

**ASHLAND CITY COUNCIL
BUSINESS MEETING
MINUTES
Tuesday, March 21, 2023**

I. Executive Session

Mayor Graham, Councilor Hyatt, Bloom, Dahle, Kaplan, DuQuenne and Hansen were present. Staff present: City Manager Joe Lessard, Deputy City Manager Sabrina Cotta, Acting City Attorney Doug McGeary. Council held an Executive Session for the City Manager's Review, pursuant to ORS 192.660(2)(i).

II. CALL TO ORDER

Mayor Tonya Graham called the meeting to order at 6:04 p.m.

1. Land Acknowledgement

Councilor Hansen read the land acknowledgement.

III. PLEDGE OF ALLEGIANCE

Councilor Dahle led the Pledge of Allegiance.

IV. ROLL CALL

Mayor Graham, Councilor Hyatt, Bloom, Dahle, Kaplan, DuQuenne and Hansen were present.

V. MAYOR'S/CHAIR OF THE COUNCIL ANNOUNCEMENTS

- 1. Proclamation Honoring Cesar Chavez**
- 2. Proclamation Celebrating Arbor Day**
- 3. Proclamation Declaring Food Waste Prevention Week**

Mayor Graham read the proclamations.

Mayor Graham moved Consent Agenda item number 2. Citizen Budget Committee Appointments to Unfinished Business.

Councilor Hyatt/DuQuenne m/s the addition of the City Facilities Optimization Master Plan to this evening's agenda as carry over from last night's Study Session to Special Presentations.

Roll Call Vote: Councilor Hyatt, Bloom, Dahle, Kaplan, DuQuenne, and Hansen, YES. Motion passed.

VI. APPROVAL OF MINUTES

VII. SPECIAL PRESENTATIONS

1. City Facilities Optimization Master Plan

Public Works Director Scott Fleury explained that he, along with the Facilities Division staff, ranked all the city's facilities using an A to F range. Over the past few years, staff entered information into an asset city management database that tracked maintenance and material replacement. The database was also used for formal assessments. He provided the following presentation (see attached):

- Capital Improvement Program 2023-2025 Biennium

- Facility Condition Assessments
- Facility – Asset Management
- Facility Optimization and Planning-Overview
- Next Steps

Councilor Dahle asked if equipment was replaced on time or due to condition. Mr. Fleury responded the city often replaced on condition and explained the cost effectiveness of replacing on time.

Councilor DuQuenne asked why the Community Center and Pioneer Hall were on the list when ZCS was hired to work on both. Mr. Fleury explained this was scoring only and when they did the city plan, they would select the facilities they wanted to be part of the planning.

Councilor Kaplan asked about developing a plan to replace gas when retiring equipment. Mr. Fleury commented that it was explicit versus implicit. Staff would have to factor in the cost installation parameters. Additionally, the service might not have the electrical bandwidth to meet that need. It would be part of the long term study. Short term, they could for some.

Councilor Hyatt asked if it was more advantageous to lease instead of own. Mr. Fleury explained the consultants would address leasing and determine space now and in the future.

Councilor Hansen asked if the consultant would look for grant opportunities, replacing roofs, considering solar. Mr. Fleury responded they could.

Councilor DuQuenne commented that the city had a deficit and questioned if this was the appropriate time to send out for an RFP. She asked if it could wait until after the budget process. Mr. Fleury recommended moving forward. There was funding in the budget. The sooner it was done, the sooner the city would know the fiscal obligations to facilities maintenance. Once they had that understanding, they could budget for it. The study would cost \$250,000 to begin.

Mr. Fleury confirmed the last facilities master plan was 15 years old and should be conducted every 7-10 years. City use changed, rules changed, there were regulatory requirements that changed. Costing became more impactful when something was not planned appropriately. Interim Finance Director Sabrina Cotta confirmed there was money in the facility fund for the current budget and no deficit. The city was in a good position to move forward.

Councilor Dahle asked if the study would include the cost of doing nothing. Mr. Fleury confirmed the study would include "do nothing" costs as well.

