

**TOLEDO CITY COUNCIL
REGULAR MEETING
March 6, 2019
City Council Chambers**

1. CALL TO ORDER

Mayor Rod Cross called the meeting to order at 7:00 p.m.

Present	Absent	
<u>X</u>		<u>Mayor Rod Cross</u>
	<u>X</u>	<u>Council President Joshua Smith</u>
<u>X</u>		<u>Councilor Jackie Kauffman</u>
<u>X</u>		<u>Councilor Heather Jukich</u>
<u>X</u>		<u>Councilor Bill Dalbey</u>
<u>X</u>		<u>Councilor Stu Strom</u>
<u>X</u>		<u>Councilor Betty Kamikawa</u>

Staff present: City Manager (CM) Craig Martin, Police Chief (PC) Dave Enyeart, City Recorder (CR) Lisa Figueroa, Public Works Director (PWD) Michael J. Adams, Finance Director (FD) Judy Richter and City Attorney (CA) David Robinson

Visitors present: Jerry Marsh, Mikel Johnson, Todd Michels, Robert Duprau, Jeff Hollen, Dave Huntington and Tonya Johnson

2. VISITORS/PUBLIC COMMENT

There were no comments.

3. CONSENT CALENDAR

Motion-It was moved and seconded (Strom/Dalbey) to approve the consent calendar consisting of the City Council minutes of February 1, 2019 as presented and the motion passed unanimously.

4. DISCUSSION AND INFORMATION ITEMS

Committee Updates

CM Martin provided a report to the Council and noted there are two vacancies on the Planning Commission. He said two applications were submitted and both applicants are present for interviews. He noted the Council may vote to suspend their Council rules and vote to fill one or both of the vacancies at this meeting.

The Council interviewed Mr. Duprau and Mr. Michels for the Planning Commission. Following interviews, the Council considered whether they should make an appointment at this meeting. Councilor Jukich declared she would abstain from the vote as her partner is one of the applicants for the Planning Commission.

There was a consensus of the Council to temporarily suspend the City Council rules and appoint both applicants to the Planning Commission, with an abstention by Councilor Jukich.

5. DECISION ITEMS

Seal Rock Water District Wholesale Rate Adjustment Settlement

PWD Adams provided an update to the Council based on the discussion from the February 27 City Council work session. He indicated if the Council were to authorize the agreement, he would bring back a resolution at a future meeting for Council approval once the Seal Rock Water District signs the agreement.

Motion-It was moved and seconded (Jukich/Strom) to approve the Water Rate Agreement and the motion passed unanimously.

Oregon State University Cooperative Extension Community Garden Lease Agreement

CM Martin indicated the Oregon State University Cooperative Extension group has leased City property adjacent to the skate park and operated a community garden for nearly seven years. He said in 2017 the lease expired and the City Council approved a one-year lease to evaluate costs associated with that operation and noted there is water used at the property. He introduced the 4-H Program Coordinator Todd Williver and Project Leader Randi Weise. Mr. Williver displayed a presentation and said from 2012 to 2016, the property has been developed to include a greenhouse and eight gardens. He said they initially invested \$8,000 with assistance from the YA 4-HA grant and have volunteered over 850 hours. He said they received an additional \$1,200 in donations for topsoil debris removal, other garden materials. He indicated they have donated food to local residents and 4-H families.

The Council asked clarification questions in regards to community outreach and enrollment requirements. Ms. Weise said the kids donate food to local organizations, but she would rather have the kids donate to people directly.

Mikel Johnson, resident, commented on having a winter garden. Ms. Weise indicated the garden is open most of the year.

Councilor Kamikawa commented on the University's responsibilities and said she would like to see more effort from the program to encourage local youth. Councilor Jukich noted 5(b) should read as, "local" instead of "locate". Councilor Kauffman suggested the kids sell crops at the local market to raise funds to help their program be sustainable. The Council asked if the University would provide semi-annual reports to the City and to include the semi-annual reports in the agreement.

Motion-It was moved and seconded (Strom/Jukich) to approve the Community Garden Lease agreement as amended. Councilor Kamikawa indicated she would abstain from voting on this issue since she is associated with the Girl Scouts who participated at the garden. The motion passed 5-0 with an abstention from Councilor Kamikawa.

Policy Changes – City Enhancement and In Kind Services Policy

CM Martin provided a report and background on the policy to the City Council. He said currently the funding of the program comes from alcohol and cigarette state shared tax revenue. He said if the Council were to approve the request, then the state shared revenue from the marijuana tax would be included into the funding of the program, which could add up to \$1,500 annually.

