



Medford City Council Meeting

Agenda

February 2, 2017

12:00 Noon

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

10. Roll Call

Introduction of McLoughlin Middle School Students of the Month

20. Approval or Correction of the Minutes of the January 19, 2017 Regular Meeting

30. Oral Requests and Communications from the Audience

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

40. Consent Calendar

50. Items Removed from Consent Calendar

60. Ordinances and Resolutions

60.1 COUNCIL BILL 2017-09 - Continued from January 19, 2017 – A resolution authorizing the addition of a project to the current budget for the repair and replacement of sidewalks and other streetscape components on Central Avenue.

60.2 COUNCIL BILL 2017-11 A resolution reversing the City Recorder's administrative decision and upholding the issuance of a taxi driver identification card to Gerald Adams.

60.3 COUNCIL BILL 2017-12 A resolution directing staff to move forward with the design and construction of Fire Station #3.

60.4 COUNCIL BILL 2017-13 A resolution appointing representatives to voting positions as the City representatives on boards and commissions.

60.5 COUNCIL BILL 2017-14 A resolution to commence foreclosure to recover delinquent assessments.

60.6 COUNCIL BILL 2017-15 An ordinance granting to (Astound Broadband, LLC, dba Wave), Grantee, the non-exclusive privilege (Franchise) to use the public way to locate, construct, operate and maintain facilities within the City of Medford.

70. Council Business

70.1 State Legislative Agenda

80. City Manager and Other Staff Reports

80.1 Quarterly Financial Report by Alison Chan

80.2 IPMC/Receivership update by Sam Barnum

80.3 Further reports from City Manager

90. Propositions and Remarks from the Mayor and Councilmembers

90.1 Proclamations issued:
Bill and Socorro Holloway Day – February 4, 2017

90.2 Further Council committee reports

90.3 Further remarks from Mayor and Councilmembers

100. Adjournment to the Evening Session

EVENING SESSION
7:00 P.M.

There are no items for Council consideration.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: February 2, 2017

COUNCIL BILL 2017-09

Continued from January 19, 2017. A resolution authorizing the addition of a project to the current budget for the repair and replacement of sidewalks and other streetscape components on Central Avenue.

SUMMARY AND BACKGROUND

Complaints have been received about uneven sidewalk pavers on Central Avenue. Inspections were performed and numerous sidewalk defects were noted. Letters were sent to property owners describing the defects and advising them of their responsibility to maintain sidewalks per Medford Municipal Code 3.010. Property owners protested to the City Council that they should not be liable for the repairs as the defects are a result of the design and construction performed by the Medford Urban Renewal Agency. The City Council directed staff to repair the sidewalks on Central Avenue abutting properties which execute a waiver releasing the City from any future liability for repairs to the sidewalk. City staff advised the Council of the intent to include this work in the next budget as it is not included in the current budget. This proposed action will create a new 'Central Avenue Sidewalk' project in the current budget which will allow funds not spent on other projects to be used for these repairs prior to adoption of the next City budget.

PREVIOUS COUNCIL ACTIONS

February 18, 2016 – 120.1: Appeal of an administrative decision pertaining to an unsafe sidewalk at 117 S. Central Avenue.

February 18, 2016 – 120.2: Appeal of an administrative decision pertaining to an unsafe sidewalk at 135-149 S. Central Avenue.

February 28, 2016 – 120.3: Appeal of an administrative decision pertaining to an unsafe sidewalk at 125 S. Central Avenue.

March 3, 2016 – 40.1 Council Bill 2016-27: A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 117 S. Central Avenue.

March 3, 2016 – 40.1 Council Bill 2016-28: A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 135-149 S. Central Avenue.

March 3, 2016 – 40.1 Council Bill 2016-29: A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 125 S. Central Avenue.

April 7, 2016 – 60.1 Council Bill 2016-27: Continued from March 3, 2016. A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 117 S. Central Avenue.

April 7, 2016 – 60.2 Council Bill 2016-27: Continued from March 3, 2016. A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 135 through 149 S. Central Avenue.

April 7, 2016 – 60.3 Council Bill 2016-27: Continued from March 3, 2016. A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 125 S. Central Avenue.

July 7, 2016 – City Manager and other staff reports: Update on downtown sidewalk appeals.



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

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January 19, 2017 – 60.4 Council Bill 2017-09: A resolution adding the addition of a project to the current budget for the repair and replacement of sidewalk on Central Avenue. This item was continued to the February 2, 2017, City Council meeting, pending a Medford Urban Renewal study at Noon on January 26, 2017.

Synopses of Council actions are provided in an attached exhibit.

ANALYSIS

Approval of this proposed action will enable City staff to begin the development of designs and construction contract documents necessary for the repair of sidewalks on Central Avenue prior to July 1, 2017. Funding will be provided by various Capital Improvement Projects (CIPs) which will not be constructed in the current budget period and were funded with the Street Utility Fund or the Gas Tax Fund. Examples of such projects are the Lone Pine Signal at Springbrook, Adaptive Signal Timing Barnett, and the 4th and Riverside Right Turn. The total available from CIPs which will not be completed in the current budget period is over \$1.5M.

Waivers as directed by the City Council were mailed to all property owners in the affected area with a request that they be executed and returned by November 30, 2016. An exhibit is attached which shows which property owners have signed and returned the waivers. Waivers were not required for properties owned by the City of Medford.

