



**TALENT CITY COUNCIL
REGULAR COUNCIL MEETING MINUTES
TOWN HALL
July 3, 2019 — 6:45 p.m.**

Study Session, Regular Council & TURA meetings are digitally recorded and will be available on the City website: www.cityoftalent.org.

REGULAR COUNCIL MEETING

1. Call to Order/Roll Call at 6:49 p.m.

Members Present:	Members Absent:
Councilor Land Councilor Berlant (Presiding Officer) Councilor Dolan Councilor Clark Councilor Ponomareff	Mayor Ayers-Flood Councilor Harrison
Also Present:	
Sandra Spelliscy, City Manager Gabriella Shahi, City Recorder Zac Moody, Community Development Director Kurt Sexton, Finance Director Bret Marshall, Public Works Director Chief Doney, Talent Police Department	

2. Community Announcements

None.

3. Public Presentations

None.

4. Unfinished Business

4.1 2019-994-R Resolution re: New Water Rates Schedule

Staff Report – Public Works Director

Talent and other small city customers of the Medford Water Commission (MWC), have funding challenges due to their size and the high costs to operate a water utility. The relatively low number of customers, the large debt service associated with the TAP connection made in 2000, the debt service for the new water reservoir, the low per capita water consumption experienced in Talent and the high

cost of meeting future capital improvement needs combine to create higher cost per service connection in Talent compared to some other cities in the area.

The primary components creating the need for a rate adjustment are:

1. The revenue reduction action by the city in July of 2008. Had rates remained where they were in 2008 instead of being reduced, the average user would be seeing a \$.96/3,000 gallon increase over the next five years instead of the \$4.96/3,000 gallon increase that is being proposed.
2. Capital improvement and replacement has been deferred in recent years. Only the highest priority projects have been funded and the city has incurred debt payment costs (such as for the new reservoir) instead of paying for projects through long-term saving.
3. Operating costs inflation. The costs for labor, materials and services continue to rise over time.
4. Increased cost to purchase water from the MWC. MWC is on a schedule for annual increases to cover planned projects and the rising costs of labor, materials and services.

The proposed rate schedule is contained in the attached resolution. The most common meter size, $\frac{3}{4}$ inch by $\frac{5}{8}$ inch, which represents 80% of the hook-ups in the service area, would see a rate increase from \$17.15 per 3,000 gallons to \$22.11 per 3,000 gallons, or an increase of \$4.96 per 3,000 gallons over the five-year period.

Discussion:

- Council and Staff discussed the proposed water rates in comparison to other smaller cities in the region.
- Council and Staff discussed possibility of reducing the initial rate increase and spreading the rate increase more evenly across the proposed time span. Staff noted the proposed rate increases reflect the Water Master Plans project schedule.
- Council and Staff discussed a possible “financial hardship” clause. Staff stated they will research this further and bring a recommendation back to Council.
- Council and Staff discussed conducting a water rates study. Staff noted there are funds budgeted for a water rates study.
- Staff noted the water fund is an enterprise fund regulated by state law.

Motion: Councilor Land moved to approve Resolution 2019-995-R, a resolution establishing a fee schedule for the city of Talent water rates and rescinding Resolution No. 2018-969-R. Councilor Dolan seconded.

Discussion: Councilor Ponomareff moved to amend the motion to direct staff to bring back a recommendation to Council for a possible language that would set up hardship provision with rate structure and also to include recommendation #5 from the Water Master Plan under rates. Councilor Clark seconded. Discussion: None. Vote: All ayes. Amendment passed.

Vote: All ayes. Motion passed.

4.2 2019-956-O Water SDC Ordinance Update (public hearing & first reading)

Staff Report – Public Works Director

The 2019 Water Master Plan Update evaluates the City’s water system for current deficiencies, sets out future infrastructure needs for the system to accommodate projected growth, and provides a financial analysis with recommendations for funding of that infrastructure. The financial analysis in the Plan was prepared by Hansford Economic Consulting (HEC). In its analysis, HEC made two recommendations regarding System Development Charges (SDCs) for new water system participants. The first was a change to the methodology in calculating the part of the SDCs that relates to debt service. The second recommendation by HEC in the Water Master Plan Update is to increase water SDCs for new water system participants.