2. Union Pacific Railroad Restrictive Covenant Amendment Request

Interim Community Development Director Brandon Goldman introduced Michael Niemet, a project manager with Jacobs, a firm that worked with Union Pacific Railroad (UPRR). Mr. Goldman gave background on the railroad property, the restrictive covenant, and details on the cleanup standards. Mr. Niemet provided a presentation on the UPRR restrictive covenant amendment request (see attached):

- Parcel 7 of Partition Plan No. P-32-2000

- Proposed Covenant Modification (Condition 9 of PA 2016-00684)
- Estimated Timeline – Next Steps

Councilor Bloom asked if no action were taken, would the property be treated as single family residence. Mr. Niemet explained if it was left as is, it would not get cleaned up and UPRR could not guarantee single residence standards. Not being able to meet the set standard would create liability.

Margaret Oscilia, DEQ project manager for the western region cleanup and emergency response explained DEQ had worked closely with UPRR and Jacobs to review and approve a proposed cleanup action that would protect their understanding of the current and likely use of the property.

Councilor Hyatt asked for clarity on whether the Planning Commission will hold a public hearing. Mr. Goldman explained the Planning Commission would review the prior condition of approval from 1999 and the revision made in 2016. The Commission would not review the remediation plan for cleanup. There would be a public hearing where the public could provide input once the condition is modified. If the Planning Commission concurred with the modification of condition, the cleanup plan would move forward with the 30-day timeline. Part of the timeline included staff coming to council for comments on the remediation plan. There may be a separate forum for comments regarding the remediation plan to DEQ.

Councilor Hyatt asked if there would be an opportunity to discuss the removal of lead and arsenic and the entombment of petroleum product. Ms. Oscilia explained the cleanup plan would address arsenic and lead removal along with justification and explanation of the placing of material on another portion of the site with engineering controls. That information would be included in the staff report describing the proposed cleanup plan. The staff report will be submitted for public comment for a 30-day, possibly 60-day period. This will include a presentation at a City Council meeting and a public town hall.

Councilor Dahle/DuQuenne m/s to direct staff to prepare, file, and seek approval of an application for a Major Amendment to replace the condition of approval in PA2016-00684 with the modified condition of approval presented in the March 21, 2023, Council Communication and to continue working with Union Pacific Railroad and DEQ to achieve remediation of the rail yard site to applicable DEQ standards. DISCUSSION: Councilor Dahle understood doing nothing was the wrong idea. This worked towards solving housing, climate initiative and council needed to get it in front of the Planning Commission. Councilor DuQuenne agreed. She was looking forward to seeing the cleanup plan and having the Planning Commission look at more buildable land. Councilor Kaplan thought it was a great opportunity to fill in that space with high density and housing opportunities. Councilor Hyatt supported the motion and appreciated the public being included in the process.

Roll Call Vote: Councilor Dahle, Hyatt, Bloom, Hansen, DuQuenne, and Kaplan, YES. Motion passed.

VIII. CITY MANAGER REPORT

City Manager Joe Lessard announced the Rogue Valley Bike Swap at the Grove was April 29, 2023 from noon to 2:30 p.m. The emergency shelter had provided 30 nights of emergency weather shelter in the city with anywhere from 11 to 34 guests at night. There were ten nights left and Mr. Lessard had

authorized four more nights. It looked like there was coverage to meet the end of March timeframe. Funding was stretching as anticipated. He went on to review the Look Ahead.

IX. PUBLIC FORUM

Anya Moore/Ashland/Supported Council adopting an electrification ordinance.

TeMaia Wiki/Ashland/Spoke in support of the electrification ordinance.

Piper Banks/Ashland/Supported an electrification ordinance.

Mira Saturen/Ashland/Spoke in support of transitioning to clean energy.

Kena Robertshaw/Ashland/ Urged council to pass the electrification ordinance to help heal planet.

John Hawksley/Ashland/Supported the young people speaking to the electrification ordinance.

