



Medford City Council Meeting

Agenda

July 6, 2017

12:00 Noon AND 7:00 P.M.

Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon

10. **Roll Call**

20. **Approval or Correction of the Minutes of the June 22, 2017 Regular Meeting**

30. **Oral Requests and Communications from the Audience**

Comments will be limited to 4 minutes per individual, group or organization. PLEASE SIGN IN.

30.1 Jackson County Library

40. **Consent Calendar**

40.1 COUNCIL BILL 2017-70 A resolution reversing the City Recorder's administrative decision and upholding the issuance of a taxi driver identification card to Ray Robinson.

40.2 COUNCIL BILL 2017-71 A resolution approving the composition of the Technical Advisory Committee (TAC) and directing Planning staff to form this committee as one of the City Council's advisory groups for the Transportation System Plan (TSP) update project.

40.3 COUNCIL BILL 2017-72 An ordinance awarding a contract in an amount of \$566,335 to Pilot Rock Excavation, Inc. to construct street improvements on Lozier Lane from Kime Drive to Cunningham Avenue.

40.4 COUNCIL BILL 2017-73 An ordinance awarding a contract in an amount of \$449,563.60 to Central Pipeline Inc. to install cured in place pipe lining in storm drainage pipes.

40.5 COUNCIL BILL 2017-74 An ordinance awarding a contract an in amount of \$1,125,000 to Knife River Materials for the purchase of bulk asphalt concrete supply through June 30, 2019.

40.6 COUNCIL BILL 2017-75 An ordinance amending sections 2.005, 2.040, 2.045, 2.050, and 2.080 of the Medford Municipal Code pertaining to council procedures.

50. **Items Removed from Consent Calendar**

60. **Ordinances and Resolutions**

60.1 COUNCIL BILL 2017-76 An ordinance authorizing the taking of real property by eminent domain action to acquire needed property for the Neighborhood Infrastructure Improvement Project to construct sidewalks on portions of Plum Street, Tennessee Drive, and Chico Street.

60.2 COUNCIL BILL 2017-77 An ordinance authorizing execution of an Agreement between the City of Medford and Teamsters Local Union No. 223 representing Parks Maintenance and Facility Management Employees concerning wages, hours, fringe benefits, and other working conditions retroactive from July 1, 2017, through June 30, 2020.

60.3 COUNCIL BILL 2017-78 An ordinance amending the existing Construction Manager/General Contractor contract with Adroit Construction, Inc. and acceptance of a Guaranteed Maximum Price of \$4,076,565 for the construction of Fire Station #3.

60.4 COUNCIL BILL 2017-79 An ordinance granting to Avista Corporation, a Washington Corporation, the non-exclusive privilege (Franchise) to use the public way to locate, construct, operate and maintain natural gas facilities within the City of Medford.

70. Council Business

70.1 Mayor's Youth Advisory Committee Appointments

70.2 Arts Commission Appointment

80. City Manager and Other Staff Reports

80.1 Oregon Stewardship update

80.2 Food trucks on street

80.3 Further reports from City Manager

90. Propositions and Remarks from the Mayor and Councilmembers

90.1 Proclamations issued:
Smart Irrigation Month – July 2017
Parks Month – July 2017

90.2 Further Council committee reports

90.3 Further remarks from Mayor and Councilmembers

100. Adjournment to the Evening Session

EVENING SESSION

7:00 P.M.

Roll Call

110. Oral Requests and Communications from the Audience

Comments will be limited to 4 minutes per individual, group or organization. PLEASE SIGN IN.

120. Public Hearings

Comments are limited to a total of 30 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All others will be limited to 4 minutes. PLEASE SIGN IN.

120.1 COUNCIL BILL 2017-68 – CONTINUED – A resolution approving the construction of street improvements on Foothill Road between Hillcrest Road and East McAndrews, as part of Foothill Road Improvement Project. TF-17-012 (Land Use, Quasi-Judicial)

130. Ordinances and Resolutions

140. Council Business

150. Further Reports from the City Manager and Staff

160. Propositions and Remarks from the Mayor and Councilmembers

160.1 Further Council committee reports

160.2 Further remarks from Mayor and Councilmembers

170. Adjournment

RESOLUTION NO. 2017-70

A RESOLUTION reversing the City Recorder's administrative decision and upholding the issuance of a taxi driver identification card to Ray Robinson.

WHEREAS, the Medford Police Department sought to revoke the issuance of a taxi driver identification card to Ray Robinson based on the provision of disqualifying events listed in Medford Code section 8.425(2)(e)(vii); and

WHEREAS, the applicant subsequently appealed the decision to revoke his taxi driver identification card to the City Recorder and the City Recorder upheld the Police Department's decision; and

WHEREAS, the applicant then appealed to the City Council pursuant to Medford Code Section 1.025, and the matter was first heard on June 15, 2017, at which time the City Council reviewed the applicable criteria and heard testimony; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON: that the Council determines that the City Recorder's administrative decision shall be reversed and the issuance of a taxi driver identification card to Ray Robinson shall be upheld.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.2

www.ci.medford.or.us

DEPARTMENT: Planning **AGENDA SECTION:** Consent Calendar
PHONE: (541) 774-2380 **MEETING DATE:** July 6, 2017
STAFF CONTACT: Matt Brinkley, AICP CFM, Planning Director

COUNCIL BILL 2017-71

A resolution approving the composition of the Technical Advisory Committee (TAC) and directing Planning staff to form this committee as one of the City Council's advisory groups for the Transportation System Plan (TSP) update project.

SUMMARY AND BACKGROUND

The Planning Department is seeking approval to form a Technical Advisory Committee (TAC) to assist in completing the Transportation System Plan (TSP) update. The project already has a Citizen Advisory Committee (CAC) established. That group consists of members of the Joint Transportation Subcommittee (JTS) who are appointed by Council. The JTS was recognized as the CAC by City Council in May 2011. The TAC membership would consist exclusively of representatives from various (mostly public sector) transportation agencies including Jackson County, ODOT, Rogue Valley Transit District, and the Rogue Valley Metropolitan Planning Organization. Involving entities that own and operate transportation facilities that may be affected by Medford's TSP will ensure that decisions are made in a coordinated and deliberate manner that addresses the needs of these entities.

PREVIOUS COUNCIL ACTIONS

On May 5, 2011, City Council endorsed the Joint Transportation Subcommittee (JTS) members as the Citizen Advisory Committee (CAC) for the Transportation System Plan project.

ANALYSIS

The composition of the committee represents important stakeholders who the City finds necessary to be involved in the planning process of the transportation plan. These partners will help ensure that the plan reflects other agencies' needs and projects are represented accurately. The TAC will be closely involved in developing every aspect of the plan, including the prioritized project list that will ultimately be presented to the Planning Commission and City Council for approval as a part of the TSP. Due to their specialized expertise and unique experience, TAC members are also expected to provide additional information throughout this planning process that will provide a more robust foundation for future decision making.

The requested action also affords Council the opportunity to determine who is at the table discussing and reviewing this plan. The TAC and CAC are important components of meeting Statewide Planning Goal 1 by facilitating meaningful and deliberate citizen and agency involvement throughout the development of the plan.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

The Transportation System Plan is currently underway. It is important to form this committee as soon as possible so that documents produced by the consultant and City staff are evaluated by committee members in a timely fashion, and comments and input can be provided.

COUNCIL OPTIONS

Approve, modify or deny the resolution.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution directing Planning staff to form the Technical Advisory Committee (TAC) for the Transportation System Plan update project.

RESOLUTION NO. 2017-71

A RESOLUTION approving the composition of the Technical Advisory Committee (TAC) and directing Planning staff to form this committee as one of the City Council's advisory groups for the Transportation System Plan (TSP) update project.

WHEREAS, the Transportation System Plan has been in process since 2010 and is anticipated to be completed by the end of 2017; and

WHEREAS, the creation and use of advisory committees to evaluate a new TSP is appropriate to gain input, feedback, and recommendations; and

WHEREAS, the creation of the Citizen Advisory Committee (CAC) was previously recognized by City Council in May 2011 to consist of those members who serve on the Joint Transportation Subcommittee (JTS) and are still a recognized committee, and

WHEREAS, the City Council now endorses the creation of the Technical Advisory Committee; now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON, That the Mayor and City Council hereby approved the composition of the Technical Advisory Committee (TAC) to include representatives from the following agencies and direct Planning staff to form the TAC upon passage of this resolution:

Jackson County Roads
Jackson County Planning – Greenway
City of Central Point
City of Phoenix
Oregon Department of Transportation
Department of Land Conservation and Development
Rogue Valley Metropolitan Planning Organization
Rogue Valley Transportation District
Freight
Medford School District 549C

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.3

www.ci.medford.or.us

DEPARTMENT: Public Works
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin, Public Works Director

AGENDA SECTION: Consent Calendar
MEETING DATE: July 6, 2017

COUNCIL BILL 2017-72

An ordinance awarding a contract in an amount of \$566,335 to Pilot Rock Excavation, Inc. to construct street improvements on Lozier Lane from Kime Drive to Cunningham Avenue.

SUMMARY AND BACKGROUND

Pilot Rock Excavation, Inc. is the low bidder for a contract to construct street improvements on Lozier Lane: Kime Drive to Cunningham Avenue. Bids were opened on June 15, 2017. Four (4) bids were received and Pilot Rock Excavation, Inc. submitted the lowest responsible bid.

The bid submitted by Roxy Ann Rock was considered non-responsive and rejected due to being incomplete. The signed resident bidder signature sheet was not included.

The project will extend Lozier Lane to Orchard Home Drive (at Cunningham Avenue) providing a north-south street connection from South Stage Road to Rossanley Drive. The proposed street improvement is identified in the Transportation System Plan (adopted 2003) as Project Number 402 and categorized as a Tier 1 Short Range improvement.

PREVIOUS COUNCIL ACTIONS

By Resolution No. 2015-74, the City Council approved the proposed design for extending Lozier Lane to Orchard Home Drive on July 2, 2015.

ANALYSIS

The project will provide a more direct route for residents north of Kime Drive to access Cunningham Avenue which leads to the South Medford Interchange. Better overall street connectivity will be achieved in this part of the City and sidewalk and bicycle facilities will be enhanced.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Expenditure of \$566,335.00, which is included in the 2017/2019 Street SDC Fund (Fund 520) biennium budget.

TIMING ISSUES

Work will start after approval by the Council and is scheduled to be complete by October 31, 2017.

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance for a contract with Pilot Rock Excavation, Inc.

SUGGESTED MOTION

I move to approve the ordinance for a contract in the amount of \$566,335.00 to Pilot Rock Excavation, Inc. for street improvements on Lozier Lane: Kime Drive to Cunningham Avenue.

EXHIBITS

Ordinance
Bid Tabulation
Map

Contract documents are on file in the City Recorder's office

ORDINANCE NO. 2017-72

AN ORDINANCE awarding a contract in an amount of \$566,335.00 to Pilot Rock Excavation, Inc. to construct street improvements on Lozier Lane from Kime Drive to Cunningham Avenue.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount of \$566,335.00 to construct street improvements on Lozier Lane from Kime Drive to Cunningham Avenue, which is on file in the City Recorder's office, is hereby awarded to Pilot Rock Excavation, Inc.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor

CITY OF MEDFORD



Project: Lozier Lane Extension
 Location: Kime Drive to Cunningham Avenue
 Project No: P-1827
 Date of Bid Opening: June 15, 2017
 Proj Mgr: D. Hart / M. Lundberg

| No. | Item | Unit | Quantity | Lowest Bidder | | Central | Siskiyou | Roxy Ann |
|--------------|--|------|----------|-----------------------|---------------------|---------------------|---------------------|-------------------|
| | | | | Unit Bid | Amount | Pipeline | Cascade | Rock |
| | | | | Pilot Rock Excavation | | | Construction | Nonresponsive Bid |
| | | | | Unit Bid | Amount | Unit Bid | Unit Bid | Unit Bid |
| 1 | MOBILIZATION | LS | 1 | \$25,000.00 | \$25,000.00 | \$65,000.00 | \$52,603.00 | |
| 2 | TEMPORARY PROTECTION AND DIRECTION OF TRAFFIC | LS | 1 | \$7,000.00 | \$7,000.00 | \$15,000.00 | \$6,669.00 | |
| 3 | TEMPORARY SIGNS | SQFT | 520 | \$20.00 | \$10,400.00 | \$27.00 | \$10.00 | |
| 4 | TEMPORARY BARRICADES, TYPE II | EACH | 8 | \$55.00 | \$440.00 | \$75.00 | \$250.00 | |
| 5 | TEMPORARY BARRICADES, TYPE III | EACH | 4 | \$160.00 | \$640.00 | \$150.00 | \$350.00 | |
| 6 | TEMPORARY PLASTIC DRUMS | EACH | 6 | \$55.00 | \$330.00 | \$80.00 | \$150.00 | |
| 7 | FLAGGERS | HOUR | 300 | \$50.00 | \$15,000.00 | \$52.00 | \$55.00 | |
| 8 | PEDESTRIAN CHANNELIZING DEVICES | FOOT | 40 | \$27.00 | \$1,080.00 | \$50.00 | \$12.00 | |
| 9 | EROSION CONTROL | LS | 1 | \$3,000.00 | \$3,000.00 | \$4,500.00 | \$3,500.00 | |
| 10 | PLASTIC SHEETING | SQYD | 80 | \$1.50 | \$120.00 | \$2.00 | \$1.25 | |
| 11 | POLLUTION CONTROL PLAN | LS | 1 | \$500.00 | \$500.00 | \$2,500.00 | \$500.00 | |
| 12 | REMOVAL OF STRUCTURES AND OBSTRUCTIONS | LS | 1 | \$10,000.00 | \$10,000.00 | \$1,500.00 | \$5,000.00 | |
| 13 | CLEARING AND GRUBBING | LS | 1 | \$4,500.00 | \$4,500.00 | \$3,500.00 | \$6,500.00 | |
| 14 | GENERAL EXCAVATION | CUYD | 2,167 | \$16.00 | \$34,672.00 | \$22.00 | \$15.00 | |
| 15 | DITCH EXCAVATION | CUYD | 17 | \$30.00 | \$510.00 | \$25.00 | \$12.00 | |
| 16 | 12 INCH SUBGRADE STABILIZATION | SQYD | 350 | \$25.00 | \$8,750.00 | \$27.00 | \$25.00 | |
| 17 | SUBGRADE GEOTEXTILE | SQYD | 3,400 | \$1.00 | \$3,400.00 | \$2.00 | \$1.25 | |
| 18 | SUBGRADE REINFORCEMENT GEOGRID | SQYD | 340 | \$2.00 | \$680.00 | \$3.50 | \$3.50 | |
| 19 | 8 INCH STORM SEWER PIPE, 5 FT DEPTH | FOOT | 100 | \$22.00 | \$2,200.00 | \$98.00 | \$20.00 | |
| 20 | 12 INCH STORM SEWER PIPE, 5 FT DEPTH | FOOT | 111 | \$29.00 | \$3,219.00 | \$62.00 | \$25.00 | |
| 21 | 3 INCH PVC PIPE, 5 FT DEPTH | FOOT | 8 | \$11.00 | \$88.00 | \$45.00 | \$12.00 | |
| 22 | 4 INCH PVC PIPE, 5 FT DEPTH | FOOT | 178 | \$12.00 | \$2,136.00 | \$45.00 | \$15.00 | |
| 23 | 6 INCH PVC PIPE, 5 FT DEPTH | FOOT | 170 | \$15.00 | \$2,550.00 | \$36.00 | \$18.00 | |
| 24 | PIPE TEES, 4 INCH | EACH | 1 | \$175.00 | \$175.00 | \$350.00 | \$200.00 | |
| 25 | PIPE TEES, 12 INCH | EACH | 1 | \$625.00 | \$625.00 | \$550.00 | \$350.00 | |
| 26 | CONCRETE CLOSURE COLLARS | EACH | 1 | \$600.00 | \$600.00 | \$500.00 | \$550.00 | |
| 27 | CONCRETE INLETS, TYPE 4A | EACH | 4 | \$1,900.00 | \$7,600.00 | \$2,600.00 | \$2,200.00 | |
| 28 | CONCRETE INLETS, TYPE D | EACH | 1 | \$600.00 | \$600.00 | \$1,800.00 | \$3,500.00 | |
| 29 | CATCH BASINS, 12 INCH LANDSCAPE BASIN | EACH | 3 | \$300.00 | \$900.00 | \$600.00 | \$1,400.00 | |
| 30 | CATCH BASINS, 12 INCH BIOSWALE BASIN | EACH | 3 | \$1,500.00 | \$4,500.00 | \$1,400.00 | \$2,000.00 | |
| 31 | MINOR ADJUSTMENT OF MANHOLES | EACH | 3 | \$750.00 | \$2,250.00 | \$700.00 | \$450.00 | |
| 32 | ADJUSTING BOXES | EACH | 3 | \$300.00 | \$900.00 | \$400.00 | \$300.00 | |
| 33 | CONNECTION TO EXISTING STRUCTURES | EACH | 2 | \$900.00 | \$1,800.00 | \$1,200.00 | \$800.00 | |
| 34 | AGGREGATE BASE | TON | 2,745 | \$22.00 | \$60,390.00 | \$24.00 | \$35.00 | |
| 35 | LEVEL 3, 1/2 INCH DENSE HMAC | TON | 1,388 | \$85.00 | \$117,980.00 | \$82.00 | \$104.00 | |
| 36 | CONCRETE CURBS, CURB AND GUTTER | FOOT | 1,105 | \$19.00 | \$20,995.00 | \$17.50 | \$35.00 | |
| 37 | CONCRETE DRIVEWAYS | SQFT | 610 | \$8.00 | \$4,880.00 | \$10.00 | \$12.00 | |
| 38 | CONCRETE WALKS | SQFT | 6,772 | \$9.00 | \$60,948.00 | \$9.00 | \$10.00 | |
| 39 | CONCRETE DRIVEWAY CONNECTIONS | SQFT | 214 | \$8.00 | \$1,712.00 | \$8.00 | \$14.00 | |
| 40 | VALLEY GUTTER CONCRETE SURFACING | SQFT | 680 | \$16.00 | \$10,880.00 | \$16.00 | \$14.00 | |
| 41 | BOLLARDS | EACH | 1 | \$600.00 | \$600.00 | \$450.00 | \$250.00 | |
| 42 | DELINEATORS, TYPE 3 | EACH | 7 | \$100.00 | \$700.00 | \$450.00 | \$125.00 | |
| 43 | PAVEMENT LINE REMOVAL | FOOT | 950 | \$1.00 | \$950.00 | \$0.95 | \$1.10 | |
| 44 | MONO-DIRECTIONAL WHITE TYPE 1 MARKERS | EACH | 14 | \$5.50 | \$77.00 | \$8.00 | \$7.00 | |
| 45 | BI-DIRECTIONAL YELLOW TYPE 1 MARKERS | EACH | 66 | \$5.50 | \$363.00 | \$9.00 | \$7.00 | |
| 46 | LONGITUDINAL PAVEMENT MARKINGS - PAINT | FOOT | 3,400 | \$0.50 | \$1,700.00 | \$0.75 | \$0.40 | |
| 47 | THERMOPLASTIC, NON-PROFILE, 120 MILS, EXTRUDED OR SPRAYED | FOOT | 4,200 | \$1.25 | \$5,250.00 | \$1.75 | \$1.15 | |
| 48 | PAVEMENT BAR, TYPE B-HS: GREEN BIKE LANE TREATMENT | SQFT | 1,250 | \$10.00 | \$12,500.00 | \$10.00 | \$12.00 | |
| 49 | PAVEMENT LEGEND, TYPE B: ARROWS | EACH | 10 | \$300.00 | \$3,000.00 | \$300.00 | \$318.00 | |
| 50 | PAVEMENT LEGEND, TYPE B: "ONLY" | EACH | 3 | \$325.00 | \$975.00 | \$350.00 | \$350.00 | |
| 51 | PAVEMENT LEGEND, TYPE B-HS: BICYCLE LANE STENCIL AND SHARED LANE MARKING | EACH | 10 | \$300.00 | \$3,000.00 | \$350.00 | \$325.00 | |
| 52 | PAVEMENT BAR, TYPE B-HS | SQFT | 410 | \$9.00 | \$3,690.00 | \$10.00 | \$10.00 | |
| 53 | PAVEMENT LEGEND, TYPE B: "STOP" | EACH | 2 | \$325.00 | \$650.00 | \$350.00 | \$350.00 | |
| 54 | REMOVE EXISTING SIGNS | LS | 1 | \$1,100.00 | \$1,100.00 | \$900.00 | \$300.00 | |
| 55 | PERFORATED STEEL SQUARE TUBE SIGN SUPPORTS | LS | 1 | \$4,500.00 | \$4,500.00 | \$1,800.00 | \$300.00 | |
| 56 | TYPE "G" SIGNS IN PLACE | SQFT | 10 | \$115.00 | \$1,150.00 | \$50.00 | \$400.00 | |
| 57 | TYPE "R" SIGNS IN PLACE | SQFT | 6.25 | \$115.00 | \$718.75 | \$25.00 | \$12.00 | |
| 58 | TYPE "W1" SIGNS IN PLACE | SQFT | 28.75 | \$115.00 | \$3,306.25 | \$25.00 | \$15.00 | |
| 59 | POLE FOUNDATIONS | LS | 1 | \$2,700.00 | \$2,700.00 | \$3,000.00 | \$6,144.00 | |
| 60 | LIGHTING POLES, FIXED BASE | LS | 1 | \$7,000.00 | \$7,000.00 | \$6,900.00 | \$9,444.00 | |
| 61 | LIGHTING POLE ARMS | LS | 1 | \$1,500.00 | \$1,500.00 | \$1,600.00 | \$2,520.00 | |
| 62 | LUMINAIRES, LAMPS, AND BALLASTS | LS | 1 | \$1,000.00 | \$1,000.00 | \$1,200.00 | \$1,824.00 | |
| 63 | SWITCHING, CONDUIT, AND WIRING | LS | 1 | \$16,500.00 | \$16,500.00 | \$16,000.00 | \$15,324.00 | |
| 64 | PERMANENT SEEDING, MIX NO. 1 | ACRE | 0.12 | \$11,750.00 | \$1,410.00 | \$3,000.00 | \$2,500.00 | |
| 65 | WATER QUALITY SEEDING | ACRE | 0.02 | \$59,000.00 | \$1,180.00 | \$3,000.00 | \$15,000.00 | |
| 66 | DECIDUOUS TREES, 2 INCH CALIPER | EACH | 7 | \$600.00 | \$4,200.00 | \$250.00 | \$576.00 | |
| 67 | SHRUBS, #2 CONTAINER | EACH | 77 | \$31.00 | \$2,387.00 | \$75.00 | \$67.00 | |
| 68 | GROUNDCOVERS, #2 CONTAINER | EACH | 110 | \$31.00 | \$3,410.00 | \$25.00 | \$78.00 | |
| 69 | TOPSOIL | CUYD | 190 | \$75.00 | \$14,250.00 | \$40.00 | \$45.00 | |
| 70 | BIOFILTRATION TOPSOIL | CUYD | 60 | \$110.00 | \$6,600.00 | \$45.00 | \$64.00 | |
| 71 | BARK MULCH | CUYD | 105 | \$60.00 | \$6,300.00 | \$60.00 | \$45.00 | |
| 72 | SOIL CONDITIONER | CUYD | 35 | \$70.00 | \$2,450.00 | \$60.00 | \$66.00 | |
| 73 | ROOT BARRIER | FOOT | 54 | \$42.00 | \$2,268.00 | \$10.00 | \$78.00 | |
| 74 | IRRIGATION SYSTEM | LS | 1 | \$15,000.00 | \$15,000.00 | \$7,500.00 | \$24,112.00 | |
| Total | | | | | \$566,335.00 | \$636,333.00 | \$695,642.25 | |



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 40.4

www.ci.medford.or.us

DEPARTMENT: Public Works
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin, Public Works Director

AGENDA SECTION: Consent Calendar
MEETING DATE: July 6, 2017

COUNCIL BILL 2017-73

An ordinance awarding a contract in the amount of \$449,563.60 to Central Pipeline Inc. to install Cured in Place Pipe (CIPP) lining in storm drainage pipes.

SUMMARY AND BACKGROUND

Central Pipeline Inc. is the low bidder for a contract to install Cured in Place Pipe (CIPP) lining of storm drainage pipes at various locations in the City of Medford. The City is contracting this project due to the specialized nature of the work.

PREVIOUS COUNCIL ACTIONS

On January 5, 2017, Council Bill 2017-02 was awarded to Insituform Technologies for the lining of 14,819 feet of pipes. Work was completed in May 2017.

ANALYSIS

A total of 1,214 feet of pipe will be lined as shown on the exhibit "Pipe Segment Location Map Index 2017." Rehabilitation of deteriorated storm drainage pipes maintains flow and reduces potential for failures in the future. Trenchless technologies such as CIPP are less disruptive for citizens and have minimal impact on street pavement life.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Expenditure of \$449,563.60, which is included in the 2018/2019 biennium budget for the Storm Utility Fund (Fund 501).

TIMING ISSUES

The work will start after July 20, 2017, and is scheduled to be complete by September 21, 2017.

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Approve the ordinance for a contract with Central Pipeline Inc.

SUGGESTED MOTION

I move to approve the ordinance for a contract in the amount of \$449,563.60 to Central Pipeline Inc., for CIPP.