The current intent of the City Council as understood by staff is that defective areas will be repaired, that the tree grates will be modified to reduce or eliminate the impact of tree roots in the future, and that corner ramps affected by vehicle traffic will be reconstructed to traffic-bearing standards. The planning level cost estimate to accomplish this work is \$300,000. If this work costs more than the planning level estimate, it can be accomplished within the total funds without further Council action other than contract award(s).

An alternative is to completely replace the existing pavers with 2x2 scored or stamped concrete. This option will be more resilient and eliminate the problem of pavers shifting. The planning level cost estimate to accomplish this work is \$1,200,000. If this work costs less than approximately \$1,500,000 it can be accomplished without further Council action other than contract award(s).

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The majority of the funds reprogrammed will come from projects currently budgeted in the Gas Tax Fund. Approval of this action will reduce resources for future maintenance and street projects.

TIMING ISSUES

Contract(s) cannot be awarded for this work until a project is established in the budget.

COUNCIL OPTIONS

Approve, modify, or deny the resolution to add a \$300,000 sidewalk repair/replacement project to the current budget.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution establishing a 'Central Avenue Sidewalks' project for \$300,000 in the current budget.

EXHIBITS

Resolution

Synopses of Council actions

List of properties required to execute waivers

RESOLUTION NO. 2017-09

A RESOLUTION authorizing the addition of a project to the current budget for the repair and replacement of sidewalks and other streetscape components on Central Avenue.

WHEREAS, numerous sidewalk defects have been identified on Central Avenue and letters were sent to property owners advising them of their responsibility to maintain sidewalks per Medford Municipal Code 3.010; and

WHEREAS, various property owners filed appeals of the Public Work's administrative decisions concerning sidewalk repairs; and

WHEREAS, the City Council directed staff to repair the sidewalks on Central Avenue and abutting properties; and

WHEREAS, this proposed action will create a new project in the current budget to allow for funds not spent on other projects to be used for these repairs prior to the adoption of the next budget; now, therefore,

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

That the addition of a project to the current budget for the repair and replacement of sidewalks and streetscape components on Central Avenue is hereby authorized.

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

ATTEST: _____
City Recorder

Mayor

Exhibit – Synopses of Council actions on Central Avenue sidewalks

Appeals

07/07/2016	Motion	Update on downtown sidewalk appeals Authorize removal of all the tree grates on properties in which owners have signed waivers and indemnities that are satisfactory to staff.
	Amended Motion	Authorize removal of all tree grates and to replace pavers on owners' properties that have signed waivers and indemnities that are satisfactory to staff. Motion carried and so ordered.
	Motion	Funding for this project should come from the same source as proposed for the bulb outs. Motion carried and so ordered.
05/19/2016	Motion	Direct City Manager to have ADA ramps or bulb-outs damaged by vehicle traffic on Central Avenue between 4 th Street and 10 th Street, and which have pending sidewalk defect complaints outstanding, be repaired by the City using any appropriate street maintenance funds.
04/07/2016	R2016-27	Continued from March 3, 2016 - A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 117 S. Central Avenue.
	R2016-28	Continued from March 3, 2016 - A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 135 through 149 S. Central Avenue.
	R2016-29	Continued from March 3, 2016 - A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 125 S. Central Avenue.
	Motion:	Hold all sidewalk appeals in abeyance for properties on Central Avenue from East Tenth Street in the south to East Fourth Street in the north and to toll all applicable time periods for sidewalk appeals for the same. Motion carried and so ordered.
03/03/2016	R2016-27	A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 117 S. Central Avenue.
03/03/2016	R2016-28	A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 135 – 149 S. Central Avenue.
03/03/2016	R2016-29	A resolution affirming the Public Works Director's administrative decision requiring the repair of an unsafe sidewalk located at 125 S. Central Avenue. Councilmember Gordon requested the removal of 40.1, 40.2 and 40.3 and asked whether Council was obligated to vote on these items today. City Attorney Lori Cooper clarified that Code did not provide a deadline for a Council decision; however, there is a safety issue with these

sidewalks that should be taken into consideration by Council. Councilmember Gordon stated he walked part of Central Avenue and believes Council needs more information and should investigate whether the current system is reasonable. He also noted the City should also be concerned with indemnity throughout any investigation period.

Motion **FAILED:** Uphold the appeal of the administrative decision pertaining to an unsafe sidewalk at 117 South Central Avenue.
Denial of the appeal to the administrative decision pertaining to an unsafe sidewalk at 117 South Central Avenue and to grant the appellant nine months to comply, provided they sign an indemnity agreement approved by the City Attorney.

Motion Table Council Bills 2016-27, 28, and 29 to the April 7, 2016 Council meeting.

2/18/2016 Motion **FAILED:** Uphold the appeal of the administrative decision pertaining to an unsafe sidewalk at 117 South Central Avenue.

Motion Denial of the appeal to the administrative decision pertaining to an unsafe sidewalk at 117 South Central Avenue and to grant the appellant nine months to comply, provided they sign an indemnity agreement approved by the City Attorney.

2/18/2016 Motion Deny the appeal of the administrative decision pertaining to an unsafe sidewalk at 135-149 South Central Avenue and to grant the appellant nine months to comply, provided they sign an indemnity agreement approved by the City Attorney.

2/18/2016 Motion Deny the appeal of an administrative decision pertaining to an unsafe sidewalk at 125 South Central Avenue and grant the appellant nine months to comply provided they sign an indemnity agreement approved by the City Attorney.

Oral Requests

07/07/2016 Jack Schmidt reported that he had organized a repair to one of the street tree wells, as he requested in a previous meeting. He explained the process to Council; Councilmember Gordon thanked Mr. Schmidt for his work.

