



# Medford City Council Meeting

## Agenda

October 1, 2015  
12:00 Noon & 7:00 p.m.  
Medford City Hall, Council Chambers  
411 West Eighth Street, Medford, Oregon

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### 10. Roll Call

McLoughlin Middle School Students of the Month

### 20. Approval or correction of the minutes of the September 17 regular meeting

### 30. Oral requests and communications from the audience

Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

### 40. Consent calendar

### 50. Items removed from consent calendar

### 60. Ordinances and resolutions

60.1 SECOND READING. COUNCIL BILL 2015-99 An ordinance authorizing execution of an amendment to the Construction Manager/General Contractor contract with Adroit Construction for a new police station and secured parking structure.

60.2 COUNCIL BILL 2015-100 A resolution adopting the third Supplemental Budget for the 2015-17 biennium.

60.3 COUNCIL BILL 2015-101 An ordinance authorizing execution of an Agreement between the City of Medford and Teamsters Local 223/Medford Municipal Mechanics Association concerning wages, hours, fringe benefits, and other working conditions retroactive from July 1, 2014, through June 30, 2018.

60.4 COUNCIL BILL 2015-102 An ordinance amending Section 7.023 of the Medford Code pertaining to a Modification of the Oregon Fire Code 2014 Edition.

60.5 COUNCIL BILL 2015-103 An ordinance authorizing execution of a Memorandum of Understanding with the Bureau of Indian Affairs (BIA) to define the respective roles of the City and the BIA in the preparation of the Economic Impact Statement.

60.6 COUNCIL BILL 2015-105 An ordinance authorizing the purchase of six new police patrol vehicles in the amount of \$193,691.86 from Wire Works, LLC.

### 70. Council Business

### 80. City Manager and other staff reports

80.1 Capital Improvement Projects Update by Greg McKown

80.2 Quarterly Financial Report by Alison Chan

80.3 Further reports from City Manager

**90. Propositions and remarks from the Mayor and Councilmembers**

- 90.1 Proclamations issued:  
Fire Prevention Week – October 4-10, 2015  
Glen E. Guttormsen Day – October 4, 2015  
Great Oregon Shakeout Day – October 15, 2015  
National Community Planning Month – October, 2015

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 3 minutes per individual or 5 minutes if representing a 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 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

120.1 CONTINUED. Consideration of a proposed Comprehensive Plan/Urban Growth Boundary Amendment affecting the General Land Use Plan (GLUP) map, the Medford Street Functional Classification Plan of the Transportation Element, and portions of the text of both the Urbanization and GLUP Elements.

120.2 COUNCIL BILL 2015-104 An ordinance amending Sections 10.012 and 10.337 of the Medford Code and replacing Section 10.839 pertaining to marijuana products and related businesses effective November 1, 2015. (DCA-15-104).

**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**



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

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**DEPARTMENT:** City Manager's Office

**PHONE:** (541) 774-2657

**STAFF CONTACT:** Greg McKown, Facilities & Project Manager

**AGENDA SECTION:** Ordinances and Resolutions

**MEETING DATE:** October 1, 2015

## **COUNCIL BILL 2015-99**

SECOND READING. An ordinance authorizing execution of an amendment to the Construction Manager/General Contractor contract with Adroit Construction for a new police station and secured parking structure.

## **ISSUE STATEMENT & SUMMARY:**

The City Manager's Office is seeking Council approval of an ordinance to amend the existing Construction Manager/General Contractor (CMGC) contract with Adroit Construction Inc. and acceptance of a Guaranteed Maximum Price (GMP) of \$19,645,601 for the construction of the Medford Police Station and Secured Parking Garage. This amendment will adjust the not-to exceed dollar amount from \$18,787,000 to \$19,645,601 for the Adroit Contract.

## **BACKGROUND:**

### **A. Council Action History**

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; delegating authority to authorized representatives and related matters.

On December 5, 2013 City Manager Eric Swanson reported on the successful sale of \$38.155 million in bonds at a 4.42% interest rate.

On May 15, 2014 Council authorized an exemption from competitive bidding and awarding a Construction Manager/General Contractor contract to Adroit Construction; authorizing pre-construction services in an amount not to exceed \$32,500; authorizing construction in an amount not to exceed \$18,787,000 for a new police station and secured parking structure.

On September 3, 2015 Council instructed staff to proceed with the Police Station project GMP and that the project team continue value engineering the project to reduce costs while moving forward with construction.

Council approved Ordinance 2015-99 on September 17, 2015 by a vote of 7 to 2 and is before Council today as a Second Reading.

### **B. Analysis**

After Council direction on September 3, 2015 to accept a GMP of \$20,255,941 but continue cost reduction efforts, the City project team, architect, and CMGC proceeded with value engineering the project and negotiated the construction GMP down \$642,840. Upon acceptance of the revised construction GMP of \$19,645,601 the team will continue cost reduction efforts as instructed by Council.

### **C. Financial and/or Resource Considerations**

\$22,082,700 of bond proceeds were allocated to the Police headquarters and parking projects PD0076 and PD0077, therefore acceptance of a GMP of \$19,645,601 is within the funds available for the project.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

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## **D. Timing Issues**

Authorization of the construction GMP and amendment of the not-to-exceed contract with Adroit Construction will maintain the construction completion schedule and not increase general condition costs of the project.

### **STRATEGIC PLAN:**

Theme: Safe Community

Goal 1: Ensure a safe community by protecting people, property and the environment.

Object 1.4: Direct law enforcement strategies to respond most effectively to crime trends and emerging issues.

Action: 1.4a – 1.4d

### **COUNCIL OPTIONS:**

1. Approve the ordinance authorizing the amendment of the not-to-exceed CMGC contract with Adroit Construction Inc. and acceptance of the construction GMP of \$19,645,601.
2. Deny the ordinance authorizing the amendment of the not-to-exceed CMGC contract with Adroit Construction Inc. and acceptance of the construction GMP of \$19,645,601.

### **STAFF RECOMMENDATIONS:**

Staff recommends the approval of the ordinance authorizing amendment of the not-to-exceed CMGC contract with Adroit Construction Inc. and acceptance of the construction GMP of \$19,645,601

### **SUGGESTED MOTION:**

I move to approve the ordinance authorizing amendment of the not-to-exceed CMGC contract with Adroit Construction Inc. and acceptance of the construction GMP of \$19,645,601.

### **EXHIBITS:**

Ordinance

Contract is on file in the City Recorder's office.

ORDINANCE NO. 2015-99

AN ORDINANCE authorizing execution of an amendment to the Construction Manager/General Contractor contract with Adroit Construction for a new police station and secured parking structure.

WHEREAS, on May 15, 2014, Ordinance 2014-61 was approved by the City Council which authorized exemption from competitive bidding and awarded a Construction Manager/General Contractor contract to Adroit Construction; authorized pre-construction services in an amount not to exceed \$32,500; and authorized construction in an amount not to exceed \$18,787,000 for a new police station and secured parking structure; and

WHEREAS, Early Work Amendment #1 was approved by the City on March 24, 2015 in the amount of \$5,647,788 for surveying, site work, underground utilities, concrete, structural and miscellaneous steel fabrication/erection, and elevators; and

WHEREAS, Early Work Amendment #2 was approved by the City on May 14, 2015 in the amount of \$136,828.01 for under-slab plumbing and electrical work; and

WHEREAS, Change Order #1 to Early Work Amendment #1 was approved by the City on May 27, 2015 in the amount of \$15,186.55 for changes to base rock and geotextile fabric for the secured garage; and

WHEREAS, Change Order #2 to Early Work Amendment #1 was approved by the City on July 2, 2015 in the amount of \$25,856.01 to add and delete items to excavation, under-slab, structural steel and electrical work; and

WHEREAS, Change Order #3 to Early Work Amendment #1 was approved by the City on July 21, 2015 in the amount of \$26,664.58 for revisions to structural steel, steel decking, slab grades, and relocation of traffic signal cabinet and conduit; and

WHEREAS, this amendment allows for an increase of \$826,101 to the Not-To-Exceed (NTE) price of \$18,787,000; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of this amendment to the existing Construction Manager/General Contractor contract with Adroit Construction, Inc. and acceptance of a Guaranteed Maximum Price of \$19,645,601 for the construction of the Medford Police Station and Secured Parking Garage is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of September, 2015.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.2

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**DEPARTMENT:** Finance  
**PHONE:** (541) 774-2030  
**STAFF CONTACT:** Alison Chan, Director

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** October 1, 2015

## COUNCIL BILL 2015-100

A resolution adopting the third Supplemental Budget for the 2015-17 biennium.

## ISSUE STATEMENT & SUMMARY:

The Finance Department is presenting a supplemental budget which will affect the General Fund, the Parking Fund and the Police Forfeiture Fund. ORS 294.471 provides for a Supplemental Budget process. A supplemental budget is required to increase the appropriations and to create an appropriation in a new category.

## BACKGROUND:

### General Fund:

The Facilities Management Division was moved to the City Manager's Department from the Parks and Recreation Department. This supplemental budget creates a City Manager's division 1110 and transfers the appropriations from 5207 (a Parks and Recreation Division) to the newly created 1110 division (a City Manager's Division). There is no increase in appropriations, just a transfer of an existing appropriation. The transfer from 5207 to 1110 total \$4,238,130. This is the budget for the 2015-2017 biennium

Additionally for Facilities Management, \$2,328,750 of appropriations are being transferred from 5208 (a Parks and Recreation Division for CIPs) to 1102 (a City Management Division for CIPs). There is no increase in appropriations, just a transfer of an existing appropriation. This is the budget for the 2015-2017 biennium

The City received \$100,000 from the State of Oregon to conduct a feasibility study for a convention center. This supplemental budget recognizes the unbudgeted revenue and increases appropriations by \$100,000 in the Mayor and Council budget.

### Parking Fund:

Facilities Management Division has appropriations in the Parking Fund. This supplemental budget creates division 1110 (a City Manager's Division) and transfers the appropriations from 5207 (a Parks and Recreation Division) to the newly created 1110 division. There is no increase in appropriations, just a transfer of an existing appropriation. The transfer from 5207 to 1110 total \$396,890. This is the budget for the 2015-2017 biennium

### Police Forfeiture/Grant Fund:

The CIP for the expansion of property control was projected to be completed by June 30, 2015 and therefore no funds were carried forward for the project in the 2015-2017 biennium. The project was not completed as anticipated and therefore the ending fund balance was greater than projected and the funds are needed in the 2015-2017 biennium to complete the project. This supplemental budget is appropriating \$35,640 of greater than budgeted beginning fund balance for the completion of the CIP for the expansion of property control.

With the completion of the previously mentioned CIP, the Police Forfeiture/Grant fund will have \$640 remaining in the fund and no further activity is anticipated. This supplemental budget is requesting to transfer out the remaining \$640. The fund will then be considered inactive.

## A. Council Action History

The biennium budget was approved in June of 2015. This is the third supplemental budget of the biennium.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.2

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**B. Analysis**

ORS 294.471 provides for a supplemental budget process. A supplemental budget is required to increase appropriations and to create an appropriation in a new category.

**C. Financial and/or Resource Considerations**

The proposed resolution will transfer \$6,566,880 within the General Fund and \$396,890 within the Parking Fund. Additionally, this resolution will increase appropriations in the General Fund by \$100,000 and increase appropriations in the Police Grant Fund by \$36,280.

**D. Timing Issues**

None

**STRATEGIC PLAN:**

Theme: Responsive Leadership

Goal 12: Ensure financial stewardship and long-term municipal financial stability for City services, assets and facilities.

**COUNCIL OPTIONS:**

1. Approve the resolution
2. Modify the resolution
3. Deny the resolution

**STAFF RECOMMENDATIONS:**

Staff recommends approval of the resolution

**SUGGESTED MOTION:**

I move to approve the resolution as outlined in the attached exhibit.

**EXHIBITS:**

Resolution

Supplemental Budget Request is attached

RESOLUTION NO. 2015-100

A RESOLUTION adopting the third Supplemental Budget for the 2015-17 biennium.

WHEREAS, a supplemental budget is required to change appropriations in certain circumstances under ORS 294.471; now, therefore,

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

SECTION 1. The City Council hereby adopts the third Supplemental Budget for the 2015-17 biennium.

SECTION 2. The City Council hereby makes the new appropriations and transfers of appropriations for the 2015-17 biennium in the amounts and for the purposes shown on the Supplemental Budget Adjustment form which is attached hereto as Exhibit A and incorporated herein by reference.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST: \_\_\_\_\_  
City Recorder

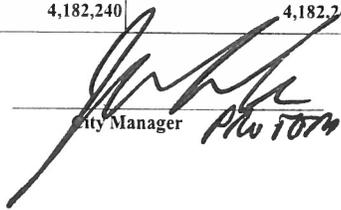
\_\_\_\_\_  
Mayor

|   |          |   |  |
|---|----------|---|--|
| <b>CITY OF MEDFORD</b>  |          | <b>Supplemental Appropriation Modification per ORS 294-.471</b> |  |
| Requesting Department: Finance                                    | Biennium | FY15/16 - FY16/17   |  |
| Date of Proposed Council Action: 9/17/2015                        | Date     | September 18, 2015  |  |
| Explanation of Requested Transfer: See AIC (1st Year of Biennium) |          |   |  |

*cd*

| Account Number     | Description            | Project Number | Debit            | Credit           |
|--------------------|------------------------|----------------|------------------|------------------|
| 001-1110-611-XX-XX | Salaries/Benefits      |                | 1,015,550        | -                |
| 001-1110-611.21-XX | General & Office       |                | 86,310           |                  |
| 001-1110-611.22-XX | Professional Services  |                | 40,800           |                  |
| 001-1110-611.23-XX | Employee Expenses      |                | 8,200            |                  |
| 001-1110-611.24-XX | Supplies               |                | 603,050          |                  |
| 001-1110-611.25-XX | Repair & Maintenance   |                | 182,130          |                  |
| 001-5207-652-XX-XX | Salaries/Benefits      |                |                  | 1,015,550        |
| 001-5207-652.21-XX | General & Office       |                |                  | 86,310           |
| 001-5207-652.22-XX | Professional Services  |                |                  | 40,800           |
| 001-5207-652.23-XX | Employee Expenses      |                |                  | 8,200            |
| 001-5207-652.24-XX | Supplies               |                |                  | 603,050          |
| 001-5207-652.25-XX | Repair & Maintenance   |                |                  | 182,130          |
| 001-1102-611.51-00 | CIP Projects           | Various        | 1,915,250        |                  |
| 001-5208-652.51-00 | CIP Projects           | Various        |                  | 1,915,250        |
| 018-1110-611-XX-XX | Salaries/Benefits      |                | 63,720           |                  |
| 018-1110-611.21-XX | General & Office       |                | 19,950           |                  |
| 018-1110-611.22-XX | Professional Services  |                | 10,800           |                  |
| 018-1110-611.24-XX | Supplies               |                | 84,000           |                  |
| 018-1110-611.25-XX | Repair & Maintenance   |                | 16,200           |                  |
| 018-5207-652-XX-XX | Salaries/Benefits      |                |                  | 63,720           |
| 018-5207-652.21-XX | General & Office       |                |                  | 19,950           |
| 018-5207-652.22-XX | Professional Services  |                |                  | 10,800           |
| 018-5207-652.24-XX | Supplies               |                |                  | 84,000           |
| 018-5207-652.25-XX | Repair & Maintenance   |                |                  | 16,200           |
| 039-5208-652.15-05 | CIP Property Control   | BR0076         | 35,640           |                  |
| 039-0000-599.00-00 | Beginning Fund Balance |                |                  | 35,640           |
| 039-1608-614.70-01 | Transfer Balance       |                | 640              |                  |
| 001-0000-470.39-00 | Transfer Revenue       |                |                  | 640              |
| 001-0101-621.22-16 | Opportunity Costs      |                | 100,000          |                  |
| 001-0000-330.02-01 | State Grants           |                | -                | 100,000          |
| <b>TOTALS</b>      |                        |                | <b>4,182,240</b> | <b>4,182,240</b> |

Requested by  Department Head

Approved by  City Manager *Plw 10/14*





# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

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**DEPARTMENT:** Human Resources  
**PHONE:** (541) 774-2011  
**STAFF CONTACT:** Michael Snyder, Director

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** October 1, 2015

## COUNCIL BILL 2015-101

An ordinance authorizing execution of an Agreement between the City of Medford and Teamsters Local 223/Medford Municipal Mechanics Association concerning wages, hours, fringe benefits, and other working conditions retroactive from July 1, 2014, through June 30, 2018.

