Medford City Council Meeting

Agenda

June 15, 2017
12:00 Noon AND 7:00 P.M.
Medford City Hall, Council Chambers
411 West 8th Street, Medford, Oregon

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10. Roll Call

Employee Recognition

20. Approval or Correction of the Minutes of the June 1, 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 2017-55 A resolution adopting the tenth Supplemental Budget for the 2015-17 biennium.

60.2 COUNCIL BILL 2017-56 An ordinance making the annual ad valorem property tax levy of the City of Medford for fiscal year 2017-2018.

70. 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.

70.1 COUNCIL BILL 2017-57 A resolution adopting the budget for the City of Medford for the biennium commencing July 1, 2017, and making appropriations thereunder.

70.2 COUNCIL BILL 2017-58 A resolution certifying that the City of Medford is eligible to receive state-shared revenues and elects to receive state-shared revenues for fiscal year 2017-18.

60. Ordinances and Resolutions (continued)

60.3 COUNCIL BILL 2017-59 An ordinance authorizing the purchase of ten new police patrol vehicles in the total amount of $285,670 from Power Ford Lincoln of Newport, Oregon.

60.4 COUNCIL BILL 2017-60 An ordinance authorizing exemption from competitive bidding and execution of a contract in the amount of $159,015 to Tiburon, Inc. for continued technical support and future software enhancements.

60.5 COUNCIL BILL 2017-61 An ordinance authorizing execution of a contract in an amount of $661,413.21 with Emergency Communications of Southern Oregon to provide fire dispatch services for fiscal year 2017-18.

60.6 COUNCIL BILL 2017-62 An ordinance authorizing execution of a contract in an amount of $1,367,498.39 with Emergency Communications of Southern Oregon to provide police dispatch services for fiscal year 2017-18.

60.7 COUNCIL BILL 2017-63 An ordinance authorizing execution of an agreement with the University of Oregon and the Pacific Northwest Seismic Network (PNSN) to allow access to the Roxy Ann Radio Equipment Structure for the installation of seismic recording equipment.

60.8 COUNCIL BILL 2017-64 An ordinance awarding a contract in an amount of $782,324.13 to Oregon Mainline Paving for construction of two traffic signals located at the intersections of S. Oakdale Avenue and W. Main Street and S. Oakdale Avenue and W. 8th Street.

60.9 COUNCIL BILL 2017-65 An ordinance authorizing execution of a contract in an amount not to exceed $95,000 with Rogue Valley Community Television to provide cable casting services through June 30, 2018.

60.10 COUNCIL BILL 2017-66 An ordinance authorizing execution of an Intergovernmental Agreement with the Medford Water Commission for departmental charges.

80. Council Business

90. City Manager and Other Staff Reports

90.1 Destination Marketing Organization

90.2 Further reports from City Manager

100. Propositions and Remarks from the Mayor and Councilmembers

100.1 Proclamations issued: None

100.2 Further Council committee reports

100.3 Further remarks from Mayor and Councilmembers

110. Adjournment to the Evening Session

EVENING SESSION
7:00 P.M.

Roll Call

120. Oral Requests and Communications from the Audience

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

130. 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.

130.1 CONTINUED – Consideration of an appeal of an administrative decision regarding the sidewalk and curb ramp fronting Wolf Run and Eagle Trace.

130.2 Consideration of an appeal of the City Recorder's administrative decision regarding a Taxi Driver's ID card.

130.3 COUNCIL BILL 2017-67 An ordinance amending section 10.840 of the Medford Code pertaining to mobile food truck vendors. DCA-17-007 (Land Use, Legislative)

130.4 COUNCIL BILL 2017-68 A resolution approving the construction of street improvements on Foothill Road between Hillcrest Road and East McAndrews, as part of Foothill Road Improvement Project. TF-17-012 (Land Use, Quasi-Judicial)

130.5 COUNCIL BILL 2017-69 An ordinance amending sections 3.811, 3.815, 3.834, 3.835, 3.839, 3.840, 3.890 and 3.891 of the Medford Code pertaining to System Development Charges.

140. Ordinances and Resolutions

150. Council Business

160. Further Reports from the City Manager and Staff

170. Propositions and Remarks from the Mayor and Councilmembers

170.1 Further Council committee reports

170.2 Further remarks from Mayor and Councilmembers

180. Adjournment

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 60.1

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: June 15, 2017

COUNCIL BILL 2017-55
A resolution adopting the tenth Supplemental Budget for the 2015-17 biennium.

SUMMARY AND BACKGROUND
The Finance Department is presenting a supplemental budget which will affect several departments and funds as outlined below. The total impacted is a $2,755,370 increase in appropriations for the 2015-2017 biennium. ORS 294.471 provides for a Supplemental Budget process.

PREVIOUS COUNCIL ACTIONS
On February 16, 2017 – Council Bill 2017-16 – a resolution adopting the ninth supplemental budget of the 2015-2017 biennium.

ANALYSIS
General Fund (100):
The Fire Department is requesting to recognize and appropriate $12,200 of Hazmat reimbursement revenue from the State of Oregon. The corresponding appropriation is to increase personnel services for salaries and wages incurred while responding to hazmat events.

The Police department is requesting to recognize and appropriate $21,180 of grant revenue. This was a joint grant with Jackson County Sherriff. This action is to recognize and appropriate the purchases to be made for the Jackson County Sherriff as the City is the lead agency. The appropriations are for the purchase of equipment as per the grant restrictions and are as follows: trauma kit, ballistic shield, mini shield, entry sledge and a sledge tool.

The Finance department is requesting to recognize and appropriate $250,000 of greater than budgeted transfer revenue from Medford Urban Renewal Agency (MURA). The corresponding appropriation is a transfer to the Bond fund which paid down the bonds that were issued on behalf of MURA.

Fleet Maintenance Fund (540):
The Fleet department is requesting to recognize and appropriate $270,000 of greater than budgeted revenue. The corresponding appropriation is $270,000 in parts and equipment to perform repairs.

Park Improvement Fund (630):
The Parks and Recreation Department is requesting to recognize and appropriate $5,000 of unbudgeted donations from the Medford Parks and Recreation Foundation. The corresponding appropriation is for equipment in Hawthorne Park.

Additionally, the department is requesting to recognize and appropriate $100,000 of greater than budgeted revenue in the Park Improvement Fund. The corresponding appropriation is for the Hilfiker Wall project on the Bear Creek Greenway.

Parking Facilities Fund (701):
The CMO department is requesting to recognize and appropriate $45,000 of greater than budgeted parking revenue. The corresponding appropriations are $30,000 increased enforcement costs due to the addition of 2 new parking lots, Riverside north and Riverside south and $15,000 increased bank fees for additional parking machines and additional pay by phone locations.

Community Promotion Fund (730):
The Community Promotions fund needs to recognize and appropriate $230,000 of greater than budgeted TLT revenue and the corresponding appropriations is the disbursement to Travel Medford in accordance with the contract.

CDBG Fund (731):
The Planning department is requesting to recognize and appropriate $15,000 of unbudgeted CDBG program income. The corresponding appropriation is in Social Service Grants.

Splitting/Division of the Park Dedication Fund:
At the December 15, 2016 Council meeting the Park Southeast Area SDC Fund and the Park Improvement Fund were created and funded with estimated fund balances from the Park Dedication Fund. An accounting has been completed and the final fund balances calculated. The following transfers and project adjustments will complete the creation of the funds.

Park SDC Fund (620) formerly known as the Park Dedication Fund:
Increase transfers out by $897,040
Decrease projects by $897,040
Not enough was transferred out of the Park Dedication/Park SDC fund on December 15, 2016. At the time it was an estimate and we intended to true it up once an accounting was complete. On December 15, 2016 a total of $1,100,000 was transferred out, $100,000 was transferred to the Southeast Area SDC Fund and $1,000,000 was transferred to the Park Improvement Fund. The action on June 15, 2017 is additional transfer of $897,040 out of the Park SDC Fund (formerly known as the Park Dedication Fund) and will complete the separation of the Park Southeast Area Fund and the Park Improvement Fund.

Park Southeast SDC Fund (621):
Increase transfers in by $267,000
Increase project appropriations by $267,000
The $267,000 of projects were in Fund 620 and are being transferred to fund 621. These are not new projects, nor are the appropriations for the projects being increased.

Park Improvement Fund (630):
Increase transfers in by $630,040
Increase Personnel Services by $50,000
Increase Materials and Services by $50,000
Increase projects by $530,040
The $630,040 of appropriations were in Fund 620 and are being transferred to fund 621. These are not new projects or new appropriations. It is moving appropriations from one fund to another.

Indirect Cost Adjustment:
In the biennium 2015-2017 the indirect cost allocation was budgeted based on revenues. It was a new methodology that was discussed and agreed upon by the departments that pay the indirect allocation. Actual revenues were very different than budget and resulted in significant variations that were unintended. Some funds were paying more than in previous years and some were paying less. Finance worked with the department heads to determine a more equitable allocation method that is primarily driven by on expenditures. The revised methodology was used in the 2017-2019 biennium budget however, budget adjustment are needed in the 2015-2017 biennium to change to the revised methodology. The following six funds need a budget adjustment in order to transfer a greater amount to the General Fund given the revised indirect cost allocation methodology. The remaining twelve funds that pay an indirect cost allocation do not need a budget adjustment, the funds will simply pay a lesser

amount than what was budgeted. The net result of revising the methodology is revenue neutral to the General Fund. The adjustments needed are as follows:

Fire Public Safety Fund (300):
Recognize greater than budgeted revenues of $6,620
Increased transfers out of $6,620

Building Safety Fund (400):
Recognize greater than budgeted revenues of $372,900
Increased transfers out of $372,900

Street Utility Fund (500):
Recognize greater than budgeted revenues of $488,020
Increased transfers out of $488,020

Storm Drain Utility Fund (501):
Recognize greater than budgeted revenues of $24,000
Increased transfers out of $24,000

Sanitary Sewer Maintenance Utility Fund (502):
Transfer from contingency of $143,550
Increased transfers out of $143,550

Risk Management Fund (700):
Recognize greater than budgeted revenues of $18,410
Increased transfers out of $18,410

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
The proposed resolution will increase appropriations as follows:

General Fund (100)	$ 283,380
Fire Public Safety Utility Fund (300)	6,620
Building Safety Fund (400)	372,900
Street Utility Fund (500)	488,020
Storm Drain Utility Fund (501)	24,000
Fleet Maintenance Fund (540)	270,000
Park Southeast Area SDC Fund (621)	267,000
Park Improvement Fund (630)	735,040
Risk Management Fund (700)	18,410
Parking Facilities Fund (701)	45,000
Community Promotions Fund (730)	230,000
CDBG Fund (731)	15,000
Total	$2,755,370

TIMING ISSUES
Budget adjustments need to be approved and posted before June 30, 2017

COUNCIL OPTIONS
Approve, modify or deny the resolution.

STAFF RECOMMENDATION
Staff recommends approval of the resolution

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

EXHIBITS
Resolution
Supplemental Budget Request is attached.

RESOLUTION NO. 2017-55

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

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

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

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

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

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

ATTEST:_____ _____

City Recorder Mayor

CITY OF MEDFORD

SUPPLEMENTAL BUDGET REQUEST PER ORS 294.471

Requesting Department: Finance

Biennium [ ]

Date of Proposed Council Action: June 15,2017

Date June 5, 2017

Explanation of Requested Transfer: See AIC

Account Number	Description	Project Number	Debit	Credit
1002220 6101001	Salaries & Wages		12,200	
1000000 4310207	Hazmat Revenue			12,200
1002110 6302432	Small Equipment		21,180	
1000000 4310105	Grant Revenue			21,180
1001521 6707161	Transfer Expense		250,000	
1000000 4710203	MURA Loan Payments			250,000
5403124 6302641	JC Fire Dist 3		155,000	
5403124 6302601	Medford 549C		50,000	-
5403124 6302623	Town of Fort Jones		30,000	
5303124 6302645	Briceland Fire		16,000	
5303124 6302622	City of Central Point		19,000	
5400000 4413025	Sales Revenue			90,000
5400000 4413021	Sales Revenue			180,000
6305180 6505100	Capital Improvement		5,000	
6300000 4610303	Park Foundation Donations			5,000
6305180 6505100	Capital Improvement		100,000	
6300000 4110201	Transient Lodging Tax			50,000
6300000 4110202	Car Rental Tax			50,000
7011210 6302101	Contract Services		30,000	
7011210 6302107	Bank Card Fees		15,000	-
7010000 4411202	Parking Revenue			45,000
7306110 6302701	Community Promotion Grant		230,000	
7300000 4110201	Transient Lodging Tax			230,000
7316110 6302704	Social Services Grant		15,000	
7310000 4310108	Program Income			15,000
6201521 6707621	Transfer Revenue Parks SE Are	Transfer	267,000.00	-
6210000 4716620	Revene Parks SE Area Fund	Transfer		267,000.00
6201521 6707630	Transfer Revenue Parks SE Are	Transfer	630,040.00	-
6300000 4716620	Parks SE Area Fund	Transfer		630,040.00
6215180 6505100	Capital Improvement		267,000.00	
6205180 6505100	Capital Improvement			267,000.00
6305130 610.xx	Personnel Services		50,000.00	
6305130 630.xx	Materials & Services		50,000.00	
6305180 6505100	Capital Improvement		530,040.00	
6205180 6505100	Capital Improvement		-	630,040.00
TOTALS			**2,742,460**	**2,742,460**

Requested by _____ Department Head

Approved by _____ City Manager

EXHIBIT A

Supp Appropriation Modification Jun 15 17.xlsx, Supplemental

CITY OF MEDFORD **Supplemental Appropriation Modification per ORS 294-.471**

Requesting Department: Finance

Biennium

Date of Proposed Council Action: 6/15/2017

Date **June 5, 2017**

Explanation of Requested Transfer: See AIC

Account Number	Description	Project Number	Debit	Credit
3001521 6707100	Fire Public Utility Transfer to Gen Fd		6,620	
4001521 6707100	Building Transfer to General Fund		372,900	
5001521 6707100	Street UtilityTransfer to General Fund		488,020	
5011521 6707100	Storm DrainTransfer to General Fund		24,000	
5021521 6707100	Sewer MaintTransfer to General Fund		143,550	
7001521 6707100	Risk Transfer to General Fund		18,410	
3000000 4412201	Fire Public Safety Fee			6,620
4000000 3100500	Building Inspection Fees			372,900
5000000 4413001	Street Utility Fees			488,020
5010000 4413002	Storm Drain fees			24,000
5021590 6909099	Sewer Contingency			143,550
700000 4411401	Interdepartment Revenue			18,410
TOTALS			**1,053,500**	**1,053,500**

Requested by _____ Department Head

Approved by _____ City Manager

Supp Appropriation Modification Jun 15 17.xlsx, Transfers Needed

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 60.2

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: June 15, 2017

COUNCIL BILL 2017-56
An ordinance making the annual ad valorem property tax levy of the City of Medford for fiscal year 2017-2018.

SUMMARY AND BACKGROUND
An ordinance making the annual ad valorem property tax levy of the City of Medford for fiscal year 2017-2018 and the assessment of unpaid sewer fees.

ORS 294.435 requires the governing body to declare by resolution or ordinance the tax amount or tax rate to be levied. Additionally, the resolution or ordinance must declare the tax limitation category into which the tax is placed. The City's proposed tax levy is as follows:

General Government Limitation	Permanent Rate	$5.2953
Excluded from limitation	General Bonds	$450,000
Special Assessments, Fees and Charges	Unpaid Sewer Fees	$150,000 (estimated)

The permanent rate will raise approximately $36.9 million in taxes depending upon final assessed value and the collection rate.

PREVIOUS COUNCIL ACTIONS
The City Council has consistently levied the maximum permanent rate of $5.2953 per $1,000 of assessed value. A resolution to establish and categorize taxes at the rate of $5.2953 was presented to the Budget Committee and it was unanimously approved by the committee on May 11, 2017.

On June 16, 2016 – Council Bill 2016-73 an ordinance making the annual ad valorem property tax levy of the City of Medford for the fiscal year 2016-2017.

ANALYSIS
This is an annual levy and it must be approved the council and filed with Jackson County before July 15, 2017. The resolution to establish and categorize taxes at the rate of $5.2953 per $1,000 of assessed value was presented to the Budget Committee and it was unanimously approved by the committee on May 11, 2017.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
The total estimated revenue from property tax is $36.9 million.

TIMING ISSUES
The declaration must be completed and filed with Jackson County prior to July 15, 2017

COUNCIL OPTIONS
Approve, modify or deny the ordinance

STAFF RECOMMENDATION
Staff recommends approval of the ordinance

SUGGESTED MOTION
I move to approve the ordinance which declares and categorizes the tax levy for the City of Medford for the fiscal year July 1, 2017 to June 30, 2018.

EXHIBITS
Ordinance

ORDINANCE NO. 2017-56

AN ORDINANCE making the annual ad valorem property tax levy of the City of Medford for fiscal year 2017-18.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. The City Council of the City of Medford hereby determines, makes and declares the ad valorem property taxes provided for in the adopted budget for the fiscal year commencing July 1, 2017, and levies these taxes upon all taxable property within the city as provided by law. The following is the itemization and categorization of taxes which make up the aggregate levy:

Description of Levy:	**Subject to Measure 5 Limits-General Government**	**Not Subject to Measure 5 Limits**
	Rate per $1,000 of Assessed Value	**Amount of Levy in Total Dollar Amount Levied**
Permanent Rate: Rate of ad valorem property taxation levy within permanent rate limitation	$5.2953	
General Obligation Bond Debt Service: Levy for bonded indebtedness or interest thereon not subject to Measure 50		$450,000
Special Assessments, Fees, and Charges: Estimate of unpaid sewer fees (final amount to be submitted in August).		$150,000

Section 2. The City of Medford hereby certifies that the City's permanent rate limit in dollars and cents per $1,000 is $5.2953.

Section 3. The Finance Director is hereby authorized and directed to certify to the County Clerk and County Assessor of Jackson County, Oregon, and the Department of Revenue in Salem, Oregon, the levy of taxes made by this ordinance pursuant to Form LB-50 attached as Exhibit A and

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incorporated by reference.

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

ATTEST: _____ _____

City Recorder Mayor

APPROVED: _____, 2017. _____

Mayor

Notice of Property Tax and Certification of Intent to Impose a Tax, Fee, Assessment or Charge on Property

To assessor of Jackson County

FORM LB-50
2017-2018

- Be sure to read instructions in the Notice of Property Tax Levy Forms and Instruction booklet

[x] Check here if this is an amended form.

The **City of Medford** (District Name) has the responsibility and authority to place the following property tax, fee, charge or assessment on the tax roll of **Jackson** (County Name) County. The property tax, fee, charge or assessment is categorized as stated by this form.

Mailing Address of District	City	State	ZIP code	Date
411 W 8th Street	Medford	Oregon	97501	June 15, 2017

Contact Person	Title	Daytime Telephone	Contact Person E-Mail
Alison Chan	Finance Director	541-774-2030	alisonchan@cityofmedford.org

CERTIFICATION - You **must** check one box if your district is subject to Local Budget Law.

[x] The tax rate or levy amounts certified in Part I are within the tax rate or levy amounts approved by the budget committee.

[ ] The tax rate or levy amounts certified in Part I were changed by the governing body and republished as required in ORS 294.456.

PART I: TAXES TO BE IMPOSED

		Subject to General Government Limits: Rate -or- Dollar Amount	Excluded from Measure 5 Limits: Dollar Amount of Bond Levy
1. Rate per $1,000 **or** Total dollar amount levied (within permanent rate limit) . . .	1	5.2953	
2. Local option operating tax	2	NA	
3. Local option capital project tax	3	NA	
4. City of Portland Levy for pension and disability obligations	4	NA	
5a. Levy for bonded indebtedness from bonds approved by voters **prior** to October 6, 2001	5a.		**NA**
5b. Levy for bonded indebtedness from bonds approved by voters **on or after** October 6, 2001	5b.		450,000
5c. Total levy for bonded indebtedness not subject to Measure 5 or Measure 50 (total of 5a + 5b)	5c.		**450,000**

PART II: RATE LIMIT CERTIFICATION

6. Permanent rate limit in dollars and cents per $1,000	6	**5.2953**
7. Election date when your **new district** received voter approval for your permanent rate limit	7	NA
8. **Estimated** permanent rate limit for newly **merged/consolidated district**	8	NA

PART III: SCHEDULE OF LOCAL OPTION TAXES

- Enter all local option taxes on this schedule. If there are more than two taxes, attach a sheet showing the information for each.

Purpose (operating, capital project, or mixed)	Date voters approved local option ballot measure	First tax year levied	Final tax year to be levied	Tax amount -or- rate authorized per year by voters
NA				

Part IV. SPECIAL ASSESSMENTS, FEES AND CHARGES

Description	Subject to General Government Limitation	Excluded from Measure 5 Limitation
1 Unpaid Sewer Fees		$ 150,000 (estimated)
2		

If fees, charges, or assessments will be imposed on specific property within your district, you must attach a complete listing of properties, by assessor's account number, to which fees, charges, or assessments will be imposed. Show the fees, charges, or assessments uniformly imposed on the properties. If these amounts are not uniform, show the amount imposed on each property.

The authority for putting these assessments on the roll is ORS __454.225_____ (Must be completed if you have an entry in Part IV)

150-504-073-7 (Rev. 12-13) **(see the back for worksheet for lines 5a, 5b, and 5c)**

File with your assessor no later than JULY 15, unless granted an extension in writing.

Exhibit A

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 70.1

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

AGENDA SECTION: Public Hearings - Noon
MEETING DATE: June 15, 2017

COUNCIL BILL 2017-57
A resolution adopting the budget for the City of Medford for the biennium commencing July 1, 2017, and making appropriations thereunder.

SUMMARY AND BACKGROUND
A resolution adopting the City of Medford budget for the biennium beginning July 1, 2017, making appropriations there under, and to conduct a public hearing on adopting the budget.

ORS 294.430 requires the governing body of a municipal corporation to hold a public hearing on the budget document as approved by the Budget Committee. The City Council may reduce the budget any amount, but can only increase the expenditures in each fund up to 10% without recalling the Budget Committee. The budget as approved by the Budget Committee on May 11, 2017, is $323,772,490 including $26,378,000 in contingencies.

PREVIOUS COUNCIL ACTIONS
Budget Committee meetings were held on April 17th, 24th, 26th, May 1st, 3rd and the 11th. At the May 11, 2017 meeting the Committee voted to approve the budget.

On June 4, 2015 – Council Bill 2015-57 a resolution adopting the budget for the City of Medford for the 2015-2017 biennium commencing on July 1, 2015 and making appropriations thereunder.

ANALYSIS
The proposed budget is balanced and supports the organization's focus on maintaining current services and adequately maintaining the city's assets.

The overall biennial budget totals $323,772,490 for all funds which includes $ 26,378,000 in contingencies. This is a decrease of 9.8% over the currently adjusted 2015-17 budget.

The proposed budget represents the direction provided to departments in the development of their requests for this fiscal period:

- Materials & Services Requests
  - No across the board percentage increases. Each department was to prepare budget requests at the adopted 2015-17 levels.
  - Requests for additional resources in this area must be provided through a justification process. These requests were reviewed and where appropriate added to the department's request.
- Capital Outlay Requests
  - Requests for replacement vehicles/equipment must be part of an approved plan. All requests must identify the life expectancy for the item. Also, the department had to determine if extending the life of the current vehicle was feasible without adding costs for on-going maintenance.
- Capital Improvement Projects
  - Requests must be part on an approved plan or extend the life expectancy of the asset.

The departments followed the directions provided and increases to the items previously identified were added to their baseline requests in appropriate.

The Budget Committee reviewed 12 Budget Issues that were presented by the requesting departments. As a result of those presentation and robust deliberation all of the issues were approved and included the following:

- 13 New Full-Time Positions
  - Building Safety Department – Plans Examiner
  - City Attorney – Senior Assistant City Attorney
  - Parks & Recreation (3 positions)
    - Recreation Supervisor (Senior Center)
    - Custodian
    - Umpire/Sports Official Coordinator
  - Public Works (6 positions)
    - Storm/Sewer Maintenance – 3 positions
    - Laborer – 2 positions
    - Administrative Support Technician
  - Fire Department – Deputy Fire Marshal
  - Technology Services – Network Administrator

  Of the new positions, 11 are funded through either savings from other areas within the department or through established or proposed increase fees for services. The Deputy Fire Marshal is funded through a 50/50 cost share with Fire District #2.

- Bear Creek Greenway Vegetation Removal – Program will provide for an accelerated removal of non-native vegetation along the Bear Creek Greenway.

- General Fund Grants were reviewed and the following was the result of the discussion:
  - Non-Competitive grants of $194,140 will be awarded to the William H. Moore Sobering Center and the Domestic Violence/Sexual Assault Advocate which is provided through Community Works.
  - Competitive grants will be awarded through a formal solicitation and were approved in the amount of $300,100.

Finally, a key component of the proposed budget are the Key Objectives and Performance Measures for each department. These measurements will be tracked and reported semi-annually to the Council and Budget Committee.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
Appropriations total $323,772,490 which includes $ 26,378,000 in contingencies

TIMING ISSUES
A budget must be adopted prior to June 30, 2017.

COUNCIL OPTIONS
Approve, modify or deny the resolution.

STAFF RECOMMENDATION
Staff recommends approval of the resolution.

SUGGESTED MOTION
I move to approve the resolution adopting the proposed budget in the amount of $323,772,490, the details of which are contained and summarized in the budget document, as approved by the Budget Committee.

EXHIBITS
Resolution,
Summary of Budget Adjustments
Expenditure Summary by Department
2017-2019 Budget is on file with the Finance Department

RESOLUTION NO. 2017-57

A RESOLUTION adopting the budget for the City of Medford for the biennium commencing July 1, 2017, and making appropriations thereunder.

WHEREAS, the proposed budget for the biennium commencing July 1, 2017, has been heretofore reviewed and approved by the Budget Committee of the City of Medford, Oregon, and filed with the City Recorder and published for the time and in the manner prescribed by law, and said proposed budget came regularly for hearing before the City Council at the hour of 12:00 o'clock noon on the 15th day of June, 2017; and

WHEREAS, a public hearing was duly held at said time and place, due notice thereof having been given to the public, and the City Council at said time considered said proposed budget and the matters discussed at the public hearing; now, therefore,

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

Section 1. The City Council hereby adopts the budget for biennium 2017-19 in the sum of $323,772,490 as approved by the Budget Committee on May 11, 2017, and now on file in the City Recorder's Office.

Section 2. Interfund loans, if needed, have been identified and are hereby authorized for the purposes stated in the budget document. If loaned, the money so loaned shall be returned to the funds from which it was borrowed by the end of the biennium. New interfund loans not presently identified but determined necessary during the ensuing budget period shall be budgeted in accordance with Oregon local budget law.

