

REGULAR SESSION

May 17, 2017

Mayor Billie Jo Smith called the meeting to order at 7:00pm. Councilors present: Jerry Seth, Jackie Kauffman, Josh Smith, Deanne Dunlap, Michele Johnson and Council President (CP) Terri Strom.

Staff present: City Manager (CM) Craig Martin, Public Works Director (PWD) Michael J. Adams, City Attorney/Planner Michael E. Adams, Library Director (LD) Deborah Trusty, City Recorder (CR) Nancy Bryant, and Police Sergeant (PS) Michael Pace.

Visitors present: Clifford Martin, Monica Valencia, William Vann-Monaghan, Jennifer Featherly, and Kyle Bridges.

Visitors/Public Comment

William Vann-Monaghan, of 357 NE Beech Street, continued his complaint made about five weeks ago regarding the street light near his home. He asked if anyone from the City has asked others about how they think about the light on Beech Street or has anyone visited the street during the night. He also asked if anyone has questioned Central Lincoln PUD (PUD) regarding what has changed in the lighting since November or December of last year.

Mayor Smith stated that she has driven by Beech Street and looked at the light. It was bright. CM Martin stated that he contacted PUD and they assured him that no changes have been made to the luminaires in Toledo in November. They have replaced lights in specific areas but not on Beech Street and they have not changed out the type nor style of light on the street lights. The cost of the agreement with the PUD for Street Lights will be brought to Council at a later date.

Mr. Vann-Monaghan asked why PUD can't turn off individual lights especially the one over his yard. CA Adams suggested that Mr. Vann-Monaghan contact PUD directly regarding the street light on Beech Street.

Proclamations

Older Americans Month

Fred Abousleman, Executive Director of Oregon Cascades West Council of Governments (COG), provided Council members with information regarding the senior services that are provided by COG. He stated that COG is proud to support the County residents. He noted that there are 13,000 residents over the age of 60 in Lincoln County. This population is aging faster than the state and national averages and many are retirees.

Mr. Abousleman stated that Older Americans month is an opportunity to recognize older Americans of whom COG is happy to serve in Lincoln County. He said that he appreciates the City's recognition.

Mayor Smith stated that she is proud that the Lincoln County Senior Services office is located in Toledo. She noted that a taxing measure for a Recreation District recently passed a levy which may be difficult for residents to absorb. She is hopeful that people can find out about deferred

property tax programs through COG. Mr. Abousleman affirmed and added that staff can refer residents to resources when needed.

Mayor Smith proclaimed May 2017 to be Older Americans Month and urged every citizen to take time this month to acknowledge our older citizens and the people who serve and support them as powerful and vital individuals who greatly contribute to the community.

Emergency Medical Services Week

Monica Valencia, Marketing & Community Relations Coordinator for Pacific West Ambulance, announced that the week of May 21st through 27th is recognized as Emergency Medical Services Week. She introduced local paramedics Jennifer Featherly and Kyle Bridges.

Ms. Featherly stated that EMS week is a special time to recognize medical service providers and it is also a great opportunity for the providers to get out in the community. She noted that she and Kyle are both stationed in the Toledo area. She thanked Council for the support in recognizing EMS Week by proclamation on April 19th.

Mayor Smith thanked them for their service and what they do for the community.

Consent Calendar

Motion-It was moved and seconded (Strom/Dunlap) to approve the consent calendar consisting of the City Council meeting minutes of April 19, 2017 and May 3, 2019. **Motion passed 7-0.**

Public Hearing

Mayor Smith opened the public hearing at 7:27pm regarding: Comprehensive Land Use Plan and Zoning Map amendment to rezone property at NE Arcadia Drive (File#PA-1-17/RZ-1-17), requested by Clifford Martin.

The statement of rights and relevance as well as the right to repeal were read.

Staff Report:

CA Adams provided a staff report (on record at City Hall). He reported that in December of 2016 approval was given to the applicant on two lot line adjustments (City File #'s LLA-1-16 and LLA-2-16), but approval of the lot line adjustments were conditioned on the final approval of a rezone and Comprehensive Plan map amendment because of the two zone designations for the properties.

The proposed changes to the zoning and Comprehensive Plan map designations would identify newly configured Tax Lot 500 (on Lincoln County Assessor's Map 11-10-8 CA) General Residential and newly configured Tax Lots 300 and 400 as Single-Family Residential.

On March 14, 2017, the Toledo Planning Commission held a public hearing on the proposed amendment and voted 4-0 to recommend approval of the request to the City Council.

CA Adams noted that if denied tonight the property lot line adjustment approved by the Planning Commission will be null.

Public Testimony:

There was none.

Proponent testimony: Mr. Clifford Martin expressed his appreciation for the work that CA Adams has put into his application.