Kiera Retiz/Ashland/Supported the electrification ordinance.

Flavia Franco/Ashland/Supported the electrification ordinance.

Nadia Pettingell/Ashland/Supported an Ashland electrification ordinance.

Livy Cacey/Ashland/Community valued nature. She supported having an electrification ordinance.

Mary Scott/Ashland/Shared her experience building a passive solar house and net zero living.

Wade Bennet/Ashland/Spoke in support of the electrification ordinance.

Lauren Oliver/Ashland/Supported the electrification ordinance and spoke to water conservation.

Jefferson Robert Parson/Ashland/Supported electrification and the youth movement for climate change.

Tish Way/Ashland/Spoke to her health issues that resulted from a sewage spill that occurred October 2022.

Miriam Reed/Ashland/Spoke regarding the medical issues that result from cell phone usage.

Kelly Marcotulli/Ashland/Did not support an electrification ordinance and spoke on the harmful effects of electricity.

X. CONSENT AGENDA

Councilor DuQuenne pulled Consent Agenda item #2 for further discussion.

1. Greenleaf Restaurant Liquor License Approval Request

Councilor Hyatt/DuQuenne m/s to approve Consent Agenda. Roll Call Vote: Councilor Kaplan, Hyatt, Dahle, DuQuenne, Bloom and Hansen, YES. Motion passed.

Councilor Hyatt/Dahle m/s to extend the public hearing to 9:00 p.m. Roll Call Vote: Councilor Hyatt, Bloom, Hansen, Kaplan, Dahle, and DuQuenne, YES. Motion passed.

2. Contract Amendment with ZCS Engineering for the Community Center and Pioneer Hall Design

Councilor DuQuenne pulled the item so the new councilors could participate in the conversation brought up at the Study Session regarding the ad hoc committee's work on the matter. She wanted to pull it for a month and review the bare minimum work needed to get the doors open instead of a complete repair.

Mayor Graham asked Public Works Director Scott Fleury if this contract was for design only and what was needed to have options for repair. Mr. Fleury confirmed it was design only. This was the initial contract authorization by council and led to the schematic design phase that ZCS completed. ZCS looked at structural modifications to the building to meet the basic minimum requirements to reopen the facility and install an ADA bathroom and kitchen. They looked at code related items such as live load for the floor and roof, additional ADA ingress and egress, without design. The change order would provide design for the roof, floor and ADA access and refine the cost estimates. Once staff have that information, they can provide the council with menu options, associated costs and available budget.

Councilor DuQuenne noted there were many businesses open in Ashland that were not ADA compliant. It seemed more cost effective to do the minimum to get the doors open and work on the ADA improvements overtime.

Councilor Bloom thought if a prior council had given direction to move forward, this council should. But it might be beneficial to invite the ad hoc committee to speak on it as well. Councilor DuQuenne explained two councilors and the engineer in the ad hoc committee were no longer on the committee. She did support a conversation and wanted to put the item on hold.

Mr. Fleury explained they were already three months behind on getting to the next level of documentation and would have to bring the items back. Councilor Dahle asked if costs would increase. Mr. Fleury responded engineers and contractors will hold a bid 30-60 days. Costs might increase if Council delayed too long.

Councilor Hansen confirmed the city could not do anything without this step. Mr. Fleury explained this was the intermediate step to get to final construction documents.

Councilor Kaplan asked for the time frame to get the design. Mr. Fleury thought it would be two to three months followed by a six-month construction window.

Councilor Hyatt confirmed the priority one structural repairs would not get the building to where it was successful under snow load. The change order would allow for the snow load and improve equity access if they went with the ADA enhancements. Mr. Fleury responded yes, specifically for the Community Center. There were minor ADA adjustments for Pioneer Hall. Councilor Hyatt went on to confirm that both those pieces were discussed during the November 14, 2022, meeting and this change order supported that.

