



## Medford City Council Meeting

# Minutes

September 15, 2016

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

Medford City Hall, Council Chambers  
411 West 8<sup>th</sup> Street, Medford, Oregon

The regular meeting of the Medford City Council was called to order at 12:00 noon in the Medford City Hall Council Chambers on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Daniel Bunn, Chris Corcoran\*, Dick Gordon, Tim Jackle, Eli Matthews, Kevin Stine, Michael Zarosinski

City Manager Brian Sjothun; City Attorney Lori Cooper; City Recorder Karen Spoons

Councilmember Clay Bearnson was absent.

\*Left as noted.

Employees from the Parks and Recreation, Fire and Public Works Departments were recognized for their years of service. New employees from Facilities Management and the Finance Department were introduced. Retirements from the City Manager's Office, Planning Department and Public Works Department were recognized.

Councilmember Corcoran noted our time with Planning Director Jim Huber has been too short and he brought much to the City. Mayor Wheeler stated he appreciated Executive Office Manager Lynette O'Neal for her time in the City Manager's Office.

### **20. Approval or Correction of the Minutes of the September 1, 2016 Regular Meeting**

There being no additions or corrections, the minutes were approved as presented.

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

30.1 Mayor Wheeler presented a proclamation to First Christian Church, for Medford First Christian Church Day, September 15, 2016. Councilmember Gordon stated it isn't just the feeding; it is the church open to the public and is grateful to the church for their service.

30.2 Jerry Smith, 1721 Tanglewood Lane, presented a photo of cars parking illegally. He thanked Council for their service and noted the area represented in his photo has 25% disabled citizens and requested the sidewalks not be blocked near 1741 Far Street.

Councilmember Corcoran questioned if Mr. Smith's concern was more a principle versus a practicality issue and noted the street was a dead end; Mr. Smith stated the City is setting a precedent and there are no exceptions to the ADA requirements for dead end streets.

30.3 Ellen Holub, Buttercloud Bakery, stated they called the city pertaining to a food truck. Since then they have been told the food truck is too big. They received approval to park on the Post Office parking lot. She requested Council look at the Code.

Councilmember Gordon requested staff note any exceptions; Mr. Huber stated they can apply for an exception, but those are for land based issues and he did not think a food truck met the criteria. Mr. Huber provided the history on food trucks.

- 30.4 Matt Sweeney stated he is a member of the Jackson County Gang Preventative Task Force, a group working to engage kids who are vulnerable to gangs. The 8<sup>th</sup> Street Fire Station will soon be vacated. Based on MADGE activity numbers, that area has a high concentration of gang members. The group requested a study session to discuss a plan for the use of the 8<sup>th</sup> Street Fire Station for gang prevention, once it is vacated.

Councilmember Stine questioned whether all businesses in the task force were non-profit; Mr. Sweeney responded yes, but Rogue Valley Youth for Christ would take the lead on the project. Councilmember Corcoran thanked them for their volunteer service. Mayor Wheeler stated that unless Council objected, a study session could be scheduled to discuss the property. Councilmember Gordon stated other agencies were also interested in the property, including the Parks and Recreation Department. Councilmember Bunn suggested Council determine a policy for donating property and recommended including any land donations in the budget process. City Manager Brian Sjothun noted the first step would be Council's direction on any new policy.

- 30.5 Dan Marcisz, 6482 Pioneer Road, spoke on item 60.2 pertaining to an insurance consultant and believed this contract would not save the city money. He thought the labor unions could file a grievance.

Councilmember Stine questioned whether Mr. Marcisz had seen the analysis; Mr. Marcisz responded that he had not. Councilmember Stine read the analysis aloud; Mr. Marcisz stated that may be true, but it penalized the good ratings to bring the others up.

- 30.6 Lee Benson, 3418 Blue Blossom Drive, expressed concern about homeless people camping at a home in his neighborhood. Code Enforcement has been to the home and placed a notice on the property. There was also a property management company that winterized the home, but did not take care of the weeds.