07/07/2016 Scott Henselman spoke regarding the sidewalks downtown between 4th Street and 10th Street. He noted that Medford Urban Renewal Agency installed incorrect sidewalks and the matter would be coming back to Council in the near future.

04/07/2016 Ben Tresser, representing the buildings 135-149 South Central, noted that an agenda item was confirming the ruling against him.

04/07/2016 Scott Henselman, representing five buildings on Central Avenue, spoke regarding uneven sidewalks and trees along Central. He noted that years ago when Medford Urban Renewal Agency first brought up the pavers, he spoke against them.

SITE ADDRESS	CERT MAIL RETURN WAIVER RECEIVED	OWNER	PROF MGR	
Central Avenue Sidewalk Waivers				
Address	Return receipt	Date rec'd	Owner	Property Manager
10 N CENTRAL AVE			ALLIED CHRISTIAN FOUNDATION	
2 N CENTRAL AVE			ALLIED CHRISTIAN FOUNDATION	
117 N CENTRAL AVE	10/14/2016	10/17/2016	ASSOC/RETARDED CITIZENS OF	
121 N CENTRAL AVE	10/14/2016	10/17/2016	ASSOC/RETARDED CITIZENS OF	
202 N CENTRAL AVE	10/15/2016	10/31/2016	B P O E #1168	
204 N CENTRAL AVE	10/15/2016	10/31/2016	B P O E #1168	
CENTRAL AVE	10/15/2016	10/31/2016	B P O E #1168	
135 S CENTRAL AVE	10/14/2016		CENTRAL AVENUE PROPERTIES L	BEN TRESSER
137 S CENTRAL AVE	10/14/2016		CENTRAL AVENUE PROPERTIES L	BEN TRESSER
141 S CENTRAL AVE	10/14/2016		CENTRAL AVENUE PROPERTIES L	BEN TRESSER
149 S CENTRAL AVE	10/14/2016		CENTRAL AVENUE PROPERTIES L	BEN TRESSER
23 S CENTRAL AVE	10/7/2016	11/16/2016	CRATERIAN PERFORMANCES CO	
111 N CENTRAL AVE	10/7/2016	10/12/2016	DAVIS-BARTLETT PROPERTIES	SCOTT HENSELMAN
115 N CENTRAL AVE	10/7/2016	10/12/2016	DAVIS-BARTLETT PROPERTIES	SCOTT HENSELMAN
33 N CENTRAL AVE	10/14/2016	10/18/2016	DORSEY & PARRISH INVESTMENT	SCOTT HENSELMAN
35 CENTRAL AVE	10/14/2016	10/18/2016	DORSEY & PARRISH INVESTMENT	SCOTT HENSELMAN
37 N CENTRAL AVE	10/14/2016	10/18/2016	DORSEY & PARRISH INVESTMENT	SCOTT HENSELMAN
101 N CENTRAL AVE	10/7/2016		EBERT R DANIEL/ANN	
103 N CENTRAL AVE	10/7/2016		EBERT R DANIEL/ANN	
30 N CENTRAL AVE	10/6/2016	10/7/2016	EHRlich JOHN A ET AL	SCOTT HENSELMAN
12 S CENTRAL AVE	10/14/2016	10/24/2016	HUNT GEORGE A JR TRUSTEE ET	
14 S CENTRAL AVE	10/14/2016	10/24/2016	HUNT GEORGE A JR TRUSTEE ET	
16 S CENTRAL AVE	10/14/2016	10/24/2016	HUNT GEORGE A JR TRUSTEE ET	
20 S CENTRAL AVE	10/14/2016	10/24/2016	HUNT GEORGE A JR TRUSTEE ET	
22 S CENTRAL AVE	10/14/2016	10/24/2016	HUNT GEORGE A JR TRUSTEE ET	
S CENTRAL -adjacent 134 E Main St	10/14/2016	10/24/2016	HUNT GEORGE A JR TRUSTEE ET	
38 N CENTRAL AVE	10/7/2016		J R DEVELOPMENT LLC	
26 S CENTRAL AVE	10/14/2016	11/1/2016	J/F PROPERTIES	
30 S CENTRAL AVE	10/14/2016	11/1/2016	J/F PROPERTIES	
32 S CENTRAL AVE	10/14/2016	11/1/2016	J/F PROPERTIES	
36 S CENTRAL AVE	10/14/2016	11/1/2016	J/F PROPERTIES	
40 S CENTRAL AVE	10/14/2016	11/1/2016	J/F PROPERTIES	
42 S CENTRAL AVE	10/14/2016	11/1/2016	J/F PROPERTIES	
44 S CENTRAL AVE	10/14/2016	11/1/2016	J/F PROPERTIES	
205 S CENTRAL AVE	10/6/2016	10/26/2016	JACKSON COUNTY	JON MCCAUP
127 N CENTRAL AVE	10/8/2016		JENSEN BRETT R/DENISE R	
N CENTRAL AVE-adjacent to 127 N Centr	10/8/2016	11/30/2016	JENSEN BRETT R/DENISE R	
N Central adjaced to 236 N FRONT ST	10/8/2016	10/11/2016	LIME CATHIE L P TRUSTEE FBO	
125 S CENTRAL AVE	10/8/2016	10/4/2016	MOUNTAIN DEVELOPMENT CO LLC	
14 N CENTRAL AVE	10/6/2016	10/7/2016	NMMRB LLC	
117 S CENTRAL AVE	10/6/2016		ROGUE COMM COLLEGE DISTRICT	GRANT LAGORIO
106 N CENTRAL AVE	10/6/2016	2/16/2016	S ORE HISTORICAL SOCIETY	SCOTT HENSELMAN
221 N CENTRAL AVE	10/7/2016		STENKAMP DIANE HIGHT (LE)	
145 N CENTRAL AVE	10/8/2016	10/11/2016	STORMBERG MATTHEW P/TERI LE	
131 E MAIN ST	10/8/2016		U S NATIONAL BANK/ORE	
100 S CENTRAL AVE			CITY OF MEDFORD	DONNA HOLTZ
146 N CENTRAL AVE			MEDFORD CITY OF	DONNA HOLTZ
200 MAIN ST			MEDFORD CITY OF	
207 N CENTRAL AVE			MEDFORD CITY OF	DONNA HOLTZ
N CENTRAL AVE			MEDFORD CITY OF	DONNA HOLTZ
N CENTRAL AVE			MEDFORD CITY OF	DONNA HOLTZ
200 S CENTRAL AVE			MEDFORD URBAN RENEWAL AGCY	DONNA HOLTZ
134 S CENTRAL AVE			MEDFORD URBAN RENEWAL AGENC	DONNA HOLTZ
146 S CENTRAL AVE			MEDFORD URBAN RENEWAL AGENCY	DONNA HOLTZ

