



Medford City Council Meeting

Agenda

April 4, 2019

6:00 P.M.

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

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. PLEASE SIGN IN.

40. Public Hearings

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

40.1 COUNCIL BILL 2019-23: AN ORDINANCE amending sections 7.430 and 7.440 of the Medford Municipal Code pertaining to the abatement of uncontrolled weeds and grass.

50. Approval or Correction of the Minutes of the March 21, 2019 Regular Meeting

60. Consent Calendar

70. Items Removed from Consent Calendar

80. Ordinances and Resolutions

80.1 COUNCIL BILL 2019-24: A RESOLUTION consenting to the requirements of becoming a BEE CITY USA.

90. Council Business

90.1 Proclamations issued:
Arbor Month – April 2019
Fair Housing Month – April 2019
Water Conservation Month – April 2019

90.2 Committee Reports and Communications

100. City Manager and Staff Reports

100.1 April 11 Study Sessions Preview

100.2 Further Reports from City Manager

110. Adjournment



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.1

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DEPARTMENT: Legal; Code Enforcement

PHONE: (541) 774-2020

STAFF CONTACT: Eric Mitton, Deputy City Attorney; Sgt. Trevor Arnold, MPD

AGENDA SECTION: Public Hearings

MEETING DATE: April 4, 2019

COUNCIL BILL 2019-23

AN ORDINANCE amending sections 7.430 and 7.440 of the Medford Municipal Code pertaining to the abatement of uncontrolled weeds and grass.

SUMMARY AND BACKGROUND

Council is requested to consider an ordinance amending Medford Municipal Code sections 7.430 and 7.440, addressing abatement of uncontrolled weeds and grass, to allow Code Enforcement to commence the process further in advance of fire season, and to adjust the time frame for the City Manager to provide annual published notice of the program to property owners.

PREVIOUS COUNCIL ACTIONS

Although there have been periodic renumbering and wording changes to Medford Municipal Code sections 7.430 and 7.440, the starting date for the season by which high weeds and grasses must be mowed has not been amended in at least the past twenty years.

ANALYSIS

As specified in Medford Municipal Code section 7.410, the first and most important policy of the City of Medford's "uncontrolled weeds and grass" code is reducing a fire hazard that endangers both people and property. In recent years, hot dry summers and mild winters have increased this risk. Fires are not only dangerous in wildlands but also inside municipal areas.

The Medford Municipal Code allows Medford Code Enforcement to require abatement of tall grasses and weeds that can increase the risk of fast-moving fires. However, the Code currently does not allow such action to commence until June 1 of each year. Furthermore, the Code allows property owners who have not mowed their property by the initial deadline an additional 15 days after their property is identified and notice is sent before the City can abate the dangerous condition. This results in the City not being able to begin to take action on noncompliant properties until late June at the earliest. Having contractors mow the noncompliant properties is time-consuming; the City's contractors cannot mow all noncompliant properties simultaneously. However, the City's efforts must be completed before the date when Oregon Department of Forestry prohibits mowing, which varies year-to-year. In 2017, the mowing prohibition commenced somewhat early, on July 31. In 2018, that prohibition came into effect even earlier, on July 20. During dry years such as 2017 and 2018, the Medford Municipal Code's time lines can make completion of abatement difficult before the Oregon Department of Forestry's mowing prohibition comes into effect.

To help ensure that Code Enforcement and the mowing crews with whom the City contracts have adequate time to perform grass and weed abatement, City Staff proposes moving the commencement date of weed enforcement from June 1 to May 15. The Medford Municipal Code requires City Manager to publish notice of this program in a newspaper of general circulation 30 days before the program commences each year; City Staff is recommending reducing that time period to 21 days. City Staff is not proposing changing the 15-day time period which property owners have to respond to the written notice that their property's weeds and grasses are out of compliance.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

No direct resource considerations. However, spreading out abatement actions over a greater period of time may somewhat reduce the cost of mowing, for both property owners and the City itself, by eliminating



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any supply-and-demand-related price increase by mowing companies shortly before the Oregon Department of Forestry deadline.

TIMING ISSUES

If the proposed change is to go into effect by May 15, 2019, a decision would need to be made no later than the April 18, 2019 City Council meeting, because of the requirement of annual published notice before commencement of the program.

COUNCIL OPTIONS

Approve the ordinance.

Modify the ordinance.

Deny the ordinance and provide direction to staff.

STAFF RECOMMENDATION

Staff recommends that the City Council approve the ordinance.

SUGGESTED MOTION

I move to approve the ordinance moving the commencement date of uncontrolled weed and grass enforcement to May 15 of each year and reducing the time frame for published notice before the annual commencement of this program to 21 days.