Opponent testimony: There was no opponent testimony.

Other interested parties: There were no other interested parties.

Rebuttal: There was no rebuttal.

Questions from Council:

Councilor JSmith referred to the Planning Commission Minutes of March 14, 2017 page 6, Commission recommended condition of approval #5 "The installation of 5-foot wide sidewalks, including curbs and gutters, in accordance with the Public Infrastructure Design Standards Manual, along Burgess and Arcadia (but excluding Wagon Road to the East of the properties) because it is not a collector street nor is there an existing sidewalk within 500 feet) is required to be completed within one year of approval, or a deferred development agreement entered into, to address this requirement." He noted that the condition seems excessive. He also referred to condition #4 requiring the installation of driveways within one year. He said that the terrain is very steep for the proposed access points. He asked Mr. Martin if it will be feasible to make access to the property.

Mr. Martin stated that he is unaware of any limitation of time and he has no immediate plans to develop the property. Mr. Martin noted that when he submitted the application he placed the arrows to determine that there would be legal access to the property. Planning suggested one access point so it was changed to come in on parcel C3 across the corner of parcel B.

Mayor Smith closed the public hearing at 7:58 pm.

Deliberations: There were no deliberations.

Further Discussion or Comments: There was no further discussion.

Mayor Smith announced that the following Decision Items and Discussion Items are switched to accommodate the applicant.

Decision Items

Ordinance No. 1376 Amending the 2000 Toledo Comprehensive Land Use Plan and Zoning Maps, as Adopted by Ordinance #1285

Motion- it was moved and seconded (JSmith/Kauffman) to approve the proposed amendment to the Comprehensive Land Use Plan Map and Zoning Map, based on the testimony received, the staff report, and the evidence and arguments before the City Council at the public hearing on May 17, 2017. The City Council determines that the request by Mr. Clifford Martin (PA-1-17 and RZ 1-17) for an amendment to a Zoning Map and a Comprehensive Plan Map amendment, complies with the criteria identified in Toledo Comprehensive Land Use Plan, Oregon Statewide Planning Goals, and Toledo Municipal Code, Chapters 17.80, 17.12, 17.08, including the criteria identified in Toledo Municipal Code, Section 17.80.050. The Toledo City Council hereby adopts the Staff Report and other evidence in the record as findings supporting its decision and approves applications PA-1-17 and RZ-1-17, and allowing for the correction of typographical and grammatical errors. **Motion passed 7-0.**

Motion- it was moved and seconded (JSmith/Kauffman) to adopt **Ordinance No. 1376**, by reading by title only, twice: An Ordinance amending the 2000 Toledo Comprehensive Land Use Plan and Zoning Maps, as adopted by Ordinance #1285. **Motion passed 7-0.**

Discussion and Information Items

Committee Updates

Mayor Smith reported a Cascades West Council of Governments meeting tomorrow at 2pm.

Review Proposed Ordinance Establishing Procedures for Public Contracting, Repealing Ordinance No. 1318 as Amended, and Declaring an Emergency.

CA Adams reported that the proposed ordinance is his first draft. The findings were drafted from scratch and he used a draft for the ordinance provisions as well as incorporated State Statutes which were updated since the draft was written. His intent is to take the entire ordinance and make five general provisions in ordinance and make the rest of the existing ordinance local contracting rules adopted by resolution. He recommends not using the state standards because if the local government makes findings about specific exemptions, the State Statute in certain places says that you can increase the amount by 25%. So with a public improvement contract, instead of being \$150,000 and any amount over requires a formal request for proposal, which is a lot more work for city staff. If the City makes findings that is not going to impede competition that amount could be increased by 25% or \$187,000. These requirements reflect the City's process for entering into a contract.

CA Adams stated that he wrote the draft as broad as he could and with as much flexibility as possible. He said that the amounts and process as discussed in a policy perspective is a good thing. He then referred to the proposed ordinance section 2.32.060 Purchasing Manager and noted that the other issue for Council is how much authority does it want to give to the City Manager.

He said the proposed ordinance gives the City Manager the authority as much as possible but there are other options, i.e. 1. Strong purchasing authority with rule making authority, 2. The executive is designated as the purchasing manager but has no rule making authority but may promulgate forms or contracts up to a certain dollar amount, and 3. No employee has authority to adopt or approve forms or execute or award contracts, governing body approves all forms and decisions and employees receive bids and proposals. He is aware that the proposed section 2.32.060 has concerned some Council members and that section can be changed before the ordinance comes to Council as a decision item.

In response to Council questions CA Adams explained the purchasing process regarding informal and formal bid requirements and noted that he can change Section 2.32.060 to say that the city manager has no rule making authority and he can enter contracts that are \$10,000 or any amount that Council chooses to make as policy.