## ISSUE STATEMENT & SUMMARY:

The Human Resources Department, with the approval of the City Manager Pro Tem, is requesting that the proposed agreement with Teamsters Mechanics be approved effective July 1, 2014.

## BACKGROUND:

A two-year agreement with Teamsters Mechanics expired June 30, 2014. The proposed four-year agreement for years 2014-2018 provides consistency with Council direction regarding the wages, hours, fringe benefits and other working conditions.

### A. Council Action History

Council action is required on collective bargaining agreements.

### B. Analysis

The proposed agreement provides for:

1. Salary increases: 2% effective 7/1/14, 2% effective 7/1/2015, 1.5% effective 7/1/2016, and 1.5% effective 7/1/2017.
2. Health insurance: The cap for the City contribution to insurance premium would be set at \$1,500 per month effective January 1, 2016. The cap would then increase to \$1,600 per month effective January 1, 2017, and to \$1,700 per month effective January 1, 2018.
3. Additional amendments were proposed and ratified by the bargaining group. These amendments have minimal financial impact and provide for clarity within the agreement.

### C. Financial and/or Resource Considerations

The total compensation cost of the proposed action has been estimated by the Finance Department to be approximately \$14,200 for the first year of the agreement, approximately \$21,200 for the second year of the agreement, approximately \$23,300 for the third year of the agreement and approximately \$25,600 for the fourth year of the agreement. Funds for the contract increases are available in the proposed 2015-2017 biennial budget.

### D. Timing Issues

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

## STRATEGIC PLAN:

Theme: Responsive Leadership

12.4d Review City's compensation model and evaluate the impact of wage and benefit levels as they may relate to the City's ability to effectively recruit and retain highly effective employees.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.3

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12.4e Bargain effectively with represented employee groups to ensure appropriate wage and benefit levels are maintained.

**COUNCIL OPTIONS:**

1. Approve the ordinance.
2. Deny the ordinance.

**STAFF RECOMMENDATIONS:**

Staff recommends approval of the ordinance authorizing the agreement with Teamsters Mechanics.

**SUGGESTED MOTION:**

I move to approve the ordinance authorizing the agreement with Teamsters Mechanics.

**EXHIBITS:**

Ordinance  
Agreement on file in City Recorder's office.

ORDINANCE NO. 2015-101

AN ORDINANCE authorizing execution of an Agreement between the City of Medford and Teamsters Local 223/Medford Municipal Mechanics Association concerning wages, hours, fringe benefits, and other working conditions retroactive from July 1, 2014, through June 30, 2018.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an Agreement between the City of Medford and Teamsters Local 223/Medford Municipal Mechanics Association concerning wages, hours, fringe benefits and other working conditions retroactive from July 1, 2014, through June 30, 2018, 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 \_\_\_\_\_, 2015.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

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**DEPARTMENT:** Fire  
**PHONE:** (541) 774-2317  
**STAFF CONTACT:** Greg Kleinberg, Deputy Chief

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** October 1, 2015

## COUNCIL BILL 2015-102

An ordinance amending Section 7.023 of the Medford Code pertaining to a Modification of the Oregon Fire Code 2014 Edition.

## ISSUE STATEMENT & SUMMARY:

Amend Medford Municipal Code sections 7.023(21) and 7.023(22) to allow the Fire Department to require submittals of fire protection system inspection, testing, and maintenance (ITM) reports to a specified third-party web-based service instead of the Medford Fire-Rescue's Fire & Life Safety Division.

## BACKGROUND:

### A. Council Action History

Fire Marshal Greg Kleinberg presented the information regarding the third-party Compliance Engine reporting system to the Council on September 10, 2015. In order to implement the reporting system, Medford Municipal Code language regarding fire service contracting will require an amendment. This will give the Fire Department the ability to specify the third-party web-based service used for ITM reporting.

### B. Analysis

Fire protection systems are required by code to have periodic inspection, testing and maintenance (ITM) service. This is to ensure that the systems function as designed to protect the occupants and property. It is required that fire protection ITM reports are submitted to the Medford Fire & Life Safety Division. Currently the process is time consuming, and lacking efficiency.

To increase ITM compliance and reduce the amount of staff time, Medford Fire-Rescue proposes a third-party web-based service. The third-party service automatically sends out compliance letters based upon ITM code required testing intervals and maintains the contractor submitted service reports. Compliance of fire protection systems leads to increased life-safety, a reduction in the number of associated violations, and a decrease in false alarms. Greater oversight of fire protection systems results in a reduction in dedicated staff time for managing protection systems, sending out notices, and retention of documents. The staff time will be redirected to other fire inspection related duties.

### C. Financial and/or Resource Considerations

No financial impact to City. No additional staffing resources required.

### D. Timing Issues

Implementation will take place upon passage.

## STRATEGIC PLAN:

### Theme; Safe Community

Goal 1: Ensure a safe community by protecting people, property and the environment.

Objective 1.3d: Recommend built-in fire safety elements in new buildings and identify and address fire safety issues in existing buildings.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

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## **COUNCIL OPTIONS:**

1. Approve the ordinance.
2. Modify the ordinance.
3. Deny the ordinance.

## **STAFF RECOMMENDATIONS:**

Staff recommends approval by ordinance of the proposed Medford Code modifications.

## **SUGGESTED MOTION:**

Motion to approve the ordinance amending sections 7.023(21) and 7.023(22) of the Medford Municipal Code per the Fire Departments recommendations.

## **EXHIBITS:**

Ordinance  
City of Medford Municipal Code Chapter 7 Proposed Amendments

ORDINANCE NO. 2015-102

AN ORDINANCE amending Section 7.023 of the Medford Code pertaining to a Modification of the Oregon Fire Code 2014 Edition.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 7.023 of the Medford Code is amended to read as follows:

7.023 Modification to the Oregon Fire Code 2014 Edition, as adopted by the State of Oregon.

\* \* \*

(21) Section 901.6.2 is amended by adding the following language: Records of all fire protection system inspections, tests, and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and service contractors shall ~~send~~ **submit** the service reports, **in a manner specified by the Fire Marshal**, to Medford Fire-Rescue's Fire & Life Safety Division within 30 days of performing the inspection and test.

(22) Section 904.1.1 is amended by adding the following language: Fire protection systems service providers providing inspections, tests, and maintenance required by OFC 901.6 and the referenced standards shall be qualified and shall provide the inspections, tests, and maintenance in accordance with the referenced standards. Where a manufacturer requires only manufacturer certified technicians to conduct inspection, testing and maintenance service on their engineered fire protection system, uncertified technicians shall not service the system. Prior to servicing the system, the service company performing the work shall ~~send~~ **submit** a copy of the current manufacturer's certification **reports, in the manner specified by the Fire Marshal**, to Medford Fire-Rescue's Fire & Life Safety Division to keep on file.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

NOTE: Matter in **bold** is new. Matter ~~struck through~~ 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.



## MEDFORD FIRE-RESCUE FIRE & LIFE SAFETY DIVISION

[www.medfordfirerescue.org](http://www.medfordfirerescue.org)

200 S. Ivy St., Room #180  
Medford, OR 97501  
Telephone (541) 774-2300  
FAX (541) 774-2514

### City of Medford Municipal Code Chapter 7 Proposed Amendments

#### 7.023 Modifications to the Oregon Fire Code 2014 Edition, as adopted by the State of Oregon

(21) Section 901.6.2 is amended by adding the following language: Records of all fire protection system inspections, tests, and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and service contractors shall ~~send~~ **submit** the service reports, **in a manner specified by the Fire Marshal**, to Medford Fire-Rescue's Fire & Life Safety Division within 30 days of performing the inspection and test.

(22) Section 904.1.1 is amended by adding the following language: Fire protection systems service providers providing inspections, tests, and maintenance required by OFC 901.6 and the referenced standards shall be qualified and shall provide the inspections, tests, and maintenance in accordance with the referenced standards. Where a manufacturer requires only manufacturer certified technicians to conduct inspection, testing and maintenance service on their engineered fire protection system, uncertified technicians shall not service the system. Prior to servicing the system, the service company performing the work shall ~~send~~ **submit** a copy of the current manufacturer's certification reports, **in the manner specified by the Fire Marshal**, to Medford Fire-Rescue's Fire & Life Safety Division to keep on file.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.5

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**DEPARTMENT:** City Manager's Office

**PHONE:** (541) 774-2000

**STAFF CONTACT:** Bill Hoke and/or Lori Cooper

**AGENDA SECTION:** Ordinances and Resolutions

**MEETING DATE:** October 1, 2015

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## **COUNCIL BILL 2015-103**

An ordinance authorizing execution of a Memorandum of Understanding with the Bureau of Indian Affairs (BIA) to define the respective roles of the City and the BIA in the preparation of the Economic Impact Statement.

## **ISSUE STATEMENT & SUMMARY:**

As part of the federal environmental review process for the Coquille Tribe's proposed casino, the City has accepted the Bureau of Indian Affairs' (BIA) invitation to become a "cooperating agency." Federal regulations provide for the City's participation in the National Environmental Policy Act (NEPA) scoping process, as well as the identification of issues to be addressed in the Environmental Impact Statement (EIS) and the development of alternatives. The purpose of the proposed Memorandum of Understanding (MOU) is to define City's and the BIA's respective roles in the preparation of the EIS.

## **BACKGROUND:**

In 2013, the Coquille Tribe submitted an application to the United States Department of the Interior asking the Department to take land into trust on behalf of the Tribe. The City held a public hearing on April 23, 2013 to take comments from citizens regarding this proposal. In addition, the City hired the law firm of Perkins Coie to represent the City in the various administrative processes involved with the casino proposal. The Council has also issued direction to staff to draft press releases and various correspondence regarding the casino issue.

### **A. Council Action History**

On September 20, 2012, the Council directed staff to make the casino issue a priority, and to draft a letter to the tribe and to the state requesting that the City have standing in this issue. On April 23, 2013, the City Council held a study session to hear a presentation by the Coquille Tribe. On April 25, 2013, the City held a public hearing on the casino proposal.

### **B. Analysis**

Approving this MOU is part of the NEPA process and will arguably bolster the City's legal standing in the casino EIS process.

### **C. Financial and/or Resource Considerations**

N/A.

### **D. Timing Issues**

City staff and outside counsel have been negotiating the terms of this MOU with the BIA for several months. The Draft EIS could be released at any time, and it will be helpful to have the MOU in place when that happens.

## **STRATEGIC PLAN:**

### **Responsive Leadership**

**Goal 14:** In an open and transparent manner effectively deliver municipal services that Medford citizens need, want and are willing to support.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.5

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**COUNCIL OPTIONS:**

- Approve the ordinance.
- Deny the ordinance.

**STAFF RECOMMENDATIONS:**

Staff recommends approval of the ordinance.

**SUGGESTED MOTION:**

I move to approve the ordinance authorizing the execution of the Memorandum of Understanding with the Bureau of Indian Affairs.

**EXHIBITS:**

- Ordinance
- Memorandum of Understanding

ORDINANCE NO. 2015-103

AN ORDINANCE authorizing execution of a Memorandum of Understanding with the Bureau of Indian Affairs (BIA) to define the respective roles of the City and the BIA in the preparation of the Economic Impact Statement.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of a Memorandum of Understanding with the BIA to define the respective roles of the City and the BIA in the preparation of the Economic Impact Statement, 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 \_\_\_\_\_, 2015.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE BUREAU OF INDIAN AFFAIRS,  
LEAD AGENCY  
  
AND  
  
THE CITY OF MEDFORD,  
COOPERATING AGENCY  
FOR THE  
COQUILLE INDIAN TRIBE FEE-TO-TRUST AND GAMING FACILITY PROJECT  
ENVIRONMENTAL IMPACT STATEMENT

**THIS MEMORANDUM OF UNDERSTANDING ("MOU")** is entered into by and between the **BUREAU OF INDIAN AFFAIRS ("BIA")** an agency of the United States Government; and the **CITY OF MEDFORD**, a political subdivision of the State of Oregon ("City"). This MOU is entered into for the consultation, preparation, and review of an Environmental Impact Statement ("EIS") that will describe and analyze the potential environmental effects of the proposed Coquille Indian Tribe's Fee-to-Trust and Gaming Facility Project ("Project"). This MOU describes the agencies' ("signatories") respective responsibilities and procedures agreed to regarding completion of and EIS pursuant to the requirements of the National Environmental Policy Act ("NEPA"). The BIA is lead agency for purposes of NEPA. The City is a cooperating agency. The BIA acknowledges that the City has special expertise applicable to the EIS effort, as defined at 40 CFR 1508.26.

The cooperating agency relationship established through this MOU shall be governed by all applicable statutes, regulations, and policies, including the Council on Environmental Quality's ("CEQ's") NEPA regulations (including 40 CFR 1501.6 and 1508.5), the Department of the Interior's ("Department's") NEPA regulations (including 43 CFR 46.225 and 46.230), the Department Manual (516 DM 10), the Department of Indian Affairs Manual (59 IAM 3) and the BIA NEPA Guidebook (59 IAM 3-H).

**I. PURPOSE**

The purpose of this MOU is:

- 1) to confirm the designation of the City as a cooperating agency in the preparation of the EIS;
- 2) to define the City's role regarding the EIS;
- 3) to clarify the signatories responsibilities and commitments in the preparation of the EIS;
- 4) to prepare an EIS that will properly address potential project-related environmental impacts, a full range of project alternatives, and effective and enforceable mitigation measures to mitigate the proposed project's environmental impacts; and
- 5) to provide a framework for cooperation and coordination among the signatories to facilitate completion of the NEPA process.

## II. REGULATORY CRITERIA

Under the policies, directives, plans, and operations of the BIA, and under NEPA (42 U.S.C. 4371 et seq.) the BIA, as Federal lead agency, has the authority to designate cooperating agencies to assist in the preparation and review of the EIS.

Following the directives of NEPA, the signatories to this MOU shall cooperate fully and share information and technical expertise to evaluate the potential environmental effects of the proposed action and its alternatives. Each signatory shall give full recognition and respect to the authority, expertise, and responsibility of others. Participation in this MOU does not imply endorsement of the proposed project, nor does it abridge the independent review of the Draft and Final environmental documents by the City or the ability of the City to seek judicial review of the EIS or the proposed action on the project. The City acknowledges that the BIA has the responsibility under NEPA for the content of the Draft and Final EIS and its conclusion.

## III. PROCEDURES

1. The BIA is the Federal lead agency for this project. It is ultimately responsible for the preparation of the Draft and Final EISs and for assuring compliance with the requirements of NEPA. Although the BIA agrees to give full respect and recognition to the jurisdiction and special expertise of the City, the BIA is responsible for considering impacts to the quality of the human environment associated with the proposed project. BIA cannot delegate its core NEPA responsibilities to the City. In meeting these responsibilities, the BIA will consider and use the comments, recommendations, data, environmental analyses, proposals, and special expertise of the City to the maximum extent possible consistent with its responsibility as lead agency.
2. BIA, as lead agency, retains ultimate responsibility for the EIS content. This responsibility includes defining the issues, determining purpose and need of the project, selecting or approving alternatives and mitigation measures, reviewing any required modification of the EIS, responding to comments on the Draft EIS and retaining responsibility for the conclusions of the environmental analysis.
3. The signatories' goal is to prepare an EIS that fully discloses the project-related and cumulative impacts of the proposed action and provides a thorough discussion of a reasonable range of alternatives to the project and enforceable measures to effectively mitigate the significant environmental impacts. Accordingly, the City is to participate in the NEPA process at the earliest appropriate time, identify potential environmental impacts, mitigation measures, and possible alternatives to the project, review and comment on administrative drafts of the Draft and Final EIS, exchange relevant information throughout the EIS process, and submit independent recommendations to the BIA on the Draft and Final EIS. The City will not be responsible for the actual preparation of any portion of the EIS or related technical reports; however the City will provide comments to the BIA on administrative drafts of the Draft and Final EISs.
4. The procedures for EIS development and interagency coordination contained in NEPA are incorporated herein by reference.