Councilor Bloom/Hansen m/s approval a professional services contract with ZCS Engineering and Architecture in the amount of \$47,085. DISCUSSION:

Councilor Bloom thought a lot of important points were brought up. This was about moving forward. Councilor Hansen added it seemed like a necessary step and looked forward to opening up the Community Center. Councilor DuQuenne looked forward to both buildings being open. However, looking back at work that was ignored, she stood with the ad hoc committee. Councilor Kaplan participated in those discussions. It was distressing to see how long it was taking. He appreciated the work of the ad hoc committee but understood from last night the committee provided ideas but not designs that could be bid out appropriately. Councilor Dahle commented that the finances were already appropriated in the current budget and time was of the essence. Councilor Hyatt noted actions of a past council did not tie the hands of a present council. The struggle was finding a contractor that would support the designs needed and the city was unable to do that. Councilor DuQuenne noted anyone could look up who participated in the ad hoc committee and there was an engineer involved. She also wanted the buildings open but held steadfast to what was put in place by the ad hoc committee. **Roll Call Vote: Councilor DuQuenne, NO; Councilor Hansen, Bloom, Hyatt, Kaplan, and Dahle, YES. Motion passed 5-1.**

X. PUBLIC HEARINGS

1. Ordinance 3218 Public Hearing and First Reading of 2022 Oregon Fire Code

Fire Chief Ralph Sartain announced the Wildfire Division Community Risk Reduction crew procured \$249,700 from the USDA Forest Service Community Wildfire Defense Grant to rewrite the wildfire grant for the protection of Jackson County.

Chief Sartain had been asked to match the state fire code with the City's ordinance. It was written and would be part of the budget discussion. Changes to the ordinance included date and title changes, general renumbering of sections and adding definitions for low, moderate, and high risk.

Mayor Graham opened and closed the public hearing at 8:23 p.m.

Councilor Hyatt/Dahle m/s to approve the first reading of Ordinance No. 3218 to amend the Ashland Fire Prevention Code AMC Chapter 15.28 and to send Ordinance No. 3218 to a Second reading on April 4, 2023.

DISCUSSION: Councilor Hyatt expressed her gratitude to Chief Sartain and his team. Councilor Dahle and DuQuenne added their thanks and congratulations. **Roll Call Vote: Councilor Dahle, Hansen, Hyatt, DuQuenne, Bloom, and Kaplan, YES. Motion passed.**

XI. UNFINISHED BUSINESS

1. Citizen Budget Committee Appointments

Council voted to appoint two members to the Citizen Budget Committee.

Councilor Hyatt/Kaplan m/s to appoint the following individuals by term to the Citizens' Budget Committee:

- **Shane Hunter for the term ending June 30, 2024**
- **Leda Shapiro for the term ending June 30, 2025**

DISCUSSION: Councilor Hyatt voiced her gratitude to the applicants. Councilor Kaplan agreed. Councilor Bloom was ready to get to work. **Roll Call Vote: Councilor DuQuenne, Dahle, Hyatt, Kaplan, Hansen, and Bloom, YES. Motion passed.**

2. City Council Priorities for the 2023-2025 Biennium

City Manager Joe Lessard provided the background on the matter and explained the priorities citizens had voted for. Council discussed their top priorities and why.

Councilor Hyatt/Dahle m/s the council body adopt the following priorities for direction to staff in the preparation of the 2023-25 biennium budget:

- 1. Wildfire risk reduction and CEAP execution,**
- 2. Economic Development including development of eco-tourism like trails, ensuring city processes such as planning are supportive of attracting new business and supporting those already here,**
- 3. Affordability including attainable housing, and review of our rate structures for progressiveness in their livability,**

All with the underlying supporting principles of equity of access, and strong supportive city services with a customer service focus. DISCUSSION: Councilor Hyatt thought council had represented the feedback of the community to the best of their ability. Councilor Kaplan commented that this was a movie, not a snapshot. It was council's job to keep an eye on the horizon. Councilor Bloom thought it was a great exercise. It showed how aligned community was in values and vision. **Roll Call Vote: Councilor Hyatt, DuQuenne, Bloom, Kaplan, Hansen, and Dahle, YES. Motion passed.**

XII. NEW BUSINESS - None

XIII. ORDINANCES, RESOLUTIONS AND CONTRACTS

- 1. Contract for Diversity, Equity, and Inclusion (DEI) Assessment with Paradigm Public Affairs, LLC**

Deputy City Manager Sabrina Cotta provided background on the selection process and why Paradigm Public Affairs, LLC was the best match for the city.

