

CITY COUNCIL AGENDA



MEDFORD
OREGON

October 1, 2020

6:00 P.M.

Medford City Hall, Council Chambers

411 W. 8th Street, Medford, Oregon

This meeting may be viewed via livestream at www.cityofmedford.org. Click on COUNCIL MEETINGS at the bottom of the first page. From there click on LIVE STREAM GOVERNMENT CHANNEL.

10. Roll Call

20. Recognitions, Community Group Reports

30. Oral Requests and Communications from the Audience

Comments will be limited to 4 minutes per individual, group or organization. This time limit may be shortened at the discretion of the Mayor.

40. Approval or Correction of the Minutes of the September 17, 2020 Regular Meeting

50. Consent Calendar

60. Items Removed from Consent Calendar

70. Ordinances and Resolutions

70.1 **COUNCIL BILL 2020-124**

A RESOLUTION ratifying the Mayor's Administrative Order dated September 24, 2020, and in effect through September 10, 2021, for a First Extension of a Local State of Emergency in the City of Medford as a Result of the Almeda Fire.

70.2 **COUNCIL BILL 2020-125**

A RESOLUTION setting the public hearing date and initiating annexation to the City of Medford of approximately 230.75 acres of property located northeast of North Foothill Road and Hillcrest Road, and including the abutting public rights-of-way along Hillcrest Road and McAndrews Road and a strip of public land abutting McAndrews Road. The County zoning designations of Exclusive Farm Use (EFU) and Open Space Reserve (OSR) will be changed to the City's SFR-00 (Single Family Residential -1 dwelling unit per existing lot) holding zone, along with the E-A (Exclusive Agricultural) overlay; the Historic Preservation Overlay will be applied to the 6.6 acres that comprise the Hillcrest Orchard Historic District as listed on the National Register of Historic Places; and the properties will be removed from Medford Rural Fire Protection District #2. (ANNX-20-210)

Meeting locations are generally accessible to persons with disabilities. To request interpreters for hearing impaired or other accommodations for persons with disabilities, please contact the ADA Coordinator at (541) 774-2074 or ada@cityofmedford.org at least three business days prior to the meeting to ensure availability. For TTY, dial 711 or (800) 735-1232.

Historic District as listed on the National Register of Historic Places; and the properties will be removed from Medford Rural Fire Protection District #2. (ANNX-20-210)

70.3 COUNCIL BILL 2020-126

A RESOLUTION approving and adopting the 2020 update of the Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan (SETP) for the City of Medford.

80. Public Hearings

90. Council Business

90.1 Proclamations

Cybersecurity Awareness Month

National Community Planning Month

90.2 Committee Reports and Communications

a. Council Officers Update

100. City Manager and Staff Reports

100.1 North Phoenix Road Median

100.1 Dunbar Farms Utility Account

110. Adjournment



AGENDA ITEM COMMENTARY

DEPARTMENT: Legal **AGENDA SECTION:** Ordinances and Resolutions
PHONE: (541) 774-2020 **MEETING DATE:** October 1, 2020
STAFF CONTACT: Eric Mitton, Deputy City Attorney

COUNCIL BILL 2020-124

A RESOLUTION ratifying the Mayor's Administrative Order dated September 24, 2020, and in effect through September 10, 2021, for a First Extension of a Local State of Emergency in the City of Medford as a Result of the Almeda Fire.

SUMMARY AND BACKGROUND

Council is requested to consider a resolution ratifying an extension of the Declaration of a Local State of Emergency as a Result of the Almeda Fire until September 10, 2021.

PREVIOUS COUNCIL ACTIONS

On September 10, 2020, Council approved Resolution 2020-124, ratifying the Mayor's Declaration of Emergency as a Result of the Almeda Fire.

ANALYSIS

On September 8, 2020, the Almeda Fire swept through Phoenix and Talent, destroying an estimated 2,357 homes and many businesses. Although the fire was stopped before it destroyed structures within the City of Medford, the fire's devastation nevertheless has lasting effects throughout the region, including for the City of Medford.

The City of Medford has the ability to help house the thousands of displaced people through temporarily emergency executive orders that temporarily suspend enforcement of specific provisions of the Medford Land Development Code and other portions of the Medford Municipal Code. For example, pursuant to this emergency declaration, the City Manager has already issued executive orders authorizing RVs to be occupied outside of mobile home parks under certain specified circumstances, and allowing a temporary expansion of the Kelly Shelter. Although the immediate threat from the fire itself has passed, the need for flexibility that the emergency declaration offers will continue for many months.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Extending the Emergency Declaration itself does not have any direct costs to the City.

TIMING ISSUES

The Emergency Declaration is currently scheduled to expire on October 8, 2020. An extension until September 10, 2021 is proposed.

COUNCIL OPTIONS

- Approve the resolution as written.
- Modify the resolution.
- Deny the resolution and provide direction to staff.



STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution ratifying the extension of the Emergency Declaration through September 10, 2021.

EXHIBITS

Resolution

Mayor's Extension of Declaration of a Local State of Emergency as a Result of the Almeda Fire

RESOLUTION NO. 2020-124

A RESOLUTION ratifying the Mayor's Administrative Order dated September 24, 2020, and in effect through September 10, 2021, for a First Extension of a Local State of Emergency in the City of Medford as a Result of the Almeda Fire.

WHEREAS, on September 8, 2020, the Almeda Fire, also known as the Glendower Fire, started burning north of Ashland, swept through the Cities of Phoenix and Talent, and approached the City of Medford, resulting in Level 2 or Level 3 evacuation orders for a significant area within the City of Medford and the displacement of thousands of residents in neighboring communities;

WHEREAS, on September 8, 2020, Governor Kate Brown declared the Almeda Fire a conflagration pursuant to ORS 476.510 through 476.610;

WHEREAS, the ongoing human impact of the Almeda fire necessitates an extension of the City's September 9, 2020 emergency declaration. The City of Medford has the ability to help house the thousands of displaced people through emergency executive orders that temporarily suspend enforcement of specific provisions of the Medford Municipal Code. Although the immediate threat from the Fire itself has passed, the need for flexibility that the emergency declaration offers will continue for many months;

WHEREAS, declarations of emergency by the Mayor, including any extensions of the declaration, must be ratified by City Council pursuant to Medford Municipal Code 12.050; and

WHEREAS, City Council is in full agreement with the Declaration and all the contents thereof; now, therefore,

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

The Mayor's Administrative Order dated September 24, 2020, and in effect through September 30, 2021, for a First Extension of a Local State of Emergency in the City of Medford as a Result of the Almeda Fire, attached hereto as Exhibit 1, is hereby ratified.