Section 3. The amounts for the biennium beginning July 1, 2017, totaling $323,772,490 are hereby appropriated by fund and program as shown on the functional schedule attached hereto, marked Exhibit "A", and by this reference incorporated herein. The sum of $52,013,210 is the total unappropriated ending fund balance to be carried forward.

Section 4. The City Recorder is hereby directed to file with the County Clerk and County Assessor of Jackson County, Oregon, and the Department of Revenue in Salem, Oregon, a certified copy of the budget as finally adopted.

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

ATTEST:_____ _____

City Recorder Mayor

EXHIBIT A

EXPENDITURE SUMMARY BY DEPARTMENT

For City Council Adoption	CITY MGR PROPOSED	CHANGES	17/19 BIENNIUM BUDGET COMM APPROVED
MAYOR & COUNCIL			
100 GENERAL FUND	1,338,400	11,000	1,349,400
MAYOR & COUNCIL Total	**1,338,400**	**11,000**	**1,349,400**
CITY MANAGER			
100 GENERAL FUND	2,613,000	-	2,613,000
701 PARKING FUND	755,900	-	755,900
731 CDBG FUND	-	-	-
CITY MANAGER Total	**3,368,900**	**-**	**3,368,900**
CITY ATTORNEY			
100 GENERAL FUND	1,369,800	117,200	1,487,000
CITY ATTORNEY Total	**1,369,800**	**117,200**	**1,487,000**
HUMAN RESOURCES			
100 GENERAL FUND	1,511,300	-	1,511,300
700 RISK MANAGEMENT FUND	3,182,100	-	3,182,100
HUMAN RESOURCES Total	**4,693,400**	**-**	**4,693,400**
FINANCE			
100 GENERAL FUND	32,321,220	(173,000)	32,148,220
160 GENERAL BOND FUND	7,130,200	-	7,130,200
161 REVENUE BOND FUND	13,162,500	-	13,162,500
200 POLICE PUB SAFETY UTILITY FUND	2,395,800	-	2,395,800
201 POLICE FEDERAL FORFEITURE FUND	50,000	-	50,000
202 POLICE STATE FORFEITURE FUND	10,000	-	10,000
203 POLICE GRANT FUND	-	-	-
300 FIRE PUB SAFETY UTILITY FUND	1,050,100	-	1,050,100
370 FIRE APPARATUS RESERVE FUND	60,000	-	60,000
400 BUILDING SAFETY FUND	1,017,700	-	1,017,700
500 STREET UTILITY FUND	2,921,900	-	2,921,900
501 STORM DRAIN UTILITY FUND	1,639,600	-	1,639,600
502 SEWER COLLECTION UTILITY FUND	1,635,300	-	1,635,300
503 REG SEW TREATMENT UTILITY FUND	1,928,800	-	1,928,800
520 STREET SDC FUND	3,511,000	-	3,511,000
521 SEWER COLLECTION SDC FUND	151,000	-	151,000
522 STORM DRAIN SDC FUND	125,000	-	125,000
523 REG SEW TREATMENT SDC FUND	509,900	-	509,900
530 GAS TAX FUND	1,551,300	-	1,551,300
531 SIDEWALK FUND	-	-	-
540 FLEET MAINTENANCE FUND	460,300	-	460,300
550 STREET IMPROVEMENT FUND	143,400	-	143,400
600 PARK MAINTENANCE FUND	1,050,300	11,000	1,061,300
620 PARK SDC FUND	1,308,000	-	1,308,000
621 PARK SOUTHEAST AREA SDC FUND	96,000	-	96,000
630 PARK IMPROVEMENT FUND	3,134,200	-	3,134,200
633 CEMETERY FUND	-	-	-
670 COMMUNITY PARK RESERVE FUND	7,000	-	7,000
700 RISK MANAGEMENT FUND	1,681,600	115,360	1,796,960
701 PARKING FUND	188,500	7,000	195,500
731 CDBG FUND	-	-	-
FINANCE Total	**79,240,620**	**(39,640)**	**79,200,980**

For City Council Adoption	CITY MGR PROPOSED	CHANGES	17/19 BIENNIUM BUDGET COMM APPROVED
MUNICIPAL COURT			
100 GENERAL FUND	2,510,800	-	2,510,800
MUNICIPAL COURT Total	**2,510,800**	**-**	**2,510,800**
TECHNOLOGY SERVICES			
100 GENERAL FUND	6,929,650	247,570	7,177,220
400 BUILDING SAFETY FUND	63,160	-	63,160
500 STREET UTILITY FUND	139,080	-	139,080
501 STORM DRAIN UTILITY FUND	68,650	-	68,650
502 SEWER COLLECTION UTILITY FUND	77,170	-	77,170
503 REG SEW TREATMENT UTILITY FUND	18,100	-	18,100
520 STREET SDC FUND	2,300	-	2,300
521 SEWER COLLECTION SDC FUND	500	-	500
522 STORM DRAIN SDC FUND	920	-	920
530 GAS TAX FUND	73,640	-	73,640
540 FLEET MAINTENANCE FUND	4,400	-	4,400
700 RISK MANAGEMENT FUND	47,380	-	47,380
TECHNOLOGY SERVICES Total	**7,424,950**	**247,570**	**7,672,520**
PLANNING			
100 GENERAL FUND	4,189,590	-	4,189,590
PLANNING Total	**4,189,590**	**-**	**4,189,590**
FACILITIES MANAGEMENT			
100 GENERAL FUND	6,869,320	-	6,869,320
701 PARKING FUND	442,100	35,000	477,100
FACILITIES MANAGEMENT Total	**7,311,420**	**35,000**	**7,346,420**
POLICE			
100 GENERAL FUND	46,518,130	-	46,518,130
200 POLICE PUB SAFETY UTILITY FUND	1,392,600	-	1,392,600
201 POLICE FEDERAL FORFEITURE FUND	551,300	-	551,300
202 POLICE STATE FORFEITURE FUND	45,000	-	45,000
203 POLICE GRANT FUND	-	-	-
POLICE Total	**48,507,030**	**-**	**48,507,030**
FIRE			
100 GENERAL FUND	28,155,160	240,870	28,396,030
200 POLICE PUB SAFETY UTILITY FUND	-	-	-
300 FIRE PUB SAFETY UTILITY FUND	5,779,600	-	5,779,600
370 FIRE APPARATUS RESERVE FUND	460,000	-	460,000
FIRE Total	**34,394,760**	**240,870**	**34,635,630**
BUILDING SAFETY			
100 GENERAL FUND	402,800	-	402,800
400 BUILDING SAFETY FUND	2,885,400	133,730	3,019,130
BUILDING SAFETY Total	**3,288,200**	**133,730**	**3,421,930**
PUBLIC WORKS OPERATIONS			
500 STREET UTILITY FUND	13,917,000	-	13,917,000
501 STORM DRAIN UTILITY FUND	6,503,600	243,150	6,746,750
502 SEWER COLLECTION UTILITY FUND	7,198,200	-	7,198,200
530 GAS TAX FUND	2,250,200	-	2,250,200
540 FLEET MAINTENANCE FUND	2,541,700	-	2,541,700
PUBLIC WORKS OPERATIONS Total	**32,410,700**	**243,150**	**32,653,850**
REGIONAL WATER RECLAMATION			
503 REG SEW TREATMENT UTILITY FUND	12,179,000	70,400	12,249,400
523 REG SEW TREATMENT SDC FUND	3,860,000	-	3,860,000
REGIONAL WATER RECLAMATION Total	**16,039,000**	**70,400**	**16,109,400**

For City Council Adoption	CITY MGR PROPOSED	CHANGES	17/19 BIENNIUM BUDGET COMM APPROVED
ENGINEERING & DEVELOPMENT			
100 GENERAL FUND	-	-	-
500 STREET UTILITY FUND	1,711,700	-	1,711,700
501 STORM DRAIN UTILITY FUND	7,015,200	203,950	7,219,150
502 SEWER COLLECTION UTILITY FUND	2,323,100	-	2,323,100
520 STREET SDC FUND	22,625,800	-	22,625,800
521 SEWER COLLECTION SDC FUND	1,196,000	-	1,196,000
522 STORM DRAIN SDC FUND	1,050,500	-	1,050,500
530 GAS TAX FUND	11,381,800	-	11,381,800
531 SIDEWALK FUND	623,100	-	623,100
550 STREET IMPROVEMENT FUND	854,000	-	854,000
731 CDBG FUND	143,000	-	143,000
ENGINEERING & DEVELOPMENT Total	**48,924,200**	**203,950**	**49,128,150**
UTILITY BILLING SERVICES			
500 STREET UTILITY FUND	1,413,100	-	1,413,100
501 STORM DRAIN UTILITY FUND	1,234,100	-	1,234,100
502 SEWER COLLECTION UTILITY FUND	1,234,300	-	1,234,300
UTILITY BILLING SERVICES Total	**3,881,500**	**-**	**3,881,500**
PARKS & RECREATION			
100 GENERAL FUND	11,477,500	422,920	11,900,420
203 POLICE GRANT FUND	-	-	-
600 PARK MAINTENANCE FUND	281,700	85,800	367,500
620 PARK SDC FUND	3,397,800	-	3,397,800
621 PARK SOUTHEAST AREA SDC FUND	767,000	-	767,000
630 PARK IMPROVEMENT FUND	2,423,500	-	2,423,500
631 BEAR CREEK MAINTENANCE FUND	2,000	-	2,000
633 CEMETERY FUND	11,730	-	11,730
634 VETERANS PARK IMPROVEMNT FUND	1,000	-	1,000
670 COMMUNITY PARK RESERVE FUND	92,400	-	92,400
731 CDBG FUND	-	-	-
PARKS & RECREATION Total	**18,454,630**	**508,720**	**18,963,350**
COMMUNITY PROMOTION & GRANTS			
100 GENERAL FUND	-	494,240	494,240
730 COMMUNITY PROMOTION FUND	2,213,000	-	2,213,000
731 CDBG FUND	1,945,400	-	1,945,400
COMMUNITY PROMOTION & GRANTS Total	**4,158,400**	**494,240**	**4,652,640**
Grand Total	**321,506,300**	**2,266,190**	**323,772,490**

SUMMARY OF BUDGET ADJUSTMENTS APPROVED BY THE BUDGET COMMITTEE

Department/Fund	Budget Issue #	Description of the Adjustment	Adjustments
		City Manager Proposed 2017-2019 Biennium Budget (page 1-29 of the Preliminary Budget Book)	**$ 321,506,300**
MAYOR & COUNCIL (11)			
100 General Fund	***	Increase funding for the Pear Blossom Special Event Request made during public comments	11,000
CITY ATTORNEY (13)			
100 General Fund	2	Senior Assistant City Attorney - 1 Position	241,900
		Less Temporary Labor Budgeted	(124,700)
		Net increase to the budget	117,200
FINANCE (15)			
100 General Fund	12	Decrease General Fund Contingency to fund budget issues	(173,000)
600 Park Utility Fund	***	Increase Park Utility Contingency due to increased budget	11,000
700 Risk Management Fund	2	Senior Assistant City Attorney - Risk Management portion of the cost	115,360
701 Parking Facilities Fund	***	Increase Parking Facilites Contingency due to increased budget	7,000
TECHNOLOGY SERVICES (17)			
100 General Fund	12	System Network Administrator - 1 Position	247,570
FACILITIES MANAGEMENT (19)			
701 Parking Facilities Fund	***	Correction to Budget Book - purchase of a Gator Street Sweeper	35,000
FIRE (22)			
100 General Fund	8	Deputy Fire Marshall - 1 Position	240,870
BUILDING SAFETY (23)			
400 Building Safety Fund	1	Plans Examiner - 1 Position	133,730
PUBLIC WORKS OPERATIONS (31)			
501 Storm Drain Utility Fund	6	Public Works Technician - 2 Positions	243,150
WATER RECLAMATION DIVISION (32)			
503 Sewage Treatment Fund	7	Public Works Laborer - 2 Positions	297,440
		Less Temporary labor already in Budget	(147,040)
		Less Contract services already in Budget	(80,000)
		Net increase to the budget	70,400
ENGINEERING & DEVELOPMENT (33)			
501 Storm Drain Utility Fund	6	Engineering Technicians - 1 Position	203,950
PARKS & RECREATION (51)			
100 General Fund	4	Recreation Supervisor - 1 Position	268,050
100 General Fund	9	Umpire/Sports Official Coordinator - 1 Position	64,870
100 General Fund	10	Bear Creek Greenway Vegetation Removal	90,000
600 Park Maintenance Fund	***	Correction to Budget - Professional Services increase	75,800
600 Park Maintenance Fund	***	Correction to Budget - Utility expenditure increase	10,000
COMMUNITY PROMOTION (61)			
100 General Fund	3	General Fund Social Service Grants - Non Competitive	194,140
100 General Fund	3	General Fund Social Service Grants - Competitive	300,100
		Budget Committee Approved 2017-2019 Biennium Budget (approved by the Budget Committee on May 11, 2017)	**$ 323,772,490**

*** Budget corrections approved by the Budget Committee

Note 1 - Budget Issue 5 was approved but had no net increase to the budget so is not listed above

Note 2 - Budget Issue 11 was approved but was already budgeted so it is not listed above

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 70.2

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

AGENDA SECTION: Public Hearings - Noon
MEETING DATE: June 15, 2017

COUNCIL BILL 2017-58
A resolution certifying that the City of Medford is eligible to receive state-shared revenues and elects to receive state-shared revenues for fiscal year 2017-18.

SUMMARY AND BACKGROUND
A resolution certifying the City of Medford is eligible to receive state shared revenues, and elects to receive state shared revenues for the fiscal year 2017-2018. Two public hearing are required as a part of the process

ORS 221.770 requires cities to pass a resolution or ordinance each year stating their eligibility and desire to receive state shared revenue funds. The law also requires cities to certify that two public hearing were held. The first, before the Budget Committee, discloses possible uses of these funds. The second, before Council at budget adoption states the proposed uses of funds in relation to the entire budget. Both required public hearings were held as a part of the budgeting process in May and June of 2017.

PREVIOUS COUNCIL ACTIONS
On April 24, 2107 - City Budget Committee held a public hearing on the proposed uses of the state shared revenue for the 2017-2019 biennium. Council is holding a second public hearing on June 15, 2017 as a port of the budget adoption process. These are the two public hearings required in order to be eligible to receive state shared revenues.

On June 16, 2016 – Council Bill 2016-72 a resolution certifying the City of Medford is eligible to receive state-shared revenues and elects to receive state-shared revenues for the fiscal year 2016-2017.

ANALYSIS
This is an annual election and it must be approved by council and filed with the state in order to receive state revenue sharing funds. There are four sources of state shared revenues: gas tax, alcohol tax, cigarette tax and state shared revenue. Gas tax revenue received by the City is restricted to building and maintaining our transportation system. The other three shared revenues are not restricted and are therefore accounted for in the General Fund. The largest departments within the General Fund are Police, Fire and Parks & Recreation. The budget was approved by the Budget Committee on May 11, 2017

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
The City expects to receive $6.7 million in state shared revenue in fiscal year 2017-2018. The General Fund will receive an estimated $2.0 million which is 3% of its total annual revenue. The Gas Tax Fund will receive an estimated $4.6 million which is 81% of its annual revenue.

TIMING ISSUES
The declaration must be completed and filed prior to July 1, 2017

COUNCIL OPTIONS
Approve, modify or deny the resolution.

STAFF RECOMMENDATION
Staff recommends approval of the resolution.

SUGGESTED MOTION
I move to approve the resolution which certifies the City of Medford is eligible to receive state shared revenues and elects to receive state shared revenues for fiscal year 2017-2018.

EXHIBITS
Resolution

RESOLUTION NO. 2017-58

A RESOLUTION certifying that the City of Medford is eligible to receive state-shared revenues and elects to receive state-shared revenues for fiscal year 2017-18.

WHEREAS, ORS 221.760 provides as follows:

"The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall disburse funds in the case of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, only if the officer reasonably is satisfied that the city meets the requirements set out in subsection (2) of this section, or if the city provides four or more of the following municipal services:

(a) Police protection
(b) Fire protection
(c) Street construction, maintenance and lighting
(d) Sanitary sewers
(e) Storm sewers
(f) Planning, zoning and subdivision control
(g) One or more utility services…"; and

WHEREAS, the city officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760; now, therefore,

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

(1) That the City of Medford hereby certifies that it provides the following municipal services enumerated in Section 1, ORS 221.760:

(a) Police protection
(b) Fire protection
(c) Street construction, maintenance and lighting
(d) Sanitary sewers
(e) Storm sewers
(f) Planning, zoning and subdivision control
(g) One or more utility services

(2) That the City of Medford hereby elects to receive state shared revenues for fiscal year 2017-18 and certifies that the public hearings required by ORS 221.770 have been

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///
///

completed prior to July 1, 2017.

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

www.ci.medford.or.us

Item No: 60.3

DEPARTMENT: Police Department
PHONE: (541) 774-2222
STAFF CONTACT: Randy Sparacino, Chief of Police

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: June 15, 2017

COUNCIL BILL 2017-59
An ordinance authorizing the purchase of ten new police patrol vehicles in the total amount of $285,670 from Power Ford Lincoln of Newport, Oregon.

SUMMARY AND BACKGROUND
Approval of the ordinance will allow the Medford Police Department to purchase ten new police patrol vehicles. The Department has researched the available police vehicles and has selected the Ford Explorer as the next vehicle. The overwhelming vehicle maintenance cost and the limited vehicle interior space has caused us to move away from the Dodge Charger. As a result of this year's Request for Quotes (RFQ) process, Power Ford Lincoln of Newport, Oregon has submitted the lowest bid.

PREVIOUS COUNCIL ACTIONS
Council has approved the purchase of police vehicles on September 1, 2016 under Council Bill 2016-108 authorizing the purchase of five new police patrol vehicles in the total amount of $192,582.95 from Wire Works. The Request for Proposal (RFP) was won by Wire Works. Ordinance #2016-108 was duly adopted.

ANALYSIS
The Department's plan is to purchase the vehicles from the dealership and then obtain a separate RFQ for the vehicle outfitting. Two reasons for this change, faster deployment and cost savings. Ford announced an extension of sales for the 2017 Utility Police Interceptor through July 7, 2017. This will allow us to save an anticipated 3-4% increase from the 2018 model year and we will have the vehicles 4-6 months sooner. This will allow us to replace our aging fleet sooner, saving the department in aging vehicle maintenance costs.

Bids were accepted in a competitive RFQ process and four vendors submitted bids for the vehicles.

Once the vehicles are received, a qualified police vehicle builder will assemble the cars. This will be done via a separate competitive RFQ process.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
Funds contained in the 2017-2019 budget. The Department has budgeted $257,103.00 in account number 1002110-640-4004, the Police Motive Equipment Account for nine vehicles. The remaining vehicle has been budgeted at $28,567.00 in the Federal Forfeiture Account 2012122-640-4004, project PFM 0073-201.

TIMING ISSUES
The Department is in need of purchasing the vehicles prior to the July 7, 2017 deadline set forth by Ford Motor Company.

COUNCIL OPTIONS
Approve or deny the resolution.

STAFF RECOMMENDATION
Staff recommends approval of the resolution.

SUGGESTED MOTION
Move to adopt the resolution authorizing the purchase of ten patrol cars from Power Ford Lincoln of Newport, Oregon.

EXHIBITS
Ordinance
Four bids quotations for the 2017 Utility Police Interceptor, Sport Utility.

ORDINANCE NO. 2017-59

AN ORDINANCE authorizing the purchase of ten (10) new police patrol vehicles in the total amount of $285,670 from Power Ford Lincoln of Newport, Oregon.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That the purchase of ten (10) new police patrol vehicles in the total amount of $285,670 from Power Ford Lincoln of Newport, Oregon is hereby authorized.

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

ATTEST: _____ _____

City Recorder Mayor

APPROVED _____, 2017. _____

Mayor

WINDOW STICKER

2017 Ford Police Interceptor Utility AWD
3.7 L/227 CID Regular Unleaded V-6
* 6-Speed Automatic w/OD

City of Medford
Attn: Lt Phil Eastman

CODE	MODEL	MSRP
K8A	2017 Ford Police Interceptor Utility AWD	$31,995.00
	OPTIONS	
99R	ENGINE: 3.7L V6 TI-VCT FFV	INC
44C	TRANSMISSION: 6-SPEED AUTOMATIC	$0.00
500A	ORDER CODE 500A	$0.00
___	3.65 AXLE RATIO	$0.00
YZ	OXFORD WHITE	$0.00
___	STANDARD PAINT	$0.00
9W	CHARCOAL BLACK, UNIQUE HD CLOTH FRONT BUCKET SEATS W/VINYL RE	$0.00
47A	POLICE ENGINE IDLE FEATURE	$260.00
942	DAYTIME RUNNING LAMPS Req. w/ 43L	$45.00
51T	DRIVER ONLY LED SPOT LAMP (WHELEN)	$420.00
66A	FRONT HEADLAMP LIGHTING SOLUTION	$850.00
43L	POLICE SILENT MODE Interior Lights + Day running Lights Driver controlled	$20.00
18D	GLOBAL LOCK / UNLOCK FEATURE	$0.00
68G	REAR-DOOR HANDLES INOPERABLE/LOCKS INOPERABLE	$35.00
76R	REVERSE SENSING	$275.00
53M	SYNC BASIC (VOICE-ACTIVATED COMMUNICATIONS SYSTEM)	$295.00
60A	GRILLE LED LIGHTS, SIREN & SPEAKER PRE-WIRING	INC
	SUBTOTAL	**$34,195.00**
	Advert/Adjustments	$0.00
	Destination Charge	$945.00
	TOTAL PRICE	**$35,140.00**

Retail

Est City: 16.00 mpg
Est Highway: 21.00 mpg
Est Highway Cruising Range: 390.60 mi

Price $28,567.00 Fob Salem

Final date to order is 7/5/17 at this time
2018 start up Oct 16

POWER Ford-Lincoln
PO Box 360
Newport, OR 97365
541-265-4601 Store
503-871-0703 Cell

Don Kasinger
Gov Fleet Mgr.

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 491.0, Data updated 5/16/2017
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Customer File:

May 22, 2017 6:11:35 AM

SELECTED MODEL & OPTIONS

SELECTED MODEL - 2017 Fleet/Non-Retail K8A AWD

Code	Description	Invoice	MSRP
K8A	2017 Ford Police Interceptor Utility AWD	$30,875.00	$31,995.00

SELECTED VEHICLE COLORS - 2017 Fleet/Non-Retail K8A AWD

Code
-
-
-

SELECTED OPTIONS - 2017 Fleet/Non-Retail K8A AWD

Code	Description	Invoice	MSRP
99R	ENGINE: 3.7L V6 TI-VCT FFV (STD)	INC	INC
44C	TRANSMISSION: 6-SPEED AUTOMATIC (STD)	$0.00	$0.00
500A	ORDER CODE 500A	$0.00	$0.00
___	3.65 AXLE RATIO (STD)	$0.00	$0.00
YZ	OXFORD WHITE	$0.00	$0.00
___	STANDARD PAINT	$0.00	$0.00
9W	CHARCOAL BLACK, UNIQUE HD CLOTH FRONT BUCKET SEATS W/VINYL REAR -inc: driver 6-way power track (fore/aft.up/down, tilt w/manual recline, 2-way manual lumbar, passenger 2-way manual track (fore/aft, w/manual recline) and built-in steel intrusion plates in both front seatbacks	$0.00	$0.00
47A	POLICE ENGINE IDLE FEATURE -inc: This feature allows you to leave the engine running and prevents your vehicle from unauthorized use when outside of your vehicle, Allows the key to be removed from ignition while vehicle remains idling	$248.00	$260.00
942	DAYTIME RUNNING LAMPS	$42.00	$45.00
51T	DRIVER ONLY LED SPOT LAMP (WHELEN)	$399.00	$420.00
66A	FRONT HEADLAMP LIGHTING SOLUTION -inc: base LED low beam/incandescent (halogen) high beam headlamp w/high beam wig-wag function and (2) white rectangular LED side warning lights, Wiring and LED lights included, Controller not included, Grille LED Lights, Siren & Speaker Pre-Wiring Recommend using Cargo Wiring Uplift Package (67G) or Ultimate Wiring Package (67U).	$809.00	$850.00
43L	POLICE SILENT MODE -inc: When activated, courtesy lamps and Daytime Running Lamps disabled (user configurable) Daytime running lamps do not disable where required by law. (Requires 942)	$19.00	$20.00
18D	GLOBAL LOCK / UNLOCK FEATURE -inc: Door-panel switches will lock/unlock all doors and rear liftgate, Eliminates overhead console liftgate unlock switch and 45-second timer, Also eliminates the blue liftgate release button if ordered w/Remote Keyless	$0.00	$0.00
68G	REAR-DOOR HANDLES INOPERABLE/LOCKS INOPERABLE	$33.00	$35.00

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 491.0, Data updated 5/16/2017

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Customer File:

May 22, 2017 6:11:35 AM

SELECTED MODEL & OPTIONS

SELECTED OPTIONS - 2017 Fleet/Non-Retail K8A AWD

Code	Description	Invoice	MSRP
76R	REVERSE SENSING	$261.00	$275.00
53M	SYNC BASIC (VOICE-ACTIVATED COMMUNICATIONS SYSTEM) -inc: single USB port and single auxiliary audio input jack	$280.00	$295.00
60A	GRILLE LED LIGHTS, SIREN & SPEAKER PRE-WIRING	INC	INC
OPTIONS TOTAL		**$2,091.00**	**$2,200.00**

Report content is based on current data version referenced. Any performance-related calculations are offered solely as guidelines. Actual unit performance will depend on your operating conditions.

GM AutoBook, Data Version: 491.0, Data updated 5/16/2017

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Customer File:

May 22, 2017 6:11:35 AM

Subj: **RE: Police vehicle Bid.**
Date: 5/18/2017 3:39:39 P.M. Pacific Daylight Time
From: Phil.Eastman@cityofmedford.org
To: DPKASINGER@aol.com

Can we get the bid minus 92r. thanks

From: DPKASINGER@aol.com [mailto:DPKASINGER@aol.com]
Sent: Tuesday, May 16, 2017 7:42 AM
To: Phil G. Eastman
Subject: Re: Police vehicle Bid.

Lt. Eastman
I may have not included the attachment
Don

In a message dated 5/11/2017 8:19:53 A.M. Pacific Daylight Time, Phil.Eastman@cityofmedford.org writes:

Hello,

I am looking to get a bid for the following vehicle:

We are planning on purchasing 10 vehicles in total. 9 in color white, one in color black.

2017 Utility Police Interceptor, Sport Utility AWD Base (K8A)

99B Engine 3.7 L V6 Ti-VCT FFV
STDWL Wheels: 18x8 5 Spoke Painted black
66A Front Headlamp Solution
43D Dark Car Feature
60A Grill led lights, siren and speaker pre-wiring
51T Driver only Led spot light (whelen)
~~92R 2nd row only solar tint glass~~ declined
53M SYNC Basic
43D silent mode
68G rear-door handle inoperable/locks inoperable
18D global lock/unlock
47A Police Engine Idle Feature
76R reverse sensing
942

I think that sums it up, I would appreciate if the bid could be emailed back to me in the next ten days.