Councilor Dahle/Hansen m/s to move approval of a contract with Paradigm Public Affairs, LLC for a DEI assessment in the amount of \$39,875. DISCUSSION: Councilor Dahle thought the city would be remiss not to move forward. It was important. Councilor Hansen was interested to read about the Paradigm team. It was not the kind of work that was intuitive. Institutional things including racism needed to be addressed. A safe work culture came through work, it was not a given. Councilor DuQuenne supported Paradigm Public Affairs, LLC. The business was run by a woman. They would work with the city and not just check the boxes. She appreciated that diversity, equity, and inclusion was a way of life and supported the motion. She was council liaison for the SERJ Committee and

thought community was moving towards inclusion of everyone in Ashland. **Roll Call Vote: Councilor Hansen, Bloom, Hyatt, DuQuenne, Kaplan, and Dahle, YES. Motion passed.**

XIV. OTHER BUSINESS FROM COUNCIL MEMBERS/REPORTS FROM COUNCIL LIAISONS

1. City Recorder's Office Administrative Support for Liquor License Processing

Councilor Hyatt explained the request would delegate authority to the Legal Department to leverage cross training and back up for this process.

Councilor Hyatt/Kaplan m/s direct staff to review and revise the ordinance that delegates OLCC liquor license applications under AMC 6.32.050 to provide the responsibility to the Legal Department of the City of Ashland. DISCUSSION: Councilor Hyatt explained it was in support of local businesses trying to make sure internal processes are efficient and effective. **Roll Call Vote: Councilor Hansen, DuQuenne, Kaplan, Dahle, Bloom and Hyatt, YES. Motion passed.**

Councilor Kaplan asked Council to direct the CEAP Committee to begin a discussion of an electrification ordinance. Council agreed. Councilor Hyatt announced the Jefferson Exchange was having an interesting piece on housing in Oregon. Councilor Hansen attended his first Transportation Committee and announced there were three open vacancies.

XV. ADJOURNMENT OF BUSINESS MEETING

Councilor DuQuenne/Bloom m/s to adjourn the meeting. Voice Vote: ALL AYES. Motion passed. The meeting was adjourned at 9:29 p.m.

Respectfully Submitted by:

DocuSigned by:

Melissa Huhtala

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City Recorder Melissa Huhtala

Attest:

Tonya Graham

Mayor Tonya Graham



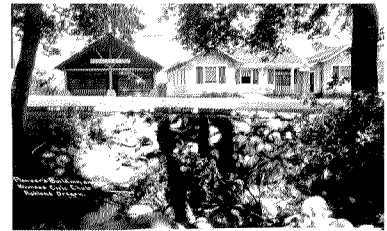
Facility Optimization Program – 2023–2025 Biennium

March 20, 2023

Facility Condition Assessments

- Overall Condition Score (A-F)
- Itemized Assessment
 - Exterior Systems (Security, Lighting, Roofing, Finishes, Paving, ADA)
 - Interior Systems (Heating, Ventilation, Air-conditioning, Mechanical, Electrical, Plumbing Systems, Finishes, Furniture)

5	NEW	New or like-new conditions. No unexpected maint./failures. Replace 8+ years
4	GOOD	Good condition. No major issues or concerns. Consider replacement 6 to 8 years
3	FAIR	Normal wear and expected maintenance, but no major issues. Replace within 4 - 6 years
2	POOR	Heavy wear. At or nearing or exceeded end of expected lifecycle. Replace within 2 to 4 years
1	CRITICAL	Extremely worn and/or damaged. Replace ASAP, but no more than 2 years