EXHIBITS

Ordinance
Bid Tabulation
Pipe Segment Location Map Index 2017
Contract documents are available in the City Recorder's office

ORDINANCE NO. 2017-73

AN ORDINANCE awarding a contract in an amount of \$449,563.60 to Central Pipeline Inc. to install cured in place pipe lining in storm drainage pipes.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount of \$449,563.60 to install cured in place pipe lining in storm drainage pipes, which is on file in the City Recorder's office, is hereby awarded to Central Pipeline Inc.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor

PIPE SEGMENT LOCATION MAP INDEX

| Pipe ID # | Map Page # | Pipe Segment Page# | Diameter / Length | | | Upstream Manhole | Depth | Downstream Manhole | Depth | Pipe Type | Laterals to Protruding | | Street / Cross Street | Location Street / Alley of pipe to be lined |
|-----------|------------|--------------------|-------------------|--------------|--------------|--------------------|-------|--------------------|-------|-----------|------------------------|----------|-----------------------|--|
| | | | 12" | 30" | 65" x 40" | | | | | | Reinstate | Laterals | | |
| 1 | 96638 | 1 | 1 | 480.0 | | | 70054 | 2' | 70045 | 6.0' | CP | 7 | 6 | Leonard Ave Easement Leonard Ave Between Baily Ave & Clairmont Ct & 2851 Clairmont Ct |
| 2 | 91798 | 2 | 1 | | 211.0 | | 62114 | 1.0' | 62115 | 1.0' | RCP & CMP | 1 | | Hedy Jane Access from 914 Ross Ln |
| 3 | 91799 | 2 | 1 | | 305.5 | | 62115 | 1.0' | 62116 | 1.0' | RCP | 0 | | Hedy Jane Access from 914 Ross Ln & Access from 769 Hedy Jane |
| 4 | 91800 | 2 | 1 | | 40.9 | | 62116 | 1.0' | 62117 | 1.5' | RCP | 0 | | Hedy Jane Hedy Jane Between Kala Renee & Tawn Cheree |
| 5 | 95209 | 3 & 4 | 1 | | | 177.5 | 67681 | 2.5' | 67633 | 1.0' | ACMP | 3 | 2 | Ramada Ave Easement Ramada Ave North of Petunia St & Access from 1490 Honeysuckle Ave |
| | | | | 12" 480.0 | 30" 557.4 | 65" x 40" 177.5 | | | | | | 11 | 8 | |

ABBREVAITONS AND DEFFINITIONS

- CP CONCRETE PIPE
- RCP REINFORCED CONCRETE PIPE
- ACMP ARCHED CORRUGATED METAL PIPE
- VCP VETRIFIED CLAY PIPE



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.5

www.ci.medford.or.us

| | | | |
|-----------------------|-------------------------------------|------------------------|------------------|
| DEPARTMENT: | Public Works | AGENDA SECTION: | Consent Calendar |
| PHONE: | (541) 774-2100 | MEETING DATE: | July 6, 2017 |
| STAFF CONTACT: | Cory Crebbin, Public Works Director | | |

COUNCIL BILL 2017-74

An ordinance awarding a contract in an amount of \$1,125,000 to Knife River Materials for the purchase of bulk asphalt concrete supply through June 30, 2019.

SUMMARY AND BACKGROUND

The Public Works Department Operations Division performs paving and patching with asphalt on the street system. The asphalt concrete materials needed are competitively bid per state laws governing procurement. The ordinance being considered is a contract to acquire the paving materials required for street maintenance by City personnel.

PREVIOUS COUNCIL ACTIONS

On June 18, 2015, Council approved Council Bill 2015-62 for a contract in the amount of \$1,097,000 with Knife River Materials for asphalt.

On August 18, 2016, Council approved Council Bill 2016-96 for an amendment to the contract with Knife River Materials in the amount of \$263,280.

ANALYSIS

Per the attached bid tabulation sheet, the products were competitively bid and three bids were received. Knife River Materials is the lowest responsible bidder on all bid items. The material will be used to preserve existing pavement sections throughout the City and will produce a smoother and safer ride for the traveling public at the lowest life-cycle cost.

Pavements to receive asphalt overlays are determined by a review of the pavement's Pavement Condition Index (PCI), classification (arterial, collector, or local), and annual daily traffic (ADT). The Medford Pavement Management Strategy is a reasonably accurate pavement performance model and is used to identify the optimal timing and rehabilitation strategy. The result of this process is long term cost savings and the ability to maintain pavement quality over time.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Expenditure of \$1,125,000, which is included in the 2018/2019 Biennium Budget for the Street Utility Fund(Fund 500).

TIMING ISSUES

This materials contract will provide bulk asphalt concrete supply throughout the next two-year budget period (July 2017- June 2019). Work is scheduled in July that is dependent on the availability of these materials.

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Approve the ordinance for a contract with Knife River Materials.

SUGGESTED MOTION

I move to approve the ordinance for award of the Asphalt Supply Contract to Knife River Materials for \$1,125,000.

EXHIBITS

Ordinance

Bid Tabulation

Contract documents are available in the City Recorder's office

ORDINANCE NO. 2017-74

AN ORDINANCE awarding a contract in an amount of \$1,125,000 to Knife River Materials for the purchase of bulk asphalt concrete supply through June 30, 2019.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount of \$1,125,000, for the purchase of bulk asphalt concrete supply through June 30, 2019, which is on file in the City Recorder's office, is hereby awarded to Knife River Materials.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor



BID TABS ASPHALT SUPPLY

BID NUMBER: 17-004PW

DATE OF OPENING: 04/26/2017: 2:00 PM

| ITEM | QTY | UNIT | DESCRIPTION |
|------|------------------|--------|--|
| 1A. | Approx 20,000 | Tons | Asphalt Concrete, Modified "C" Mix (Commercial) <u>HOT MIX</u> |
| 1B. | Approx 20,000 | Tons | Asphalt Concrete, Modified "C" Mix (Commercial) <u>WARM MIX</u> |
| 2. | Approx 14,000 | Pounds | Forti-Fi Asphalt-Reinforcing Fiber Additive Furnished And Introduced into <u>HOT-MIX OR WARM-MIX</u> |
| 3. | Approx 200 | Tons | Cold-Mix Asphalt Concrete, Unique Paving Materials (U.P.M.) |

| Item | Johnny Cat | | JF Shea | | Knife River | |
|------|------------|-------------|---------|-------------|-------------|-----------|
| 1A | \$57.00 | \$1,140,000 | \$52.50 | \$1,050,000 | \$44.75 | \$895,000 |
| 1B | | No Bid | \$57.50 | \$1,150,000 | \$43.50 | \$870,000 |
| 2 | | No Bid | \$10.30 | \$ 144,200 | \$ 8.50 | \$119,000 |
| 3 | | No Bid | | No Bid | | No Bid |



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.6

www.ci.medford.or.us

DEPARTMENT: City Manager
PHONE: (541) 774-2000
STAFF CONTACT: Brian Sjothun, City Manager

AGENDA SECTION: Consent Calendar
MEETING DATE: July 6, 2017

COUNCIL BILL 2017-75

An ordinance amending section 2.005, 2.040, 2.045, 2.050, and 2.080 of the Medford Municipal Code pertaining to council procedures.

SUMMARY AND BACKGROUND

An ordinance amending Sections 2.005, 2.040, 2.045, 2.050 and 2.080 of the Medford Municipal Code (MMC) related to the Council meeting time, agenda, consent calendar, study sessions and order of business.

PREVIOUS COUNCIL ACTIONS

Through contacting past Council and Mayors, the best estimate is that the noon meeting was established in the 1970's and that the intent was for the Council to move through ordinances and resolutions in a timely fashion.

On the February 2, 2017 Council Officers' agenda, the topic of desired ending time for the noon Council meeting was discussed. This item was reported to the Council at the February 2, 2017 noon meeting. There was general consensus from the Council for staff to bring back a proposal for consideration to potentially move all of Council business to an evening meeting and to eliminate the noon meeting.

On May 18, 2017 Council directed staff to draft the necessary amendments to the Medford Municipal Codes to eliminate noon Council and study session meetings, change the evening meetings start time from 7:00 p.m. to 6:00 p.m. and restructure the order of business of the Council meeting to accommodate the changes.

ANALYSIS

The May 18, 2107 City Manager's Report proposed Council options for changes to meeting times and structure for Council meetings, study sessions and Medford Urban Renewal Board meetings or continue with the current meeting times and structure with no changes. A motion passed to eliminate the noon Council and study session meetings, limit the number of evening study sessions, change the start time to 6 p.m. and restructure the order of business. Beginning September 7, 2017, Council meetings continue to be held the first and third Thursday's of each month. Study sessions will be limited to the second Thursday evening each month with the option to utilize the fourth Thursday for special and time sensitive subjects. Council directed staff to draft the necessary code amendments.

There are minor amendments to four Medford Municipal Codes that specifically reference Council noon meeting times and/or the order of business structure for Council meetings.

Code references to noon meetings are as follows:

- 2.005 – Meeting Time
- 2.040 – Agenda
- 2.045 – Consent Calendar
- 2.050 – Order of Business
- 2.080 – Study Sessions

The Medford Municipal Codes have been changed to remove noon and change 7:00 p.m. to 6:00 p.m.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.6

www.ci.medford.or.us

Code reference to the order of business for meetings is as follows:

- 2.050 – Order of Business

The Medford Municipal Code currently lists two separate orders of business for the noon and evening meetings. The code has been changed to reflect one order of business combining the noon and evening session order of business. Public hearings are date and time specific and therefore, have been placed close to the 6:00 p.m. start time to satisfy public noticing requirements for the meetings.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Staff estimates that there will be a reduction to meal costs with the elimination of an average of 25 noon meetings and an estimated 7 additional night meetings.

TIMING ISSUES

The ordinance will need to be approved prior to the September 7, 2017, 6:00 p.m. evening Council meeting.

COUNCIL OPTIONS

Approve, modify, or deny the ordinance.

STAFF RECOMMENDATION

Staff was given direction by the Council for the code changes and has no recommendation.

SUGGESTED MOTION

I move to approve the ordinance adopting the changes to Medford Municipal Code 2.005, 2.040, 2.045, 2.050 and 2.080 as presented.

EXHIBITS

Ordinance

2017 Council Meeting Schedule

ORDINANCE NO. 2017-75

AN ORDINANCE amending sections 2.005, 2.040, 2.045, 2.050, and 2.080 of the Medford Municipal Code pertaining to council procedures.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 2.005 of the Medford Code is amended to read as follows:

2.005 Meeting Times.

Unless the council sets a different date and time for a particular meeting, the council shall meet at ~~12:00 noon and 7:00 p.m.~~ **6:00 p.m.** on the first and third Thursdays of each month in the council chambers. ~~At the evening session, if~~ **If** business is not finished by 10:00 p.m., the mayor shall adjourn the meeting, unless a majority of the councilmembers present vote to continue in session.

SECTION 2. Section 2.040 of the Medford Code is amended to read as follows:

2.040 Agenda.

~~The manager may set public hearings for noon sessions of the City Council, taking into consideration legal timelines and the number of pending public hearings.~~

SECTION 3. Section 2.045 of the Medford Code is amended to read as follows:

2.045 Consent Calendar.

In order to make more efficient use of meeting time, the manager shall place all ordinances; **and** resolutions ~~and requests for minute approval~~ which are routine in nature and concerning which no debate is expected on a "consent calendar." ~~to be considered at the noon session.~~

SECTION 4. Section 2.050 of the Medford Code is amended to read as follows:

2.050 Order of Business.

The order of business at council meetings shall be as follows:

~~(1) Noon session.~~

- ~~(a) Roll call.~~
- ~~(b) Approval or correction of the minutes of the preceding meeting.~~ **Recognitions, community group reports**
- ~~(c) Oral requests and communications from the audience.~~ **Public hearings**
- ~~(d) Consent calendar.~~ **Oral request and communications from the audience**
- ~~(e) Items removed from the consent calendar, if any.~~ **Approval or correction of the minutes of the preceding meeting**
- ~~(f) Ordinances and resolutions.~~ **Consent calendar**
- ~~(g) Council business.~~ **Items removed from the consent calendar, if any**

- (h) ~~Manager and staff reports.~~ **Ordinances and resolutions**
- (i) ~~Propositions and remarks from councilmembers.~~ **Council Business (including propositions and remarks from councilmembers)**
- (j) ~~Adjournment to evening session.~~ **Manager and staff reports**
- (k) Adjournment**
- (2) ~~Evening session.~~
 - (a) ~~Roll call.~~
 - (b) ~~Oral requests and communications from the audience.~~
 - (c) ~~Public hearings.~~
 - (d) ~~Ordinances and resolutions.~~
 - (e) ~~Council business.~~
 - (f) ~~Further reports from the Manager and staff.~~
 - (g) ~~Propositions and remarks from the Mayor and councilmembers.~~
 - (h) ~~Adjournment.~~

SECTION 5. Section 2.080 of the Medford Code is amended to read as follows:

2.080 Study Sessions.

(1) Council public study sessions shall be held on ~~each~~ **the second** Thursday when there is not a regular city council meeting at ~~12:00 noon~~ **6:00 p.m.** in City Hall **with the option to utilize the fourth Thursday for special and time sensitive subjects.**

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor

NOTE: Matter in **bold** is new. Matter ~~struck out~~ is existing law to be omitted. Three asterisks (* * *) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.

**City Council / Medford Urban Renewal Agency
2017 Meeting Schedule**

| Date | Time | Meeting | Location | Meal |
|------------------------------|----------------|---|------------------|------|
| Thursday, September 7, 2017 | 5 p.m. | Council Officers | Mayor's Office | |
| | 6 p.m. | City Council | Council Chambers | 5:30 |
| Thursday, September 14, 2017 | 5 p.m. | Council Officers | Mayor's Office | |
| | 6 p.m. | City Council Study Session | Medford Room | 5:30 |
| Thursday, September 21, 2017 | 5 p.m. | Council Officers | Mayor's Office | |
| | Day & Time TBD | Medford Urban Renewal Agency | Council Chambers | |
| | 6 p.m. | City Council | Council Chambers | 5:30 |
| Thursday, September 28, 2017 | 6 p.m. | Medford Forum-Ward 4 | RVTV | |
| September 28-30, 2017 | | League of Oregon Cities: Annual Conference | Portland, OR | |
| Thursday, October 5, 2017 | 5 p.m. | Council Officers | Mayor's Office | |
| | 6 p.m. | City Council | Council Chambers | 5:30 |
| Monday, October 9, 2017 | 7:35 a.m. | Bill Meyer - | KMED | |
| Thursday, October 12, 2017 | 5 p.m. | Council Officers | Mayor's Office | |
| | 6 p.m. | City Council Study Session | Medford Room | 5:30 |
| Thursday, October 19, 2017 | 5 p.m. | Council Officers | Mayor's Office | |
| | Day & Time TBD | Medford Urban Renewal Agency | Council Chambers | |
| | 6 p.m. | City Council | Council Chambers | 5:30 |
| Thursday, October 26, 2017 | 6 p.m. | Medford Forum-Council Officers | RVTV | |
| Thursday, November 2, 2017 | 5 p.m. | Council Officers | Mayor's Office | |
| | 6 p.m. | City Council ▪Quarterly Financial Update | Council Chambers | 5:30 |
| Thursday, November 9, 2017 | 5 p.m. | Council Officers | Mayor's Office | |
| | 6 p.m. | City Council Study Session ▪B & C Interviews | Medford Room | 5:30 |

**City Council / Medford Urban Renewal Agency
2017 Meeting Schedule**

| Date | Time | Meeting | Location | Meal |
|-----------------------------|----------------|---|------------------|------------------|
| Monday, November 13, 2017 | 7:35 a.m. | Bill Meyer - | KMED | |
| November 15-18, 2017 | | National League of Cities Annual Conference | Charlotte, NC | Kim, Kay, Tim D? |
| Thursday, November 16, 2017 | 5 p.m. | Council Officers | Mayor's Office | |
| | Day & Time TBD | Medford Urban Renewal Agency | Council Chambers | |
| | 6 p.m. | City Council | Council Chambers | 5:30 |
| Thursday, November 30, 2017 | 5 p.m. | Council Officers | Mayor's Office | |
| | 6 p.m. | City Council Study Session •B & C Interviews | Medford Room | 5:30 |
| Thursday, December 7, 2017 | 5 p.m. | Council Officers | Mayor's Office | |
| | 6 p.m. | City Council | Council Chambers | 5:30 |
| Monday, December 11, 2017 | 7:35 a.m. | Bill Meyer - | KMED | |
| Thursday, December 14, 2017 | 5 p.m. | Council Officers | Mayor's Office | |
| | 6 p.m. | City Council Study Session •B & C Interviews | Medford Room | 5:30 |
| Thursday, December 21, 2017 | 5 p.m. | Council Officers | Mayor's Office | |
| | Day & Time TBD | Medford Urban Renewal Agency | Council Chambers | |
| | 6 p.m. | City Council | Council Chambers | 5:30 |
| Thursday, December 28, 2017 | 5 p.m. | Council Officers | Mayor's Office | |
| | 6 p.m. | City Council Study Session | Medford Room | 5:30 |
| | 6 p.m. | Medford Forum-Staff | RVTV | |



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

www.ci.medford.or.us

DEPARTMENT: Public Works
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin, Director

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: July 6, 2017

COUNCIL BILL 2017-76

An ordinance authorizing the taking of real property by eminent domain action to acquire needed property for the Neighborhood Infrastructure Improvement Project to construct sidewalks on portions of Plum Street, Tennessee Drive, and Chico Street.

SUMMARY AND BACKGROUND

An ordinance establishing the need to acquire real property and authorizing the taking of real property by eminent domain action. Real property is needed to construct the Neighborhood Infrastructure Improvement Project (CDBG Sidewalks).

The preliminary design for this project was approved by Council on April 6, 2017, after a Transportation Facility Public Hearing (Resolution No. 2017-33). All Council-directed design modifications have been incorporated in the project plans. The property to be acquired is needed to construct sidewalk along Plum Street, Stewart Avenue, Tennessee Drive, and Chico Street in conformance with Resolution No. 2017-33.

This ordinance is submitted in accordance with "Condemnation of Property Adjoining Proposed Roadways," Oregon Revised Statutes (ORS) Section 35.610, which states ". . . the governing body shall by appropriate ordinance or resolution describe the land to be purchased, acquired, entered upon or appropriated, and shall further determine that the appropriation of such land is reasonably necessary to protect the full use and enjoyment by the public of the road, street or highway." This is a requirement for all projects spending federal funds in the public right-of-way. Community Development Block Grant (CDBG) funds are federal.

PREVIOUS COUNCIL ACTIONS

The preliminary design for this project was approved by Council on April 6, 2017, after a Transportation Facility Public Hearing (Resolution No. 2017-33). The project is included in the CDBG 2016-2017 Action Plan approved on May 5, 2016 (Resolution No. 2016-57).

ANALYSIS

Approval of this ordinance allows Public Works staff to acquire real property for the project, and use eminent domain processes to do so if necessary.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The Neighborhood Infrastructure Improvement Project budget is CDBG Funds limited to \$184,000.00.

TIMING ISSUES

Acquisition of real property cannot begin until this ordinance is approved.

COUNCIL OPTIONS

Approve or deny the ordinance.

STAFF RECOMMENDATION

Approve the ordinance declaring the need to acquire real property and authorizing the taking of real property by eminent domain action.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.1

www.ci.medford.or.us

SUGGESTED MOTION

I move to approve an ordinance declaring the need to acquire real property and authorizing the taking of real property by eminent domain action for the Neighborhood Infrastructure Improvement Project.

EXHIBITS

Ordinance
Right of Way Acquisition Table
Map

ORDINANCE NO. 2017-76

AN ORDINANCE authorizing the taking of real property by eminent domain action to acquire needed property for the Neighborhood Infrastructure Improvement Project to construct sidewalks on portions of Plum Street, Tennessee Drive, and Chico Street.

WHEREAS, the City of Medford is duly authorized and empowered to construct improvements to streets and roads within the city limits and to acquire, by purchase, gift, devise, condemnation proceedings or otherwise, such real property as in the judgment of the City Council of the City of Medford is necessary or proper to exercise its powers; and

WHEREAS, for the benefit and welfare of the general public, the City of Medford plans to construct sidewalks on portions of Plum Street, Tennessee Drive, and Chico Street; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Medford hereby finds and declares that the real property shown listed on Exhibit "A," attached and incorporated herein, is needed for the full use and enjoyment of the public by the improvement of portions of Plum Street, Tennessee Drive, and Chico Street.

Section 2. The real property described is required and is being taken as necessary in the public interest and the project has been planned and located in a manner that will be most compatible with the greatest public good and the least private injury.

Section 3. The City Manager is authorized to attempt to agree with the owners and other persons in interest in the real property described herein as to the compensation to be paid for the appropriation of the property and, in the event that no satisfactory agreement can be reached, the attorney for the City of Medford is directed and authorized to commence and prosecute to final determination such proceedings as may be necessary to acquire the real property and that, upon the filing of such proceeding, possession of the real property may be taken immediately.

Section 4. The City Attorney is hereby authorized to represent the City in this matter. Upon the trial of any suit or action instituted to acquire the real property, said attorney is authorized to make such stipulation, agreement or admission as in his judgment may be for the best interest of the City of Medford.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor



**RIGHT OF WAY
ACQUISITION TABLE**

| File No. | Situs Address | Tax Map | Tax Lot | Fee Area SF | TE Area SF |
|-----------------|----------------------|----------|---------|-------------|--------------|
| 1 | 2645 Tennessee Drive | 372W13DB | 5600 | 65 | 190 |
| 2 | 2635 Tennessee Drive | 372W13DB | 5700 | 0 | 50 |
| 3 | 2625 Tennessee Drive | 372W13DB | 5800 | 0 | 126 |
| 4 | 2615 Tennessee Drive | 372W13DB | 5900 | 0 | 70 |
| 5 | 2605 Tennessee Drive | 372W13DB | 6000 | 25 | 50 |
| 6 | 2555 Tennessee Drive | 372W13DB | 6100 | 35 | 250 |
| 7 | 2545 Tennessee Drive | 372W13DB | 6200 | 0 | 140 |
| 8 | 2535 Tennessee Drive | 372W13DB | 6300 | 0 | 140 |
| 9 | 369 De Barr Avenue | 372W13DB | 6400 | 0 | 140 |
| TOTALS = | | | | 125 | 1,156 |

TE = Temporary Easement

NEIGHBORHOOD INFRASTRUCTURE IMPROVEMENT PROJECT

PLUM STREET

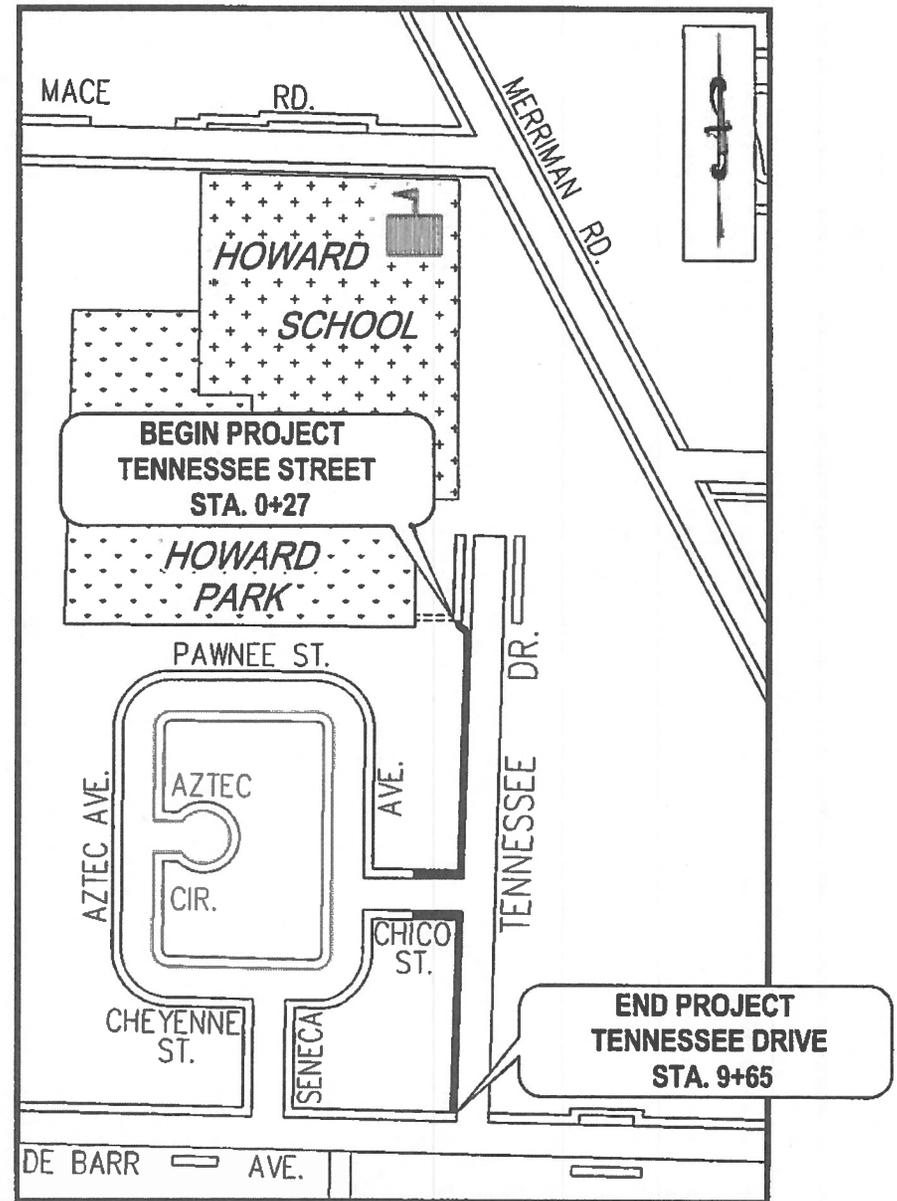
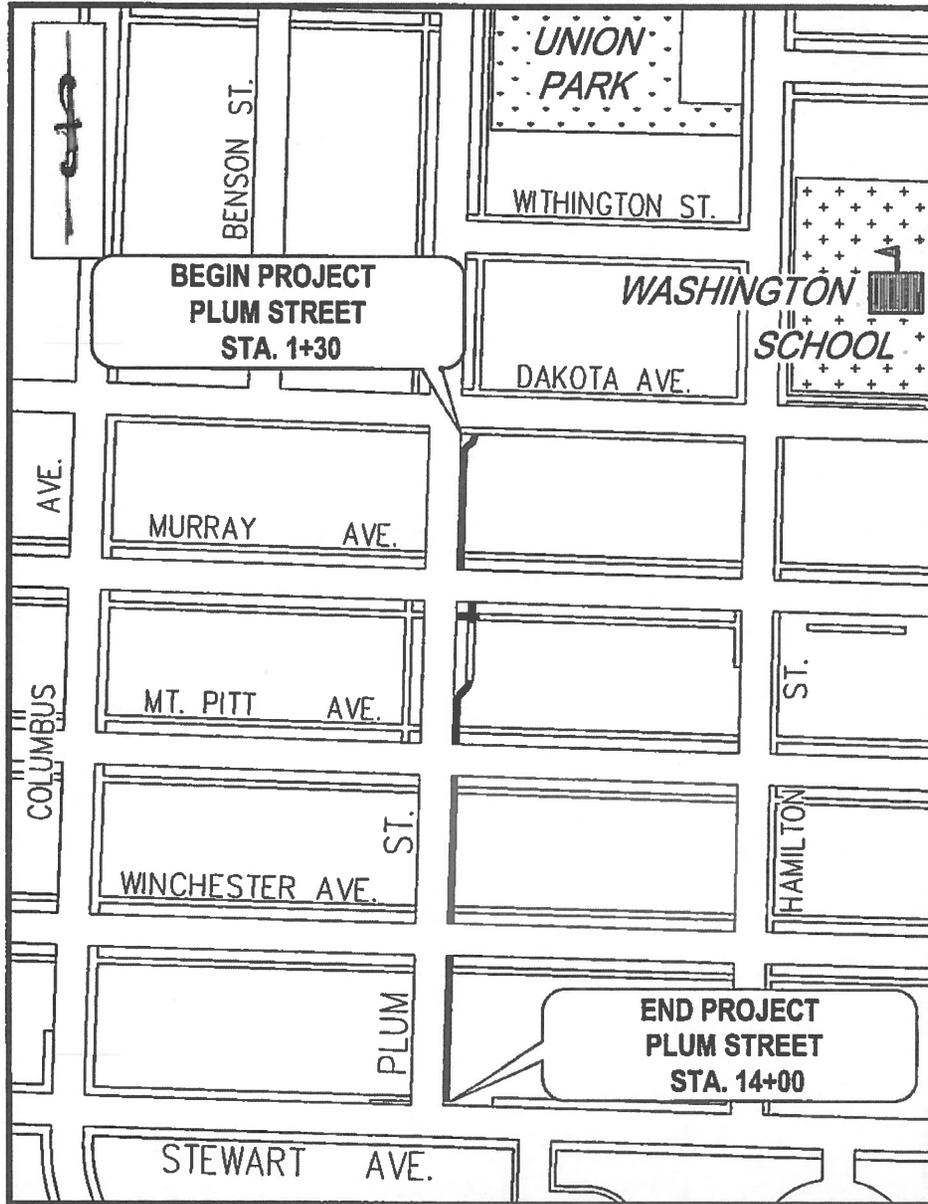
DAKOTA TO STEWART

SOUTHWEST MEDFORD

TENNESSEE DRIVE

DeBARR TO 900 FEET NORTH

NORTHWEST MEDFORD





CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.2

www.ci.medford.or.us

DEPARTMENT: Human Resources
PHONE: 541-774-2010
STAFF CONTACT: Mike Snyder, Director

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: July 6, 2017

COUNCIL BILL 2017-77

An ordinance authorizing execution of an Agreement between the City of Medford and Teamsters Local Union No. 223 representing Parks Maintenance and Facility Management Employees concerning wages, hours, fringe benefits, and other working conditions retroactive from July 1, 2017, through June 30, 2020.