RESOLUTION NO. 2017-11

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

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

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

WHEREAS, the applicant then appealed to the City Council pursuant to Medford Code Section 1.025, and the matter was first heard on January 19, 2017, at which time the City Council reviewed the applicable criteria and heard testimony; now, therefore,

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

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

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

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DEPARTMENT: City Manager
PHONE: (541) 774-2000
STAFF CONTACT: Brian Sjothun, City Manager
Brian Fish, Fire Chief
Alison Chan, Finance Director

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: February 2, 2017

COUNCIL BILL 2017-12

A resolution directing staff to move forward with the design and construction of Fire Station #3.

SUMMARY AND BACKGROUND

Staff is requesting Council approval for the funding recommendations and process in moving forward with the final design and construction of Fire Station #3 as presented on January 19, 2017. Council had previously placed this project on hold while the Police Station/Secured Garage, Fire Station #2 and Fire Station #3 were completed. The hold was necessary in order to assure sufficient funding for all of the projects which were approved by Council.

PREVIOUS COUNCIL ACTIONS

January 19, 2016 – Staff presented a funding option and process timeline seeking Council direction on the potential to move forward with Fire Station #3. Council requested staff present a resolution at the next meeting to formalize approval.

October 1, 2015 – Council passed a motion to move forward with the actual construction of Fire Stations #2 and #4 at that time.

ANALYSIS

Staff presented information to Council in regards to estimated funds available for the final design and construction of Fire Station #3 at the January 19, 2017 study session. The following are funds which have been identified by staff for completion of the final project associated with the 2013 bond sale:

Item	Amount
Fire Station #3 Available Budget	\$484,000
U.S. Cellular Community Park Balance	\$373,000
Police Project Balance	\$1,136,000
Fire Stations #2 & #4 Balance	\$347,000
Revenue Available in Police & Fire Funds	\$2,600,000
Estimated Available Funding	\$4,940,000

Staff estimates the cost to complete Fire Station #3 at \$4,850,000. This estimate was developed utilizing the average square foot costs from the other station projects.

Staff also recommended that the Council continue with the existing Construction Manager/General Contractor contracts that are in place with Adroit Construction along with the architectural and engineering contract with ORW Architecture. Council concurred with the recommendation, but requested assurances from Adroit and ORW that staff previously used on the fire station projects would be committed to Fire Station #3. Staff requested and has obtained written commitments from both contractors.

Finally, staff provided the following timeline for completion of the project:

- Final design and value engineering – February/March
- Establishment of Guaranteed Maximum Price – April/May (includes Council approval)
- Construction begins – July
- Construction completed – June 2018



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.3

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FINANCIAL AND/OR RESOURCE CONSIDERATIONS

\$4,940,000 from sources outlines in the Analysis section as follows:

- \$347,000 from the Fire station #2 and #4 balances will be moved upon approve of this AIC.
- \$1,136,000 transfer from the Police Public Safety Fund at future supplemental budget in the 2015-2017 biennium.
- \$800,000 revenue greater than budgeted in the Fire Public Safety Fund will be recognized and appropriated for the project at a future supplement budget in the 2015-2017 biennium.
 - Total of \$2,631,000 will be available for the project in the 2015-2017 biennium.
- \$1,800,000 will added to the project in the 2017-2019 biennium budget.
 - The remaining \$373,000 will remain in the Park Dedication Fund and will only be transferred when if needed. This transfer will be part of the 2017-2019 budget.

TIMING ISSUES

Staff is requesting approval of the resolution in order to move forward in completing the project prior to any additional industry price increases related to construction.

COUNCIL OPTIONS

Approve, modify, or deny the resolution.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution authorizing staff to move forward with the final design and construction of Fire Station #3.

EXHIBITS

Resolution

Adroit Construction Staffing Commitment Letter

ORW Architecture Staffing Commitment Letter

RESOLUTION NO. 2017-12

A RESOLUTION directing staff to move forward with the design and construction of Fire Station #3.

WHEREAS, City Council placed the construction of Fire Station #3 on hold while the construction of the Police Station, Fire Station #2 and Fire Station #4 were completed, and

WHEREAS, funding is available for the final design and construction of Fire Station #3; now, therefore,

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

Staff is directed to move forward with the final design and construction of Fire Station #3.