PASSED by the Council and signed by me in authentication of its passage this 1st day of October, 2020.

ATTEST: _____
Acting City Recorder

Mayor



MEDFORD
MAYOR

ADMINISTRATIVE ORDER DATED SEPTEMBER 24, 2020
of the
Mayor of the City of Medford, Oregon

**EXTENDING A LOCAL STATE OF EMERGENCY IN THE CITY OF
MEDFORD AS A RESULT OF THE ALMEDA FIRE**

The Mayor of the City of Medford finds that:

- A. The following conditions have resulted in the need for a local state of emergency declaration and an extension of that declaration.
- B. Whereas on September 8, 2020, the Almeda Fire, also known as the Glendower Fire, started burning north of Ashland, swept through the Cities of Phoenix and Talent, and approached the City of Medford, resulting in Level 2 or Level 3 evacuation orders for a significant area within the City of Medford;
- C. Whereas the Almeda Fire destroyed 2,357 homes and many businesses, killing four people, causing substantial property damage, temporarily displacing up to or exceeding 15,000 people, and causing other injuries or damage not yet determined;
- D. Whereas on September 8, 2020, at 6:35 pm, Governor Kate Brown declared the Almeda Fire a conflagration pursuant to ORS 476.510 through 476.610, and determined that a threat to life, safety, and property exists due to the fire, and that the threat exceeds the firefighting capabilities of local firefighting personnel and equipment, and thereby authorized the Oregon Office of State Fire Marshal to mobilize resources to assist local resources battling the fire;
- E. Whereas the Almeda Fire is now fully contained, but thousands of residents of Phoenix and Talent have lost their homes and/or livelihoods;
- F. Whereas pursuant to ORS 401.309(1), the governing body of a city may declare, by ordinance or resolution, that a state of emergency exists within the city.
- G. Whereas pursuant to MMC Chapter 12, if the Mayor determines that a state of emergency exists, the City may declare a state of emergency when there exists "any human caused or natural event or circumstances causing or threatening loss of life, injury to person or property, human suffering or financial loss, and includes, but is not limited to, fire, explosion, flood, severe weather, earthquake, spills or releases of oil or hazardous material, contamination, disease, civil disturbance, terrorism, riot, or the interruption of essential public services." MMC 12.060 sets out the actions

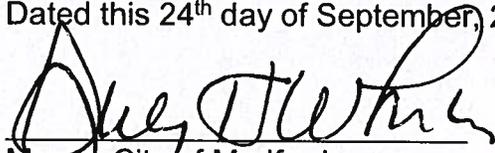
the City can take, which include appropriate financial and procurement procedures and various actions to address human suffering and financial loss resulting from emergencies;

- H. Whereas the ongoing human impact of the Alameda fire necessitates an extension of the City's September 9, 2020 emergency declaration;

Now, therefore, based on the above findings, THE MAYOR OF THE CITY OF MEDFORD ORDERS THAT:

1. A Local State of Emergency is declared to continue to exist throughout the City of Medford.
2. This extended Declaration of Local State of Emergency is effective immediately and shall remain in effect until September 10, 2021, but may be further extended so long as the consequences of the Alameda Fire, or other regional fires, pose an ongoing, immediate, and substantial threat to the life, safety, health, or property in the City of Medford;
3. The operative provisions of the September 9, 2020 declaration of emergency are adopted by reference as if fully set forth herein.

Dated this 24th day of September, 2020.



Mayor, City of Medford

Ratified by City Council action on this _____ day of October, 2020.

ATTEST: _____
City Recorder, City of Medford



and farm infrastructure such as windmills and irrigation facilities. The 6.6 acres located in the southwest corner of the properties is designated in the National Historic Register as the Hillcrest Orchard Historic District. The applicants are seeking a change from the County zoning designations to the City's SFR-00 holding zone with applicable overlays. The holding zone will remain until a zone change application is filed and urban development on the properties is proposed. The following General Land Use Plan designations exist on the properties: Urban Residential, Urban Medium Density Residential, Urban High Density Residential, Service Commercial, and Commercial.

The evaluation of the annexation request will be preceded by review and adoption of an Urbanization Plan for the property on the same evening (UP-20-209). The properties are referenced as planning unit MD-4 in the Urbanization Planning section of the Neighborhood Element of the Comprehensive Plan.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Annexation of properties from the Urban Growth Boundary must comply with the Urban Growth Management Agreement (UGMA) adopted by the City and Jackson County. The proposal includes annexing the full width adjacent right-of-way along Hillcrest and McAndrews Roads. Preliminary research indicates the portion of Hillcrest Road is maintained by Jackson County and the segment of McAndrews Road was built and is maintained by the City. The UGMA and Urban Reserve Management Agreement (URMA) do not list Hillcrest Road specifically regarding jurisdictional transfer requirements.

The City collects fees for streets, parks, public safety, sewer, and storm drain maintenance. Property taxes are also adjusted based on annexation occurring.

TIMING ISSUES

The final hearing for this matter is scheduled before City Council on Thursday, November 5, 2020.

COUNCIL OPTIONS

- Approve the resolution as presented.
- Modify the resolution as presented.
- Decline to approve the resolution as presented and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the request to initiate the annexation.

SUGGESTED MOTION

I move to adopt the resolution to initiate the annexation and set the public hearing date of November 5, 2020.