5. As appropriate, and to enhance the effectiveness of this MOU, the BIA will work with the cooperating agencies to ensure access to BIA expertise, data, information, analyses, and comments received.
6. Each signatory will identify a Point of Contact (POC) for coordination and consistency on this project. The signatories will make every effort to maintain the same POC through the duration of the NEPA process. If reassignment of the POC becomes necessary, the agency will notify the MOU signatories of said change. In such cases, previous official written agreement and positions will not be revisited, unless there is significant new information or significant changes to the project, the environment, or laws and regulations.
7. The City will keep confidential and protect from public disclosure any and all draft documents received prior to determination by either, the BIA or a court of competent jurisdiction, of the suitability of the documents for public review or release pursuant to the Federal Freedom of Information Act (FOIA).
8. The signatories agree not to employ the services of any representative or party having a financial interest in the outcome of the proposed project. The City will take all necessary steps to ensure that no conflict of interest exists within its consultants, counsel, or representatives employed in this undertaking.

#### **IV. ADMINISTRATION**

1. Nothing in this MOU will construed as affecting the authority of the BIA and City beyond those agreements contained within this MOU.
2. This MOU does not obligate the BIA, or the City to provide funding for cooperating agency involvement in this effort nor does it require the BIA or the City to obligate or expend funds.
3. This MOU shall be terminated when the BIA issues a Record of Decision or for reasons of good cause upon 30 days prior written notice. An example of good cause is the applicant's withdrawal of the application for the proposed action.
4. The BIA or the City may request a modification of this MOU at any time. Both signatories will consider the proposed changes, and may upon mutual agreement, adopt the proposed changes by written amendment of this MOU. The signatory that proposes the change shall provide copies of the adopted revised MOU to the other signatory.

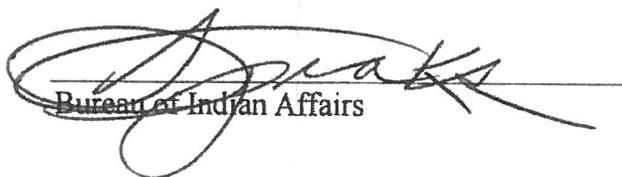
#### **V. POINTS OF CONTACT**

The signatories Points of Contact and preferred methods of communication are as follows:

**Bureau of Indian Affairs: Dr. BJ Howerton, (503) 231-6749 or (202) 219-4066,  
[BJ.Howerton@bia.gov](mailto:BJ.Howerton@bia.gov)**

**City of Medford:**

VI. AGREEMENT TO PARTICIPATE IN THIS MOU

  
Bureau of Indian Affairs

8/13/2015  
Date

\_\_\_\_\_  
City of Medford

\_\_\_\_\_  
Date



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.6

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**DEPARTMENT:** Police Department  
**PHONE:** (541) 774-2222  
**STAFF CONTACT:** Tim George, Chief of Police

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** October 1, 2015

## COUNCIL BILL 2015-105

An ordinance authorizing the purchase of six new police patrol vehicles in the amount of \$193,691.86 from Wire Works, LLC.

### ISSUE STATEMENT & SUMMARY:

Approval of the ordinance will allow the Medford Police Department to purchase six new police patrol vehicles from Wire Works of Salem, OR. Wire Works delivers a "turn-key" patrol vehicle package that meets the standards of the Police Department's patrol division. As a result of this year's Request for Quotations (RFQ) process, Wire Works has submitted the lowest bid. This RFQ process gives the City the right to order again during fiscal year 2015/2016 from the successful respondent of the RFQ.

### BACKGROUND:

The Police Department has used a vendor to build its patrol cars since 2007. This allows the department to take delivery of a nearly complete Dodge Charger police package, which saves considerable staff time by eliminating the need to coordinate with multiple equipment vendors and installation shops. This opportunity was advertised and bids were accepted in a competitive RFQ process that was initiated by the City's Purchasing Department. The department maintains a fleet of thirty Dodge Chargers and on average purchases six new cars annually to keep high mileage cars rotated out.

#### A. Council Action History

Council has approved the purchase of a "turn-key" police package product since 2007. Auto Additions has won the bid since 2007. This is the first year that Wire Works has submitted the lowest bid.

#### B. Analysis

Bids were accepted in a competitive RFQ process that was initiated by the City's Purchasing Department. Two vendors submitted bids on this project.

The Police Department would like to proceed with the purchase of six new patrol vehicles that will replace older high mileage vehicles from the patrol fleet.

#### C. Financial and/or Resource Considerations

The department has budgeted \$193,691.86 in account number 001-3301-641-40-40, the police motive equipment account, for the purchase of these vehicles.

#### D. Timing Issues

None.

### STRATEGIC PLAN:

Theme; Safe Community

Goal 1: Ensure a safe community by protecting people, property and the environment.

This project supports the public safety vision of Medford as a vibrant, safe and enjoyable community or all citizens, including young people and seniors by ensuring that public safety employees are provided with necessary equipment to respond to emergency situations.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.6

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**COUNCIL OPTIONS:**

1. Approve the resolution allowing the department to purchase six patrol vehicles from Wire Works.
2. Deny the resolution.

**STAFF RECOMMENDATIONS:**

Staff recommends approval of the resolution.

**SUGGESTED MOTION:**

Move to adopt the resolution authorizing the purchase of six patrol cars from Wire Works.

**EXHIBITS:**

Ordinance  
Bid Quotations

ORDINANCE NO. 2015-105

AN ORDINANCE authorizing the purchase of six (6) new police patrol vehicles in the amount of \$193,691.86 from Wire Works, LLC.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That the purchase of six (6) new police patrol vehicles in the amount of \$193,691.86 from Wire Works, LLC, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

| <b>Auto Additions</b> | <b>Wire Works</b> |
|-----------------------|-------------------|
| \$194,541.38          | \$193,691.86      |
|                       |                   |

80.1

Capital  
Improvement  
Projects Update

**City of Medford – Capital Improvement Projects Update**  
**October 1, 2015**

**TABLE OF CONTENTS**

**Bond Projects**

| Project  | Page |
|--|------|
| BR0071 – Fire Station #2                         | 3    |
| BR0072 – Fire Station #3                         | 3    |
| BR0073 – Fire Station #4                         | 4    |
| PD0076 – Police Station                          | 4    |
| PD0077 – Police Station Secured Garage           | 5    |
| PR0056 - U.S. Cellular Community Park – Phase IV | 5    |

**General Fund Projects**

| Project   | Page |
|---|------|
| BR0064 – Annex Server Room HVAC                     | 6    |
| BR0068 – City Hall Electrical Modifications         | 6    |
| BR0074 – Fire Station #5 Renovations                | 6    |
| BR0075 – Fire Station #6 Renovations                | 7    |
| BR0084 – N. Riverside Parking Lot (Dev. Services)   | 7    |
| BR0086 – Fire Station #4 Temporary Bay              | 8    |
| BR0088 – City Hall Skylight Replacement             | 8    |
| BR0089 – Citywide Flag Pole Lighting                | 8    |
| BR0090 – Electrical for Service Center Modular      | 9    |
| BR0091 – Annex Actuator Replacement                 | 9    |
| BR0092 – Jackson Aquatic Center Roof & Vacuum       | 9    |
| BR0093 – Citywide Panic Button Installation         | 10   |
| BR0094 – Service Center Building “B” Roof           | 10   |
| BR0095 – Record Retention Storage Racks             | 10   |
| BR0096 – Citywide Pigeon Abatement                  | 10   |
| BR0097 – City Hall Sump Pump                        | 11   |
| BR0098 – Police Property Control HVAC               | 11   |
| BR0099 – Service Center Building “B” HVAC           | 11   |
| BR0101 – Santo Center Paint & Landscape             | 12   |
| BR0102 – Service Center Isolation Valve             | 12   |
| BR0103 – Service Center UPS                         | 12   |
| BR0104 - Service Center Building “B” Exterior Paint | 12   |
| BR0105 – Eyewash Equipment Upgrade                  | 13   |
| BR0106 – Hanley Voter Building Foundation           | 13   |
| BR0107 – Property Impound Lot Resurface & Flooring  | 13   |
| BR0108 – Citywide Space Needs Assessment            | 13   |
| BR0109 – City Hall Remodel Design                   | 14   |
| PR0061 – Pedestrian/Bike Path Renovations           | 14   |

| <b>Project</b>                                | <b>Page</b> |
|---|-------------|
| PR0093 – Neighborhood Street Tree Program     | 14          |
| PR0094 – Hilfiker Wall Replacement            | 15          |
| PR0105 – Hawthorne Park                       | 15          |
| PR0107 – Prescott Park Upper Road Maintenance | 16          |
| PR0108 – Bear Creek Park Dump Area Clean-up   | 16          |
| PR0109 – Holmes Park Tennis Court Renovation  | 16          |
| PR0110 – Toro Sentinel Irrigation Control     | 17          |
| Completed General Fund Projects               | 17          |

### **Park Dedication Fund Projects**

| <b>Project</b>                              | <b>Page</b> |
|---|-------------|
| PR0004 – Howard Park Master Plan            | 18          |
| PR0007 – Kennedy Park                       | 18          |
| PR0012 – Donahue-Frohnmayr Master Plan      | 19          |
| PR0022 – Leisure Services Plan Update       | 19          |
| PR0069 – Prescott Park                      | 20          |
| PR0073 – Playground Development/Replacement | 20          |
| PR0076 – Chrissy Park                       | 20          |
| PR0079 – Trail & Pathway Development        | 21          |
| PR0080 – Oregon Hills Park                  | 21          |
| PR0092 – Aquatic Facilities                 | 22          |
| PR0095 – SE Area Plan                       | 22          |
| PR0096 – Cedar Links Park                   | 22          |
| Completed Park Dedication Fund Projects     | 23          |

### **Community Park Reserve Fund Projects**

| <b>Project</b>                  | <b>Page</b> |
|---------------------------------|-------------|
| PR0111 – USCCP Turf Replacement | 23          |

### **Cemetery Fund Projects**

| <b>Project</b>                              | <b>Page</b> |
|---|-------------|
| PR0085 – IOOF/Eastwood Cemetery Road Repair | 23          |

### **Public Works Fund Projects**

| <b>Project</b>                                 | <b>Page</b> |
|--|-------------|
| MF1605 – Service Center Building “A” Restroom  | 23          |
| MF1606 – Service Center Parking Lot            | 24          |
| MF1608 – Service Center Building “J” Expansion | 24          |

## **Bond Projects:**

### **BR0071 – Fire Station #2 (5-86)**

Project Goal: Construction of a new Fire Station #2.

#### **Recent Project Milestones:**

- July 14 - Project out for bid.
- August 11 - Project bid close.
- August 26 – Project GMP.
- September 9 – Groundbreaking on hold.
- September 17 – GMP Rejected.

#### **Upcoming Project Milestones:**

- October 1 – Contract to Council for architect amendment to redesign VE items on fire stations.
- Redesign phase.
- SPAC, plan review, permitting.
- Rebidding revised station drawings.
- GMP and construction.

|                   |             |
|-------------------|-------------|
| Funds Budgeted    | \$2,700,000 |
| Funds Expended    | (\$9,945)   |
| Encumbrances      | (\$65,410)  |
| Balance Remaining | \$2,624,645 |

### **BR0072 – Fire Station #3 (5-87)**

Project Goal: Construction of a new Fire Station #3.

#### **Recent Project Milestones:**

- July 14 - Project out for bid.
- August 11 - Project bid close.
- August 26 – Project GMP.
- September 9 – Groundbreaking on hold.
- September 17 – GMP Rejected.

#### **Upcoming Project Milestones:**

- October 1 – Contract to Council for architect amendment to redesign VE items on fire stations.
- Redesign phase.
- SPAC, plan review, permitting.
- Rebidding revised station drawings.
- GMP and construction.

|                   |             |
|-------------------|-------------|
| Funds Budgeted    | \$3,500,000 |
| Funds Expended    | (\$13,215)  |
| Encumbrances      | (\$109,110) |
| Balance Remaining | \$3,377,675 |

**BR0073 – Fire Station #4 (5-88)**

Project Goal: Construction of a new Fire Station #4.

Recent Project Milestones:

- July 14 - Project out for bid.
- August 11 - Project bid close.
- August 26 – Project GMP.
- September 9 – Groundbreaking on hold.
- September 17 – GMP Rejected.

Upcoming Project Milestones:

- October 1 – Contract to Council for architect amendment to redesign VE items on fire stations.
- Redesign phase.
- SPAC, plan review, permitting.
- Rebidding revised station drawings.
- GMP and construction.

|                   |             |
|-------------------|-------------|
| Funds Budgeted    | \$3,500,000 |
| Funds Expended    | (\$16,549)  |
| Encumbrances      | (\$126,272) |
| Balance Remaining | \$3,357,179 |

**PD0076 – Police Station (5-90)**

Project Goal: Construction of a new police department facility with associated secure parking and storage areas.

Recent Project Milestones:

- July 17 – Final work package out for bid.
- August 18 – Final work package bid close.
- August 26 – Total project GMP.
- September 17 – Revised GMP moved to second reading.

Upcoming Project Milestones:

- October 1 – Revised GMP to Council.
- October 2015 – Pending Council approval, final construction phase scheduled to begin.

|                   |               |
|-------------------|---------------|
| Funds Budgeted    | \$12,500,000  |
| Funds Expended    | (\$1,627,802) |
| Encumbrances      | (\$1,442,896) |
| Balance Remaining | \$9,429,302   |

**PD0077 – Police Station Secured Garage (5-91)**

Project Goal: Construction of a new police department facility with attached secure parking and storage areas.

Recent Project Milestones:

- July 17 – Final work package out for bid.
- August 18 – Final work package bid close.
- August 26 – Total project GMP.
- September 17 – Revised GMP moved to second reading.

Upcoming Project Milestones:

- October 1 – Revised GMP to Council.
- October 2015 – Pending Council approval, final construction phase scheduled to begin.

|                   |             |
|-------------------|-------------|
| Funds Budgeted    | \$6,000,000 |
| Funds Expended    | (\$859,604) |
| Encumbrances      | (\$720,092) |
| Balance Remaining | \$4,420,304 |

**PR0056 - U.S. Cellular Community Park – Phase IV (5-74)**

Project Goal: The completion of three additional playing fields along with associated parking and infrastructure as described in the approved master plan.

Project Assigned to: Pete Young & Brian Sjothun

Upcoming Project Milestones:

- Add water supply for volunteer’s riparian restoration plantings.
- Final warrantee inspection September of 2015.

Upcoming Project Milestones:

- Add water supply for volunteer’s riparian restoration plantings.
- Final warrantee inspection September of 2015.

|                   |            |
|-------------------|------------|
| Funds Budgeted    | \$400,000  |
| Funds Expended    | (\$4,654)  |
| Encumbrances      | (\$32,943) |
| Balance Remaining | \$362,403  |

**General Fund Projects:**

**BR0064 – Annex Server Room HVAC (5-34)**

Project Goal: This project will add one (1) additional HVAC system for the Lausmann Annex Server Room 215 on 2<sup>nd</sup> Floor.

**Project Start: April 2016**

**Anticipated Completion: June 2016**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$16,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$16,000 |

**BR0068 – City Hall Electrical Modifications (5-35)**

Project Goal: To provide general electrical modifications to departments requiring space upgrades

**Project Start: July-September 2015**

**Anticipated Completion: June 2017**

Upcoming Project Milestones:

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$10,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$10,000 |

**BR0074 – Fire Station #5 (5-36)**

Project Goal: Provide renovations to Fire Station 5 building in order to address multiple maintenance items necessary for operational sustainability.

**Project Start: Carry-Forward from 2013/15**

**Anticipated Completion: June 2016**

Recent Project Milestones:

- Project carried forward to the 2015/17 biennium.