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

ATTEST: _____
City Recorder

Mayor

20 January, 2017

Mr. Brian Sjothun
City Manager
411 West 8th Street
Medford, OR 97501

RE: Fire Station #3 Project Manager

Dear Mr. Sjothun:

As we apply the finishing touches to your new Fire Stations #2 and #4, first let me thank you and the citizens of Medford for your confidence and trust in our firm to bring these two critical projects to fruition on time and in budget. It has been an exceptional pleasure to work with your team through this partnering process and each of these projects reflect the success that can be attained through the collaborative construction delivery system of a "Construction Manager/General Contractor" (CM/GC) relationship. In particular, I want to recognize the much appreciated efforts of Fire Chief Brian Fish and Deputy Chief Justin Bates.

I would also like to reaffirm the commitment of our firm to the continuing work on this contract and specifically to the next phase entailing the construction of Fire Station #3. As you know, our project teams for both Stations #2 and #4 have been led by one of our senior project managers, Craig Funsten. Craig has been with Adroit Construction for nearly 20 years and has more than 35 years in the industry. I'm confident that there is no better leader to continue on the success of Fire Stations #2 and #4 and thus want to restate our assignment of Craig as our project manager for the construction of Fire Station #3.

Again, we appreciate the continuing partnership with the City of Medford. We're proud to be representing our local community as your contractor.

Sincerely,



Jason Stranberg
Vice President, Principal
Adroit Construction Co., Inc.

January 20, 2017

Brian Sjothun, City Administrator
City of Medford
411 West 8th St.
Medford, OR 97501



Re: Medford Fire Station #3 – Team Roster for Re-Design effort

Dear Brian:

We are excited to hear that this project is being resumed by the City, and look forward to another successful design and construction effort. With the exception of the structural engineer, ORW Architecture will provide the same team for the re-design and construction of Fire Station 3, as was used on Fire Stations 2 and 4. That team consists of the following ORW staff members and consultants:

ORW Architecture:

Principal in Charge:	David Wilkerson
Project Manager:	Andrew Owen
Design Technologist / Specifications:	Dave Stevens
Virtual Builder / REVIT modeler:	David Young
Construction Principal:	Jim Roemer
Construction Administrator:	Nate Carroll

We look forward to serving the city on this important project!

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. David Wilkerson, II".

J. David Wilkerson, II AIA
Principal



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

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DEPARTMENT: Mayor and Council

AGENDA SECTION: Ordinances and Resolutions

PHONE: (541) 774-2000

MEETING DATE: February 2, 2017

STAFF CONTACT: Donna Holtz, Executive Office Manager

COUNCIL BILL 2017-13

A resolution appointing representatives to voting positions as the City representatives on boards and commissions.

SUMMARY AND BACKGROUND

This resolution authorizes City representatives to vote on behalf of the City of Medford per Municipal code 2.436 (6): Some boards and commissions are not City of Medford boards and commissions, but instead include a member from the governing body of the City as a voting member of the board or commission. In these instances, the council member may act as a voting member of the Board, not as a council liaison. Those council members, when appropriate, should obtain direction from the entire council prior to voting on a matter.

PREVIOUS COUNCIL ACTIONS

Each year, the Council adopts a resolution to designate Councilmembers and/or citizens as representatives of outside organizations. This resolution authorizes those designated to vote on behalf of the City of Medford.

ANALYSIS

Appointments are made by the Council President.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

N/A

TIMING ISSUES

N/A

COUNCIL OPTIONS

Approve, modify or deny the resolution.

STAFF RECOMMENDATION

Staff makes no recommendation.

SUGGESTED MOTION

I move to approve the resolution to appoint City representatives as voting members of the specified outside organizations.

EXHIBITS

Resolution

RESOLUTION NO. 2017-13

A RESOLUTION appointing representatives to voting positions as the City representatives on boards and commissions.

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

That the Mayor and City Council hereby appoint the following representatives to voting positions as the City representative on the following boards and commissions:

Hospital Facilities Authority Board	Dick Gordon; Kim Wallan Alternate
Jackson County Ad-Hoc Homeless Work Group	Lilia Caballero, MPD & Rich Hansen Alternate
Rogue Valley Area Commission on Transportation (RVACT)	Tim Jackle; Mike Zarosinski Alternate
Rogue Valley Council of Governments	Dick Gordon; Kevin Stine Alternate
Rogue Valley Council of Governments – Metropolitan Policy Organization	Mike Zarosinski; Tim Jackle Alternate
Regional Rate Committee	Mike Zarosinski & Tim D’Alessandro; Kevin Stine & Kim Wallan Alternates
Southern Oregon Regional Economic Development, Inc. (SORED)	Kim Wallan; Tim Jackle Alternate

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

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.5

www.ci.medford.or.us

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: February 2, 2017

COUNCIL BILL 2017-14

A resolution to commence foreclosure to recover delinquent assessments.

ISSUE STATEMENT & SUMMARY:

A resolution to pursue foreclosure to recover delinquent assessments.

BACKGROUND:

As of January 1, 2017, the City of Medford had 38 properties with filed liens. Staff is requesting to initiate the foreclosure process on 17 of those properties. No payments have been received on any of the 17 properties since the lien was originally filed. Details on the 17 properties are attached as an exhibit. All the 17 accounts are a result of the City abating an issue on the properties and all of the accounts have been sent monthly statements/invoices since the abatement was performed.

In previous years, individuals requested and were granted payment plans. If requested by anyone on the proposed list, City staff will again provide this option.