SUMMARY AND BACKGROUND

A three year agreement with Teamsters Local Union No. 223 representing Medford Parks Maintenance and Facilities Management Employees expires June 30, 2017. The proposed three year agreement July 1, 2017 - June 30, 2020 provides consistency with Council direction from executive session, May 25, 2017 regarding hours and other working and total compensation with wages and fringe benefits.

PREVIOUS COUNCIL ACTIONS

On June 4, 2015 – Council Bill 2015-55 was approved authorizing an agreement with Teamsters Local 223 Medford Parks Employees.

ANALYSIS

The proposed agreement provides for:

1. Salary increases: 1.75% effective 7/1/17, 1.75% effective 7/1/2018, and 1.75% effective 7/1/2019.
2. Health insurance: the cap for the City contribution to insurance premium would be set at \$1,675 per month effective July 1, 2017. The cap would then increase to \$1,695 per month effective July 1, 2018, and to \$1,715 per month effective July 1, 2019.
3. Additional amendments were proposed and ratified by the bargaining group. These amendments have minimal financial impact and provide for clarity within the agreement.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The total compensation cost of the proposed action has been estimated by the Finance Department to be approximately \$28,500 for the first year of the agreement, approximately \$28,300 for the second year of the agreement, and approximately \$29,600 for the third year of the agreement. Funds for the contract increases are available in the proposed 2017-2019 biennial budget.

TIMING ISSUES

If the Council chooses not to approve this proposed agreement, negotiations with the bargaining unit will need to be re-opened.

COUNCIL OPTIONS

Approve or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance authorizing the agreement with Teamsters Medford Parks Department and Facilities Maintenance.

SUGGESTED MOTION

I move to approve the ordinance authorizing the agreement with Teamsters Medford Parks Department and Facilities Maintenance.



EXHIBITS

Ordinance

Agreement on file in City Recorder's office.

ORDINANCE NO. 2017-77

AN ORDINANCE authorizing execution of an Agreement between the City of Medford and Teamsters Local Union No. 223 representing Parks Maintenance and Facility Management Employees concerning wages, hours, fringe benefits, and other working conditions retroactive from July 1, 2017, through June 30, 2020.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an Agreement between the City of Medford and Teamsters Local Union No. 223 representing Parks Maintenance and Facility Management Employees concerning wages, hours, fringe benefits, and other working conditions retroactive from July 1, 2017, through June 30, 2020, which is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

www.ci.medford.or.us

DEPARTMENT: Fire Department
PHONE: 541-774-2300
STAFF CONTACT: Brian Fish, Fire Chief
Rick Isner, Project Manager

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: July 6, 2017

COUNCIL BILL 2017-78

An ordinance amending the existing Construction Manager/General Contractor contract with Adroit Construction, Inc. and acceptance of a Guaranteed Maximum Price of \$4,076,565 for the construction of Fire Station #3.

SUMMARY AND BACKGROUND

The Fire Department, along with the Facilities Management Division, is requesting approval of an ordinance to amend the existing Construction Manager/General Contractor (CM-GC) contract with Adroit Construction, Inc. and the acceptance of a Guaranteed Maximum Price (GMP) of \$4,076,565.00 for the construction of Medford Fire Station #3.

PREVIOUS COUNCIL ACTIONS

On November 21, 2013 Council approved Resolution 2013-166 authorizing an inter-fund loan relating to the City's limited tax revenue bonds, series 2013 for the purpose of project financing, establishing an interest rate and repayment schedule, and delegating authority to authorized representatives and related matters. On December 5, 2013, the City sold \$38.155 million in bonds at a 4.42% interest rate.

On May 15, 2014, Council authorized an exemption from competitive bidding and awarded a Construction Manager/General Contractor (CM-GC) contract to Adroit Construction. The contract authorized pre-construction services in an amount not to exceed \$22,500, and authorized construction in an amount not to exceed \$8,960,000.00 for three new fire stations (Stations #2, #3 and #4).

On September 17, 2015, Council approved a motion directing staff to proceed with the existing CM-GC and to modify the architect contract to redesign the three fire stations to incorporate the value engineering items presented to Council.

On October 1, 2015, Council approved a motion directing staff to proceed with subcontractor solicitation and development of a construction GMP on Fire Station #2 and Fire Station #4, after redesigning the three fire stations to incorporate the value engineering presented to Council.

On November 12, 2015, Council requested the Guaranteed Maximum Price Amendment to the Adroit Construction CMGC contract be added to the November 19, 2015 Council meeting for review.

On November 19, 2015, Council voted on an ordinance to amend the existing Construction Manager/General Contractor (CM-GC) contract with Adroit Construction, Inc. to accept a Guaranteed Maximum Price (GMP) of \$7,422,499.82 for construction of Medford Fire Station #2 and #4. Due to a 5-3 vote, a second reading on the ordinance was required.

On December 3, 2015, after a second reading, Council approved Ordinance 2015-125 authorizing a GMP Amendment to the City's contract with Adroit Construction in the amount of \$7,422,499.82 for construction of Medford Fire Station #2 and #4.

On February 3, 2017, Council approved Resolution 2017-12, authorizing the redesign and construction of Fire Station #3



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

www.ci.medford.or.us

ANALYSIS

The original CM-GC contract with Adroit Construction to build three new fire stations was approved by the City Council on May 15, 2014. However, due to budget constraints, the City was only able to move forward with the construction of two stations – Fire Station #2 and Fire Station #4. Due to savings from the Police Station project and the Fire Station #4 project, as well as additional funding from other sources, development of new Fire Station #3 may now begin. This second GMP Amendment to the original CM-GC contract with Adroit Construction will allow the project to move forward.

Over the last several months, staff has worked with Adroit Construction and Ogden Roemer Wilkerson Architects to redesign, value engineer and develop a Guaranteed Maximum Price (GMP) for the construction of Fire Station #3.

It has been determined that the GMP being proposed by Adroit Construction is viable and should cover all costs of construction. This GMP will stand unless project scope is added by the City and additive bid alternates are accepted or other increases are discussed/agreed to (see GMP Exhibit A, Page 2(5)).

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

\$4,076,565.00 will be used from the bond proceeds allocated to Fire Station #3 in the 2017-19 Biennial Budget.

| | |
|--|--------------------|
| FY 2017-19 Project Budget | \$4,505,000 |
| Encumbrances to date | <u>\$ 52,983</u> |
| <i>Balance</i> | <i>\$4,452,017</i> |
| GMP Amendment | <u>\$4,076,565</u> |
| <i>Balance for Add'l City Expenses</i> | <i>\$ 375,452</i> |

TIMING ISSUES

In order to meet the substantial completion date of April 25, 2018, construction of the new fire station needs to begin no later than July 13, 2017; therefore, it is imperative that the amendment be approved and in place so the subcontractor bidding process may begin.

COUNCIL OPTIONS

Approve or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of GMP Amendment #2

SUGGESTED MOTION

I move to approve the ordinance authorizing approval of GMP Amendment #2 to the CM-GC Contract with Adroit Construction for the development of new Fire Station #3 in the total amount of \$4,076,565.00.

EXHIBITS

Ordinance

GMP Amendment #2 on file in the City Recorder's Office.

ORDINANCE NO. 2017-78

AN ORDINANCE amending the existing Construction Manager/General Contractor contract with Adroit Construction, Inc. and acceptance of a Guaranteed Maximum Price of \$4,076,565 for the construction of Fire Station #3.

WHEREAS, City Council approved Resolution 2013-166 on November 21, 2013 authorizing an inter-fund loan relating to the City's limited tax revenue bonds for the purpose of project financing and,

WHEREAS, on December 5, 2013 the City sold \$38.155 million in bonds at a 4.42 percent interest rate and,

WHEREAS, Council approved Ordinance 2014-61 on May 15, 2014 authorizing an exemption from competitive bidding and awarding a Construction Manager/General Contractor contract to Adroit Construction to authorize pre-construction services in an amount not to exceed \$22,500 and construction in an amount not to exceed \$8,960,000 for new Fire Stations #2, #3, and #4, and,

WHEREAS, on September 17, 2015 Council was informed of an \$11,619,549 preliminary estimate of construction costs that exceeded the budget allocated for these projects and approved a motion to proceed with the existing contract and modify the architect contract to redesign the three Fire Stations to incorporate the value engineering items presented to Council and,

WHEREAS, on October 1, 2015 Council approved a motion directing staff to proceed with subcontractor solicitation and development of a Guaranteed Maximum Price on Fire Stations #2 and #4 after redesigning the Fire Stations to incorporate the value engineering items presented to Council and,

WHEREAS, on November 12, 2015 Council requested staff bring the Guaranteed Maximum Price for the Construction Manager/General Contractor contract with Adroit Construction to the next Council meeting and,

WHEREAS, on November 19, 2015 Council voted on Ordinance 2015-125 to amend the existing contract with Adroit Construction to accept a Guaranteed Maximum Price of \$7,422,499.82 for the construction of Medford Fire Station #2 and #4 and,

WHEREAS, Council approved Ordinance 2015-125 on December 3, 2015 after a second reading, authorizing an amendment to the contract with Adroit Construction and acceptance of a Guaranteed Maximum Price of \$7,422,499.82 for Medford Fire Station #2 and #4 and,

WHEREAS, Council approved Resolution 2017-12 authorizing moving forward with the redesign and construction of Fire Station #3; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That an amendment to the existing Construction Manager/General Contractor contract with Adroit Construction, Inc. and acceptance of a Guaranteed Maximum Price of \$4,076,565 for the construction of Fire Station #3, which agreement is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2017

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2017.

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

www.ci.medford.or.us

| | | | |
|-----------------------|------------------------------------|------------------------|----------------------------|
| DEPARTMENT: | City Manager | AGENDA SECTION: | Ordinances and Resolutions |
| PHONE: | (541) 774-2009 | MEETING DATE: | June 15, 2017 |
| STAFF CONTACT: | Kelly Madding, Deputy City Manager | | |

COUNCIL BILL 2017-79

An ordinance granting to Avista Corporation, a Washington Corporation, the non-exclusive privilege (Franchise) to use the public way to locate, construct, operate and maintain natural gas facilities within the City of Medford.

SUMMARY AND BACKGROUND

The franchise agreement before the City Council is a renewal of the Avista Corporation, dba Avista Utilities ("Avista") franchise agreement. The agreement is the vehicle to grant Avista the authority to locate, construct, operate, maintain and use such plants, works, underground pipelines, equipment and appurtenances over, under, along and across all of City's rights of way and public property in the City for the purposes of the transmission, distribution and sale of gas. In exchange for the use of the City's right-of-way the franchise agreement requires that Avista pay a franchise fee (akin to rent) in the amount of six percent of their gross revenues derived from services within the city. The franchise agreement also illustrates the relationship and duties of each party in relation to one another with respect to operations within the right-of-way.

The term of the proposed Avista franchise agreement is an initial 10 years and shall extend for successive one (1) year terms unless (a) a new agreement is entered into; (b) this Franchise is renewed for a 10-year term; (c) the Franchise is terminated by agreement between the Parties; or (d) either party provides the other party not less than one hundred eighty (180) days prior written notice of its intent not to renew a successive term.

PREVIOUS COUNCIL ACTIONS

On March 1, 2007, the City Council adopted Ordinance No. 2007-34 granting Avista Corporation, a Washington Corporation, the non-exclusive privilege (franchise) to use the public way to locate, construct, operate and maintain natural gas facilities within the City of Medford. The term of the agreement was March 1, 2007 through March 31, 2017.

ANALYSIS

The proposed franchise agreement has had about a 50 percent make-over from the agreement approved in 2007. Most of the changes are simply modernizing the franchise agreement. However there are other changes that assist both the City and Avista with better procedures to ideally achieve better outcomes when the City embarks upon a right-of-way construction project. The sections below illustrate these changes:

The changes to the previous franchise agreement include:

- Section 1.0 Definitions, Gross Revenue: The previous franchise agreement stated that gross revenue included "revenue from joint pole use." Avista does own nor operate poles in Medford.
- Section 2.3.2: New language allows for the ability to roll from the initial 10 year agreement into another 10 year period if both parties mutually agree.
- Section 2.5: Allows the City to engage in the business of providing gas service however the City must provide Avista six months' notice of that action.
- Section 2.6: The assignment of the franchise has been changed to comply with State and Federal law. The authority of a public utility merger or acquisition is vested with the US Department of Justice, the Federal Energy Regulatory Commission and the respective state public utility commission.
- Section 2.7.4: New section proposed by Avista which requires the City to impose equivalent fees/costs on all other franchisee doing the same business or competing with Avista.
- Section 3.1: The City agreed to provide Avista notice prior to the adoption of new Ordinances and Resolutions regarding right-of-way construction standards, right-of-way permit fees, street cutting fees, and/or development permit fees.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

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- Section 4.2: This change clarifies that if Avista provides an accurate location of its facilities upon request by the City and the City or its agents/contractors damage Avista's facilities, the City or its agents/contractors are liable. This new language further clarifies roles and responsibilities.
- Section 4.4: Changes the City's required notification timeline from 60 days to 30 days when the city's boundaries change.
- Section 5.1: Sets a new requirement for Avista when relocating their facilities. The City must provide construction plans that are 60 percent complete before Avista will relocate their facilities. This addresses a concern by Avista that they do not want to have to move their facilities multiple times if aspects of the project change. At the stage that construction plans are 60 percent complete, all of the utility planning has been finalized and Avista will have certainty as to where to move their facilities. With this standard, it is hoped that Avista will have enough time to move their facilities such that the City's project(s) moves forward unimpeded.
- Section 5.3: New section stating that the City, when applying for non-city funding for right-of-way improvements, will make an effort to procure funding for utility relocation.
- Section 7: All sections are new addressing dispute resolution.
- Section 8: 8.1, 8.2, 8.4, 8.5, 8.7, 8.9, 8.11 are all new sections and are common in similar franchise agreements.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The City received approximately \$1.1 million in franchise fees annually from Avista.

TIMING ISSUES

The term of the proposed Avista franchise agreement is an initial 10 years and shall extend for successive one (1) year terms unless (a) a new agreement is entered into; (b) this Franchise is renewed for a 10-year term; (c) the Franchise is terminated by agreement between the Parties; or (d) either party provides the other party not less than one hundred eighty (180) days prior written notice of its intent not to renew a successive term.

COUNCIL OPTIONS

Approve, modify or deny the resolution.

STAFF RECOMMENDATION

Staff recommends that the City renew its franchise agreement with Avista Corporation dba Avista Utilities, a Washington Corporation, ("Avista"), allowing them to locate, construct, operate, maintain and use such plants, works, underground pipelines, equipment and appurtenances over, under, along and across all of City's rights of way and public property in the City for the purposes of the transmission, distribution and sale of Gas. The City has determined it is in the interest of persons and businesses in this jurisdiction to have access to Avista's services.

SUGGESTED MOTION

I move to authorize the Mayor to enter into the attached franchise agreement with Avista Corporation dba Avista Utilities, a Washington Corporation.

EXHIBIT

Ordinance

ORDINANCE NO. 2017-79

AN ORDINANCE granting to Avista Corporation, a Washington Corporation, the non-exclusive privilege (Franchise) to use the public way to locate, construct, operate and maintain natural gas facilities within the City of Medford.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. DEFINITIONS.

For the purposes of this Franchise the following terms, phrases, words and their derivations shall have the meaning given in this Section. When not inconsistent with the context, words used in the present tense include the future, words in the plural include the singular, and words in the singular include the plural. Words not defined shall be given their common and ordinary meaning.

Avista: means Avista Corporation, dba Avista Utilities, a Washington Corporation, and its respective successors and assigns, agents and contractors.

City: means the City of Medford, a municipal corporation of the State of Oregon, and its respective successors, assigns, agents and contractors.

Commission: means the Oregon Public Utility Commission or such successor regulatory agency having jurisdiction over investor-owned public utilities in the State of Oregon.

Days: means business days.

Effective Date: means thirty (30) days from final passage of this Ordinance, upon which the rights, duties and obligations of this Franchise shall come into effect, and the date from which the time requirement for any notice, extension and/or renewal shall be measured.

Facilities: means, collectively, any and all gas transmission, and distribution systems and appurtenances owned by Avista, now and in the future in the Franchise Area, including but not limited to, Gas plants, Gas pipes, pipelines, mains, laterals, conduits, services, regulators, valves, meters, meter-reading devices, fences, vehicular protection devices, communication and control systems and other equipment, appliances, fixtures, attachments, appurtenances and other items necessary, convenient, or in any way appertaining to any and all of the foregoing for the purposes of transmission, distribution, storage and sale of Gas.

Franchise: means the grant by the City of rights, privileges and authority embodied in this Ordinance.

Franchise Area: means the surface and space above and below all public property and rights-of-way owned or held by the City, including, without limitation, rights-of-way for:

- public roads, streets, avenues, alleys, bridges, tunnels, City-owned easements, and highways as currently exist and/or as may hereafter be constructed, platted, dedicated,

- acquired or improved within the present limits of the City and as such limits may be extended by annexation or otherwise during the term of this Franchise; and
- all City-owned utility easements dedicated for the placement and location of various utilities, provided such easements would permit Avista to fully exercise the rights granted under this Franchise within the area covered by the easement.

Gas: means natural, manufactured, renewable and/or mixed gases.

Gross Revenues: Except as otherwise provided in OAR 860-022-0040, “gross revenue(s)” means revenues received from utility operations within City, less related net uncollectables. Gross revenues of an energy utility shall include revenues from the use, rental, or lease of the utility’s operating facilities other than residential-type space and water heating equipment. Gross revenues shall not include proceeds from the sale of bonds, mortgage or other evidence of indebtedness, securities or stocks, sales at wholesale by one utility to another utility purchasing the service is not the ultimate customer.

Maintenance, maintaining, or maintain: means, without limit, repairing, replacing, upgrading, examining, testing, inspecting, and removing Avista Facilities, vegetation management, digging and excavating, and restoration of affected Right-of-way surfaces.

Parties: means City and Avista collectively.

Party: means either City or Avista individually.

Person: means a business entity or natural person.

Right-of-way: means the surface of and the space along, above, and below any street, road, highway, freeway, bridge, tunnel, lane, sidewalk, alley, City-owned utility easement and/or right-of-way now or hereafter held or administered by the City within its corporate limits.

State: means the State of Oregon.

Tariff: means the rate schedules, rules, and regulations relating to utility service, filed with and approved by the Commission in effect upon execution and throughout the term of this Franchise.

SECTION 2. GRANT OF FRANCHISE.

2.1 Grant

City hereby grants to Avista the right, power, privilege and authority to enter upon all roads, rights-of-way, streets, alleys, highways, public places or structures, lying within the Franchise Area to locate, construct, operate and maintain its Facilities for the purpose of controlling, transmitting and distributing Gas, as may be necessary to provide Gas service.

2.2 Effective Date

This Ordinance will be effective thirty (30) days after the date of approval and passage as required by law.

2.3 Term

2.3.1 The rights, privileges and Franchise granted to Avista will extend for an initial term of ten (10) years from the Effective Date, and shall automatically extend for successive one (1) year terms unless (a) a new agreement is entered into; (b) this Franchise is renewed for a 10-year term subject to 2.3.2 below; (c) the Franchise is terminated by agreement between the Parties; or (d) either party provides the other party not less than one hundred eighty (180) days prior written notice of its intent not to renew a successive term.

2.3.2 In the event a party desires to renew the Franchise as provided in 2.3.1(b) above, such party shall notify the other Party in writing a request to renew for a ten (10) year period prior to the end of the initial term. If both Parties mutually agree to such a renewal, the renewal date shall commence the day immediately following the expiration date of the initial term, and all terms and conditions of the Franchise shall remain the same, except the effective date of such term.

2.4 Non-Exclusive Franchise

This Franchise is not an exclusive Franchise. This Franchise shall not prohibit the City from granting other franchises within the Franchise Area that do not interfere with Avista's rights under this Franchise. City may not, however, award a Gas Franchise to another party under more favorable or less onerous terms than those of this Franchise without this Franchise being amended to reflect such more favorable or less onerous terms.

2.5 Notice of City's Intent to Compete with Avista

In consideration of Avista's undertaking pursuant to this Franchise, the City agrees that in the event the City intends to engage in the business of providing Gas service during the life of this Franchise or any extension of this Franchise, in competition with Avista, the City will provide Avista with six (6) months' notice of such action.

2.6 Assignment of Franchise

Avista shall have the right to assign its rights, benefits and privileges under this Franchise. Avista shall, at least thirty (30) days prior to such assignment, notify City in writing as to the proposed assignment and the name, address and contact information of said assignee. Upon effectuation of such assignment, the assignee shall be bound to all terms and conditions of this Agreement and shall provide to City, within thirty (30) days of such assignment, its written acceptance of the terms and conditions herein. As permitted by federal and state law and Commission regulation, Avista shall have the right, without notice to or consent of the City, to mortgage or hypothecate its rights, benefits and privileges in and under this Franchise as security for indebtedness.

2.7 Payment of Franchise Fees

2.7.1 In consideration of the rights, privileges, and franchise granted by City to Avista under this Franchise, Avista will pay City six percent (6%) of Avista's gross revenues derived from service to customers located within City (the "Franchise Fee"). Avista will pay the Franchise Fee in quarterly installments, which quarterly installments will be due not later than thirty (30) days following the end of the quarter to which the payment relates.

2.7.2 Contemporaneously with each quarterly payment, Avista will file with City a sworn statement describing the total gross revenues Avista received during the applicable quarter (the

“Accounting Statement”). City’s acceptance of any payments under this Section 2.7 will not constitute a waiver by City of any Avista breach of this Franchise.

2.7.3 Inspection of Books and Records

On an annual basis, no more frequently than every twelve (12) months, upon thirty (30) days prior written notice, the Grantor shall have the right to audit the books and records of Grantee to determine whether the Grantee has paid the franchise fees owed in accordance with generally accepted accounting principles. The audit shall not last longer than six (6) months. Grantee and Grantor agree to reasonably cooperate to complete the audit within the six (6) month period. Any undisputed additional amounts due to the Grantor as a result of the audit shall be paid within sixty (60) days following written notice to the Grantee by the Grantor, which notice shall include a copy of the audit findings. Reimbursements for underpayments as a result of audit findings are subject to late payment interest as set forth herein. In the event that any Franchise payment or recomputed payment is not made on or before the dates specified herein, the Grantee, upon request from the Grantor, shall pay an interest charge, computed from such due date, at the annual rate equal to the commercial prime interest rate, plus one percent (1%) during the period such unpaid amount is owed. The period of limitation for recovery of any franchise fee payable hereunder shall be three (3) years from the date on which payment by the Grantee was due.

2.7.4 Equality of Franchise Fees and Costs

In the event that the City increases charges as prescribed by law upon Avista for any fees, taxes or other costs in connection with the issuance, maintenance, existence, continuation, and/or use of the Franchise or public right-of-way granted herein, City shall impose equivalent charges for any fees, taxes or other costs upon any and all other franchisee(s) doing the same business as or competing with Avista. In the event that City does not impose equivalent charges upon other franchisee(s) doing the same business as or competing with Avista, the City will charge Avista the fee imposed upon Avista prior to the increase until all franchisee(s) doing the same business as or competing with Avista are charged the same.

2.7.5 Late Payments to Grantor

Except as provided for payments due under Section 2.7.3 herein, City may assess any late franchise fees due under this Franchise at an annual interest rate of prime plus one percent (1%).

2.7.6 Tax Liability

Payment of Franchise Fees to City shall not be a credit against any license, occupation, business, privilege, or excise taxes of general applicability which City may now or hereafter legally impose upon Avista. Nothing contained in this Franchise shall give Avista any credit against utility fees or systems development charges imposed by City or any ad valorem property tax now or hereafter levied against real or personal property within City limits, or against any local improvement assessment, unless it can be considered Franchise Fees as defined by applicable law.

SECTION 3. AVISTA’S OPERATION AND MAINTENANCE.

3.1 Compliance with Laws, Regulations, Codes and Standards

In carrying out any authorized activities under the privileges granted by this Franchise, Avista shall meet accepted industry standards and codes and shall comply with all applicable laws, regulations and ordinances of any governmental entity with jurisdiction over Avista’s Facilities

in the Franchise Area. This includes all applicable, laws, regulations and ordinances existing as of the Effective Date or as may be subsequently enacted by any governmental entity with jurisdiction over Avista's operations within the Franchise Area. The City shall have the right to make and enforce reasonable rules and regulations that are not discriminatory in nature pertaining to the conduct of Avista's operations within the Franchise Area. The City will notify Avista prior to the adoption of new Ordinances and Resolutions regarding right-of-way construction standards, right-of-way permit fees, street cutting fees, and/or development permit fees. Notwithstanding the foregoing, failure to provide such notice shall not invalidate such new rules, procedures, or policies of general applicability, nor exempt Avista from compliance with such new rules, procedures or policies. Service shall be supplied to the City and its inhabitants in accordance with Avista's rules and regulations and Tariffs currently or subsequently filed with and approved by the Commission.