Upcoming Project Milestones:

- 2016 QTR1 – Bid project elements.
- 2016 QTR1 – Award contract.
- 2016 QTR 2 – Project Completion

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$25,000 |
| Funds Expended    | (\$396)  |
| Encumbrances      | (\$894)  |
| Balance Remaining | \$23,710 |

**BR0075 – Fire Station #6 (5-40)**

Project Goal: Provide renovations to Fire Station 6 building in order to address multiple maintenance items necessary for operational sustainability.

**Project Start: Carry-Forward from 2013/15**

**Anticipated Completion: June 2016**

Recent Project Milestones:

- Project carried forward to the 2015/17 biennium.

Upcoming Project Milestones:

- 2016 QTR1 – Bid project elements.
- 2016 QTR1 – Award contract.
- 2016 QTR 2 – Project Completion

|                   |            |
|-------------------|------------|
| Funds Budgeted    | \$390,000  |
| Funds Expended    | (\$6,204)  |
| Encumbrances      | (\$14,006) |
| Balance Remaining | \$369,790  |

**BR0084 – Riverside North Parking Lot – (Development Services) (5-93)**

Project Goal: This project is for the construction of a new parking lot to increase parking in downtown.

**Project Start: Carry-Forward from 2013/15**

**Anticipated Completion: January 2016**

Recent Project Milestones:

- June 30, 2015 – Bid opening.
- August 6, 2015 – Council awards bid to Knife River Materials.
- August 6, 2015 – Council added \$620,000 to project balance.

Upcoming Project Milestones:

- September 28 – Mobilization, begin Construction.
- January 31 – Scheduled Completion.

|                   |             |
|-------------------|-------------|
| Funds Budgeted    | \$963,750   |
| Funds Expended    | (\$6,151)   |
| Encumbrances      | (\$868,968) |
| Balance Remaining | \$88,631    |

**BR0086 – Fire Station #4 Temporary Bay (5-38)**

Project Goal: Construction of a metal facility to house fire trucks and equipment during the construction of a new Fire Station #4. Facility will be utilized as a logistic center after construction is complete for the new station.

**Project Start: Carry-Forward from 2013/15**

**Anticipated Completion: December 2015**

Recent Project Milestones:

- June 2015 – Construction began.
- August 2015 - Apparatus building completed.
- August 20<sup>th</sup> – Fire Department move complete.

Upcoming Project Milestones:

- October – During the Supplemental Budget process, the Carry Forward to the current fiscal year will be adjusted to reflect dollars not spent, but not requested to be carried forward during the budget process.

|                   |             |
|-------------------|-------------|
| Funds Budgeted    | \$37,500    |
| Funds Expended    | (\$183,393) |
| Encumbrances      | (\$0)       |
| Balance Remaining | (\$145,893) |

**BR0088 – City Hall Skylight Replacement (5-39)**

Project Goal: Replace existing skylight on the roof of City Hall above Council Chambers.

**Project Start: April 2017**

**Anticipated Completion: June 2017**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$25,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$25,000 |

**BR0089 – Citywide Flag Pole Lighting (5-40)**

Project Goal: This project is to install flag pole lighting at these locations: City Hall, Santo Community Center, Service Center, U.S. Cellular Community Park and Veterans Park.

**Project Start: April 2016**

**Anticipated Completion: June 2016**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$36,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$36,000 |

**BR0090 – Electrical Service Installation for Modular Building (5-41)**

Project Goal: Project is to provide electrical service to the Parks and Recreation Department modular building that is located within the Service Center.

**Project Start: April 2016**

**Anticipated Completion: June 2016**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$18,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$18,000 |

**BR0091 – Lausmann Annex Actuator Replacement (5-42)**

Project Goal: This project is to provide for the replacement of the Lausmann Annex HVAC Water Valve Actuator.

**Project Start: April 2016**

**Anticipated Completion: June 2016**

|                   |         |
|-------------------|---------|
| Funds Budgeted    | \$5,000 |
| Funds Expended    | (\$0)   |
| Encumbrances      | (\$0)   |
| Balance Remaining | \$5,000 |

**BR0092 – Jackson Aquatic Center Vacuum Tank & Roof Replacement (5-43)**

Project Goal: This project will replace the filter tank and roof at the Jackson Aquatic Center.

**Project Start: October 2015**

**Anticipated Completion: June 2016**

Upcoming Project Milestones:

- September 2015 – Structural design tank and produce bidding documents.
- October 2015 – Award contract and begin tank replacement.
- May 2016 – Roof Replacement

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$36,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$36,000 |

**BR0093 – Citywide Panic Button Installation (5-44)**

Project Goal: The purpose is to install new panic buttons and replace existing buttons to a system compatible with the new city security systems.

**Project Start: July-September 2015**

**Anticipated Completion: December 2015**

Upcoming Project Milestones:

- October 30, 2015 - Complete Santo Community Center and Lausmann Annex.
- December 2015 – Complete upgrade of existing system.

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$30,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$30,000 |

**BR0094 – Service Center Building “B” Roof Replacement (5-45)**

Project Goal: This project is to replace the roof for building “B” at the Service Center.

**Project Start: April 2016**

**Anticipated Completion: June 2016**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$75,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$75,000 |

**BR0095 – Record Retention Storage Racks (5-46)**

Project Goal: This project will install permanent storage racks within the departments modular storage facility located at the Service Center.

**Project Start: January-April 2017**

**Anticipated Completion: June 2017**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$36,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$36,000 |

**BR0096 – Citywide Pigeon Pest Abatement (5-47)**

Project Goal: This project will provide for the abatement of pigeons at various City facilities.

**Project Start: January-April 2016**

**Anticipated Completion: June 2017**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$50,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$50,000 |

**BR0097 – City Hall Sump Pump Upgrade (5-48)**

Project Goal: The purpose is to replace existing storm water sump pump controls located at City Hall.

**Project Start: April 2017**

**Anticipated Completion: June 2017**

|                   |         |
|-------------------|---------|
| Funds Budgeted    | \$6,500 |
| Funds Expended    | (\$0)   |
| Encumbrances      | (\$0)   |
| Balance Remaining | \$6,500 |

**BR0098 – Police Service Center Building “A” HVAC Replacement (5-49)**

Project Goal: To install a replacement to the current HVAC system within Police Property Control.

**Project Start: April 2017**

**Anticipated Completion: June 2017**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$20,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$20,000 |

**BR0099 – Service Center Building “B” HVAC Upgrade (5-50)**

Project Goal: This project will install a replacement HVAC system at the Service Center Building “B”.

**Project Start: April 2017**

**Anticipated Completion: June 2017**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$14,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$14,000 |

**BR0101 – Santo Community Center Paint & Landscape** (5-51)

Project Goal: The Santo Community Center is a high traffic structure and is in need of new paint throughout. Additionally, there are modifications and landscape changes that are needed to complete the courtyard area.

**Project Start: January-March 2016**

**Anticipated Completion: June 2017**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$99,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$99,000 |

**BR0102 – Service Center Isolation Valve Replacement** (5-52)

Project Goal: This project will replace the water isolation valves within Service Center Building “A”.

**Project Start: January-March 2017**

**Anticipated Completion: June 2017**

|                   |         |
|-------------------|---------|
| Funds Budgeted    | \$5,000 |
| Funds Expended    | (\$0)   |
| Encumbrances      | (\$0)   |
| Balance Remaining | \$5,000 |

**BR0103 – Service Center Uninterrupted Power Supply (UPS)** (5-53)

Project Goal: The UPS system is a backup for the City’s technological infrastructure. Currently, it is antiquated and in need of an upgrade in order to protect vital information.

**Project Start: April 2016**

**Anticipated Completion: June 2016**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$25,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$25,000 |

**BR0104 – Service Center Building “B” Exterior Paint** (5-54)

Project Goal: This project will provide for new exterior paint throughout Service Center Building “B”.

**Project Start: January-March 2016**

**Anticipated Completion: June 2017**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$36,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$36,000 |

**BR0105 – Eyewash Equipment Upgrade (5-55)**

Project Goal: This project is to install upgraded eyewash equipment within the Service Center.

**Project Start: April 2016**

**Anticipated Completion: June 2016**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$10,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$10,000 |

**BR0106 – Hanley Voter Building Foundation Repair (5-56)**

Project Goal: This project would provide foundation repairs to the Hanley Voter Building, which is a repeater building for Fire & Police communications.

**Project Start: April 2017**

**Anticipated Completion: June 2017**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$25,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$25,000 |

**BR0107 – Property Impound Lot Resurface and Flooring (5-57)**

Project Goal: This project will resurface the impound lot and replace the flooring within in the Police Property Control offices.

**Project Start: January-March 2016**

**Anticipated Completion: June 2016**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$75,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$75,000 |

**BR0108 – Citywide Space Needs Assessment and Design (5-58)**

Project Goal: The project is to provide a space needs assessment for City Hall, Lausmann Annex, Santo Community Center, Service Center, and the Carnegie Building. The project is to also provide a set of construction documents for the renovation of City Hall after the Medford Police Department moves into the new police station.

**Project Start: October-December 2015**

**Anticipated Completion: June 2017**

Upcoming Project Milestones:

- Architect RFQ development.
- Contract Award

|                   |           |
|-------------------|-----------|
| Funds Budgeted    | \$160,000 |
| Funds Expended    | (\$0)     |
| Encumbrances      | (\$0)     |
| Balance Remaining | \$160,000 |

**BR0109 – City Hall Remodel Design (5-59)**

Project Goal: This project will complete construction documents and cost estimates for the space vacated by Medford Police Department within City Hall.

**Project Start: January-March 2016**

**Anticipated Completion: September 2016**

|                   |           |
|-------------------|-----------|
| Funds Budgeted    | \$100,000 |
| Funds Expended    | (\$0)     |
| Encumbrances      | (\$0)     |
| Balance Remaining | \$100,000 |

**PR0061 – Pedestrian/Bicycle Path Renovation (5-60)**

Project Goal: This project is to repair/replace damaged sections of City owned pathways.

Project Assigned to: Tim Stevens

**Project Start: April 2016**

**Anticipated Completion: June 2016**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$60,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$60,000 |

**PR0093 – Neighborhood Street Tree Program (5-61)**

Project Goal: A partnership with residents for the installation and care of street trees in identified neighborhoods.

Project Assigned to: Adam Airoidi

**Project Start: July-September 2015**

**Anticipated Completion: June 2017**

Upcoming Project Milestones:

- August 11 – Tree committee begins logistical planning and public outreach for plantings beginning in the late fall of 2015.

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$20,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$20,000 |

**PR0094 – Hilfiker Wall Replacement (5-62)**

Project Goal: Continue with restoration necessary to the Hilfiker wall located just south of U.S. Cellular Community Park, along the Bear Creek Greenway.

Project Assigned to: Pete Young

Project Start: Carry-Forward from 2013/15

Anticipated Completion: June 2017

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$10,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$10,000 |

**PR0105 – Hawthorne Park (5-63)**

Project Goal: Implementation of master plan items in order to rehabilitate Hawthorne Park.

Project Assigned to: Pete Young

Project Start: Carry-Forward from 2013/15

Anticipated Completion: September 2015

Recent Project Milestones:

- September 11, 2015- Completed storm water, concrete and paving in the right of way.
- September 9, 2015- Concrete curbs and base rock 90% installed in parking lot.
- September 4, 2015- Asphalt paths and path lighting is complete.
- September 11, 2015- Irrigation system 90% complete.
- September 11, 2015- Water play plumbing system is 80% complete and waiting for one critical part from the manufacturer.
- September 3, 2015- Restroom has passed final plumbing and electrical inspections.

Upcoming Project Milestones:

- September 14-21 - Concrete slab to be installed in splash pad area.
- September 14-28 – Parking lot to be completed.
- October-November – Supplemental budget to adjust funds from previous biennium required to balance the project accounting.

|                   |             |
|-------------------|-------------|
| Funds Budgeted    | \$200,000   |
| Funds Expended    | (\$406,442) |
| Encumbrances      | (\$720,311) |
| Balance Remaining | (\$926,753) |

**PR0107 – Grade & Rock Upper Road to Prescott Park Towers (5-64)**

Project Goal: This project is to provide for improvements to the upper road sections within Prescott Park and connects to the public safety tower.

**Project Start: April 2016**

**Anticipated Completion: June 2016**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$35,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$35,000 |

**PR0108 – Bear Creek Park Dump Area Clean-up (5-65)**

Project Goal: The project is to reorganize dump area to create sustainable dump area utilizing bin disposal of wood waste and lawn debris.

Project Assigned to: Tim Stevens & Brian Robinson

**Project Start: October-December 2015**

**Anticipated Completion: June 2016**

Upcoming Project Milestones:

- **October 2015 – Establish open contract with Biomass remove woody waste.**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$50,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$50,000 |

**PR0109 – Holmes Park Tennis Court Renovation (5-66)**

Project Goal: This project will rebuild and resurface two (2) tennis courts at Holmes Park.

Project Assigned to: Tim Stevens & Brian Robinson

**Project Start: July-September 2015**

**Anticipated Completion: June 2016**

Recent Project Milestones:

- August 17, 2015 – Bid advertised.
- September 2, 2015 – Bidding closed.

Upcoming Project Milestones:

- September 17, 2015 - Contract before Council for consideration of award.
- September 23, 2015 – Preconstruction meeting.
- September 28, 2015 – Project scheduled to begin and dependent upon weather.

|                   |           |
|-------------------|-----------|
| Funds Budgeted    | \$260,000 |
| Funds Expended    | (\$3,835) |
| Encumbrances      | (\$0)     |
| Balance Remaining | \$256,165 |

**PR0110 – Toro Sentinel Central Irrigation Control (5-67)**

Project Goal: This project is to standardize all City of Medford parks to the Toro Sentinel Central Irrigation Control system.

Project Assigned to: Brian Robinson

Project Start: January-March 2017

Anticipated Completion: June 2017

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$50,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$50,000 |

**Completed General Fund Projects:**

| Project # | Project | Completed | Budget | Actual | Savings |
|-----------|---------|-----------|--------|--------|---------|
|           |         |           |        |        |         |
|           |         |           |        |        |         |

## **Park Dedication Fund Projects:**

### **PR0004 – Howard Park Master Plan (5-70)**

Project Goal: Develop an update to the master plan for this neighborhood park. The master plan is to reflect changes in recreational amenities for neighborhood parks and to place improvements to the update in the future Six-Year Capital Improvement Project List.

Project Assigned to: Brian Sjothun & Pete Young

Project Start: August 31, 2015

Anticipated Completion: June 2016

#### **Recent Project Milestones:**

- August 27, 2015 – Project kick-off meeting with John Galbraith and Associates.

#### **Upcoming Project Milestones:**

- September 21, 2015 – Meeting with Howard Elementary staff scheduled.
- September 22, 2015 – First meeting with Parks and Recreation Commission scheduled.
- October 5, 2015 – First community master plan meeting scheduled.

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$30,000 |
| Funds Expended    | (\$228)  |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$29,772 |

### **PR0007 – Kennedy Park Improvements (5-71)**

Project Goal: Complete improvements for this neighborhood park per the approved master plan.

Project Assigned to: Pete Young

Project Start: July-September 2015

Anticipated Completion: September 2016

#### **Recent Project Milestones:**

#### **Upcoming Project Milestones:**

|                   |            |
|-------------------|------------|
| Funds Budgeted    | \$515,000  |
| Funds Expended    | (\$0)      |
| Encumbrances      | (\$12,245) |
| Balance Remaining | \$502,755  |

**PR0012 – Donahue-Frohn Mayer Park Master Plan (5-72)**

Project Goal: Develop an update to the master plan for this neighborhood park. The master plan is to reflect changes in recreational amenities for neighborhood parks as well as incorporate the 3-acres of property received by Jackson County Housing Authority. Once completed, place improvements to the update in the future Six-Year Capital Improvement Project List.

Project Assigned to: Brian Sjothun & Pete Young

Project Start: August 31, 2015

Anticipated Completion: June 2016

Recent Project Milestones:

- August 27, 2015 – Project kick-off meeting with John Galbraith and Associates.

Upcoming Project Milestones:

- September 22, 2015 – First meeting with Parks and Recreation Commission scheduled.
- October 6, 2015 – First community master plan meeting scheduled.