EXHIBITS

- Resolution
- ANNX-20-209 - Legal Description with exhibit map
- ANNX-20-209 - Vicinity Map

RESOLUTION NO. 2020-125

A RESOLUTION setting the public hearing date and initiating annexation to the City of Medford of approximately 230.75 acres of property located northeast of North Foothill Road and Hillcrest Road, and including the abutting public rights-of-way along Hillcrest Road and McAndrews Road and a strip of public land abutting McAndrews Road. The County zoning designations of Exclusive Farm Use (EFU) and Open Space Reserve (OSR) will be changed to the City's SFR-00 (Single Family Residential -1 dwelling unit per existing lot) holding zone, along with the E-A (Exclusive Agricultural) overlay; the Historic Preservation Overlay will be applied to the 6.6 acres that comprise the Hillcrest Orchard Historic District as listed on the *National Register of Historic Places*; and the properties will be removed from Medford Rural Fire Protection District #2. (ANNX-20-210)

WHEREAS, on August 18, 2016, Council Bill 2016-99 was approved adopting an amended urban growth boundary ("UGB") for the City of Medford. The area proposed for annexation was included in the City's 2016 UGB expansion and is within the City's current UGB. The area has General Land Use Plan designations of Urban Residential, Urban Medium Density Residential, Urban High Density Residential, Service Commercial, and Commercial, so the SFR-00 holding zone district is the appropriate transition zone and, because an agricultural operation will continue to exist on the properties, the Exclusive Agricultural Overlay will be applied. The Historic Preservation Overlay will be applied to the 6.6 acres that comprise the Hillcrest Orchard Historic District as listed on the *National Register of Historic Places*;

WHEREAS, the owners of the area proposed for annexation have submitted a request for annexation, except for the strip of public land abutting McAndrews Road, for which no consent is required pursuant to ORS 274.170(4); and

WHEREAS, the area proposed for annexation is situated in Jackson County, Oregon, is described in Exhibit A, attached hereto and incorporated herein, and is contiguous along its northerly, easterly, southerly and westerly boundaries to the City of Medford; now, therefore,

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

SECTION 1. Pursuant to ORS 222.170, the City Council elects to dispense with submitting the question of the proposed annexation to the electors of the City.

SECTION 2. A public hearing on the annexation shall be held at the hour of 6:00 p.m. on the 5th day of November, 2020, before the City Council of the City of Medford, Oregon, in City Hall Council Chambers, 411 W. 8th Street, of said city. Following the hearing, the council will consider a proposed ordinance a) annexing approximately 230.75 acres of property located northeast of North Foothill and Hillcrest Roads, plus abutting public property and right of way along Hillcrest Road and

McAndrews Road; b) changing the County zoning designations of Exclusive Farm Use (EFU) and Open Space Reserve (OSR) to the City's SFR-00 (Single-Family Residential –1 dwelling unit per existing lot) holding zone designation, with the E-A (Exclusive Agricultural) overlay; c) applying the Historic Preservation Overlay to the 6.6 acres that comprise the Hillcrest Orchard Historic District as listed on the *National Register of Historic Places*; and d) removing the property from Medford Rural Fire Protection District #2.

SECTION 3. Pursuant to ORS 222.120(3), the City Planning Department is directed to give notice of the time, place, and purpose of the public hearing provided for in Section 2 hereof by publishing notice thereof once each week for two consecutive weeks prior to the date of said hearing in a newspaper of general circulation in the City of Medford and by causing notices thereof to be posted in four (4) public places in the city for a like period of time.

PASSED by the Council and signed by me in authentication of its passage this 1st day of October, 2020.

ATTEST: _____
Acting City Recorder

Mayor

TELEPHONE
541-772-2782

JAMES E. HIBBS, PLS



L.J. FRIAR & ASSOCIATES P.C.

CONSULTING LAND SURVEYORS

P.O. BOX 1947
PHOENIX, OR 97535

LEGAL DESCRIPTION

EXHIBIT 3

RECEIVED

Handwritten signature and date: Friar & Associates July 14 2020

PLANNING DEPT

Beginning at the Southwest corner of Parcel 1 of Partition Plat No. P-14-2000 recorded March 7, 2000 in the "Record of Partition Plats" in Jackson County, Oregon, and filed as Survey No. 16433 in the Office of the Jackson County Surveyor, said point lying at the intersection of the East line of Foothill Road and the North line of Hillcrest Road, said point also lying on the East line of that area annexed into the City of Medford through Ordinance No. 2001-31; thence Southerly along said East line, 60 feet more or less, to the North line of that area annexed into the City of Medford through Ordinance No. 765 passed January 8, 1970; thence Easterly and Northerly along said City Boundary line, 3310 feet, more or less, to the line common to Sections 22 and 27, Township 37 South, Range 1 West, Willamette Meridian, Jackson County, Oregon, said point also being on the South line of that area annexed into the City of Medford through Ordinance No. 773 passed January 15, 1970; thence WEST, along said Section line and said City Boundary, 40 feet, more or less, to the Southwest corner of Donation Land Claim No. 62, said Township and Range also being the Southeast corner of said City Boundary; thence NORTH, along said City Boundary, 3800.7 feet, more or less, to the North line of East McAndrews Road; thence leaving said City Boundary along said North line, Westerly, 741 feet, more or less, to the East line of that area annexed into the City of Medford through Ordinance 2005-29; thence SOUTH, along said City Boundary, 103 feet, more or less, to the Southeast corner of said City Boundary, also being on the North line of Parcel 2 per Partition Plat No. P-4-2019, recorded February 11, 2019 in the "Record of Partition Plats" in Jackson County, Oregon, and filed as Survey No. 22729 in the Office of the Jackson County Surveyor; thence along the North line of Parcels 1 and 2 of said Partition Plat, along said City Boundary and along that area annexed into the City of Medford through Ordinance 2001-32, North 89°52'21" West, 636.59 feet; thence leaving said City Boundary, South 25°39'18" West, 616.32 feet; thence South 36°30'00" West, 278.00 feet to the West line of said Parcel 1; thence along said West line, South 00°08'13" East, 720.29 feet to the Northeast corner of that tract set forth in Document No. 01-27517, Official Records of Jackson County, Oregon; thence along the North line of said tract, North 89°38'18" West, 1346.07 feet to the East line of Foothill Road also being on the East line of that area annexed into the City of Medford through Ordinance No. 2001-31; thence along the East line of Foothill Road and along said City Boundary, South 00°11'36" West, 2168.10 feet to the point of beginning; Containing 230.746 acres, more or less.