Thanks you.

Phil Eastman
Lieutenant
Medford Police Department
219 S. Ivy Street
Medford, OR 97501
541-774-2224
pgeastman@cityofmedford.org

Northside Ford Truck Sales, Inc.
6221 N E Columbia Blvd., Portland, Oregon, 972182995
Office: 503-282-7773

$28,767.10

Customer Proposal

Prepared for:

Phil Eastman
Medford Police Dept

Prepared by:

SHARON TUCKER
Office: 503-282-7773
Email: stucker@northsidetrucks.com

Date: 05/15/2017
Vehicle: 2017 Utility Police Interceptor Base AWD
Quote ID: MedfordPD

Selected Options

Code	Description	MSRP	Invoice
Base Vehicle			
K8A	Base Vehicle Price (K8A)	$31,995.00	$30,875.00
Packages			
500A	Order Code 500A	N/C	N/C
	Includes: *- Transmission: 6-Speed Automatic* *- 3.65 Axle Ratio* *- GVWR: 6,300 lbs* *- Tires: P245/55R18 AS BSW* *- Wheels: 18" x 8" 5-Spoke Painted Black Steel* *Includes center caps and full size spare.* *- Unique HD Cloth Front Bucket Seats w/Vinyl Rear* *Includes driver 6-way power track (fore/aft.up/down, tilt with manual recline, 2-way manual lumbar, passenger 2-way manual track (fore/aft. with manual recline) and built-in steel intrusion plates in both front seatbacks.* *- Radio: MyFord AM/FM/CD/MP3 Capable* *Includes clock, 6 speakers and 4.2" color LCD screen center-stack Smart Display.*		
Powertrain			
99R_	Engine: 3.7L V6 Ti-VCT	N/C	N/C
44C	Transmission: 6-Speed Automatic	Included	Included
STDAX	3.65 Axle Ratio	Included	Included
STDGV	GVWR: 6,300 lbs	Included	Included
Wheels & Tires			
STDTR	Tires: P245/55R18 AS BSW	Included	Included
STDWL	Wheels: 18" x 8" 5-Spoke Painted Black Steel *Includes center caps and full size spare.*	Included	Included
Seats & Seat Trim			
9	Unique HD Cloth Front Bucket Seats w/Vinyl Rear *Includes driver 6-way power track (fore/aft.up/down, tilt with manual recline, 2-way manual lumbar, passenger 2-way manual track (fore/aft. with manual recline) and built-in steel intrusion plates in both front seatbacks.*	Included	Included
Other Options			
113WB	113" Wheelbase	STD	STD
PAINT	Monotone Paint Application	STD	STD
STDRD	Radio: MyFord AM/FM/CD/MP3 Capable *Includes clock, 6 speakers and 4.2" color LCD screen center-stack Smart Display.*	Included	Included

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: Phil Eastman, Medford Police Dept
By: SHARON TUCKER Date: 05/15/2017

Selected Options (cont'd)

Code	Description	MSRP	Invoice
66A	Front Headlamp Lighting Solution	$850.00	$809.00
	Recommend using Cargo Wiring Uplift Package (67G) or Ultimate Wiring Package (67U).		
	Includes base LED low beam/incandescent (halogen) high beam headlamp with high beam wig-wag function and (2) white rectangular LED side warning lights. Wiring and LED lights included. Controller not included. Includes: *- Grille LED Lights, Siren & Speaker Pre-Wiring*		
43L	Police Silent Mode	$20.00	$19.00
	Daytime running lamps do not disable where required by law.		
	When activated, courtesy lamps and Daytime Running Lamps disabled (user configurable).		
942	Daytime Running Lamps	$45.00	$42.00
60A	Grille LED Lights, Siren & Speaker Pre-Wiring	Included	Included
51T	Driver Only LED Spot Lamp (Whelen)	$420.00	$399.00
53M	SYNC Basic (Voice-Activated Communications System)	$295.00	$280.00
	Includes single USB port and single auxiliary audio input jack.		
68G	Rear-Door Handles Inoperable/Locks Inoperable	$35.00	$33.00
18D	Global Lock / Unlock Feature	N/C	N/C
	Door-panel switches will lock/unlock all doors and rear liftgate. Eliminates overhead console liftgate unlock switch and 45-second timer. Also eliminates the blue liftgate release button if ordered with Remote Keyless.		
47A	Police Engine Idle Feature	$260.00	$248.00
	This feature allows you to leave the engine running and prevents your vehicle from unauthorized use when outside of your vehicle. Allows the key to be removed from ignition while vehicle remains idling.		
76R	Reverse Sensing	$275.00	$261.00
Emissions			
422	California Emissions System	N/C	N/C
	Required code for California Emissions States - California, Connecticut, Delaware, Massachusetts, Maryland, Maine, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington registration unless codes 936 or 423 are applicable. Optional for Cross Border state dealers - Arizona, District of Columbia, Idaho, New Hampshire, Nevada, Ohio, Virginia and West Virginia.		
Interior Colors			
9W_01	Charcoal Black	N/C	N/C
Primary Colors			
G1_02	Shadow Black	N/C	N/C

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: Phil Eastman, Medford Police Dept
By: SHARON TUCKER Date: 05/15/2017

Selected Options (cont'd)

Code	Description	MSRP	Invoice
SUBTOTAL		$34,195.00	$32,966.00
Fuel Charge		$0.00	$39.80
Destination Charge		$945.00	$945.00
TOTAL		$35,140.00	$33,950.80

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Prepared for: Phil Eastman, Medford Police Dept
By: SHARON TUCKER Date: 05/15/2017

Pricing - Single Vehicle

	MSRP
Vehicle Pricing	
Base Vehicle Price	$31,995.00
Options & Colors	$2,200.00
Upfitting	$0.00
Destination Charge	$945.00
Subtotal	$35,140.00
Pre-Tax Adjustments	
Description	
As per state contract #5549.	$0.00
Delivery per contract $2.25 per mile after 60.	$0.00
Government discount	-$6,372.90
Total	$28,767.10

Customer Signature

Acceptance Date

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: Phil Eastman, Medford Police Dept
By: SHARON TUCKER Date: 05/15/2017

Gmail

Paul Blankenship <paul.greshamford@gmail.com>

Police vehicle Bid.

1 message

Phil G. Eastman <Phil.Eastman@cityofmedford.org> Thu, May 11, 2017 at 8:19 AM
To: "Phil G. Eastman" <Phil.Eastman@cityofmedford.org>
Cc: "Brett L. Johnson" <Brett.Johnson@cityofmedford.org>

Hello,

I am looking to get a bid for the following vehicle:

We are planning on purchasing 10 vehicles in total. 9 in color white, one in color black.

2017 Utility Police Interceptor, Sport Utility AWD Base (K8A)

99R Engine 3.7 L V6 Ti-VCT FFV

STDWL Wheels: 18x8 5 Spoke Painted black

66A Front Headlamp Solution

43D Dark Car Feature

60A Grill led lights, siren and speaker pre-wiring

51T Driver only Led spot light (whelen)

92R 2nd row only solar tint glass

53M SYNC Basic

43L silent mode

68G rear-door handle inoperable/locks inoperable

18Dglobal lock/unlock

47A Police Engine Idle Feature

76R reverse sensing

I think that sums it up, I would appreciate if the bid could be emailed back to me in the next ten days.

Thanks you.

Phil Eastman
Lieutenant

Fleet Price Quote Gresham Ford - 1999 East Powell Blvd. Gresham, OR 97080

Paul Blankenship
Government and Commercial Fleet Manager
Military Deliveries
State of Oregon Contract #5551

Cell 503-490-6510
FAX 503-665-0497
Paul@GreshamFord.com

Quoted to: City of Medford

Cell
Phone
E-Mail
This Quote is per one vehicle

Date Quoted 5/11/2017

Contract VIN QS045
Cust. VIN

Vehicle Quoted: Model Code K8A Police Utility Interceptor
Model Year 2017

Quote:

	Order Code	Item Description	Price
Base	K8A Police Utility Interceptor		$ 26,792.73
WB		In. Wheel Base	
GVRW		GVRW	
Color	YZ	Oxford White	incl.
Interior	9	Cloth Buckets/Vinyl Rear	incl.
Interior Color	W	Ebony Interior	incl.
Trim	500A	Equip Group, Premium Single CD	incl.
Engine	99R	3.7L V6 TIVCT	incl.
Transmission	44C	6-Spd Automatic Transmission	incl.
	53M	SYNC System	$ 280.00
	18D	Liftgate Disable	incl.
	422	Calif Emissions	incl.
	43L	Silent Mode	$ 19.00
	47A	Engine Idle	$ 248.00
	51T	Driver LED Spot lamp Whelen	$ 399.00
	66A	Headlamp Pkg, Grill Wiring, Lamp, Siren, Speakers	$ 809.00
	68G	Rear Door Handle and Lock Inoperable	$ 33.00
	76R	Reverse Sensing System	$ 261.00
	92R	Solar Tint 2nd Row Only	$ 81.00
	942	Day Light Running Lights	$ 42.00
	153	Front License Plate Bracket	incl.

Delivered to Medford, OR

E-Plates No

Total Vehicle Quote $ 28,964.73

Fleet Price Quote Gresham Ford - 1999 East Powell Blvd. Gresham, OR 97080

Paul Blankenship
Government and Commercial Fleet Manager
Military Deliveries
State of Oregon Contract #5551

Cell 503-490-6510
FAX 503-665-0497
Paul@GreshamFord.com

Quoted to: City of Medford

Cell
Phone
E-Mail

Date Quoted 5/11/2017

Contract VIN QS045
Cust. VIN

This Quote is per one vehicle

Vehicle Quoted: Model Code K8A Police Utility Interceptor
Model Year 2017

Quote:

	Order Code	Item Description	Price
Base	K8A Police Utility Interceptor		$ 26,792.73
WB		In. Wheel Base	
GVRW		GVRW	
Color	G1	Shadow Black	incl.
Interior	9	Cloth Buckets/Vinyl Rear	incl.
Interior Color	W	Ebony Interior	incl.
Trim	500A	Equip Group, Premium Single CD	incl.
Engine	99R	3.7L V6 TIVCT	incl.
Transmission	44C	6-Spd Automatic Transmission	incl.
	53M	SYNC System	$ 280.00
	18D	Liftgate Disable	incl.
	422	Calif Emissions	incl.
	43L	Silent Mode	$ 19.00
	47A	Engine Idle	$ 248.00
	51T	Driver LED Spot lamp Whelen	$ 399.00
	66A	Headlamp Pkg, Grill Wiring, Lamp, Siren, Speakers	$ 809.00
	68G	Rear Door Handle and Lock Inoperable	$ 33.00
	76R	Reverse Sensing System	$ 261.00
	92R	Solar Tint 2nd Row Only	$ 81.00
	942	Day Light Running Lights	$ 42.00
	153	Front License Plate Bracket	incl.

Delivered to Medford, OR

E-Plates No

Total Vehicle Quote $ 28,964.73

Fleet Price Quote	Gresham Ford - 1999 East Powell Blvd. Gresham, OR 97080

Paul Blankenship
Government and Commercial Fleet Man: Cell 503-490-6510
Military Deliveries FAX 503-665-0497
State of Oregon Contract #5551 Paul@GreshamFord.com

Quoted to: City of Medford

Quote Notes

1 - 2017 Order bank closes 7/7/2017.

2 - Expect 3-4 % price increase for 2018 Model Year.

3 - Option 66A includes option 60A

4 - Option 43D not available with option 43L

5 - Option 43L includes 43D function

6 - Option 43L requires option 942

7 - Option 43L when activated will disable courtesy lamps, chimes, and daytime running lamps.

8 - Delivery to Salem is included.

Landmark Ford Lincoln
12000 S W 66th Ave, Tigard, Oregon, 972238599
Office: 503-639-1131

$ 28,901.00

Customer Proposal

Prepared for:

LT Phil Eastman
Medford Police Department
Office: 541-774-2224
Email: pgeastman@cityofmedford.org

Prepared by:

Lisa O'Keefe and Diane Pohl
Office: 503-639-1131
Email: govtsales@landmarkford.com

Date: 05/12/2017
Vehicle: 2017 Utility Police Interceptor Base AWD

Selected Options

Code	Description	MSRP	Invoice
Base Vehicle			
K8A	Base Vehicle Price (K8A)	$31,510.00	$30,407.00
Packages			
500A	Order Code 500A *Includes:* *- Transmission: 6-Speed Automatic* *- 3.65 Axle Ratio* *- GVWR: 6,300 lbs* *- Tires: P245/55R18 AS BSW* *- Wheels: 18" x 8" 5-Spoke Painted Black Steel* *Includes center caps and full size spare.* *- Unique HD Cloth Front Bucket Seats w/Vinyl Rear* *Includes driver 6-way power track (fore/aft.up/down, tilt with manual recline, 2-way manual lumbar, passenger 2-way manual track (fore/aft. with manual recline) and built-in steel intrusion plates in both front seatbacks.* *- Radio: MyFord AM/FM/CD/MP3 Capable* *Includes clock, 6 speakers and 4.2" color LCD screen center-stack Smart Display.*	N/C	N/C
Powertrain			
99R_	Engine: 3.7L V6 Ti-VCT	N/C	N/C
44C	Transmission: 6-Speed Automatic	Included	Included
STDAX	3.65 Axle Ratio	Included	Included
STDGV	GVWR: 6,300 lbs	Included	Included
Wheels & Tires			
STDTR	Tires: P245/55R18 AS BSW	Included	Included
STDWL	Wheels: 18" x 8" 5-Spoke Painted Black Steel *Includes center caps and full size spare.*	Included	Included
Seats & Seat Trim			
9	Unique HD Cloth Front Bucket Seats w/Vinyl Rear *Includes driver 6-way power track (fore/aft.up/down, tilt with manual recline, 2-way manual lumbar, passenger 2-way manual track (fore/aft. with manual recline) and built-in steel intrusion plates in both front seatbacks.*	Included	Included
Other Options			
113WB	113" Wheelbase	STD	STD
PAINT	Monotone Paint Application	STD	STD
STDRD	Radio: MyFord AM/FM/CD/MP3 Capable *Includes clock, 6 speakers and 4.2" color LCD screen center-stack Smart Display.*	Included	Included

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: Mr. Phil Eastman, Medford Police Department
By: Lisa O'Keefe and Diane Pohl Date: 05/12/2017

Selected Options (cont'd)

Code	Description	MSRP	Invoice
66A	Front Headlamp Lighting Solution	$850.00	$809.00
	Recommend using Cargo Wiring Uplift Package (67G) or Ultimate Wiring Package (67U).		
	Includes base LED low beam/incandescent (halogen) high beam headlamp with high beam wig-wag function and (2) white rectangular LED side warning lights. Wiring and LED lights included. Controller not included. Includes: *- Grille LED Lights, Siren & Speaker Pre-Wiring*		
43D	Dark Car Feature	$20.00	$19.00
	Courtesy lamps disabled when any door is opened.		
60A	Grille LED Lights, Siren & Speaker Pre-Wiring	Included	Included
51T	Driver Only LED Spot Lamp (Whelen)	$420.00	$399.00
92R	2nd Row Only Solar Tint Glass	$85.00	$81.00
	Includes privacy glass on rear quarter and liftgate window.		
53M	SYNC Basic (Voice-Activated Communications System)	$295.00	$280.00
	Includes single USB port and single auxiliary audio input jack.		
68G	Rear-Door Handles Inoperable/Locks Inoperable	$35.00	$33.00
18D	Global Lock / Unlock Feature	N/C	N/C
	Door-panel switches will lock/unlock all doors and rear liftgate. Eliminates the overhead console liftgate unlock switch.		
47A	Police Engine Idle Feature	$260.00	$248.00
	This feature allows you to leave the engine running and prevents your vehicle from unauthorized use when outside of your vehicle. Allows the key to be removed from ignition while vehicle remains idling.		
76R	Reverse Sensing	$275.00	$261.00
Emissions			
422	California Emissions System	N/C	N/C
	Required code for California Emissions States - California, Connecticut, Delaware, Massachusetts, Maryland, Maine, New Jersey, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington registration unless codes 936 or 423 are applicable. Optional for Cross Border state dealers - Arizona, District of Columbia, Idaho, New Hampshire, Nevada, Ohio, Virginia and West Virginia.		
Interior Colors			
9W_01	Charcoal Black	N/C	N/C
Primary Colors			
YZ_02	Oxford White	N/C	N/C

Note: Shadow Black is also a No Charge paint.

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: Mr. Phil Eastman, Medford Police Department
By: Lisa O'Keefe and Diane Pohl Date: 05/12/2017

Selected Options (cont'd)

Code	Description	MSRP	Invoice
SUBTOTAL		$33,750.00	$32,537.00
Fuel Charge		$0.00	$39.80
Destination Charge		$945.00	$945.00
TOTAL		$34,695.00	$33,521.80

See next page for government pricing.

Note on specs: Both options 43D Dark Car Feature and 43L Silent Mode were requested. They are basically the same thing except that 43L requires the optional 942 Daytime Running Lamps and 43D excludes the DRLs. You cannot order both. Since the specs did not include 942 Daytime Running Lamps, we priced it with 43D Dark Car Feature only.

Also to clarify, the requested option 92R 2nd Row Only Solar Tinted Glass DELETES the standard dark privacy glass on the 2nd row doors and replaces it with the lighter tinted glass to make the rear seat area more visible from the outside.

Both the Oxford White and Shadow Black exterior paint colors are no charge.

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Pricing - Single Vehicle

	MSRP
Vehicle Pricing	
Base Vehicle Price	$31,510.00
Options & Colors	$2,240.00
Upfitting	$0.00
Destination Charge	$945.00
Subtotal	$34,695.00
Pre-Tax Adjustments	
Description	
Government Price Discount	-$5,713.00

Total Per vehicle, per State of Oregon Price Agreement 5550, including delivery to Portland/Salem area upfitters. Total for 10 vehicles (9 white/1 black) is $289,820.00 — $28,982.00

Landmark Ford Lincoln can provide E-Plates for an additional $129.50 per vehicle.

Customer Signature

Acceptance Date

$28,901.00

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Prepared for: Mr. Phil Eastman, Medford Police Department
By: Lisa O'Keefe and Diane Pohl Date: 05/12/2017

Landmark Ford Lincoln
12000 S W 66th Ave, Tigard, Oregon, 972238599
Office: 503-639-1131

2017 Utility Police Interceptor, Sport Utility
AWD Base(K8A)
Price Level: 725

Major Equipment

(Based on selected options, shown at right)

3.7L V-6 DOHC w/SMPI 300hp
6 speed automatic w/OD

Exterior:Oxford White
Interior:Charcoal Black

* 4-wheel ABS
* Traction control
* Advance Trac w/Roll Stability Control
* Tinted glass
* Bluetooth wireless streaming
* Rear child safety locks
* Variable intermittent speed-sensitive wipers wipers
* Dual front airbags
* Airbag occupancy sensor
* Tachometer
* Underseat ducts
* 60-40 folding rear split-bench
* Axle to end of frame: 46.5"
* Brake assistance
* P 245/55R18 BSW AS W-rated tires
* Air conditioning
* AM/FM stereo with seek-scan, single in-dash CD player, MP3 decoder, auxiliary audio input, external memory control
* LED brakelights
* Dual power remote mirrors
* 18 x 8 steel wheels
* Driver and front passenger seat mounted side airbags
* Rear window defroster
* Message Center
* Reclining front bucket seats
* Audio control on steering wheel

Fuel Economy

City
16 mpg

Hwy
21 mpg

Selected Options

	MSRP
STANDARD VEHICLE PRICE	$31,510.00
Order Code 500A	N/C
Transmission: 6-Speed Automatic	Included
3.65 Axle Ratio	Included
GVWR: 6,300 lbs	Included
Tires: P245/55R18 AS BSW	Included
Wheels: 18" x 8" 5-Spoke Painted Black Steel	Included
Unique HD Cloth Front Bucket Seats w/Vinyl Rear	Included
113" Wheelbase	STD
Monotone Paint Application	STD
Radio: MyFord AM/FM/CD/MP3 Capable	Included
Paint Table : Primary	$0.00
SYNC Basic (Voice-Activated Communications System)	$295.00
Global Lock / Unlock Feature	N/C
California Emissions System	N/C
Engine: 3.7L V6 Ti-VCT	N/C
Dark Car Feature	$20.00
Police Engine Idle Feature	$260.00
Driver Only LED Spot Lamp (Whelen)	$420.00
Front Headlamp Lighting Solution	$850.00

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: Mr. Phil Eastman, Medford Police Department
By: Lisa O'Keefe and Diane Pohl Date: 05/12/2017

Landmark Ford Lincoln
12000 S W 66th Ave, Tigard, Oregon, 972238599
Office: 503-639-1131

2017 Utility Police Interceptor, Sport Utility
AWD Base(K8A)
Price Level: 725

Grille LED Lights, Siren & Speaker Pre-Wiring	Included
Rear-Door Handles Inoperable/Locks Inoperable	$35.00
Reverse Sensing	$275.00
2nd Row Only Solar Tint Glass	$85.00
Oxford White	N/C
Charcoal Black	N/C
SUBTOTAL	$33,750.00
Destination Charge	$945.00
TOTAL	~~$34,695.00~~
Government Pricing	$28,982.00

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.

Prepared for: Mr. Phil Eastman, Medford Police Department
By: Lisa O'Keefe and Diane Pohl Date: 05/12/2017

60.4CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 60.4

DEPARTMENT: Technology Services
PHONE: (541) 774-2051
STAFF CONTACT: Doug Townsend, Director

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: June 15, 2017

COUNCIL BILL 2017-60
An ordinance authorizing exemption from competitive bidding and execution of a contract in the amount of $159,015 to Tiburon, Inc., for continued technical support and future software enhancements.

SUMMARY AND BACKGROUND
The City of Medford and Jackson County share the cost to license and operate Tiburon's Public Safety software for use by their respective Law Enforcement agencies for records and corrections management. In order to assure continued technical support as well as future software enhancements, a software support and maintenance agreement is required. The agreement, as well as the records and corrections management software is managed by the City of Medford.

Software support and maintenance is only available from Tiburon, Inc., due to the proprietary rights of the software. This exemption is requested under Medford Code 2.613(2)(d).

PREVIOUS COUNCIL ACTIONS
On June 16, 2016 – Council Bill 2016-25 was approved authorizing exemption from competitive bid and awarding a software support and maintenance contract in the amount of $151,776.00 to Tiburon, Inc. for continued technical support and future software enhancements.

On May 17, 2012 – Council Bill 2012-61 was approved authorizing exemption from competitive bid and awarding a software support and maintenance contract in the amount of $111,277.00 to Tiburon, Inc. for continued technical support and future software enhancements.

ANALYSIS
The Tiburon software maintenance will continue without interruption with City Council approval. If City Council disapproves, then Tiburon software maintenance will cease June 30, 2017. As a result, Medford PD and the Jackson County Sheriff's Office, the consumers of Tiburon's software will not be entitled to technical support, bug fixes, and software enhancements from Tiburon.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
Of the total $159,015 due, Jackson County will be invoiced $106,018 for their portion of the cost of the software support and maintenance, leaving the City of Medford with the balance of $52,997. These funds are contained in the 2017-19 biennial budget for Technology Services.

TIMING ISSUES
The software support and maintenance coverage period is July 1, 2017 through June 30, 2018.

COUNCIL OPTIONS
Approve or deny the ordinance.

STAFF RECOMMENDATION
Staff recommends approval of the ordinance.

SUGGESTED MOTION
I move to approve the ordinance authorizing an exemption from competitive bid and awarding a software support and maintenance contract in the amount of $159,015 to Tiburon, Inc. for continued technical support and future software enhancements.

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

ORDINANCE NO. 2017-60

AN ORDINANCE authorizing exemption from competitive bidding and execution of a contract in the amount of $159,015 to Tiburon, Inc. for continued technical support and future software enhancements.

WHEREAS, this exemption is not likely to encourage favoritism in awarding public contracts or substantially diminish competition for public contracts, is likely to result in substantial costs savings, and there is only one seller of the product of the quality provided; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. An exemption from competitive bidding is granted and execution of a contract in the amount of $159,015 with Tiburon, Inc. for continued technical support and future software enhancements, which is on file in the City Recorder's Office, is hereby authorized.

Section 2. The allocation for this contract which is managed by the City of Medford shall be $106,018 from Jackson County and $52,997 from the City of Medford.

Section 3. This exemption is granted under the provisions of Medford Code Section 2.613(2)(d).

Section 4. The term of this contract shall be through June 30, 2018.

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

ATTEST: _____ _____

City Recorder Mayor

APPROVED _____, 2017. _____

Mayor

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 60.5

DEPARTMENT: Fire Department
PHONE: (541)774-2301
STAFF CONTACT: Brian Fish

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: June 15, 2017

COUNCIL BILL 2017-61
An ordinance authorizing execution of a contract in an amount of $661,413.21 with Emergency Communications of Southern Oregon to provide fire dispatch services for fiscal year 2017-18.

SUMMARY AND BACKGROUND
An ordinance approving the renewal of the telecommunications contract for dispatch services with Emergency Communications of Southern Oregon (ECSO). This agreement was initiated in 2012.

PREVIOUS COUNCIL ACTIONS
On July 2, 2015 – Council Bill 2015-71 was approved authorizing execution of the Emergency Communication of Southern Oregon Intergovernmental Agreement for public safety dispatching services.

On June 16, 2016 – Council Bill 2016-80 was approved authorizing execution of the Emergency Communication of Southern Oregon Intergovernmental Agreement for public safety dispatching services.

ANALYSIS
This contract outlines the fees and services provided by ECSO for the first year in the biennium (FY 2018). The department relies on ECSO to receive 911 calls for service and forward the information on to personnel so they are able to respond to the needs of the caller. Their gathering of information and reporting it in a timely and concise manner helps to ensure the caller is able to receive the appropriate resource for each response. The Fire User Group has reviewed the policies, procedures, and protocols adopted by ECSO for compatibility with their own prior to presenting the contract for approval. The contractual amount is based on population, assessed value and calls for service. Both ECSO and the fire department support the dispatching service partnership.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
$661,413.21 is budgeted in the Fire Department, account #100 2220 630 2101 for FY 2018.

TIMING ISSUES
Approving and signing the contract will allow the City of Medford to continue to contract for dispatching services with ECSO.

COUNCIL OPTIONS
Approve or deny the ordinance.

STAFF RECOMMENDATION
Staff recommends approval of the ordinance.

SUGGESTED MOTION
I move to approve the ordinance authorizing the contract with Emergency Communications of Southern Oregon for Fire dispatch services.

EXHIBITS
Ordinance
ECSO/Fire contract on file in City Recorder's office.

