

TOLEDO CITY COUNCIL MINUTES
REGULAR SESSION
February 7, 2018

Mayor Billie Jo Smith called the meeting to order at 7:00 PM. Councilors present: Joshua Smith, Deanne Dunlap, William Dalbey, Jackie Kaufman, Michelle Johnson and Council President Terri Strom.

Councilors absent: None

Staff present: City Manager (CM) Craig Martin, Police Chief (PC) Dave Enyeart, City Attorney (CA) David Robinson, Library Director (LD) Deborah Trusty, Public Works Director (PWD) Michael Adams.

Visitors present: Randy Getman, Jeff Hollen, Annette Brooks, Joan Demarest, Joan Brown, Nancy Bryant, Polly Chavarria.

Visitors/Public Comment

Municipal Court Judge Joan Demarest:

Municipal Court Judge Demarest (MCJ Demarest) introduced herself and gave a report on the operations of the Toledo Municipal Court. She reported that Court activity has increased significantly (almost twofold) over the last three years especially regarding traffic citations. 2015 citations totaled 630, 2016 – 502 and 2017 - 1,014. MCJ Demarest reported that we are looking at clerical changes to assist with the increased workload of the Court Clerk due to these increases. The revenue generated by the Court is as follows: 2014 – 2015 @ \$45,672.00, 2015 – 2016 @ \$55,110.00 and 2016 – 2017 @ \$88,562.00. She noted that Toledo Municipal Court is somewhat unique in its revenue generation in that the revenue is currently greater than the expense for operating the court. She also noted that the Toledo Police Department staff have recently become certified to conduct safety inspections on the commercial vehicles and cite violations if needed during traffic stops. MCJ Demarest encouraged City Council Members to come to court to observe the proceedings. She further explained the court process to advise Court participants of their rights and responsibilities, and the requirements for the City to adjudicate their citations including the process for them to request a trial if desired.

MCJ Demarest explained the process for non-moving violations such as expired licenses, registration and proof of insurance violations and that she usually grants time to the defendant to resolve issues at a smaller fine to incentivize them to come into compliance. She has also initiated a Diversion Program for drivers under 18 and Senior Citizens to participate in a training program and if completed successfully will ultimately result in the dismissal of their citation(s).

MCJ Demarest further explained the process for driving privilege revocations for repeat offenders or those that fail to appear on their court dates. The Court strives to treat all persons before it with respect regardless of their education, background and/or age. She tried to establish a Diversion Program for the Commercial Truck violations but the State of Oregon has pre-empted the City Courts ability for that type of program. As such the Commercial Vehicle violations are mandatorily recorded on their driving records.

Mayor Smith stated that the Judge's Contract needs to be reviewed for the upcoming fiscal year. She asked for Council members to assist with this process and councilors Kaufman and Council president Strom agreed to serve on same.

Consent Calendar

Motion- It was moved and seconded (Strom/Kaufman) to approve the consent calendar consisting of City Council minutes dated January 17, 2018.

Motion passed 7-0.

Discussion and Information Items

Committee Updates

Cascades West Area Commission on Transportation (CWACT):

Councilor B. Dalbey reported on this attendance at the Cascades West Area Commission on Transportation Meeting. He reported that a new bus service has been launched in the Corvallis area that provides connection to the Amtrak Train Station (in Albany). The website for this service is www.corvallistoamtrak.com for more information. He further reported on the Statewide Transportation Improvement Fund or "S.T.I.F." and noted the process to receive funding from this particular funding stream. Visitor Bill Farley questioned regarding the location of the Amtrak stops. Councilor Dalbey clarified that the Amtrak location is in Albany and that the bus has five locations to pick up passengers for transport to the Albany location.

Mayor Smith reported on her attendance at the Oregon Cascades West Council of Governments (COG) Board meeting and that the City's membership dues will be increased by \$157.57 to \$4,014.95.

Decision Items

Proposed Resolution – Consider setting a rate for purchase of water by the Seal Rock Water District:

CM Martin introduced the request for Council to consider a resolution to adopt a rate for the sale of water to the Seal Rock Water District (SRWD), Resolution No. 1399. The requested rate increase is approximately 1.5% from the current rate of \$3.35 to \$3.40 per 1,000 gallons. CM Martin reported on the City's tardiness in reporting required financial information in breach of the requirements of the water purchase agreement between the City and SRWD. He further stated that SRWD has agreed to honor the rate increase request and is asking the City to sign a Water Rate Settlement Agreement that acknowledges the City's failure to comply with this provision of the agreement and also approve the rate increase effective January 1, 2018. CM Martin indicated Attorney J. Hollen representing the SRWD is present to address the Council regarding the settlement agreement and or respond to any questions regarding same. Mayor Smith asked if the rate would be effective January 1, 2018 or February 1, 2018. CM Martin clarified that the settlement agreement would be effective January 1, 2018, but the new rate would be effective February 1, 2018 if approved by Council.