AREA TO BE ANNEXED

371W21D TL'S 101, 300 & 301

371W22 TL'S 303, 500 & 501

Hillcrest Corporation

17-103

March 12, 2020

REGISTERED
PROFESSIONAL
LAND SURVEYOR

James E. Hibbs

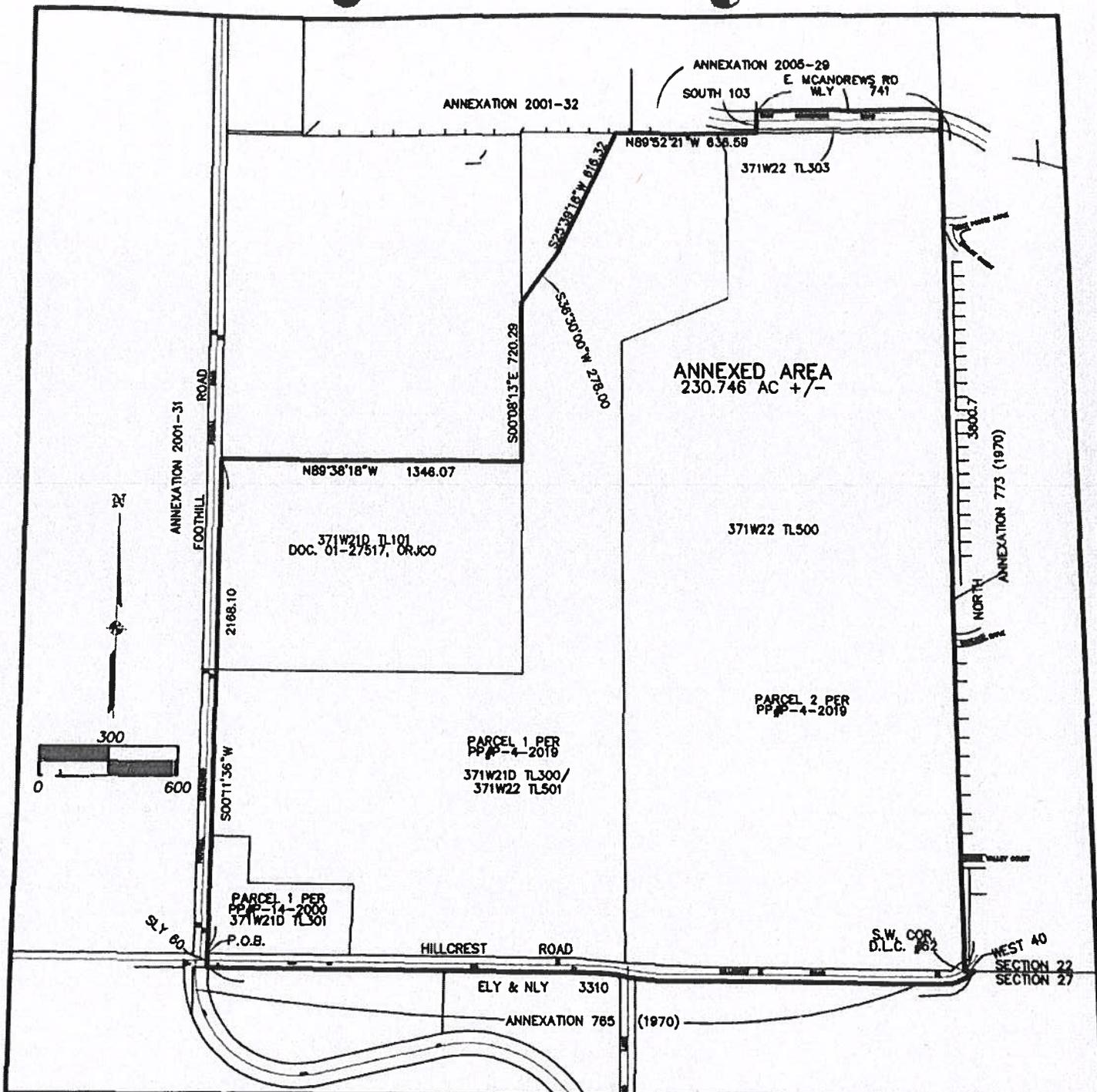
OREGON
JULY 17, 1986
JAMES E. HIBBS
2234

RENEWAL DATE : 6-30-21

CITY OF MEDFORD

EXHIBIT # A

File # ANNEX-20-210



REGISTERED PROFESSIONAL LAND SURVEYOR

James E. Hibbs

OREGON
 JULY 17, 1986
 JAMES E. HIBBS
 2234

RENEWAL DATE: 6-30-21

TITLE: AREA TO ANNEXED

ASSESSOR'S MAP #: 371W21D TL'S 101, 300 & 301
 371W22 TL'S 303, 500 & 501

FOR: HILLCREST CORPORATION
 3285 HILLCREST ROAD
 MEDFORD, OR 97504

L.J. FRIAR & ASSOCIATES P.C.
 CONSULTING LAND SURVEYORS
 P.O. Box 1947, Phoenix, OR 97535
 Phone: (541) 772-2782
 Email: lfriarandassociates@charter.net

DATE: 13 MAR 2020

SCALE: 1 inch : 600 feet

DRAWN BY: JEH
 CHK BY:

ORIGIN:

ROTATION: 0
 JOB#: 17103FM

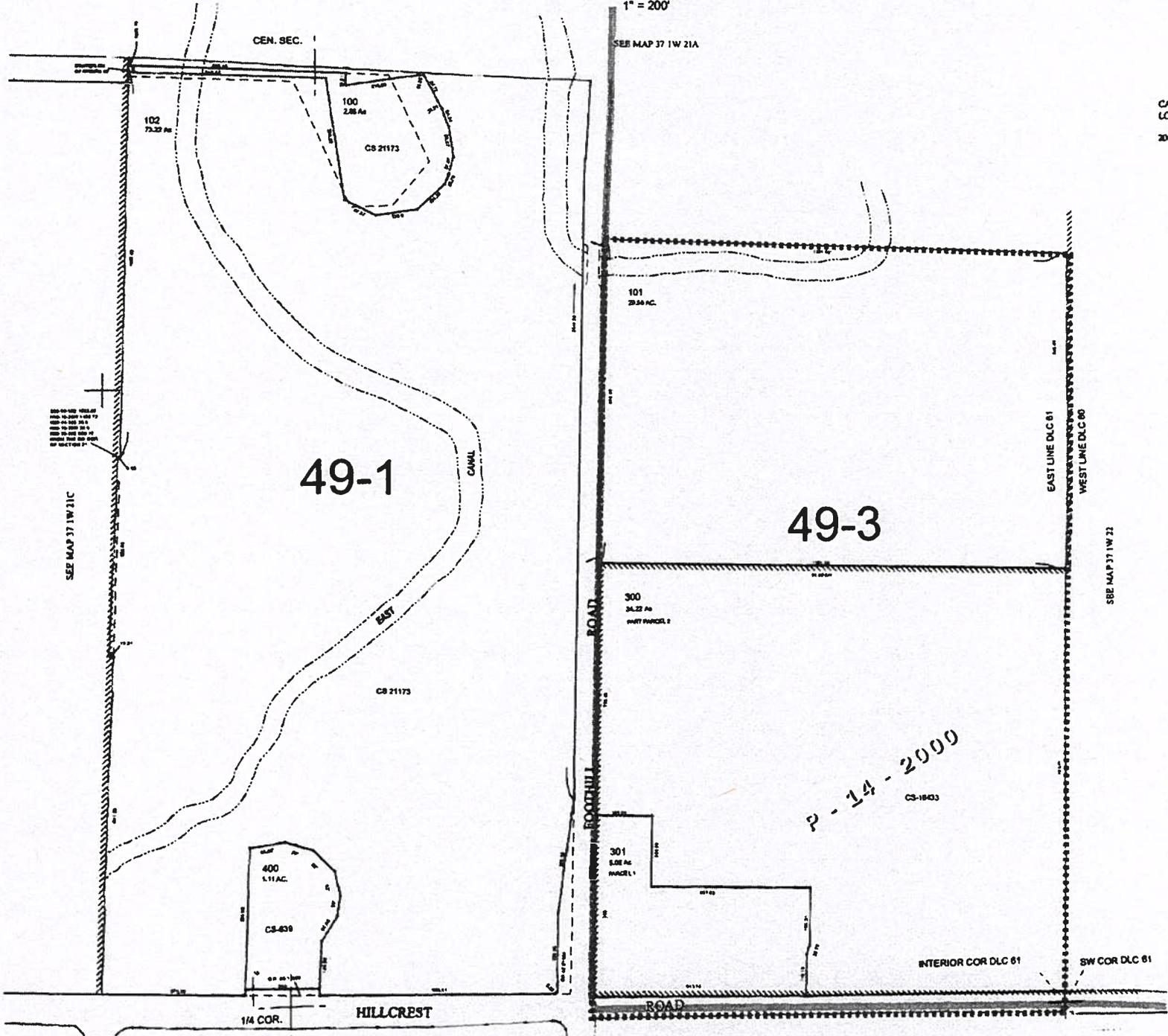
Sheet 1 of 1.

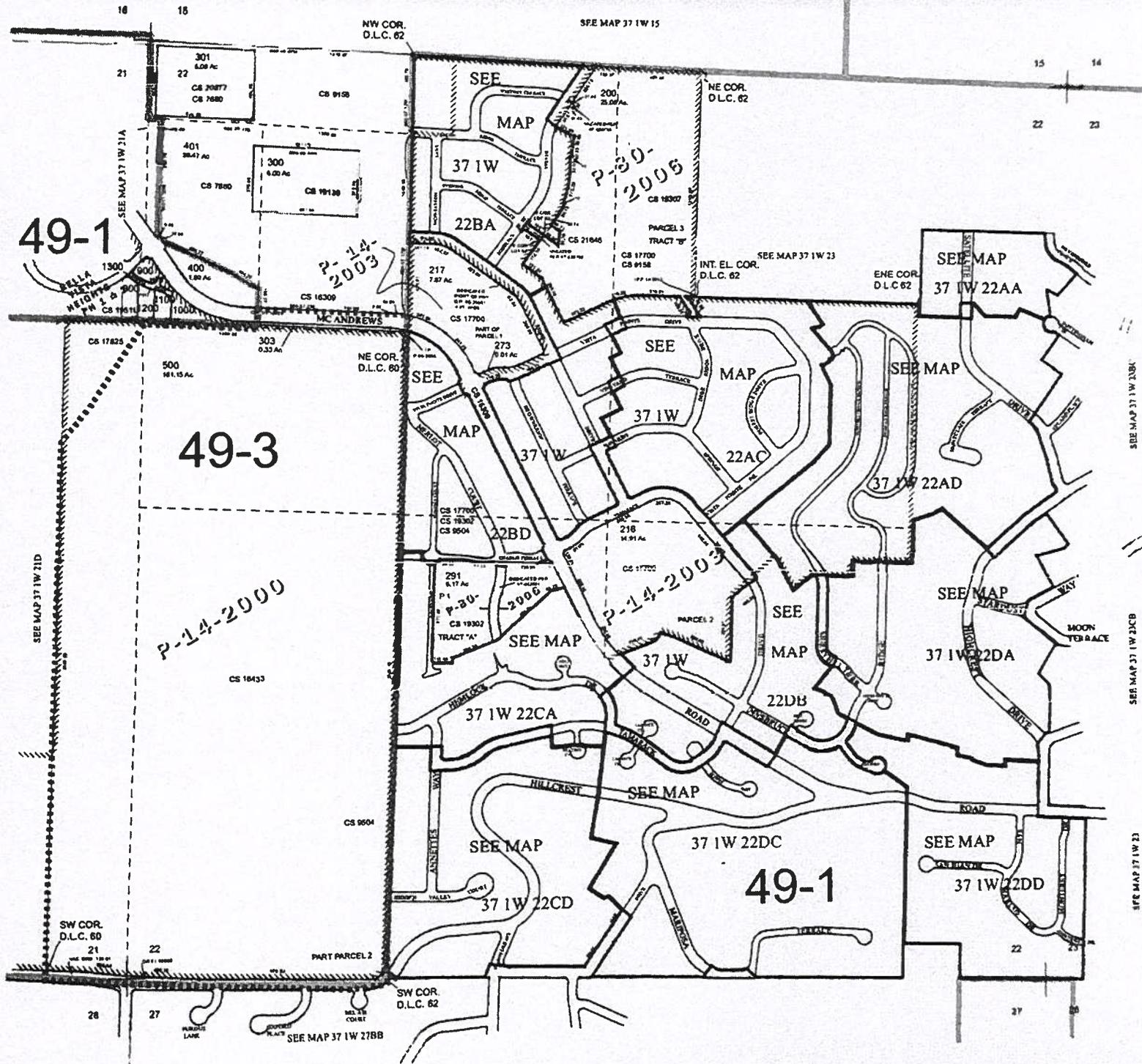
FOR ASSESSMENT AND
TAXATION ONLY

S.E.1/4, SEC.21, T.37S., R.1W., W.M.
JACKSON COUNTY
1" = 200'