Councilmember Bunn explained the city does hire contractors to take care of the weeds, although the process takes some time. Pertaining to the abatement, Council is looking at problem properties, but it is a complicated process. Mr. Sjothun stated Code Enforcement will follow up with him. Councilmember Gordon noted this is an enormous problem and it does have Council's attention.

**40. Consent Calendar**

None.

**50. Items Removed from Consent Calendar**

None.

**60. Ordinances and Resolutions**

- 60.1 COUNCIL BILL 2016-115 An ordinance authorizing execution of a quitclaim deed to release City interest in a 20-foot portion of a 40-foot storm drain easement located in the northerly portion of Innsbruck Ridge between Murryhill Terrace and Fawn Hills Circle.

Motion: Adopt the ordinance.

Moved by: Daniel Bunn

Seconded by: Kevin Stine

Roll call: Councilmembers Bunn, Corcoran, Gordon, Jackle, Matthews, Stine, and Zarosinski voting yes.

Ordinance #2016-115 was duly adopted.

- 60.2 COUNCIL BILL 2016-116 An ordinance awarding a contract in an amount of \$183,000 to USI to provide for an Insurance Consultant for the management of the City's health and optional insurance programs for three years.

Councilmember Stine requested a staff report. Human Resources Director Mike Snyder noted he has worked with two different agents of record and many insurance plans. Staff would like to keep insurance costs as low as possible and consolidate the agents of record. Mr. Snyder noted the unions would still be available to receive information from agents of record and the City is required to report to the federal government. Consolidation will reduce expenses; performance guarantees are required. There are grievances filed from the Fire and Police unions. Discussed past agents of record.

Councilmember Corcoran questioned if a notice of termination has been sent; Mr. Snyder noted all parties have been noticed of the change and there is a time crunch. Mr. Sjothun stated he attended the interviews and sees a benefit to one agent of record, but has sensitivity to our employees and unions. He questioned whether more meetings should be held with the unions. Councilmember Bunn preferred discussion under an executive session. Mr. Snyder noted Police and Fire renewals could be done immediately, but was concerned for the rest of the city. Councilmember Zarosinski questioned whether the savings from this contract would go back to the bargaining unit and not the city. Mr. Snyder noted commissions would go back, but the city will still save money.

Motion: Continue Agenda Item 60.2 to an Executive Session this evening at 6:30 p.m. to discuss items related to labor negotiations and possible litigation.

Moved by: Daniel Bunn

Seconded by: Kevin Stine

Councilmember Gordon asked if the topic continued to an executive session, would it then be removed from the evening's agenda; City Attorney Lori Cooper responded that it could remain on the agenda. Councilmember Gordon noted Councilmember Corcoran would not be able to attend tonight and has information pertaining to this topic.

Councilmember Bunn withdrew his motion.

Councilmember Zarosinski questioned how the city would determine if the insurance rates were reduced for all the groups consolidated; Mr. Snyder noted it will be a process, but after evaluation the numbers could be determined. Councilmember Bunn requested an executive session before the next meeting.

Motion: Table 60.2 to the next regularly-scheduled meeting in October.

Moved by: Kevin Stine

Seconded by: Chris Corcoran

Roll call: Councilmembers Bunn, Corcoran, Gordon, Jackle, Matthews, Stine, and Zarosinski voting yes.

Motion carried and so ordered.

\*Councilmember Corcoran left the dais.

- 60.3 COUNCIL BILL 2016-117 An ordinance amending the salary schedule for AFSCME Local 2621 to include the position of Traffic Signal Electrical Inspector.

Public Works Director Cory Crebbin provided the history of this topic. Councilmember Zarosinski questioned the electrical inspector.

Motion: Adopt the ordinance.

Moved by: Daniel Bunn

Seconded by: Kevin Stine

Roll call: Councilmembers Bunn, Gordon, Jackle, Matthews, Stine, and Zarosinski voting yes.  
Ordinance #2016-117 was duly adopted.

- 60.4 COUNCIL BILL 2016-118 A resolution adopting election of lower limits for uninsured/underinsured motorist coverage.