EXHIBITS

Ordinance

ORDINANCE NO. 2019-23

AN ORDINANCE amending sections 7.430 and 7.440 of the Medford Municipal Code pertaining to the abatement of uncontrolled weeds and grass.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 7.430 of the Medford Municipal Code is amended to read as follows:

7.430 Nuisance Described, Offense Punishable.

(1) Except as provided in subsection (3) hereof, it shall be unlawful and a public nuisance for any owner or occupant of real property in Medford to allow grass, weeds, brush, or bushes, or any like vegetation, over a height of ten inches to remain upon such real property during the period ~~June 1~~ **May 15** to September 30 in any calendar year, or at any other time prior to ~~June 1~~ **May 15** if the fire chief determines that such growth constitutes a fire hazard.

(2) Violation of subsection (1) of this section constitutes a violation.

SECTION 2. Section 7.440 of the Medford Municipal Code is amended to read as follows:

7.440 Notice and Abatement Proceedings.

(1) Each year, the city manager may cause to be published in a newspaper of general circulation within the City of Medford, Oregon, a public notice that conditions prescribed in section 7.430(1) constitute a public nuisance, and directing that all growth which would constitute such a nuisance be cut or removed within ~~30~~ **21** days from the date of publication of the notice.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2019.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2019

Mayor

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



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 80.1

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DEPARTMENT: Parks, Recreation, Facilities **AGENDA SECTION:** Ordinances and Resolutions
PHONE: (541) 774-2483 **MEETING DATE:** April 4, 2019
STAFF CONTACT: Rich Rosenthal, Director

COUNCIL BILL 2019-24

A RESOLUTION consenting to the requirements of becoming a BEE CITY USA.

SUMMARY AND BACKGROUND

Council is requested to consider approval of a resolution necessary for the City of Medford to achieve "Bee City USA" designation.

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

The Parks and Recreation Commission recommends City Council approval of a resolution necessary for the City of Medford to achieve "Bee City USA" certification.

Established in 2012, the Bee City USA program encourages cities to celebrate pollinators and raise awareness of the contribution bees and butterflies and other pollinators make to our food supply. Many pollinators are imperiled due to disease, pesticides, and starvation caused by habitat loss.

The Bee City USA application requires City Council approval of a resolution outlining acceptance of requirements. In order for the City to achieve "Bee City USA" designation, it must:

1. Have its governing body pass a Bee City USA resolution.
2. Establish and maintain a Bee City USA sub-committee charged with assembling and disseminating information regarding pollinator-friendly habitat and policies. (This would be accomplished by forming a sub-committee of the Parks and Recreation Commission.)
3. Install and maintain at least one "Bee City USA" street sign in a prominent location.
4. Create and maintain hyperlinks on the Parks and Recreation website to the City's Bee City USA sub-committee, the signed resolution, the Bee City USA website, and summaries of the pollinator-friendly activities undertaken by the City.
5. Commit to annually celebrate National Pollinator Week (third week of June) or some other appropriate event, proclamation or promotions.
6. Pay a \$400 annual fee.

Goal 2 and Policy 2-A of the City's Leisure Services Plan pertaining to Natural Areas Management calls upon the Department to meet habitat protection needs within the park system. Consequently, the Department is supportive of the Bee City USA initiative, and it is well positioned to implement pollinator habitat enhancement projects and initiatives. Potential future initiatives within the park system could be the creation of demonstration gardens containing pollinator-friendly plants, maintained by volunteers, and installation of a demonstration bee colony at the U.S. Cellular Community Park Nature Center in partnership with local honey bee professionals.

Additionally, the reduction or possible elimination of herbicides harmful to pollinators such as glyphosate, the active ingredient in "Round-Up" weed killer, is a Departmental goal for the FY19-21 biennium.

Bee City USA is an independent 501(c)(3) non-profit organization. If the City Council approves the resolution, Medford would join Ashland, Talent, Phoenix, Gold Hill, Eugene, Newport and Wilsonville as Bee City USA-certified communities in Oregon. Bee City USA designation carries an annual fee of \$400,



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which helps the Bee City USA program underwrite the cost of disseminating informational brochures and communicating pollinator best practices to member agencies.

In its discussion of the Bee City USA proposal, Parks and Recreation Commissioners inquired about risks of bee stings in public places as a result of enhancement or installation of pollinator habitats. Local experts testified that bees, unlike wasps, seldom sting humans.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Year 1 cost of approximately \$750 to be paid from Department administration and park maintenance accounts for annual Bee City USA fee (\$400), signage, promotional and planting materials. Annual cost of approximately \$550 in subsequent years to be paid from park maintenance accounts to account for the annual fee and approximately 10 hours of staff coordination time by the Department's part-time volunteer coordinator.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve the Bee City USA resolution.
Amend the resolution; provide feedback.
Deny the request.

STAFF RECOMMENDATION

Staff recommends approval of the resolution.