Occupancy information on the 17 properties

- 11 vacant homes and are on our vacant home registry and appear to be bank controlled
- 3 vacant homes and not on our vacant home registry
- 2 occupied homes but have a different owner of record since the City placed the lien
- 1 occupied home

Code Enforcement historical abatement information

- 2011 City abated 17 properties, 16 of the property owners paid the abatement bills (94%)
- 2012 City abated 23 properties, 20 of the property owners paid the abatement bills (87%)
- 2013 City abated 47 properties, 40 of the property owners paid the abatement bills (85%)
- 2014 City abated 83 properties, 62 property owners paid the abatement bills (75%)
- 2015 City abated 40 properties, 30 property owners paid the abatement bills (75%)
- 2016 City abated 36 properties, 17 property owners paid the abatement bills (47%)

Council Action History

The most recent were:

- Resolution 2014-120 Commencement of foreclosure
- Resolution 2014-136 and 2015-45 Revised information on foreclosure list
- Resolution 2016-16 Commencement of foreclosure

Analysis

Historically this process has occurred annually. Council and staff did suspend this practice from 2008 through 2010.

Financial and/or Resource Considerations

Details on the 17 properties are as follows:

Total principal due as of January 1, 2017	\$30,343.44
Total interest & fees due as of January 1, 2017	\$20,938.13
Total due as of January 1, 2017	\$51,281.57



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.5

www.ci.medford.or.us

Timing Issues

Approval of the resolution is necessary to initiate the foreclosure process.

COUNCIL OPTIONS:

Approve, modify or deny the resolution.

STAFF RECOMMENDATIONS:

Staff recommends approval of the resolution.

SUGGESTED MOTION:

I move to approve the resolution which initiates the foreclosure process on the 17 properties as described in the exhibit.

EXHIBITS:

Resolution

List of properties

RESOLUTION NO. 2017-14

A RESOLUTION to commence foreclosure to recover delinquent assessments.

WHEREAS, the City of Medford has previously assessed the cost of the abatement of a public nuisance against various properties; and

WHEREAS, the assessments listed on the attached Exhibit A are now subject to foreclosure; and

WHEREAS, the City of Medford has been required to pay the costs of abatement and under Oregon law and the provisions of the City Charter, the City of Medford is authorized to foreclose upon said delinquent assessment; now, therefore,

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

Section 1. The lien balance shown opposite the name of the property owners on the list attached hereto as Exhibit A and made a part hereof by reference is delinquent and is hereby declared to be due and payable at once.

Section 2. The described parcels of property indicated on the attached list shall be sold by foreclosure sale for the amount indicated, plus all necessary advertising and legal costs as provided in Sections 223.505 through 223.650 of Oregon Revised Statutes.

Section 3. The Recorder of the City of Medford is hereby directed to advertise for sale the properties indicated on the attached list as required by Oregon law. The properties shall be withdrawn from the sale only if the owner pays in cash, prior to the date of the sale, the full amount of the sale price as determined under ORS 223.525.

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

ATTEST: _____
City Recorder

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.6

www.ci.medford.or.us

DEPARTMENT: City Manager's Office

PHONE: 774-2000

STAFF CONTACT: Brian Sjothun, City Manager

AGENDA SECTION: Ordinances and Resolutions

MEETING DATE: February 2, 2017

COUNCIL BILL 2017-15

An ordinance granting to (Astound Broadband, LLC, dba Wave) Grantee, the non-exclusive privilege (Franchise) to use the public way to locate, construct, operate and maintain facilities within the City of Medford.

SUMMARY AND BACKGROUND

Issue an ordinance authorizing a franchise agreement between the City of Medford and Astound Broadband, LLC (dba Wave) granting the non-exclusive privilege to use the public right-of-way to construct and maintain communication facilities within the City of Medford.

PREVIOUS COUNCIL ACTIONS

None. This is a request from a company that has not previously had a franchise agreement with the City.

ANALYSIS

Astound Broadband, LLC (dba Wave) has requested permission to use the public rights-of-way to construct and maintain communication facilities within the City of Medford. Astound Broadband LLC provides broadband services to residents and businesses in Washington, Oregon, and California. The company's services include cable television (TV), internet, phone, cable system, email server, and network and website hosting services.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Six percent of Astound Broadband, LLC's gross revenues generated within the City. Staff will work with franchisee to estimate revenues for the 2017-19 Biennium.

TIMING ISSUES

Astound requests that the agreement be approved as soon as possible. Due to staffing changes in the City Manager's Office, Astound Broadband's request has been pending beyond the normal time frame for such action.

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance a franchise agreement between the City of Medford and Astound Broadband, LLC.

EXHIBITS

Ordinance

ORDINANCE NO. 2017-15

AN ORDINANCE granting to (Astound Broadband, LLC, d/b/a Wave) Grantee, the non-exclusive privilege (Franchise) to use the public way to locate, construct, operate and maintain facilities within the City of Medford.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. As used in this ordinance, the following words and phrases shall mean:

City: The City of Medford, Oregon.

City Manager: The City Manager or his or her designee.

Facilities: All pipelines, conduits and associated structures owned by Grantee for use by Grantee in providing telecommunications services in the City.

Grantee: Astound Broadband, LLC, d/b/a Wave , its successors and assigns.

Public way: Any highway, street, road, alley, public right-of-way or utility easement for public use under control of the City within the corporate limits of the City now existing and as annexed during the term of this Franchise.