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$30,000 |
| Funds Expended    | (\$228)  |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$29,772 |

**PR0022 – Leisure Services Plan Update (5-73)**

Project Goal: To complete an update to the department’s Leisure Services Plan and Park System Development Charge Methodology.

Project Assigned to: Brian Sjothun & Pete Young

Project Start: September 10, 2015

Anticipated Completion: June 2016

Recent Project Milestones:

- August 18, 2015 – Three proposals received through RFP process.
- August 28, 2015 – Scoring committee rated all three proposals.
- August 31, 2015 – Intent to award contact was sent to Conservation Technix.
- September 10, 2015 – Project began with conference call to consultant.

Upcoming Project Milestones:

- September 2015 – Development of project timeline.
- September 30, 2015 – First meetings between consultant and City team.
- October 2015 – Community input process to begin.

|                   |           |
|-------------------|-----------|
| Funds Budgeted    | \$100,000 |
| Funds Expended    | (\$0)     |
| Encumbrances      | (\$0)     |
| Balance Remaining | \$100,000 |

**PR0069 – Prescott Park (5-75)**

Project Goal: Continue with the implementation of the master plan that was approved in January 2009. Funding will be used to obtain proper land-use approvals, design and construction of multi-use trails.

Project Assigned to: Brian Sjothun & Pete Young

Project Start: Carry-Forward from 2013/15

Anticipated Completion: September 2016

Recent Project Milestones:

Upcoming Project Milestones:

- On-Going – Fundraising for construction by Rogue Valley Mountain Bike Association.
- On-Going – Development of maintenance agreement with Rogue Valley Mountain Bike Association to be completed.
- September – Land-use hearing with Jackson County.

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$70,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$70,000 |

**PR0073 – Playground Replacement (5-76)**

Project Goal: To complete replacement and renovation of playground at Jackson Park.

Project Assigned to: Tim Stevens & Brian Robinson

Project Start: August 17, 2015

Anticipated Completion: June 2016

Recent Project Milestones:

- September 10, 2015 – Environmental review complete.
- September 22, 2015 – Notice to proceed issued.

Upcoming Project Milestones:

- October – Selection of playground equipment.

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$80,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$80,000 |

**PR0076 - Chrissy Park (5-77)**

Project Goal: Begin development of the current Chrissy Park property as outlined in the community development master plan completed by staff and approved by the Parks & Recreation Commission in 2006.

Project Assigned to: Brian Sjothun

Project Start: Carry-Forward from 2013/15

Anticipated Completion: N/A

Upcoming Project Milestones:

- Funding is reserved for future construction of this park.
- Staff does not anticipate work on this project during the 2015-17 biennium.

|                   |           |
|-------------------|-----------|
| Funds Budgeted    | \$290,000 |
| Funds Expended    | (\$0)     |
| Encumbrances      | (\$0)     |
| Balance Remaining | \$290,000 |

**PR0079 – Trail & Pathway Development (5-78)**

Project Goal: Continue development of phases for trail development within current or to be constructed facilities as outlined by the Leisure Services Plan.

Project Assigned to: Pete Young & Brian Sjothun

Project Start: October 2015

Anticipated Completion: September 2016

Recent Project Milestones:

Upcoming Project Milestones:

- September – Land-use hearing with Jackson County.

|                   |           |
|-------------------|-----------|
| Funds Budgeted    | \$187,500 |
| Funds Expended    | (\$0)     |
| Encumbrances      | (\$0)     |
| Balance Remaining | \$187,500 |

**PR0080 – Oregon Hills Park (5-79)**

Project Goal: Continue with the implementation of the approved master plan for this East Medford park site, as outlined in the Leisure Services Plan.

Project Assigned to: Pete Young

Project Start: September 2015

Anticipated Completion: June 2017

Upcoming Project Milestones:

|                   |           |
|-------------------|-----------|
| Funds Budgeted    | \$615,000 |
| Funds Expended    | (\$56)    |
| Encumbrances      | (\$0)     |
| Balance Remaining | \$614,944 |

**PR0092 – Aquatic Facilities (5-81)**

Project Goal: To develop aquatic facilities as outlined in the Leisure Services Plan.

Project Assigned to: Brian Sjothun

Project Start: Carry-Forward from 2013/15                      Anticipated Completion: June 2017

Upcoming Project Milestones:

- Funding is reserved for future direction as recommended by the Parks & Recreation Commission.
- Staff does not anticipate work on this project during the 2015-17 biennium.

|                   |           |
|-------------------|-----------|
| Funds Budgeted    | \$106,800 |
| Funds Expended    | (\$0)     |
| Encumbrances      | (\$0)     |
| Balance Remaining | \$106,800 |

**PR0095 – SE Area Plan (5-82)**

Project Goal: To acquire land and develop parks and trails within the SE Area Plan.

Project Assigned to: Brian Sjothun

Project Start: September 2015                      Anticipated Completion: June 2017

Upcoming Project Milestones:

- Staff continues to work with developer on acquisition and construction of a future 3-acre park for this area.
- This is an on-going project, as all Park System Development Charges collected in this area must be spent in this area.

|                   |           |
|-------------------|-----------|
| Funds Budgeted    | \$400,000 |
| Funds Expended    | (\$0)     |
| Encumbrances      | (\$0)     |
| Balance Remaining | \$400,000 |

**PR0096 – Cedar Links Park (5-83)**

Project Goal: To begin development of the approved master plan for this neighborhood park.

Project Assigned to: Brian Sjothun

Project Start: Carry-Forward from 2013/15                      Anticipated Completion: N/A

Upcoming Project Milestones:

- Funding is reserved for future construction of this park.
- Staff currently does not anticipate work on this project during the 2015-17 biennium.

|                |         |
|----------------|---------|
| Funds Budgeted | \$5,000 |
| Funds Expended | (\$0)   |

|                   |         |
|-------------------|---------|
| Encumbrances      | (\$0)   |
| Balance Remaining | \$5,000 |

**Completed Park Dedication Fund Projects:**

| Project # | Project | Completed | Budget | Actual | Savings |
|-----------|---------|-----------|--------|--------|---------|
|           |         |           |        |        |         |
|           |         | Totals    |        |        |         |

**Community Park Reserve Fund Projects**

**PR0111 – U.S. Cellular Community Park Turf Replacement (5-84)**

Project Goal: To begin replacement of worn turf within high traffic areas of the playing fields.

Project Assigned to: Tim Stevens & Rich Rosenthal

Project Start: August 7, 2015

Anticipated Completion: June 2016

**Recent Project Milestones:**

- August 7, 2015 – Site visit by Field Turf completed.
- September 4, 2015 – Areas identified for replacement.

**Upcoming Project Milestones:**

- October – Agreement with Field Turf for replacement of identified areas.
- December – Work to begin.

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$50,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$50,000 |

**Cemetery Fund Projects**

**PR0085 – IOOF/Eastwood Cemetery Road Upgrade (5-80)**

Project Goal: The purpose is to provide renovation to the existing road structures within the IOOF/Eastwood Cemetery property.

Project Assigned to: Tim Stevens & Brian Robinson

Project Start: April 2016

Anticipated Completion: June 2016

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$30,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$30,000 |

**Public Works Fund Projects**

**MF1605 – Service Center Building “A” Restroom (8-52)**

Project Goal: Update restrooms at the Medford Service Center, building “A”. Install new sinks with auto on/off. Upgrade urinals & toilets to auto flushing. Upgrade lighting to auto on/off. Paint and floor tile.

**Project Start: January-March 2017**

**Anticipated Completion: June 2017**

|                   |          |
|-------------------|----------|
| Funds Budgeted    | \$40,000 |
| Funds Expended    | (\$0)    |
| Encumbrances      | (\$0)    |
| Balance Remaining | \$40,000 |

**MF1606 – Service Center Parking Lot Expansion & Detention Pond (8-52)**

Project Goal: Construct new visitor parking lot at the Service Center. New lot will be at the South end of existing building “A”.

**Project Start: January-March 2016**

**Anticipated Completion: June 2016**

|                   |           |
|-------------------|-----------|
| Funds Budgeted    | \$500,000 |
| Funds Expended    | (\$0)     |
| Encumbrances      | (\$0)     |
| Balance Remaining | \$500,000 |

**MF1608 – Service Center Building “J” Expansion (8-52)**

Project Goal: Expand building “J” to the West one and a half bays. Add on full bay width roll up doors on both ends for full pass through of equipment. Add half bay on South side for a workshop for sewer and storm crews.

**Project Start: January-March 2017**

**Anticipated Completion: June 2017**

|                   |           |
|-------------------|-----------|
| Funds Budgeted    | \$300,000 |
| Funds Expended    | (\$0)     |
| Encumbrances      | (\$0)     |
| Balance Remaining | \$300,000 |



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 120.1

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**DEPARTMENT:** Planning  
**PHONE:** 541-774-2380  
**STAFF CONTACT:** James E. Huber, AICP, Planning Director

**AGENDA SECTION:** Public Hearings  
**MEETING DATE:** October 1, 2015

## PUBLIC HEARING

CONTINUED. Consideration of a proposed Comprehensive Plan/Urban Growth Boundary Amendment affecting the General Land Use Plan (GLUP) map, the Medford Street Functional Classification Plan of the Transportation Element, and portions of the text of both the Urbanization and GLUP Elements.

## ISSUE STATEMENT & SUMMARY:

File number CP-14-114 is a proposed Comprehensive Plan/Urban Growth Boundary Amendment affecting the General Land Use Plan (GLUP) map, the Medford Street Functional Classification Plan of the Transportation Element, and portions of the text of both the Urbanization and GLUP Elements.

The proposed UGB amendment contains a total of nearly 3,800 acres of land, of which about 400 acres are either already developed or unbuildable, resulting in a total of almost 3,400 usable acres: 1,520 acres for future development and 1,877 acres for Prescott and Chrissy Parks. The developable acres consist of 884 acres for residential development and 636 acres for employment uses.

## BACKGROUND:

The process of expanding the City's UGB has been ongoing in some capacity for the past 10 years and staff has been actively working on the expansion proposal since the adoption of the Regional Plan in 2012. The Planning Commission held a hearing on staff's recommendation for expansion on March 12, 2015. The Commission then met with staff at an April 6, 2015 study session to work through issues related to the project before continuing deliberation on the matter at the May 14, 2015 meeting. At that meeting, the Commission passed the attached recommendation for UGB expansion on a 4-3 vote.

### A. Council Action History

Council approved UGBA Phase 1 (city file number CP-13-032) in December 2014, which intensified land uses for more than 500 acres of land within the existing UGB.

Council held hearings on this second phase on August 6, 13, and 20, 2015. The hearing was closed and the record was left open indefinitely.

### B. Analysis

UGBA Phase 1 allowed the City to meet a greater portion of its residential and employment land need for the next 20 years within its existing UGB, but more land is still needed to meet the overall demand. The City is limited to selecting from its identified Urban Reserve when choosing where to expand to meet the need. The Planning Commission used the boundary locational factors of statewide planning Goal 14 in selecting properties from the Urban Reserve to include in its recommendation for boundary expansion.

### C. Financial and/or Resource Considerations

Discussion of water, sewer, and transportation conditions is contained in the commission report.



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 120.1

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## **D. Timing Issues**

The Department of Land Conservation and Development (DLCD) has agreed that the City can continue to use the population figures from the Population Element of the Comprehensive Plan because the City had initiated the UGB amendment process prior to the adoption of the Portland State University (PSU) population figures. This agreement does not have a specific expiration date, but it could be argued that the City must use the new population numbers if the process is stopped, or restarted.

## **STRATEGIC PLAN:**

Theme: Healthy Economy

Goal 6: Maintain and enhance community livability

Action 6.2b: Maintain a current inventory of buildable residential land and periodically compare it to the needs identified in the Housing Element of the Comprehensive Plan.

Goal 7: Encourage a diverse economy

Objective 7.1: Ensure there is a long term supply of appropriately located and serviceable commercial and industrial land.

Theme: Quality Public Services

Goal 8: Provide recreational activities and opportunities to improve the lives of Medford residents.

Action 8.1b: Pursue the inclusion of Prescott and Chrissy Parks into the City's Urban Growth boundary.

Goal 9: Provide a safe, multi-modal, efficient and well planned transportation system.

Goal 10: Provide efficient and effective sewer and storm water services.

## **COUNCIL OPTIONS:**

1. Adopt the recommendation of the Planning Commission as amended by staff as indicated in the commission report dated July 21, 2015
2. Modify the recommendation of the Planning Commission

## **STAFF RECOMMENDATIONS:**

The Planning Commission recommended approval of the urban growth boundary amendment, as shown in "Exhibit A" of the commission report (minus the three additions from staff indicated in the commission report dated July 21, 2015), at their May 14, 2015 hearing by a 4-3 vote.

## **SUGGESTED MOTION:**

I move to adopt the comprehensive plan and urban growth boundary amendment included in the commission report dated July 21, 2015 and supplements to it, and to direct staff to prepare an ordinance for adoption at a later date.

## **EXHIBITS:**

None



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 120.2

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**DEPARTMENT:** Planning  
**PHONE:** 541-774-2380  
**STAFF CONTACT:** James E. Huber, AICP, Planning Director

**AGENDA SECTION:** Public Hearings  
**MEETING DATE:** October 1, 2015

## COUNCIL BILL 2015-104

An ordinance amending Sections 10.012 and 10.337 of the Medford Code and replacing Section 10.839 pertaining to marijuana products and related businesses effective November 1, 2015. (DCA-15-104)

## ISSUE STATEMENT & SUMMARY:

Consideration of an ordinance to regulate marijuana-related businesses and impose performance standards. (DCA-15-104).

## BACKGROUND:

### A. Council Action History

Council and Planning Commission held a joint study session on July 9, 2015 to lay out for staff time, place, and manner restrictions. The Council held a study session on August 27, 2015.

### B. Analysis

From the approach of normalizing a formerly illegal industry, the proposed regulations provide a clear basis for controlling the negative impacts. Those regulations can be augmented as experience brings unforeseen problems to light.

### C. Financial and/or Resource Considerations

No land use regulatory impacts to City funds anticipated.

### D. Timing Issues

The state provisions legalizing recreational marijuana became effective on June 30, 2015. Since then, the City has been making consistent progress toward legislation. To provide adequate time for training and preparation to implement the legislation, staff recommends an effective date of the ordinance of November 1, 2015.

## STRATEGIC PLAN:

Theme; Safe Community

Goal 1: Ensure a safe community by protecting people, property, and the environment.

## COUNCIL OPTIONS:

1. Approve the ordinance as recommended by the Planning Commission.
2. Modify the ordinance.
3. Deny the ordinance.

## STAFF RECOMMENDATIONS:

The Planning Commission recommends approval of the ordinance as presented. Staff recommends considering removal of the requirement to make retail a conditional use.

## SUGGESTED MOTION:

I move to approve the ordinance with an effective date of November 1, 2015, establishing regulations for marijuana-based businesses.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 120.2

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**EXHIBITS:**

Ordinance

Commission Report dated September 18, 2015

ORDINANCE NO. 2015-104

AN ORDINANCE amending Sections 10.012 and 10.337 of the Medford Code and replacing Section 10.839 pertaining to marijuana products and related businesses effective November 1, 2015.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 10.012 of the Medford Code is amended to read as follows:

10.012 Definitions, Specific.

When used in this chapter, the following terms shall have the meanings as herein ascribed:

\* \* \*

**Marijuana.** The plant *Cannabis*, family *Cannabaceae*, or any part or seed of the plant. The term does not include industrial hemp.

**Marijuana item.** The term includes marijuana, cannabinoid products, cannabinoid concentrates, and cannabinoid extracts.

**Marijuana-related businesses.** The various types of marijuana-related businesses are organized into the following categories:

**Production.** Planting, cultivating, growing, or harvesting marijuana; or drying marijuana leaves or flowers. The term excludes medical marijuana production as defined by state law.

**Processing.** The processing, compounding, or conversion of marijuana into cannabinoid products, cannabinoid concentrates, or cannabinoid extracts.