Councilor Dalbey questioned the language in the settlement agreement regarding not setting a precedent on the contract violation. Attorney J. Hollen stated that provision was to assure the contract is followed more closely by the City in the future. He further stated that his client (SRWD) would like to address the Council in the future regarding the termination of the current water purchase agreement and the possibility of a future purchase agreement for water between the

entities. The Council indicated the desire to invite SRWD representatives to a future work session acknowledging that City staff would be meeting with SRWD in the next month or so as required by the current purchase agreement.

Public Comment: There was no public comment.

Motion-It was moved and seconded (J. Smith/D. Dunlap) to approve Resolution No. 1399, a Resolution Fixing the Rates and Charges to be paid by the Seal Rock Water District for the Purchase of Treated water effective February 1, 2018, and repealing Resolution No. 1387 for 2016.

Motion passed 7-0.

Approval of Water Rate Settlement Agreement between the City of Toledo and Seal Rock Water District.

Motion: It was moved and seconded (J. Smith/J. Kaufman) to approve the Seal Rock Water Rate Settlement Agreement for the calendar year 2018.

Public comment: There was no public comment.

Motion passed 7-0.

Adoption of Library Policies.

Library Director Deborah Trusty explained the item before Council for consideration is to formally adopt policies that will govern the use of the City Library as it relates to policies regarding facility use, fines, circulation and related services. The proposed policies have been compiled and reviewed by City staff, CA Robinson and Council at a previous work session. They have been developed through an aggregation of previous City policies as well as other library policies obtained from other public libraries across the nation. CM Martin explained the evolution of the proposed policy booklet and the change in authority of the Library Advisory Board which has reviewed the document and recommends approval by the Council.

Mayor Smith asked about the reference to the Library Operational Plan in the history section of the policy. Library Director Trusty indicated the reference was for the past plans and that the Library is currently operating under the current plan which expires in 2018.

Public comment: There was no public comment.

Motion-It was moved and seconded (T. Strom/J. Smith) to adopt a Library Policy Manual governing the management and use of the Toledo Public Library.

Motion passed, 7-0

Contract Approval for Code Enforcement Services:

CM Martin introduced the Request for Council Action to consider approval of a contract between the City Toledo and TCB Management Inc., for the provision of Code Enforcement Services for the City. The previous Code Enforcement Services Agreement had terminated in December 2017. An informal solicitation for proposals was conducted and two entities responded, one of which

was a sole proprietor who withdrew their interest due to the travel requirements from their home location. TCB Management Inc., submitted a proposal for providing these services, initially at a two day (16.0) hours per week level, at a rate of \$31.50 per hour. TCB will provide all personnel, equipment supplies and insurance necessary to perform these services under the direction of the Toledo Police Department.

Mike Goff, CEO of TCB Management Inc. responded to questions from the Council regarding the approach taken to administer the program. He stated they initially work towards voluntary compliance before enforcement actions and will try to have initial face – face contacts with the property owner/resident as opposed to just issuing formal letters or notices. CM Martin explained the breadth of code enforcement issues that the person in the position will provide including nuisance, zoning and other locally mandated ordinance compliance.

Mayor Smith stated she wants to insure the citizens engaged by the Code Enforcement services are treated respectfully, and that the majority of her discussions she has with the public at her weekly “Chat with the Mayor” sessions usually deal with some form of nuisance abatement issues and or concerns within the City.

Public Comments: William Farley asked how a person interfaces with the code enforcement services and reports possible code violations. CP Enyeart and CM Martin explained that a person can contact the Police Department at their non-emergency number or complete an on-line request form that is located on the City’s website. Once received the requests are forwarded to the appropriate Code Enforcement personnel for follow up.

Councilor Dalbey asked regarding the approach of contacting potential properties with violations as he has heard anecdotal comments about persons being contacted in the past by letters which have contained a “somewhat threatening tone”.

CP Dave Enyeart responded that all code enforcement related correspondence is reviewed by him before it is sent and at least three (3) letters are usually sent for properties or situations where there is not a person on site for contact.

Councilor Dalbey further inquired regarding the emergency cancellation clause of the contract. CM Martin stated that clause would allow the City to cancel the agreement for emergency situations such as the inability to continue paying for the services. He further stated that in response to a Council request regarding funding for current year, the remaining funds would be adequate to fund the proposed 16 hours per week of code enforcement services.

Councilor Kaufman noted there will several typographical and punctuation errors in the contract and asked that these be corrected on the final form. CM Martin apologized for the errors and would be sure the contract is proofed further for errors and corrected before execution. None of the errors materially affected the provisions of the contract.

Public comment: There was no public comment.

