

CITY of LA GRANDE

City Council Regular Session

September 7, 2016

6:00 p.m.

Council Chambers
La Grande City Hall
1000 Adams Avenue

MINUTES

COUNCILORS PRESENT:

Stephen E. Clements, *Mayor*
Gary Lillard, *Mayor Pro Tem*
John Bozarth, *Councilor*
Wayne Brown, *Councilor*
John Lackey, *Councilor*
Troy Pointer, *Councilor*
Justin Rock, *Councilor*

COUNCILORS ABSENT EXCUSED:

STAFF PRESENT

Robert Strope, *City Manager*
Angelika Brooks, *City Recorder*
Michael Boquist, *City Planner*
Brian Harvey, *Police Chief*
Norm Paullus, *Public Works Director*
Stu Spence, *Parks & Recreation Director*

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ ROLL CALL/AGENDA APPROVAL

Mayor CLEMENTS called to order this Regular Session of the Council at 6:00 p.m. Roll Call was taken and a quorum was determined to be present.

CONSENT AGENDA

- a.** **Consider:** Approval of Regular Session Minutes; *August 3, 2016*
- b.** **Consider:** Approval of Bid Award; *Fir Street Grind and Pave*
- c.** **Consider:** Approval of Liquor License: *Market Place Family Foods*
- d.** **Consider:** Approval of Final Plat and Acceptance of Right-of-Way Dedication for Major Land Partition; *East "H" Avenue*
- e.** **Consider:** Approval of Bid Award; *Jetter Purchase*
- f.** **Consider:** Removal of Advisory Commission Member

The following Motion was introduced by BROWN; ROCK providing the Second:

MOTION: I move that we accept the Consent Agenda as presented. **MSC.** (unanimous)

PUBLIC COMMENTS

None

PUBLIC HEARINGS

**a. Consider: Local Improvement Districts, Water
16/16/Sewer 16-051; East "N" Avenue**

RULES OF ORDER

Mayor CLEMENTS opened the Public Hearing at 6:03 p.m. and asked the City Recorder to read the Rules of Order for the two Public Hearings on the Agenda in their entirety.

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Norm PAULLUS, *Public Works Director*

PAULLUS stated that staff received a petition to establish a Sewer and Water Local Improvement District for East "N" Avenue beginning at Hall Street proceeding east for approximately 340 feet. The petition was returned with 64.88% of the benefitted land area, and 66.76% of the land ownership signing for the improvements. The spread sheet that was included in the written staff report; a copy of which is now a permanent document in the master file for this Regular Session and by this reference incorporated herewith as if fully set forth, indicated the property owners that did not sign the petition sent a letter of support prior to the August 3, 2016, Council Session during which the Council established the Local Improvement Districts, accepted the Preliminary Study and Report and established the Public Hearing date.

PAULLUS noted that staff reviewed the Preliminary Study with each owner with an estimated cost for the Sewer Improvement of \$20,227.20, which included one service tap for each property. The estimated cost for the Water Improvement was \$16,320.00; taps would be installed with the construction of the mainline, but fees would not be due until the lot was developed. Property owners would have the option to install additional service lines at the time of construction for the price per service as set by Resolution. Water L.I.D's were budgeted in the new water reserve budget (019-275-640.000) and sewer L.I.D's were budgeted in the new sewer reserve budget (008-150-640.001).

PUBLIC COMMENT

None

COUNCIL DISCUSSION

None

The following Motion was introduced by BOZARTH; ROCK providing the Second:

Motion: I move that we authorize staff to proceed with the Sewer Local Improvement District Number 16-16 and Water Local Improvement District Number 16-051 for East 'N' Avenue.

COUNCIL DISCUSSION

None

VOTE

MSC: (unanimous)

b. Consider: First Reading; *Charter Communications Franchise Agreement*

RULES OF ORDER

Mayor CLEMENTS opened the Public Hearing at 6:08 p.m. and stated that the Rules of Order were read in their entirety at the opening of the first Public Hearing of the evening.

