

REGULAR SESSION

April 19, 2017

Mayor Billie Jo Smith called the meeting to order at 7:00pm. Councilors present: Jerry Seth, Jackie Kauffman, Josh Smith, and Deanne Dunlap.

Councilors Excused: Council President (CP) Terri Strom and Michele Johnson.

Staff present: City Manager (CM) Craig Martin, Public Works Director (PWD) Michael J. Adams, City Recorder (CR) Nancy Bryant, and City Attorney/Planner Michael E. Adams.

Visitors present: Robin Smith, Bill Farley, and Calley Hair.

Visitors/Public Comment

There was no public comment.

Proclamation

Mayor Smith proclaimed May 21st – 27th, 2017 as Emergency Services Week in the City of Toledo and encouraged the community to observe this week with appropriate programs, ceremonies and activities.

Proclamation

Mayor Smith proclaimed April 28, 2017 as Toledo Arbor Day, in observance of Oregon Arbor Week and National Arbor Day.

Tree City USA Award

CA Adams provided Council with a News Release announcing that the Arbor Day Foundation named Toledo as a Tree City USA for the 23rd Year. He also provided a handout regarding selecting and planting trees as well as noting some of the Arbor Day activities planned for this year.

Mayor Smith noted her appreciation for the work that the Planning Commission members have put into this project as the City Tree Board.

Consent Calendar

Motion-It was moved and seconded (Kauffman/JSmith) to approve the consent calendar consisting of the City Council meeting minutes of April 5, 2017. **Motion passed 5-0**, noting the absence of Council President Strom and Councilor Johnson.

Discussion and Information Items

Committee Updates

CM Martin reported vacancies on the Toledo Library Advisory Board. He also reported that one application has been submitted for the vacancy on the Planning Commission. Staff will schedule an interview by City Council in the near future.

Mill Creek Riparian Project

CA Adams provided Council with an overview and update on the Mill Creek Riparian Restoration Project.

- Trout Mountain has planted and tubed 950 Hemlock and 689 Cedar in four planting zones adjacent to the reservoir.
- \$4,522 left over from budget of \$19,755 for phase 1.
- Trout Mountain Forestry will send invoice and forms to be paid for the second time. This will use some of the City's \$5,000 "match" money designated for this project.
- Recommend use of \$4,522 (grant and match, already approved by Council) for a "release treatment" this summer. The term "release treatment" refers to cutting away the undergrowth to reduce the competition to a level which supports survival of the planted trees and encourages growth.

Mayor Smith asked if the City is eligible for applying for additional grant funding. CA Adams answered affirmative.

Mayor Smith asked if Council is interested in touring the property at the Mill Creek Reservoir. The Council members answered affirmative.

Public Hearing

Mayor Smith opened the public hearing at 7:15pm regarding proposed **Ordinance No. 1375, an Ordinance of the City of Toledo Granting a Cable Television Franchise to Falcon Telecable, a California Limited Partnership DBA Charter Communications, and Fixing Terms, Conditions and Compensation of such Franchise, and Repealing Ordinance No. 1189.**

Staff Report:

CA Adams introduced Robin Smith of Charter Communications. He then reported that the City has had a franchise agreement with Charter since 1988 and in 1999 Resolution No. 1080 was passed by City Council that provided that the cable franchise agreement would continue until it was renewed. In 2011, the City of Toledo joined in a cooperative franchise renewal agreement with several other Cities served by Charter Communications. It has taken a number of years to get the franchise agreement resolved. He has since been working toward a unified franchise agreement.

Public Testimony:

Robin Smith of Charter Communications noted that this is a 10 year agreement and is very standard under the cable act. This proposed ordinance allows for Charter to continue to provide services in the City of Toledo.

Bill Farley asked if customers can expect a rate increase. Robin Smith noted that no increase is anticipated.

Responses:

CA Adams noted that the city does not set the rates for this franchise grantee. He also noted that the proposed ordinance provides for a 5% franchise fee.

Council Comments:

JSmith asked why two cable connections are scheduled for the police station. CA Adams said Chief Enyeart requested two cable boxes.

Mayor Smith closed the public hearing at 7:28pm.

Decision Items

Ordinance Granting a Cable Television Franchise

Motion- it was moved and seconded (Seth/JSmith) to approve Ordinance No. 1375, by reading the title twice, an Ordinance of the City of Toledo granting a Cable Television Franchise to Falcon Telecable, a California limited partnership dba Charter Communications, and fixing terms conditions and compensation of such franchise, and repealing Ordinance 1189.