Motion- It was moved and seconded (J. Kaufman/B. Dalbey) to approve a Code Enforcement Services Agreement with TCB Management Group Inc. to provide Code enforcement Services for the City of Toledo, with noted typographical corrections.

Motion passed, 7-0

Approval of a Donation Agreement between the City of Toledo and Georgia Pacific Toledo, LLC:

PC Enyeart introduced the request for approval of a Donation Agreement between the City of Toledo and Georgia Pacific wherein Georgia Pacific will purchase a \$15,000.00 digital radar messaging display trailer for use for traffic safety messaging as well as event and activity promotion in the Toledo area. The unit could also be used for emergency road closures or construction detours. GP is requesting the City agree to maintain the unit for five years and use it to encourage safe vehicle operation including truck traffic in the mill and other areas.

Councilor Dalby inquired as to the costs of the maintenance of the unit. CM Martin indicated that it could cost up to \$1,500.00 year to maintain the unit if we choose to employ the cloud based management system for remote programming. The cost if this option if used would be \$7,500.00 total over the five year term of the agreement. Councilor Dalbey expressed concern that the software and maintenance cost over five years would be nearly half of the amount of the acquisition cost of the unit. CM Martin stated this software and cloud based access cost is optional since the unit can still be utilized without this programming option.

Public comment: There was no public comment.

Motion- It was moved and seconded (Council J. Smith/J. Kaufman) to approve a donation agreement with Georgia Pacific for the acquisition of a digital traffic messaging sign.

Motion passes 6 – 1 with Councilor Dalbey opposing.

Amendment of Purchase of Police Vehicle:

CM Martin introduced this Request for Council Action to authorize additional funds to purchase the new police vehicle previously approved at the December 6, 2018 Council Meeting.

Public comment: There was no public comment.

Motion- It was moved and seconded (Councilor T. Strom/J. Smith) to approve the purchase of a 2018 Ford Explorer Police Interceptor and related equipment for a total expenditure not to exceed \$47,951.06, in accordance with the adopted City of Toledo Public Contracting Rules.

Motion passes 7-0.

Reports and Comments

Department Reports:

PWD Michael Adams gave a report on the status of f PW staffing and services, and encouraged persons with any questions or concerns related to the numerous public works services to contact the Department.

PC Enyeart notified the Council of two pending dispatcher vacancies. Staff will be reviewing the previous hiring list from the past recruitment and hopefully be able to fill the vacancies from the previous candidate list.

LD Trusty reported that the Library has also been hiring and Harrison Baker has been hired into the Assistant Library Director position and they are currently seeking candidates for the Library Technical Services Operator position. They are also participating in a fish rearing display and the exterior flagpole and plaza area is nearly complete.

City Manager's Report

CM Martin updated Council regarding City Hall staffing positions: The accounts payable position has been filled by Cindy Olivieri and the utility billing position has been filled with Sharon Kelly. Tim Johnson has been promoted to the Senior Groundskeeper position and he and the facilities maintenance functions are now under the direction of the Public Works Department. He is also looking to fill the vacant City Recorder, Finance Director and City Planner positions.

CM Martin also reported that the Government Finance Officers Association (GFOA) has recognized the City of Toledo with the "Distinguished Budget Presentation Award" for 2017. He recognized the efforts of recently retired Finance Director Polly Chavarria who was present in the council Chambers for achieving this recognition.

CM Martin provided an update on the transition of Pool operations to the Greater Toledo Pool Recreation District. The transition is progressing well with a scheduled completion date of February 28, 2018.

Council Comments

Councilor Strom commented regarding the "Street Hearts" that have been recently installed by the Toledo Downtown Association on the light poles in the downtown and business 20 sections of the community.

Councilor Dunlap commented on the next neighborhood watch meeting for the downtown business sector scheduled for Tuesday February 20, 2018 at 5:30 PM.

CM Martin asked regarding possible Council Goal setting dates with facilitator John Morgan and that Mr. Morgan would only be available on weekends (Saturday/Sunday). After discussion regarding possible dates, the Council agreed to try and schedule the session for Saturday March 31, 2018, all day. CM Martin will confirm this date with facilitator Morgan and report back to Council at the next meeting.

Mayor Comments

Mayor Smith commented regarding the pending transfer of the swimming pool to the GTPRD. The District has indicated it will close the pool March 1 -3 and reopen on Sunday March 4 with some sort of a grand opening event.

Mayor Smith further stated the need to conduct the annual evaluation of the City Manager. She asked for a Council sub-committee to assist her with reviewing the form and process for

conducting the evaluation. Councilors Dalbey and Dunlap agreed to participate in this sub-committee.

The “Chat with the Mayor” this month is happening on Wednesdays from 2 - 4 PM at the Bird Haus Beauty Salon on Main Street.

Adjournment:

Mayor Smith adjourned the meeting at 8:40 PM.

ATTEST:

APPROVE:

/s/City Recorder

/s/Mayor