ORDINANCE NO. 2017-61

AN ORDINANCE authorizing execution of a contract in an amount of $661,413.21 with Emergency Communications of Southern Oregon to provide fire dispatch services for fiscal year 2017-18.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of a contract in an amount of $661,413.21 with Emergency Communications of Southern Oregon to provide fire dispatch services for fiscal year 2017-18, which is on file in the City Recorder's office, is hereby authorized.

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

ATTEST:_____ _____

City Recorder Mayor

APPROVED_____, 2017. _____

Mayor

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 60.6

DEPARTMENT: Police Department
PHONE: (541)774-2273
STAFF CONTACT: Randy Sparacino, Police Chief

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: June 15, 2017

COUNCIL BILL 2017-62
An ordinance authorizing execution of a contract in an amount of $1,367,498.39 with Emergency Communications of Southern Oregon to provide police dispatch services for fiscal year 2017-18.

SUMMARY AND BACKGROUND
An ordinance approving the renewal of the telecommunications contract for dispatch services with Emergency Communications of Southern Oregon (ECSO). This agreement was initiated in 2012.

PREVIOUS COUNCIL ACTIONS
On July 2, 2015 – Council Bill 2015-71 was approved authorizing execution of the Emergency Communication of Southern Oregon Intergovernmental Agreement for public safety dispatching services.

On June 16, 2016 – Council Bill 2016-80 was approved authorizing execution of the Emergency Communication of Southern Oregon Intergovernmental Agreement for public safety dispatching services.

ANALYSIS
This contract outlines the fees and services provided by ECSO for the first year in the biennium (FY 2018). The department relies on ECSO to receive 911 calls for service and forward the information on to personnel so they are able to respond to the needs of the caller. Their gathering of information and reporting it in a timely and concise manner helps to ensure the caller is able to receive the appropriate resource for each response. The Police User Group has reviewed the policies, procedures, and protocols adopted by ECSO for compatibility with their own prior to presenting the contract for approval. The contractual amount is based on population, assessed value and calls for service. Both ECSO and the police department support the dispatching service partnership.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
$1,367,498.39 is budgeted in the Police Department account #100 2111 630 2101 for FY 2018.

TIMING ISSUES
Approving and signing the contract will allow the City of Medford to continue to contract for dispatching services with ECSO.

COUNCIL OPTIONS
Approve or deny the ordinance.

STAFF RECOMMENDATION
Staff recommends approval of the ordinance.

SUGGESTED MOTION
I move to approve the ordinance authorizing the contract with Emergency Communications of Southern Oregon for Police dispatch services.

EXHIBITS
Ordinance
ECSO/Police contract on file in City Recorder's office.

ORDINANCE NO. 2017-62

AN ORDINANCE authorizing execution of a contract in an amount of $1,367,498.39 with Emergency Communications of Southern Oregon to provide police dispatch services for fiscal year 2017-18.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of a contract in an amount of $1,367,498.39 with Emergency Communications of Southern Oregon to provide police dispatch services for fiscal year 2017-18, which is on file in the City Recorder's office, is hereby authorized.

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

ATTEST:_____ _____

City Recorder Mayor

APPROVED_____, 2017. _____

Mayor

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 60.7

DEPARTMENT: Fire Department
PHONE: (541)774-2301
STAFF CONTACT: Brian Fish

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: June 15, 2017

COUNCIL BILL 2017-63
An ordinance authorizing execution of an agreement with the University of Oregon and the Pacific Northwest Seismic Network (PNSN) to allow access to the Roxy Ann Radio Equipment Structure for the installation of seismic recording equipment.

SUMMARY AND BACKGROUND
An ordinance authorizing the University of Oregon, Department of Earth Sciences access to the Roxy Ann Radio Equipment Structure for the installation of seismic recording equipment.

PREVIOUS COUNCIL ACTIONS
No previous actions.

ANALYSIS
The University of Oregon (UO) and the Pacific Northwest Seismic Network (PNSN), are a cooperative organization consisting of UO, the University of Washington, and the U.S. Geological Survey (USGS). This project will entail the installation, operation, maintenance and removal of earthquake monitoring equipment at the City of Medford, Roxy Ann radio building. The equipment is utilized to monitor earthquake activity with the emphasis on data for *ShakeAlert*. Shake Alert is an early warning system developed by the USGS for the west coast of the United States. This technology detects and locates earthquakes quickly to generate alerts for more distant areas before the strong shaking arrives. The goal is to eventually deliver warnings to people in harm's way. The City of Medford will have the opportunity to contribute a site for detection and alerting by allowing access to the Roxy Ann Radio property and structure.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
No financial impact

TIMING ISSUES
If approved, this agreement will begin on July 1, 2017 and extend through June 30, 2022 with an option to renew.

COUNCIL OPTIONS
Approve, modify or deny the ordinance.

STAFF RECOMMENDATION
Staff recommends approval of the ordinance.

SUGGESTED MOTION
I move to approve the ordinance authorizing the University of Oregon access and use of the Roxy Anne radio Structure for earthquake monitoring equipment.

EXHIBITS
Ordinance
Contract and schematic of equipment installation on file in the City Recorder's Office.

ORDINANCE NO. 2017-63

AN ORDINANCE authorizing execution of an agreement with the University of Oregon and the Pacific Northwest Seismic Network (PNSN) to allow access to the Roxy Ann Radio Equipment Structure for the installation of seismic recording equipment.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That the execution of an agreement to allow access to the Roxy Ann Radio Equipment Structure for the installation of seismic recording equipment, with the University of Oregon and the Pacific Northwest Seismic Network (PNSN), which agreement is on file in the City Recorder's Office, is hereby authorized.

Section 2. This agreement shall be in effect for five years and automatically renew for additional 1 year terms.

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

ATTEST: _____ _____

City Recorder Mayor

APPROVED _____, 2017. _____

Mayor

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 60.8

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

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: June 15, 2017

COUNCIL BILL 2017-64

An ordinance awarding a contract in an amount of $782,324.13 to Oregon Mainline Paving for construction of two traffic signals located at the intersections of S. Oakdale Avenue and W. Main Street and S. Oakdale Avenue and W. 8th Street.

SUMMARY AND BACKGROUND

Oregon Mainline Paving is the low bidder for a contract to perform construction, installation, and activation of replacement traffic signals at S. Oakdale Avenue/W. Main Street and S. Oakdale Avenue/W. 8th Street. The contract also includes reconstruction of curb ramps, storm drain inlets, and accessible (audible) pedestrian signals at both intersections.

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

The existing traffic signals at S. Oakdale Avenue/W. Main Street and S. Oakdale Avenue/W. 8th Street were built in 1968 and 1958, respectively, and have reached the end of their useful life. The existing signal poles, foundations, and anchor rods do not meet current design standards and are rusting. The existing signal heads and signal cabinet equipment are also substandard and need to be replaced.

The construction of new traffic signals and removal of existing equipment will impact some of the curb ramps. None of the ramps at these intersections meet current Americans with Disabilities Act (ADA) standards. Because the contractor will already be at this location replacing curb ramps, it is efficient to reconstruct all ramps at these intersections.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

$782,324.13 is included in the 2017-19 biennium budget in the Street Gas Tax Fund (Fund 530).

TIMING ISSUES

Physical construction is scheduled to be complete within 90 days or by January 26, 2018. The submittal and ordering process for traffic signals can take up to 4 months.

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance.

SUGGESTED MOTION

I move to approve the ordinance authorizing a contract in the amount of $782,324.13 to Oregon Mainline Paving for construction of two new traffic signals at S. Oakdale Avenue/W. Main Street and S. Oakdale Avenue/W. 8th Street.

EXHIBITS

Ordinance
Bid Tabulation
Work To Be Done
Contract documents are on file in the City Recorder's office

ORDINANCE NO. 2017-64

AN ORDINANCE awarding a contract in an amount of $782,324.13 to Oregon Mainline Paving for construction of two traffic signals located at the intersections of S. Oakdale Avenue and W. Main Street and S. Oakdale Avenue and W. 8th Street.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount of $782,324.13 for construction of two traffic signals located at the intersections of S. Oakdale Avenue and W. Main Street and S. Oakdale Avenue and W. 8th Street, which is on file in the City Recorder's office, is hereby awarded to Oregon Mainline Paving.

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

ATTEST: _____ _____

City Recorder Mayor

APPROVED _____, 2017. _____

Mayor

CITY OF MEDFORD
Engineering Department
Bid Tabulation

Project: Oakdale/8th and Oakdale/Main Traffic Signals Replacement
Project No: T - 220
Date of Bid Opening: Thursday, 06/01/2017 2:00 PM
Designer: City of Medford

				LOW BIDDER *Oregon Mainline Paving*		BIDDER *Pacific Electrical Contractors*	
Item No.	**Item Description**	**Unit of Measure**	**Estimated Quantity**	**Unit Bid**	**Amount**	**Unit Bid**	**Amount**
1	Mobilization	LS	1	$78,231.63	$78,231.63	$66,979.80	$66,979.80
2	Temporary Protection and Direction of Traffic	LS	1	$13,000.00	$13,000.00	$56,650.00	$56,650.00
3	Temporary Signs	SQFT	350	$14.00	$4,900.00	$33.00	$11,550.00
4	Temporary Barricades, Type II	EACH	28	$50.00	$1,400.00	$82.50	$2,310.00
5	Temporary Barricades, Type III	EACH	1	$125.00	$125.00	$203.50	$203.50
6	Pedestrian Channelizing Devices	FOOT	80	$65.00	$5,200.00	$27.50	$2,200.00
7	Flaggers	HOUR	100	$50.60	$5,060.00	$82.50	$8,250.00
8	Erosion Control	LS	1	$2,500.00	$2,500.00	$4,180.00	$4,180.00
9	Pollution Control Plan	LS	1	$500.00	$500.00	$1,485.00	$1,485.00
10	Removal of Curbs	FOOT	390	$12.75	$4,972.50	$15.40	$6,006.00
11	Removal of Walks and Driveways	SqYd	420	$12.50	$5,250.00	$13.20	$5,544.00
12	Removal of Surfacings	SqYd	220	$24.00	$5,280.00	$36.30	$7,986.00
13	Removal of Inlets	Each	2	$2,000.00	$4,000.00	$660.00	$1,320.00
14	Asphalt Pavement Sawcutting	Foot	1,600	$2.50	$4,000.00	$2.20	$3,520.00
15	12" Storm Sewer Pipe, 5' Depth	FOOT	20	$300.00	$6,000.00	$176.00	$3,520.00
16	12" Storm Sewer Pipe, 10' Depth	FOOT	45	$160.00	$7,200.00	$154.00	$6,930.00
17	Concrete Inlets, Type 4A	EACH	3	$3,600.00	$10,800.00	$1,870.00	$5,610.00
18	Trench Resurfacing	SQYD	65	$120.00	$7,800.00	$154.00	$10,010.00
19	Aggregate Base	TON	35	$275.00	$9,625.00	$363.00	$12,705.00
20	Level 3, 1/2" Dense MHMAC Mixture	TON	90	$265.00	$23,850.00	$231.00	$20,790.00
21	Concrete Curbs, Curb and Gutter	FOOT	390	$30.00	$11,700.00	$71.50	$27,885.00
22	Concrete Walks	SQFT	3,800	$6.00	$22,800.00	$15.40	$58,520.00
23	Extra for New Sidewalk Ramps	EACH	13	$1,800.00	$23,400.00	$2,090.00	$27,170.00
24	Truncated Domes on new surfaces	Each	13	$350.00	$4,550.00	$440.00	$5,720.00
25	Pavement Bar Removal	SQFT	50	$6.55	$327.50	$24.20	$1,210.00
26	Pavement Bar, Type B-HS	SQFT	150	$38.00	$5,700.00	$33.00	$4,950.00
27	Remove and Reinstall Existing Signs	LS	1	$2,500.00	$2,500.00	$3,135.00	$3,135.00
28	Removal of Electrical Systems	LS	1	$14,000.00	$14,000.00	$36,026.33	$36,026.33
29	36 Inch Diameter Signal Support Drilled Shaft	FOOT	16.5	$785.00	$12,952.50	$813.81	$13,427.87
30	48 Inch Diameter Signal Support Drilled Shaft	FOOT	34	$800.00	$27,200.00	$748.49	$25,448.66
31	Pole Foundations	LS	1	$15,000.00	$15,000.00	$4,782.76	$4,782.76
32	Lighting Poles, Fixed Base	LS	1	$30,000.00	$30,000.00	$18,193.00	$18,193.00
33	Lighting Pole Arms	LS	1	$5,000.00	$5,000.00	$2,530.00	$2,530.00
34	Luminaires, Lamps, and Ballasts	LS	1	$5,000.00	$5,000.00	$1,035.00	$1,035.00
35	Switching, Conduit, and Wiring	LS	1	$87,500.00	$87,500.00	$234,690.53	$234,690.53
36	Traffic Signal Installation	LS	1	$300,000.00	$300,000.00	$190,455.90	$190,455.90
37	Interconnect System	LS	1	$15,000.00	$15,000.00	$4,304.66	$4,304.66
					$782,324.13		**$897,234.01**

Oakdale/8th and Oakdale/Main
Traffic Signals Replacement

SPECIAL PROVISIONS

WORK TO BE DONE

The Work to be done under this Contract consists of constructing intersection improvements at Oakdale & 8th and Oakdale & Main Streets in the City of Medford, Oregon.

1. Install new signals and illumination improvements
2. Remove existing signals.
3. Construct Handicap Ramps and sidewalks.
4. Construct asphalt paving and striping.
5. Construct storm drain curb inlets and install storm drain pipe.
6. Perform additional and incidental Work as called for by the Specifications and Plans.

APPLICABLE SPECIFICATIONS

The Specification that is applicable to the Work on this Project is the 2008 edition of the "Oregon Standard Specifications for Construction".

All number references in these Special Provisions shall be understood to refer to the Sections and subsections of the Standard Specifications and Supplemental Specifications bearing like numbers and to Sections and subsections contained in these Special Provisions in their entirety.

CLASS OF PROJECT

This is a City of Medford Project.

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 60.9

DEPARTMENT: City Manager
PHONE: (541) 774-2009
STAFF CONTACT: Kelly Madding, Deputy City Manager

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: June 15, 2017

COUNCIL BILL 2017-65

An ordinance authorizing execution of a contract in an amount not to exceed $95,000 with Rogue Valley Community Television to provide cable casting services through June 30, 2018.

SUMMARY AND BACKGROUND

The agreement before the City Council is a renewal of services with Rogue Valley Community Television (RVTV). The agreement, for the most part, illustrates the services the City currently contracts for and extends those services for one year. Via the attached agreement, RVTV will continue to provide the following services:

- Provide and manage editorial control over the Medford government (Channel 181) channel including, but not limited to, giving priority to and scheduling all of City's public meetings directed by the City to be cablecast live; filling all programming time with government-related programming; developing and keeping updated a government reader board; and advertising the programming schedule on the channel. The City has designated RVTV as the designated access provider (DAP) for Channel 181 pursuant to the City's franchise agreement with Charter Communications. The City's franchise agreement with Charter Communication requires Charter to provide the City with up to four Public, Educational, and Governmental (PEG) channels. Charter provides the City with Channel 181 and the City must provide at least eight hours of locally produced PEG Access Programming on the PEG channels between 11:00 a.m. and 11:00 pm. for any 12 consecutive week period.

- Provide and manage editorial control and assume responsibility for ascertainment of any and all illegal programming over the Medford access (Channel 180) channel including, but not limited to, the following services: giving priority to and scheduling all of City's public access programming as so directed by City to be cablecast from taped media; filling all programming time with public access-related programming; developing and keeping updated a public information reader board; and advertising the programming schedule on the channel. The City has designated RVTV as the designated access provider (DAP) for Channel 180 pursuant to the City's franchise agreement with Charter Communications. The City's franchise agreement with Charter Communication requires Charter to provide the City with up to four Public, Educational, and Governmental (PEG) channels. Charter provides the City with Channel 181 and the City must provide at least eight hours of locally produced PEG Access Programming on the PEG channels between 11:00 a.m. and 11:00 pm. for any 12 consecutive week period.

- Provision of a Media Room Operator for all live broadcasting of meetings from Council Chambers. Operator duties include, but are not limited to, capture the audio-visual proceedings of specified live public meetings from a remote control booth, management of video streaming of live programming to the Internet, and production of two (2) quality DVD recordings of each meeting.

- Dedication of a City of Medford designated category of meetings and programs on its RVTV online video player as cloud based video-on-demand programs. This service includes capture, hosting and archiving (minimum one year backlog) of up to 175 programs (files) per year. Files will be available for streaming on most Android, iOS, and Windows devices with the ability to stream internet video.

- Facilitation and provision of the necessary equipment and cablecast live on the Medford government access channel the proceedings of the Medford Forum and Police Department "MPD: Your Police, Our Community" program. Viewer live phone-in access shall be provided, if requested, in all cases. The annual cost for the Police Department programming is $6,600, or $550 an episode which is included in the total general services cost of $83,000. The Police Chief may discontinue the Police Department program or limit episodes produced, as such the City will be credited for the episodes not produced at the time of each quarterly billing.

PREVIOUS COUNCIL ACTIONS
On July 16, 2015, the City Council adopted Ordinance No. 2015-78 approving a "Consulting Services/Personal Services Contract for Certain Cable Casting-Related Services" agreement between the City of Medford and RVTV. The term of the agreement is July 1, 2015 through June 30, 2017. The total cost of the two year agreement was $89,040 per year.

ANALYSIS
The proposed agreement is very similar to the 2015-2017 agreement, with a few minor differences illustrated below:

Consulting Services/Personal Services Contract for Certain Cable Casting-Related Services

Article 3: The proposed agreement is for one year rather than two. The rationale for this change is that during the current fiscal year the City hired a Community Relations Coordinator and is in the process of forming a Communications Committee. The Community Relations Coordinator will work with the Communications Committee, over the 2017-2018 fiscal year, to analyze how best to provide City of Medford information to the public. To that end Staff is recommending that the City's agreement with RVTV be for one year, while this analysis is completed.

Exhibit "A", Scope of Services

Section 9: The annual cost for the Police Department, "MPD: Your Police, Our Community" program is $6,600, or $550 an episode which is included in the total general services cost of $83,000. The Police Chief may discontinue the Police Department program or limit episodes produced, as such the City will be credited the episode cost for those monthly episodes not produced, at the time of each quarterly billing.

Section 11: Provides the opportunity for the City to procure additional video production services which may include information videos, features on City departments or other video content that supports City events, initiatives, or training programs. Costs for these services will be based on the Digital Media Center Rate Card's pricing and will be agreed upon by the City and RVTV. The not-to-exceed amount for this service is $12,000. This provision reflects the City's interest in have RVTV produce/create high value, short content pieces that can be shared across a variety of media platforms such as television, website, social and presentations.

Exhibit "B", Charges and Payment Schedule

Invoicing Schedule: Both the City Finance Department and that of SOU prefer to pay and bill quarterly. This reduces administrative costs for both parties.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
The total cost of the contract is a not-to-exceed total amount of $95,000. The funding is broken down into two parts: $83,000 for all basic service costs associated with the agreement; and a not-to-exceed

amount of $12,000 for additional video production services if the City so requests. This funding has been budgeted for in the Mayor and City Council program and the Police program of the 2017-2019 biennium budget.

TIMING ISSUES
The term of the current agreement with RVTV expires June 30, 2017.

COUNCIL OPTIONS
Approve, modify or deny the resolution or motion.

STAFF RECOMMENDATION
Staff recommends that the City enter into the attached Consulting Services/Personal Services Contract for Certain Cable Casting-Related Services between the City of Medford and Rogue Valley Community Television.

SUGGESTED MOTION
I move to authorize the City Manager to enter into the attached Consulting Services/Personal Services Contract for Certain Cable Casting-Related Services between the City of Medford and Rogue Valley Community Television.

EXHIBITS
Ordinance
Consulting Services/Personal Services Contract for Certain Cable Casting-Related Services; and
Digital Media Center Rate Card

ORDINANCE NO. 2017-65

AN ORDINANCE authorizing execution of a contract in an amount not to exceed $95,000 with Rogue Valley Community Television to provide cable casting services through June 30, 2018.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of a contract in an amount not to exceed $95,000 with Rogue Valley Community Television to provide cable casting services through June 30, 2018, which is on file in the City Recorder's office, is hereby authorized.

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

ATTEST: _____ _____

City Recorder Mayor

APPROVED _____, 2017. _____

Mayor

CONSULTING SERVICES/PERSONAL SERVICES CONTRACT
for
CERTAIN CABLE CASTING-RELATED SERVICES

THIS AGREEMENT, made this _____ day of _____, 20___, by and between Southern Oregon University, a university with a governing board, operating as Rogue Valley Community Television or RVTV in the State of Oregon, hereinafter referred to as "CONTRACTOR", and the CITY OF MEDFORD, a municipal corporation in the State of Oregon, hereinafter referred to as "CLIENT".

Article 1. The Work

The CLIENT hereby agrees to engage the CONTRACTOR to perform the technical and/or professional services as hereinafter set forth. CONTRACTOR is not an employee of the CLIENT.

Article 2. Scope of Services

The CONTRACTOR shall perform the services set forth in Exhibit "A", entitled Scope of Services, attached hereto and by reference incorporated herein and made a part hereof. CONTRACTOR is employed to render a professional service only, and any payments made to the CONTRACTOR are compensation solely for such services rendered and recommendations made in carrying out the work. Except as otherwise agreed by the parties, CONTRACTOR shall follow the usual and customary practice of the consulting profession to make findings, provide opinions, make factual presentations, and provide professional advice and recommendations.

Article 3. Time of Performance

The services of the CONTRACTOR are to commence upon signing of this Agreement. The work shall be completed in accordance with the schedule developed by the parties hereto and contained in the schedule of performance and all work covered by this Agreement shall be completed by June 30, 2018.

Article 4. Personnel

A. The CONTRACTOR represents that it employs, or will employ at its own expense, all personnel required in performing the services under this Agreement.

B. All of the services required hereunder will be performed by the CONTRACTOR or under his direct supervision and all personnel engaged in the work shall be fully qualified and shall be authorized or permitted under State and local law to perform such services.

C. CONTRACTOR shall be responsible to ensure that it and any subcontractors comply with all applicable Federal, State and local laws regarding employee wages, hours, benefits, health care, and workers compensation, and shall ensure that all expenses

and claims related thereto are paid promptly. The applicable provisions of ORS 279B and 279C are attached hereto as Exhibit C and incorporated herein by reference.

D. None of the work or services covered by this Agreement shall be subcontracted without the prior written approval of the CLIENT.

Article 5. Compliance with Laws and Regulations

CONTRACTOR shall at all times observe and comply with all federal and state laws and local ordinances and regulations, including but not limited to possession of a valid City of Medford business license, in any manner affecting the conduct of the work, and all such orders or decrees as exist at the present and those which may be made or enacted later by bodies or tribunals having any jurisdiction or authority over the work.

Article 6. Federal Requirements and Provisions

Notwithstanding any other provision hereof, any applicable federal laws, rules or regulations are to govern in any case where federal funds are involved and the federal laws conflict with any provision hereof.

Article 7. Compensation

The CLIENT shall compensate the CONTRACTOR in accordance with the Schedule of Charges and Payment Schedule set forth in Exhibit B, which shall include the basis for rates and charges. Compensation shall be billed monthly in summary form giving employees names and hours and expense data. Payment to CONTRACTOR is due upon presentation of invoice to CLIENT and is to be made within thirty (30) days.

Article 8. Payment to Contractor and Extras

Subject to ORS 279C.570 (Progress Payments) and subject to ORS 279C.550 (Retainage), and in consideration of the faithful performance of the work herein embraced and provided for, as set forth in this contract, solicitation, general specifications and special provisions, notice to contractors, and plans which are a part thereof, in accordance with the directions of the CLIENT and to its satisfaction, CLIENT agrees to pay to CONTRACTOR the amount earned by CONTRACTOR under said contract, as provided in the general specifications and special provisions attached. All payments will be made at the times and in the manner provided in the general and special provisions incorporated herein and in accordance with the regulations of CLIENT in regard to the payment of claims, which regulations provide, among other things, that all claims against CLIENT shall be submitted to CLIENT upon vouchers.

Except as otherwise provided herein, no payment for extras shall be made unless and until such extras and the price therefor have been authorized in writing in advance.

Article 9. Data to be Furnished

All information, data, reports and records and maps as are existing, available and necessary for the carrying out of the work as outlined in Exhibit A hereof shall be made available to the CONTRACTOR without charge by the CLIENT, and the CLIENT shall cooperate in the carrying out of the work without undue delay.

Article 10. Changes

The CLIENT may from time to time request changes in the scope of the services and the time of performance as set forth herein. Such changes, including any increase or decrease in the amount of compensation to the CONTRACTOR, shall be mutually agreed upon by and between the parties hereto and shall be incorporated as written amendments to this Agreement.

Article 11. Suspension of Work

CLIENT may suspend, in writing, all or a portion of the work under this Agreement if unforeseen circumstances beyond CLIENT'S control make normal progress of the work impossible. CONTRACTOR may request that the work be suspended by notifying CLIENT, in writing, of circumstances that are interfering with the normal progress of work. CONTRACTOR may suspend work on Project in the event CLIENT does not pay invoices when due. The time for completion of the work shall be extended by the number of days work is suspended. If the period of suspension exceeds ninety (90) days, the terms of this Agreement are subject to renegotiation, and both parties are granted option to terminate work on the suspended portion of Project in accordance with Article 12.

Article 12. Termination of Work

CLIENT may terminate all or a portion of the work covered by this Agreement for its convenience. CLIENT or CONTRACTOR may terminate work if the other party fails to perform in accordance with the provisions of this Agreement by providing fifteen (15) days prior, written notice to the other by certified mail with receipt for delivery returned to the sender.

In that event, all finished or unfinished documents and other materials shall, at the option of CLIENT, become its property. If requested by CLIENT, CONTRACTOR shall perform such additional work as is necessary for the orderly filing of documents and closing of Project. The time spent on such additional work shall not exceed ten (10%) percent of the time expended on the Project prior to the effective date of termination. CONTRACTOR shall be compensated for work on the Project, plus work required for filing and closing as described in this Article, either of which is performed up to the effective date of termination; provided, however, that CLIENT shall not be required to pay for work that is not done in substantial compliance with requirements of this contract and CONTRACTOR shall be liable to CLIENT for any damages resulting from CONTRACTOR'S breach of its obligations under this contract.