3.2 Facility Location by Avista and Non-Interference

Avista shall have the discretion to determine the placement of its Facilities as may be necessary to provide safe and reliable Gas service, subject to the following non-interference requirements. All construction, installation, repair or relocation of Avista's Facilities performed by Avista in the Franchise Area will be done in such a manner as not to interfere with the construction and maintenance of other utilities, drains, drainage and irrigation ditches and structures, and City-owned property within the Franchise Area.

3.3 Facility Location Information

Avista shall provide the City, upon the City's reasonable request, Facility location information in electronic or hard copy showing the location of its Facilities at specific locations within the Franchised Area, to the extent such information is reasonably available. Avista does not warrant the accuracy of any such Facility location information provided and, to the extent the location of Facilities are shown, such Facilities may be shown in their approximate location. With respect to any excavations within the Franchise Area undertaken by or on behalf of Avista or the City, nothing stated in this Franchise is intended (nor shall be construed) to relieve either party of their respective obligations arising under the State one-call law with respect to determining the location of existing underground utility facilities in the vicinity of such excavations prior to commencing work.

3.4 Vegetation Management –Removal of Trees/Vegetation Encroachment

The right of Avista to maintain its Facilities shall include the right, as exercised in Avista's professional discretion to minimize the likelihood that encroaching (either above or below the ground) vegetation can interfere with or limit access to Avista's Facilities, or pose a threat to public safety and welfare. or its agents may accordingly remove or limit, without recourse or payment of compensation at its sole expense, the growth of vegetation which encroaches upon its Facilities and/or Gas transmission and distribution corridors within the Franchise Area.

3.5 Right of Excavation

For the purpose of implementing the privileges granted under this Franchise, and subject to the conditions described herein, Avista is authorized to make any necessary excavations in, under and across the streets, alleys, roads, rights-of-way and public grounds within the Franchise Area. Such excavation shall be carried out with reasonable dispatch and with as little interference with or inconvenience to the public as may be feasible. Avista shall remove all debris stemming from

excavation and construction. The Right-of-way surface shall be restored by Avista after excavation, in accordance with applicable City and Avista specifications. Prior to performing such work, Avista shall obtain all legally required permits, including the opening or disturbance of any Right-of-way within the Franchise Area. City shall cooperate with Avista in granting any permits required, providing such grant and subsequent construction by Avista shall not unduly interfere with the use of such Rights-of-way. Avista shall adhere to all building and zoning codes currently or hereafter applicable to construction, operation or maintenance of the Gas Franchise in the Franchise Area, provided that such codes are of general applicability and such codes are uniformly and consistently applied by City as to other public utility companies and other entities operating in the City. The payment of any generally applicable and non-discriminatory right-of-way permit fees, street cutting fees, or development permit fees is required in addition to payment of the Franchise Fee herein.

3.6 Emergency Work

In the event of an emergency requiring immediate action by Avista to protect the public health and safety or for the protection of its Facilities, or the property of the City or other persons in the Franchise Area, Avista may immediately proceed with excavation or other Right-of-way work, with concurrent notice to the City to the extent possible.

SECTION 4. RESERVATION OF CITY'S RIGHTS AND POWERS.

4.1 Reservation of Right

The City, in granting this Franchise, does not waive any rights which it may not have or may subsequently acquire with respect to road rights-of-way or other property of City under this Franchise, and this Franchise shall not be construed to deprive the City of any such powers, rights or privileges which it now has or may hereafter acquire to regulate the use of and to control the City's roads, rights-of-way and other public property covered by this Franchise. Nothing in the terms of this Franchise shall be construed or deemed to prevent the City from exercising at any time and any power of eminent domain granted to it under the laws of the State.

4.2 Necessary Construction/Maintenance by City

The construction, operation and maintenance of Avista's Facilities authorized by this Franchise shall not preclude the City, its agents or its contractors, from grading, excavating, or doing other necessary road work contiguous to Avista's Facilities; provided that Avista shall be given not less than ten (10) business days' notice of said work, except in events of emergency when there exists an unforeseen and substantial risk or threat to public health, safety, welfare, or waste of resources in which case the City will make reasonable efforts to contact Avista prior to doing the necessary work; and provided further that, if Avista provided an accurate location of its facilities upon request, the City, its agents and contractors, shall be liable for any damages, including any consequential damages to third parties, caused by said work to any Facilities belonging to Avista, up to the amount of liability under the Oregon Tort Claims Act.

4.3 Expansion of Avista's Facilities

Facilities in the City's Franchise Area that are incidental to the Franchise Area, or that have been, or are at any future time acquired, newly constructed, leased, or utilized in any manner by Avista shall be subject to all provisions of this Franchise.

4.4 Change of Boundaries of the City

Any subsequent additions or modifications of the boundaries of the City, whether by annexation, consolidation, or otherwise, shall be subject to the provisions of this Franchise as to all such areas. The City shall notify Avista of the scope of any change of boundaries not less than thirty (30) days prior to such change becoming effective or in accordance with applicable state laws and shall include all prior installations authorized by permits or other action not previously covered by this Franchise.

4.5 Removal of Abandoned Facilities

During the Term of this Franchise, or upon a revocation or non-renewal of this Franchise, the City may direct Avista to remove designated abandoned Facilities from the Franchise Area at its own expense and as soon as practicable, but only where such abandoned Facilities constitute a demonstrated threat to public health and safety. Avista shall not be required to remove, or pay for the removal of facilities it has previously abandoned to another franchisee, or utility under a joint use agreement, or Person granted permission to access Avista's facilities.

4.6 Vacation of Properties by City

If, at any time, the City shall vacate any road, right-of-way or other public property which is subject to rights granted by this Franchise, such vacation shall be subject to the reservation of a perpetual easement to Avista for the purpose of constructing, reconstructing, operating, maintaining, repairing and upgrading Avista's Facilities on the affected property. The City shall, in its vacation procedure, reserve and grant said easement to Avista for Avista's Facilities and shall also expressly prohibit any use of the vacated properties which will interfere with Avista's full enjoyment and use of said easement.

SECTION 5. RELOCATION OF AVISTA'S FACILITIES.

5.1 Relocation of Facilities Requested by City

Upon request of the City, Avista shall relocate its Facilities as necessary within the Franchise Area as specifically designated in 60 percent plans by the City for such purpose. For purposes of this provision, all reasonable efforts shall be made by the City, with input from Avista, to minimize the impacts of potential relocation. The City shall provide Avista reasonable notice of any intended or expected requirement or request to relocate Avista's Facilities. Said notice shall not be less than ninety (90) calendar days prior to any such relocation and, depending on the circumstances, may be greater than one hundred twenty (120) calendar days if necessary to allow Avista sufficient time to arrange for relocation. In cases of emergency, or where not otherwise reasonably foreseeable by the City, the notice requirements of this Section may be shortened by discussion and agreement between the Parties. The City shall use reasonable efforts to cause any such relocation to be consistent with any applicable long-term development plan(s) of the City.

In the event a relocation forces Avista off City's existing Public Right(s) of Way then the City shall accommodate such relocation by securing an acceptable, alternate location for utilities and removing any obstructions, including, without limitation, trees, vegetation, or other objects that may interfere with the installation, operation, repair, upgrade or maintenance of Avista's Facilities on the affected Property.

If the City requires the subsequent relocation of any of Avista's Facilities within five (5) years from the date of relocation of such Facilities or installation of new Facilities that is a result of the same Right-of-way project, the City shall bear the entire cost of such subsequent relocation.

Avista agrees to relocate all Facilities promptly within a reasonable time. Upon notice from the City, the parties agree to meet and determine a reasonable relocation time, which shall not exceed the time normally needed for construction projects of the nature of the City's relocation request unless otherwise mutually agreed.

Notwithstanding the above, Avista shall not be required to relocate facilities of other entities that were abandoned to another franchisee. Such relocation of these types of facilities shall be accordance with Section 5.2 below.

This Section shall not apply to Facilities in place pursuant to private easement held by Avista, regardless of whether such Facilities are also located within the Franchise Area. In the event the City requests relocation of Facilities that are in place pursuant to an existing easement, said relocation shall be treated in the same manner as a relocation requested by third parties under Section 5.2, below, with the City bearing the expense of relocation.

5.2 Relocation of Facilities Requested by Third Parties

City acknowledges that Avista is obligated to provide gas service and related line extension or relocation of Facilities for the benefit of its customers and to require compensation for such services on a non-preferential basis in accordance with applicable Tariffs.

If Facilities are to be relocated at the request of or for the primary benefit of a third party, the City shall not require Avista to relocate its Facilities until such time as a suitable location can be found and the third party has entered into an agreement to reimburse Avista for its reasonable costs of relocation.

In the event the City applies for federal, state or other non-City funding for right-of-way improvements, the City shall make a reasonable effort to include funding for utility relocation purposes, provided such funds do not interfere with the City's right to obtain the same or similar funds, or otherwise create any expense or detriment to the City. The City may recover all costs from granting federal or state agency, including internal costs, associated with obtaining such funds.

SECTION 6. INDEMNITY.

6.1 Indemnification of City

Avista agrees to defend and indemnify the City, its appointed and elected officers and employees or agents, from any and all liabilities, claims, causes of action, losses, damages and expenses, including costs and reasonable attorney's fees, that the City may sustain, incur, become liable for, or be required to pay, as a consequence of or arising from the negligent acts or omissions of Avista, its officers, employees or agents in connection with Avista's obligations under this Franchise; provided, however, that this indemnification provision shall not apply to the extent that said liabilities, claims, damages and losses were caused by or result from the negligence of the City, elected officers and employees or agents. Liability of City is limited to the extent of the City's liability under the Oregon Tort Claims Act.

6.2 Indemnification of Avista

To the extent permitted by law, City agrees to defend and indemnify Avista, its officers and employees, from any and all liabilities, claims, causes of action, losses, damages and expenses, including costs and reasonable attorney's fees, that Avista may sustain, incur, become liable for, or be required to pay, as a consequence of or arising from the negligent acts or omissions of the City, its appointed and elected officers and employees or agents in connection with City's obligations under this Franchise; provided, however, that this indemnification provision shall not

apply to the extent that said liabilities, claims, damages, losses and so forth were caused by or result from the negligence of Avista, its employees or agents.

SECTION 7. FRANCHISE DISPUTE RESOLUTION.

7.1 Non-waiver

Failure of a Party to declare any breach or default of this Franchise immediately upon the occurrence thereof, or delay in taking any action in connection therewith, shall not waive such breach or default, but the Party shall have the right to declare any such breach or default at any time. Failure of a Party to declare one breach or default does not act as a waiver of the Party's right to declare another breach or default. In addition, the pursuit of any right or remedy by the City shall not prevent the City from thereafter declaring a revocation and forfeiture for breach of the conditions of the Franchise.

7.2 Dispute Resolution by the Parties

Disputes regarding the interpretation or execution of the terms of this Franchise that cannot be resolved by department counterparts representing the Parties, shall be submitted to the City's Attorney and an attorney representing Avista for resolution. If a mutually satisfactory or timely resolution cannot then be reached by the above process, prior to resorting to a court of competent jurisdiction, the Parties shall submit the dispute to a non-binding alternate dispute resolution process agreed to by the Parties.

7.3 Right of Enforcement

No provision of this Franchise shall be deemed to bar the right of the City or Avista to seek judicial relief from a violation of any provision of the Franchise to recover monetary damages for such violations by the other Party or to seek enforcement of the other Party's obligations under this Franchise by means of specific performance, injunctive relief or any other remedy at law or in equity pursuant to Section 7.4. Any litigation between the City and Avista arising under or regarding this Franchise shall occur, if in the state courts, in Jackson County Circuit Court, and if in the federal courts, in the United States District Court for the District of Oregon.

7.4 Attorneys' Fees and Costs

Each Party shall pay for its own attorneys' fees and costs incurred in any dispute resolution process or legal action arising out of the existence of this Franchise.

SECTION 8. GENERAL PROVISIONS.

8.1 Franchise as Contract, No Third Party Beneficiaries

This Franchise is a contract between the Parties and binds and benefits the Parties and their respective successors and assigns. This Franchise does not and is not intended to confer any rights or remedies upon any persons, entities or beneficiaries other than the Parties.

8.2 Force Majeure

In the event the Parties are delayed in or prevented from the performance of any of its obligations under the Franchise by circumstances beyond said Party's control (Force Majeure) including, without limitation, third party labor disputes, fire, explosion, flood, earthquake, power outage, acts of God, war or other hostilities and civil commotion, then said Party's performance shall be excused during the period of the Force Majeure occurrence. Each affected Party will use all commercially reasonable efforts to minimize the period of the disability due to the

occurrence. Upon removal or termination of the occurrence, said Party will promptly resume performance of the affected Franchise obligations in an orderly and expeditious manner.

8.3 Prior Franchises Superseded

As of the Effective Date this Franchise shall supersede all prior gas franchises for the Franchise Area previously granted to Avista or its predecessors by City, and shall affirm, authorize and ratify all prior installations authorized by permits or other action not previously covered by franchise. Termination of the prior Franchise shall not, however, relieve the Parties from any obligations which accrued under said Franchise prior to its termination, including but not limited to, any outstanding indemnity, reimbursement or administrative fee payment obligations.

8.4 Severability

The Franchise is granted pursuant to the laws of the State of Oregon relating to the granting of such rights and privileges by City. If any article, section, sentence, clause, or phrase of this Franchise is for any reason held illegal, invalid, or unconstitutional, such invalidity shall not affect the validity of the Franchise or any of the remaining portions. The invalidity of any portion of this Franchise shall not abate, reduce, or otherwise affect any obligation required of Avista.

8.5 Changes or Amendments

Changes or amendments to this Franchise shall be in writing and shall not be effective until lawfully adopted by the City and agreed to by Avista.

8.6 Supremacy and Governing Law

This Agreement shall be interpreted, construed and enforced in all respects in accordance with the laws of the State of Oregon. In the event of any conflict between this Franchise and any City ordinance, regulation or permit, the provisions of this Franchise shall control. In the event of a conflict between the provisions of this Franchise and Avista's applicable Tariff on file with the Commission, the Tariff shall control.

8.7 Headings

The headings or titles in this Franchise are for the purpose of reference only and shall not in any way affect the interpretation or construction of this Franchise.

8.8 Acceptance of Franchise

Avista shall, within thirty (30) days after passage of this Ordinance, file with the City Recorder, its acceptance of the terms and conditions of this Franchise.

8.9 Abandonment or Suspension of Franchise Rights and Obligations

Avista may at any time abandon the rights and authorities granted hereunder, provided that six (6) months' written notice of intention to abandon is given to City. In addition, pursuant to Section 8.6 and in the event a conflict exists between the terms of this Franchise and Avista's Tariff with the Commission that cannot be resolved, Avista may suspend or abandon the rights and obligations of this Franchise upon reasonable notice to the City.

8.10 Franchise Effective Date

The Effective Date of this Franchise shall be _____, 2017, after passage, approval and final passage of this ordinance as provided by law, and provided that it has been duly accepted by Avista as specified above.

8.11 Venue

This Franchise Agreement has been made entirely within the state of Oregon. If any suit or action is filed by any party to enforce this Franchise Agreement or otherwise with respect to the subject matter of this Agreement, venue shall be in the federal or state courts in Jackson County, Oregon.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor

APPROVED: _____, 2017.

Mayor

Letter of Acceptance by Avista

HONORABLE MAYOR AND CITY COUNCIL
CITY OF MEDFORD, COUNTY OF JACKSON, OREGON

IN RE: City of Medford, Ordinance No. 2017-79

“Granting a Franchise to Avista Corporation for the Construction, Operation and Maintenance of Natural Gas Facilities Within the City.”

Avista Corporation dba Avista Utilities, for itself, its successors and assigns, hereby accepts the terms and conditions of the Franchise Agreement contained in the subject Ordinance and files this written acceptance with the City of Medford. This acceptance is executed on _____, 2017.

Avista Corporation dba Avista Utilities

By: _____

Dennis Vermillion
President, Avista Utilities

Copy Received for the City of Medford

On: _____

By: _____

City Representative - Name

Item No: 80.2
Food trucks on street



MEMORANDUM

Subject Code amendment – Food Trucks on street
To Matt Brinkley, AICP CFM, Planning Director
From Carla Angeli Paladino, CFM, Principal Planner *Paladino*
Date June 26, 2017

RECENT FOOD TRUCK AMENDMENT

Ordinance No. 2017-67

The City Council passed the above ordinance on June 15, 2017, which modified how the City measures temporary mobile food vendors or food trucks. The ordinance modified the measurement of trucks from square feet to length, added a graphic to demonstrate how the length is measured, clarified what outdoor equipment is, and modified requirements required by the Fire Department.

ON-STREET VENDING BY FOOD TRUCKS

Staff recommendations

During research on the above noted ordinance, Planning Staff also proposed modifications based on a citizen request of City Council in February 2016. Cody Diehl, the food truck owner of Fired Up spoke to Council asking for permission to locate and operate late in the evening on Main Street outside of the Bohemian Club. This particular situation never formally made its way to the Planning Commission for initiation.

Planning staff drafted language that would, if approved, permit food trucks to locate in on-street parking stalls in the public right-of-way in order to serve customers from 10:00 p.m. to 2:30 a.m. The food trucks would have to be self-contained with no need for utility connections to operate and must be movable without assistance from another vehicle (trailers would not be permitted). All other applicable food truck standards would also apply. The proposed changes in Chapter 10 were removed from the proposed text prior to the Planning Commission’s hearing.

During the City Council hearing in June, Councilor Bearnson asked about the proposed changes for food trucks in the public right-of-way and if they could either be added to the ordinance before City Council that evening or brought back at a subsequent hearing.

Planning staff has done some research on the issue and knows of at least one other jurisdiction that permits food trucks in the public right-of-way and that is Grants Pass. If directed to work on this code amendment additional research can be done and code language can be drafted for Planning Commission and City Council review. Chapters 2 and 6 of the Municipal Code may also need revisions in addition to Chapter 10. The amendment could be completed by September or October of this year.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 120.1

www.ci.medford.or.us

DEPARTMENT: Planning Department
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

AGENDA SECTION: Public Hearing
MEETING DATE: July 6, 2017

COUNCIL BILL 2017-68

A resolution approving the construction of street improvements on Foothill Road between Hillcrest Road and East McAndrews, as part of the Foothill Road Improvement Project.

SUMMARY AND BACKGROUND

The project includes street improvements on a segment of Foothill Road between Hillcrest Road and East McAndrews Road in Medford. The project was discussed at the Bicycle and Pedestrian Advisory Committee (BPAC) on March 13 and April 10, 2017. The Committee made recommendations in support of the project. The Planning Commission reviewed the proposal at a public hearing on May 11, 2017. The Commission forwarded a favorable recommendation to the City Council (TF-17-012).

PREVIOUS COUNCIL ACTIONS

- The project was included as part of a loan from the Oregon Transportation Infrastructure Bank, approved by Ordinance 2015-49 on May 21, 2015.
- The Council authorized the execution of Intergovernmental Agreement Number 30421 between the City and the Oregon Department of Transportation accepting a Congestion Mitigation and Air Quality grant by ordinance 2015-95 on September 17, 2015.
- The Council granted Intergovernmental Agreement Number 31209 between the City and the Oregon Department of Transportation by Ordinance 2016-55 on May 5, 2016, which defined the right-of-way acquisition roles and responsibilities for street improvements to Foothill Road.
- The Council adopted Resolution Number 2016-104 on August 18, 2016, acknowledging the continued support for the improvement of Foothill Road as the top transportation priority for the City of Medford.
- The City Council held a public hearing for the subject project on June 15, 2017. After hearing testimony of citizens adjacent to the road project, the Council continued the hearing to July 6, 2017. The Council asked staff to list the citizen comments and come up with possible solutions.

ANALYSIS

Foothill Road is a regionally significant roadway that is part of a system that connects from Phoenix to Eagle Point. The project would improve 5,100 linear feet of Foothill Road between Hillcrest Road and East McAndrews Road to major arterial standards with modifications. The improvements include an increase in travel lanes, buffered bike lanes, a multi-use path, sidewalks, medians, planter strips, street lights, and traffic signals. The proposal is identified in the city's Transportation System Plan as Project Number 469 and categorized as a Tier 1 improvement.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Total project cost is estimated at \$13 million dollars. The funding sources are an Oregon Transportation Infrastructure Bank (OTIB) loan in the amount of \$10 million dollars and a Congestion Mitigation and Air Quality (CMAQ) grant in the amount of \$3 million dollars. Funding is contained within the 2017-2019 biennial budget, project number STA1825520: Foothill Road Improvements.

TIMING ISSUES

The Public Works Department anticipates construction completion by August 2019.

COUNCIL OPTIONS

Approve, modify, or deny the resolution.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 120.1

www.ci.medford.or.us

STAFF RECOMMENDATION

Staff recommends approval of the transportation facility.

SUGGESTED MOTION

I move to adopt the resolution authorizing the Foothill Road improvement project as recommended by the Planning Commission.

EXHIBITS

Resolution

Revised Commission Report, including Exhibits A through S

RESOLUTION NO. 2017-68

A RESOLUTION approving the construction of street improvements on Foothill Road between Hillcrest Road and East McAndrews, as part of the Foothill Road Improvement Project.

WHEREAS, having held a duly noticed public hearing on May 11, 2017; and

WHEREAS, the Council has determined that the proposed project plans satisfy the applicable criteria as demonstrated by the Commission Report dated June 8, 2017, attached as Exhibit "A" and incorporated herein, and adopted as the findings and conclusions of the City Council; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON, that the construction of street improvements on Foothill Road between Hillcrest Road and East McAndrews, as part of the Foothill Road Improvement Project, as shown in the Revised Commission Report dated June 29, 2017, attached as Exhibit "A" and incorporated herein, are hereby approved.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2017.

ATTEST: _____
City Recorder

Mayor



REVISED COMMISSION REPORT

for a Type-B quasi-judicial decision: Transportation Facility

PROJECT Transportation Facility Review – Foothill Road Improvement Project
Applicant: City of Medford

FILE NO. TF-17-012

TO City Council for July 6, 2017 hearing (continued from June 15, 2017)

FROM Sarah Sousa, Planner IV

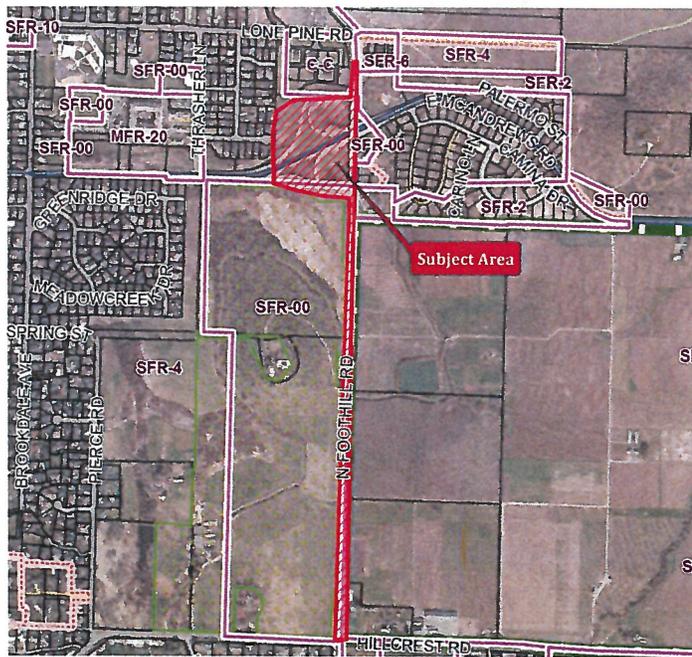
REVIEWER Carla Angeli Paladino, Principal Planner

DATE June 29, 2017

BACKGROUND

Proposal

The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and East McAndrews Road to modified major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, street lights, and traffic signals.



History

The proposed street improvement is identified in the Transportation System Plan as Project Number 469 and categorized as a Tier 1 Long-Range improvement. The City Public Works Department is the applicant. The funding sources are an Oregon Transportation Infrastructure Bank (OTIB) loan and a Congestion Mitigation and Air Quality (CMAQ) grant.

The proposal was discussed at the Bicycle and Pedestrian Advisory Committee meetings of March 13 and April 10, 2017. The Planning Commission held a hearing on May 11, 2017, and voted 8-1 to recommend approval to the Council.

City Council Hearing - June 15, 2017

The City Council held a public hearing for the subject project on June 15, 2017. After hearing testimony of citizens adjacent to the road project, the Council continued the hearing to July 6, 2017. The Council asked staff to list citizen concerns and identify possible solutions. The Public Works and Planning Departments have worked together to assemble the list of concerns. The Public Works Department will address these issues at the hearing.

Authority

This proposed plan authorization is a Class-B quasi-judicial approval for the development of a transportation facility. The Planning Commission is authorized to recommend and the City Council to approve transportation facilities under Medford Municipal Code Sections 10.102–122, 10.165, and 10.185.

ISSUES AND ANALYSIS

Background

Foothill Road is a regionally significant roadway. It provides one of the only major arterial connections linking the northern and southern portions of the city east of Interstate 5. It is also part of a system (at North Phoenix Road) that links Phoenix to Eagle Point.

Foothill Road is a two-lane County road with no bicycle or pedestrian facilities. The Public Works Department proposes to construct approximately 5,100 linear feet of improvements to Foothill Road between Hillcrest Road and East McAndrews Road to Major Arterial standards with modifications. **Exhibit F**

Project Details

On page 2 of the Executive Summary, a table is included showing the required dimensions of a Major Arterial Street with the requested modifications. The bike lanes are proposed to be wider due to the extra buffer area. The sidewalks are not reduced below the minimum required and are actually proposed to be wider in most areas. The planter strip is requested to be reduced and/or eliminated in some sections. The center median is reduced in two sections from the required fourteen feet down to six feet. The total paved width and right-of-way widths vary due to the above requested changes.

The following details a list of project improvements. **Exhibits C-E**

1) The proposed street improvements to Foothill Road include:

- Increased travel lanes from two to four (two each way)
- Five to seven foot sidewalk on the east side of road
- Ten foot wide multi-use path on the west side of the road
- Ten foot wide multi-use path along the Hillcrest Orchard Property on the east side of the road
- Left turn lanes at intersections
- Six foot bike lanes with three foot buffer
- Underground storm drain improvements
- Traffic signals at north and south McAndrews Road interchange ramps
- Left and right turn lanes at north and south McAndrews Road interchange intersections
- Street Lighting
- Street Trees

2) The proposed street improvements to McAndrews Road (on/off ramps):

- Seven foot wide sidewalk along eastbound off-ramp
- Seven to ten foot wide multi-use path along westbound off-ramp

Right-of-way Acquisition

At present, most of the Foothill Road right-of-way is 60 feet wide. Proposed street improvements will require a width of 88-109.5 feet. Acquisition of approximately 113,000 square feet from twelve tax lots will be needed, as well as slope and construction easements of 90,000 square feet.