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Robert STROPE, *City Manager*

STROPE stated that as the Council was aware, the City had been a member of a group of cities throughout Oregon negotiating for some time with Charter Communications for a new Franchise Agreement. The group, included the City's legal counsel, believed the Agreement was fair and equitable and had recommended to all jurisdictions that it be approved as drafted. In this Agreement, the Franchise fee would increase from 4% to 5%. Charter had also agreed to provide a one-time PEG Access grant in the amount of Fourteen Thousand Dollars (\$14,000). La Grande was one of two cities that were receiving such a grant. This funding must be used exclusively for equipment purchases related to the PEG channel and would be accounted for separately. This Franchise Agreement expires in ten (10) years, or on November 4, 2026, unless extended by mutual consent of both parties.

A brief discussion was held regarding the ownership of the equipment and the restrictions on the PEG Grant funds.

PUBLIC COMMENT

None

COUNCIL DISCUSSION

None

At the Mayor's request, the City Recorder Read the Proposed Ordinance by Title Only as follows:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, UNION COUNTY, GRANTING FALCON COMMUNITY CABLE, L.P., d/b/a CHARTER COMMUNICATIONS, THE RIGHT, PRIVILEGE, AND FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE SYSTEM IN, UPON, ACROSS, ABOVE, OVER AND/OR UNDER THE PUBLIC RIGHT-OF-WAYS WITHIN THE CITY OF LA GRANDE []

Mayor CLEMENTS' announced that the Public Hearing would be continued to October 5, 2016, at which time the Proposed Ordinance was scheduled to be read a Second Time by Title Only and considered for Adoption.

UNFINISHED BUSINESS

None

NEW BUSINESS

- a.** **Consider:** Authorize City Manager to Negotiation/
Sign Agreement; *Continued Short-term
Investigative Services*

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Brian HARVEY, Police Chief

Chief HARVEY stated that the Police Department's specialized Domestic Violence Detective position had been funded via a grant through Shelter From the Storm for nearly three years. This grant was due to expire on September 16, 2016. A grant renewal application had been submitted; however, it was unclear whether or not it would be approved and notification of the renewal of the grant often does not occur until the initial grant's expiration date. Detective Scott Whittington had staffed this position for the entire duration of the grant. Due to the uncertainty of the grant renewal, Detective Whittington had elected to retire to preserve our newest officer's position in the event the grant did not continue. He was willing to contract back with the Police Department as needed and as funding allowed. Due to the complexity of this position and program and the significant impact to the citizens served by this position, the Police Department was requesting authority to contract with Detective Whittington for a post retirement period of 90 days to complete investigations and facilitate the closing of this program.

Chief HARVEY noted that the continuation of this position for those 90 days may require the use of contingency funds, which would be determined prior to the end of the fiscal year. In the event the grant was renewed, the City may seek approval to contract with Detective Whittington for a longer period of time, and this action would be brought back before Council at a future meeting.

Chief HARVEY stated that Staff was requesting authorization for the City Manager to negotiate and sign a contract with Detective Whittington to provide investigative services for the La Grande Police Department for a period not to exceed 90 days.

PUBLIC COMMENT

None

COUNCIL DISCUSSION

None

MOTION

The following Motion was introduced by BOZARTH; LACKEY providing the Second:

Motion: I move that the City Manager be granted the authority to negotiate and sign an agreement to contract with Detective Scott Whittington to provided investigative services not to exceed 90 days.

COUNCIL DISCUSSION

None

VOTE

MSC: (unanimous)

b. Consider: Establishing Fees; *Veterans' Memorial Pool*

STAFF REPORT

Mayor CLEMENTS requested the Staff Report.

Stu SPENCE, *Park and Recreation Director*

SPENCE stated that the Mayor and Council requested the Parks and Recreation Advisory Commission to research Veterans' discounts for Military Veteran patrons that participate in Veterans' Memorial Pool activities, classes, and programs. Staff had researched other facilities and had worked with the Parks and Recreation Advisory Commission to provide the recommended changes contained in the proposed Resolution.

SPENCE noted that the Military Veterans would be charged the resident or non-resident Senior rate for admission, membership, and annual passes.