Councilor Seth noted his preference is to set specific limits for the purchasing manager's authority. Mayor Smith noted that she needs help to know what a reasonable amount would be.

Councilor Seth stated that council needs to address its responsibility to the City to oversee how the funding is spent. He said that Council can be held responsible for noncompliance with purchasing standards.

PWD Adams suggested that, depending on the situation, he may come to Council for approval of an expenditure of \$5,000. He also noted that if the rules allow staff to do a written quote it would not preclude staff from completing the formal bid process.

Councilor Smith suggested that the decision of whether to take an expenditure to Council could be based on budgeted items versus non budgeted items or capital outlay. So, if Council already knew of the expenditure staff isn't wasting Council's time with it but new purchases would come before Council. Councilor Seth noted that an advantage to setting a limit that may be below budgeted amounts is being an informed Council.

Councilor Smith noted that purchasing contracts do not take a lot of Councilor's time and asked what is saved by increasing the limit to the current threshold. Mayor Smith stated that it saves staff in terms of efficiency. Councilor Kauffman noted that an emergency expenditure may have to wait for a Council meeting for Council approval.

CM Martin cautioned, depending on how the threshold is defined, he would hate for the ordinance to be construed that if the Police Chief wants to buy an approved budget item like tires, he must first get the City Manager approval for that purchase.

Council members suggested a threshold level of \$25,000. CM Martin requested that it not be lower and maybe a little higher.

By consensus Council selected a purchasing threshold level of \$25,000 for purchases to be approved by Council.

JSmith inquired from CA Adams if 2.32.090 (7) City's Equipment and Personnel, can be removed or is there flexibility in the \$5,000 limit. CA Adams stated that it cannot be removed because it is a state requirement pursuant to ORS 279C.310.

JSmith referred to page 14 section G (3) Emergency Public Improvement Contracts, "emergency contracts must be awarded within 60 days following the declaration of an emergency". He said that seems like a long time for an emergency. CA Adams stated that for emergency public improvement contracts, as opposed to general in subsection (1), 60 days is a long time.

JSmith asked CA Adams if Council will have the opportunity to review the documents after the Purchasing Manager section is rewritten. CA Adams answered affirmative and added that he would like four or five paragraphs in the ordinance that establishes the general framework for the local contract review board and all else changed into local contracting rules that can be adopted by resolution. CA Adams agreed to provide the ordinance and resolution to Council before his departure on July 1, 2017.

Review Ordinance No. 1375, An Ordinance Granting a Cable Television Franchise to Falcon Telecable, dba Charter Communications

CA Adams asked that Council move this item to executive session and not discuss it in open session. Mayor Smith asked if the reason for this topic discussed in executive session is covered under the posted reason for executive session. CA Adams answered affirmative and stated that Council will discuss two issues in executive session regarding confidential privileged attorney/client memorandums.

Reports and Comments

Department Reports

Sergeant Pace reported the following:

- This is “Police Week” which began in 1962 by declaration of John F. Kennedy. It is a time to honor those who have died or are disabled in the line of duty as well as those who have chosen the profession. Events have included a local Law Enforcement Recognition Banquet of which Officer McCandless was nominated by the Chief Enyeart for Employee of the Year. Marshal Dean, of Toledo’s Explorer Program and is now with Marion County as a Marine Deputy, was awarded the Volunteer of the Year award.
- Safety Town event is scheduled for this Saturday beginning at noon at the Head Start.
- Flags were lowered at half-staff on Monday in honor of fallen Police Officers in the line of duty.

PWD Adams reported the following:

- A bid advertisement was posted today for a waterline improvement on SE Alder Lane Drive, the information is on the City’s website.
- During the week of July 10th, contractors will be starting the paving projects that were not completed last year.
- Bid advertisement for Slurry Seal is anticipated for next week. Adjustments were made to the project advertisement from last year to save on costs.
- He asked that Council provide him with a detail of the type of information that it would like from him on a regular basis. Council agreed that it wants to know about all of the public works activities.

Councilor Smith asked if the Emerald Court street improvement issues, presented by Mr. Jack Dunaway, have been resolved. CM Martin stated that City crew did look at the area but determined that the issues are not at a level of addressing immediately. It will get added to the list of overlays and dealt with in conjunction with sewer reconstruction projects. CA Adams stated that if there is funding left over after the paving projects this year it will be dealt with. Mayor Smith requested staff to notify Mr. Dunaway of the plan.

LD Trusty reported that Library staff will be at the Safety Town event. She also noted that the Library has its own You Tube channel for book talks and other interests of the Library and Toledo. She invited Council, staff and the public to get involved with generating videos for the You Tube channel.