Committee & Citizen Comments

Bicycle & Pedestrian Advisory Committee: The project was discussed at the Bicycle and Pedestrian Advisory Committee (BPAC) on March 13 and April 10, 2017. Although the Committee is in overall support of the project, they provided written comments expressing safety concerns regarding the existing East McAndrews on-ramp and off-ramp multi-use path. The following are two committee recommendations:

- Add signage and pavement markings to alert motorists of the presence of cyclists and pedestrians.
- Replace existing landscaping, which can obstruct vision clearance, with ground cover vegetation that will not obstruct visibility.

As proposed improvements will tie into the existing multi-use path, the recommendations can be considered as part of the project. **Exhibit M**

Citizen Comments: The property owners of 1570 Foothill Road came in to the Planning Department and spoke with Planning and Engineering staff about driveway concerns. Since the driveway at 1570 Foothill Road is located at the future signalized intersection, the city proposes to relocate the driveway to the south. According to the owners, it may be problematic to relocate the driveway approach due to grade and radius issues.

At the Planning Commission hearing, oral testimony was received from eleven citizens. One person testified that, as a new property owner, he did not receive a notice in the mail regarding the project. The owners of 1570 Foothill Road expressed concerns about the proposed relocation of their driveway which would decrease the functionality of their property. They were also worried about the impact that noise and tree removal would have on their view and property value. Other citizens brought up concerns related to access. Some accesses are proposed for removal along the farming properties while others will only have a right-in, right-out driveways once a median is installed. The Planning Commission minutes detail all of the citizen input at the public hearing. **Exhibit B**

Four letters were submitted at the Planning Commission public hearing from the following: Bill and Gwyn Reen, Lisa and Laurence Rubenstein, Emily Mostue, and Karen Allan. **Exhibits N-Q.**

Agency and Department Comments

Public Works Department: The Public Works Department is the applicant and they do not have any additional comments regarding the proposed project. **Exhibit G**

Fire Department: The Fire Department did not have any additional requirements. **Exhibit H**

Parks & Recreation Department: The Parks and Recreation Department submitted a letter supporting the project and detailing consistency with the Leisure Services Plan. **Exhibit I**

Medford Water Commission: The Medford Water Commission requests the following conditions of approval for the project. **Exhibit J**

- The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) “Regulations Governing Water Service” and “Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices.”
- There is an existing 12-inch ductile iron water line located just outside the east right-of-way line of North Foothill Road. This existing water line is planned to remain in place, and shall be protected in place during all construction activities. If conflicts are found to exist between the existing 12-inch water line and the proposed street/storm/sewer improvements, those conflicts will be investigated and resolved prior to construction.
- MWC’s recent Water Distribution Facility Capital Improvement Plan requires the installation of a 16-inch water transmission line in North Foothill Road between Hillcrest Road and Lone Pine Road. No water services will be connected to this water transmission line.
- MWC-metered water service does exist to a portion of these parcels along North Foothill Road from the existing 12-inch water line along the east right-of-way line. The existing water meters and all future water service connections will be from the existing 12-inch water line.
- MWC will coordinate proposed water line alignment and design with City of Medford Engineering Department staff, and prepare and provide engineering plans, and specifications for ODOT approval.
- MWC will have an inspector on-site during water facility construction activities.

Medford Irrigation District: The Medford Irrigation District supplied comments in favor of the project but asks for coordination related to the district’s pipe size and easements. **Exhibit K**

Jackson County Roads: Jackson County Roads sent a letter explaining that currently the County maintains Foothill Road. Once the project is complete, they would prefer that the City request a jurisdictional transfer. **Exhibit L**

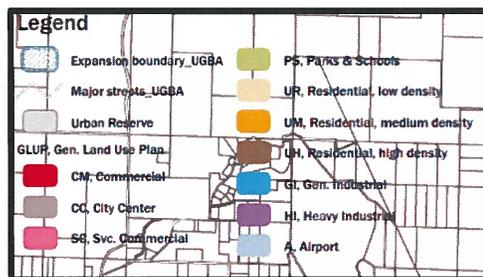
Planning Department: At the Planning Commission hearing, the proposed raised median was described by the City Engineer as a wall. These can be seen on freeways and expressways. They serve as barriers between traffic traveling in opposite directions in areas where there is limited turning and multimodal facilities. It has been clarified that the wall barrier is proposed on the segments with the reduced six-foot median

(Segments B & C) along the northerly portion of the project. The raised median for the other segments will be a six-inch raised concrete section.



Photos of raised median walls

Since the proposed street improvement segment is within the City’s limits and the proposed Urban Growth Boundary, this will be an area with new residential and commercial uses. (The map below shows the General Land Use Plan designations for the areas adjacent to the project.) As development occurs, the street environment will need to invite citizens to experience this area, not just pass through it. A barrier wall might create an expressway atmosphere, which may not be desirable. A raised 6-inch median may be more appropriate. Council may want to consider this as part of the decision.



The photos below show existing raised medians with trees on Barnett Road and North Phoenix Road.



North Phoenix Road



Barnett Road (photos from Google Earth)

Planning Commission Comments

Planning Commission Comments: At the Planning Commission hearing, the commissioners discussed the proposed signal at the south McAndrews Road intersection ramp and the impact to the property located at 1570 Foothill Road. Instead of moving the driveway at 1570 Foothill Road to the south to avoid alignment with the future signalized intersection, the Planning Commission recommended that the city try to create a reasonable access across from the signal.

The Commission also expressed concern about the proposed raised median wall. If the wall was eliminated, the median would still allow areas in which residents could turn left into their properties as they do now. The City Engineer pointed out the proposal is based upon safety and that raised medians are described in the Transportation System Plan to limit access for major arterials. The Commission also questioned where in Medford raised median walls, such as the one proposed, exist. The City Engineer explained that they are located in areas approaching bridges on the side of the road. Typical locations are on freeways and expressways.

The Commission emphasized the need for flexibility in the design to allow existing accesses full movement (left-in options) as much as possible without compromising on safety.

RECOMMENDED ACTION

The Planning Commission found the approval criteria is met and forwarded a favorable recommendation to the City Council with the recommendation that the city try to create a reasonable access for the property at 1570 Foothill Road across from the signal at the south McAndrews ramp signal and with the consideration for flexibility in the design to allow existing accesses full movement (left-in options) where possible for TF-17-012, per the Revised Commission Report dated June 29, 2017, including Exhibits A through S.

EXHIBITS

- A Findings and Conclusions
- B Planning Commission Minutes of May 11, 2017
- C Cross Section A received January 30, 2017
- D Cross Sections B,C, & D received January 30, 2017
- E Cross Sections E & F received January 30, 2017
- F Applicant's Executive Summary received January 30, 2017
- G Public Works Department Report received April 19, 2017
- H Medford Fire Department Report received April 19, 2017
- I Medford Parks & Recreation Department letter received March 17, 2017
- J Medford Water Commission memo & map received April 19, 2017
- K Medford Irrigation District letter received March 9, 2017

- L Jackson County Road letter received March 15, 2017
- M Letter from the Bicycle & Pedestrian Advisory Committee Vice-Chair received April 27, 2017
- N Letter from Karen Allan received May 11, 2017
- O Letter from Emily Mostue received May 11, 2017
- P Letter & Photos from Bill and Gwyn Reen received May 11, 2017
- Q Letter from Lisa and Laurence Rubenstein received May 11, 2017
- R Letter from Gwyn Reen with attachments received May 30, 2017
- S Letter from Lisa and Laurence Rubenstein received June 12, 2017

CITY COUNCIL AGENDA: JULY 6, 2017

Exhibit A

Findings and Conclusions

The criteria that apply to transportation facility development are found in Medford Municipal Code §10.207).

Transportation Facility Development. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

COMPLIANCE WITH CRITERIA

Criterion (1): Transportation facility development projects shall be consistent with the Transportation Goals and Policies of the Comprehensive Plan.

Findings: Satisfied. The transportation facility project is consistent with various transportation goals and policies identified in the Comprehensive Plan. The relevant statements are identified below and are further explained about how they relate to this project.

Goal 1: To provide a multi-modal transportation system for the Medford planning area that supports the safe, efficient, and accessible movement of all people and goods, and recognizes the area's roles as the financial, medical, tourism, and business hub of Southern Oregon and Northern California.

Policy 1-B: The City of Medford shall use the Transportation System Plan as the legal basis and policy foundation for decisions involving transportation issues.

Policy 1-C: The City of Medford's top priority for the use of transportation funds shall be to address the maintenance, operational, and safety needs of the transportation system.

Policy 1-E: The City of Medford's third priority for the use of transportation funds shall be to fund capital improvements that add capacity to the transportation system. These improvements shall be prioritized based on availability of funds, reducing reliance on the automobile, improving safety, relieving congestion, responding to growth, and system-wide benefits.

Goal 2: To provide a comprehensive street system that serves the mobility and multi-modal transportation needs of the Medford planning area.

Policy 2-E: The City of Medford shall design to enhance livability by assuring that aesthetics and landscaping are a part of Medford's transportation system.

Policy 2-F: The City of Medford shall bring Arterial and Collector streets up to full design standards where appropriate, and facilitate improving existing local streets to urban design standards where appropriate.

Policy 2-I: The City of Medford shall promote transportation safety.

Goal 5: To facilitate the increased use of pedestrian transportation in the Medford planning area.

The improvements to Foothill Road will encourage multi-modal transportation while providing better vehicular capacity to the overall transportation system. The addition of an extra vehicular lane in each direction and turn lanes will provide additional vehicular capacity. The subject segment roadway will include a sidewalk and/or 10-foot multi-use path along both sides of the roadway which will help add to the sidewalk network and provide recreational opportunities.

Safety improvements include buffered bike lanes, street lighting, and signalized intersections. Major Arterial standards require a six-foot wide bike lane on each side of the street. The proposal includes six-foot bike lanes but also adds an extra 3-foot buffer between the bike and vehicular travel lanes. This additional measure will encourage bicycle usage and promote additional safety. Currently, no street lighting exists on this segment of roadway. New street lights will be installed as part of the project which will provide illumination for vehicles, pedestrians, and bicyclists. Two new signalized intersections will also provide additional safety for vehicles entering and exiting the McAndrews Road on/off ramps.

The entire length of Foothill improvements will be enhanced with trees. Proposed landscape easements on adjoining properties are proposed to protect existing trees. Other areas will include a planter strip between the bike lane and sidewalk.

Overall, the modifications from the typical Arterial Street standards will provide a safer and enhanced roadway that will benefit the vehicular, bicyclists, and pedestrian public.

Conclusion: The transportation facility project implements the Transportation System Plan and fulfills identified goals and policies of the Comprehensive Plan. The project satisfies Criterion 1.

Criterion (2): Transportation facility projects should not prevent development of the remainder of the property under the same ownership or development of adjoining land.

Findings: Satisfied. The transportation facility improvements are to an existing roadway and abut large properties that have the potential to develop in the future.

Conclusions: The proposal does not prevent development of the remainder of the property under the same ownership or development of adjoining land. This criterion is found to be satisfied.

Criterion (3): If the project includes the creation of new streets, such streets should be laid out to conform with the plats of land divisions already approved for adjoining property.

Findings: Not applicable. The proposal does not create any new streets. The proposed improvements will be installed along an existing roadway.

Conclusions: As no new streets are proposed, the criterion is not applicable.

Exhibit B

Planning Commission Minutes

May 11, 2017(excerpt)



Planning Commission

Minutes

From Public Hearing on **May 11, 2017**

The regular meeting of the Planning Commission was called to order at 5:30 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present

Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie (departed at 8:30 p.m.)
E.J. McManus (arrived at 5:45 p.m.)
Alex Poythress
Jared Pulver

Staff Present

Kelly Akin, Assistant Planning Director
Carla Paladino, Principal Planner
Kevin McConnell, Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Kyle Kearns, Planner II
Sarah Sousa, Planner IV
Liz Conner, Planner II

50.2 TF-17-012 The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and East McAndrews Road to modified major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, street lights, and traffic signals. (City of Medford, Applicant/Agent)

Sarah Sousa, Planner IV, stated that the transportation facility development criteria are found in the Medford Land Development Code Section 10.207. It was included in the property owner notices, staff report and copies have been provided for the audience located at the entrance of Council Chambers for those in attendance. Ms. Sousa gave a

staff report. Ms. Sousa mentioned that the owner of 1570 Foothill Road brought up concerns about the driveway relocation. They are in attendance this evening to testify. Ms. Sousa recognized a letter received this evening from Emily Mostue who is also in the audience to testify. Staff has not had a chance to review the letter but the Commissioners have a copy of the letter before them.

There are representatives from the Public Works Department to answer any questions that Ms. Sousa cannot answer.

Commissioner Foley asked, on the east side, is the multi-use path replacing the sidewalk? That is Ms. Sousa's understanding. Commissioner Foley, asked will meld into the sidewalk at some point? That is Ms. Sousa's understanding.

Alex Georgevitch, City Engineer, stated that the multi-use path will meld into a sidewalk.

Chair Miranda asked, are the materials used for the multi-use path and sidewalk different? Mr. Georgevitch reported that has not been determined at this point. Typically the multi-use path is made out of asphalt but they could use concrete. Sidewalks will be concrete.

Commissioner Foley asked, is the buffering on the bike lanes space and will there something on the surface to alert they are over the line? Mr. Georgevitch replied there will not be anything on the surface, only striping. With the available right-of-way, environmental impacts and with the available dollars, it was determined to be the best solution in order to sweep the bike lane. If it was raised it could not be swept.

Commissioner Mansfield stated that the material that the Commissioner's received indicates there is apparently a substantial amount of right-of-way acquisition and consequential damages. Is Mr. Georgevitch in discussions on those matters? Mr. Georgevitch reported that they have had meetings with some of the property owners discussing impacts. They have not started any right-of-way negotiations. That will occur after the City Council gives approval. Public Works will be dealing with any adverse impacts to the properties. They will be paying for any damage to the property. These are all negotiated through the process after the Transportation Facility hearing. This is determining what they have to negotiate for. After approval from the City Council they start the process of finalizing the design and seeking right-of-way.

Commissioner McKechnie asked, is there only one access in the middle off each side of this transportation facility forever or will there be other roadways allowed as the two parcels develop? Mr. Georgevitch stated that this is the current public access that Public Works is planning. There will eventually be an east/west street that will serve Hillcrest Orchard side to the east as well as the property owned to the north by the

Carpenter family. There will eventually be a street to the west coming through the Carpenter family property that could tie into the internal study area that was part of the urban growth boundary expansion process. Public Works envisioned Spring Street coming through the property and eventually tie into this location as well. This is envisioned to be the single signalized location along there. Ideally, Foothill Road will be a highly accessed managed facility that will move high volume of vehicles. He cannot tell what future access will be because it will depend on development patterns. They will be building needed infrastructure on each side of the street that will be able to tie into the east/west street. He cannot guarantee that at this time.

Commissioner McKechnie asked, is there any reason the driveway cannot stay at the signalized intersection at the access ramp to McAndrews? It looks like the driveway relocation will only have a right in/right out where now they have full movement. They would definitely have full movement if signalized. Mr. Georgevitch reported that is correct. The standard is not to use a single drive approach for single family residents across from a signalized intersection. It is unconventional. If Public Works is directed to do that, it can be done but it would not be advised by Engineering. They will try to work with all impacted property owners. Public Works is looking at U-turn locations if they can fit them in.

Commissioner McKechnie asked, is the Planning Commission offering suggestions to change this or requiring changes be made if they think changes should be done or accept this blindly and hope they fix something that looks like it is wrong? Chair Miranda reported that it is the Planning Commissions purview and responsibility to look at it realistically and make a recommendation.

Commissioner McKechnie suggested that in this particular space that Public Works consider doing a shortened street on the other side that they could tie into. There are some other houses there and there may be some in the future that would benefit from a stub of a street.

Mr. Georgevitch responded that the Planning Commission is a recommending body to the City Council. If that is a recommendation, please make sure it is the motion. Public Works is going to do what is required of them after the City Council hearing. Tonight, the recommendation moves it forward to the City Council. How the City Council deals with it he cannot say. Public Works puts together their best recommendation and now they are waiting to hear the feedback from the public, Planning Commission and eventually to see how the City Council weighs in on all the information.

Chair Miranda asked, are the concerns basically from the intersection signalization? Mr. Georgevitch replied, that is correct.

Commissioner McKechnie asked, what is the logic of putting the multi-use path on the east side of the southern part of this project (Sections D, E and F area)? Mr. Georgevitch reported that trees are historic in nature that goes with the Hillcrest Orchard property. Those trees are just as important as the buildings that are part of that property so they had to do everything they could to avoid them. If they end up having to take out the trees it will probably delay the project one to two years. They started looking for alternatives. They started working with State Historical Preservation Office (SHPO), Oregon Department of Transportation (ODOT) and property owners to find a way to satisfy the needs of the road and still minimize impacts to the historic property. Between working with the property owners and the other agencies, this is what they came up with as the most reasonable approach. It allows for the bike movements if they want to stay on this facility opposed to a sidewalk because it is wider than normal along this portion. It preserves the trees. They are working with the property owner to install some kind of buffer between the path and the existing building on cross section F. They feel they have come to a reasonable compromise for all parties involved and believes this can be approved by SHPO primarily.

Commissioner McKechnie stated that he does not have a problem with the location but on this side of the roadway for Sections D, E and F there are two bike paths transitioning into a sidewalk in Sections A, B and C. Having a bike path is fine but why another one in the street? Mr. Georgevitch stated the reason they did this is that there are different types of cyclists and they are trying to accommodate a broader portion of the public that wants to ride their bikes. There is the fearless cyclists that will stay on Foothill Road. The people that want to ride on the sidewalk as a pedestrian there is no way to transition them off the sidewalk. Further north there will be a planter strip and the sidewalk goes back to the 5 foot standard which exists throughout the community. Public Works originally was considering a multi-use path only and realized there was no way to transition down.

Commissioner McManus asked, is Jackson County asking to transfer the jurisdiction outside of the project section? Mr. Georgevitch reported that their agreement is to whenever a road is improved to City standards they will take it into City jurisdiction. This will be the section from Hillcrest to McAndrews.

Vice Chair McFadden stated that the right-of-way is going through the trees. They have a life span. It will raise the question in the future who takes care of the trees and what happens to the trees when and if the inevitable happens. He suggested increasing the road right-of-way width to the backside of the path so that the City takes jurisdiction of the trees for maintenance.

Vice Chair McFadden asked, do the three houses at the south McAndrews off ramp take access from that one access point? Mr. Georgevitch replied that there are three, maybe four properties that will be taking access there.

Vice Chair McFadden asked, how is that done? Is it still undecided? Mr. Georgevitch stated that Public Works will design and reconstruct the driveway and obtain any easements required to allow cross access if that is approved by the City Council. At this point, Public Works is leaning towards moving the driveway south and then creating an internal roadway for all four properties to use.

Vice Chair McFadden asked, how does Public Works foresee the access to the Carpenter home on the hill, come back into the new intersection? Mr. Georgevitch replied that the house on the hill will have its own driveway near the irrigation canal. It will be right in/right out. The Carpenters are fine with that.

Vice Chair McFadden asked, has Mr. Georgevitch had a chance to read the letters submitted at this evening meeting? Mr. Georgevitch replied yes.

Vice Chair McFadden asked, will the City replace the fencing that will be removed during construction? Mr. Georgevitch reported that all that will be negotiated through right-of-way process. If Public Works impact they will either pay or reconstruct. Typically, on fencing Public Works wants to pay and let the property owner reconstruct.

Vice Chair McFadden stated that he is sure the City will not have a problem with maintaining access to farming equipment during construction of this project. Mr. Georgevitch stated that there will be a few times where that may be challenging but they will work as closely as they possibly can. These projects always have impact to the surrounding community. This community is a farming community. Public Work always strives to do what they can. When they are paving they need to consider the fact that vehicles cannot cross. Public Works has discussed this with the family and they understand there will be times this may be difficult. Public Works will do what they can to give advance notification. One of the concerns is when hay needs to be cut there is no exact date. When it needs to be cut it needs to be dried and picked up quickly. Public Works will do their best to work with the family and contractor to work around any type of impact.

Vice Chair McFadden asked about the discrepancy in the right-of-way and the issue of possibly giving back part of a right-of-way that has not been utilized. Will that take place during negotiation? Mr. Georgevitch reported with that one he is not exactly sure. Public Works met with the family and asked them to be as specific as they can of their concerns. It helps the Planning Commission make clear direction. When they go to the City Council, Mr. Georgevitch anticipates the same type of clear specific request

they are making. If there is any excess right-of-way it would go through a vacation process. It would be a separate process through the City Council. Public Works will look into making sure they understand that prior to the City Council meeting.

Vice Chair McFadden asked, are there other areas affected by a permanent easement outside the right-of-way for tree plantings? Mr. Georgevitch stated there are concerns about the trees being an additional impact beyond the right-of-way that could impact some of the farming operations. Again, if the City Council directs Public Works they will purchase that as right-of-way. If the best decision is to leave it as an easement then Public Works will purchase it as a permanent easement. If it goes way it would have to go through a quit claim.

Mr. Georgevitch pointed out that he was acting as the applicant. He feels he has taken his applicant time.

Commissioner McManus stated, regarding the driveway impact discussion Mr. Georgevitch mentioned the three new homes on the east side. That is not the same driveway at 1570 Foothill, correct? That is not being asked to be moved, correct? Mr. Georgevitch reported that the property at 1570 Foothill Road Public Works is proposing to relocate the driveway to the south and not have it cross the signal. The three houses have frontage and access further north.

Commissioner Poythress stated that Mr. Georgevitch strongly discouraged signal access to a single residence driveway but it looks like there are three residences in that same path. Can he speak to that? Mr. Georgevitch stated that the four parcels north that can take access off of Foothill Road, not across from the signal. They would be between the two ramped terminals. The 1570 Foothill Road driveway lies directly east of the off ramp. It would be unorthodox to signal that for a single family.

Commissioner Poythress reported that if three residences are already sharing one access at what point can it be made a residential road even if it is only 20 feet long. If three families continue to share that same access point, then it is no longer a single residence. Vice Chair McFadden stated what they are not seeing is an overall picture of all the properties. This is just showing the one access that is the only one across from the intersection. The rest come in differently which he thinks is confusing. There is less of an issue as far as the other properties than it is for the 1570 Foothill Road property.

Commissioner Pulver asked, will the issues in the letters received this evening from Ms. Allan and Ms. Mostue be addressed in the right-of-way acquisitions? Mr. Georgevitch stated that was a fair assessment.

Commissioner Pulver asked Ms. Sousa if she had an opportunity to read the letters from Ms. Allan and Ms. Mostue? Ms. Sousa replied, no.

It is Commissioner Pulver's opinion that it is important that Planning staff acknowledges they received and reviewed the letters and if they have any impact on staff's recommendation. It seems to him to be appropriate before the Planning Commission voted. Commissioner McKechnie stated that can be done by adding the letters to the exhibits. Commissioner Pulver reported that he is concerned that without Planning staff weighing in on the letters would they affect their recommendation to the Planning Commission.

The Public Hearing was opened.

a. Rick Pies, 1618 N. Foothill Road, Medford, Oregon, 97504. Mr. Pies testified that he did not get information regarding the project. His neighbors told him about the project and the hearing this evening. If he had known about the project he probably would not have bought the property back in September or he would have negotiated a lower price. He thinks he is going to lose money on his property. He has lived near signaled intersections and stop signs. At lights, there is a tremendous amount of noise. He does not know why there is going to be a signal at each end. The busiest times he has noticed is at 8:00 a.m. and 5:00 p.m. He will only have a right turn out from his property. He pulls a travel trailer a lot of the time. He does not know how he is going to get in and out of his driveway. A U-turn with a 25 foot trailer is not fun. Currently he has access either way.

b. Lacy Reen, P. O. Box 186, Medford, Oregon, 97501. Ms. Reen stated that she lives in the middle of the Foothill Road expansion project. Her concerns are water, increased noise and decreased property value from the signalization and the relocation of her driveway (inability to cross Foothill to access driveway). She needs City water. An Analysis and Abatement of Highway Traffic Noise Study is needed to determine how to mitigate the increase noise. She needs easy access to her driveway.

Vice Chair McFadden asked, does Mr. Georgevitch know the proximity of City water supply to the residences? Mr. Georgevitch stated that currently there is a Medford Water Commission line on the east side of the road. If they are in the County they cannot connect to City water but when they annex into the City they can connect to that line.

c. William Reen, 1570 N. Foothill Road, Medford, Oregon, 97504. Mr. Reen stated that he does not want or can afford to annex into the City. His property taxes would greatly increase that would be a hardship on him. He continued with their concerns of parking area, driveway and garage and view, privacy and functionality. They need City sewer

and water. They have a straight easy access driving from Foothill to their garage. If moved 240 feet south there would be a huge grade level change and hazardous S-Curve to get into their garage. The value of their home is their view and usability. Relocating the driveway would significantly destroy views and bulldozing their trees to widen Foothill Road destroys their privacy.

d. Gwyn Reen, 1570 N. Foothill Road, Medford, Oregon, 97504. Ms. Reen referenced Medford Land Development Code 10.207 stating: "Projects should not prevent development of the remainder of the property under the same ownership". Moving her driveway to the opposite side, making her entire front a road greatly reduces her property. She cannot subdivide it. It is hugely impacting how the property currently is used. When the City makes plans for a signal they should determine how it affects adjoining homes. Twenty years ago the City wanted to move their driveway. They were given a map to mark their preference and guaranteed they would have input to the new location. Their driveway was installed without their input and access to their parking was severed. Ms. Reen referenced an apology letter from the City of Medford that she displayed on ELMO. They were assured a light post would not be placed directly in front of their house, however, it was. Again, Ms. Reen referenced an apology letter from the City of Medford dated August 29, 2000. When the City finished the project leaving a dangerous 100-15 foot drop off above their yard, they were awarded a guardrail that the City never installed. Ms. Reen referenced a City of Medford letter dated October 10, 2000. These letters that were referenced in Ms. Reen's testimony were not submitted into the record that evening.

Chair Miranda stated, regarding the challenging of the criteria, an answer needs to be provided from staff or Engineering. Mr. Georgevitch reported that they are questioning if their property is developable. They have frontage to a public street that is a requirement. They are currently outside the City limits. They would have to annex and get zoning. Through the zoning process the City would determine if there are adequate Category "A" facilities. They are currently at their maximum use of a single family dwelling unit under County zoning as he understands it. He does not believe their parcel is large enough to develop any further in the County. In either case they could still develop but they may not be able to maintain the current residence depending on how that is situated on the property compared to where their lot lines would need to be. There are still several other criteria that he could not name off right now to determine if there would be adequate development rights. He believes their development rights are secure that they have access to the frontage. Beyond that, the rest is a burden on the applicant when they make their zoning application. They would have to determine adequate Category "A" facilities which includes streets, storm drain water and sewer.

e. Karen Allan, 2895 Hillcrest Road, Medford, Oregon, 97504. Ms. Allen testified that she is one of the members of the Rocky Knoll LLC which owns property on the west side of Foothill Road from Hillcrest to McAndrews and on the east side a 30 acre parcel in the middle going south to north. Ms. Allan has submitted a memo into the record. They have met with the City Engineer and other staff that have been very cooperative and willing to meet with them. The items that she is going to talk about tonight and in the memo are particular concerns that have to do with the negotiation part of compensation for things. They were encouraged to raise issues of concern. The issues of concern are access both during and after construction. They are farming both sides of the road so they have to get across Foothill Road. They are going to lose a couple of access points. The best way to replace them is an internal road along their property on the west side of Foothill Road that will not need to go all the way south but would need to go to the north end of the property. They have a rough road there now but it is not accessible when there is irrigation or rain. They will need an all-weather road. Mr. Georgevitch made reference to hay and getting across Foothill Road at various times. City staff has negotiated those issues with them. They are interested in getting arranged are the opposite of access protection from public access because this will encourage bicycles and pedestrians. There will be the intersection designed for future development which will potentially encourage cars to go onto the farming property. They need fences and gates to deal with those issues.