**Wholesale.** A wholesale operation that purchases marijuana items in this state for resale to a person other than consumer.

**Laboratory.** A state-licensed laboratory that tests marijuana items as required by state law.

**Dispensary.** A medical marijuana dispensary registered under ORS 475.314.

**Retail.** A business that sells marijuana items to a consumer in this state.

\* \* \*

SECTION 2. Section 10.337 of the Medford Code is amended to read as follows:

10.337 Uses Permitted in Commercial and Industrial Zoning Districts.

A. The uses allowed within each commercial and industrial zoning district are based on the Standard Industrial Classification (SIC) Manual, 1987 Edition. This chapter classifies uses by Industry Group Number (3 digits) of the SIC Manual. When necessary to resolve any ambiguity in defining a use classification as per this chapter the Industry Number (4 digit) classification contained in the SIC Manual shall be used as the acceptable reference source.

B. There are ~~two~~ **four** classifications in the following ~~list tables, however, which~~ **that** do not appear in the SIC Manual: ~~first is a separate classification which has been added at the beginning of the list entitled~~ "Business Offices," (001); **"Parks, Recreation, and Leisure Facilities"** (002); **"Marijuana-related businesses"** (003); and ~~second is the classification entitled~~ "Dwelling Units" (881). ~~For convenience,~~ "Dwelling Units" ~~is has been placed~~ in the Services group, but this is not intended to suggest any relationship to the SIC classification scheme. In this context the use classification "Dwelling Units"; includes housing types that are allowed in the MFR-30 zoning district.

C. All uses have been identified by zoning district as either permitted, permitted subject to special use standards, conditional, or not permitted.

"P" = Permitted Uses.

- Ps** = **Special Use (see Special Use Regulations).**  
**“C”** = Conditional uses —permitted subject to the approval of a Conditional Use Permit.  
**Cs** = **Conditional uses permitted subject to approval of a Conditional Use Permit and the applicable Special Use Regulations.**  
**“X”** = Uses specifically prohibited.  
**“\*”** = Permitted when within an EA overlay district.  
**“s”** = ~~Special Use\*~~  
**“nec”** = not elsewhere classified  
 \*(See Article V, 10.810, Special Use Regulations.)  
 \* \* \*

SIC      USE                                      ZONING DISTRICT

O. USES NOT CLASSIFIED. This major group includes uses not covered in the Standard Industrial Classification (SIC) Manual, 1987 Edition.

|             |                                      |                       | C-S/P     | C-N      | C-C       | C-R       | C-H       | I-L       | I-G       | I-H       |
|-------------|--------------------------------------|-----------------------|-----------|----------|-----------|-----------|-----------|-----------|-----------|-----------|
| * * *       |                                      |                       |           |          |           |           |           |           |           |           |
| <b>003</b>  | <b>Marijuana-related business</b>    |                       |           |          |           |           |           |           |           |           |
|             | <b>Type (as termed in State law)</b> | <b>SIC Equivalent</b> |           |          |           |           |           |           |           |           |
| <b>0031</b> | <b>Production</b>                    | <b>013</b>            | <b>x</b>  | <b>x</b> | <b>x</b>  | <b>x</b>  | <b>x</b>  | <b>Ps</b> | <b>Ps</b> | <b>Ps</b> |
| <b>0032</b> | <b>Processing</b>                    | <b>205-207</b>        | <b>x</b>  | <b>x</b> | <b>x</b>  | <b>x</b>  | <b>Ps</b> | <b>Ps</b> | <b>Ps</b> | <b>Ps</b> |
| <b>0033</b> | <b>Wholesale</b>                     | <b>512, 516, 519</b>  | <b>x</b>  | <b>x</b> | <b>x</b>  | <b>x</b>  | <b>Ps</b> | <b>Ps</b> | <b>Ps</b> | <b>Ps</b> |
| <b>0034</b> | <b>Laboratory</b>                    | <b>873</b>            | <b>Ps</b> | <b>X</b> | <b>Ps</b> | <b>Ps</b> | <b>Ps</b> | <b>Ps</b> | <b>x</b>  | <b>x</b>  |
| <b>0035</b> | <b>Dispensary</b>                    | <b>549, 591</b>       | <b>x</b>  | <b>x</b> | <b>Ps</b> | <b>Ps</b> | <b>Ps</b> | <b>x</b>  | <b>x</b>  | <b>x</b>  |
| <b>0036</b> | <b>Retail</b>                        | <b>549, 591</b>       | <b>x</b>  | <b>x</b> | <b>Cs</b> | <b>Cs</b> | <b>Cs</b> | <b>x</b>  | <b>x</b>  | <b>x</b>  |

See section 10.839 for special use regulations on marijuana-related businesses.  
 Use category 0036, Retail, will be conditionally permitted (Cs) until October 1, 2017, whereafter it will be permitted with special use regulations (Ps).  
 \* \* \*

///  
 ///

SECTION 3. Section 10.839 is replaced in the Medford Code to read as follows:

**10.839 Marijuana-related businesses.**

**A. General Provisions. The following provisions apply to any marijuana-related business.**

- (1) **All marijuana-related businesses will conduct operations inside secure, enclosed structures. No production, processing, storage, or sales may be conducted out of doors.**
- (2) **No marijuana-related business shall cause or allow an offensive odor of marijuana items to emanate from a structure or property.**
- (3) **No marijuana-related business shall permit trespass or glare from security or other lighting beyond its property line. In addition, lighting must be “full cutoff” according to Illuminating Engineering Society of North America (IES) definitions and standards.**
- (4) **The hazardous fence and wall provisions in Section 9.560 apply.**
- (5) **Marijuana items may not be displayed in a manner that is externally visible to the public.**
- (6) **All marijuana-related businesses shall be licensed by the state, and comply with all applicable state laws and regulations.**

**B. Processing**

- (1) **Processors using high-heat extraction methods are allowed only in the I-G and I-H zoning districts.**

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2015.

\_\_\_\_\_  
Mayor

NOTE: Matter in **bold** is new. Matter ~~struck through~~ 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.



## COMMISSION REPORT

to City Council for a Class-A legislative decision: **Development Code Amendment**

Project Regulation of marijuana-related businesses  
File no. DCA-15-104  
To Mayor and City Council *for 10/1/2015 hearing*  
From John Adam, Principal Planner  
Reviewer Bianca Petrou, Assistant Planning Director  
Date September 18, 2015

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### BACKGROUND

#### Proposal

A legislative amendment to regulate marijuana-related businesses. There are five categories in the industry regulated in State law: production (growing), processing, wholesale, testing, and retail.

#### History

The City Council decided to prepare for the legalization of marijuana production, processing, and retail sales in Oregon. Council and Planning Commission held a joint study session on 07-09-2015 to lay out for staff time, place, and manner restrictions. Legal and Planning staff worked together to develop regulations based on that direction. Planning Commission reviewed a draft of the regulations at its 07-27-2015 study session. The Council held a study session on 08-27-2015. Councilmember Corcoran wanted the odor-control requirement to apply to separate units in commercial buildings. Councilmember Stine thought that was a property owner or manager's role to regulate, not the City's. Councilmember Jackle wanted the uses to all be conditional.

The Planning Commission held a hearing on September 10, 2015. Staff had added potential text to address Mr. Corcoran's concerns, but the Planning Commission agreed with Mr. Stine's position on the issue and rejected the additional text.

The "definitions" section is modified from what the Planning Commission recommended based on input from Legal Department. Staff informed the Commission that there would be changes made to the definitions to bring them in line with State law; they were comfortable with that.

The Planning Commission debated whether to make one or more of these uses conditional. Staff outlined the reasons it believe argue against it (see Analysis below), but in the end the Commission decided to make retail uses conditional for the next two years, after which future uses would be permitted outright.

The Commission vote was 6–3 to recommend the staff-proposed amendment as modified by adding a two-year provision that retail uses would be conditional.

### Authority

This proposed plan authorization is a Class-A legislative amendment of Chapter 10 of the Municipal Code. The Planning Commission is authorized to recommend, and the City Council to approve, amendments to Chapter 10 under Medford Municipal Code §§10.102–122, 10.164, and 10.184.

### **ANALYSIS**

This is a unique situation as far as code amendments go; it is not often that a whole new industry springs into being. Staff approached this task as though the City had decided to regulate every step in the production, processing, testing, and sales of tomatoes and tomato products. That meant learning roughly what happens at each stage and applying the City Council’s and Planning Commission’s concerns to the issue. The standout features of this industry are pronounced odor and an increased theft motivation created by high prices and the cash-only nature of the business.

To categorize the marijuana-related uses in the same manner that all other commercial uses are categorized in Article III of Chapter 10, staff looked for equivalents in the Standard Industrial Classification (SIC) to determine which zoning districts these new uses should be permitted in. The only exception made in this step was to disallow retail, dispensary, and laboratory uses in the Neighborhood Commercial district, as was indicated by discussion at the joint study session.

Staff does not agree that marijuana-based businesses should be conditional uses. It would be an inefficient use of time and resources for staff and the Planning Commission to process such applications for the following reasons:

- The Commission is unlikely ever to find that “the development proposal is in the public interest” (§10.248(2)).
- In order to find that “the development proposal will cause no significant adverse impact on the livability, value, or appropriate development of abutting property” (§10.248(1)), the Commission will each time have to impose mitigating controls to prevent adverse impacts.

- If the negative externalities are known and mitigating controls can be developed and codified, it is pointless to go through the CUP process.

### **RECOMMENDATION**

The Planning Commission recommends adopting the proposed amendment based on the analyses, findings, and conclusions in the Commission Report dated September 18, 2015, including Exhibits A through E.

### **EXHIBITS**

- A Findings and Conclusions
- B Minutes, City Council/Planning Commission joint study session, 7-9-2015
- C Minutes, Planning Commission study session, 7-27-2015
- D Minutes, City Council study session, 8-27-2015
- E Minutes, Planning Commission hearing, 9-10-2015

**CITY COUNCIL AGENDA:** October 1, 2015

# Exhibit A

## Findings and Conclusions

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The criteria that apply to code amendments are in Medford Municipal Code §10.184(2). The criteria are rendered in italics; findings and conclusions in roman type.

*Land Development Code Amendment. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:*

*10.184 (2) (a). Explanation of the public benefit of the amendment.*

### Findings

There are negative externalities associated with marijuana products: strong odors, the temptation for theft, and degradation of community health, safety, and morals. Odors can be controlled mechanically, just as is done for other odiferous industries. Security measures employed by businesses can be controlled so they are not a nuisance to the community. The display of products can be restricted so that the general public is not impacted.

### Conclusions

In the absence of choice for the community, the City has the power to lessen negative impacts through careful regulation of the marijuana industry.

*10.184 (2) (b). The justification for the amendment with respect to the following [five] factors:*

*1. Conformity with applicable Statewide Planning Goals and Guidelines.*

### Findings

The City has an acknowledged comprehensive plan that implements the Goals. Conformity with the Comprehensive Plan is examined and established under criterion 10.184(2)(b)(2).

### Conclusions

Based on conformity with the Comprehensive Plan, the amendment conforms with the Statewide Planning Goals and Guidelines.

*2. Conformity with goals and policies of the Comprehensive Plan considered relevant to the decision.*

### Findings

The following goals, policies, and implementation measures are from the Economy Element.

*Goal: To actively stimulate economic development and growth that will provide opportunities to diversify and strengthen the mix of economic activity in the City of Medford.*

*Policy 1-1: The City of Medford shall strengthen its role as the financial, medical, tourist, governmental, and business hub of Southern Oregon and shall build on its comparative advantages in the local and regional marketplace.*

*Implementation 1-1(c): Provide incentives for businesses that produce value-added products to expand or locate in the community.*

*Implementation 1-1(f): Provide incentives for entrepreneurial small businesses to start up and/or expand in the City.*

#### Conclusions

The City Council may not have envisioned marijuana when it adopted the Economy Element, but the related business activities do fit within the goal of promoting economic growth.

3. *Comments from applicable referral agencies regarding applicable statutes or regulations.*

#### Findings

No comments were received.

#### Conclusions

This criterion does not apply.

4. *Public comments.*

#### Findings

No comments were received before publication of the staff report.

#### Conclusions

This criterion does not apply.

5. *Applicable governmental agreements.*

#### Findings

Staff could find no agreement that is related to how the City elects to regulate businesses within its jurisdiction.

#### Conclusions

This criterion does not apply.

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## Exhibit B

### Minutes, CC/PC joint study session 7-9-2015

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Thursday, July 9, 2015

12:00 p.m.

Carnegie Building

Medford, Oregon

The joint meeting of the Medford City Council and Planning Commission was called to order at 12:00 pm in the Carnegie Building on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearson, Daniel Bunn, Dick Gordon, Tim Jackle, Eli Matthews, Kevin Stine, Michael Zarosinski

City Manager Pro Tem Bill Hoke; Acting City Attorney Kevin McConnell; Deputy City Recorder Karen Spoons

Councilmember absent: Chris Corcoran

Planning Commissioners Tim D'Alessandro, Joe Foley, Bill Mansfield, David McFadden, Mark McKechnie, Jared Pulver, Patrick Miranda (Patrick Miranda arrived at 12:15 pm)

Planning Commissioner absent: Norman Fincher

City Manager Pro Tem Bill Hoke stated that it was Council's desire to meet with the Planning Commission to discuss the time, place and manner, relative to the marijuana laws that have been passed recently, and how we deal with this within the city limits of Medford. Where, how, when and why and since it does involve land use type items and questions that arise Council felt that it would be important to have the joint session with the Planning Commission to get the discussion started since we are going to be depending quite a bit on Planning Commission's input on the time, place and manner for these issues as they come forward.

Mayor Wheeler requested planning staff input. Acting Deputy City Attorney Kevin McConnell stated that Council was to direct the Planning Commission to start the process for time, place and manner restrictions for all marijuana licensees, which includes the Measure 91 retail licensees and the Oregon Medical Marijuana Act licensees. A summary on HB 3400 was provided and included information on where they can be located in a city. He provided an example of the 1,000 foot rule. Mayor Wheeler thought

this was a great place to start with the Planning Commission. Mr. McConnell stated that the State has the public safety area taken care of, so the issue will be where the City wants them located if they lift the moratorium.

Councilmember Stine did not want a regulation of where they should be located as it tells you where it can't be within HB 3400. Mr. McConnell provided an example from another city in Oregon, such as near a drug store. Councilmember Bearnson questioned the locations of the drug stores. Councilmember Bunn stated that it does not fit well around certain businesses and we currently do regulate other businesses. It should not be different from other businesses. Councilmember Bunn thought that Community Commercial, Regional Commercial and Heavy Commercial would be a good location and it does not make sense in Neighborhood Commercial or CSP. Councilmember Stine further questioned locations of businesses. Councilmember Jackle agreed with Councilmember Bunn and thought there would be less marijuana dispensaries which may impact the location of the business.

Commissioner D'Alessandro noted that OLCC does limit the number of liquor stores in an area and this should be somewhat similar to that on the recreational side based on the process they need to go through. Commissioner Pulver had not heard if that would pertain to this situation. Mr. McConnell provided information on the differences between the marijuana businesses. HB 3400 does allow OLCC to segregate these premises in a separate area, but that's another little twist. Marijuana extraction method cannot be in a residential area unless they do not use high heat to do so. Councilmember Bunn questioned the different categories. Mr. McConnell indicated that on the retail side you have: producers, wholesalers, processors and retailers. On the medical side you have: marijuana growers/producers, medical marijuana processors, and medical marijuana dispensaries.

Senate bill 460 would allow medical marijuana dispensaries to sell retail marijuana until the end of 2016. It may not be signed yet and may not be an issue that we are faced with.

Councilmember Bearnson talked about buffers and indicated that OLCC is still meeting to set their rules for where they are going to be allowed and where they are not going to be allowed. Mr. Bearnson indicated his recommendation would be that if volatile or industrial gases are used they should be relegated to industrial areas because if there were an accident they could do a lot of damage. This is a public safety issue that he hasn't seen dealt with on the state level.