SDCs only affect new customers to the system and are not applied to existing customers. SDCs are paid by the building permit holder on new development, usually the developer for the project. These changes also include the updated water SDCs of \$5,185 per equivalent residential unit (ERU) as

outlined in Table 2 of Appendix A. This is an increase of \$1,964 from the current ERU amount of \$3221. The \$5,185 charge is what the consultant finds will be necessary to adequately fund the capital improvement projects laid out in the Plan update.

Staff recommends the update of this ordinance to correct the debt service methodology for calculating SDCs, as well as to increase the SDCs to the recommended rate schedule based on meter size as shown in Appendix A Table 2. This will help to insure adequate funding for the current and future needs of Talent's potable water system.

Discussion: None.

Public Hearing opened at 7:06pm and closed at 7:06pm.

Motion: Councilor Clark moved to adopt Ordinance 2019-956-O, an ordinance establishing the methodology and procedures to implement water System Development Charges; repealing Ordinance 730 and its amendments (Ordinance 763, 773 & 781), and the contents in their entirety and incorporated therein, by title only. Councilor Dolan seconded.

Discussion: None.

Vote: All ayes. Motion passed.

5. Public Hearings

5.1 2019-957-O Plastics Ordinance (first reading)

Staff Report – City Manager

On April 3, 2019, the City Council held a discussion and heard testimony from the public on the possible adoption of a draft ordinance to prohibit the distribution of plastic and bioplastic food service ware in the city of Talent. The Council directed staff to bring back a final ordinance for Council consideration based on the April discussion.

On June 13 and June 20, respectively, Governor Kate Brown signed into law HB 2509 and SB 90, legislation dealing with prohibition on distribution of single-use carryout bags and single-use plastic straws by retail establishments in the state of Oregon. The new laws prohibit local governments from enacting local regulations that differ from those in state law, although HB 2509 does provide that local governments may allow retail establishments to charge a fee of more than five cents for the provision of reusable bags. Based on the new law, the final draft ordinance before the Council does not contain language regarding prohibitions on single-use plastic bags or single-use plastic straws.

In discussing the draft ordinance, Council may want to consider the following issues:

1. Bioplastic prohibition – some vendors in town are using compostable service ware in an attempt to be more environmentally-friendly. Is Council clear that it wants to prohibit that practice?
2. Events on City of Talent property could be interpreted to include events that are part of rentals for Town Hall or the Community Center. Is this Council's intent? Those facilities currently do not contain adequate means for washing reusable service ware.
3. City-sponsored events (such as the Harvest Festival) have in the past encouraged the use of reusable service ware, but not completely banned it. Is this Council's intent?
4. What happens after the 30-day exemption in section 4(A) expires and there is still not a cost-similar or feasible alternative?
5. The ninety-day effective date is very short and does not comport with most recently-enacted ordinances in other jurisdictions, which usually provide for 6-months to a year or more for compliance. Staff recommends an effective date of January 1, 2020, which would coincide with the effective dates in HB 2509 and SB 90.
6. Does the Council want to consider setting an income threshold for the ordinance (\$50,000 in gross sales per year) like the one in the polystyrene ordinance?
7. Does Council want to direct staff to bring the ordinance back for amendment to incorporate the new

state laws by reference once they have been codified?

Discussion:

- Council and Staff discussed the bioplastic prohibition.
- Council and Staff discussed enforcement of the ordinance in city buildings and public spaces. They also discussed how the ordinance would apply to organizations or individuals- renting city spaces or holding permitted events..
- Council stated the need for resources and education to help support the goal of the ordinance.
- Council and Staff discussed the language of Section 1(E) and Section 3(A). Council and Staff noted the need to refine the definitions in each section.
- Council and Staff discussed the processes and procedures of the 30-day exemption under Section 4(A).
- Council and Staff discussed the exemption of cups and lids.
- Council and Staff discussed the proposed effective date of the ordinance and the effective and operational date of the recently passed state laws relating to carryout bags and plastic straws.
- Council and Staff discussed the idea of a gross sale threshold similar to the polystyrene ordinance.
- Council and Staff discussed the need for cost comparisons of alternatives to disposable plastic food service ware. Councilor Berlant reviewed some of the actions taken by the Talent Zero Waste Team (TZWT) to research and provide alternatives to local businesses.
- Council and Staff discussed bringing the ordinance back for amendment to incorporate the new state law.