Article 13. Default

If CONTRACTOR fails to begin the work under the contract within the time specified, or fails to perform the work with sufficient workmen or equipment or with sufficient materials to ensure the prompt completion of the work, or shall neglect or refuse to remove and replace materials or work that have been rejected as defective or unsuitable, or shall discontinue the prosecution of the work or if CONTRACTOR shall become insolvent or declared bankrupt, or commit any act of bankruptcy or insolvency, or allow any final judgment to stand against CONTRACTOR unsatisfied for a period of forty-eight hours, or shall make an assignment for the benefit of creditors, or from any other cause whatsoever, shall not carry on the work in an acceptable manner, CLIENT shall give notice in writing to CONTRACTOR and CONTRACTOR'S surety of such delay, neglect or default, and if CONTRACTOR, within a period of ten days after such notice shall not proceed in accordance therewith, then CLIENT in addition to the rights and remedies to which CLIENT may be entitled by law for the enforcement of its rights hereunder or upon breach of covenant shall have full power and authority, without violating this contract, to take the prosecution of the work out of the hands of CONTRACTOR, to appropriate or use any or all of the materials and equipment on the ground that may be suitable and acceptable and may award a contract for the completion of this contract according to the terms and provisions hereof, or use such methods as in its opinion shall be required for the completion of this contract, in an acceptable manner. All costs and charges incurred by CLIENT together with the costs of completing the work under the contract, shall be deducted from any money due or which shall become due said CONTRACTOR. In case the expense so incurred by CLIENT shall be less than the sum which would have been payable under the contract, if it had been completed by CONTRACTOR hereunder, then CONTRACTOR shall be entitled to receive the difference less any damages for delay to which CLIENT may be entitled, and in case such expense shall exceed the sum which would have been payable under the contract, CONTRACTOR and the surety shall be liable and agree to and shall pay CLIENT the amount of said excess with damages for delay of performance, if any. CONTRACTOR shall not make any disposition of the plant, machinery, tools, appliances, supplies or materials used on or in connection with the work, whether by sale, covenants, or encumbrance, inconsistent with the provisions of this contract.

The contract may be canceled at the election of CLIENT for any failure or refusal on the part of CONTRACTOR to faithfully perform this contract according to its terms and conditions.

Article 14. Non-Appropriation

Notwithstanding the termination provisions and the Default section above, termination may occur for non-appropriation. Specifically, all CLIENT obligations to spend money under this contract are contingent upon future appropriations as part of the CLIENT budget process and local budget law, and the failure of the Council and Budget Committee to make the appropriation shall necessarily result in termination of this contract. As such, in the event insufficient funds are appropriated for the payments under this contract, then the CLIENT may terminate this contract at the end of its current fiscal year, with no further liability or penalty to the CLIENT. The CLIENT shall deliver written notice to CONTRACTOR of such termination no later than thirty (30) days from the determination by the CLIENT of the event of non-appropriation.

Article 15. Interest of the Contractor

The CONTRACTOR hereby covenants that it has, at the time of the execution of this Agreement, no interest and that it shall not acquire any interest in the future, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed pursuant to this Agreement. The CONTRACTOR further covenants that in the performance of this work no person having any such interest shall be employed.

Article 16. Findings Confidential

No report, information, or other data given to or prepared or assembled by the CONTRACTOR pursuant to this Agreement which the CLIENT has requested be kept confidential, shall be made available to any individual or organization by the CONTRACTOR without the prior written approval of the CLIENT.

Article 17. Subletting or Assignment

Neither of the parties hereto shall assign, sublet or transfer his interest in this Agreement or any portion thereof without the prior written consent of the other.

Article 18. Rights to and Disposition of Data

The term "subject data" as used herein includes all data, written materials, photographs, drawings or other information collected or created under this Agreement whether delivered under this Agreement or not. The term does not include financial records, accounting records or other information incidental to the administration of this Agreement. All subject data shall be retained by the CONTRACTOR, in accordance with the terms of this Agreement, until disposition of such subject data shall have been determined in a manner mutually agreeable to the parties hereto. Subject data shall be available for study and utilization by the CLIENT so long as such subject data is in the possession of the CONTRACTOR. Following termination or completion of the work pursuant to this Agreement, upon request, CONTRACTOR will deliver copies of all subject data to CLIENT and the CLIENT may duplicate, use and disclose in any manner and for any purpose whatsoever all subject data. Upon request, all final reports and other materials prepared by CONTRACTOR under this agreement shall be the property of CLIENT.

Article 19. Publications

It is agreed that either or both of the parties hereto may publish at any time, subject to the terms of this Agreement, the results of the work conducted hereunder, provided credit is given to the individuals and organizations who conducted and sponsored the work. A copy of each manuscript to be submitted for publication by either or the parties hereto shall be furnished to the other party prior to such submission for publication, and five (5) copies or reprints shall be furnished to the other party subsequent to publication. Articles or works reporting on the subject work hereunder or on portions thereof which are published by the CONTRACTOR shall contain the forward, preface or footnote a statement to the effect that publication of the article or work does not necessarily indicate

acceptance by the CLIENT of the findings, conclusions or recommendations either inferred or specifically expressed therein.

Article 20. Intellectual Property, Including but Not Limited to Copyrights

Neither party shall claim any copyright protection for any reports, maps or other documents produced in whole or in part under this Agreement.

Article 21. Indemnity

CONTRACTOR hereby agrees to defend, indemnify, and hold harmless CLIENT, its officers, agents, and employees, from and against any and all liability, including but not limited to claims, damages, demands, expenses, fees, fines, penalties, suits, proceedings, actions, and costs of actions. Provided, however, that CONTRACTOR shall not be required to indemnify CLIENT against liability for damages arising out of death or injury to persons or damage to property caused solely by the negligence of CLIENT.

Subject to the limits of ORS 30.260-30.300 and the Oregon Constitution Article XI, Section 7.

Article 22. Insurance

CONTRACTOR shall obtain at its own expense and maintain continuously in effect during the term of this Agreement the following minimum insurance:

(1) Commercial General Liability Insurance on an "occurrence" policy form covering Bodily Injury and Property Damage, Products/Completed Operations, Personal & Advertising Injury, and blanket Contractual Liability. Such insurance shall be primary and non-contributory, and provide limits of at least $1,000,000 per Occurrence and a General Aggregate of at least $2,000,000. *"The City of Medford and its officers, employees and agents while acting within the scope of their duties as such"* shall be named an Additional Insured by endorsement.

(2) Commercial Automobile Liability Insurance for Bodily Injury and Property Damage covering owned, non-owned, rented, and hired autos. Such insurance shall provide a combined single limit per accident of at least $1,000,000.

(3) Workers Compensation Insurance meeting statutory requirements of Oregon Workers Compensation Law must be provided by CONTRACTOR (and any sub-contractor CONTRACTOR may use) for any subject workers, as well as Employers Liability Insurance with limit of at least $500,000.

If CONTRACTOR is statutorily exempt from the requirement to provide Workers Compensation Insurance, CONTRACTOR shall complete, sign, and submit the City's form for ***Declaration of Exemption from Oregon Statutory Workers Compensation*** in lieu of Workers Compensations Insurance.

(4) Professional Liability Insurance (also known as "Errors and Omissions" or "malpractice liability" insurance for professionally trained, licensed, or certified service providers) with a limit of at least $2,000,000. Such coverage may be on a "claims made" policy form. Should the Professional Liability Insurance policy be terminated for any reason, satisfactory "tail" coverage of an extended claims reporting period of at least two (2) years shall be required and provided at the sole expense of CONTRACTOR.

CONTRACTOR shall submit to CLIENT certificates of insurance for all policies listed above at time of this Agreement, and at each subsequent insurance renewal for the life of this Agreement. Certificate must include Additional Insured Endorsement for General Liability Insurance. Certificates of insurance for current coverage or activated tail coverage for Professional Liability Insurance, because it is a claims-made coverage, shall continue to be submitted to CLIENT for two (2) years following the effective term of this Agreement. Certificate Holder (and additional insured for General Liability) shall be shown as: City of Medford, 411 West 8th Street, Medford, OR 97501. *Any request for exemption from this requirement must be in writing and approved by the CLIENT'S Risk Manager.*

CONTRACTOR is responsible to assure that CLIENT receives a required thirty (30) days written notice prior to cancellation of, material change to, exhaustion of aggregate limits of, or intent not to renew any insurance policy for coverage required in this Agreement. Ten (10) days will be accepted for cancellation due to non-payment of premium. CONTRACTOR shall itself provide the written notice in the event that its insurance companies will not or do not provide such notice. Failure to maintain proper insurance and/or provide timely notification of a change in coverage is grounds for potential immediate termination of this contract.

Notwithstanding insurance requirements stated or any modifications made thereto, in no case shall the presence or absence of any insurance coverage, or any insurance policy limit, provision, term, or condition reduce the obligations of the CONTRACTOR for liability granted generally by law or specifically in the terms of this Agreement. In no case shall CLIENT be responsible for any amount of CONTRACTOR self-insurance, or any retention, deductible, or coinsurance amount required by CONTRACTOR's insurance policies.

Article 23. Partial Invalidity

If any term, covenant, condition, or provision of this Agreement is found by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions hereof shall remain in full force and effect, and shall in no way be affected, impaired, or invalidated thereby.

Article 24. Integration

This Agreement represents the entire understanding of CLIENT and CONTRACTOR as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered herein. This Agreement may not be modified or altered except in writing signed by both parties.

Article 25. Jurisdiction

This Agreement shall be administered and interpreted under the laws of the State of Oregon. Jurisdiction of litigation arising from this Agreement shall be in that state. Any litigation arising from this Agreement shall commence in Jackson County, Oregon.

IN WITNESS WHEREOF, the parties hereto have caused these presents to be signed by their proper officers the day and year first above written.

CITY OF MEDFORD

ATTEST:_____

By: _____

Title:_____

CONTRACTOR

By:_____

Title:_____

Exhibit A

SCOPE OF SERVICES

At a minimum, CONSULTANT shall provide the following services:

Channel 182 (Voices)

1. CONSULTANT shall manage and provide editorial control and assume responsibility for ascertainment of any and all illegal programming over the Medford public-access (Channel 182) channel including, but not limited to, the following services: giving priority to and scheduling all programming time with public access-related programming; develop and keep updated a public information reader board; and advertise the programming schedule on the channel. CLIENT hereby designates CONSULTANT as the designated access provider (DAP) for Channel 182 pursuant to its franchise agreement with Charter Communications.

2. CONSULTANT shall furnish all equipment, supplies, and labor, including but not limited to media room operator, in order to the deliver these services.

3. CONSULTANT shall include on Channel 182 over which it exercises editorial control non-government Medford area announcements. These announcements shall be continuously updated and appear as part of community bulletin board programming.

4. CONSULTANT, at its own cost, shall every year produce for the CLIENT an Annual Report including, but not limited to, the number of programs produced, length of programs, size of audience viewing programs, financial budget report for Studio Program Production, amount of programming hours delivered, goals for the following year, any quantifiable indicators of the services delivered under this Agreement, and any other such data as requested by CLIENT. The Annual Report shall cover the preceding fiscal year, and eleven copies shall be delivered to the CLIENT no later than October 1.

5. CONSULTANT shall assist in securing closed captioning services when requested by CLIENT. If CLIENT - requested closed captioning services are delivered, the cost for the closed captioning services will be billed to and paid by CLIENT.

MEDIA SERVICES – Channels 181 (CIVIC) and 180 (PRIME)

At a minimum, CONSULTANT shall provide the following services:

1. CONSULTANT shall manage and provide editorial control over the Medford government (Channel 181) channel including, but not limited to, the following services for the term of this agreement: giving priority to and scheduling all of CLIENT's public meetings as so directed by CLIENT to be cablecast live; filling all programming time with government-related programming; develop and keep updated a government reader board; and advertise the programming schedule on the channel. CLIENT hereby designates CONSULTANT as the designated access provider (DAP) for Channel 181 pursuant to its franchise agreement with Charter Communications.

2. CONSULTANT shall manage and provide editorial control and assume responsibility for ascertainment of any and all illegal programming over the Medford access (Channel 180) channel including, but not limited to, the following services: giving priority to and scheduling all of CLIENT's public access programming as so directed by CLIENT to be cablecast from taped media; filling all programming time with public access-related programming; develop and keep updated a public information reader board; and advertise the programming schedule on the channel.. CLIENT hereby designates CONSULTANT as the designated access provider (DAP) for Channel 180 pursuant to its franchise agreement with Charter Communications.

3. CONSULTANT is responsible for providing two (2) quality DVD recordings of each meeting and studio production (one for City Recorder archives and one for CONSULTANT, if meeting to be replayed on government access channel), within one (1) business day of the meeting or studio production.

4. CONSULTANT shall furnish all equipment (exception of City Hall media room equipment), supplies, and labor, including but not limited to media room operator, in order to deliver these services.

5. CONSULTANT shall provide Media Room Operator for all live broadcasting of meetings from Council Chambers and Operator shall arrive at least 30 minutes before meeting begins. Operator duties shall include, but are not limited to, capture the audio-visual proceedings of specified live public meetings from a remote control booth with no less than three remote controlled cameras, character generation using appropriate computer software and editing equipment, management of video streaming of live programming to the Internet, production of two (2) quality DVD recordings of each meeting, and update and maintain an operation manual for all equipment in the media room and Council Chambers.

6. CONSULTANT shall include on Channel 181 over which it exercises editorial control, other than the Medford government access channel, non-government Medford area announcements. These announcements shall be continuously updated and appear as part of community bulletin board programming.

7. CONSULTANT shall every year produce for the CLIENT at its own cost an Annual Report including, but not limited to, the number of programs produced, length of programs, financial budget report for Studio Program Production, amount of programming hours delivered, goals for the following year, any quantifiable indicators of the services delivered under this Agreement, and any other such data as requested by CLIENT. The Annual Report shall cover the preceding fiscal year, and eleven copies shall be delivered to the CLIENT no later than October 1.

8. CONSULTANT shall assist in securing closed captioning services when requested by CLIENT. If CLIENT-requested closed captioning services are delivered, the cost for the closed captioning services will be billed to and paid by CLIENT.

9. CONSULTANT shall facilitate, provide the necessary equipment and cablecast live on the Medford government access channel the proceedings of the Medford Forum and Police Department "MPD: Your Police, Our Community" program. Viewer live phone-in access shall be provided, if requested, in all cases. The annual cost for the Police Department programming is $6,600, or $550 an episode which is included in the $83,000 fee illustrated in Exhibit B. Should the City choose to discontinue or limit episodes produced, the City will be credited the episode cost for those monthly episodes not produced, at the time of each quarterly billing.

10. CONSULTANT shall dedicate a City of Medford designated category of meetings and programs on its RVTV online video player as cloud based video-on-demand programs. This service includes capture, hosting and archiving (minimum one year backlog) of up to 175 programs (files) per year. Files will be available for streaming on most Android, iOS, and Windows devices with the ability to stream internet video.

11. CONSULTANT shall provide additional video production services, as may be determined necessary by the CLIENT. These services may include informational videos, features on City departments, or other video content that supports City events, initiatives, or training programs. Costs for these services will be based on the Digital Media Center Rate card (attached) pricing and will be agreed upon between CLIENT and CONSULTANT prior to the start of any media project not already listed in this agreement. In no case shall the annual amount of payments under this provision exceed $12,000.00 annually

Exhibit B

CHARGES AND PAYMENT SCHEDULE

There are no reimbursable expenses under this Agreement unless explicitly stated in this Charges and Payment Schedule.

CLIENT shall compensate the CONSULTANT a not to exceed amount of $83,000.00 per year for all services listed in Exhibit A, excluding the additional video production services that would be billed per the Digital Media Center rate card.

Total compensation under this agreement shall not exceed $95,000 in any fiscal year without additional review and approval by the CONSULTANT and CLIENT.

At CLIENT's sole discretion, an inflation adjustment the amount of which to be determined by CLIENT, may be included in the second year of this Agreement.

INVOICING SCHEDULE

As indicated below, the following schedule provides specific dates for receipt of itemized invoices and payment schedule for the portion of this Agreement that requires quarterly-in-arrears payments.

Invoice Period	Invoice Due By	Payment Due By
July 1-September 30	October 1	November 1
October 1- December 31	January 1	February 1
January 1- March 31	April 1	May 1
April 1- June 30	July 1	August 1

Submission of non-itemized billings will not be paid.

EXHIBIT C
OREGON STATUTORY PUBLIC CONTRACT PROVISIONS

THE FOLLOWING PROVISIONS PERTAIN TO PUBLIC PROCUREMENTS (OTHER THAN PUBLIC IMPROVEMENTS)

ORS 279B.220
CONDITIONS CONCERNING PAYMENT, CONTRIBUTIONS, LIENS, WITHHOLDING

CONTRACTOR shall:

(1) Make payment promptly, as due, to all persons supplying to CONTRACTOR labor or material for the performance of the work provided for in this contract.

(2) Pay all contributions or amounts due the Industrial Accident Fund from CONTRACTOR or SUBCONTRACTOR incurred in the performance of the contract.

(3) Not permit any lien or claim to be filed or prosecuted against CITY on account of any labor or material furnished.

(4) Pay to the Department of Revenue all sums withheld from employees under ORS 316.167.

ORS 279B.225
CONDITION CONCERNING SALVAGING, RECYCLING, COMPOSTING OR MULCHING YARD WASTE MATERIAL

CONTRACTOR shall salvage, recycle, compost or mulch yard waste material at an approved site, if feasible and cost-effective.

ORS 279B.230
CONDITION CONCERNING PAYMENT FOR MEDICAL CARE AND PROVIDING WORKERS' COMPENSATION

(1) CONTRACTOR shall promptly as due, make payment to any person, co-partnership, association or corporation furnishing medical, surgical and hospital care services or other needed care and attention, incident to sickness or injury, to the employees of CONTRACTOR, of all sums which CONTRACTOR agrees to pay for the services and all monies and sums which CONTRACTOR collected or deducted from the wages of employees, under any law, contract or agreement, for the purpose of providing or paying for the services.

(2) All subject employers working under this contract are either employers that will comply with ORS 656.017 or employers that are exempt under ORS 656.126.

ORS 279B.235

CONDITION CONCERNING HOURS OF LABOR

(1) A person may not be employed for more than 10 hours in any one day, or 40 hours in any one week, except in cases of necessity, emergency, or when the public policy absolutely requires it, and in such cases, except in cases of contracts for personal services designated under ORS 279A.055, the employee shall be paid at least time and a half pay:

(a)(A) For all overtime in excess of eight hours in any one day or 40 hours in any one week when the work week is five consecutive days, Monday through Friday; or

(B) For all overtime in excess of 10 hours in any one day or 40 hours in any one week when the work week is four consecutive days, Monday through Friday; and

(b) For all work performed on Saturday and on any legal holiday specified in ORS 279B.020.

(2) Employer must give notice in writing to employees who work on a public contract, either at the time of hire or before commencement of work on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work.

(3) In the case of contracts for personal services as described in ORS 279A.055, the employee shall be paid at least time and a half for all overtime work in excess of 40 hours in any one week, except for individuals under personal services contracts who are excluded under ORS 653.010 to 653.261 or under 29 U.S.C. 201 to 209 from receiving overtime.

(4) Does not apply.

(5)(a) Persons employed under contracts for services shall receive at least time and a half pay for work performed on the legal holidays specified in a collective bargaining agreement or in ORS 279B.020(1)(b)(B) to (G) and for all time worked in excess of 10 hours in any one day or in excess of 40 hours in any one week, whichever is greater.

(b) Employer shall give notice in writing to employees who work on a contract for services, either at the time of hire or before commencement of work on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work.

THE FOLLOWING PROVISIONS PERTAIN TO PUBLIC IMPROVEMENTS:

ORS 279C.505
CONDITIONS CONCERNING PAYMENT, CONTRIBUTIONS, LIENS, WITHHOLDING AND DRUG TESTING

(1) CONTRACTOR shall:

(a) Make payment promptly, as due, to all persons supplying to CONTRACTOR labor or material for the performance of the work provided for in this contract.

(b) Pay all contributions or amounts due the Industrial Accident Fund from CONTRACTOR or SUBCONTRACTOR incurred in the performance of this contract.

(c) Not permit any lien or claim to be filed or prosecuted against CITY on account of any labor or material furnished.

(d) Pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

(2) CONTRACTOR shall demonstrate that an employee drug-testing program is in place.

ORS 279C.510
DEMOLITION CONTRACTS TO REQUIRE MATERIAL SALVAGE; LAWN AND LANDSCAPE MAINTENANCE CONTRACTS TO REQUIRE COMPOSTING OR MULCHING

(1) If a contract for demolition, CONTRACTOR shall salvage or recycle construction and demolition debris, if feasible and cost effective.

(2) If a contract for lawn and landscape maintenance, CONTRACTOR shall compost or mulch yard waste material at an approved site, if feasible and cost effective.

ORS 279C.515
CONDITIONS CONCERNING PAYMENT OF CLAIMS BY PUBLIC OFFICERS, PAYMENT TO PERSONS FURNISHING LABOR OR MATERIALS AND COMPLAINTS

(1) If CONTRACTOR fails, neglects or refuses to pay promptly a person's claim for labor or services that the person provides to CONTRACTOR or a SUBCONTRACTOR in connection with the public improvement contract as such claim becomes due, the proper officer that represents CITY may pay the amount of the claim to the person that provides the labor or services and charge the amount of the payment against funds due or to become due CONTRACTOR by reason of such contract.

(2) If the CONTRACTOR or a first-tier SUBCONTRACTOR fails, neglects or refuses to pay a person that provides labor or materials in connection with the public improvement contract within 30 days after receiving payment from the contracting agency or a contractor, the CONTRACTOR or first-tier SUBCONTRACTOR owes the person the amount due plus interest charges that begin at the end of the 10-day period within which payment is due under ORS 279C.580 (4) and that end upon final payment, unless payment is subject to a good faith dispute as defined in ORS 279C.580. The rate of interest on the amount due is nine percent per annum. The amount of interest may not be waived.

(3) If CONTRACTOR or a SUBCONTRACTOR fails, neglects or refuses pay to a person that provides labor or materials in connection with the public improvement contract, the person may file a complaint with the

Construction Contractors Board, unless payment is subject to a good faith dispute as defined in ORS 279C.580.

(4) Paying a claim in the manner authorized in this section shall not relieve CONTRACTOR or CONTRACTOR's surety from obligation with respect to any unpaid claims.

ORS 279C.520
CONDITION CONCERNING HOURS OF LABOR

(1)(a) No person shall be employed for more than 10 hours in any one day, or 40 hours in any one week, except in cases of necessity, emergency, or where the public policy absolutely requires it, and in such cases, except in cases of contracts for personal services defined in ORS 279C.100, the employee shall be paid at least time and a half pay:

(A) For all overtime in excess of eight hours a day or 40 hours in any one week when the work week is five consecutive days, Monday through Friday; or

(B) For all overtime in excess of 10 hours in any one day or 40 hours in any one week when the work week is four consecutive days, Monday through Friday; and

(b) For all work performed on Saturday and on any legal holiday specified in ORS 279C.540.

(2) CONTRACTOR shall give notice in writing to employees who work on a public contract, either at the time of hire or before commencement of work on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work.

(3) Persons employed under contracts for personal services as described in ORS 279C.100 shall be paid at least time and a half for all overtime work in excess of 40 hours in any one week, except for individuals under personal services contracts who are excluded under ORS 653.010 to 653.261 or under 29 U.S.C. 201 to 209 from receiving overtime.

(4) Does not apply.

(5)(a) Persons employed under contracts for services shall receive at least time and a half pay for work performed on the legal holidays specified in a collective bargaining agreement or in ORS 279C.540(1)(b)(B) to (G) and for all time worked in excess of 10 hours a day or in excess of 40 hours in any one week, whichever is greater.

(b) CONTRACTOR shall give notice in writing to employees who work on a contract for services, either at the time of hire or before commencement of work on the contract, or by posting a notice in a location frequented by employees, of the number of hours per day and days per week that the employees may be required to work.

ORS 279C.530
CONDITION CONCERNING PAYMENT FOR MEDICAL CARE AND PROVIDING WORKERS' COMPENSATION

(1) CONTRACTOR shall promptly, as due, make payment to any person, copartnership, association or

corporation, furnishing medical, surgical and hospital care services or other needed care and attention, incident to sickness or injury, to the employees of CONTRACTOR, of all sums which CONTRACTOR agrees to pay for such services and all moneys and sums which CONTRACTOR collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.

(2) All subject employers working under this contract are either employers that will comply with ORS 656.017 or are employers that are exempt under ORS 656.126.

ORS 279C.580
CONTRACTOR'S RELATIONS WITH SUBCONTRACTORS

(1) The CONTRACTOR is required to provide a first-tier SUBCONTRACTOR with a standard form that the first-tier SUBCONTRACTOR may use as an application for payment or as another method by which the SUBCONTRACTOR may claim a payment due from the contractor.

(2) The CONTRACTOR, except as other provided in this paragraph, is required to use the same form and regular administrative procedures for processing payments during the entire term of the subcontract. A CONTRACTOR may change the form or the regular administrative procedures the CONTRACTOR uses for processing payments if the CONTRACTOR:

(a) Notifies the SUBCONTRACTOR in writing at least 45 days before the date on which the CONTRACTOR makes the change; and

(b) Includes with the written notice a copy of the new or changed form or a description of the new or changed procedures.

ORS 279C.825
FEES, RULES

At the time of execution of a contract subject to ORS 279C.800 to 279C.870, the CITY shall pay to the Commissioner of the Bureau of Labor and Industries a fee of 0.1 percent of the contract price. However, in no event may a fee be less than $250 or more than $7,500. The fee shall is payable to the Bureau of Labor and Industries and shall be mailed or otherwise delivered to the Bureau at the following address: Bureau of Labor and Industries, Wage and Hour Division, Prevailing Wage Unit, 800 N.E. Oregon Street, #32, Portland, OR 97232.

ORS 279C.830
PROVISIONS CONCERNING PREVAILING RATE OF WAGE IN SPECIFICATIONS, CONTRACTS AND SUBCONTRACTS; APPLICABILITY OF PREVAILING WAGE; FEE; BOND

(1) If the contract is a "Public Works" and the contract price exceeds $50,000:

(1)(a) Except as provided in paragraph (e) of this subsection, contracts for public works shall state the existing state prevailing rate of wage and, if applicable, the federal prevailing rate of wage required under the Davis-Bacon Act (40 U.S.C. 3141 et seq) that must be paid to workers in each trade or occupation that the CONTRACTOR or SUBCONTRACTOR or other person who is a party to the contract uses in performing all or part of the contract.

State rates may be found at www.oregon.gov/boli/WHD/PWR/Pages/index.aspx.
Federal rates may be obtained at www.wdol.gov/.

(b) When state and federal prevailing rates of wage are contained in the specifications, the CONTRACTOR is required to pay the higher of the applicable state or federal prevailing rate of wage to all workers on the public works.

(c) Workers must be paid not less than the specified minimum hourly rate of wage in accordance with ORS 279C.838 and ORS 279C840.

(d) If a public works project is subject both to ORS 279C.800 to 279C.870 and to the Davis-Bacon Act, workers on the public works must be paid not less than the higher of the applicable state or federal prevailing rate of wage.