Commissioner Mansfield stated that the majority of people voted in favor of the marijuana passage but there was a large minority that voted against the passage and he just wanted to indicate that we are not of a like mind regarding the issue. Councilmember Bearnson noted that passing more prohibitive measures and trying to get it out of town

would exacerbate the black market and keep it functioning solid. Commissioner Mansfield noted that there are arguments against that as well.

Mayor Wheeler stated that for us it is a question of what do we want our city to look like. In Colorado it drove out the antique shops in a certain district. We need to take everything into consideration and give the input to planning staff and have them come back with their recommendation that would best suit our needs for Medford, and what we want our city to look like.

Councilmember Gordon requested information on the testing labs that was mentioned in the materials on hand. Mr. McConnell noted there is no law of where they can be at this time. Councilmember Bearson noted that from the outside they look the same as any other business. Councilmember Gordon questioned if there were any extra precautions that need to be taken. Councilmember Bearson noted that they use the same machines as any other lab and assumed they would be held to the same standards. Mr. McConnell noted that if the moratorium is lifted labs are necessary.

Commissioner D'Alessandro questioned if staff has checked on what has worked for the states that have done this already. Mr. McConnell noted that lack of labeling was an issue; another issue is taxation which is in place for the retail side. If the moratorium is lifted we would need to capture new language that has taken place and tax the medical and retail the same. He noted we are not in line with the tax as noted with HB 3400.

Councilmember Bearson indicated HB 3400 is a culmination of the best of what worked for the two states; he also noted that we can regulate advertising to some extent. Mr. McConnell indicated that in a big indoor grow for recreational use you may want to regulate due to the odor issue. Commissioner Foley noted there was a huge spike in energy consumption at two different states due to the indoor grows.

Commissioner Pulver questioned what planning staff and Planning Commission is being tasked with. Mr. McConnell indicated that the Council would direct the Planning Commission to draft some reasonable time, place and manner restrictions. Planning Department will help you do that. The Planning Department would come up with a zoning text amendment, come back to the Planning Commission for a public hearing, with Planning Commission recommendations to the City Council. Commissioner Pulver questioned if medical and recreational marijuana would be separated or merged or is it just an unknown at this time. Mr. McConnell noted that for the time being politics dictates that they be separate. The Oregon Health Authority is regulating the medical marijuana portion and the OLCC is regulating the retail side. HB 3400 tried to make them as close as possible as far as their definitions are, especially the lab testing requirements. They are mentioned together to address who would monitor them and to make sure the safety standards are the same.

Councilmember Bunn indicated that we have time, place and manner authority and questioned whether or not they are in Chapter 10 and if they are land use. If so, do we want to task the Planning Commission with at least looking at time, place and manner restrictions or do we want them just to stick to zoning districts. Mr. McConnell noted other cities put in hours of operation, the no drive-through item, and advertising limits into their text amendments. Planning Department might not like to see that in there, and maybe that is something you put in the business license chapter. A broader question from Councilmember Bunn was do we want to have our Planning Commission look at time, place and manner. Councilmember Gordon would like that to be dealt with within the Emergency Services. Councilmember Zarosinski indicated that after reviewing Colorado's regulations they are similar to alcohol. We deal with alcohol different than most states and questioned if we could we use that as a guiding principle. Councilmember Bunn questioned if we want to task that process to the Planning Commission. Commissioner D'Alessandro questioned if OLCC would take care of hours, etc. Mr. McConnell indicated he would do more research on that issue.

Mr. McConnell indicated other issues raised were design standards and whether or not a review from SPAC would be necessary. The reason for zoning in Chapter 10 is because on the retail side HB 3400 requires OLCC to obtain a Land Use Compatibility Statement from the City before it actually issues a state license. If we say no, they don't get a license. Councilmember Jackle thought the Planning Commission needs to address all three issues. The Mayor would appreciate as much input from Planning Commission and the Site Plan and Architectural Commission as possible.

Commissioner McFadden remarked that a comment he received was when a current clinic is open there is no parking available for the neighborhood. He assumed that marijuana use was only allowed in the home and Mr. McConnell indicated that he was right. Commissioner McFadden questioned clubs being opened under the current regulations. Mr. McConnell will research whether or not cannabis clubs would be allowed in the City of Medford.

Commissioner McKechnie talked about time, place and manner, stores vs. bars, etc., and that we are breaking new ground and need as many minds as possible look at these issues to come up with some sort of solutions on these issues. Councilmember Bearson stated that OLCC will probably set a time as liquor stores close at 9 pm, etc.

Mr. McConnell mentioned that on the retail side in HB 3400 if a licensee is convicted of violating a local ordinance in the Municipal Court or the Circuit Court we can report that conviction to the OLCC and enforcement action against that licensee will be taken.

Mayor Wheeler talked about clubs and the difference between that and a bar. A ventilation system would be extremely important and we do put restrictions on restaurants on hoods, etc., so we need to take a look at that issue.

Councilmember Gordon stated that if we are looking at retail he agreed with Councilmember Bunn; no on CSP and CN, yes on CC, CR, CH, IG and IH. He was not sure in IL because it is up against lots of residential areas. Commissioner Pulver agreed with Councilmember Bunn's comments in the commercial arena just for the outlets. He would be inclined to not allow retail sales in industrial zones as currently we do not allow them. Councilmember Bunn indicated it might be that this would be an ancillary business in an industrial zone.

Councilmember Jackle questioned the light industrial zone possibilities. Commissioner Pulver noted that does not allow retail uses. It allows restaurants and banks and might allow personal services category uses. Liquor may be allowed in that zone also.

Councilmember Bunn asked if the Council needs to regulate commercial outdoor grows. Mr. McConnell was unsure where you could grow that in the city. Commissioner McKechnie questioned if that would be in the exclusive agriculture overlay. Councilmember Bearson stated that retail should be restricted to industrial zone. The County will be the one tasked with the outdoor grow. Mayor Wheeler noted that the County will need to look at this regardless of the law.

Councilmember Bearson questioned Mr. McConnell regarding retail sales of medical marijuana come October 1, 2015, is that correct. Mr. McConnell indicated that that was the estimate. Councilmember Bearson spoke to the timing issue on this and the more we drag our heels the more disservice we are doing to our local business people who would like to be in this business. We are also keeping the playing field un-level because there is out of state well-funded outside interests that can buy up that property and sit on it, so he would like this process to go relatively quick.

Commissioner Mansfield questioned a report from Mr. McConnell regarding content regulation of signs. Mr. McConnell noted that marijuana cannot be seen on a storefront. We can regulate size but we are not in the business of regulating content and he is not sure whether OLCC may get into this or not. It cannot be appealing to minors, promote excessive use, promote illegal activity, or otherwise be a significant risk to public health and safety. Commissioner Mansfield thought it was getting close to content.

Mayor Wheeler questioned if Planning Director Jim Huber had received enough direction to work with Legal staff. Mr. Huber noted direction on the time, place and manner restrictions is wide open. Commissioner Pulver identified how we will tackle the use issue; which is basically that we will take the seven categories and try to determine where they fit in the Code. He reviewed the Milwaukee, Oregon ordinance about time, place and manner restrictions on a medical marijuana facility. Restrictions included; they defined it; could not be within 1000 feet of a public or private elementary or secondary school or a career school that worked with minors; could not be within 1000 feet of another medical marijuana facility; couldn't be within 1000 feet (two certain properties);

could not collocate with another business; couldn't display marijuana or marijuana products from outside the facility; and the hours of operation would be 8 am to 10 pm. After that they mapped locations where facilities would be permitted.

Mr. McConnell questioned when Council would like to see this back to them. Mayor Wheeler agreed with Councilmember Bearson that this needs to be as soon as possible. Mr. Huber stated they will rough something up before the Planning Commission in a draft form. Commissioner Pulver questioned time, place and manner for other uses outside OLCC. Mr. Huber noted there are some restrictions. Councilmember Bunn asked if it would be helpful to formally initiate this text amendment at the next Council meeting; Mr. Huber stated that it would.

Councilmember Stine questioned how fast this could be done. Mayor Wheeler noted we need to follow the rules of our State and our Code. Mr. Hoke talked about Mr. Huber's comments about his timeline.

The meeting adjourned at 1:13 p.m.

## Exhibit C

### Minutes [excerpt], PC study session 7-27-2015

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#### 2. DCA-15-104 Marijuana-related businesses

Mr. Adam reported there are existing uses in the Standard Industrial Classification (SIC) that these marijuana-related businesses will fit into, and so would correspond to the SIC tables in the Code, but staff decided to isolate the marijuana-related businesses under their own category.

Commissioner Foley asked about people holding multiple licenses, those who are retailers, processors and wholesalers. He pointed out that the Heavy Commercial district is the only one that a business can be all three. Is that what the City wants? He does not see this as a big wholesale operation. He questioned if they should be more flexible on that one. Currently, this is illegal federally and there will be an administration change at the Federal level in 2017. Who knows if they will have the same hands-off approach to the States as the current one. Should this be conditional upon Federal regulations? Mr. Huber said the Planning Commission could make that recommendation to the City Council

Commissioner Mansfield reported that there is no liability to the City if the Federal government steps in. They do not need a conditional repeal, if that happens, the City can repeal its laws.

Kelly Akin, Principal Planner, addressed Commissioner Foley's question regarding bakeries. There are two different kinds. There is manufacturing which staff considers the processors to be and then there is the retail component. There can be a retail bakery in any of the commercial zoning districts. The processors are a manufacturing class. You can have a bakery as manufacturing in the heavy commercial zone and dairy products but those are the only two food manufacturing processes that are permitted in heavy commercial zones. Extracting processes are not permitted in the commercial zone.

Commissioner Mansfield said he would vote yes on "all growth will be conducted inside enclosed structures."

Chair McFadden is not sure of the term "dispensaries". Staff responded that it is medical marijuana. Mr. McConnell reported that medical marijuana dispensaries is the medical side and marijuana retailers is the Measure 91 recreational side. Ms. Akin stated that staff did not define these. Producers are growers. Processors are people that make

something with the product such as baked items and extracted oils. Wholesalers are exactly what it says and the rest are what they say.

Commissioner Culbertson reported that in his opinion this will marry along with grapes as far as cultivation, bringing it in and how it is going to be processed. He does not believe it will fit in the commercial zone. It will fit in the light industrial.

Chair McFadden asked where does the marijuana have to be tested? Staff reported in laboratories.

Commissioner McKechnie thought that the labs were like quality control. If there are laboratories why indicate they cannot be in the C-N, I-G and I-H zones? Ms. Akin replied that they carried it across from the existing table: labs are not allowed in those districts now; there is no reason to change it for this purpose. Mr. Adam reported that these are unique laboratories that are uniquely allowed in the industrial zoning districts. More than likely the current laboratories will pick up this business. Commissioner McKechnie asked why do we really care if a laboratory is testing marijuana, building products, or something else? It seems a little odd that they would be in C-S/P. Mr. Adam stated that C-S/P is where the medical uses are allowed.

Mr. Adam asked Commissioner McKechnie if he was asking to specifically give this one special use across the board or asking generally about laboratories? Commissioner McKechnie reported there are too many choices. Staff needs to thin it down by about two thirds.

Chair McFadden sees no problem with concentrating most of this into a certain area. The market is only going to support a certain amount.

Commissioner Pulver thinks staff did a reasonable job allowing them in the certain zoning districts. There needs to be discussion on limitation.

Mr. Adam asked if there was a particular opinion on heavy commercial for processors? It was suggested put it as a Ps.

Mr. McConnell reported that there have been several presentations to the City Council on marijuana in general. Producers will not have a big impact on the City, it is the processing. He has taken dozens of calls from citizens who are interested in setting up shop in Medford and the surrounding area. The processors are where the money is as well as the retailers.

Commissioner Culbertson stated that production will be outside the city limits. The biggest question is the processors. What are they going to do with it? Are they going to be bringing it in bins or truckloads? How are they going to process it? He thinks they will do

the processing out in the field and they will do packaging, the final product in a packing house or somewhere downtown.

Commissioner D'Alessandro reported that a lot of the process will be turning it into edibles, oils, and all the different things they do. He agrees some will be done out in the field as they break it down. The creation of all the other products is going to happen in a warehouse or facility. That is where Commissioner Mansfield's comment came in regarding the production inside a facility. How do you keep that at a level where the smells are not intrusive?

Moving on to looking at the prospective use regulations, Mr. Adam pointed out that no marijuana-related business shall permit trespass or glare from security or other lighting beyond its property line. Section 9.560 is fence provisions that specifies as permitted in the commercial and industrial zones but it talks about hazardous fencing materials.

Chair McFadden asked if "enclosed" meant fully enclosed or just walls? Mr. Adam stated that the intent is fully enclosed.

Commissioner D'Alessandro asked if processors should be held under the same standard as far as odor filtration as the producers and wholesalers? Mr. Adam replied yes.

Commissioner Pulver asked what happens if they are found in violation? Do they get fined? If neighbors complain of the odor what happens? Mr. McConnell reported that any violation of the Code can be prosecuted through Municipal Court. They usually do not do that for a Chapter 10 violation. The businesses do not want to be in violation of State law because OLLC could revoke or suspend their license. He has not read this all the way through and does not know if there is anything specific to marijuana businesses as to what the stake is for violation of the Code. There would certainly be something in the Code for violations. Any violation of the City's Code that has gone on for more than 10 or more days the City can seek injunction relief through the Jackson County Circuit Court.

Commissioner Culbertson asked if there was anything on the books governing the industrial area on Front and Fir Streets or on pear-packing facilities that have ammonia systems? Ms. Akin replied not from a land use perspective.

Commissioner D'Alessandro stated that there are state and federal laws and safety regulations through OSHA that mandate a lot of those types of things when it comes to chemicals in confined spaces.

Staff said its approach to regulation was to normalize this; this is an industry like any other.

Commissioner Pulver equates dispensaries and retailers to liquor stores. They are limited to locations and hours. Is staff addressing that? Mr. McConnell stated that state law says on medical marijuana dispensaries cannot be within 1,000 feet of schools and each other. On the retail side they cannot be within 1,000 feet of schools but it does not say they cannot be within 1,000 feet of each other. House Bill 3400 allows cities to put that limitation as not beyond 1,000 feet. The Commission needs to figure out if they want to put a distance limitation on marijuana recreational retailers.

Commissioner Foley asked if the Planning Commission wanted to discuss hours of operation? Mr. McConnell stated that there is a Rules Advisory Committee that just got started and he does not know if they have hours of operation limitation or not. If not, there probably will be. That may not have to be addressed. The Commission can discuss time, place and manner. If there is something they would like to see now is the time to do it.

Commissioner D'Alessandro stated that if it is going to be similar to alcohol beverages; maybe the time, place, and manner should follow suit in a sense on the retail side in terms of hours and locations. Mr. McConnell said he can see one difference between marijuana and alcohol. The southern Oregon marijuana side has an allure to it because there may be more marijuana retailers congregating because of tourists supporting them. This was happening in Colorado.

Commissioner Mansfield stated that he is fully aware that the public voted for Ballot Measure 91. His motivation is to cooperate as little as possible. He likes all the limitations, and that products cannot be displayed in a manner externally visible to the public. He would like to eliminate both off- and on-premises advertising. He thinks that attention needs to be paid that the OLCC may adopt rules regulating advertising that is appealing to minors, promotes excessive use and promotes illegal activity.

Commissioner McKechnie reported that it might be advantageous to discuss with other cities like Seattle, Denver, and Colorado Springs regarding safety. What kind of occupancy will this fall under? Mr. Adam stated that he will see what he can come up with.

Chair McFadden has concerns with transportation.

## Exhibit D

### Minutes [excerpt], CC study session 8-27-2015

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The Medford City Council Study Session was called to order at 6:00 p.m. in the Medford Room of the Medford City Hall on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearson, Daniel Bunn, Tim Jackle, Kevin Stine, Michael Zarosinski

City Manager Pro Tem Bill Hoke; City Attorney Lori Cooper; City Recorder Karen Spoons; Police Chief Tim George; Deputy City Attorney Kevin McConnell; Public Works Director Cory Crebbin; Planning Director Jim Huber; Finance Director Alison Chan; Senior Planner John Adam

Councilmembers Dick Gordon and Eli Matthews were absent.