Pioneer Log Cabin and Women's Civic Club, c1923



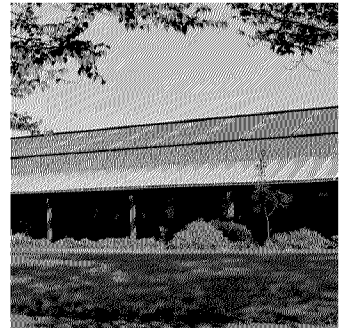
Facility Condition Assessments

- Community Development **B**
- City Hall **F**
- Community Center **F**
- Pioneer Hall **D**
- Service Center **B-**
- Street/Fleet/Facilities **C**
- Grove **B+**
- Electric Storage **A-**
- Civic Center **D**
- Police Department **B**
- Fire Station #1 **A-**
- Fire Station #2 **B+**
- Cemetery **C+**



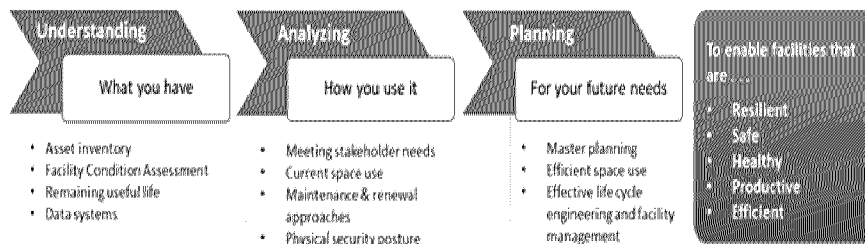
Facility – Asset Management

- Itemized Assessment of Major Facility Systems
 - Roofs, HVAC, MEP, Interior/Exterior Systems
 - Age, Life Cycle, Condition Score
 - Develop Maintenance Cycles
 - Life Cycle Replacement Costing
 - Fuel Switching



Facility Optimization and Planning-Overview

- Facility Master Planning
 - 2008 Facility Plan
- Facility Planning and Optimization Study
 - Formal Facility Assessments
 - Develop Space Need Requirements & Optimize Service Delivery
 - Master Plan
- Asset Management
 - Continue Development of Facilities Database Information



Next Steps

- Develop City Managers Recommended Budget
- Finalize Facility Study Solicitation

QUESTIONS?





UNION PACIFIC RAILROAD RESTRICTIVE COVENANT AMENDMENT REQUEST

Union Pacific Railroad – Former Ashland Railyard

Ashland City Council Business Meeting
March 21, 2023

Jacobs





Proposed Covenant Modification

(Condition 9 of PA 2016-00684)

Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to a single residential property. Thereafter, development of or any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. Grantor will provide written document from the Department of Environmental Quality demonstrating compliance with these standards to the City.

Parcel 7 is restricted from further development or land division until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards consistent with the current and likely future land use zoning for the property (i.e., E-1 with residential overlay) applicable to a single residential property. These land uses correspond with the Department of Environmental Quality Urban Residential and/or Occupational exposure scenarios. Thereafter, development of or any subdivided parcel cannot occur until Grantor obtains a determination from the Department of Environmental Quality that the property meets cleanup standards applicable to the use proposed for the subdivided parcel. This covenant will be removed from the property, and/or any subdivided parcel(s), upon the Grantor will provide providing the City written documentation from the Department of Environmental Quality demonstrating compliance with these standards to the City.



Estimated Timeline – Next Steps

- **Spring 2023:** Type II hearing before Planning Commission for covenant modification
- **Summer 2023:** Public town hall and City Council Study Session
- **Fall 2023:** DEQ finalizes Record of Decision
- **Winter 2023:** Complete remedial design remedial action work plan
- **Spring 2024:** Solicit bids from remediation contractors
- **Summer 2024:** Commence remediation activities
- **Fall 2024:** Completion of remediation activities





QUESTIONS

- More information:

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- ODEQ contact:

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BALLOT #1

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