Public Hearing opened:

Zoe Williams:

Williams read aloud a statement of support for the ordinance. She handed out sample biodegradable drinking straws to Council and staff. (Williams' statement is attached).

Sharon Anderson:

Anderson, the TZWT coordinator, spoke on behalf of TZWT. Anderson discussed a proposed 3-tiered implementation of the ordinance. She asked about penalties for non-compliance. Anderson provided examples of different alternatives pilot programs and the outreach work TZWT has conducted. Anderson said most Talent businesses are in support of the ordinance.

Public Hearing closed at 8:09 pm.

Discussion:

- Council and Staff discussed the fees outlined in the state law, how those fees are allocated, and possible fee structures for the City ordinance.
- Council and Staff discussed the proposed revisions of the ordinance to include: phase out structure, effective date, removal of the exemption listed in Section 4(A), reasonable alternative language, definitions and associated regulations of city-hosted/sponsored events.

Council directed Staff to bring a revised version of the ordinance to the July 17, 2019 meeting.

6. Speakers Heard on Non-Agenda Items

None.

7. Consent Agenda

7.1 Approval of June 5 and June 19, 2019 Council Meeting Minutes

7.2 Amendment to City Manager Contract

Motion: Councilor Ponomareff moved to approve the consent agenda as amended. Councilor Clark seconded.

Discussion: Councilor Dolan noted language changes to item 9.4 of the June 5, 2019 minutes and item 6 of the June 19, 2019 minutes.

Vote: All ayes. Motion passed.

8. Regular Agenda

8.1 W. Valley View Lane Reconfiguration Update (informational)

Staff Report – Community Development Director

In 2015, the City applied for and was awarded an All Roads Transportation Safety (ARTS) Program grant to resurface and restripe West Valley View from Oregon 99 to the Bear Creek bridge on Valley View. This project as proposed is identified in the City's Transportation System Plan and the 1-5 Exit 21 Interchange Area Management Plan (IAMP) for possible improvements for bicycle and pedestrian safety based on existing and potential crashes.

In early 2017, the City was notified that it received Federal ARTS funding for this project in the amount of \$537,000 to have ODOT complete the scoped project and resurface W. Valley View from the Bear Creek bridge to Oregon 99. In July 2018, the City signed an IGA allowing the City to accept the ODOT funds as state funds in the amount of \$456,693 and to take over design, engineering and construction of the project. More specific design details on the bioswales and bicycle barriers as well as the pedestrian crossing at Wagner Creek will be presented to the Council later this summer.

This month, the Rogue Valley Sewer Service Board of Directors approved the City's request for up to \$50,000 of additional support for the construction of the West Valley View stormwater facilities. These funds will be utilized for design, materials and construction of the stormwater facilities. The City's contribution to the project is approximately \$94,000 which includes funding from water, stormwater and streets System Development Charges. The City's contribution will cover the additional costs associated with a new water line across West Valley View, stormwater costs not covered by Rogue Valley Sewer Services and the installation of a rapid flashing beacon at Wagner Creek.

Discussion:

- Council and Staff discussed different aspects of the plans and design.

8.3 Disposition of Surplus Property

Staff Report – City Manager

The city owns two parcels of improved real property that are currently not being used for city purposes and that are costing the city more to operate and maintain than the city realizes in rent. The first is the Park and Ride Center, more commonly known as the Depot Building, and the second is the old county library building, which houses the Talent Historical Society (THS).