SUGGESTED MOTION

I move to approve the resolution consenting to the requirements for Medford to achieve Bee City USA designation.

EXHIBITS

Resolution

RESOLUTION NO. 2019-24

A RESOLUTION consenting to the requirements of becoming a BEE CITY USA.

WHEREAS, the goal of BEE CITY USA is to promote healthy, sustainable habitats and communities for bees and other pollinators; and

WHEREAS, thanks to the tremendous diversity of wild native bees, along with the honey bees that were brought here from Europe in the 1600s, we have very diverse dietary choices rich in fruits, nuts and vegetables: "One in every three bites of food we eat is courtesy of insect pollination. Even our meat and milk trace back to insects that pollinate the alfalfa and other feed for beef cattle and cows" (Mace Vaughan, Pollinator Program Director for the Xerces Society for Invertebrate Conservation); and

WHEREAS, bees and other pollinators around the globe have experienced dramatic declines due to a combination of habitat loss, use of pesticides, and the spread of pests and diseases, with grave implications for the future health of flora and fauna; and

WHEREAS, Cities and their residents have the opportunity to support bees and other pollinators on both public and private land; and

WHEREAS, supporting pollinators fosters environmental awareness and sustainability, and increases interactions among community stewards such as commercial and backyard beekeepers, farmers, children, educators, Master Naturalists, Master Gardeners, plant nurseries, municipalities, neighborhoods, and garden suppliers and clubs; and

WHEREAS, the economic benefits of (native and honey) bee-friendliness are:

1. Healthy ecosystems--insect pollinators are required for pollination and reproduction of about 85% of flowering plants globally, plants that: 1) are vital for clean air and water; 2) provide food, fiber and shelter for people and wildlife; and 3) support the very insects that pollinate our crops and form the basis of food webs.
2. Increased vegetable and fruit crop yields due to bee pollination.
3. Increased habitat for natural enemies of crop pests and therefore reduced need for and costs associated with pesticides.
4. Increased demand for pollinator-friendly plant materials from local nurseries and growers.
5. Income earned by beekeepers and others through the sale of bee products, beekeeping equipment and supplies, and hive rentals for pollination; and, heightened prestige and premium asking prices for place-based honey, which enhances the visibility and reputation of its community of origin; and

WHEREAS, designating Medford, Oregon as BEE CITY USA affiliate would:

1. Honor and emphasize Medford's rich agricultural history and present;
2. Benefit local businesses that depend on pollinators;
3. Celebrate our cultural identity as a community that values sustainable practices;

4. Contribute to tourism in the region
5. Improve food security and health by supporting local food sources; and,
6. Encourage local collaboration on projects that promote environmental education and sustainable practices; and

WHEREAS, pollinator-friendly habitats provide the following benefits:

1. Diverse and abundant nectar and pollen from plants blooming in succession.
2. Clean water for drinking, nest-building, cooling, diluting stored honey, and butterfly puddling.
3. Pesticide-free community or pesticide use carried out with least ill effects on pollinators.
4. Comprised of mostly, if not all, native species of annual and perennial wildflowers, shrubs, trees, and grasses because many native pollinators prefer or depend on the native plants with which they co-evolved.
5. Where possible, designated pollinator zones in public spaces with signage to educate the public and build awareness.
6. Safe and humane removal of bees when required.
7. Undisturbed spaces (leaf and brush piles, un-mowed fields or field margins, fallen trees and other dead wood) for nesting and overwintering for native pollinators; now, therefore,

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

Section 1. In order to enhance understanding among municipal staff and the public about the vital role that pollinators play and what each of us can do to sustain them, the City of Medford agrees to meet the following standards required of all BEE CITY USA affiliates:

Section 2. Establish/maintain the BEE CITY USA Sub-committee as a sub-committee of Medford Parks and Recreation, comprised of one Parks and Recreation Commissioner and a minimum of three citizen volunteers, charged with assembling and disseminating information on topics of pollinator-friendly habitat and policies to municipal departments, residents, businesses, and developers.

Section 3. Pass this BEE CITY USA resolution.

Section 4. Publicly acknowledge the community's commitment by agreeing to a) install/maintain at least one authorized BEE CITY USA street sign in a prominent location, and b) create/maintain links on appropriate pages of the municipal website which includes the municipality's BEE CITY USA liaison(s), links to a PDF of this signed Resolution and the Bee City USA website, and summaries of the pollinator-friendly activities the municipality has undertaken or accomplished the previous year(s).

Section 5. Commit to annually celebrate National Pollinator Week (third full week of June) or some other appropriate occasion through events, proclamations, and promotions that

showcase the municipality's commitment to being a BEE CITY USA affiliate.

Section 6. Commit to annually apply for renewal of the community's designation and submit a report of BEE CITY USA activities following the format provided.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2019.

ATTEST: _____
City Recorder

Mayor