37 1W 21D
MEDFORD

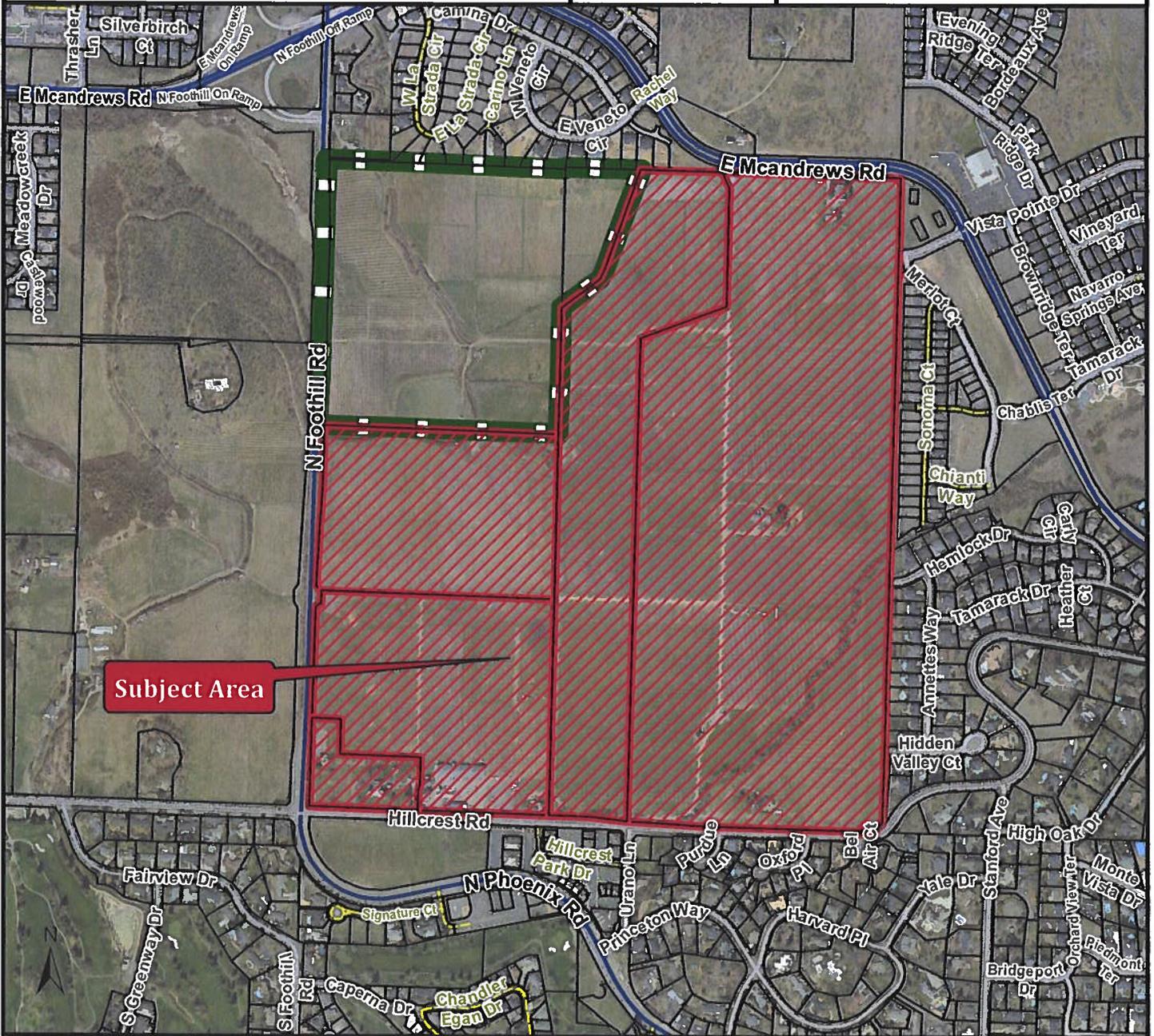
CANCELLED TAX
LOT NUMBERS:
300 ADDED TO 102





- CANCELLED TAX LOT NUMBERS
- 207
 - 204
 - 204 REMAPPED TO 371 W22BA
 - 205 REMAPPED TO 371 W22CA
 - 216 226 REMAPPED TO 371 W22CA
 - 227 261 REMAPPED TO 371 W22CA
 - 261 269 REMAPPED TO 371 W22CA
 - 270 REMAPPED TO 371 W22BA
 - 272 REMAPPED TO 371 W22BD
 - 274 ADDED TO 276
 - 275, 271 REMAPPED TO 371 W22BA
 - 276 REMAPPED TO 371 W22BA
 - 277 279 REMAPPED TO 371 W22BA
 - 278 REMAPPED TO 371 W22BD
 - 280 REMAPPED TO DETAIL
 - 281 REMAPPED TO 371 W22BD
 - 282, 283 REMAPPED TO 371 W22BA
 - 284 REMAPPED TO 371 W22BA
 - 285, 286 ADDED TO 371 W22AD
 - 287 REMAPPED TO 371 W22AD
 - 288 REMAPPED TO 371 W22AD
 - 290 REMAPPED TO 371 W22BD-3000
 - 302, 303, 403 KILLED TO STREET
 - 404 REMAPPED TO 371 W21AD
 - 406 KILLED TO STREET
 - 700

37 1W 22
 MEDFORD
 NEW MAP MAY 24, 2003
 REV. FEBRUARY 04, 2004



Project Name:

**Cogswell/Rocky Knoll MD-4
Urbanization Plan/Annexation**

Map/Taxlot:

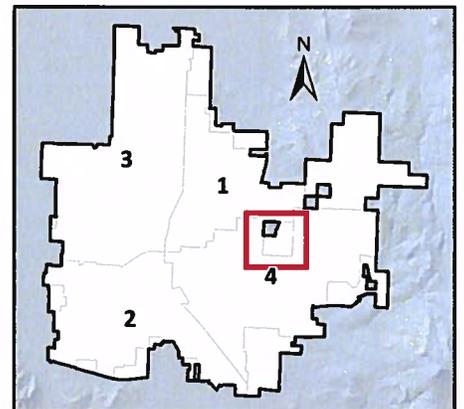
371W21D TL 101;
371W21D TL 300, 301 &
371W22 TL 500, 501