Bonnie Huard, Risk Manager and ADA Coordinator, introduced the Risk Manager Consultant Agent of Record Tim Clark. Councilmember Bunn questioned why this is appropriate for the city. Mr. Clark responded the City is self-insured. He provided background information and the insurance requirements for self-insured agencies. The city had not previously filed a resolution for this, hence the reason it is coming forward. Additional information was provided pertaining to worker's compensation and uninsured motorist claims.

Motion: Approve the resolution.

Moved by: Daniel Bunn

Seconded by: Kevin Stine

Roll call: Councilmembers Bunn, Gordon, Jackle, Matthews, Stine, and Zarosinski voting yes.  
Resolution #2016-118 was duly adopted.

- 60.5 COUNCIL BILL 2016-119 An ordinance authorizing execution of a Grant Agreement with the Housing Authority of Jackson County in the amount of \$200,000 in 2016 Community Development Block Grant funds for the Ross Lane Development Project.

Motion: Adopt the ordinance.

Moved by: Kevin Stine

Seconded by: Eli Matthews

Roll call: Councilmembers Bunn, Gordon, Jackle, Matthews, Stine, and Zarosinski voting yes.  
Ordinance #2016-119 was duly adopted.

\*Councilmember Zarosinski left the dais.

**70. Public Hearing**

- 70.1 COUNCIL BILL 2016-120 A resolution adopting the Consolidated Annual Performance and Evaluation Report (CAPER) pertaining to Community Development Block Grant (CDBG) funds for the 2015-16 program year.

\*Councilmember Zarosinski returned to the dais.

**Medford City Council Minutes**  
**September 15, 2016**

---

Mayor Wheeler called a recess at 1:55 p.m.

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Council reconvened to the noon session at 2:03 p.m. with the same members present.

Angela Durant, Grant Support Technician of the Parks and Recreation Department, presented objectives. Councilmember Matthews questioned the production of new units; Ms. Durant noted the Concord project cannot be reported until it is fully occupied. Councilmember Zarosinski questioned why we did not fund down payments; Ms. Durant noted we did not receive any applicants and it was not feasible for this year.

Public hearing opened.

No one spoke.

Public hearing closed.

Motion: Approve the resolution.

Moved by: Kevin Stine

Seconded by: Daniel Bunn

Roll call: Councilmembers Bunn, Gordon, Jackle, Matthews, Stine, and Zarosinski voting yes.  
Resolution #2016-120 was duly adopted.

**80. Council Business**

- a. Councilmember Bunn questioned if Rogue Retreat would be discussed tonight; Mr. Sjothun responded it would.

**90. City Manager and Other Staff Reports**

- 90.1 Travel Medford Quarterly and Annual Report by Eli Matthews  
Topic postponed to the evening meeting.

- 90.2 Further reports from City Manager  
None.

**100. Propositions and Remarks from the Mayor and Councilmembers**

- 100.1 Proclamations issued:  
Rogue Valley Genealogy Society 50<sup>th</sup> Year Heritage Month, September, 2016  
Medford First Christian Church Day, September 15, 2016

- 100.2 Further Council committee reports  
None.

- 100.3 Further remarks from Mayor and Councilmembers  
None.

**110. Adjournment to the Evening Session**

Council adjourned to the evening session at 2:17 p.m.

**EVENING SESSION**  
**7:00 P.M.**

The regular evening session of the Medford City Council was called to order at 7:00 pm. in Medford City Hall Council Chambers on the above date with the following members and staff present:

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

City Manager Brian Sjothun; City Attorney Lori Cooper; City Recorder Karen Spoons

Councilmembers Clay Bearson and Chris Corcoran were absent.

\*Arrived and left as noted.

\*Councilmember Michael Zarosinski arrived.

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

120.1 Stephen Svinth, 56 N. Peach Street, brought forth ideas for safety on their street. He requested new Neighborhood Watch signs and increased patrols. Mr. Svinth requested his Ward's Councilmembers walk their streets and take a look at what is going on. He is approaching Council with trust and courage to fight back from theft and drugs.