Commissioner Mansfield commented that it is enlightening to know that the City has a cooperative group of people that they can work with.

f. Emily Mostue, 612 Pierce Road, Medford, Oregon, 97504. Ms. Mostue stated that since the Commission has her memo she is not sure she needs to go through all the elements. She would like to underscore from what Ms. Allan stated was the frontage road is really important for a variety of reasons. On the north side of the hill is a pasture. That pasture has access from two gates from Foothill Road so that they can drive into that pasture. This will take away that access 100%. They will have no way getting into that pasture if they do not have a frontage road. There is a gate that comes into that pasture from Brookdale Meadows on the far west side of the property. There is a slough that goes through the middle so they cannot get from that side in the pasture all the way to Foothill Road. There is an easement and a sewer line that runs through that pasture that belongs to the City. The City will have no access to that easement and sewer line if there is not a frontage road through there. It is an expensive item but it is key to them. The permanent easement is something they will have to deal with in negotiation. They were surprised to see all the trees were on the permanent easement and not on the right-of-way.

g. Laurence and Lisa Rubenstein, 801 N. Foothill Road, Medford, OR 97504. Mr. Rubenstein testified that they are in general supportive of the Foothill Road

improvement project. However, they have some concerns about how the project will affect their driveway and their residence (which is a historically significant structure as evaluated by ODOT, located atop Rocky Knoll). Their driveway cannot realistically be re-situated. The City has taken account of this by identifying an exit onto Foothill Road from their driveway in the plans. They will only have a right in/right out. If an opportunity arises to develop a left-turn entry to their driveway, they would be grateful for the City's assistance in making a shorter route possible. They will need to maintain a safe entrance onto Foothill Road. A small on-ramp of some kind would be important, given the fact their driveway exit is at the top of the small hill between McAndrews Road and Hillcrest. Their utilities are situated near the expansion. Their large mailbox will need to be replaced. When the irrigation ditch is piped, as shown in the plans, they will need a different system for pumping and ditch access.

h. Mike Montero, 4497 Brownridge Terrace, Suite 202, Medford, Oregon, 97504. Mr. Montero is present tonight representing Cogswell Limited Partnership otherwise known as the Hillcrest property. They want to offer commendations to the City particularly to the Public Works staff. They have worked with them for approximately two years to coordinate the development of this project. His clients recognize the regional import of this project. This is not simply a Medford project. It has incredible need across the Valley. For that reason his client supports the project. What the Commission has heard in regard to specific concerns, his client has some too, but they want to couch it by saying the following. It is difficult to demand the kind of specificity they need when working from a 30% designed project. Public Works has worked with his clients particularly with regard to the Foothills frontage along the west side on the south end of the project. The Hillcrest family treasures the historic structures. The trees are part of the historic register. Navigating through this process with SHPO and ODOT are to be commended for the level of cooperation they made. The family wants to retain ownership of the trees, manage and maintain those as part of their historic structure. The area on the south side near the historic structures they have requested that the City of Medford work with their landscape architect, which they have agreed to do, on security fencing. The family will continue to own and utilize those structures; and to have a landscape buffer. They ask the Planning Commission acknowledge the commitment that City staff has made too allow them to submit the more specific landscape plans when they are available.

Vice Chair McFadden asked Mr. Montero if protecting the trees in a permanent easement on the property is suitable to the people he represents? Mr. Montero replied that it is.

i. Judson Parsons, 124 Stark Street, Medford, Oregon, 97504. Mr. Parsons is a shareholder of Hillcrest Corporation and Cogswell. He is only representing himself. He strongly supports what Mr. Montero testified about the historic structures and main-

taining the trees through an easement. He pointed out that the power line is directly over the trees. This presents a problem. Any future trees should be shorter in height. Eventually the trees will die. At that time they will need to be replaced. He strongly supports the relocation of the Medford Irrigation District canal as long as Rocky Knoll owners agree. This will save water and maintenance for the Medford Irrigation District. He pointed out that there is a driveway north of the present crossing of the canal at Foothill Road and McAndrews that they use to haul fruit out of the orchards in August and September. Some arrangement will be needed to access that with their trucks.

Vice Chair McFadden asked about Mr. Parsons' concern about the access from the Hillcrest Orchards property onto Foothill Road. Is that a similar situation on the east side of the road as the west? Mr. Georgevitch reported that it would be a similar situation. That section has a raised median. All that will be negotiated as part of the right-of-way acquisition process. They have been working with the property owners to ensure they will be able to minimize any impact to their property. They also need to include farming operations as part of those impacts. When they widen the road to the east and create a large fill section they need to make sure that there is room for farming vehicles to pass going north/south. Public Works will work with the property owners on any access issues they have. Anything above and beyond what is being proposed tonight, which there are none at this time, would have to be negotiated prior to the City Council meeting with the exception of farming access. If it is only farming access, for a limited duration, the City creates a modified curb to drive over.

Vice Chair McFadden stated that the mid access point planned for future roadways drops off in neighboring properties. Could they block off that access point? Mr. Georgevitch stated that he anticipates they will want to block off both sides, but have the ability to gate it in order to access as they need, but to protect their resources.

Vice Chair McFadden asked, does most of the section at the Hilltop property have a 6 foot wide median? Mr. Georgevitch reported that it is a wall. They will not be able to cross it.

Vice Chair McFadden asked, would it be possible to widen from the south the roadway approach and create an island for a left turn lane at that location? Mr. Georgevitch stated that anything is possible. The dilemma there is that the City would push out impacts further to the east and it would not be only the south. They would have to make sure the receiving side on the north side tapers down or tapers for the midpoint access. It is approximately 1000 feet. It would be the same if they allowed a left in or full movement.

Chair Miranda asked, what is the reasoning for the wall? Is it to stop the ingress and egress from those areas? Mr. Georgevitch reported that they never want to stop

ingress and egress. It will limit the ingress and egress. It has to do with the volume and regional significance of this roadway. More importantly, the Transportation System Plan envisions major arterials have a raised median limiting access especially for residential. There will be significant impacts to the orchards to the east as well as overall cost of the project. It could be accommodated.

Commissioner Pulver asked Vice Chair McFadden, is the turn lane and the median in relation to the designed access in the middle or is this a separate part? Vice Chair McFadden stated that the width of the center turn lane is adequate for the proposed intersection. He is thinking in terms for the house that the 6 foot wide section could be opened enough to give it a left turn lane. The same is true for the 1570 Foothill Road property. It would be nice to have extra room to swing trailers etc. It seems to him that the impacts would warrant some type of flexibility in the design. He does not think a left turn lane going north to the house on the hill takes 500 feet of slow down area requires that much distance.

Commissioner McKechnie asked, is the City accommodating the driveway for the Carpenter house or do they have to go to the new intersection being proposed? Mr. Georgevitch reported that they will be accommodated. It will be right in/right out. All the driveways are shown on the plans.

Commissioner McKechnie asked, is the north pasture going to have access off of Foothill Road? Mr. Georgevitch stated that is something over the next month before they go before the City Council they will discuss with them. They are in a field section with a steep embankment. He is not sure how they are currently using that. Public Works will have to go out and evaluate it. They will be working with the property owner to find a solution at that location.

Commissioner Culbertson stated that the median seems to be causing a lot of turmoil. Is there a way to not build a wall and allow breaks for the different residences? It is affecting five accesses for the Hillcrest Orchard and five homes. Mr. Georgevitch reported that it is the City's proposal based on safety and following the Code. The Planning Commission's recommendation to the City Council and how the City Council chooses to deal with that is a wait and see. The dilemma is that the median currently takes up 6 feet. Going to a raised median is 14 feet. When reviewing the area instead of putting in a 14 foot median, if there is no access, they can reduce it to 6 feet. They are trying to limit access onto a regionally significant facility that serves from Phoenix to Eagle Point. The County has plans to take Foothill Road across Highway 140 at Atlantic with a roundabout at Highway 140 in White City. This is a unique facility.

Commissioner McManus stated that Mr. Georgevitch made a comment earlier that it is not orthodox to serve one residence at the signal. If there was an option that the signal

served the properties north of it by a parallel road to offer those lots a left out; would that be more reasonable to consider having not moving the driveway of the directly impacted lot? Mr. Georgevitch stated that if there was a public facility on the opposite side of the signal that would be much more reasonable even if serving a small number of homes. The dilemma is that the property at 1570 Foothill Road is directly impacted. The properties to the north are not connected with the roadway and there are no easements that he is aware of that go across them. The difficulty with creating an easement if they brought in a public right-of-way for a certain distance ends in a cul-de-sac or some other form of termination of a roadway. There is no real way without being a significant impact. He is not sure what a good balance is when they deal with single homes like this.

Mr. Georgevitch addressed questions that were brought up earlier. It was asked why Public Works is installing a traffic signal. There was a traffic study done when Bella Vista to the east of this project off McAndrews was developed. It showed both the ramp terminals were failing. They were supposed to build the two signals. They deposited money with Public Works and it is now up to the City to following through in building those. There have been several other traffic analyses that have looked at these two intersections and have shown they are failing as well. Through the Transportation System Plan they also are shown to be failing. This is a typical higher order street to a higher order street connection. This is a little unique because they are using the interchange.

There was a concern about noise. ODOT is their environmental consultant on this project. They are doing a noise analysis. If there is anything that comes out of that analysis they will have to mitigate that. This is a full federalized project. They are following all the environmental requirements that comes with a federal project.

There were several comments about access. It is not an easy job the Planning Commission has. Public Works struggles with making these decisions all the time. They recognize they are impacting but they have to balance the needs of currently approximately 11,000 vehicles a day on Foothill Road. They anticipate it to go to 18,000 in the near future. In their recommendation they have to balance that over the needs of the individual driveways.

There was a question about the Rubenstein's driveway that they were going to make sure they used the terminal ramp but they were concerned about site distance. Whenever Public Works puts in a driveway they will make sure it meets adequate site distance. They will make sure there are adequate turning movements.

Chair Miranda asked, will Foothill Road maintain the 45 miles per hour speed limit through the project area? Mr. Georgevitch stated that speed limits are set by the State

Speed Control Board. When Public Works designs a facility they do 10 miles per hour over for their design parameters. They are designing if for 55 miles per hour to maintain a 45 mile per hour speed zone.

Commissioner Pulver asked, is the median wall something he would see somewhere else in the community? He is having a hard time visualizing the wall. The concept baffles him. Mr. Georgevitch reported that a typical location is approaching bridges on the right side of the road, not in the middle of the road. One typically see these types of treatments on freeways with narrow medians and expressways. Chair McFadden reported there is one on Highway 62 in front of Hubbard's.

Commissioner Culbertson stated that the 6 foot median requires the wall. The 14 foot does not. Is that correct? Mr. Georgevitch stated that there will be a standard 6 inch curb along the section that is needed. Through design it could be as little as 2 feet on the left side of the driver as they are in a left turn lane or it could go up to 10 feet wide with 2 foot of shy distance on each side.

Commissioner Culbertson stated that Cross Section "A" impacts the majority of the houses; all five of them. One of the property owners is not here this evening. There is representation for the cluster of three as well as 1570. That section has a 14 foot median lane. Why wouldn't it be allowed to have a left/right across that median for those property owners that are clustered? Commissioner McKechnie made a great comment about giving the one home a signal on the other side for any impending development. It has to come before the Planning Commission for tentative plat and they could direct them to use that side of the signal. Mr. Georgevitch reported that the median is not shown on Cross Section "A". There will be a 2 foot median on the left side of the driver widening out to 10 feet as they transition out of a left turn pocket south to go down to the concrete barrier.

Commissioner Culbertson asked, how long is that left turn lane going to be needed? There is a long distance between the last driveway and going under the bridge getting to where they turn left. Mr. Georgevitch stated there is a raised median through there.

Commissioner Culbertson asked, why can't there be a break in the raised median? Mr. Georgevitch reported that it comes down to strictly safety. Making a left turn on a high speed, high volume facility on a new design Public Works would not promote that.

Commissioner Culbertson asked, is there any way around that? They are currently going across the road now. It is a county road. By the City adopting it into the City we are not cutting off access but we are severely limiting access. Mr. Georgevitch recommended that the Planning Commission make that recommendation to the City Council. They are the deciding body this. For the sake of the audience, he reminded everyone that tonight

they are doing a recommendation to the City Council. There will be another public hearing at Council and he wanted to make sure everyone understands that the Planning Commission does a great job of putting together a recommendation but individual concerns, even though City staff will be passing them on, it is important that everyone consider showing up again if they have strong concerns they want to share.

The Public Hearing was closed.

Motion: The Planning Commission finds the approval criteria is met and forwards a favorable recommendation to the City Council with the exception of creating a cross intersection at the south McAndrews ramp light for TF-17-012, per the staff report dated May 4, 2017, including all conditions and exhibits.

Moved by: Commissioner McKechnie

Seconded by: Vice Chair McFadden

Vice Chair McFadden stated that they have heard Engineering's presentation. The Planning Commission can agree with it or they can try to change and approve it. Whether or not the City Council will hear any of their recommendations will be up to staff unless a Commissioner goes and to the City Council hearing and testifies as a concerned citizen. Commissioner McKechnie stated there needs to be some consideration for the property at 1570 Foothill Road.

Friendly Amendment made by Vice Chair McFadden: The City install access points and/or internal roadways to maintain internal property accesses for properties on both sides of the road. The City tires to find a way to widen the right-of-way to allow a turn lane into the home on the hill. Leave the trees along the roadway on private property and in permanent easements as much as possible and not brought into the City right-of-way. Minimize curbs and/or barricades beneath the McAndrews overpass to allow access to the homes on the east side. That the blocking of the accesses at midpoint onto adjoining properties or properties across the street are accessible possible within the City.

Commissioner Mansfield stated that he does not agree with Vice Chair McFadden. It is his opinion that he had several that dealt with allowing left turns. Does he understand that correctly? Chair Miranda replied that is correct.

Commissioner Mansfield reported that he disagrees with that and it should be voted on. He would like to understand Commissioner McKechnie's motion. If he could explain that a little better so that he can understand it. Does it also involve allowing some more left hand turns?

Chair Miranda asked Commissioner McKechnie if he accepts Vice Chair McFadden's friendly amendment. Commissioner McKechnie replied no.

Commissioner McKechnie answered Commissioner Mansfield's question stating that he is not convinced moving the driveway 90 to 120 feet south solves any kind of problem. It is his opinion that it creates a problem for the current homeowners. If they do a bulb-out like they have further down that bisects the two properties that allows access for 1570 Foothill Road and the other couple of homes so they can have one-way in and out. It is signaled controlled. It helps the homeowners for sure and the City as well. That is already a highly traveled road and adding two more lanes it is going to be a very busy roadway. It gives the rest of us some safety that they do not have someone pulling out with a 25 foot trailer.

Commissioner Mansfield stated that Commissioner McKechnie indicated that it is not going to harm the entire plan to change the access on the east side as requested by several citizens. Before he can vote on it he would like to hear the Engineering staff argue for or against it. Can they give the Planning Commission a presentation that would help him understand it a little better? If it be true as Commissioner McKechnie concludes that it will not hurt their plan, he is all for it, for helping the people. He understands that it is all tied up in safety. He is not sure everyone is on board with the safety issue. At least he respectfully disagrees with him.

Mr. Georgevitch reported that there might be ways to create a reasonable access across from the signal. He does not know how much impact that will do to the property that slopes up the hill quickly. Unfortunately for tonight's recommendation moving forward he cannot do a design analysis but prior to the City Council hearing he definitely can do some design analysis to determine if it could safely be built and something that is palatable to the neighbors. Keep in mind that whatever Public Works does has a potential to impact those properties and will become right-of-way and therefore setbacks, landscape buffers or public utilities are all built off right-of-way. That is one of the benefits of using easements as opposed to right-of-way. Without having time to be able to look at that and determine what a minimum safe stacking distance is and what it would take to operate a signal at the leg of it to make it work, he would need to do some analysis that he cannot do off the top of his head tonight.

Commissioner Mansfield stated that his point is if Engineering does not know at this point, he is not demeaning Engineering for not knowing it, he is simply being careful, then how can the Planning Commission possibly decide that from here? They are not even experts. It is his opinion that it is premature. Commissioner McKechnie reported they are making a recommendation. Commissioner Mansfield does not think they have a sound foundation on which to make a recommendation and therefore, they should not be undercutting staff at this point.

Commissioner Foley asked Commissioner McKechnie is his recommendation specific or general that the City Council look at it as a potential? He thinks that is something the Planning Commission could support without saying you should do this? Commissioner McKechnie replied they are recommending. The Planning Commission is not dictating they do that. The Planning Commission is passing a recommendation to the City Council that it is important enough to be considered.

Commissioner Mansfield asked, is it in the form that the City Council take a look at it? Chair Miranda replied yes. It is a recommendation for the City Council to review this and Engineering review this as a potential solution. Commissioner Mansfield stated that if it is worded that way, it is acceptable.

Chair Miranda stated they are flushing out issues so that the City Council can make an informed decision when it comes before them.

Vice Chair McFadden reported that roadways are not designed forever. They adjust. Since this project is getting federally funded through ODOT, how much of the curb lines, barricades, etc. are required by them and how much is the City's addition? That road does get a lot of traffic but there are times when there is not a lot of traffic. To pull in a trailer, cross the road into a driveway and roll over a curb to go into a field is still possible. In the future they may change but that is the future and something they do not have current insight to. Those conditions in the future may dictate that but he is not so sure they do now.

Mr. Georgevitch commented that federal requirements are not going to delve and tax. They will be more a City decision. Through this entire process there is an exception process that allows taking exception to design standards if needed. He does not say that is something the Planning Commission should use as a criteria to hold them back from making a recommendation.

Commissioner Pulver stated that when he interviewed for the Planning Commission one of the questions he asked was how do they see the relationship between the City Council and Planning Commission? One of the Council members answered they do not have a relationship but then went further to say "nor should we". We should be independent bodies working independently. He respects and understands that. The sense that he gets is that there is some concern depending on what the forward on or regardless of what they forward Council is going to do what Council wants to do. That is his personal opinion. He recommends to the body that if there is a consensus that there are issues that the Planning Commission specifically wants them to look at, whether they make them, include them, or whatever or not, they are going to make that decision. The Planning Commission should call those out. He thinks Commissioner

McKechnie was trying to do that at least with the one item he added to the recommendation. They are working on a 30% plan now. There are a lot of negotiations still to done between neighboring property owners. There has to be some trust in that process. If there are things the Planning Commission heard that they would like to accommodate or at least ask Public Works to take a further look at so they can specifically address those to Council, those should be sent to the City Council.

Commissioner McManus commented that he agrees. The City Council obviously serves the Planning Commission also as residents of Medford. He hopes their informed decision is based off of recommending bodies. Clarification of trying to iron out the issues would hopefully put weight on the decisions. Is Commissioner McKechnie's motion for staff's request asking for the other option to be considered as the Planning Commission is not in favor their proposed move of the driveway? Commissioner McKechnie stated yes, he thinks what he has offered is a better solution for that particular section of the roadway.

Commissioner Culbertson stated that Commissioner Pulver makes some good points. All these options should go to the City Council. The City Council is going to do what they want to do. If the Planning Commission could have it set one way the City Council could strip down whatever the Planning Commission wants to have. It is their latitude. Commissioner Mansfield should reconsider Commissioner McFadden's recommendations. They are simply recommendations. Commissioner Pulver brings it to light. The City Council needs to know the Planning Commission had these discussions, it needs to be on record and they need to consider them. Commissioner Mansfield respects Commissioner Culbertson's right to have his view. He simply does not agree with it. He believes that minority views should be expressed so that the City Council knows that is in the package; it is part of the menu. That is why he does not agree to go along with the majority. He likes to be an opponent.

Chair Miranda stated that the friendly amendment was rejected since there was no second.

Mr. McConnell reported that there was a motion, second and then a friendly amendment. Once a motion is seconded, whatever they are calling the friendly amendment, friendly or not, the body would vote on the proposed amendment.

Chair Miranda clarified that the Planning Commission would vote on the friendly amendment made by Commissioner McFadden and then the main motion made by Commissioner McKechnie.

Mr. McConnell stated that technically a friendly amendment is made before a second. Once a second is made it becomes the body's motion so the body decides. It is really a motion to amend.

Chair Miranda asked Vice Chair McFadden to repeat his friendly amendment so that the Commission understands what they are voting on.

Friendly Amendment made by Vice Chair McFadden: The City install access points and/or internal roadways to maintain internal property accesses for properties on both sides of the road. The City tries to find a way to widen the right-of-way to allow a turn lane into the home on the hill. Leave the trees along the roadway on private property and in permanent easements as much as possible and not brought into the City right-of-way. Minimize curbs and/or barricades beneath the McAndrews overpass to allow access to the homes on the east side. That the blocking of the accesses at midpoint onto adjoining properties or properties across the street are accessible possible within the City.

Roll Call Vote on the friendly amendment: Motion failed, 3-6, with Commissioner Foley, Commissioner Mansfield, Commissioner McKechnie, Commissioner McManus, Commissioner Poythress and Commissioner Pulver voting no.

Commissioner Pulver stated that he voted no because of the specificity. It is a bit of give and take.

Vice Chair McFadden reported that his friendly amendment is a recommendation. It is just saying the City should consider it. The engineers can figure it out if they get told to do it.

Commissioner Pulver stated that he thinks the people that purchased the Carpenter house specifically requested consideration of a left turn going north. The byproduct of that may be the right-of-way be expanded then it may impact the Hillcrest Orchard property or the Rocky Knoll people. One thing changes other things so it is a give and take. He would be more supportive of something that says the Planning Commission forwards a favorable recommendation with specific property owners being able to request additional accesses and allowing Public Works to consider them and outline the effects of those in front of the City Council so that the City Council could have a more complete picture when making a final decision. The Planning Commission has heard from a lot of people that would like additional or different accesses. He fully appreciates that. He thinks Public Works may not have known about some of them; specifically the pastureland.

Chair Miranda stated that the Planning Commission can vote on the main motion and then make an amendment to that motion if they feel it necessary.

Commissioner Mansfield responded to Commissioner Pulver's comment stating that is always available. They do not have to put it in a motion. It is simply true that anyone can apply for another access and the City can grant it if they see fit.

Commissioner Pulver's concerns is that there is some sympathy in the Planning Commission to some of the concerns raised by the private citizens in regards to access. Hopefully the audience will come back and testify at the City Council hearing. If the City Council was provided with a more complete picture they would be able to make a better decision. He does not think the Planning Commission has a complete picture to make a good decision and frankly he does not know Public Works does either in some of the specific requests.

Commissioner Foley echoed Commissioner Pulver's comments. His issue is with the specificity. The Planning Commission wants to raise concerns that the citizens brought tonight and make sure that City Council looks at all the alternative accesses.

The main motion is: The Planning Commission finds the approval criteria is met and forwards a favorable recommendation to the City Council with the exception of creating a cross intersection at the south McAndrews ramp stop light for TF-17-012, per the staff report dated May 4, 2017, including all conditions and exhibits.

Commissioner Mansfield stated that motion does not satisfy him. He thought it was a "look see" but he did not hear that in the motion. It is a requirement that he objects to.

Commissioner McKechnie reported that it is a recommendation.

Commissioner Mansfield is satisfied with the recommendation.

Roll Call Vote for the main motion: Motion passed, 8-1, with Commissioner Culbertson voting no.

Amend the main motion: To include additional recommendation that the City Council consider additional access points for neighboring residences and the impact to the overall plan.

Moved by: Commissioner Pulver

Seconded by: Commissioner Foley

Commissioner Mansfield understands the motion and argues against it. As he has mentioned before that permission already exists. The City has eminent power to do that. He believes the plan that the engineers have put together is designed to create

the greatest amount of safety. He is sorry there is some inconvenience to property owners but that is part of the risks of life. He would rather save the lives of the people that are going to be saved from left turns than suffer the somewhat serious inconveniences to these people. He feels sorry that is going to be happening. In the age of automobiles that is part of the cost of an automobile society.

Commissioner McManus wanted clarification that the amendment Commissioner Pulver is asking is basically to reconsider the motion that passed with his amendment. Commissioner Pulver stated it is the intent of an addition.

Chair Miranda reported it is a modification of the friendly amendment that failed.

Commissioner Foley stated that it is asking for additional consideration of other potential accesses.

Vice Chair McFadden stated to Commissioner Pulver that Commissioner Mansfield feels that this was a left turn issue. He did not hear that in Commissioner Pulver's motion. He thought he was looking at just access points. Commissioner Pulver reported that getting everything on the table is the reality of it. Commissioner Mansfield's concerns are legitimate. In the case of the home on the hill that has a right in/right out access. If they want to pursue an additional access like the left turn from the north that would be a left turn across traffic.

Roll Call Vote: Motion passed, 8-1, with Commissioner Mansfield voting no.

Commissioner Poythress stated that he wants the record to show that he does not consider where a citizen is forced to reengineer their entire property is simply an inconvenience mandated from the City Council as they consider this recommendation. His strongest recommendation is that the City finds an alternative than force the Reen family to restructure their entire property.