Gross revenues: Grantee's revenues received from utility operations within the city less related net uncollectibles. Gross revenues shall include revenues from the use, rental, or lease of the utility's operating facilities other than residential-type space and water heating equipment, as well as revenues related to internet services, and revenues from the sale or lease of any wire, cable, facility, pole, duct, conduit or similar transmission equipment to the extent permitted by general City ordinance and not otherwise prohibited by law. Gross revenues shall not include proceeds from the sale of bonds, mortgage or other evidence of indebtedness, securities or stocks, sales at wholesale by one utility to another when the utility purchasing the service is not the ultimate customer.

Section 2. A reliable source for telecommunications services is in the public interest of the City and its inhabitants. Therefore, subject to the provisions and restrictions of this ordinance and the Code of Medford, the City grants to Grantee the non-exclusive privilege to locate, construct, operate and maintain its facilities in the public way.

Section 3. Except as provided in this section, Grantee's Facilities shall be installed under ground. Subject to the City Manager's authority to prescribe which public ways will be used and the location within the public way, it shall be lawful for Grantee to make all necessary excavations in any public way for the purpose of locating, constructing, operating and maintaining its facilities. Grantee's use of the public way and all construction by Grantee shall comply with the standard specifications and special provisions of the City and all other applicable Federal, State and local

laws and regulations. No work affecting the public way shall be done by the Grantee without first obtaining the permits required by the City, which may include plan submittal and approval before work begins. Any new Facilities proposed to be located above-ground shall be placed on existing authorized utility poles. During the approval process, Grantee shall bear the burden of proof when requesting customary above-ground facilities.

Section 4. New plans will be furnished promptly for any additions or modifications. Plans for facilities already existing on the effective date of this Franchise that Grantee has not already provided to the City under previous agreement or ordinance shall be furnished to City within 60 days after the effective date of this Franchise.

Section 5. Nothing in this Ordinance shall be construed in any way to prevent the City from constructing and maintaining any public improvement in any public way. In its construction and maintenance of public improvements, the City shall endeavor not to obstruct or prevent the free use by Grantee of its facilities; however, the City's rights shall be paramount.

Section 6. The City shall have the right to require Grantee to change the location of any facility within the public way when the City determines that the public convenience requires such change, and the expense thereof shall be paid by Grantee, provided the City's request is not unreasonable or discriminatory in nature.

If the City requires Grantee to relocate its facilities located within the City, the City will make a reasonable effort to provide Grantee with an alternate location for its facilities within the public way. City shall give Grantee written notice to relocate its facilities at least six months prior to the date established by the City as the deadline for relocation. Within 60 days' receipt of such notice, Grantee shall do any necessary field investigation and furnish the City with a plan showing the exact location of all of Grantee's facilities in the construction area and showing necessary adjustments and reasonable time requirements. Thereafter, the City will furnish Grantee with final improvement plans and a schedule which allows Grantee a reasonable time to complete the relocation of its facilities.

Should Grantee fail to relocate any such facilities by the date established by the above-referenced final improvement plans and schedule, the City may effect such relocation. The work shall be done by a qualified contractor. The expense thereof shall be paid by Grantee, including all reasonable costs and expenses incurred by the City due to Grantee's delay. Grantee shall pay the City's charges for such work within 60 days after receipt of City's statement of charges.

Section 7. Should it ever become necessary to permanently or temporarily rearrange, or permanently or temporarily relocate Grantee's facilities at the request of a private person or business, Grantee shall perform such rearrangement or relocation as expeditiously as possible upon receipt of reasonable written notice from the person or business desiring the temporary change of the facilities. The notice shall:

- (a) be approved by the City Manager,

- (b) provide all necessary information about the project,
- (c) provide that the costs incurred by Grantee in making the temporary change be borne by the person or business giving said notice,
- (d) provide that the person or business giving notice shall indemnify and hold harmless the Grantee and City of and from any and all damages or claims of whatsoever kind or nature caused directly or indirectly from such temporary change of Grantee's facilities, and
- (e) be accompanied by a cash deposit or a good and sufficient bond to pay any and all of the Grantee's estimated costs as estimated by Grantee, unless Grantee provides written confirmation that it waives such requirement.

Section 8. Grantee shall at all times maintain all of its facilities in a good state of repair. Any damage to the public way caused by Grantee shall be promptly repaired by Grantee at no cost to the City. Grantee shall have a local representative available at all times through the local utility coordinating notification center, whether it be the Rogue Basin Utilities Coordinating Council, the Oregon Utility Notification Center, or any such successor authority, to locate Grantee's facilities for persons who need to excavate in the public way. Should Grantee fail to maintain or repair any such facilities by the date established by the City, the City may affect such repair, and the expense thereof shall be paid by Grantee, including all costs and reasonable expenses incurred by the City due to Grantee's delay. Procedures and costs, including but not limited to providing six months' notice prior to the deadline for repair, shall be as in Section 6 above.

Section 9. Grantee shall indemnify and hold harmless the City from any and all damages of any kind or character growing out of or arising by reason of the location, installation, operation and maintenance of the Grantee's facilities in the City, except to the extent resulting from City's negligence, recklessness or willful misconduct. Grantee or City shall promptly advise the other in writing of any known claim or demand against Grantee or the City related to or arising out of Grantee's activities in the Public right-of-way.

Section 10. In consideration of the privileges and franchise granted, Grantee shall pay as compensation for the use of the public way, annually, six percent (6%) of the gross revenue collected by Grantee from its customers for telecommunications services provided within the corporate limits of the City.

Said franchise fee shall not be in addition to any other special license, occupation, franchise or excise taxes or charges which might otherwise be levied or collected by the City from Grantee with respect to Grantee's telecommunications business or the exercise of this franchises within the corporate limits of the City and the amount due to the City under any other special license, occupation, franchise or excise taxes or other charges for corresponding periods shall be reduced by deducting therefore the amount of said franchise fee paid hereunder. A deductible "special" tax or charge is one that is levied only on Grantee or only on utility companies.