(e) A public works project described in ORS 279C.800(6)(a)(B) or (C) is subject to the existing state prevailing rate of wage or, if applicable, the federal prevailing rate of wage required under the Davis-Bacon Act that is in effect at the time CITY enters into an agreement with CONTRACTOR for the project. After that time, the specifications for a contract for the public works must include the applicable prevailing rate of wage.

(2) CONTRACTOR and every SUBCONTRACTOR must have a public works bond filed with the Construction Contractors Board before starting work on the project, unless exempt under ORS 279C.836(4), (7), (8) or (9).

(3) In the event the initial contract is less than $50,000, and through the course of the project the total contract amount is extended above $50,000, CONTRACTOR is responsible for paying and certifying payment of prevailing wages. CONTRACTOR is required to file amended wage statements if prevailing wages were not originally paid.

SOUTHERN OREGON DIGITAL MEDIA CENTER PRODUCTION RATE CARD: EXTERNAL CLIENTS

The Southern Oregon Digital Media Center and its staff are available to support clients with a wide range of digital video production services and resources. We provide turn-key services that cover production needs from concept to broadcast, and clients can also rent our facilities and equipment or hire our team with hourly and daily rates.

PRODUCTION PACKAGES

Single Camera Event Package	
A solution for clients needing video archives of lectures or other events. Single camera, minimal post-production, event duration up to two hours. Archive quality only, not suitable for broadcast or other public use.	$300
Premiere Event Package	
For broadcast or online presentation of lectures or other events. Deliverable includes a video file ready for HD broadcast or upload to YouTube or other social media platforms. Includes up to three cameras and operators, plus post-production and graphics integration. Service also includes consultation with DMC staff to optimize quality and impact of presentation.	$600 ½ day $1000 full day
Studio Program	
For live or taped programs in the DMC's studio. Deliverable includes a video file ready for HD broadcast or upload to YouTube or other social media platforms. Includes up to three cameras and operators, post-production and graphics integration, and hosting on our video server.	$450 ½ hour $550 1 hour
Organizational Profile Video	
A documentary style approach to a promotional profile video of an individual or organization. This 1- 3 minute short video will be crafted in collaboration with you and the DMC. Staff and/or faculty will lead a small student production crew to develop an interest-generating short.	$850 and up
Multi-camera HD performance capture	
Development and production of a music video, digital short, exhibition film, or event documentary. We design maximum coverage of your event with multiple HD DSLR (or comparable) recordings to create an artistic and powerful video that captures the essence of the performance or activity. This package includes significant collaboration with your organization to create landmark documentation of your event.	$1200 and up

SOUTHERN OREGON DIGITAL MEDIA CENTER TELEVISION PRODUCTION RATE CARD: EXTERNAL CLIENTS

HOURLY FEE SCHEDULE

Resource	Hour	½ Day (5 hours)	Day (10 hours)
Studio, Lights & Technician	$50	$200	$400
Full Studio Production with 3- 5 Crew/Staff	$200	$700	$1200
HD Camera & Technician (Includes audio capture)	$150	$500	$1000
Staff Producer/Director	$100	$400	$800
Post-Production Includes Rendering, Digital Editing, Graphics & Animation	$55		

ADDITIONAL OPTIONS & FEES

Long format projects (over 20 minutes) can also be made available on our secure cloud-based video player for on-demand online viewing at $50 per program.

We provide video conversions, exports and data transfers for $20 per file.

Client productions that fit RVTV's content guidelines can be submitted for televised distribution on our cable access channels at no extra cost.

INSURANCE GUIDELINES

Companies or productions can choose to rent the DMC's studio & support spaces and provide thier own production staff, but must carry an insurance policy with a $1,000,000 minimum liability rider. A staff member must be present in the building during all usage, and that cost is included in our studio fee schedules.

ABOUT THE DMC

Based at Southern Oregon University, the DMC operates one of the largest television production facilities in Southern Oregon and Northern California. Our resources include a multi-camera HD television studio with full lighting grid, audio integration, green screen, and virtual set capabilities. The DMC offers multiple pricing options, and can prepare formal bids for any proposed use.

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 60.10

DEPARTMENT: City Manager
PHONE: (541) 774-2009
STAFF CONTACT: Kelly Madding, Deputy City Manager

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: June 15, 2017

COUNCIL BILL 2017-66
An ordinance authorizing execution of an Intergovernmental Agreement with the Medford Water Commission for departmental charges.

SUMMARY AND BACKGROUND
On March 17, 2011 the City of Medford and the Medford Water Commission (MWC) entered into an intergovernmental agreement (IGA). At that time the MWC was providing utility billing services for the City and a substantial portion of the agreement was related to the general parameters of how MWC would conduct the City's utility billing and the cost of the MWC providing that service. The IGA also outlines the indirect costs associated with the MWC utilizing City internal services such as the computer system, City Attorney services, landscaping and janitorial services, and utilities. Finally, the IGA states that the annual fiscal year franchise fee paid by the MWC to the City shall be in the amount of the City's annual water use paid through the City's individual utility bills as of the end of the preceding fiscal year.

PREVIOUS COUNCIL ACTIONS
On March 17, 2011 the City Council adopted Ordinance No. 2011-43 approving an Intergovernmental Agreement between City of Medford and Medford Water Commission for Utility Billing and Departmental Charges of the City and Commission. The term of the agreement was March 17, 2011 through June 30, 2017.

ANALYSIS
The significant amendments to the proposed IGA are a consequence of the MWC no longer administering the City's utility billing.

The current IGA expiring on June 30, 2017 offered a provision that upon joint agreement between the MWC's General Manager and the City of Medford's City Manager the IGA could be renewed up to two, six year periods. However, the proposed IGA is for one year only with no option to renew upon joint manager agreement. Leadership at the MWC is changing and City Staff acknowledges that an analysis of the City's current indirect service cost model, as it relates to the MWC, is in order. Therefore, Staff believes that the one year IGA term is prudent. The MWC Interim General Manager concurs.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
During the 2015-2016 fiscal year the City received approximately $114,000 from the MWC for indirect costs. And for the current fiscal year the City will receive approximately $115,000. Revenue for indirect costs from the MWC is budgeted for in the City's 2017-2019 biennium budget.

TIMING ISSUES
The term of the current agreement with the Medford Water Commission expires June 30, 2017.

COUNCIL OPTIONS
Approve, modify or deny the resolution or motion.

STAFF RECOMMENDATION
Staff recommends that the City enter into the attached Intergovernmental Agreement between the City of Medford and the Medford Water Commission for departmental charges of the City.

SUGGESTED MOTION
I move to authorize the City Manager to enter into the attached Intergovernmental Agreement between the City of Medford and the Medford Water Commission for departmental charges of the City.

EXHIBITS
Ordinance
Intergovernmental Agreement

ORDINANCE NO. 2017-66

AN ORDINANCE authorizing execution of an Intergovernmental Agreement with the Medford Water Commission for departmental charges.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an Intergovernmental Agreement with the Medford Water Commission for departmental charges, which is on file in the City Recorder's office, is hereby authorized.

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

ATTEST: _____ _____

City Recorder Mayor

APPROVED _____, 2017. _____

Mayor

INTERGOVERNMENTAL AGREEMENT
BETWEEN CITY OF MEDFORD AND MEDFORD WATER COMMISSION
FOR DEPARTMENTAL CHARGES OF THE CITY

This Agreement, hereinafter referred to as "Agreement', is made and entered into this _____ day of _____, 2017, by and between the City of Medford ("City") and the Board of Water Commissioners of the Medford Water Commission ("Commission").

In accordance with and pursuant to the provisions of ORS Chapter 190, entitled "INTERGOVERNMENTAL.COOPERATION", the City and Commission are authorized to jointly provide for the performance of a function or activity in cooperation with a "unit of local government" that includes a commission or other governmental authority in Oregon.

As a result of this Agreement, and pursuant to ORS 190.030, any unit of local government, consolidated department, intergovernmental entity or administrative officers designated herein to perform specified functions or activities is vested with all powers, rights and duties relating to those functions and activities that are vested .by law in each separate party to the Agreement, its officers and_ agencies.

WHEREAS, the Commission, as per Medford Charter Section 19, is empowered with maintaining and operating the water system, including but not limited to, daily administration and billing of the water utility charges to City and others; and

WHEREAS, the City provides certain billable services to the Commission pertaining to routine business operations in other areas of Commission administration; and

WHEREAS, the sharing of these costs are beneficial to both entities;

NOW THEREFORE, the City and Commission agree as follows:

1) The cost allocations of the indirect billed services, pertaining to routine business operations paid by the Commission to the City, shall be <u>based</u> on agreed upon amounts of actual figures obtained through the 2007-08 end-of-fiscal-year process, all as shown in exhibit B, and shall be increased and compounded each fiscal year from this Agreement date forward by the preceding calendar year's CPI which shall be a 12-month average (January through December) of West Cities as determined from the "Consumer Price Indexes, Pacific Cities and U.S. City Averages," for Urban Wage Earners and Clerical Workers. The Commission's annual indirect billed services pertaining to routine business operations shall be paid in twelve (12) monthly installments. Any related extraordinary costs incurred during this Agreement period above and beyond those included in the 2007-08 end-of-fiscal-year process may be brought up for joint discussion, unanimous decision, and mutual concurrence of payment share between the City and the Commission.

2) The direct-billed services pertaining to routine business operations paid by the Commission to the City, shall be based on agreed upon percentage amounts of monthly billed amounts, all as shown in exhibit C. The Commission's share shall be paid in twelve (12) monthly installments of varying amounts calculated and based on each previous month's charges.

3) The annual fiscal year franchise fee paid by the Commission to the City shall be in the amount of the City's annual water use paid through the City's individual utility bills as of the end of the preceding fiscal year. The fee shall be paid in twelve (12) monthly installments.

4) The City Finance Director and the Commission Finance Administrator shall deliver updated costs in March of every year, to the City Manager and Commission Manager for approval and eventual inclusion in respective budgets. The update shall clarify the proposed costs for the coming fiscal year period starting July 1st but not change the basis of methodology for calculation unless mutually agreed upon by both parties.

5) The City shall be able to change utility fees/factors once per calendar year in March, with any additional changes during the year billed to the City on a time and material basis, at an hourly rate of $63. Other requested related services, including audits of City customer accounts, shall also be billed on a time and material basis at an hourly rate of $63.

6) Payments for billable services will be made or funds transferred within 30 days of receiving City's invoices.

By this Agreement, the City and Commission authorize the transfer of funds mentioned herein, and authorize the City Manager and the Commission Manager or their designees to commence the processes included herein.

This Agreement shall not become effective until all parties hereto have executed this Agreement. After execution, this Agreement will be effective, and retroactive if need be to July 1, 2017 and shall end June 30, 2018.

This Agreement may not be amended, changed or modified in any way, except by written agreement signed by all parties hereto. Neither party shall assign or otherwise transfer its interest in this Agreement, except by written agreement signed by all parties hereto.

This Agreement shall be construed and enforced in accordance with the laws of the State of Oregon. If any part of this Agreement is declared invalid, the remaining parts survive.

This Agreement and the exhibits attached and incorporated by reference herein contain the entire agreement between the parties hereto and supersede any and all prior express and/or implied statements, negotiations and/or agreements between the parties, either oral or written.

IN WITNESS WHEREOF, the parties hereby enter into this Agreement.

CITY OF MEDFORD

By: _____
Gary H. Wheeler
Mayor, City of Medford
Date: _____

MEDFORD WATER COMMISSION

By: _____
John Dailey
Chair, Board of Commissioners
Date: _____

MEDFORD WATER COMMISSION

ANNUAL CHARGES FOR CITY'S INDIRECT COSTS*

City Costs	Commission Charge	Estimated %
Computer Network	$13,601	6%
Internet/Intranet Email	$4,707	11%
Technical Service Desk Help	$1,218	1%
Storage of Data	$87	NA
Telephone System Maintenance	$11,581	9%
City Recorder Assistance	$5,230	2%
City Attorney Assistance	$13,144	3%
Annex Landscaping	$3,557	33%
Service Center Landscaping	$2,155	20%
Annex Building Maint./Janitorial	$30,359	33%
Service Center Janitorial	$18,399	20%

*March 18, 2009 City of Medford Full Cost Allocation Plan by Mahoney Associates Consulting, LLC, using 2007-08 end-of-fiscal-year City of Medford data, with MWC historical clarifications and exclusion of reallocated administrative costs

MEDFORD WATER COMMISSION

CHARGES FOR CITY DIRECTCOSTS

Category	% Share of Total Costs
Monthly Share of Power Bill for Annex/Service Center	33%/20%
Monthly Share of Natural Gas Bill for Annex/Service Center	33%/20%
Monthly Share of Utility Bill for Annex/Service Center	33%/20%
Monthly Share of 103B/109B Telephone Lines	50%
Monthly Share of FO Communications Lines	50%
Annual Share of RVCOG Bill	18%
City Billable Costs e.g. audit/garage/shipping/etc.	100%

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 90.1

DEPARTMENT: City Manager
PHONE: (541) 774-2000
STAFF CONTACT: Brian Sjothun, City Manager

AGENDA SECTION: City Manager's Report
MEETING DATE: June 15, 2017

SUMMARY AND BACKGROUND

On the May 25, 2017 the Council held a study session to review a presentation by representatives of Travel Medford regarding the existing contract for destination marketing services provided through the 25% of local Transient Lodging Taxes (TLT) collected in Medford. Staff was seeking direction from Council in regards to either extending the existing agreement or to advertise a request for proposals for destination marketing services.

The Council direction to staff was to present both options for formal direction at the June 15, 2017 meeting.

PREVIOUS COUNCIL ACTIONS

On March 16, 2016 - Council Bill 2016-34 was approved authorizing execution of an amended Agreement with the Chamber of Medford/Jackson County to include requested additions and to allow for an extension of time to finalize negotiations.

On June 17, 2010 – Council Bill 2010-137 was approved authorizing execution of an Agreement with the Chamber of Medford/Jackson County (Chamber) allowing payment to the Chamber of 25% of funds collected by the City from the Transient Lodging Tax.

ANALYSIS

The City of Medford currently has an agreement with the Chamber of Medford/Jackson County (Chamber), scheduled to expire on June 30, 2018, to provide the promotion of the City of Medford for recreational, cultural, convention and tourist-related services and programs. These services are coordinated through a Destination Marketing Organization (DMO). Travel Medford serves as the City's DMO and is a division of the Chamber organization.

The Medford Municipal Code does not require the Council to formally advertise for services provided by a contracted DMO:

2.579 Advertising and Tourist Promotion Contracts
The manager may purchase advertising without competitive bidding or competitive quoting. Contracts for promoting the use of the city of Medford for recreational, cultural, convention and tourist-related activities and services are exempt from competitive bidding and competitive quoting.
[Added Sec. 3, Ord. No. 5510, Sept. 5, 1985.; Amd. Sec. 1, Ord. No. 6613, May 3, 1990; Amd. Sec. 39, Ord. No. 2002-37, March 7, 2002.]

There have been questions surrounding the requirement by the City to pay 25% of the total TLT collected to a DMO service. This designation is contained within Medford Municipal Code 8.815 along with the Supplement to the Medford Charter of 1998 (Amended by Vote of People in 2000). Finally, ORS 320.350 indicates that a unit of local government that imposed a local transient lodging tax on July 1, 2003, may not decrease the percentage of total local transient lodging tax revenues that are actually expended to fund tourism promotion or tourism-related facilities on or after July 2, 2003.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Funding for contracted DMO services is paid through the collection of local Transient Lodging Taxes (TLT). The current TLT distribution is as follows:

- 50% - General Fund
- 25% - Debt Service for U.S. Cellular Community Park
- 25% - Contracted DMO services with Chamber

TIMING ISSUES
Many DMO's purchase advertising to promote events and the region they serve anywhere between 9-12 months in advance of the publication date. Due to this timing, we're at a point where Council direction is needed in order to avoid missing promotional opportunities that could have a negative impact on the travel industry as well as revenues to the City.

COUNCIL OPTIONS
Renewal
- Mayor or Council appoints two or three Council members as the City negotiation team
  - Team seeks input from other Council members on contract language and outcomes
  - City Manager and Finance Director will serve as technical advisors and provide support to the negotiation team
  - Team negotiates with Chamber/Travel Medford team
  - Proposed contract is finalized and presented to Council for consideration
  - Estimated Council Action Date: July 20

Request for Proposals (RFP)
- Staff develops RFP based on direction from Council
  - RFP selection committee appointed
- RFP is finalized and advertising begins
- RFP is advertised for 30-day period
- Scoring Committee reviews proposals
  - In-person interviews are conducted (Optional)
- Intent to award issued
- Contract negotiated
- Estimated Council Action Date: September/October

STAFF RECOMMENDATION
Staff has no formal recommendation on the two options that have been presented for Council consideration. This item is a policy decision by the Council and staff is to support the direction provided.

SUGGESTED MOTION
Based on the discussion and direction provided by Council to staff.

EXHIBITS
Code, Charter and Oregon Revised Statute language pertaining to TLT collection and distribution.

Medford Municipal Code: 8.815 Administration

(1) Special Fund. The Finance Director shall deposit twenty-five percent of the proceeds of the transient lodgings tax as they are received in a special fund to be known as the "Community Promotions Fund" and the balance of the proceeds shall be deposited in the General Fund. The Community Promotions Fund shall be used for the purpose of promoting, directly or through contract, the use of the City of Medford for recreational, cultural, convention and tourist-related activities and services. However, the city council may by resolution transfer all or part of the balance remaining in the Community Promotions Fund at the end of any fiscal year to the General Fund.

Supplement to the Medford Charter of 1998
(Amended by Vote of People in 2000)

Transient Lodging Tax. The council may by ordinance impose and levy a tax not exceeding 9% on gross receipts for the privilege of occupying room or space in any hotel, inn, motel, apartment or boarding house, mobile home or trailer park or court, or any other place in the city where space designed or intended for lodging-occupancy is rented by any person or persons, for a period of twenty-seven days or less. This tax shall not apply to hospitals, convalescent or nursing homes, or public institutions, or permanent occupancy as defined by ordinance. Minimum rentals to which the tax shall apply may be fixed by ordinance. The tax imposed shall be collected by the owner or operator of the rental space in addition to the rental charged, as provided by ordinance. Revenues from such tax may be used for general city purposes, as the council may find appropriate, provided that an amount, not to exceed twenty-five percent of the proceeds of said tax, may be used for the purpose of promoting, directly or through contract, the use of the City of Medford for recreational, cultural, convention and tourist-related activities and services. (Added to the Charter as an amendment thereof by election on August 5, 1975.)

***

ORS 320.350 Tax moratorium; exceptions; uses of revenues. (1) A unit of local government that did not impose a local transient lodging tax on July 1, 2003, may not impose a local transient lodging tax on or after July 2, 2003, unless the imposition of the local transient lodging tax was approved on or before July 1, 2003.

(2) A unit of local government that imposed a local transient lodging tax on July 1, 2003, may not increase the rate of the local transient lodging tax on or after July 2, 2003, to a rate that is greater than the rate in effect on July 1, 2003, unless the increase was approved on or before July 1, 2003.

(3) A unit of local government that imposed a local transient lodging tax on July 1, 2003, may not decrease the percentage of total local transient lodging tax revenues that are actually expended to fund tourism promotion or tourism-related facilities on or after July 2, 2003. A unit of local government that agreed, on or before July 1, 2003, to increase the percentage of total local transient lodging tax revenues that are to be expended to fund tourism promotion or tourism-related facilities, must increase the percentage as agreed.

(4) Notwithstanding subsections (1) and (2) of this section, a unit of local government that is financing debt with local transient lodging tax revenues on November 26, 2003, must continue to finance the debt until the retirement of the debt, including any refinancing of that debt. If the tax is not otherwise permitted under subsection (1) or (2) of this section, at the time of the debt retirement:

(a) The local transient lodging tax revenue that financed the debt shall be used as provided in subsection (5) of this section; or

(b) The unit of local government shall thereafter eliminate the new tax or increase in tax otherwise described in subsection (1) or (2) of this section.

(5) Subsections (1) and (2) of this section do not apply to a new or increased local transient lodging tax if all of the net revenue from the new or increased tax, following reductions attributed to collection reimbursement charges, is used consistently with subsection (6) of this section to:

(a) Fund tourism promotion or tourism-related facilities;

(b) Fund city or county services; or

(c) Finance or refinance the debt of tourism-related facilities and pay reasonable administrative costs incurred in financing or refinancing that debt, provided that:

(A) The net revenue may be used for administrative costs only if the unit of local government provides a collection reimbursement charge; and

(B) Upon retirement of the debt, the unit of local government reduces the tax by the amount by which the tax was increased to finance or refinance the debt.

(6) At least 70 percent of net revenue from a new or increased local transient lodging tax shall be used for the purposes described in subsection (5)(a) or (c) of this section. No more than 30 percent of net revenue from a new or increased local transient lodging tax may be used for the purpose described in subsection (5)(b) of this section.

(7)(a)(A) A local transient lodging tax must be computed on the total retail price, including all charges other than taxes, paid by a person for occupancy of the transient lodging.

(B) The total retail price paid by a person for occupancy of transient lodging that is part of a travel package may be determined by reasonable and verifiable standards from books and records kept in the ordinary course of the transient lodging tax collector's business.

(b) The tax shall be collected by the transient lodging tax collector that receives the consideration rendered for occupancy of the transient lodging. [2003 c.818 §11; 2013 c.610 §10]

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 130.1

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

AGENDA SECTION: Public Hearings
MEETING DATE: June 15, 2017

PUBLIC HEARING - CONTINUED
Consideration of an appeal of an administrative decision regarding the sidewalk and curb ramp fronting Wolf Run and Eagle Trace.

SUMMARY AND BACKGROUND
On March 15, 2017, a letter was sent to David and Elahe Young informing them that the sidewalk and curb ramp fronting Wolf Run and Eagle Trace (Map and Tax Lot 371W-23CC-2600) are defective and need to be repaired. Mr. and Mrs. Young are appealing as they disagree with the finding reached by the Public Works Department.

PREVIOUS COUNCIL ACTIONS
On May 18, 2017, this appeal was continued at the appellant's request.

ANALYSIS
Section 3.010 of the Medford Municipal Code (MMC) requires property owners of property within the city to inspect and maintain all sidewalks abutting their property in a condition safe for use by the public at all times. The code further states that if any property owner, by his/her neglect to perform any duty required by this section, causes injury or damage to any person or property, s/he shall be liable to the person suffering such injury or damage and indemnify the city for all damages it has been compelled to pay in such cases.

The defective sidewalk offsets at this address range from approximately 1-6/8" to 2", which exceed ADA standards. There is also standing water at a curb ramp that is not in compliance with ADA standards.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
None

TIMING ISSUES
None

COUNCIL OPTIONS
Approve, modify, or deny the appeal.

STAFF RECOMMENDATION
Staff recommends denial of the appeal.

SUGGESTED MOTION
I move to deny the appeal of an administrative decision regarding the defective sidewalk and curb ramp at Wolf Run and Eagle Trace (Map and Tax Lot 371W-23CC-2600).

EXHIBITS
Appeal Letter
Notification of Defective Sidewalk and Curb Ramp
Photos

March 21, 2017.

Medford City Recorder
411 West 8th Street
Medford, Oregon 97504

Dear City Recorder,

I have enclosed a letter dated March 15, 2017 from Lorraine Peterson, Public Works Business Manager, directing that I must provide a "written request" to the Medford City Recorder within 10 days of her March 15 letter to me to request a hearing before the Medford City Council to appeal the demand from the Public Works Department to repair a sidewalk at the address she gives in the letter.

Therefore, I hereby appeal for a hearing before the Medford City Council as I "disagree with" the finding reached by Public Works Department upon which the March 15, 2017 demand letter is based and which letter is copied to you with this appeal.

Would you kindly inform me of the date and time and place of the City Council Meeting and what is the protocol for my appearance to make my appeal. Would you please mail the same to me at the address below and also confirm that this letter of appeal was received by you "within ten (10) days of" the March 15, 2017 letter from Lorraine Peterson to me.

I greatly appreciate your time and attention in this matter.

Sincerely,

David F. Young MD
348 S. Modoc Ave
Medford, Oregon 97504

RECEIVED
MAR 24 2017
CITY OF MEDFORD
CITY RECORDER'S O

Continuous Improvement Customer Service

CITY OF MEDFORD

PUBLIC WORKS DEPARTMENT:
ENGINEERING & DEVELOPMENT

200 S. IVY STREET, 2nd FLOOR
MEDFORD, OREGON 97501
www.ci.medford.or.us

TELEPHONE (541) 774-2100
FAX (541) 774-2552

March 15, 2017

David and Elahe Young
1309 NE Sixth St
Grants Pass, OR 97526

RE: Defective Sidewalk at Wolf Run and Eagle Trace, (371W-23CC-2600), Case # 17-874

Dear Mr. and Mrs. Young,

We have received a complaint regarding the condition of the sidewalk abutting property owned by you at the above location, including the curb ramp at the corner.

As stated in Section 3.010 of the Medford Municipal Code, property owners are responsible for maintaining all public sidewalks abutting their property; this includes curb ramps. Any injuries sustained by the public as a result of this defective condition are the liability of the property owner.

The sidewalk and curb ramp in question must be repaired to current American With Disabilities Act (ADA) standards within 30 days of this letter. A copy of the standards for curb ramps is included with this letter. If you need more than 30 days to complete the repairs, a one-time 90-day extension may be granted by the Public Works Director. A written request or email needs to be submitted to the Engineering Division of Public Works at the above address briefly explaining the basis for your request, within 10 days of receiving this notice. This is the only notice you will receive. If the curb ramp is not repaired in 30 days or by the end of the extension period, the City may hire a contractor to do the work with the costs being assessed to you. These costs would include payments to the contractor plus a 25% administrative fee.

A permit is required and can be obtained from the Engineering Division office at 200 S Ivy St. 2nd floor, or from the City of Medford's Public Works homepage at www.ci.medford.or.us.

Right to Appeal

If you disagree with our determination that the sidewalk and/or curb ramp are defective, you may appeal for a hearing before the City Council. A **written request must be mailed** to the City Recorder at 411 W. 8th St., Medford, OR 97501 within ten (10) days of receipt of this letter. The request needs to include your reason for opposing the repair of the curb ramp.

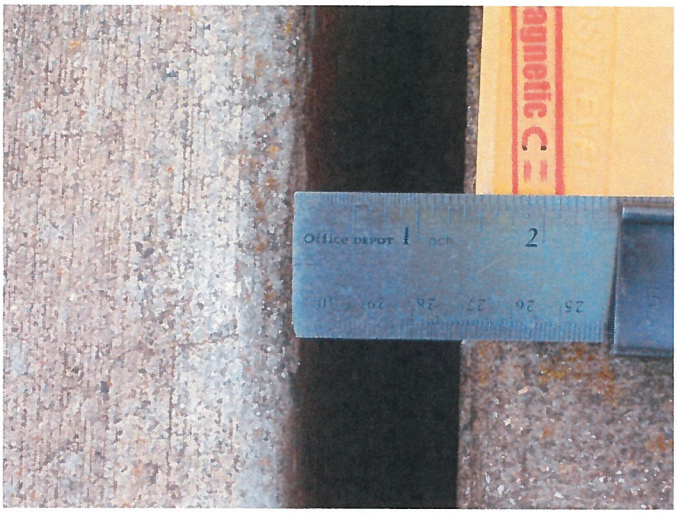
Please call 541-774-2100 if you have any questions or would like our inspector to contact you.