SPENCE stated that the Military Veteran was defined as Active Duty, Honorably Discharged, Retired, or Disabled Veteran, but not their spouse, children, or any other family members or dependents. Valid Military identification was required upon purchase.

SPENCE further noted that additionally, as part of the Resolution update, Single Admission fees for youth, adults, and seniors were increased by \$0.50 for residents and non-residents and Annual Pass fees were increased by 10%.

SPENCE stated that these fees had not been increased since 2011.

PUBLIC COMMENT

None

COUNCIL DISCUSSION

None

MOTION

The following Motion was introduced by LACKEY; BROWN providing the Second:

Motion: I move that the proposed Resolution reducing pool user fees for military veterans and increasing certain other fees be read by title only, put to a vote and passed.

COUNCIL DISCUSSION

None

At the Mayors request, the City Recorder Read the Proposed Resolution by Title Only as follows:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA GRANDE, OREGON, ESTABLISHING FEES FOR VETERANS' MEMORIAL SWIM POOL AND REPEALING RESOLUTION NUMBER 4701, SERIES 2015 AND ALL OTHER RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH. [4735]

VOTE

MSC: (unanimous)

STAFF COMMENTS

Norm PAULLUS, updated the Council on the 20th Street Project. He also informed the Council of the logistics of the Fir Street paving project.

Stu SPENCE stated that the Parks and Recreation Department will not be purchasing a tractor, as indicated in the approved FY2016-2017 Budget. The Public Works Department had a backhoe that the Parks and Recreation Department would be able to rent. Therefore, with the funds that would have been spent to purchase the tractor, SPENCE stated that the following items would be purchased in place of the tractor: trip mower, dump trailer and a used three-quarter ton truck.

Chief HARVEY updated the Council on the staffing of the Police Department.

CITY MANAGER COMMENTS

None

CITY COUNCIL COMMENTS

In response to POINTER's question, STROPE stated that he would research how the water and sewer rates for people who qualify for a discounted rate were determined.

POINTER noted that he requested that the City Recorder forward information regarding marijuana to the Council to which she had done prior to the meeting.

LILLARD stated he had been approached by the Liberty Theatre Board to serve as a liaison on their board and he requested the Council's input in the matter. STROPE stated

that if the Liberty Theatre wanted to include Councilor LILLARD's official elected title then he would have to receive the consensus of the Council, however if it was Councilor Lillard as an individual then he would be able to be added to any publications for the Liberty Theatre. It was requested by the Council that LILLARD receive clarification on the intent of the Liberty Theatre Board on the position he would be serving on the Board.

BOZARTH stated that he believed that the Council needed to authorize Staff to start researching the marijuana codes and regulations to enable the Council to have a head start on the possibility of a petition being passed to allow the selling of recreational marijuana in the City of La Grande to which, LILLARD agreed.

BOQUIST stated that there was very little guidance from the State Planning Department on how the Cities and Counties develop regulations and codes on the selling of recreational marijuana. In response to LILLARD's question, BOQUIST stated that he had plenty of time to do research to bundle it with the revision of the City's code amendments.

CHIEF HARVEY informed the Council on complaints from citizens regarding the private growing of marijuana. He recommended that the Council also research regulations on land use and local ordinances regarding private marijuana grow sites.

There was a Council consensus on moving forward with authorizing Staff to research codes and regulations on marijuana.

In response to BOZARTH's question, STROPE stated that he was not actively working on an Agent of Record, but would be looking more into it over the next three months.

Mayor CLEMENTS presented a handout on the Umpqua Community College shooting in relation to mental health. He also updated the Council on the Library District and the Quiet Zone. He reminded the audience that Celebrate La Grande was scheduled for Thursday, September 8, 2016, at 5:00 p.m.

There being no further business to come before this Regular Session of the Council, CLEMENTS adjourned the meeting to the Urban Renewal Agency Regular Session at 6:58 p.m. The Council is scheduled to meet again in Regular Session on Wednesday, October 5, 2016 at 6:00 p.m., in the Council Chambers of City Hall, 1000 Adams Avenue, La Grande, Oregon.

Kayla M. Nichols

Stephen E. Clements

Assistant to the City Manager

Mayor

APPROVED: _____