Legend

-  Subject Area
-  Tax Lots



Date: 8/10/2020





AGENDA ITEM COMMENTARY

DEPARTMENT: Public Works, City Attorney's Office **AGENDA SECTION:** Ordinances & Resolutions
PHONE: (541)774-2114, (541)774-2024, (541) 774-2039 **MEETING DATE:** October 1, 2020
STAFF CONTACTS: Eric Mitton, Deputy City Attorney, Alex Georgevitch, Deputy Public Works Director,
Bonnie Huard, ADA Coordinator

COUNCIL BILL 2020-126

A RESOLUTION approving and adopting the 2020 update of the Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan (SETP) for the City of Medford.

SUMMARY AND BACKGROUND

Council is requested to consider approval of a resolution adopting the 2020 update of the Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan (SETP) for the City of Medford. The City completed the development of this SETP in consultation with MIG, Inc. in a process that started in August 2018, concluded in June 2020, and included collaboration with a fourteen-person focus group. The SETP supports in fulfilling ADA Title II requirements; assists the City in identifying policy, program, and physical barriers to accessibility; and guides the City in developing barrier removal solutions to help facilitate access to all individuals.

PREVIOUS COUNCIL ACTIONS

On August 18, 2016, Council Bill 2016-101 was approved, affirming the City's intent to comply with the provisions of the Americans with Disabilities Act of 1990, as amended. (The objective of the resolution at that time was to affirm the City's continued commitment to the ADA and intent to comply with its provisions as a policy support for compliance updating projects then underway and anticipated.)

On August 18, 2016, Council Bill 2016-102 was approved, updating efforts by adoption of a Transition Plan specific to outdoor spaces in City park facilities.

On June 21, 2018, Council Bill 2018-67 was approved, awarding a consulting agreement with MIG, Inc. for preparation of the SETP for the public rights-of-way.

Council held a study session on the SETP on September 10, 2020.

ANALYSIS

The ADA prohibits discrimination on the basis of disability. The ADA requires Public Entities to conduct a self-evaluation to identify programs and services and potential barriers to their access for people with disabilities. Public Entities must reasonably modify their policies, practices, and procedures to ensure that people with disabilities have equal access to programs and services. Where removal of structural barriers is necessary to provide programmatic access, a transition plan is required to set forth the steps necessary to complete such structural changes. A Public Entity's facilities include both their existing buildings and public spaces, such as parks, and all Public right-of-way sidewalks and curb ramps in their jurisdiction.



The SETP project was originally specific to the Public rights-of-way, but the scope was expanded to include all of the programs and services City-wide and to incorporate reference to all elements of the City's SETP. This was done to maximize the value provided by the extensive public involvement effort associated with developing the SETP.

In 2018, the City evaluated its policies, programs, and procedures to determine current levels of service and the extent to which its policies and programs had barriers to accessibility for people with disabilities. The self-evaluation resulted in a set of actions and implementation strategies to improve access to City programs and services, which can be found in Section 2 of this SETP. For example, the "Notice Requirements" section notes the need to better inform the public of their rights and protections provided by the ADA for access to City services. The "Training and Staffing" section notes the need to include staff training across multiple areas to cover interactions with people with disabilities and develop a comprehensive disability access training program. The "Printed Information" section notes that some documents on the City's website are not set up in an accessible way for screen-reader software for individuals with visual disabilities, and directed an update of those documents.

In 2019, the City completed a physical audit of its public right-of-way facilities to locate accessibility barriers and identify recommendations and alterations needed to meet state and federal accessibility standards. A prioritization framework was developed to create the transition plan with a strategy for the City to progress toward compliance with the ADA Standards by removing those barriers over time. The City's transition plan for the right-of-way can be found in Section 3.1 of this SETP. This Section addresses and sets priorities for the installation or renovation of curb ramps, sidewalks, and accessible pedestrian signals throughout the City based upon a multitude of factors, including proximity to various public services and locations of citizen requests.

The SETP development process included public participation in multiple steps of the project and the opportunity for public comment on the resulting plan. The two parts—Self-Evaluation and Transition Plan—together in one document, the City of Medford's SETP, provide the framework for fulfilling the requirements for state and local governments set forth in the ADA Title II.

During the September 10, 2020 City Council study session, it was explained that this SETP builds upon the foundation of Resolution 2016-101 and is a follow-up step from that Resolution. Discussion also occurred as to the financial and/or resource considerations discussed below. Council did not direct any specific changes to the SETP before considering it in a regular meeting.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Compliance with ADA requirements can involve substantial financial expenditures. Approval of this plan does not increase those inherent costs of compliance; to the contrary, by helping identify and target the City's efforts, the plan improves the efficiency and focus of financial expenditures related to ADA compliance. Budgeting for items discussed in the SETP will be part of the next several biennium budget requests.



TIMING ISSUES

City staff is requesting consideration of adoption of the SETP to continue timely progress toward an increased level of ADA compliance the City has been hard at work to achieve.

COUNCIL OPTIONS

Approve the resolution as written.

Modify the resolution.

Deny the resolution and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution adopting the ADA Self-Evaluation and Transition Plan.

EXHIBITS

Resolution

The SETP is on file with the City Recorder's Office

RESOLUTION NO. 2020-126

A RESOLUTION approving and adopting the 2020 update of the Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan (SETP) for the City of Medford.

WHEREAS, the City's first Americans with Disabilities Act of 1990 (ADA) Transition Plan was completed in July of 1992;

WHEREAS, on August 18, 2016, Council approved Council Bills 2016-101 and 2016-102, affirming the City's intent to comply with the provisions of the ADA, as amended, and adopting a Transition Plan specific to outdoor spaces in City park facilities;

WHEREAS, Council on June 21, 2018 adopted Council Bill 2018-67 approving a consulting agreement with MIG, Inc. for preparation of a Self-Evaluation and Transition Plan (SETP) for the public rights-of-way in the City of Medford;

WHEREAS, the SETP development process included public participation in multiple steps of the project and the opportunity for public comment on the resulting draft plan; and

WHEREAS, the 2020 SETP is now finalized and ready for Council review and action; now therefore,

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

Council hereby approves and adopts the 2020 update of the Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plain (SETP) for the City of Medford, on file with the City Recorder's office.