Sincerely,

Lorraine Peterson

Lorraine Peterson
Public Works Business Manager

WOLF RUN
EAGLE TRACE


Office DEPOT

POST LEVEL
Magnetic

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 130.2

DEPARTMENT: Business Licenses; Legal
PHONE: 541-774-2367; 541-774-2020
STAFF CONTACT: Eric Mitton, Senior Assistant City Attorney
Tina Garvin, Development Services Manager

AGENDA SECTION: Public Hearings
MEETING DATE: June 15, 2017

PUBLIC HEARING

Consideration of an appeal of the City Recorder's administrative decision regarding a Taxi Driver's ID card.

SUMMARY AND BACKGROUND

Medford Code section 8.425 states that a Taxi Driver's ID Card may be issued if and only if the applicant is free of disqualifying events, which include any convictions for misdemeanor person crimes for a three-year period. The Medford Police Department issued a letter stating an intent to revoke the ID Card of Ray Robinson based on that provision (specifically, a misdemeanor conviction for assault on June 22, 2016). Mr. Robinson appealed, and the City Recorder confirmed the existence of a disqualifying event.

City Council, the final level of appeal of the denial of an ID Card, has discretion pursuant to Medford Code section 8.004(6) to issue an ID Card notwithstanding the existence of a disqualifying event, if the applicant provides sufficient indicia of rehabilitation. Mr. Robinson has timely appealed to City Council seeking to prevent revocation of his ID Card notwithstanding the disqualifying event.

PREVIOUS COUNCIL ACTIONS

This is the second time Mr. Robinson has been before Council on a matter such as this; Council passed Resolution 2011-77 on May 11, 2011, approving the issuance of a Taxi Driver's ID Card to Mr. Robinson notwithstanding his felony assault conviction dated August 8, 2006.

ANALYSIS

Pursuant to Medford Code section 8.425(2)(e)(vii), a Taxi Driver's ID Card may not be issued (and an existing ID Card may be revoked) if the applicant has been convicted of a misdemeanor person crime within three years of the date of the application. City Council may nevertheless issue an ID Card if the applicant provides sufficient indicia of rehabilitation. Mr. Robinson does not dispute the June 22, 2016 conviction, but nevertheless seeks to prevent revocation of his current ID Card, asserting various evidence of rehabilitation.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

Pursuant to Medford Code section 1.025, Council must hear this appeal within 30 days of the City Recorder's receipt of the Notice of Appeal, which was filed on May 25, 2017.

COUNCIL OPTIONS

(1) Find that there is sufficient indicia of rehabilitation, granting Mr. Robinson a Taxi Driver's ID Card; or
(2) Find that there is not sufficient indicia of rehabilitation, denying the issuance of a Taxi Driver's ID Card.

STAFF RECOMMENDATION

The Medford Police Department respectfully recommends denial of the appeal and the City Attorney's Office concurs.

SUGGESTED MOTION
I move to affirm the administrative decision of the City Recorder and revoke the Taxi Driver's ID Card of Ray Robinson.

EXHIBITS
Executive Summary

Executive Summary

June 7, 2017

Description

Consideration of an appeal of the City Recorder's affirmation of the Medford Police Department's letter seeking to revoke a Taxi Driver's ID Card. (Business License # 17-42504)

Appellant contends that notwithstanding his disqualifying criminal conviction, Council should exercise the discretion permitted in Medford Code 8.004(6) to issue a Taxi Driver's ID Card. Council is the one and only level of appeal that has discretion under the Code to issue a license notwithstanding disqualifying events.

What are the issues before the City Council?

The sole issue before City Council is whether a Taxi Driver's ID Card should be issued to Appellant.

City Council Scope of Review

The City Council's scope of review is listed in Medford Code Sections 1.025(4) and 8.004(6). The former states:

> *At the hearing the appellant or other parties interested may present witnesses and offer evidence in support of their case and, in the discretion of the council or appellate board, evidence may be heard to sustain the administrative decision.*

The latter states:

> *In addition to the Council's authority under Section 1.025, Council may authorize issuance of a taxi driver's ID card if Council finds reliable indicia of rehabilitation from a disqualifying event listed in Section 8.425. In making its decision, Council may consider information including but not limited to: evidence of (a) successful completion of addiction recovery or substance abuse program; (b) successful completion of anger management or cognitive behavioral training; (c) successful family programming treatment; (d) gainful employment; (e) stable housing; (f) testimony from a mentor; (g) testimony from victims or victims services organizations; (h) testimony from professionals in the field of criminal rehabilitation, probation, transition or parole; (i) reference from employers; (j) lack of additional convictions or traffic citations; or (k) lack of fines owed to Municipal Court.*

Chronology

1. On March 22, 2005, Appellant was convicted of misdemeanor assault.

2. On August 8, 2006, Appellant was convicted of two counts of assault (one felony, one misdemeanor).

3. On May 11, 2011, Council granted Appellant a Taxi Driver's ID Card notwithstanding his felony assault conviction.

4. On May 25, 2016, Appellant was convicted of misdemeanor harassment for a physical altercation with his adult son March 10, 2016. Felony charges of assault in the fourth degree and strangulation were dismissed as part of that plea agreement.

5. On April 21 and April 24, 2017, respectively, the Medford Police Department and City of Medford Business Licenses issued letters seeking to revoke Appellant's ID Card based upon the June 22, 2016 conviction.

6. On April 28, 2017, Appellant timely appealed from the revocation letters.

7. On May 9, 2017, a hearing was held before the City Recorder. Appellant appeared and testified at that hearing, as did a representative of Tic Tock Taxi.

8. On May 15, 2017, the opinion of the City Recorder was issued affirming the revocation letters.

9. On May 25, 2017, Appellant timely appealed to Council.

Medford Code Criteria

8.425 Taxi Driver's ID Card

(1) No person shall operate a taxicab who does not have a taxi driver's ID Card issued by the Police Department.
(2) A taxi driver's ID card shall be issued by the Police Department upon receipt of written application, certified copy of The Oregon State Police Background Check, and a fee as set forth in 8.400, if and only if the Police Department finds that the applicant:
(a) Is twenty-one years of age or older; and
(b) Possesses a valid motor vehicle operator's license; and
(c) Has not been declared a habitual traffic offender within five (5) years of the date of this application; and
(d) If the applicant has ever been declared a habitual traffic offender, has not been convicted of a traffic crime within five (5) years of the date of this application; and
(e) Has not been convicted of any of the following crimes or any similar crimes in any degree at any time:
(i) Any felony crime committed against another person
(ii) Any person who is a registered sex offender

(iii) Any felony crime involving use of a weapon
(iv) Any felony property crime within five (5) years of the date of this application
(v) Any traffic crime within three (3) years of the date of this application
(vi) Any drug offense within five (5) years of the date of this application
(vii) Any misdemeanor person crime within three (3) years of the date of this application
(viii) Any misdemeanor property crime within three (3) years of the date of this application
(ix) Any misdemeanor crimes against public order within two (2) years

(f) Did not knowingly make any false statement in the application for the license.

(3) The Finance Director shall revoke the taxi driver ID card of a driver who fails to meet the qualifications set out in this section after a permit has been issued to that person. A person whose permit is denied or revoked may reapply after one year if the applicant meets the qualifications set forth in this section for a new applicant.

(4) A taxi driver's ID card is not transferable.

(Underlining added). Nevertheless, Council has discretion to authorize issuance or renewal of an ID Card notwithstanding a disqualifying event as described in the "City Council Scope of Review" section above.

Notice of Appeal

A Notice of Appeal was filed by Appellant on May 25, 2017, which is within 10 days of the date the Recorder's decision letter was mailed, as required in MC 1.025(1). The Notice of Appeal does not dispute the factual or legal determinations as to the requirements of MC 8.425, but instead focuses solely on Council's discretion to disregard those disqualifying events.

Staff Response:

I. Factors in 8.004(6)

The Code provides a non-exclusive list of examples of what might constitute "sufficient indicia of rehabilitation" for a disqualifying event. Appellant is not required to provide evidence as to each factor; these are merely examples of what might constitute indicia of rehabilitation.

A. "successful completion of addiction recovery or substance abuse program"

Appellant has not provided any such evidence.

B. "successful completion of anger management or cognitive behavioral training"

Appellant testified that he engaged in one such program subsequent to his 2006 conviction, but has not provided any testimony regarding participating in such a program subsequent to his 2016 conviction.

C. "successful family programming treatment"

Appellant has not provided any such evidence.

D. "gainful employment"

A representative of Tic Tock Taxi testified that Appellant has driven for the company for years and is a highly valued driver. Appellant testified that driving a taxi has been his full-time employment for years and is how he provides for his family. Appellant testified that none of the convictions referenced above arose in the workplace or with passengers.

E. "stable housing"

Staff has communicated with Applicant via his home address and has no reason to doubt the stability of his housing.

F. "testimony from a mentor"

Appellant's employer testified at the hearing before the City Recorder and provided a glowing endorsement of Appellant as an employee and a driver.

G. "testimony from victims or victims services organizations"

Appellant has not provided any such evidence.

H. "testimony from professionals in the field of criminal rehabilitation, probation, transition or parole"

Appellant has not provided any such evidence.

I. "reference from employers"

As noted above, Appellant's employer testified on his behalf at the hearing before the City Recorder.

J. "lack of additional convictions or traffic citations"

Appellant has not had any convictions subsequent to his May 25, 2016 conviction. However, his prior convictions for assault in 2005 and 2006, including two misdemeanor assault convictions and a felony assault conviction, raise a concern about a pattern of behavior.

H. Lack of fines owed to Municipal Court.

Staff has confirmed that Appellant owes no fines to the Medford Municipal Court.

II. Other factors

Council may consider other indicia of rehabilitation not expressly listed in 8.004(6); that list is not an exclusive list of what evidence may indicate rehabilitation. Mr. Robinson has argued that all of the convictions arise out of family incidents, not workplace conduct or interactions with passengers. Although this factor is not specifically enumerated in 8.004(6)—the Code on its face draws no distinction between on-the-job disqualifying events and off-the-job disqualifying events—Council has discretion to consider this argument by Appellant if it so chooses.

Recommendation

The Medford Police Department respectfully recommends denial of the appeal and the City Attorney's Office concurs.

EXHIBITS

1 Revocation letter from Police, dated April 21, 2017
2 Revocation letter from Business Licenses, dated April 24, 2017
3 Appellant's Notice of Appeal, received April 28, 2017
4 Notice of Hearing with City Recorder, dated April 28, 2017
5 Post-Hearing Decision of City Recorder, dated May 15, 2017
6 Appellant's City Council Notice of Appeal, received May 25, 2017

CITY OF MEDFORD
411 W. 8TH ST
MEDFORD, OR 97501

Medford Police Dept.
Criminal Investigations

PHONE: (541) 774-2230
FAX: (541) 618-1733

April 21, 2017

Mr. Raymond Robinson
525 Mace Rd
Medford, OR 97501

Dear Mr. Robinson,

Upon investigating your application for a Medford Taxi Driver ID Card, I have found that you were convicted of harassment on May 23, 2016. Medford Municipal Code 8.425 (2), (e) (vii), precludes you from receiving a Medford Taxi Driver ID Card due to being convicted of a misdemeanor person crime within three (3) years of the date of this application.

I am therefore denying your application for a Taxi Driver ID Card. To appeal this decision, you must notify Karen Spoonts in the City Manager's Office at 541-774-2200 of your intent to request an evidentiary hearing to dispute the proposed decision. You have 7 days from the date of this letter to contact Ms. Spoonts.

I have enclosed a copy of Medford Municipal Code 8.425 for your reference. Tic Tock Taxi has been notified of the denial.

Sincerely,

#457

Sergeant Lane
Special Services
541-774-2292

CC: Tic Tock Taxi
mal

Your Police – Our Community

EXHIBIT
tabbies
1

8.425 Taxi Driver's ID Card

(1) No person shall operate a taxicab who does not have a taxi driver's ID Card issued by the Police Department.

(2) A taxi driver's ID card shall be issued by the Police Department upon receipt of written application, certified copy of The Oregon State Police Background Check, and a fee as set forth in 8.400, if and only if the Police Department finds that the applicant:

(a) Is twenty-one years of age or older; and

(b) Possesses a valid motor vehicle operator's license; and

(c) Has not been declared a habitual traffic offender within five (5) years of the date of this application; and

(d) If the applicant has ever been declared a habitual traffic offender, has not been convicted of a traffic crime within five (5) years of the date of this application; and

(e) Has not been convicted of any of the following crimes or any similar crimes in any degree at any time:

(i) Any felony crime committed against another person

(ii) Any person who is a registered sex offender

(iii) Any felony crime involving use of a weapon

(iv) Any felony property crime within five (5) years of the date of this application

(v) Any traffic crime within three (3) years of the date of this application

(vi) Any drug offense within five (5) years of the date of this application

(vii) Any misdemeanor person crime within three (3) years of the date of this application

(viii) Any misdemeanor property crime within three (3) years of the date of this application

(ix) Any misdemeanor crimes against public order within two (2) years

(f) Did not knowingly make any false statement in the application for the license.

(3) The Finance Director shall revoke the taxi driver ID card of a driver who fails to meet the qualifications set out in this section after a permit has been issued to that person. A person whose permit is denied or revoked may reapply after one year if the applicant meets the qualifications set forth in this section for a new applicant.

(4) A taxi driver's ID card is not transferable.

[Amd. Sec. 1 Ord. No. 6762, Nov. 1, 1990; Amd. Sec. 1, Ord. No. 8040, Apr. 4, 1996; Amd. Sec. 1, Ord. No. 1999-11, Feb 4, 1999; Amd. Sec. 3, Ord. No. 2000-73, April 20, 2000; Amd. Sec. 6, Ord. No. 2003-178, June 19, 2003; Amd. Sec. 6, Ord. No. 2005-174, Aug. 18, 2005. Fee effective Oct. 1, 2005; Amd. Sec. 4, Ord. No. 2007-147, July 5, 2007; Amd. Sec. 6, Ord. No. 2008-172, Aug. 21, 2008; Amd. Ord. No. 2010-237, Nov. 4, 2010; Amd. Ord. No. 2011-173, Sept. 1, 2011.]

BUILDING SAFETY
DEPARTMENT
Business License Division

CITY OF MEDFORD
LAUSMANN ANNEX
200 SOUTH IVY STREET
MEDFORD, OREGON
97501

TELEPHONE: (541) 774-2025
FAX: (541) 618-1726
E-MAIL:
businesslicenses@cityofmedford.org

April 24, 2017

Mr. Raymond Robinson
525 Mace Road
Medford, OR 97501

Re: City of Medford Taxi Driver ID Card

Dear Mr. Robinson,

For the reasons described in the enclosed letter from the Medford Police Department, your application for a Taxi Driver ID Card has been denied.

Per Section 8.004 of the Medford Municipal Code, this denial shall be deemed final May 2, 2017. If you believe this denial is in error, you may appeal the decision by filing a notice of intent to appeal before the close of business on May 2, 2017. Filing fee for this appeal is $100.00, paid to the City of Medford. Mailed or hand- delivered to:

Karen Spoonts, City Recorder
411 West 8th Street, Room 310
Medford, OR 97501
541-774-2017

Upon filing a timely notice of appeal, the City Recorder shall notify the applicant regarding the time and place of an appeal hearing. At the hearing, the applicant will have the opportunity to present additional information and evidence. The City Recorder shall make a final determination at that time.

If you have any questions regarding the appeal process, please contact Vickie Knecht, Business License Technician at (541) 774-2025.

Respectfully,

Vickie Knecht
Business License Technician

Cc: Eric B. Mitton, Senior Assistant City Attorney
Sam Barnum, Building Safety Director
Tina Garvin, Development Services Manager

Enclosure:

EXHIBIT
tabbies
2

EXHIBIT
3

RECEIVED
APR 27 2017
CITY OF MEDFORD
CITY RECORDER'S OFFICE

To: City of Medford

I'm writing this Letter to appeal to a sence of Fairness. I recieved a missdemeaner For Harrassment, from an incident between my son and I. Understand that my son Has been battling an opiate addiction For 5+ years while living at home. That is not an excuse For what took place. I'm hoping that 6+ years of being a really good Taxi Driver in our Community will count For Something. I've never had as much as a complaint against Me For anything. I treat everyone with respect and honesty. What happened between my son and I was and should have been private, but because he was drunk and High he envolved the Police. The incident was deemed to be simple Harrassment. No Fine, no Sactions, nothing. I take Full responsability For what happened, but do not see that it should effect my ability to support my Family. I have a Daughter that is a strait A student At Crater HighSchool. She is working very hard to become a Veterinarian and my son was not respecting the Fact that she was asleep and had to get up and go to School. So when he stood up and Punched me 3 time's I tried to Force him out of the house. it escalated From there. My Fault because I'm the Parent. I've have never put my hand's on my children in anger until that night.
My son is now in Florida in a 9 month Rehab

center that we as a family pray will bring our wonderful son back to us. until he got involved in this terrible Drug He was and still is my hero. I have since Made amends with him and still Love him with every bone in my Body. Weather or not you allow me to go back to the Job that I Love doing, my Focus is and has always been For 5+ years to save my Sons Life. I do my Job with the utmost integrity and you can ask any of the Server's or Customers of mine and they will tell you the same thing. I have developed quite a Following. I help the police quite often to take drunk driver's OFF the road's. I have many Friends in the Police office and would never do anything to effect that relationship. I take my Job very Seriously, and I do it Weather or not the intoxicated Person has money or not. I still make sure they get home Safely and Don't Drive. Ask anyone downtown, and business owner or anyone and they will tell you the Same. I guess Im asking that you do not Label me as a danger to this Community. Because I'am anything but. If you allow me to Keep my Job I can promiss I will do it very well and with the same integrity and honesty that I have always.

Thanks Ray Robinson

OFFICE OF
THE CITY RECORDER
cromed@ci.medford.or.us

CITY OF MEDFORD
411 WEST 8TH STREET
MEDFORD, OREGON 97501

TELEPHONE (541) 774-2017
FAX: (541) 617-1800
www.ci.medford.or.us

April 28, 2017

Ray Robinson
525 Mace Road
Medford, OR 97501

Mr. Robinson:

The City Recorder's office has received your request for a hearing concerning the denial of a taxi driver ID card. The hearing has been scheduled for Tuesday, May 9, 2017 at 10:00 a.m. in the City Manager's Conference Room located on the third floor of City Hall, 411 W. 8th Street, Medford. Please check in at the City Manager's office.

The hearing will begin with your presentation of information regarding your appeal; City staff will then present their information. No decision will be made during the hearing. Once a decision has been made, the decision will be mailed to all parties involved.

If you have any additional questions you may contact the City Recorder's office.

Sincerely,

Karen M. Spoonts, MMC
City Recorder

cc: Eric Mitton, Legal Department
Tina Garvin, Building Department
Vickie Knecht, Building Department
Sam Barnum, Building Department
Don Lane, Police Department
Tic Tock Taxi

EXHIBIT
4

OFFICE OF
THE CITY RECORDER
cromed@ci.medford.or.us

CITY OF MEDFORD
411 WEST 8TH STREET
MEDFORD, OREGON 97501

TELEPHONE (541) 774-2017
FAX: (541) 617-1800
www.ci.medford.or.us

May 15, 2017

Ray Robinson
525 Mace Road
Medford, OR 97501

Mr. Robinson:

On Tuesday, May 11, 2017 an appeal hearing was held at your request regarding the denial of a business license and T-card. This letter will serve as the written decision described in Medford Code 8.004(5).

This matter arose on the revocation of an existing Taxi Driver's ID Card for Ray Robinson and his timely appeal from that revocation letter. The basis of the proposed revocation was Appellant's June 22, 2016 conviction for misdemeanor assault. Pursuant to Medford Municipal Code 8.425, a conviction for a misdemeanor person crime causes a three-year disqualification from the date of the conviction. Appellant's preexisting ID card remains valid while this appeal is ongoing.

Documentation from the 2016 conviction was entered into the record, specifically the police report, the probable cause affidavit, the district attorney's information, the indictment, the petition to enter plea of guilty, and the judgment.

Docket reports were also entered into the record of Appellant's 2006 conviction for felony assault and 2004 conviction for misdemeanor assault. I also note that City Council previously authorized the issuance of a Taxi Driver's ID Card to Appellant notwithstanding the 2006 conviction, based upon Council's finding of reliable indicia of rehabilitation.

Appellant testified that the 2016 case involved his adult son, who is struggling with drug addiction, and was under the influence of drugs and out of control at the time. Appellant testified that his son had hit him several times when he responded with the force that resulted in criminal charges, and that it was the only time he had ever laid hands on his son. Appellant showed remorse and regret, and noted that his son is now in in-patient drug rehabilitation at a facility in the state of Florida. Appellant testified that the prior cases involved his wife and asserted that she had a drinking problem at the time.

Appellant also testified that driving a taxi is his full-time job (48 hours per week), he has never had any problems with taxi customers, and to the contrary, he has an excellent relationship with a number of repeat clients for his company. A representative of Tic Tock Taxi also testified on Appellant's behalf and stated that he has always done a superb job for the company, is excellent to work with, and is liked and trusted by the company's repeat clientele.

Based on the above, I find that there is no factual error or legal error in the letter from the Medford Police Department. Unless Appellant appeals to Council and Council exercises its discretion, Appellant will be subject to a disqualification period ending on June 22, 2019 (three years from the date of the conviction). City Council has sole discretion to decide whether to issue a Taxi Driver's ID Card despite a disqualifying conviction, so I make no findings as to whether the evidence presented in this record demonstrates "reliable indicia of rehabilitation" to support such a decision.

EXHIBIT
5

You may appeal the decision of the City Recorder to the City Council under the procedures and standards set out in Medford Code 1.025(1) and 8.004(6) within 10 days after the City Recorder's decision is mailed. No additional fee is required. The matter will be scheduled for with City Council within 30 days of receipt of Appellant's notice of appeal.

Sincerely,

Karen M. Spoonts, MMC
City Recorder

Enclosures: Medford Code 1.025 and 8.004

cc: Eric Mitton, Legal Department
Sgt. Don Lane, Police Department
Tina Garvin, Building Department
Sam Barnum, Building Department
Brad Green, Tic Toc Taxi

May 25th 2017

I Ray Robinson wish to appeal The decision to Revoke my Taxi T-card to the City concil. I believe what happened does Not make me a danger to my clients as a driver of a Taxi. What happened was between a Father and a son. What happened was a compileing of 5½ years of trying to deal with a drug addict who was disrespecting our Family and the rules of the house. I regret Fully my actions on that night and have taken full responsibilty. I have never had any problem's with any clients in my cab or with the community as a whole. I take my Job very seriously, and I hope you can see past this and allow me to Resume my Job. I have never been envolved in an accident or had any Problem's with Police. I truley believe this should Not be a reson to take my Job From me. My Family relies on me to do what I Can to support them. Please allow me to Continue what I do, as I will continue to do it with Honesty and intergrity.

Thank you

Ray Robinson

RECEIVED
MAY 25 2017
CITY MANAGER'S OFFICE

EXHIBIT
6

CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 130.3

DEPARTMENT: Planning Department
PHONE: (541) 774-2380
STAFF CONTACT: Matt H. Brinkley, Planning Department Director

AGENDA SECTION: Public Hearings
MEETING DATE: June 15, 2017

COUNCIL BILL 2017-67
An ordinance amending section 10.840 of the Medford Code pertaining to mobile food truck vendors.

SUMMARY AND BACKGROUND
The proposal came from a citizen request to initiate a code amendment. The request came from the owners of Buttercloud Bakery, Ellen and Gibson Holub, to consider increasing the size permitted for temporary mobile food vendors, or food trucks. City Council had directed the Planning Commission to determine if an amendment to the standards for food trucks was warranted. It was on December 12, 2016 that the Planning Commission met to discuss food trucks and had directed Staff to draft a proposal increasing the size allowance and considering other standards where appropriate, and thus initiating the code amendment. The standards that have been addressed in the proposal include increasing the size permitted for mobile food vendors, defining the use of outdoor equipment, and changes pertaining to agency comments received. (DCA-17-007)

PREVIOUS COUNCIL ACTIONS
The City Council has taken various actions throughout the past regarding mobile food vendors. The following ordinances and actions pertain to mobile food vendors:

Ordinance 7759 (1994): Repealed sunset clause on ordinance #7511 that set standards for mobile food vendors
Instructed (1997): Gave instruction for staff to review increasing permitted vendors' size
Ordinance 2001-166 (2001): Amended code to separate mobile vendors and small vendors
Instructed (2002): Directed staff to prepare standards for use of mobile food vendors in public rights-of-way and in City parks
Ordinance 2010-17 (2010): Failed ordinance to increase size to 170 square feet.
Motion (2010): Directed staff to prepare a new code amendment reconsidering Ordinance 2010-17
Ordinance 2010-161 (2010): Amended code to increase square footage to 170 for mobile vendors.
Instructed (2016): Directed staff to prepare a proposal to increase permitted size for mobile food vendors

ANALYSIS
The proposal largely considers the effects of increasing the allowance for mobile food vendor size. The size standards for mobile food vendors are currently regulated by square footage allowing for 128 square feet within the Central Business (C-B) Overlay and 170 square feet outside of the C-B. As proposed, the size standards would be regulated by truck length. If adopted, the new standards would allow for a 16 foot mobile food vendor in the C-B Overlay and a 20 foot mobile food vendor outside of the C-B Overlay. The changes would allow for easier enforcement and interpretation of the code while increasing opportunity for mobile food vendors in Medford. Other changes within the proposal reflect comments received from other City departments and the Planning Commission with no change to how the code functions currently outside of the size standard changes proposed.

A detailed analysis of the proposal is provided in the Commission Report.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
None.

TIMING ISSUES
None.

COUNCIL OPTIONS
Approve, modify or deny the ordinance.

STAFF RECOMMENDATION
Staff recommends approval of the ordinance.

SUGGESTED MOTION
I move to approve the ordinance changing the following standards for temporary mobile food vendors: modify the size standards from square footage to vehicle length excluding cabs, update code to reflect Fire Department Comments, and define outdoor equipment for temporary mobile food vendors.

EXHIBITS
Ordinance
Commission Report

ORDINANCE NO. 2017-67

AN ORDINANCE amending section 10.840 of the Medford Code pertaining to mobile food truck vendors.