Motion passed 5-0, noting the absence of Council President Strom and Councilor Johnson.

Robin Smith left the meeting at 7:31pm.

Recommendation to Oregon Liquor Control Commission for a Temporary Use of an Annual License for Elks Lodge #1464 Toledo

The Toledo Elks Lodge #1664 has applied to the Oregon Liquor Control Commission (OLCC) for a temporary use of its annual license to facilitate a beer garden during the Toledo Summer Festival event. The event is to take place at Memorial Field, Toledo on July 28th – 30th, 2017. Police Chief Dave Enyeart has reviewed the application and has no objection to recommending approval of the application. The required City of Toledo Beverage License fee is paid in full.

Public Comment: There was no public comment.

Motion- it was moved and seconded (JSmith/Kauffman) to recommend approval of the application for an OLCC Temporary Use of an Annual License made by Toledo Elks Lodge #1664. **Motion passed 5-0**, noting the absence of Council President Strom and Councilor Johnson.

Reports and Comments

Department Reports

CA Adams asked that Council schedule a joint meeting with the Planning Commission. By consensus Council chose to reschedule its regularly scheduled work session of June 13th to June 14th at 5:30pm for a joint session with the Planning Commission.

Councilor Seth suggested that the Planning Commission reconsider addressing Parklets right now because he does not believe that the local businesses will be on board with the idea. CA Adams stated that he has had some interest in Parklets but that he will get a pulse of the community before a Planning Commission discussion on the topic.

City Manager Report

CM Martin reported the following:

- The first of the 2017/2018 FY budget hearings is scheduled for May 3rd at 6:30pm, the second meeting will be May 9th at 5:30pm.
- The City is hosting a League of Oregon Cities Small Cities meeting on May 5, 2017 from 11:00am to 1:00pm at City Hall in the Council Chambers.
- The Toledo Public Safety Collective Bargaining Agreement negotiations have concluded.
- The Port of Toledo with assistance of the City's Public Works department is nearing completion of the current phase of the Toledo Waterfront Park improvements.

- Representatives of the City of Toledo along with several other Mid-Oregon Coast jurisdictions and interested groups and individuals have been participating in the Mid Coast Water Planning Partnership.
- The legislative effort to re-establish recreational immunity protections for Oregon Cities including our employees and volunteers is making progress and is in current Legislative Session.

Council Comments

There were no Council comments.

Mayor Comments

Mayor Smith commented the following:

- Longtime resident, Edna Abbot passed away on March 29th. She was an amazing lady in Toledo and she served on many committees. Mayor Smith then read a quote from Edna's obituary.

Mayor Smith called for a brief recess at 8:13pm and announced an executive session will follow according to ORS 192.660(2) (e) to conduct deliberations with persons designated by the governing body to negotiate real property transactions.

She then made the following statement: "Representatives of the news media and designated staff shall be allowed to attend the executive session. All other members of the audience are not permitted to attend. Representatives of the news media are specifically directed not to report on any of the deliberations of the executive session except to state the general subject session as previously announced. No final decisions may be made in executive session. At the end of executive session Council will return to open session and welcome the audience into the room."

Executive Session:

Council resumed the meeting in executive session at 8:15pm. In attendance: Mayor Smith, Councilors, Smith, Kauffman, Seth, and Dunlap. Others present: CM Martin, CR Bryant, PWD Adams, CA/CP Adams, and Calley Hair reporter of the Newport News Times Newspaper.

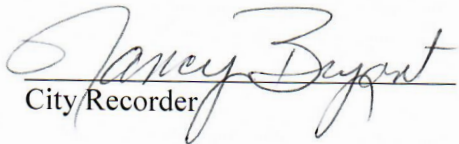
Executive Session discussion:

CM Martin provided Council with an update regarding the potential purchase of real estate by the City of Toledo.

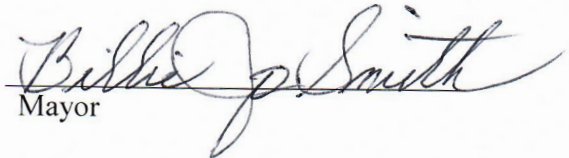
Adjournment:

Council returned to regular session and Mayor Smith adjourned the meeting at 8:47pm.

ATTEST:


City Recorder

APPROVE:


Mayor