Exhibit C

Cross Section A

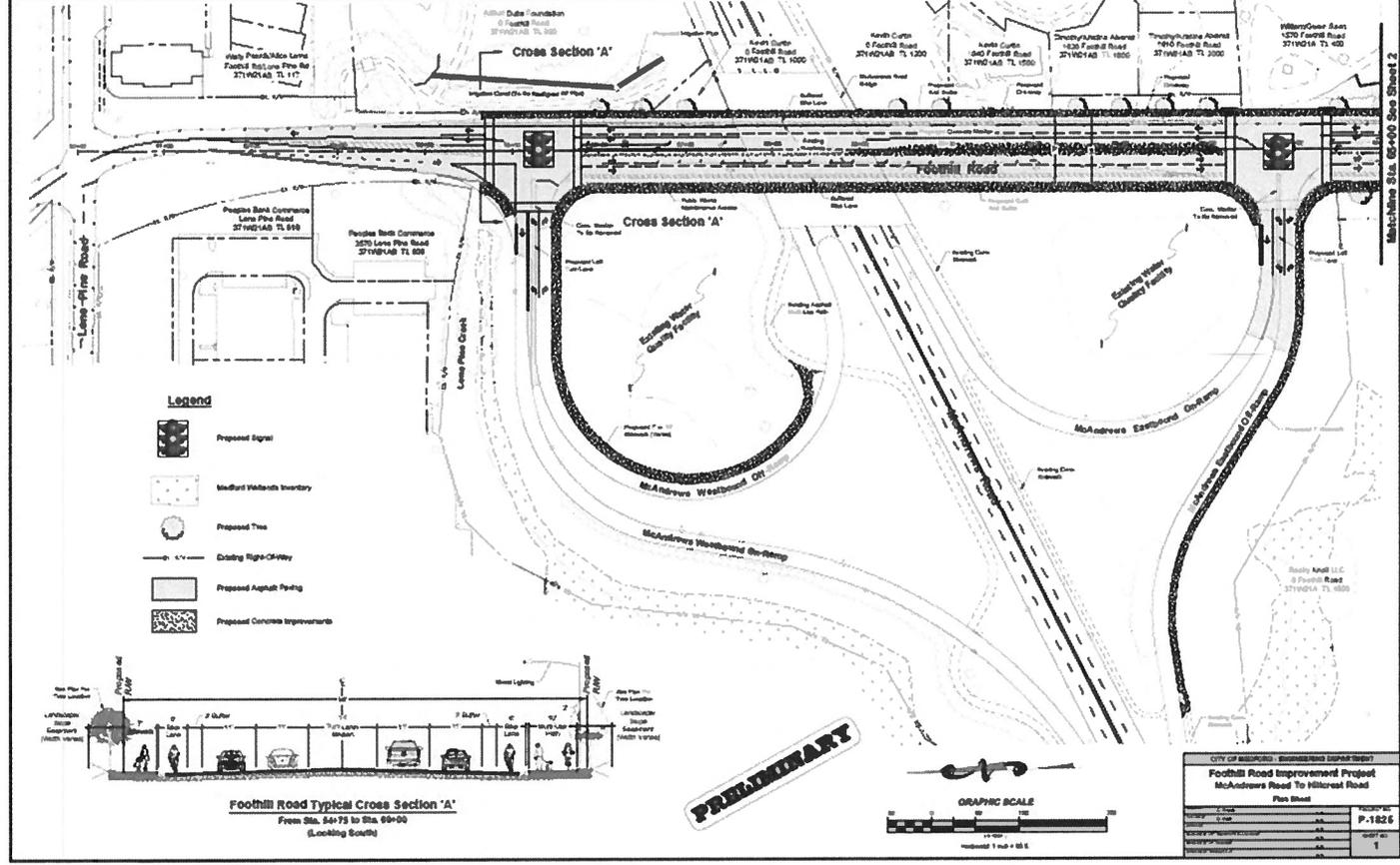


Exhibit D

Cross Sections B-D

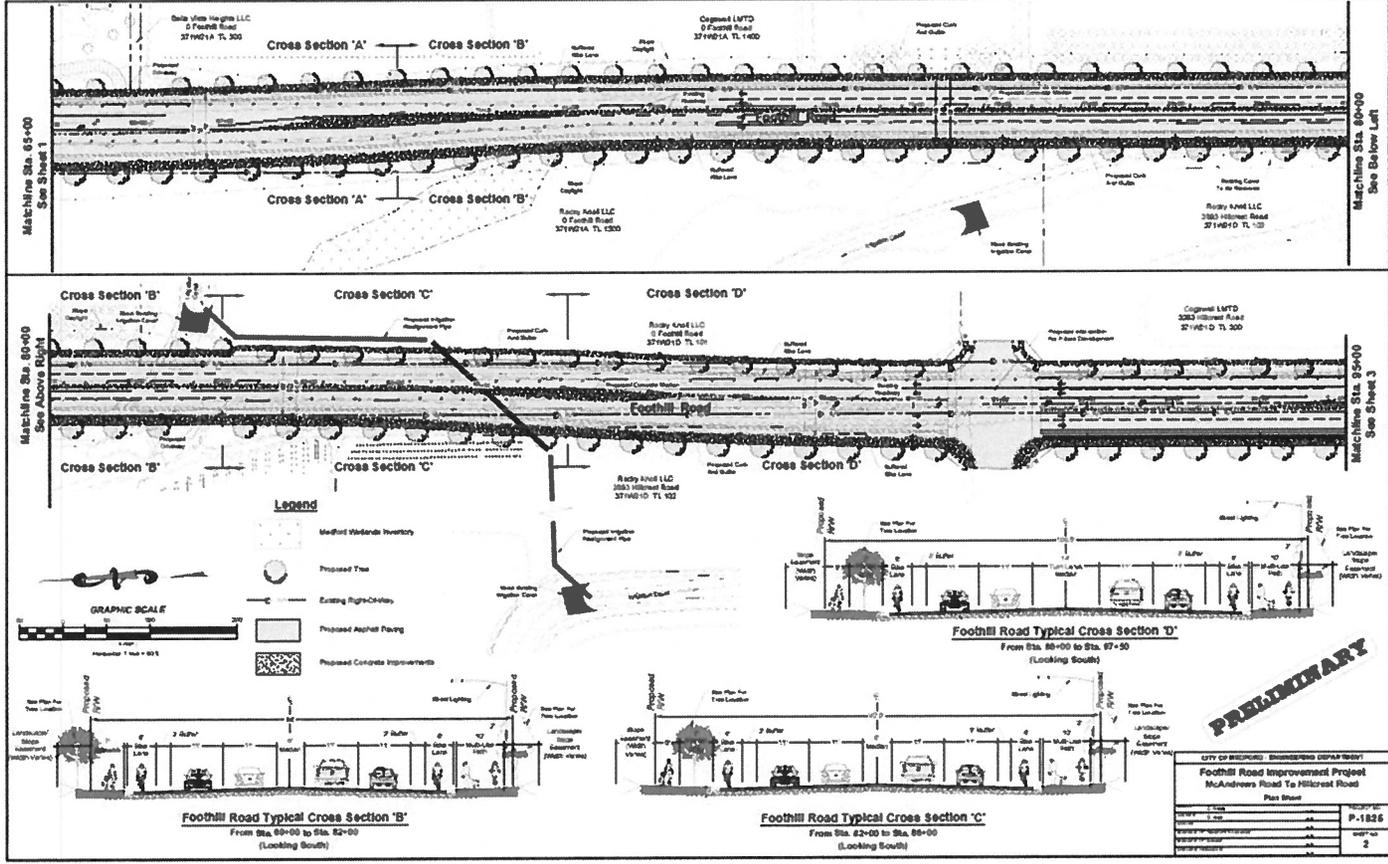


Exhibit E Cross Sections E & F

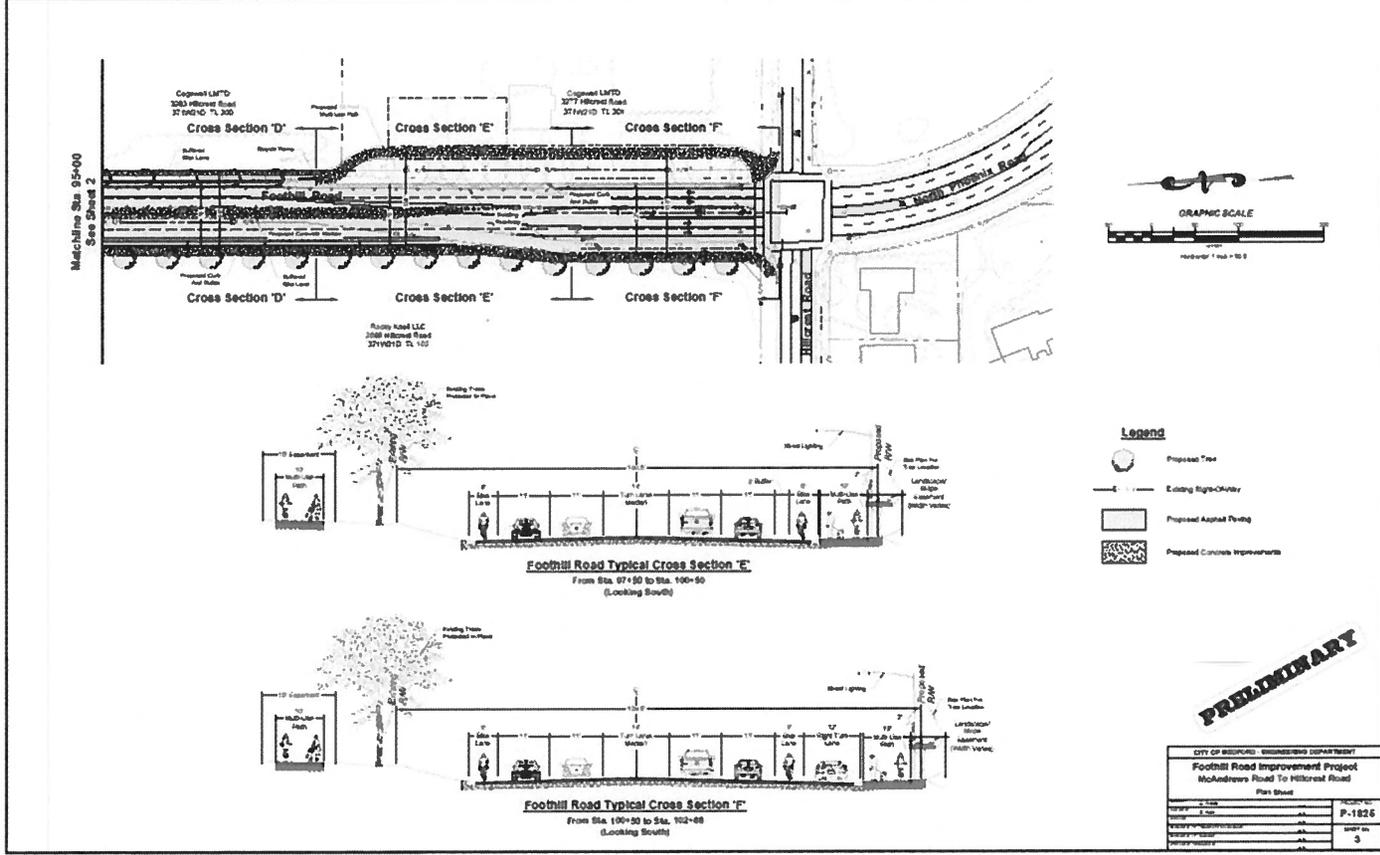


Exhibit F

Applicant's Executive Summary

Executive Summary

This project will improve Foothill Road between Hillcrest Road (major collector) and McAndrews Road (major arterial) to major arterial standards which include: travel lanes, bike lanes, sidewalks, medians, and planter strips. The number of travel lanes within the proposed section of Foothill Road will be increased from two to four lanes. Also proposed is a varied width median to separate the northbound and southbound lanes, buffered bike lanes, varied width planter strips, sidewalks, a multi-use path and street lighting on Foothill Road.

Project length is approximately 5,100 feet and will provide approximately 10,000 feet of bike lanes and 11,000 feet of sidewalks. Staff coordinated placement of a full movement intersection, approximately 1,200 feet north of Hillcrest Road, to accommodate future development of urban growth boundary (UGB) expansion area MD-4. On the north end of the project, traffic signals will be installed at both ramp interchange terminals at Foothill Rd and new sidewalk will connect to the existing multi-use path and sidewalk on McAndrews Road. The project will pipe and realign a small segment of the Medford Irrigation crossing at Foothill Rd.

The Engineering Division of Public Works recommends constructing Foothill Road from McAndrews Road to Hillcrest Road (approximately 5,100 feet) as a major arterial in accordance with the City of Medford Transportation System Plan (TSP) with modifications shown on the plans.

Project Background

Foothill Road currently provides one of the only major arterial connections linking the northern and southern portions of the UGB area east of Interstate 5. It extends N. Phoenix Road northward from Hillcrest Rd to Delta Waters Rd where it continues northward into Jackson County. It therefore provides a by-pass for Hwy 62 and I-5 around the east side of Medford. As population increases in the Bear Creek Valley and Medford area, Foothill Road will experience increased traffic volumes, congestion, and delays.

The section of Foothill Road within East Medford is currently a two-lane County road with very narrow shoulders and no bicycle or pedestrian facilities. The corridor speed is posted at 45 MPH and currently carries traffic volumes that exceed 11,000 ADT within the Medford UGB.

On August 18, 2016, Medford City Council passed Resolution No. 2016-104 supporting improvement of the Foothill Road/North Phoenix Corridor and considered it the top transportation priority for the City of Medford, see Exhibit A.

This project will provide the following:

Foothill Road:

- 68 to 82 foot wide street improvements (curb to curb) from McAndrews Road to Hillcrest Road.
- 5 to 7 foot wide sidewalk on east side of road.
- 10 foot wide multi-use path on east side of road along historic Hillcrest Orchard property.
- 10 foot wide multi-use path on west side of road. **
- Left turn lanes at intersections.
- 4 travel lanes (two each way).
- 6 foot bike lanes each side with 3 foot buffer.
- Underground storm drain improvements.
- Traffic Signals at north and south McAndrews interchange ramps.
- Traffic Signal modification at Hillcrest intersection.
- Street lighting.

- Street trees

McAndrews Road:

- 7 foot wide sidewalk along McAndrews eastbound off-ramp.
- 7 to 10 foot wide multi-use path along McAndrews westbound off-ramp.
- Left and right turn lanes at north and south intersections.

Proposed variance to Transportation System Plan:

| | Features / Dimensions (Each Direction) | | | | | Left or Center Turn Lane/Median | Total Paved Width | Total Right-of-Way Width |
|---|--|----------------|-------------------|-----------------------|---------------------|---------------------------------|-------------------|--------------------------|
| | Travel Lanes | Bike Lane | On-Street Parking | Sidewalk | Planter Strip | | | |
| * Major Arterial | 11' 11' | 6' | None | 5' | 10' | 14' | 70' | 100' |
| Foothill Rd. Cross Section 'A' | 11' 11' | 6' & 3' Buffer | None | 7' East **10' West | 0' | 14' | 76' | 96' |
| Foothill Rd. Cross Section 'B' | 11' 11' | 6' & 3' Buffer | None | 7' East **10' West | 0' | 6' | 68' | 88' |
| Foothill Rd. Cross Section 'C' | 11' 11' | 6' & 3' Buffer | None | 5' East **10' West | 7' East 0' West | 6' | 68' | 92.5' |
| Foothill Rd. Cross Section 'D' | 11' 11' | 6' & 3' Buffer | None | 5' East **10' West | 7' East 0' West | 14' | 76' | 100.5' |
| Foothill Rd. Cross Section 'E' | 11' 11' | 6' & 3' Buffer | None | **10' | 30' East 0' West | 14' | 73' | 100.5' |
| Foothill Rd. Cross Section 'F' | 11'/11' 12' Rt. Turn | 6' | None | **10' | 30' East 0' West | 14' | 82' | 109.5' |
| Indicates variance from Medford Transportation System Plan | | | | | | | | |

* Per Table 5-6 of Medford Transportation System Plan

**Medford Leisure Services Plan, Map 11, shows a proposed shared use path along the corridor. This project can build the path if the Parks Department has available funds. Staff has coordinated this work but funding is unknown at this time. If funds are not available to build the path at this time then this project will design and build a sidewalk that will be able to accommodate the future path.

Utility impact:

Portions of the Medford Irrigation District (MID) canal will be realigned with underground pipe as shown on the submitted plan sheets. These improvements are needed to eliminate conflicts between the road widening and the existing canal. Staff has been in contact with MID and have helped with the location and sizing of the proposed irrigation facilities.

Staff is coordinating with other affected utilities to determine facility impacts.

Driveway impact:

Existing driveways will have a standard driveway approach and transition matching the existing width and material (i.e. concrete, asphalt). The proposed location of driveways is shown on the submitted plan sheets labeled “Proposed Driveway”. All driveways will be right-in/right-out due to the concrete median along Foothill Road.

The driveway located at 1570 Foothill Road will be moved from its current location at the southern intersection of Foothill and McAndrews to the south end of the property. This relocation is needed to eliminate the conflict of having a residential driveway at a signalized intersection. Staff recommends constructing a private asphalt driveway from the relocated driveway apron to the existing driveway as shown on the submitted plans.

Right-of-Way Acquisition:

Currently, the majority of Foothill Road right of way is 60 feet wide. Proposed street improvements for Foothill Road will require between 88’ and 109.5’ right of way footprint. Right of way acquisition is not expected for the improvements along McAndrews Road. Right of way acquisition will be needed from 12 taxlots (see table below) for approximately 113,000 square feet. Slope and construction easements will be needed along Foothill Road for a combined total of approximately 90,000 square feet.

| Name | Tax Map | Tax Lot |
|---------------------------|----------|---------|
| Arthur Dubs Foundation | 371W21AB | 900 |
| Kevin Curtin | 371W21AB | 1000 |
| Kevin Curtin | 371W21AB | 1200 |
| Kevin Curtin | 371W21AB | 1500 |
| William W. & Gwen R. Reen | 371W21A | 400 |
| Bella Vista Heights LLC | 371W21A | 300 |
| Cogswell LMTD | 371W21A | 1400 |
| Rocky Knoll LLC | 371W21D | 101 |
| Cogswell LMTD | 371W21D | 300 |
| Cogswell LMTD | 371W21D | 301 |
| Rocky Knoll LLC | 371W21D | 102 |
| Rocky Knoll LLC | 371W21A | 1500 |

Exhibit A

RESOLUTION NO. 2016-104

A RESOLUTION supporting the continued improvement of the Foothill Road/North Phoenix Corridor.

WHEREAS, Foothill Road/North Phoenix Corridor improvements will provide improved freight mobility between Eagle Point, White City, Medford, and Phoenix by removing weight restrictions on portions of this corridor; and

WHEREAS, Foothill Road/North Phoenix Corridor improvements will relieve impacts to the multiple Interstate 5 interchanges by providing alternative north-south connectivity; and

WHEREAS, Foothill Road/North Phoenix Corridor improvements will reduce demand on Interstate 5, Highway 99, and Highway 62; and

WHEREAS, economic development along the Foothill Road/North Phoenix Corridor will be aided by the connectivity the Project will provide; and

WHEREAS, the Foothill Road/North Phoenix Corridor Project has the support of local staff of the Oregon Department of Transportation, Jackson County Roads and Parks, and the Public Works Department of the City of Medford; and

WHEREAS, Foothill Road/North Phoenix Corridor improvements will improve the resiliency of the Rogue Valley’s regional transportation system in the event of a natural disaster such as a major seismic event by providing an improved connection to Highway 97 via Highway 140; and

WHEREAS, Foothill Road/North Phoenix Corridor improvements will improve safety, connectivity, and mobility throughout the Rogue Valley; and

WHEREAS, The City of Medford has invested millions of local dollars into improving the capacity of the Foothill Road/North Phoenix Corridor within City limits and ODOT has invested millions of dollars in rebuilding Interstate 5 Exit 24;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON,

That it supports the improvement of the Foothill Road/North Phoenix Corridor, considers it the top transportation priority for the City of Medford, and encourages all other stakeholders to give this corridor high priority for funding.

///
///
///

Exhibit A

///
///

PASSED by the Council and signed by me in authentication of its passage this 18 day of August, 2016.

ATTEST: s/Karen M. Spoons
City Recorder

s/Gary H. Wheeler
Mayor

Resolution No. 2016-104

P:\Cassie\Ords\1. Council Documents\081816\NorthPhoenix

Exhibit G

Public Works Department Report



Continuous Improvement Customer Service

CITY OF MEDFORD

RECEIVED

APR 19 2017

PLANNING DEPT.

Date: 4/19/2017
File Number: TF-17-012

PUBLIC WORKS DEPARTMENT STAFF REPORT **Foothill Road Transportation Facility Project**

Project: The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and McAndrews Road to major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, and street lights.

Applicant: Medford Public Works Department – Engineering Division

Planner: Sarah Sousa, Planner IV, Long Range Division

Public Works has no comments on the proposed Transportation Facility project.

Prepared by: Doug Burroughs

P:\Staff Reports\TF\2017\TF-17-012 Foothill Road Transportation Facility Project\TF-17-012 Staff Report.docx

Page 1

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

Exhibit H

Medford Fire Department Report



Medford Fire Department

200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
E-mail www.fire@ci.medford.or.us

RECEIVED

APR 19 2017

PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 04/19/2017

From: Fire Marshal Kleinberg

Report Prepared: 04/07/2017

File #: TF - 17 - 12

Site Name/Description:

The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and McAndrews Road to major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, and street lights

| DESCRIPTION OF CORRECTIONS | REFERENCE |
|---|-----------|
| <u>Approved as Submitted</u> Meets Requirement: No Additional Requirements | |

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.

Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustibile material arrives at the site.

Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on the information provided only.

Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.

Exhibit I

Medford Parks & Recreation Department Letter



To: Sarah Sousa, Planner IV
From: Pete Young, Park Planner and Project Manager
Subject: TF-17-012, Foothill Road Transportation Facility Project
Date: March 17, 2017

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MAR 17 2017
PLANNING DEPT.

We would like to support TF-17-012 for the construction of a ten-foot wide path in-lieu of a sidewalk as shown on the Foothill Road Improvement Project, McAndrews Road to Hillcrest Road, plan P-1825, sheets 1- 3. We are very pleased to propose a path similar to the one that is so popular on E McAndrews in partnership with Public Works as a part of their Foothill Road Transportation Facility Project.

This route has been included in the 2016 City of Medford Leisure Services Plan Map 13: Proposed Trails & Paths. The TF-17-012 proposal directly aligns with the recently adopted City of Medford Parks and Recreation’s Leisure Services Plan in Chapter 6, Paths, Trails & Greenways; as well as Chapter 9, Goals & Objectives- copied below.

Goal 1: To provide for a full range of recreational activities and opportunities to meet the needs of all residents of Medford.

Goal 3: To provide recreational opportunities within parks and connectivity to parks through a path and trail system that is well integrated with the community.

Policy 3-A: The City of Medford shall seek to develop a network of shared-use pedestrian and bicycle paths and trails to promote their important recreational uses within parks and enable connectivity between parks, neighborhoods, public amenities, and major pedestrian and bicycle routes identified in the Transportation System Plan and Southeast Circulation Plan.

Implementation 3-A (1): Coordinate recreational path and trail system planning and development with the City’s and Jackson County’s Transportation System Plan and Southeast Plan to provide a comprehensive pedestrian and bicycle network.

Implementation 3-A (2): Integrate the siting of proposed path and trail segments into the development review process; require development projects along designated routes to be designed to incorporate path and trail segments as part of the project.

Implementation 3-A (3): Facilitate and provide for a high degree of pedestrian and bicycle connectivity from major shared-use paths, such as the Bear Creek Greenway, to parks and other destinations.

Implementation 3-A (6): Partner with local utilities, public agencies and private landowners to secure easements and access to open space for path and trail connections.



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Exhibit J

Medford Water Commission Memo & Map



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: TF-17-012

PARCEL ID: N Foothill Road (Between Hillcrest Road and McAndrews Road)

PROJECT: The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and McAndrews Road to major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, and street lights.

DATE: April 19, 2017

RECEIVED

APR 19 2017

PLANNING DEPT.

I have reviewed the above plan authorization application as requested. Comments are as follows:

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. There is an existing 12-inch ductile iron water line located just inside the east right-of-way line of North Foothill Road. This existing water line is planned to remain in place, and shall be protected in place during all construction activities. If conflicts are found to exist between the existing 12-inch water line and the proposed street/storm/sewer improvements; those conflicts will be investigated and resolved prior to construction.
3. MWC's recent Water Distribution Facility Capital Improvement Plan requires the installation of a 16-inch water transmission line in North Foothill Road between Hillcrest Road and Lone Pine Road. No water services will be connected to this water transmission line.
4. MWC-metered water service does exist to a portion of these parcels along North Foothill Road from the existing 12-inch water line along the east right-of-way line. The existing water meters and all future water service connections will be from the existing 12-inch water line.
5. MWC will coordinate proposed water line alignment and design with City of Medford Engineering Department staff, and prepare and provide engineered plans, and specifications for ODOT approval.
6. MWC will have an inspector on-site during water facility construction activities.

K:\Land Development\Medford Planning\17012.docx

Exhibit K

Medford Irrigation District Letter



CITY OF MEDFORD
PLANNING DEPT.
LAUSMANN ANNEX, RM 240
200 SOUTH IVY ST.
MEDFORD, OR 97501

MARCH 9, 2017

FILE#: TF-17-012
Project Name: FOOTHILL ROAD TRANSPORTATION FACILITY PROJECT

PLANNER: Sarah Sousa, Planner IV

COMMENTS:

The Medford Irrigation District is very supportive of the project plans and asks to have more information on the District's pipe size and type. Also the new easements obtained for the District such as width, etc.

There are other details to be considered.

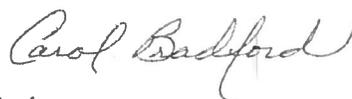
Sincerely, 
Carol Bradford
District Manager

Exhibit L

Jackson County Roads Letter



JACKSON COUNTY
Roads

RECEIVED

MAR 15 2017

Roads
Engineering
PLANNING DEPT.

Kevin Christiansen
Construction Manager

200 Antelope Road
White City, OR 97503
Phone: (541) 774-6255
Fax: (541) 774-6295
ChrisKE@jacksoncounty.org
www.jacksoncounty.org

March 10, 2017

Attention: Sarah Sousa
Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Street Improvements for North Foothill Road.
Planning File: TF-17-012.

Dear Sarah:

Thank you for the opportunity to comment on the consideration of plans to build street improvements on North Foothill Road, between Westbound on/off ramp for East McAndrews and Hillcrest Road. Construction of North Foothill Road will be to Major Arterial street standards with the modifications, as shown on the plans. Jackson County Roads has the following comments:

1. North Foothill Road is a County Minor Arterial and is county-maintained. Please note, North Foothill Road is partly within the city limits and partly outside of the city limits.
2. Jackson County Roads recommends that the city request road jurisdiction of North Foothill Road at the completion of the project.
3. Jackson County recommends approval of the project.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,

A handwritten signature in black ink, appearing to read "K. Christiansen".

Kevin Christiansen
Construction Manager

Cc: Alex Georgevitch

Exhibit M

Bicycle & Pedestrian Advisory Committee Letter

RECEIVED

APR 27 2017

PLANNING DEPT.

April 27, 2017

Sarah Sousa, Planner IV
City of Medford Planning
200 South Ivy Street
Medford, Oregon 97501

RE: TF-17-012

Dear Ms. Sousa,

Thank you for the opportunity to comment on the planned street improvements on Foothill Road from Hillcrest Road to McAndrews Road. The Bicycle & Pedestrian Advisory Committee (BPAC) reviewed the plans and discussed the project at our March 13th and our April 10th meetings. This letter is intended to provide a summary of our comments on the project.