120.2 Craig Owen, owner of Valley Cab, stated he is here with several other taxi owners. Jodi Hardaway, owner of Diamond Taxi and Medford Yellow Cab, stated there are many taxi companies which come in and underbid the current companies. Many cities have a limit to the number of cab companies allowed. They suggested a certain amount of regulation on the number of cabs and the staff. Garrett Wechsler, with Checkered Cab, stated legitimate cab companies are suffering. Ms. Hardaway listed the taxi limits for various cities. Councilmember Stine questioned the capacity of taxi companies for a city in Oregon; Ms. Hardaway noted Portland had a cap of 260 companies.

120.3 Jason Ziegler, 33 Quince Street, thanked the Council for shutting down the house at 60 N. Peach. However, there is still camping at the church and surrounding area. He reported a stronger presence of Police in the area as well, although there is still concern with crime and speeding cars.

Councilmember Jackle questioned if the church tolerated the camping; Mr. Ziegler stated they are. Councilmember Gordon stated there was an email from Sergeant Don Lane about arranging a neighborhood meeting; Deputy Chief Scott Clauson noted the meeting did take place and Police is addressing the problems. Mr. Clauson also noted the house on 60 N. Peach has been boarded up and new signs will be put up.

120.4 Dorene Dodson, 19 N. Orange Street, stated that she lives across the street from a drug house and outlined various issues with that property. She also brought up issues with the

homeless frequenting Set Free Church. Mayor Wheeler appreciated those who turned out pertaining to the issues on Peach and Orange Streets.

**130. Public Hearings**

130.1 Consideration of an appeal of a denial of a Taxi Driver's ID Card notwithstanding a disqualifying event.

Assistant City Attorney Eric Mitton presented a staff report. He noted the disqualifiers for issuing a person a taxi driver's ID card, although Council does have discretion. Councilmember Stine questioned the Supreme Court case in Eugene; Mr. Mitton provided information on the case, which was regarding auto insurance, and noted there could be a potential liability to the city.

Public hearing opened.

Tiffany Perez, 550 Mae Street, stated that Municipal Code 8.425 was properly applied, but Council does have discretion regarding any denial. She provided a letter of reference from Lisa McCready, a court advocator, which indicated that Ms. Perez has followed all program rules.

James Cox, owner of 5 Star Taxi, stated his company believes in second chances and would love to offer Ms. Perez a job as a driver. Ms. Perez currently assists in the office. Councilmember Jackle questioned if Ms. Perez was being paid; Mr. Cox noted Ms. Perez is not currently being paid in any capacity.

Ms. Perez read through the Eugene lawsuit and believed Eugene ignored one of their mandatory codes. That is not what is happening here.

Councilmember Gordon questioned what court program she was attending and whether she had completed the program; Ms. Perez responded it is a drug court program which she has not completed, because she is 12 months into an 18 month program.

Mr. Mitton provided a rebuttal pertaining to the court case. Councilmember Zarosinski questioned if Medford is more stringent than other cities; Mr. Mitton was unsure. Councilmember Stine questioned if the taxi ID card was specific to a certain taxi company; Mr. Mitton thought a person could move from company to company, as it follows the person. Mr. Cox understood the opposite.

Ms. Perez stated she researched the threshold of reliable indicia and it is defined as signs, indications and circumstances which point to a conclusion that a given fact is probable, but not certain. Councilmember Jackle noted the ordinance does not make an exclusive list. The list of qualifications to obtain a taxi ID card was discussed.

Public hearing closed.

Motion: Affirm the decision of the Unified Appeal Board.

Moved by: Michael Zarosinski

Seconded by: Tim Jackle

**Medford City Council Minutes**  
**September 15, 2016**

---

Councilmember Zarosinski noted it is a tough stretch for him to overturn the appeal. Councilmember Bunn believed Ms. Perez was not quite there yet and really needed her graduation letter. He apologized for the gap with the Unified Appeal Board. Councilmember Stine recommended she reapply after completion of the drug court. Councilmember Gordon stated he would be pleased to attend her graduation.

Roll call: Councilmembers Bunn, Gordon, Jackle, Matthews, and Zarosinski voting yes; Councilmember Stine voting no.

Motion carried and so ordered.

130.2 COUNCIL BILL 2016-121 A resolution authorizing the City Manager to proceed with the sale of surplus City-owned real property consisting of .34 acres located at the corner of 3<sup>rd</sup> and Front Streets.

