community. Councilor Marsh added the Committee exceeded Council expectations and liked their expertise and recommendations. She suggested including RFP’s with the implementation plans in order

to be as transparent and publicly accessible as possible. Councilor Rosenthal liked the recommendations with one exception he might vote against in the future.

Councilor Voisin motioned to amend the motion that the Council table the two plaza projects for a later date and focus on the other projects. Motion died due for lack of a second. Councilor Morris explained that even though he did not second the motion he would wait until the information on the projects came forward to decide whether to support them or not.

Continued discussion on main motion: Mr. Kanner explained staff would send out RFPs and RFQs (Request for Quote) to landscape architects for designs that would go before Council for approval prior to moving forward. He estimated the most expensive RFP or RFQ would cost \$4,000. Councilor Marsh suggested involving Council at the earliest feasible phases on the projects particularly the Plaza projects.

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

3. Direction to staff regarding questions for citizen survey

City Administrator Dave Kanner explained every other year the City participated with the National Research Center in the National Citizens Survey along with 500 cities nationwide. As part of the survey, the City could ask three locally generated questions, one open ended and two multiple choice. The Parks Commission wanted to ask what programs the community wanted Parks and Recreation Department to offer or expand as the open-ended question and Council agreed. Council selected a question regarding economic development and one regarding the City Hall building. They requested the question for the City Hall building be less specific or to use the original question staff proposed.

ORDINANCES, RESOLUTIONS AND CONTRACTS

1. Approval of a resolution titled, “A resolution establishing fees and charges effective September 4, 2014, for medical marijuana dispensary application processing”

Administrative Services Director Lee Tuneberg explained the resolution provided new fees when the City processed permits for medical marijuana dispensaries beginning Thursday September 4, 2014. City Attorney Dave Lohman submitted a revised resolution that did not have language regarding background checks. Enforcement regarding employees with disqualifying criminal background could occur through owner self-disclosure, via complaint, or discovered during an investigation of the dispensary. The condition of not having a disqualifying criminal history was continual.

Councilor Rosenthal/Marsh m/s to approve Resolution 2014-16. Roll Call Vote: Councilor Voisin, Rosenthal, Marsh, Lemhouse, Morris, and Slattery, YES. Motion approved.

OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

1. Discussion regarding transients and safety issues for the E Main Street and Pioneer Street area.

Police Chief Terry Holderness explained the Police Department provided more coverage to the downtown area this summer than in the past. He originally intended 100 hours of coverage but due to staffing and the You Have Options program was only able to provide 70 hours a week.

The summer was relatively quiet until the past two weeks that generated several complaints downtown. Jackson Wellsprings held an annual music event a week before Burning Man that drew many transients and travelers. People typically would stay for a few days then leave for Burning Man however, this year several stayed in Ashland that resulted in issues and complaints. Most of the conduct described was not against the law in the state of Oregon and that included harassing comments. The Police Department planned to increase patrol of the downtown area for the next couple of weeks until the group passed through. He hoped that the following summer the department would be fully staffed and funded to

provide 100 hours of coverage in the downtown area each week.

The Police Department had issued many tickets to people visibly intoxicated and drinking in public but did not think citations were a deterrent for people not intending to stay in the area. People ticketed this summer who did not pay their fines would have warrants issued for their arrest when they returned the following year. The area in front the Black Swan that caused so much issue would undergo a remodel through the Oregon Shakespeare Festival (OSF) that would reduce complaints at that corner. The changes would displace some transients to another location.

Chief Holderness clarified sexual harassment was a civil tort and not a criminal violation. Sexual assault was reasonable apprehension of physical violence established through the reasonable person standard. Chief Holderness was confident the changes to the Black Swan area would drastically reduce activity next year. The problem was displacement. Another contributing issue was raised planter boxes off the sidewalk, wherever planters like that stood the City had problems. He addressed dogs and explained the police cite owners for not maintaining their dogs or physically abusing them but did not cite for undernourished animals. It was also difficult enforcing licensing and vaccination requirements on dogs with transient owners.

Council would further discuss police presence and what action Council could take at a future Study Session.

City Administrator Dave Kanner explained staff had discussed offering a service to steam clean sidewalks for businesses during the shoulder seasons. The Street Department staff was extremely busy with work they could only accomplish during summer. The City did not clean the sidewalks because it was a resource allocation issue and the Ashland Municipal Code stated that the adjacent property owner was responsible for maintaining the sidewalk in a clean and safe condition and removing obstructions. Mr. Kanner would look into a program for the off-season, establish a fee rate, and bring it back to Council for consideration.

Councilor Marsh shared that 200 families attended the Family Fest event at the Ashland Resource Center held August 27, 2014 and received a variety of services. Councilor Lemhouse noted people brought 157 lbs. of food to the Ashland High School scrimmage that occurred August 23, 2014. Councilor Voisin congratulated the Police Department for their nomination of the Webber Seavey Award for excellence in Law Enforcement for the You Have Options Program and making it to the top ten.

Mr. Kanner announced a ribbon cutting celebration for the TAP pipeline Thursday, September 11, 2014 at 4:30 at the new pump station at 2253 Rogue Valley Highway 99 North.

ADJOURNMENT OF BUSINESS MEETING

Meeting adjourned at 10:29 p.m.

Barbara Christensen, City Recorder

John Stromberg, Mayor