In general, we are in favor of the project and we appreciate the sidewalks, bike lanes, and multi-use paths as proposed. Our only concerns have to do with safety on the existing multi-use paths on McAndrews Road. Several of us have observed, from both a motorist's standpoint and a cyclist's/pedestrian's standpoint, potential conflicts between motorists and cyclists/pedestrians on both the eastbound and westbound on-ramps onto McAndrews Road from Foothill Road. We discussed this issue at length in our meetings and have the following recommendations:

- 1) Add signage and pavement markings to alert motorists of the presence of cyclists and pedestrians.
- 2) Replace existing landscaping, which can obstruct vision clearance, with ground cover vegetation that will not obstruct visibility.

As the planned improvements on Foothill Road will connect to the existing facilities on McAndrews Road, we expect use on the existing facilities to increase, and these safety concerns should be addressed through this project to protect cyclists and pedestrians. With the addition of these relatively minor improvements to the existing interchange facilities, we fully support the planned street improvements on Foothill Road.

Sincerely,



Joe Slaughter
BPAC Vice Chair

Exhibit N

Karen Allen Letter

RECEIVED

MAY 11 2017

PLANNING DEPT.

To: City of Medford Planning Commission
From Karen C. Allan, member of Rocky Knoll, LLC.
Date: May 11, 2017
RE: Street Improvements for North Foothill Road
Planning File: TF-17-012

As a member of Rocky Knoll LLC which owns land on both sides of the proposed Foothill Road improvement, I generally support the project, but have a number of concerns about impacts that the project may have on the following parcels of property owned by Rocky Knoll LLC: 371W21D TL 101; 371W21D TL 102; and 371W21D TL 1500.

The land in all three parcels is being farmed. It is necessary to get farm equipment to all portions of the property at the time the equipment is needed, such as to plant, maintain, and harvest grapes, hay, and grain. Currently the farm operation uses Foothill Road to get to the vineyard on the south side of the large hill toward the north portion of the Rocky Knoll property and also to the field to the north of the hill through a gate off Foothill Road. Because of the proposed road width and the median strip, both these points of access will be lost, so there needs to be an all-weather frontage road along the west side of Foothill Road just inside the Rocky Knoll property. This road needs to have a surface 12 feet wide and be usable at all seasons of the year. The access needs to be available both during construction and once construction has been completed.

In addition, we need access across Foothill Road to the parcel on the east side of the road which is currently used for hay and grain. This access also needs to be available both during construction and also after construction is completed. There is a proposed intersection approximately midway between Hillcrest Road and McAndrews Road (the "midpoint intersection".) There needs to be a rock surface on the east and west sides of that intersection so that the farm equipment has access and does not track mud onto Foothill Road during the crossing.

The frontage road along the west side of Foothill Road will also provide the city with access to its sewer line which runs through the field on the north side of the large hill.

The very northeast corner of the property to the west of Foothill Road will become inaccessible as Foothill Road becomes wider, because of the location of wetlands. This area should be purchased as part of the process.

Another set of concerns is with respect to keeping the public out of the farm, since bike and walking paths as well as the midpoint intersection will make inappropriate public access easier. There will need to be fencing along the Rocky Knoll properties on both sides of Foothill Road to protect against

pedestrians and bicyclists. There will also need to be gates on both sides of the midpoint intersection to prevent cars from driving into the farmed areas.

There is a driveway on the west side of Foothill Road that goes to a residence on the top of the large hill (801 N. Foothill Road) and provides access to the residence and to the area of the hill. That driveway needs to be readily usable during and after construction and also needs to have a safe and secure access to Foothill Road. The utilities that connect to Foothill Road at the driveway need to remain in service throughout the construction project.

The city proposes to pipe the irrigation canal and change its location in order to remove the bridge where Foothill Road currently crosses the canal. The residence on top of the hill currently has access to the irrigation canal on the west side of the bridge. It will need to have a sleeve or other arrangement under Foothill Road so it can have access to irrigation water on the east side of the road.

The preliminary plans show trees along both sides of Foothill Road. We would like to work with city staff to select trees to be planted, with large trees on the west side of Foothill Road where there are no power lines, and trees appropriate for location under power lines on the east side of Foothill Road.

At the southeast corner of the property on the west side of Foothill Road there is a berm with evergreens and other plantings that have been carefully planted and tended and serve to block the view of the intersection from within portions of the Rocky Knoll property. We would like those trees allowed to remain to the extent possible.

Karen C. Allan
2895 Hillcrest Road
Medford, OR 97504



Exhibit O

Emily Mostue Letter

RECEIVED

MAY 11 2017

PLANNING DEPT.

Planning Commission Hearing
May 11, 2017
Foothill Rd Improvement Project

The members of Rocky Knoll LLC met with Alex Georgevitch and other City staff last week and reviewed the drawings and plans for the Foothill Rd Improvement Project. We own property on both sides of Foothill Rd and this project has a huge impact on our property and our farm operation. Karen Allan, another member of Rocky Knoll LLC member, has outlined issues that affect the broader impact on our property. I am focusing on the issues directly relating to our farming operation

- Fences
 - Karen has already mentioned the needed fence along the south side of the hill to keep pedestrians and bicyclists off the farm
 - The North side of the hill needs a fence to keep animals in that pasture since the City will be removing the current fence to widen Foothill Rd
- Cattle in Pasture North of Hill
 - During construction of the road there will be no fence and we will be unable to lease for 2 years so we have loss of income
 - Income from leasing pasture is about \$1200 a year
- Vineyard
 - Will need to remove several rows of vines in our vineyard in order to have a frontage road for farm access. We have not yet worked out the financial impact of this but compensation is in order.
- Proposed Irrigation Realignment Pipe
 - Needs to be installed in non-growing season – be completed between Oct-Mar
 - Construction needs to be coordinated with David Mostue, Rocky Knoll, as this will affect our irrigation system
 - David Mostue of Rocky Knoll, needs input on the design/construction of damn/weir that will be constructed to block the old ditch on south side of hill and west side of Foothill Rd
- Road Construction
 - Rocky Knoll needs access to all parts of the farm during the road construction. It is not acceptable to have any farm road blocked by equipment or vehicles
- Right of Way Discrepancy
 - Near McAndrews Rd, the existing Right of Way is outside the proposed Right of Way. Is the City proposing to give property back to Rocky Knoll as part of this process

- Permanent Easement
 - The proposal shows trees planted in the Permanent Easement rather than in the Right of Way. The Permanent Easement also includes substantial slopes in particular locations along Foothill which will make it impossible to farm. We are concerned about these impacts and may request that the City include the Permanent Easement or portions of the Permanent Easement within the property it purchases.

As mentioned before, we met with City staff and saw the most recent drawings for the Foothill Rd Improvement Project just a week ago. The issues we have raised today are not necessarily a comprehensive list of all of our concerns and we may well raise other issues as we have time for further consideration.

We appreciate the efforts of City staff to go over the drawings with us and to work with us on these various issues.

Emily Mostue
Rocky Knoll LLC
612 Pierce Rd
Medford, OR 97504
541-776-2486

Exhibit P

Bill & Gwyn Reen Letter & Photos

RECEIVED
MAY 11 2017
PLANNING DEPT.

5/11/17

FOOTHILL EXPANSION IMPACT (Bill and Gwyn Reen at 1570 N Foothill Rd)

We live in the middle of the Foothill Rd expansion project and we have some concerns to share with you, so you know how we are impacted, when you authorize projects.

WATER

When Foothill Rd is widened, it will place our well just 20-30 feet from the street. Major construction disrupts surface and ground water, which significantly impacts water flow. Increased traffic creates vibrations which cause layers of water/rock to shift. Gas and oil leak into the groundwater and contaminate it. This road project includes the addition of sidewalks and curbs which increase the road elevation, therefore placing *our well Below ground level*. Oregon WATER RESOURCES DEPARTMENT recommends locating wells **above grade** elevation to avoid drainage contamination. The addition of sidewalks and curbs will elevate foothill, placing our well Below ground level and at a huge risk of contamination. (Originally our well was located far above ground level, however during the last Foothill expansion, our yard was elevated 10-15 ft) **We need City Water.**

INCREASED NOISE AND DECREASED PROPERTY VALUE FROM STOPLIGHT

Adding 2 lanes of North and South traffic, turn lanes, and a stop light, significantly increases traffic noise. Accelerating and braking at stoplights increases overall traffic noise. ODOTS Noise Manual states, "Heavy truck traffic lowers property value at a rate 150 times greater than cars." The sudden intermittent changes in noise with stop light traffic impacts health. An Analysis and Abatement of Highway Traffic Noise Study is needed, to determine how to mitigate the increased noise.

RELOCATION of DRIVEWAY (Inability to cross Foothill to access driveway)

City engineers have plans to move our driveway, but can not tell us, how we'd access it. They want a MEDIAN to separate North and South bound traffic. This would prevent us from even turning into our driveway. Its illegal and impossible to flip a U turn across 4 lanes of traffic, turning lanes, bike lane. When driving North, it seems as dangerous to be stopped in the middle of Foothill trying to make a 90 degree turn pulling a trailer. Please leave our driveway at its current location and use a 4 sided traffic light. We need **easy access to our driveway.**

PARKING AREA

Even if I could navigate into my "new"driveway, we cant access our parking area. We have a huge, circular parking area for various trailers and equipment.

Currently I head into my driveway and back into our parking area. If my driveway is relocated, its impossible to pull a trailer into our parking area, because there's no way to back it in. There isn't room to drive between vehicles so my yard would need to be reconfigured. Reconfiguring the parking area will destroy our septic leach lines, leading to contamination of our well. Also, this will position our well even further below ground level... We need **City Sewer and Water**

DRIVEWAY and GARAGE

We have a straight easy access, driving from Foothill to my garage. If you move our driveway 240 ft south, there'd be a huge grade level change and hazardous S-Curve to get into my garage. The functionality of our property of having easy access to the garage and parking area would be completely destroyed.

VIEW, PRIVACY, FUNCTIONALITY

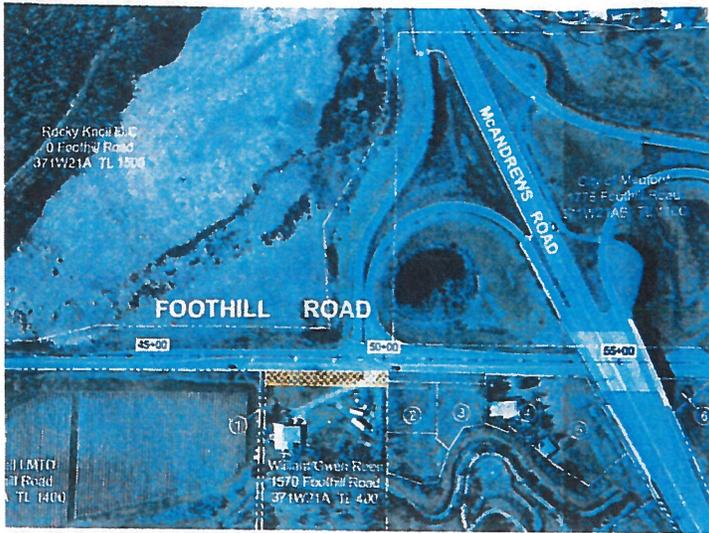
The value of our home, is our view and usability. When my dad built it, Foothill was a country road. Even though Foothill has grown, we have retained our privacy. Relocating the driveway will significantly destroy views and bulldozing our trees to widen Foothill destroys our privacy. Nobody wants their driveway

old trees destroyed. We rcvd a notice from the Planning Dept which includes **Medford Land Development Code 10.207** . It states, “ Projects should not prevent development of the remainder of the property under the same ownership”. I’m not a contractor but it’s easy to see that relocating my driveway through the middle of my yard hugely decreases the future use of our property.

We understand progress and the need to move traffic safely. We also need our home protected and have safe water and noise abatement and access to our parking area. I’m a nurse. I would be negligent, not to consider the whole picture. If I just addressed your diabetes, without considering your heart and kidney function, I would cause great harm and impact your life forever. In the same way, when you make plans for a stoplight, you should determine how it affects adjoining homes.

20 ish yrs ago, the City wanted to move our driveway. We were given a map to mark our preference and guaranteed we’d have input to the new location. Our driveway was installed without our input and access to our parking area was severed. (see apology letter from City of Medford) We were assured a light post would not be placed directly in front of our house, however, it was .(see apology letter from City of Medford 8/29/00) When the city finished the project leaving a dangerous 10-15 ft drop off above our yard, we were awarded a guardrail, that the city never installed. (see letter from City of Medford 10/10/00). Although none of the agreements the City gave us were upheld, we have never received any compensation.

You can’t fix the past, but you can do better, moving forward. The construction will impact my well, we need City water. Reconfiguring my parking area will destroy my septic leach fields, we need City sewer. The increased noise at a signal needs to be studied and modified. Relocating our driveway will destroy our front yard, functionality of our property, and future development potential. Our livelihood depends on using our trailers and equipment. We must have easy access to our parking area, do not relocate my driveway. When you bull doze down all our trees, please replace them.



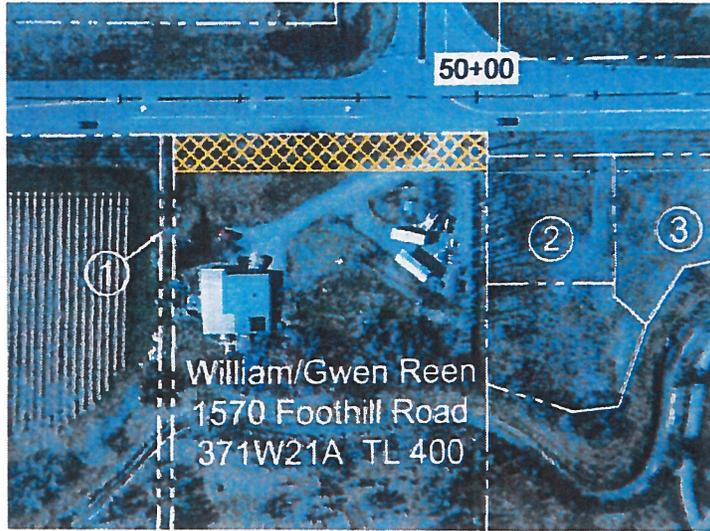






Exhibit Q

Lisa and Laurence Rubenstein Letter

RECEIVED

MAY 11 2017

PLANNING DEPT.

Testimony to City of Medford Planning Commission
Re: Foothill Road Expansion Project (TF-17-012) and our residence at 801 N. Foothill Road
From: Laurence and Lisa Rubenstein
Date: 5/11/2017

Thank you allowing us to provide input to the Planning Commission today. We are in general very supportive of the Foothill Road improvement project. However, we have some concerns about how the project will affect our driveway and our residence (which is a historically significant structure, as evaluated by ODOT, located atop Rocky Knoll). We had the fortunate opportunity to purchase this home from our cousins in 2013, after having been annual visitors to the house for over 50 years.

As you know, our driveway cannot realistically be re-situated, and you have taken account of this by identifying an exit onto Foothill for our driveway in your plans. We very much appreciate this. We do want to alert you to other issues related to the expansion project:

1. We will have only a right turn in, right turn out as we understand the plans. This is not ideal from our point of view, but we understand the difficulties in designing our exit given the road median that is planned. If an opportunity arises to develop a left-turn entry to our driveway, or otherwise enable us to avoid a 2 mile or so extra driving route to get to a McAndrews Road turnaround when driving North on Foothill from Hillcrest, we would be grateful for your assistance in making a shorter route possible.
2. We will need to maintain a safe entrance onto Foothill Road. A small on-ramp of some kind would be important, given the fact that our driveway exit is at the top of the small hill between McAndrews Road and Hillcrest.
2. Our utilities (city water/water meter, electricity lines, cable/telephone line, electricity to the pump for MID and city water, sewer) are situated near the expansion. You will likely need to move and replace the utility connections. We also need these utilities to continue to operate during construction.
3. You will need to replace our large mailbox, situated currently at the Foothill Rd. border.
4. We use MID water for irrigation, pumped directly out of the existing ditch using a large pump we put in place in spring and remove in winter. When the ditch is piped, as shown in the plans, we will need a different system for pumping and ditch access.

Thank you.

Sincerely,

(Drs.) Lisa and Laurence Rubenstein
801 N Foothill Rd
Medford, Or 97504
310-429-5365
405-227-5606

Exhibit R

Gwyn Reen Letter & Attachments

May. 30. 2017 9:16AM Community Health Center

No. 4010 P. 1

May 28, 2017

Att: Sara 618-1708

Att: Planning Commission

Re: Testimony to Council 5/11/17 (1570 N Foothill Rd)

Per your request, please find letters we received from the City of Medford in 2000, showing promises given were not upheld. Currently, we've been notified the "right-of-way for Foothill Rd...is not well documented" and our property will be taken without compensation by "Legalization" (ORS 368.201) As we experienced the elevation and widening of Foothill and construction of the McAndrews overpass bridge, it's difficult to understand how Foothill Rd is not well documented and compensation is not warranted. A survey should have been completed, prior to the City placing a berm separating our property frontage from Foothill Rd.

We appreciate your consideration of our property concerns: *Driveway relocation, barricaded driveway access, Well displaced below grade, Elimination of View and Privacy, Septic field relocation, tree/berm frontage destruction, Parking area access elimination, decreased access to garage, Increased noise, Decreased future development potential, decreased property valuation, legalization of property*

We know life isn't fair, however everyone likes to be treated equally. When you go to the hospital, you expect to be treated as well as the next patient. Our neighbors are fortunate that City Engineers have worked with them and agreed to maintain existing trees, provide landscaping and fences, and potentially provide a private road to access pastures.

We have had the same concerns over the past year and have contacted Engineering several times, yet no modifications have been offered. You can imagine the stress we're experiencing knowing our property, livelihood, and health will be affected. As the most impacted property, it's disappointing that Engineering is able to provide others with landscaping (while destroying my 100 year old tree) and provide fences or barriers, while making plans to destroy my view, privacy, and functionality. Even access for seasonal farm equipment has been considered for others, while daily access to our property is greatly impeded by barricades. We have health concerns regarding safe drinking water, increased noise, septic field elimination, and have received no direction from the City over this past year.

We are reluctant to point out discrepancies, but it seems worth noting, in hopes that the City of Medford can improve its practices to benefit all citizens. We support progress, but it should not be at the expense of our family home of nearly 50 years.

Sincerely,



Gwyn Reen
1570 N Foothill Rd
Medford OR 97504
541-772-8649

pg 1 of 4

May. 30. 2017 9:17AM Community Health Center

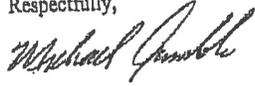
No. 4010 P. 2

Lack of topsoil on the north west side of your driveway:
I have been out to your driveway and have not seen any area that is lacking topsoil. I suggest that we meet and you can show me the area you are speaking of.

Driveway being constructed without your input:
The City had set up a method in which we were going to receive a drawing from you which would show where you wanted the driveway relocated. In the interim while waiting for this drawing, the City inspector placed your driveway by direction of Mr. Reen. I offer my apologies to you for your driveway being constructed without the City having this drawing from you.

No Rock to drive on:
I have been out to your driveway and have seen the entire driveway covered with gravel. I will meet you in the field and discuss this issue with you as well.

Respectfully,



Michael Gamble
Project Manager

Cc Bob Deuel, City Engineer
Cory Crebbin, Public Works Director

* Bill came home e lunch to discover the City was moving our driveway now. He said we needed a large turning radius & we're spose to draw a map. They said if we stopped their construction 5 days they won't finish it for weeks/mths. We can't park on foothill rd & need access to our house//

pg 2 of 4

May. 30. 2017 9:17AM Community Health Center

No. 4010 P. 3



CITY OF MEDFORD

411 WEST 8TH STREET
MEDFORD, OREGON 97601
www.ci.medford.or.us

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

TELEPHONE
(541) 774-2100
FAX: (541) 774-2552

Oct. 10, 2000

William & Gwyn Reen
P.O. Box 186
Medford, OR 97501

Re: E. McAndrews Extension Project, P-1050

Dear Mr. & Mrs. Reen,

I am enclosing a drawing, which shows the relationship of your property to the Mc Andrews Road Project. Please indicate on the enclosed map the location you desire for your driveway. I know that you desire to wait until the fill that is placed on your property before making a decision on the driveway location. However, in order to avoid any additional contract costs I will need to receive the attached sketch, showing your desired driveway location, 7 days after completion of the fill material.

~~* The project design consultant has determined that guardrail is required along portions of Foothill Road, including the northerly portion of your frontage. One opening in the guardrail will be included to accommodate access to your parcel. The schedule for the construction of the guardrail has not yet been determined.~~

Thank you for your time concerning this matter.

Respectfully,

Handwritten signature of Michael Gamble in cursive.

Michael Gamble
Project Manager

Cc Bob Deuel, City Engineer
Cory Crebbin, Public Works Director

ps 384

May. 30. 2017 9:17AM Community Health Center

No. 4010 P. 4



CITY OF MEDFORD

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

411 WEST 8TH STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

TELEPHONE
(541) 774-2100
FAX: (541) 774-2552

August 29, 2000

William & Gwen Reen
P.O. Box 186
Medford, OR 97501

Re: E. McAndrews Extension Project, P-1050

Dear Mr. & Mrs. Reen,

This letter is a follow up to our meeting of August 24, 2000, in which we discussed the steps that will be taken per City of Medford Council decision addressing the frontage of your property on Foothill Road.

As I discussed with you I have the authority to proceed with the following items:

- placing fill along the frontage of your property of Foothill Road
- placing a culvert under the fill
- planting 60 lineal feet of plants (15 plants spaced at 4' o.c.)
- relocating entrance to driveway per your direction

During our discussion you also asked me about the possibility of placing an earth berm and also moving a street light that is on the west side of Foothill Road across from your home, and also the possibilities of getting irrigation to the hedge plants that the City will plant for you. As I told you in the field, I only have authorization to perform the items I have put forth in this letter.

I would like to go into some detail to inform you on the street light situation as the lights exist today. The street lights on the east side of Foothill Road were moved to the west side of Foothill Road due to a conflict with underground utilities. We had discussed the possibilities of moving a proposed light from its position near your driveway to one of two places. One place was to shift this light 10 feet to the north, the other was to shift the light across the road. Your choice was move the light 10 feet to the north. I informed the inspector to move the light per your request. ~~The inspector moved the light across the road to the southwest corner of the off/on ramp at Foothill Road. This was done without my knowledge, and I apologize for this.~~ The light was moved, as explained to me later, due to existing utilities that would have interfered with the lights foundation. I would like to point out that the light that is directly across Foothill Road from your home was constructed per the original plan and is not the light that was originally placed next to your driveway.

pg 4 of 4

Exhibit S

Letter & Attachment from Lisa and Laurence Rubenstein

To: Medford City Planning Commission and City Council
Re: Foothill Road Widening Project
Date: 9 June 2017

Dear Planning Commission and City Council members,

We attended the May 11 Planning Commission meeting with concern about how the Foothill Road widening project would affect our driveway (see attached letter to the Planning Commission). We are most appreciative of the efforts of the Planning Commission and City Engineers over the past several years to create such an important project. While we remain supportive of the overall plan to widen Foothill Road, we left the meeting with concern about the specific plan to install a concrete Jersey barrier down the median of the road (instead of a more attractive planted median option, such as is present on the North Phoenix Road feeder to Foothill). Having a planted median would not only be much more attractive than a concrete barrier, but it would allow for multiple left-turn lanes that would solve our potential driveway access problem (and those of multiple other Foothill Road residents).

Given that the main purpose of the Foothill expansion is to provide access to the I-5 Freeway and beyond to the south of Medford, and that North Phoenix is the only route between the expansion segment of Foothill and the I-5 Freeway, it seems that a continuation of the North Phoenix style of road makes sense both practically and aesthetically.

If there is concern that a planted median would cause Foothill Road to be too wide, then we would respectfully suggest that you consider the creation of a single bicycle lane, and/or a single sidewalk. The bike lane then could be two-way and be protected by a safer curb-type divider. There are examples of this kind of design in other cities and other parts of Medford.

In summary:

1. We understand that our driveway, and safe access from it to Foothill Road, remains part of the plans for the Foothill project, as discussed at the planning commission.
2. We understand that the project will take into account our needs relative to the irrigation ditch, our mailbox, and our utilities, as detailed in our letter to the Medford Planning Commission.
3. As we wrote in our previous letter, we request a left and right turn option out of our driveway.

Sincerely,


(Drs.) Lisa and Laurence Rubenstein
801 N Foothill Rd
Medford, Or 97504
310-429-5365
405-227-5606

RECEIVED
JUN 12 2017
PLANNING DEPT.

Transportation Facility – Foothill Road Improvement Project
File no. TF-17-012

Commission Report
June 8, 2017

Exhibit Q

Lisa and Laurence Rubenstein Letter

RECEIVED

MAY 11 2017

PLANNING DEPT.

Testimony to City of Medford Planning Commission

Re: Foothill Road Expansion Project (TF-17-012) and our residence at 801 N. Foothill Road

From: Laurence and Lisa Rubenstein

Date: 5/11/2017

Thank you allowing us to provide input to the Planning Commission today. We are in general very supportive of the Foothill Road improvement project. However, we have some concerns about how the project will affect our driveway and our residence (which is a historically significant structure, as evaluated by ODOT, located atop Rocky Knoll). We had the fortunate opportunity to purchase this home from our cousins in 2013, after having been annual visitors to the house for over 50 years.

As you know, our driveway cannot realistically be re-situated, and you have taken account of this by identifying an exit onto Foothill for our driveway in your plans. We very much appreciate this. We do want to alert you to other issues related to the expansion project:

1. We will have only a right turn in, right turn out as we understand the plans. This is not ideal from our point of view, but we understand the difficulties in designing our exit given the road median that is planned. If an opportunity arises to develop a left-turn entry to our driveway, or otherwise enable us to avoid a 2 mile or so extra driving route to get to a McAndrews Road turnaround when driving North on Foothill from Hillcrest, we would be grateful for your assistance in making a shorter route possible.
2. We will need to maintain a safe entrance onto Foothill Road. A small on-ramp of some kind would be important, given the fact that our driveway exit is at the top of the small hill between McAndrews Road and Hillcrest.
2. Our utilities (city water/water meter, electricity lines, cable/telephone line, electricity to the pump for MID and city water, sewer) are situated near the expansion. You will likely need to move and replace the utility connections. We also need these utilities to continue to operate during construction.
3. You will need to replace our large mailbox, situated currently at the Foothill Rd. border.
4. We use MID water for irrigation, pumped directly out of the existing ditch using a large pump we put in place in spring and remove in winter. When the ditch is piped, as shown in the plans, we will need a different system for pumping and ditch access.

Thank you.

Sincerely,

(Drs.) Lisa and Laurence Rubenstein
801 N Foothill Rd
Medford, Or 97504
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