Staff recommends that Council direct staff to begin investigating the possibility of disposing of these two buildings that are not being used for city purposes and that are costing taxpayers significant amounts of money to operate and maintain. In addition, staff does not have adequate time nor expertise to properly oversee the leasing of these buildings as property managers. The Depot Building has demonstrated commercial value and could be sold, although that action may be complicated by the fact that the building was built with state grant funds as a transit facility. The THS building is less likely to have commercial potential, but it is possible that it could be donated to a nonprofit that would use it for an educational social service. Staff has been in contact with the City

Attorney's office to obtain some preliminary information regarding the legal steps required for disposition of surplus property.

Discussion:

- Staff stated the City does not maintain any other surplus properties (properties not used for public purposes).
- Council and Staff discussed what happens to the current tenants if buildings sell, or to the buildings if the tenants vacate.
- Council and Staff discussed the possible cost savings associated with keeping the buildings and or selling or donating them.
- Staff stated that Council should consider if there are benefits of, or a public purpose for, the city being a commercial landlord.
- Council and Staff noted the possible need for a market study and development of long-term maintenance plan and funding to allow the city to retain ownership of buildings without the need for taxpayer subsidies.

Motion: Councilor Land moved to extend the meeting 10 minutes. Councilor Dolan seconded.

Discussion: None.

Vote: All ayes. Motion passed.

Ron Medinger:

Medinger, Board President of the THS, gave an overview of THS's history in the old library building. He stated THS is able and willing to take the building as a donation.

Motion: Councilor Ponomareff moved to extend the meeting 10 minutes. Councilor Clark seconded.

Discussion: None.

Vote: All ayes. Motion passed.

Motion: Councilor Dolan moved to direct staff to investigate the possibility of disposing of the Depot Building and the Old County Library Building, to include impacts to current occupant and Talent's economic development and bring back recommendations and options to Council regarding next steps. Councilor Ponomareff seconded.

Discussion: None.

Vote: All ayes. Motion passed

8.2 Fireworks Survey Update (informational)

Staff Report – Talent Police Chief

At the direction of the Talent City Council, the Police Department conducted a survey of residents concerning their thoughts regarding a ban on fireworks within the city limits. The survey could be accessed on the City of Talent webpage along with hard copies available at both City Hall and the Police Department. Information on the survey was available on the Police Department webpage. Public input was solicited via the city webpage, the Talent Community Facebook page, local television and print media. Additionally, surveys were completed by citizens at the Community Development Fair.

The following breakdown shows the results of the survey:

- 45 respondents suggested some type of a ban on fireworks within the city.
- 16 respondents indicated they were against a potential firework ban.

The Police Department has rented a reader board trailer that will be strategically positioned around the city between June 28, 2019 – July 5, 2019, warning residents about fire safety and strict enforcement of illegal fireworks ban.

Motion: Councilor Dolan moved to extend the meeting 10 minutes. Councilor Ponomareff seconded.

Discussion: None.

Vote: All ayes. Motion passed.

Discussion:

- Council gave feedback about the format of the survey.
- Staff does not recommend a ban at this time. Staff noted the low amount of service calls to police and fire related to fireworks.
- Council and Staff discussed a possible partial ban that would limit fireworks use to certain dates.
- Staff detailed the difference between legal and illegal fireworks.

9. City Manager & Other Department Reports

- Reminder – August 7, 2019 is the summer recess for City Council Meetings
- Teamsters requested to reopen bargaining on the City's collective bargaining agreements based on the changes in the PERS laws that were enacted this year. The City's response is that it does not have a legal obligation to reopen negotiations.

10. Other Business

- Councilor Ponomareff asked Staff to research the City being able to provide the Touch Pass, bus passes, at City Hall.
- City Council has adopted the traffic circle bioswale.

11. Adjournment at 9:48 p.m.

Respectfully submitted by:



Gabriella Shahi, City Recorder

The City of Talent is an Equal Opportunity Provider

Note: These minutes and the entire agenda packet, including staff reports, referenced documents, resolutions and ordinances are posted on the City of Talent website (www.cityoftalent.org) after each meeting. The minutes are not a verbatim record: the narrative has been condensed and paraphrased to reflect the discussions and decisions made.

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