Motion-It was moved and seconded (Jukich/Kamikawa) to adopt a revised City Enhancement and In Kind Services Policy to include 15% of the annual state shared marijuana tax revenue as additional funding for the program.

Mayor Cross commented on the importance of the program and stated it is a way for the City to give back to local organizations. Following discussion the motion passed unanimously.

6. REPORTS AND COMMENTS

Mayor Cross thanked the Police and Fire Departments for their assistance on getting the community together to welcome the high school boys and girls basketball teams back following the state tournament over the weekend.

FD Richter thanked the Council for the opportunity to join the City and said she is impressed with the management team and the City Manager.

CM Martin indicated there were two proposals received in response to the City Attorney Request for Proposals and inquired how they would like to proceed to review the proposals. There was a consensus of the Council to include the proposals in the next Council packet for presentations at the next regular meeting.

CM Martin said there is a Planning Commission meeting scheduled for March 13 and informed the Council that if they attend the meeting, they must declare ex parte contacts. He noted it is time for Council and Planning Commission members to file their annual Statement of Economic Interest form and noted they should receive a notification from the Oregon Ethics Commission. He reported he attended the North Lincoln Fire Fighter 1 graduation ceremony last week where four Toledo volunteers graduated and one was selected as outstanding cadet.

Councilor Strom asked about the status of the code enforcement complaints from the last City Council meeting. CM Martin replied a report would be provided to the Council with the code enforcement officer present to answer questions. PC Enyeart indicated the report would be provided at the March 27 work session.

Councilor Jukich said there will be a Summer Festival Committee meeting at Timbers Restaurant on Monday, March 11 at 6:00 p.m.

Councilor Strom said he attended the Greater Toledo Pool District meeting and said they are moving forward with the architectural plans as well as preparing for upcoming swimming classes. He mentioned he attended the housing meeting and said it was informative.

Councilor Kamikawa said she attended the housing meeting and said there is a lot that needs to be done at the County and local level. She said she went to the Lincoln County Health Improvement Plan meeting and noted there is an online survey available that will help the County choose health priorities for the next few years.

Councilor Dalbey said he attended the Cascades West Area Commission on Transportation meeting. He reported there was a payroll tax was passed several years ago to supplement the

Transportation Improvement Fund, some of those funds are available now and the County submitted a grant to increase Coast to Valley services. He noted there will be public hearings forthcoming related to those services and encouraged people to stay informed. He said there will be a panel on March 15, 2019 at 6:00 p.m. at Oregon Coast Community College to discuss the current immigration policies and its effect on the community. He said he inquired about looking at the public records process after Polly Chavarria commented on the \$1,600 estimated quote regarding her public records request. He said he was interested in reviewing the procedures to evaluate and process public records requests and sent an e-mail to the City Manager. He then asked for clarification about the attorney-client privilege Mr. Robinson referred to in an e-mail in regards to the review he raised. CA Robinson clarified that e-mails providing legal advice to the Staff would have to be reviewed prior to being released. Mayor Cross indicated Council members are not exempt from the public records request process. Councilor Dalbey asked CM Martin to expand on a comment included in his response in regards to criticism of his handling administrative manners that could be detrimental to his employment. CM Martin replied he believes the circumstances of Councilor Dalbey's request, which requested all notes, correspondence, etc. did not come from the entire Council and therefore would be classified as a public records request. CM Martin said he was concerned with releasing attorney-client privileged documents and if he had fulfilled that request, he would be subject to criticism that he released information that should not have been disclosed. Councilor Dalbey said he feels CM Martin's actions do not display a commitment to openness and transparency as agreed upon between CM Martin and the City Council. CM Martin indicated he would not compromise the City's legal position by disclosing information. Mayor Cross interjected and said he does not believe there was malicious intent but rather there were two people looking at the same thing from different perspectives. Councilor Dalbey said his goal is to look at the process in fulfilling public records requests.

Mayor Cross said the Rotary Club will host a golf tournament at the Olalla Golf Course on Saturday, August 24, 2019 to support the Honor Flight and the Veterans Wall. He said he would like the Council to look at the water rate adjustment process and see how it affects customers. Councilor Kauffman asked if it could include a water rate assessment as well. Mayor Cross provided his update from the housing meeting. He said the City will begin to negotiate a successor agreement to the current Seal Rock Water District agreement and thanked PWD Adams for his involvement. He said the Toledo Boys basketball team took 3rd place in the state championship. He provided a state of the City address, read from a prepared statement and provided a copy of the state of the City to the City Recorder for the record.

7. ADJOURNMENT

The meeting adjourned at 8:32 p.m.

ATTEST:

APPROVE:

/s/City Recorder, Lisa Figueroa

/s/Mayor, Rod Cross