CA/CP Adams reported that planning had two applications. He believes that the applicants plan to develop those properties. A code enforcement complaint regarding a Red Wood tree on Arcadia is in the process of resolution.

City Manager Report

CM Martin provided a written report with the following topics:

- He participated on the panel for the Leadership Lincoln County program.
- The Small Cities Region Forum was an informative meeting and information was exchanged regarding affordable housing development.
- The May 18, 2017 Toledo Chamber Luncheon will feature retired seismologist and amateur astronomer Kay Wyatt as guest speaker.
- He is in the process of trying to secure a temporary City Planner to serve during CA/CP Adams absence. He will also make a recommendation regarding the City Attorney position.

- On June 7th, Council will receive a request for the closure of Main Street for a Car Show event scheduled for June 24th.
- The Planning Commission/City Council joint session is scheduled for June 14th. He and CA/CP Adams are working on agenda items for that meeting.
- He asked Council for permission to be absent the June 14th joint meeting.

Council Comments

Councilor Johnson stated that she is interested in what the City can do to encourage economic growth.

CP Strom stated that she has watched the You Tube video from the Library.

Councilor Seth asked if Adam Denlinger will provide a presentation to Council regarding Seal Rock Water District's water source plan. CM Martin stated that Mr. Denlinger can come talk about their plan but what is more important is a future discussion about the impacts on the purchase agreement. The District has not given official notice that they want to terminate the current water purchase agreement but they have indicated that it is their plan and that they may want to approach the City to renegotiate the current contract and the termination clause. CA Adams noted that if Mr. Denlinger does provide a presentation it will come with an "ask" and the City may not be ready to address the "ask".

Councilor Seth asked if there has been a response from the City to the Confederated Tribes of Siletz. CA Adams noted that it is a topic for executive session.

Councilor Smith asked if Council can look at the budget request documents submitted by staff to the City Manager. CM Martin stated certainly but he does not know why. Councilor Smith noted that he is curious regarding the budget process. CM Martin said that he doesn't know that bringing it forward at this point in the budget adoption process is appropriate because the Council has an approved budget moving to an adopted budget but he is willing to share or answer questions that Council may have.

Councilor Smith asked if Council will have a chance to review the proposed budget before it comes to them as a decision item. CM Martin stated that the public hearing for the budget adoption is scheduled for June 21st for budget adoption. At that time the Council can still review at any detail that it would like to review. He said to keep in mind that Council has restrictions on what it can do, it cannot increase the budget by a certain amount without republishing and reconvening the Budget Committee. Council can always reduce the budget as desired or change amounts in line items. Mayor Smith suggested that if Council members have questions about the budget to talk to the City Manager.

Councilor Seth asked if the budget hearing schedule can be moved to the June 7th meeting. CM Martin stated that the budget calendar has been posted but he will check with the finance director to see if the City can meet the posting requirements if the date of the public hearing is changed. Mayor Smith asked if Council could have a work session before the June 21st meeting. CM Martin stated that Council cannot have a work session regarding the budget without public notice. Councilor Seth stated that, as indicated at the Council Goal Setting session, there is a need for a full time Planner and he is still in favor of a full time Planner. Mayor Smith noted that this topic can be discussed at the next joint meeting with the Planning Commission.

Councilor Smith asked for a map of the paving Phase II Street Improvement projects. PWD Adams stated there is a list on the City's website but the order of improvements has not been set. CM Martin stated that staff can get a copy to Councilor Smith.

Mayor Comments

Mayor Smith commented the following:

- She is interested in a workshop in July regarding retrofitting old city buildings.
- The Greater Toledo Pool Recreation District formation passed by the voters and directors were elected.

Mayor Smith called for a brief recess at 9:44pm and announced an executive session will follow according to ORS 192.660(2) (f) to consider information or records that are exempt by law from public inspection.

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 9:45pm. In attendance: Mayor Smith, Councilors, Smith, Kauffman, Seth, and Dunlap, Strom, and Johnson. Others present: CM Martin, CR Bryant, PWD Adams, and CA/CP Adams.

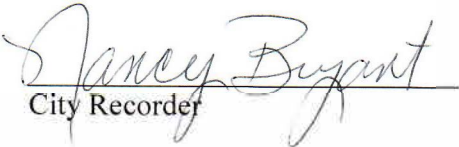
Executive Session discussion:

CA Adams provided information to Council regarding the Franchise Agreement with Charter Communications as well as correspondence from the Confederated Tribe of Siletz Indians.

Adjournment:

Council returned to regular session and Mayor Smith adjourned the meeting at 09:58pm.

ATTEST:


City Recorder

APPROVE:


Mayor