PASSED by the Council and signed by me in authentication of its passage this 1st day of October, 2020.

ATTEST: _____
Acting City Recorder

Mayor



AGENDA SECTION: City Manager Reports and Staff Reports

MEETING DATE: October 1, 2020

AGENDA ITEM 100.1

North Phoenix Road Median – Public Works Director Cory Crebbin



MEMORANDUM

To: Mayor and Council
From: Karl MacNair, Transportation Manager, P.E.
Date: September 24, 2020
Subject: Traffic Analysis for Calle Vista Drive and N Phoenix Road – Alternatives to a Right-In-Right-Out-Only Median Treatment

EXECUTIVE SUMMARY

On February 20, 2020, Council directed staff to analyze the future medians in N. Phoenix that would result in right-in/right-out only turning movements at the Shamrock Drive and Calle Vista Drive intersections. Mahar Homes, the developer of Summerfield Phases 23-29 is conditioned (LDS-19-069) to install a median in N Phoenix Road to make Calle Vista Drive a right-in / right-out only intersection in accordance with the South East Plan because there is no connection to Barnett Rd to the south as was assumed in the 2007 zone change for the property.

People living in the neighborhood west of N Phoenix Road are concerned about safety and maintaining full-movement access to N Phoenix Road. People living in the neighborhood east of N Phoenix Road are concerned about safety and the amount of traffic on Calle Vista Drive.

Staff has analyzed eight (8) alternatives to installing right-in/right-out medians at both intersections. The alternatives included traffic control, traffic signals, roundabouts, new streets and combinations thereof.

Public Works recommends modifying the South East Plan to allow a full movement at Shamrock Drive and requiring the developer to install the right-in / right-out only median at Calle Vista Drive. An alternative is for the developer to request a modification to the previous approval requiring the construction of a 22-foot wide paved section connecting Barnett Road to Lone Oak Drive instead of a median at Calle Vista Drive. Staff has coordinated this alternative with Mahar Homes and they were open to the idea.



The Public Works recommendation addresses the concerns of the neighborhoods on both sides of N Phoenix Road by providing at least one full movement access for the west side neighborhood and reducing traffic on Calle Vista Drive on the east side. The proposed full movement at Shamrock Drive has adequate sight distance and is farther from an existing signal than Calle Vista Drive. The recommended wording of the South East Plan modification is included in the Conclusion section of the report.

Suggested motion:

“Direct staff to collaborate with Mahar Homes and the Planning Commission to amend plans and conditions to implement the Public Works recommendations for North Phoenix Road”



AGENDA SECTION: City Manager Reports and Staff Reports

MEETING DATE: October 1, 2020

AGENDA ITEM 100.2

Dunbar Farms Utility Account – Chief Financial Officer Ryan Martin



MEMORANDUM

To: Brian Sjothun, City Manager
From: Lorraine Peterson, Accounting Supervisor
CC: Sam Barnum, Cory Crebbin, Ryan Martin, Eric Thompson
Date: September 24, 2020
Subject: Dunbar Farms

Brian,

Ms. Emily Motsue from Dunbar Farms presented a letter at last week's Council meeting with three requests:

- Eliminate the 24 month back billing from the utility bill
- Provide a 100% discount on the storm drain fee
- Eliminate the requirement to mow by the City's deadline

Utility Back Billing

Municipal Code section 4.1205(2) allows the City to back bill for up to two years if a utility fee is found to have been undercharged. Our practice is to back bill all accounts that have been overcharged and credit any accounts that have been overcharged. In this case, there are two utility accounts – one for the farm and one for residences. The farm account was billed as agriculture and the residential account was being billed as a single-family residence.

Utility billing staff reviewed a building permit to change the use from agriculture to farm-stand/wine tasting/food preparation, and it was discovered that Dunbar Farms has been operating the business for many years without a business license and without completing the permit process. The Building Department has correspondence back to 2012; however, the applicant never completed the permit process.

For the residential account, there are two single family homes on one tax lot. The definition of multi-family home was changed in 2015 and storm drain fee is based on actual impervious area. The monthly bill increased from \$59.94 to \$268.44 when this was reviewed.

Storm Drain Discount

Dunbar Farms is requesting a 100% reduction in stormwater charges. They hired an engineer to perform an infiltration study, which was completed earlier this month. Public Works –

Engineering reviewed the study and sent comments back to Dunbar Farms' engineer two days ago. A reduction in stormwater charges cannot be supported at this time, but if Dunbar Farms completes additional work in the study, it is likely that Engineering will support a full reduction in this fee.

Mowing Exemption

Fire, Code Enforcement and Planning reviewed the mowing request and are comfortable granting a grandfather exception to six of the seven parcels on this property since this is a "century farm" and its agricultural use predates the land-use rules that were developed more recently. The tax lot at Spring and Pierce (371W21BD100) has no agricultural overlay and needs to be held to the mowing requirements as it abuts approximately 21 residential properties which pose a fire risk.

Stormwater Flowing onto Dunbar Property

There are many roads within the City that do not have curbs and where water drains onto private property. City code does not allow for a reduction in the storm drain fee for this circumstance. This will be partially alleviated when Foothill Rd. is improved, but will not be fully eliminated until Pierce road is improved.

Recommendation

- Dunbar Farms has been operating for many years with no permits and no business license. The 24-month back bill should not be waived, except potentially a portion of the storm drain fee if Dunbar Farms complies with the recommendations below.
- Offer a suspension of future storm drain billing and allow Dunbar not to pay the back billed amount until a final decision is reached, given the following:
 - Dunbar agrees to pay their engineer to resolve the comments from the City within 30 days.
 - The updated study would be submitted to the City within 90 days of the offer, and a decision would be made on the storm drain fees by the City.
- If storm drain fees are reduced, Dunbar would be responsible for paying:
 - Farm bill: \$2,475.31(reduced from \$4,980.51
 - Residential bill: \$201.41 (reduced from \$1,460.40)
- Six of the seven parcels on this property would be exempted from the mowing requirement.