#### Marijuana

Planning Director Jim Huber stated that the purpose of the presentation was to show to Council for feedback (See PowerPoint). There is a Planning Commission hearing on September 10, 2015 regarding this matter.

Deputy City Attorney Kevin McConnell arrived.

Mr. Huber noted that Council will determine what areas (zones) they will be allowed in. Senior Planner, John Adam noted that the information is provided to show how they came up with the thought process. We did leave out neighborhood commercial due to the concerns expressed. Councilmember Stine questioned why regular drug stores are allowed in a CSP but we took it out; Mr. Huber noted it was office buildings and the hospitals.

Councilmember Corcoran questioned if the offensive odor applies to each building in a row of buildings; Mr. Huber stated that it can be clarified. Councilmember Stine questioned if we want the City enforcement to be involved in it; Councilmember Bunn noted that it can be tied to the ownership. Councilmember Jackle noted that you could have different owners on one building. Councilmember Bearson questioned grandfathering and agricultural businesses; Mr. Huber noted that we have only one property like that and it is a vineyard and currently they could not do this. Councilmember Bearson questioned if we could have a fee schedule; Mr. Huber noted we would not put it this por-

tion of the Code. Councilmember Corcoran questioned if marijuana is consumed in the facility; Mr. Huber stated we would defer to the state law. Mr. Adam did not think it would be allowed as the same rules apply as buying cigarettes. Rules are due January 4, 2016. Councilmember Corcoran questioned if we could disallow it and stated that the state has not addressed this and we should wait on that.

Councilmember Bunn questioned how the home occupation license works. Mr. Huber noted that it is loose as you can do things that are not allowed in the underlying area. Finance Director, Alison Chan noted the biggest restriction is the number of people coming to your home; another concern is welding which is disallowed. Councilmember Bearson questioned making brownies at a home; Ms. Chan noted that you would have to have a commercial kitchen. Councilmember Bearson questioned the high heat cover violate gasses. Mr. McConnell believed that it did, he also talked about producers that could grow many plants. Councilmember Jackle questioned other special uses which needed a conditional use permit. Councilmember Bearson questioned if the conditional use permit caused a lot of time for staff. Mr. Huber noted that the Site Plan and Architectural Commission (SPAC) decisions can be appealed. Mr. Adam would not consider it for laboratories. Councilmember Stine would like a structure that is owned by the same person that we are not called on the complaints. Councilmember Bunn agreed. Councilmember Corcoran disagreed. Councilmember Zarosinski questioned spacing requirements and this does not cover that; Mr. Huber noted that state law still applies. Mapping was discussed; Mr. Adam had a map but did not bring it. Councilmember Bearson questioned licensing, taxing, etc. Councilmember Bunn noted that we have a tax in place. Councilmember Bearson questioned Ms. Chan for a fee schedule at the business license; Ms. Chan noted that it is doable in the business license section and can be written specifically for marijuana.

Mayor Wheeler questioned if Council agreed that this should proceed to Planning Commission on September 10, 2015. Councilmember Bunn would like tenants in the building to be addressed with the Planning Commission.

Mr. McConnell stated that if the City Council decides to lift its moratorium, mobile Marijuana Carts will not be allowed within the City.

Regarding the marijuana nuisance ordinance; 4-plant limitation in residential nuisance ordinance (Section 5.652(2)) (see PowerPoint presentation) Mayor Wheeler questioned size; Mr. McConnell noted the City does not have a limit but he thought the state did. Mr. McConnell questioned if a lot gets four plants no matter if indoors or outdoors; Councilmember Bearson noted that it was Councilmember Gordon's motion and he thought that is what he wanted.

Marijuana tax is on the books. Medical marijuana dispensaries not taxed at that time. We taxed in anticipation of producers, etc., coming in. House Bill 3400 and Senate Bill

3460. Council will need to choose. Mr. McConnell is talking to the League of Oregon Cities (LOC) on this as well. Tax at 3% is safe and not open to suits.

Councilmember Corcoran questioned if we lift the moratorium does that allow medical marijuana dispensaries; Mr. McConnell stated that it would and he noted that a lot of folks will be coming in for a business license. Councilmember Corcoran questioned the state law and whether it addresses the difference between retail and a medical marijuana dispensary.

New municipal marijuana laws, previously only a violation. Did not anticipate what is happening in the rise of marijuana items. Some will be violations, some will be a crime, and it depends on the form. More information will be provided on this, such as traffic fatalities. Councilmember Jackle questioned the 1,000 feet between anyone offering marijuana; Mr. McConnell questioned Council going too far but 1,000 would be reasonable. Councilmember Bearson questioned a tax measure to the 3% voters for November; Mr. McConnell will need to talk to the LOC on that. The state is taking care of the safety measure that was a concern of Council. Councilmember Bearson would be inclined to vote for it if medical marijuana card holders did not have to pay the 3% tax. Councilmember Corcoran questioned the cost associated with putting it on the ballot and a ban on marijuana in the City; Mr. McConnell thought the ban comes from petition. Councilmember Bunn thought we could do it with repealing the ban through the business license procedure. How many signatures would be needed as well?

## Exhibit E

### Minutes [draft; excerpt], Planning Commission hearing 9-10-2015

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**50.2 DCA-15-104** Consideration of Municipal Code amendments to regulate marijuana-related businesses within the City of Medford (City of Medford, Applicant).

John Adam, Principal Planner, stated that the item before the Planning Commission was a proposal to adopt regulations to control the negative externalities from marijuana-related businesses. The criteria that apply to code amendments are in Medford Municipal Code, Section 10.184 (2). Mr. Adam read the applicable criteria.

Commissioner McKechnie asked that in some of the preliminary findings there were concerns with the odor. Is it not in the Code amendments? Mr. Adam stated that on page 50 of the agenda packet Section 10.839(2) it states "No marijuana-related business shall cause or allow an offensive odor of marijuana or marijuana products to emanate from a structure or from any property."

Commissioner McKechnie asked if marijuana and marijuana products may not be displayed in a manner that is externally visible to the public a state requirement? Kevin McConnell, Deputy City Attorney replied that he believes it is. It is part of House Bill 3400, but it would not be a problem to have a redundant requirement in the City's code.

Commissioner McKechnie stated that he thinks one of the comments from the City Council was that any marijuana use be a conditional use and staff opposed that. Personally he thinks that since this is a brand new growth industry that it would not be a bad idea for the Commission to see the new uses, at least for the first year, if only to see what the overall impacts are. It can be changed later. The only concern he has with a conditional use permit is that it somehow bypasses Site Plan and Architectural review. It seems to him they should be doing both. Mr. Adam responded that any new use goes through Site Plan and Architectural review if it meets certain triggers. If on the other hand it was a business that wanted to open in an existing structure they would not have to do that now. Does Commissioner McKechnie want that to be the case if it is an existing structure?

Commissioner McKechnie replied no. If it is going into an existing structure then obviously not. If it is a brand new building then he thinks the architecture, site plan and landscaping should be reviewed. A few weeks ago the Planning Commission looked at a conditional use permit for the School District which was required. Because it was required as a conditional use it was able to bypass the Site Plan and Architectural Commission but the Planning Commission was not allowed to look at it as a Site Plan and Archi-

tectural review. It is his opinion that the Planning Commission should be looking at any kind of marijuana-related activity just as a conditional use permit to understand the process rather than having it a staff function.

Commission Pulver stated that he thought with the conditional use process the Planning Commission had the ability to refer it to the Site Plan and Architectural Commission for review, but there were usually concerns about meeting the 120-day limit imposed in State law.

Commissioner Mansfield stated that the scope of the Site Plan and Architectural Commission hearing does not have to do with whether or not it is an unreasonable detriment to the neighboring properties. It has to do with whether it is a good building, properly placed, and so forth. Referring it to the Site Plan and Architectural Commission does not do the job; each marijuana activity should be subject to conditional use permit. He considers the marijuana business to be harmful to the community. He is going to vote any way he can to make it more difficult. He is bothered by the idea purveying this kind of substance is going to be helpful to our economy. He is resentful of that concept. He appreciates that staff had a need to try to find something to justify it. He opposes that justification even though he respects staff.

Mr. McConnell noted that Section 10.290 the Site Plan and Architectural review criteria states that for an application to be approved the proposed development has to show it is compatible with the uses and development that exists on adjacent land.

Chair McFadden stated that the Planning Commission review can include some Site Plan and Architectural-related items in terms of how it affects properties offsite of the property being developed.

Mr. Adam stated that by making it a conditional use permit the Planning Commission is unlikely to find that the development proposal is in the public interest.

Commissioner Pulver stated that from his reading of the staff report it indicates that what is being presented provides adequate mitigating controls. With the conditional use permit criteria it would have a hard time passing Criterion 1, but then the challenge would be Criterion 2 and create enough mitigating controls that might make it acceptable where it is proposed to be. He disagrees that it might be impossible to get a conditional use permit for various uses.

Commissioner Pulver asked if the odor concern is enforceable? Mr. McConnell affirmed that it can be enforced. The City has enforced similar nuisance issues such as unlawful accumulation of junk. Those properties have been abated. When the property owner would not do it the City requested a warrant from the Municipal Court judge and followed the process procedures and the City actually abated those nuisances through a lien the property.

Commissioner Pulver asked if a residence in a subdivision is surrounded by eight homes and three have marijuana plants how does one determine which one of the three is the offender? Mr. McConnell reported that question has come up before. It would be the City's burden. They would have to prove by preponderance of the evidence that the person cited owned the plants that were causing the odor that has caused a nuisance to a neighbor.

Chair McFadden stated that to his understanding there remains a limit on number of plants growing and those plants had to be indoors. Mr. McConnell stated that is his understanding but it is not effective until November 1, 2015 in residential areas. Mr. Adam reported that the item before the Commission deals only with commercial zoned land. Residential grows would not be affected under these rules.

Commissioner Foley stated that he thought State law limited the number of plants for commercial grow. Wasn't there a 100 plant limit indoor? Mr. McConnell reported that there is a canopy limitation that applies to City limits. He does not have the exact number in front of him. There is State law that has limitations on that.

The public hearing was opened and there being no testimony, the public hearing was closed.

Commissioner Foley asked if it was appropriate to put a sunset clause on this since it is a new industry and they do not know enough about it? Mr. McConnell stated that it would be a possible line they could explore.

Chair McFadden stated that his concern is that until there is more of a track record it is hard to know what the issues are going to be.

Commissioner D'Alessandro commented that they are not locked in and if the Planning Commission forwarded this to the City Council and City Council adopted it we could come back at any point and make necessary changes based on experience and something problematic. Mr. Adam confirmed the comment. It there was something they did not anticipate they can always put in a fix after the fact. Mr. McConnell reported that House Bill 3400 gave municipalities the ability to impose reasonable time place and manner restrictions. If there are problems that come along the City can take another look at it and tweak the amendment as necessary.

Commissioner D'Alessandro asked Mr. McConnell that with House Bill 3400 and what is proposed in staff's recommendation there is adequate information to deal with future problems? Mr. McConnell stated that with the State law all marijuana will be tested by the State license laboratories. Marijuana handlers will be licensed by the OLCC. The laboratories will be licensed. With the power of cities to impose time place and manner regulations you will not see what happened in southern California.

Commissioner Foley asked that if a business meets the criteria that is being presented tonight and the City determines in the future that there is a criteria that should have been in place but is not, you put that criteria in place, the business that existed is grandfathered, is that correct? Mr. McConnell stated that they are not grandfathered. A business has to get a business license yearly.

Commissioner Mansfield stated that the City's business licenses have no regulatory functions other than being a vetting system to make sure people are within their proper zoning. Mr. McConnell stated that they have to be in compliance with all provisions of the Code. He does not think there is a grandfather issue here. Commissioner Mansfield stated that he thinks there is.

Commissioner Pulver stated that it is his opinion that the focus is driven by the dispensaries and retail outlets. Processing, wholesaling and laboratory uses in theory should be harmless. They would happen in warehouses or buildings that would be contained where the odor would not be an issue. The State law has time, place, and manner restrictions on dispensaries in terms of how close they can be to one another or schools. Personally he would like to see something of that nature for retail in place.

Commissioner Pulver asked if multiple uses, for example, processing and wholesales, on one site is adequately addressed in what is being proposed? Mr. Adam reported that he does not know if State law requires separation between the different uses. Unless there is a State requirement to keep these things separate one could conceivably have everything from production through processing and retail sales in one location, but only in the Heavy Commercial district. Putting aside whether the State has regulations on separation or not, for any given productive use one can have some onsite retail sales in industrial districts.

Mr. McConnell stated that House Bill 3400 does allow the OLCC as necessary to protect the public health and safety to require any marijuana licensee to combine their licenses into one area. It does allow OLCC to segregate those licensed businesses into separate areas.

1st Motion: The Planning Commission adopts the findings as recommended by staff and directs staff to prepare a Final Report per the staff report dated August 28, 2015, including Exhibits A through C.

Moved by: Vice Chair Miranda

Seconded by: Commissioner Culbertson

Commissioner Foley stated there was an open question on page 50 of the agenda packet Section 10.839(2) to include "from a unit therein." Could he get clarification? Vice Chair Miranda stated he was recommending inclusion.

Friendly amendment made by Commissioner McKechnie: To strike the phrase on page 50 of the agenda packet Section 10.839(2) to include “from a unit therein.” Vice Chair Miranda seconded the first friendly amendment.

2nd Motion: Require a conditional use permit for marijuana retailing with a two year restriction.

Moved by: Commissioner McKechnie      Seconded by: Commissioner Mansfield

Commissioner McKechnie stated that this is new territory and he would rather proceed a little more purposeful instead of jump in and then say “wait a minute, we made a mistake.” We have no idea what kind of parking requirements will be needed for this.

Chair McFadden replied that zoning controls the parking. What he sees is that if this has a conditional use permit they will have to deal with the four issues under Section 10.839(A) General Provisions. Does the Commission have to define the issues that will trigger a conditional use permit, if they are going to include that?

Vice Chair Miranda stated that they are not precluded from coming in later and making additional restrictions, conditions, changing the verbiage or altering it in such a way to mitigate or eliminate a potential issue. His concern is that if they go into it with so many restrictions that it makes it almost self-elimination. He does not know if they are doing the City or themselves a service.

Kelly Akin, Principal Planner, addressed Chair McFadden’s question stating that the conditional use criteria would have to be met. In addition to the criteria, if the Commission cannot find that it meets the first criterion—that there will be no significant adverse impact—which they may be able to, then there are eleven items that can be conditioned and additional findings for mitigation of impact that will be needed to be applied. That is something for them to consider unless they want to come up with some specific language related to this specific use.

Commissioner McKechnie asked what uses already require conditional use permits. Ms. Akin replied that most of the conditional uses are institutional uses in residential zones, churches, schools, and so forth. There are not a lot of conditional uses in commercial or industrial zones.

Commissioner Culbertson commended staff because they have taken an industry that is coming down quickly and encapsulating it into the different industries that they may already have in the valley and mesh it with what they already have. It puts pretty good restrictions in place. Adding a conditional use permit requirement does not seem useful to him. The Commission can try to stonewall marijuana all its wants, but at some point they are going to start running afoul of State law. It is better to see the first test come

in, find out how does it fit within the matrix they have created, where are the gaps, and then plug those holes.

Commissioner Culbertson stated that there has been a motion, a second, a friendly amendment, another motion and second, they need to recap where they are at, because he is lost.

Chair McFadden replied there is a motion to recommend approval of this amendment to the City Council. There was a favorable friendly amendment to strike the phrase “from a unit therein” from Section 10.839 (2). Now they are at a motion to require a conditional use permit for marijuana retailing with a two-year sunset provision.

Commissioner Mansfield stated that unless there is further debate on the merits of Commissioner McKechnie’s motion to amend, it would seem appropriate for the Planning Commission to vote on the motion to amend.

Roll Call Vote for 2nd Motion: Motion passed, 5–4, with Culbertson, D’Alessandro, Miranda, and McFadden voting no. The conditional use provision for retail uses is added to the primary motion.

Roll Call Vote for 1st Motion: Motion passed, 6–3, with Fincher, Mansfield, and Miranda voting no.