Grantee shall not deduct any general business taxes or general sales taxes levied or collected by the City. Grantee shall not deduct charges and penalties imposed by the City for noncompliance with charter provisions, ordinances, resolutions or permit conditions from the franchise fee payment required by this section. Nothing contained herein shall relieve the Grantee from the requirement to pay a system development charge properly imposed by the city in the appropriate cases and system development charges shall not reduce the franchise fee. Except as required by the City's moratorium on pavement cuts, Grantee shall not be required to pay any permit fees or similar charges for street opening, installations, construction and the like.

In lieu of all or a portion of the payments required under this Section, Astound Broadband may provide telecommunications or other services to the City. Any agreement for the provision of such services will be as mutually agreed by the parties in separate documentation. The offset value of any such services provided to the City will be determined based on the standard rates Astound Broadband charges to third-party customers for substantially equivalent services.

Grantee's payment shall be paid quarterly by the 15th day of September, December, March, or June for the quarter immediately preceding and shall be computed on the gross revenues accruing during the previous quarter or portion thereof. Example: The first quarterly payment, if any, shall be due on _____ 15, 2017, for the quarter ending _____, 2017.

With each franchise fee payment, the Grantee shall furnish a statement setting forth the amount and calculation of the payment. The statement shall detail the revenues received by the Grantee from its operations within the City and shall specify the nature and amount of all exclusions and deductions from such revenues claimed by the Grantee in calculating the franchise fee.

Payment not received within thirty (30) days from the due date shall be assessed interest at the rate of one percent (1%) compounded monthly from the due date. Except as otherwise required by law, no portion of this franchise fee shall be noted separately on any bill to any customer or user of services or commodities furnished by Grantee. The look-back period for overages and underages shall be twenty-four (24) months from the due date of the quarterly payment. No acceptance of any payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall any acceptance of payments be construed as a release of any claim the City may have for further or additional sums payable. All amounts paid shall be subject to confirmation and re-computation by the City.

Section 11. Payment of this franchise fee shall not exempt Grantee from the payment of any other license fee, tax or charge on the business, occupation, property or income of Grantees that may be imposed by the City, except as may otherwise be provided in the ordinance or ordinances imposing such other license fee, tax or charge.

Section 12. This Franchise shall continue and be in force until midnight December 31, 2026. The franchise will be automatically renewed for an additional five years unless the City

notifies Grantee in writing at least 90 days prior to the termination date of the franchise of its intent to terminate the franchise or renegotiate provisions of the franchise. This Franchise may be terminated at any time upon 45 days written notice for failure to pay the fee pursuant to Section 10 of this ordinance or comply with other provisions of this agreement or the Code of Medford unless such failure is remedied within the 45-day period. Otherwise, this agreement shall remain in effect.

Section 13. Grantee shall notify the City of any sale, lease, pledge, assignment, or transfers of this Franchise within thirty (30) days of such transfers. The City's granting of consent in one instance shall not render unnecessary any subsequent consent in any other instance. Nothing contained herein shall be deemed to prohibit the mortgage, pledge or assignment of fiber optic cable system tangible assets for the purpose of financing the acquisition of equipment for the construction, lease and operation of the system without the City's consent. The City may not unreasonably withhold, condition, or delay granting its consent.

Grantee shall not lease or sublease Grantee's non-exclusive privileges to use the public right-of-way in which such are contained, without the City's consent as expressed by ordinance. Nothing herein shall be interpreted to limit Grantee's rights to use contractors.

Notwithstanding anything to the contrary within the terms of this Franchise, Grantee shall have the right to assign its rights and interest under the Franchise to (a) its subsidiaries, affiliates or successor legal entities or to the subsidiaries or affiliates of Grantee or (b) a lender for security purposes without notice or consent.

City shall be notified within 10 days of Grantee's assignment, transfer, merger, lease or mortgage.

Section 14. The City Manager is authorized to act for the City in all matters pertaining to this Franchise. Grantee may appeal any action of the City Manager to the City Council by giving written notice thereof within twenty-one (21) days after Grantee was notified of such action. The City Council will hear the appeal and render a final decision within thirty (30) days after the notice of appeal is given.

Section 15. Whenever any notice is to be given pursuant to this ordinance, it shall be effective on the date it is sent in writing by registered or certified mail, addressed as follows:

To the City: City Manager
Medford City Hall
411 West 8th Street
Medford, OR 97501

To Grantee: Astound Broadband, LLC
401 Parkplace Center, Suite 500
Kirkland, WA 98033
Attn: Steve Weed, CEO and
Byron Springer, EVP

Notice of change of address may be given in the same manner as any other notice.

Section 16. This franchise supersedes all prior franchises between City and Grantee.

Section 17. Proprietary information as identified and provided by the Grantee to the City under this Ordinance is entitled to protection as trade secrets and shall be governed by confidentiality procedures pursuant to ORS 192.501, ORS 192.502 and under any other applicable State or Federal laws.

Section 18. This ordinance shall be governed by Oregon law. Nothing in this Ordinance is intended to be inconsistent with the State or Federal Law and further neither the City nor Grantee waives any rights granted under State or Federal Law by agreeing to this Ordinance. If any clause, sentence, or section of this Ordinance, or any portion thereof, shall be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared invalid.

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

ATTEST: _____
City Recorder

Mayor

Astound Broadband, LLC

By: [Signature]
Title: EVP - Legal