Deputy City Manager Bill Hoke stated the city purchased the property in 1919 which once housed a fire station. Mr. Schmidt of Precision Electric would like to purchase the property and noted Council had given authorization to sell the property. Mr. Schmidt accepted the purchase price of the property. The property is in escrow and will close by September 25, 2016.

Councilmember Stine questioned how the fair market analysis was determined; Mr. Hoke responded that comparable properties were reviewed and it was determined the price should be \$10.80/foot. Mr. Hoke stated that the property sat vacant for 30-40 years, although it has been used for parking.

Public hearing opened.

No one spoke

Public hearing closed.

\*Councilmember Jackle left the dais.

Motion: Approve the resolution.

Moved by: Kevin Stine

Seconded by: Eli Matthews

Councilmember Matthews noted his appreciation of the work completed by everyone involved with this matter.

Roll call: Councilmembers Bunn, Gordon, Matthews, Stine, and Zarosinski voting yes.  
Resolution #2016-121 was duly adopted.

**140. Ordinances and Resolutions**

None.

**150. Council Business**

Councilmember Gordon noted three issues.



150.1 Hope Village wanting to lease property at the Service Center  
Councilmember Gordon questioned if the city was ready to lease the property; Councilmember Bunn is comfortable leasing, but suggested additional conditions on the lease. Mr. Sjothun requested discussing the matter during the second meeting in October to enable staff to work with Rogue Retreat. Mr. Hoke noted he spoke with the city surveyor and the fence line survey can be done in-house. However, we may need to create a separate triangle parcel, which may slow down the process. Mr. Sjothun noted this should not hold up the lease, which will secure their funding.

150.2 Sale of the 3<sup>rd</sup> and Front Street Property  
Councilmember Jackle stated the General Fund Grant Subcommittee should determine what to do with the sale proceeds and it should not be determined at the dais. Councilmember Bunn questioned Mr. Sjothun regarding whether the Budget Committee will be more involved than in the past; City Manager Sjothun responded he would like to meet with the existing Budget Committee and Council together in November or December. Council discussed whether the proceeds should go into the General Fund, be used for grants or a fire station. Councilmember Matthews recommended using the funds for non-profit businesses. Councilmember Gordon noted we can keep the money in the General Fund until needed.

\*Councilmember Jackle left the dais.

150.3 Rule of the Unified Board  
A memo from City Attorney Lori Cooper was at Council places.

**160. Further Reports from the City Manager and Staff**

160.1 On Thursday, October 6 at 2:00 p.m. there will be a Police Station open house.

160.2 A meeting was held with downtown business owners and members of the Chamber regarding how to improve the downtown core area. They will meet again in the later part of October. They would like a Councilmember to attend, if possible.

\*Councilmember Jackle returned.

**170. Propositions and Remarks from the Mayor and Councilmembers**

170.1 Further Council committee reports

- a. Mayor Wheeler read the Rogue Valley Genealogy Society 50<sup>th</sup> Year Heritage Month, September, 2016 proclamation.

170.2 Further remarks from Mayor and Councilmembers

- a. Travel Medford Report

Eli Matthews, Sr. Vice President of Travel Medford presented the quarterly and yearly reports. He provided information on items such as tourism growth, revenue, and occupancy. He noted that non-Chamber members are now included in the Visitor's Guide.

Councilmember Zarosinski questioned if we create events; Councilmember Matthews explained we assist and partner with local events by promoting and showcasing their events.

- b. Mayor Wheeler stated he nominated City Recorder Karen Spoons for the OAMR City Recorder of the Year Award. Although she did not win, Mayor Wheeler read the complimentary letter from the OAMR President regarding Ms. Spoons.
- c. Councilmember Stine questioned if the receivership program will take effect in October.
- d. Councilmember Stine noted the Council photos need to be completed.

**180. Adjournment**

There being no further business, this Council meeting adjourned at 8:38 p.m.

The proceedings of the City Council meeting were recorded and are filed in the City Recorder's Office. The complete agenda of this meeting is filed in the City Recorder's Office.

Karen M. Spoons, MMC  
City Recorder