Section 1. Section 10.840 of the Medford Code is amended to read as follows:

10.840 Temporary Uses and Structures.
***
(6) Removing the wheels or setting the movable structure or vehicle on posts or footings shall not exempt the movable structure or vehicle from the provisions of this section **and may cause the structure to be subject to the development standards of Article V.**
***
(3) Temporary Mobile Vendors.
***
ii. In addition to the requirements of Chapter 8, the applicant shall submit a site plan drawn to scale indicating the following:
(a) ~~Dimensions of the temporary food vendor unit.~~ **Length of the temporary mobile food vendor unit (Measurement of the length of a mobile food vendor is explained in Figure 10.840 – 1).**
***
(g) Location of utility connections, if any.

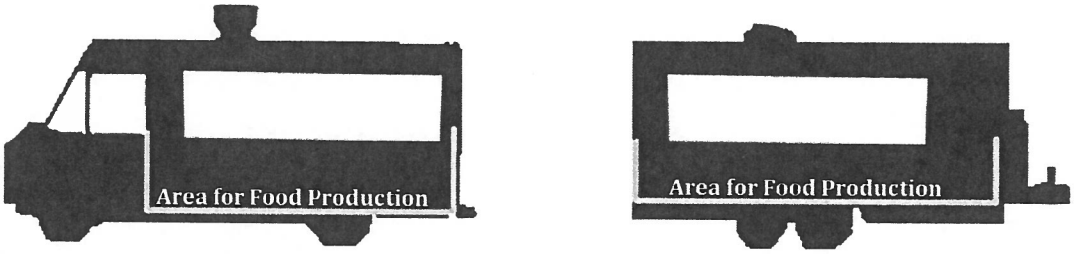


Figure 10.840 -1: The length of a mobile food vendor shall only include the length of the area devoted to the production of food excluding things such as vehicle cabs, bumpers, trailer tongues, slide outs and trailer hitches.
***
(b) When within both the Central Business (C-B) and Historic Preservation (H) Overlays:
(1) The exterior length ~~and width, when multiplied, shall be no more than 128 square feet, including any slide-outs, and excluding trailer tongue and bumper~~ **shall not exceed 16 feet (See Figure 10.840 – 1 for measurement guidance).**
(2) Outdoor equipment, such as tables and chairs, shall not be permitted. **Outdoor equipment shall include seating, tables, grills, and other items used for preparing food or accommodating guests.**
(c) In all other zones:
(1) The exterior length ~~and width, when multiplied, shall be no more than 170 square feet, including~~

~~any slide outs, and excluding trailer tongue, and bumper.~~ **shall not exceed 20 feet (see Figure 10.840 – 1 for measurement guidance).**

(2) An additional 170 square feet is allowed for outdoor equipment. **Outdoor equipment shall include seating, tables, grills, and other items used for preparing food or accommodating guests.**

***

(g) Temporary food vendors shall ~~comply with the Fire Department's Outdoor Food Vendor Safety Checklist.~~ **obtain an operational permit from the Fire Department.**

***

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

ATTEST: _____ _____

City Recorder Mayor

APPROVED _____, 2017. _____

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.

COMMISSION REPORT

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

Project	Mobile Food Vendors	
File no.	DCA-17-007	
To	Mayor and City Council	*for 06/15/2017 hearing*
From	Planning Commission *via* Kyle Kearns, Planner II Long-Range Division	
Reviewer	Carla G. Angeli Paladino, Principal Planner Long-Range Division	
Date	June 08, 2017	

BACKGROUND

Proposal

DCA-17-007 is a legislative amendment to revise the special use regulations for temporary mobile food vendors, Section 10.840(D) (3) of the Medford Land Development Code (MLDC) **(see Exhibit B)**.

History

Since their inception into the MLDC temporary mobile food vendors, or food trucks, have evolved in scale and use. The current standards regarding mobile vendors started in 1983 when trucks were permitted to be a maximum of 128 square feet. Since then several citizens have requested changes to the standards, some with success. Most notably was in 2010 when the City Council approved an increase in the size standards for food trucks to 170 square feet outside the Central Business (C-B) Overlay (it remained 128 square feet within the C-B). The standards currently reflected in the MLDC can be attributed to the 2010 changes.

Much like in the past, the change to the standards for food trucks have been requested per a citizen request. The owner of Buttercloud Bakery, Ellen Holub, approached City Council on October 20, 2016 to reevaluate the code pertaining to food trucks, specifically the standards regarding size. Council directed Staff to bring back more information regarding food trucks before Council would give direction **(See Exhibit C)**.

On November 3, 2016 Staff presented the legislative history of food trucks in Medford to City Council. The presentation to Council highlighted several of the code changes that have already taken place regarding food trucks as well as some of the past concerns of

brick and mortar restaurants. Council directed staff to prepare for a Planning Commission Study Session in which a general discussion regarding food trucks would be held. The Planning Commission was directed to decide whether or not a code amendment is necessary and warranted **(See Exhibit C)**.

On December 12, 2016, the Planning Commission met in study session to discuss food truck standards. Staff presented other cities' standards pertaining to mobile food vendors and asked for direction on whether to draft a code amendment. Planning Commission raised concerns regarding food trucks and their lack of payment of system development charges (SDC) compared to brick and mortar restaurants. Planning Commission directed staff to draft a text amendment that would change the size standards for food trucks and had asked for more information regarding the cost of starting a food truck compared to a brick and mortar restaurant. **(See Exhibit C)**.

Lastly, with the proposed amendment available, Planning Commission met again in another study session to review the draft amendment on April 24, 2017. Planning Commission had reviewed the text amendment and had provided comments regarding the proposal. Planning Commission did not favor the portions of the proposed text permitting food trucks within the public right-of-way; staff has since removed this portion of the proposal. Additional discussion was had regarding the potential need for a change in how fees were assessed for food trucks, especially pertaining to street SDCs, and the affects they may have on the transportation system. No direction was given to address the SDC discussion. Staff has updated the proposed text amendment to reflect the comments received **(See Exhibit C)**.

The Planning Commission held a hearing on May 11, 2017 and voted 7–2 to recommend adoption to the Council. Staff had presented the draft amendment and had noted the changes made since the April 24, 2017 Planning Commission Study Session. After the proposal was reviewed, the Commissioners provided their comments regarding DCA-17-007 **(See Exhibit C)**. Some concerns were raised as to whether or not the text below should be changed within the proposal, that text being:

> (2) An additional 170 square feet is allowed for outdoor equipment. <u>Outdoor equipment shall include seating, tables, grills, and other items used for preparing food or accommodating guests</u>. (Underlined text is new, **See Exhibit B**)

Some of the Commissioners raised concerns about including chairs, tables, and items for food production within the outdoor equipment standard. Currently the code for temporary mobile food vendors permits the use of outdoor equipment outside of the C-B Overlay without any oversight as to what this equipment can be so long as it is within the 170 square foot allowance. Staff has proposed the above language to clarify what is considered outdoor equipment; there are no proposed changes to the square footage allowance for outdoor equipment. Discussions regarding the difficulties of enforcing the

outdoor equipment were raised but no direction was received to change these standards. Furthermore, Staff is not recommending any additional changes to the language regarding outdoor equipment as the proposal is minimal in changes to the current code.

The minutes of the Planning Commission hearing can be found in Exhibit C. The findings in support of this amendment are contained in Exhibit A at the end of this report.

Authority

This proposed plan authorization is a Class-A legislative amendment of Chapter 10 of the Medford Municipal Code. The City Council is authorized to approve amendments to the Municipal Code under Medford Municipal Code §§10.102–10.111, 10.164, and 10.184.

ANALYSIS

Mobile food vendors have developed into a staple of the urban fabric as a lunch time stop or a late night snack in many cities, Medford included. Presently, in Medford, there are 53 registered food trucks per Jackson County's database of mobile vendors. Since 1983 mobile vendors of some sort have been permitted within the City of Medford. Originally, food trucks were permitted in the City with an allowable square footage of 128 square feet. Through several revisions to the standards for mobile food vendors, the allowable square footage has changed to now reflect the current standards of 128 square feet and 170 square feet in the C-B Overlay and outside the C-B Overlay, respectively.

The proposed changes to the size standards will only slightly increase the permitted size for mobile food vendors. Per the Federal Highway Administration, the maximum width for commercial vehicles is set at 102 inches or 8.5 feet[1]. Given the aforementioned width, the permitted lengths of food trucks (excluding trailers) under Medford's current code is 15 feet in the C-B Overlay and 20 feet outside of the C-B. The proposed changes would increase the total allowable length by approximately one to five feet, depending on the length of the truck cab. Following is the associated figure (10.840 – 1) that would accompany the proposed text to demonstrate how mobile food vendors would be measured.

[1] 23 CFR § 658.15 Width 2007

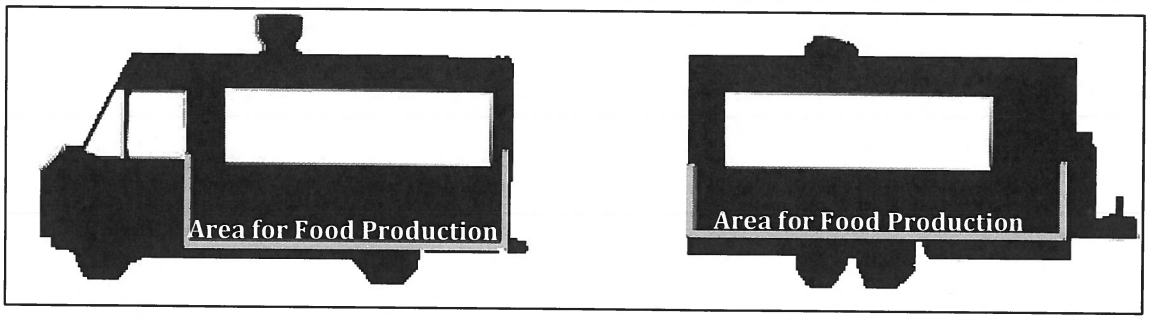


Figure 10.840 – 1: The length of a mobile food vendor shall only include the length of the area devoted to the production of food excluding things such as vehicle cabs, bumpers, trailer tongues, slide outs and trailer hitches.

The current code uses exterior measurements to calculate area which include vehicle cabs, but does not include trailer hitches, bumpers, and similar items. The inclusion of cabs in the measurement of a food truck area/length enables mobile food vendors using a trailer to have a larger unit than mobile food vendors using a truck. By excluding the cab in the measurement it creates a consistent standard for both trucks and trailers when used as mobile food vendors. Additionally, the switch from measuring area to length enables easier enforcement. Lastly, the measurement of area is unnecessary as Federal and State standards regulate the size of vehicles and trailers permitted on roadways, thus limiting the width. Since the maximum width of commercial vehicles is 8.5 feet, the maximum area devoted to food production for mobile food vendors under the new code would be 136 square feet in the C-B Overlay and it would remain 170 square feet outside of the C-B Overlay.

Staff has also proposed changes to the language regarding outdoor equipment per discussions had at the April 24, 2017 study session. Currently mobile food vendor standards permit an additional 170 square feet of outdoor equipment, when outside of the C-B Overlay. Staff is proposing that outdoor equipment be further defined within the standards to include items like tables, chairs, grills, and other equipment in order to give some clarity if issues with excessive outdoor equipment are ever to arise. This should have little effect on how the code currently functions as it only clarifies outdoor equipment, not changing the allowed square footage.

The last change to the standards of 10.840 (D)(3) reflects comments received from the Fire Department. Temporary mobile food vendors previously had to comply with an Outdoor Food Vendor Safety Checklist, now they must obtain an operational permit from the Fire Department. This change is intended to update the Fire Department's operating standards within the MLDC.

Mobile food vendors in the public right-of-way, from time to time, can be spotted on the streets of Medford's Downtown. Previous proposals for DCA-17-007 had incorporated language to permit food trucks within the public right-of-way between the hours of 10:00 PM and 2:30 AM that had read as follows:

> "From the hours of 10:00 PM until 2:30 AM, temporary food vendors may locate in on-street parking stalls so long as the temporary food vendor is completely self-contained (not needing utility connections to operate) and must be capable of moving without assistance from another vehicle. Section 10.840 (D)(3)(2) shall still apply."

This proposed text was added to aid mobile food vendors in locating within the public right-of-way as they do sometimes locate, illegally, within the public right-of-way (**See Exhibit F**). Currently the Medford Municipal Code (MMC), per Section 6.350 Sales on Public Property, does not permit the sale of goods within the public right-of-way however, the code provisions above would allow for the sale of food via a mobile food vendor. Section 6.350 states that "Unless authorized by other provisions of this code, no person shall park or leave standing a vehicle...in one location for the purposes of offering food or merchandise fo sale without prior written approval of the Council." Adding provisions to the MLDC permitting the use of public right-of-way for the sale food from mobile food vendors would circumvent the standards of Section 6.350 allowing for the sale of food within the right-of-way.

When DCA-17-007 was sent out for agency review the above language was a part of the proposed amendment. No agency had expressed concern with the text and the Police Department, who is tasked with enforcing infractions within the right-of-way, had no comments with the text (**See Exhibit F**). In addition to the text above, if desired by the City Council, staff could propose adding additional standards to the use of public right-of-way that would require that the mobile food vendor:

- Be self-contained (not needing utility connections)
- The mobile food vendor shall be a truck and capable of unassisted movement
- They shall not obstruct vehicular or pedestrian traffic
- A trash receptacle shall be provided or within 20 feet
- Limit the number per block
- Permits for the use of public right-of-way between the hours of 10:00 PM and 2:30 AM shall not be needed

Per discussions had at the April 24, 2017 Planning Commission Study Session, staff has removed this portion of the proposal as it was not considered necessary by the Planning Commission (**See Exhibit C**).

RECOMMENDATION

The Planning Commission recommends adopting the proposed amendment based on the analyses, findings, and conclusions in the Commission Report dated June 08, 2017, including Exhibits A through H.

EXHIBITS

A Findings and Conclusions
B Proposed amendment
C Minutes, Planning Commission Study Session, December 12, 2016 | Planning Commission Study Session, April 24, 2017 | Planning Commission Public Hearing, May 11, 2017 | City Council Minutes, October 20, 2016 | City Council Minutes, November 3, 2016
D Referral Agency: Fire Department Comments – April 6, 2017
E Referral Agency: Public Works Comments – April 19, 2017
F Referral Agency: Police Department Comments – April 04 – 27, 2017
G Public Comment: Ellen and Gibson Holub (Buttercloud Bakery Owners) - December 3, 2016 and April 26, 2017
H Public Comment: LBG Medford, LLC. (Medford Center Owner) – January 12, 2017

CITY COUNCIL AGENDA: June 15, 2017

Exhibit A
Findings and Conclusions

FINDINGS AND CONCLUSIONS

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

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

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

Findings

Mobile food vendors offer an opportunity for affordable food options as well as affordable business opportunities for those pursuing the use of food trucks. What this code amendment does is create more consistency with surrounding municipalities by increasing the size limits and allows for easier enforcement of the standards. Additionally, the proposed changes to the definition of outdoor equipment would allow for clearer interpretation and application of the code. Where the public currently benefits from the standards regarding mobile food vendors, they will continue to benefit as the increase in size is minimal compared to the current standards in place, thus having little effect on the public overall.

Conclusions

The proposed changes to Section 10.840 (D)(3) will only slightly increase the size of mobile food vendors that are currently permitted. The increase in size, although minimal, will enable a larger variety of mobile food vendors presenting an opportunity for growth of an affordable business option. The changes to the outdoor equipment standards only clarify the current code without changing the functionality of the code. Largely the public benefit will remain the same as it is now, with no documented or reasonably anticipated negative effects on the public. This criterion is satisfied.

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

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

   Findings

   The following are the goals, policies, and implementation measures of the Comprehensive Plan applicable to DCA-17-007.

   Economic Element

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

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

   Policy 1-3: The City of Medford shall, as appropriate under the Goal above, support the retention and expansion of existing businesses.

   Conclusions

   Small businesses present an opportunity in the State of Oregon as "...nearly 90 percent of all firms employ less than 20 people," food trucks included. [2] Furthermore, the request to update the standards for mobile food vendors comes from a local bakery, Buttercloud Bakery, seeking to expand their operations within the City of Medford. Increasing the size standards to allow larger mobile food vendors supports existing and new small businesses as well as aids in retaining an existing business within the City of Medford; currently Buttercloud cannot operate their food truck within the City. This criterion is satisfied.

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

   Findings

   The proposal was provided to the applicable referral agencies per the code requirements. Formal comments were received from the Fire Department (**See Ex-**

[2] "Oregon.gov." Oregon.gov: NewsDetail. Governor's Office, 19 Aug. 2015. Web. 26 Apr. 2017.

hibit D), Public Works Department (**See Exhibit E**), and the Police Department (**See Exhibit F**) . Of the comments received, only the Fire Department's required modifications to the proposal to update the standards as it relates to the Fire Department's operational standards for mobile food vendors.

Conclusions

All changes necessary to update the proposal per the comments received have been made. No other referral agency has provided comment at this time. This criterion has been satisfied.

3. *Public comments.*

Findings

DCA-17-007 was initiated by a citizen request (**See Exhibits C**) from Ellen Holub, owner of Buttercloud Bakery. Communication with both Ellen and Gibson Holub has been constant to ensure the proposal meets their request, warranting minor changes to the proposal (**See Exhibit G**). Additional public comment has been received from LGB Medford, LLC (**See Exhibit H**) the owner of the Medford Center. The comments received from LGB include several additions to the mobile food vendor standards; these additions include: requiring food trucks to have a permanent location, permitting food trucks as conditional uses, and requiring SDC charges. LGB has been notified of the code amendment proposal and the hearing dates. Additionally, the draft proposal is available on the City of Medford website for public comment and Planning Commission and City Council hearings will provide further opportunities for public comment.

Conclusions

Staff has reviewed the public comments received. The current proposal reflects comments received from the owners of Buttercloud Bakery. Staff had contacted Ellen and Gibson Holub to ensure that their truck would comply with the proposed standards. Additionally, staff has measured food trucks within Medford to ensure compliance with the proposed code finding no trucks that would be out of compliance. The changes in permitted size would not hinder existing businesses however it will offer the opportunity for future expansion.

In **Exhibit H**, LGB Medford supports the change in size standards by saying that "The size and weight of the food trucks need not be regulated other than that the size, weight, and other requirements for the food trucks should be the same as any non-food service trucks accessing public rights of ways." Although some oversight into truck length is necessary to prevent commercial vehicles such as semi-trucks from becoming a mobile food vendor, width need not be regulated as Federal standards will prevent trucks from exceeding 8.5 feet in width to pro-

tect public rights-of-way. Lastly, staff has considered the other comments received from LGB and determined that the comments are outside the scope of the current proposal and would in fact create overbearing standards for food trucks compared to the current standards. This criterion has been satisfied.

4. *Applicable governmental agreements.*

Findings

This amendment does not affect any known governmental agreements.

Conclusions

This criterion is not applicable.

Exhibit B

Proposed Amendment

Deleted text is ~~struck through~~; added text is <u>underlined</u>

TEMPORARY USES AND STRUCTURES
10.840 **Temporary Uses and Structures.**
A. Purpose.
The purpose of this section is to accommodate reasonable requests for interim, temporary, or seasonal uses and structures within the City.
B. Applicability.
In addition to the provisions of this section, the following other licenses and permits may apply:
(1) Permits for use of City-owned property and public right-of-way, pursuant to Chapter 2 and
Chapter 6;
(2) Business license provisions of Chapter 8;
(3) Building permit provisions of Chapter 9; and
(4) Sign permit provisions of Article VI of this Chapter 10.
C. General Provisions.
(1) Temporary uses and structures are characterized by their short-term or seasonal nature, and by the fact that permanent improvements associated with the temporary use are not made to the site.
(2) Temporary uses and structures are permitted only as expressly provided in this Code.
(3) The principal use or structure, together with any temporary uses or structures, shall not jointly exceed the development standards contained in Article V.
(4) No signs in connection with a temporary use shall be permitted except in accordance with the provisions of Article VI.
(5) Nothing contained in this section is intended to authorize the placement or use of movable structures or vehicles without all necessary permits first being obtained.
(6) Removing the wheels or setting the movable structure or vehicle on posts or footings shall not exempt the movable structure or vehicle from the provisions of this section <u>and may cause the structure to be subject to the development standards of Article V.</u>

* * *

D. Types of Temporary Uses and/or Temporary Structures.

* * *

(3) Temporary Mobile Vendors.
a. Temporary Food Vendors (Outdoor).
1. Application Requirements.

i. A business license pursuant to Chapter 8 shall be required.
ii. In addition to the requirements of Chapter 8, the applicant shall submit a site plan drawn to scale indicating the following:
(a) ~~Dimensions of the temporary food vendor unit.~~ Length of the temporary mobile food vendor unit (Measurement of the length of a mobile food vendor is explained in Figure 10.840 – 1).
(b) Location of the temporary food vendor unit on the site.
(c) Paved vehicular access, including driveway location(s).
(d) Off-street vehicular parking spaces.
(e) A trash receptacle located within ten (10) feet of the temporary food vendor unit.
(f) Dimensions of the area to be occupied by the temporary food vendor unit, including any table(s), seating, and other exterior items, if applicable; and
(g) Location of utility connections, if any.

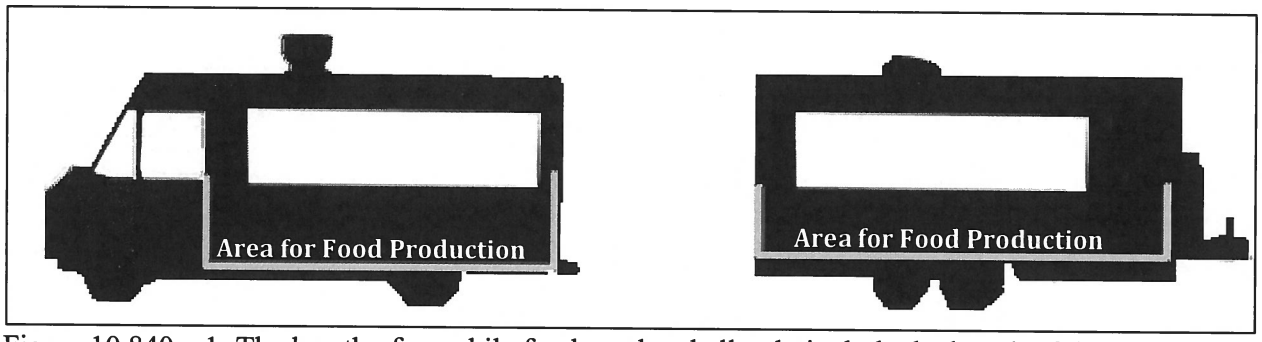


Figure 10.840 – 1: The length of a mobile food vendor shall only include the length of the area devoted to the production of food excluding things such as vehicle cabs, bumpers, trailer tongues, slide outs and trailer hitches.

2. Standards.
i. Locational and Size Standards.
(a) Temporary food vendors are permitted in the following zoning districts: C- S/P, C-N, C-C, C-H, C-R, I-L, and I-G.
(b) When within both the Central Business (C-B) and Historic Preservation (H) Overlays:
(1) The exterior length ~~and width, when multiplied, shall be no more than 128 square feet, including any slide-outs, and excluding trailer tongue and bumper~~ shall not exceed 16 feet (See Figure 10.840 – 1 for measurement guidance).
(2) Outdoor equipment, such as tables and chairs, shall not be permitted. Outdoor equipment shall include seating, tables, grills, and other items used for preparing food or accommodating guests.
(c) In all other zones:
(1) The exterior length ~~and width, when multiplied, shall be no more than 170 square feet, including any slide-outs, and excluding trailer tongue, and bumper.~~ shall not exceed 20 feet (See Figure 10.840 – 1 for measurement guidance).
(2) An additional 170 square feet is allowed for outdoor equipment. Outdoor equipment shall include seating, tables, grills, and other items used for preparing food or accommodating guests.

(d) On City-owned property and right-of-way, temporary food vendor units shall obtain a permit pursuant to Chapter 2, and are exempt from the standards of 10.840(D)(3).
(e) At an Event of Public Interest, temporary food vendors per 10.840(D)(1) are exempt from the standards of 10.840(D)(3).
ii. General Standards.
(a) If the temporary food vendor unit is located on or adjacent to a privately- owned walkway, the minimum remaining unobstructed walkway width shall be five (5) feet.
(b) All food must be in a ready-to-eat condition when sold.
(c) Required parking spaces or access to required parking spaces shall not be displaced or obstructed.
(d) The temporary food vendor unit shall be located outside any required setbacks.
(e) Attached awnings are permitted if smaller than the size of the temporary food vendor unit.
(f) The temporary food vendor unit and all outdoor equipment shall be located on an improved surface.
(g) Temporary food vendors shall ~~comply with the Fire Department's Outdoor Food Vendor Safety Checklist~~ obtain an operational permit from the Fire Department.
(h) Any utility connections require a building permit from the Building Safety Department.

Exhibit C

Planning Commission and City Council Study Session and Public Hearing Minutes

Planning Commission Study Session December 12, 2016

Planning Commission Study Session April 24, 2017

Planning Commission Public Hearing May 11, 2017

City Council Minutes October 20, 2016

City Council Minutes November 3, 2016

From Study Session on **December 12, 2016**

The study session of the Medford Planning Commission was called to order at noon in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present
David McFadden, Vice Chair
Tim D'Alessandro
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie
Jared Pulver

Staff Present
Kelly Akin, Interim Planning Director
Kevin McConnell, Deputy City Attorney
Carla Paladino, Interim Principal Planner
Kyle Kearns, Planner II

Commissioner Absent
Patrick Miranda, Chair, Excused Absence

Subject:

1. **GF-16-154 Temporary Mobile Food Vendors**

Kyle Kearns, Planner II, reported that Buttercloud Bakery asked for the City to reconsider the standards for mobile food vendors to increase the allowed square footage to allow for their 200 square foot truck currently in Central Point. City Council directed the Planning Commission to decide if a code amendment shall be initiated.

Food trucks have been permitted since 1993-1994. The code has been revised several times to accommodate similar requests. Currently food trucks are allowed to be 128 square feet in the Central Business Overlay. They are not allowed to have outdoor equipment. Outside of the Central Business Overlay the trucks are allowed to be 170 square feet with an additional 170 square feet of seating and tables. When on City property, food vendors are exempt from requirements. Awnings are permitted, if smaller than food vendor, must be on an improved surface, business license is needed, must be within ten feet of trash receptacle and site plan is needed.

Other Oregon cities such as Portland the size limitation is regulated by length, not square footage. If the length is 16 feet or shorter and on wheels it does not require a permit for cart. Longer than 16 feet is considered a heavy truck and restricted to certain zones. Without wheels falls subject to development standards. Permits are required for utility connections, propane use, outdoor structures and similar things.

Corvallis's code is similar to Medford's. They are less generous in size requirements. They do not allow above 128 square feet and/or 16 feet in length. They are restricted to the Central Business and Riverfront zones. Code requires food truck owner to get written consent from surrounding businesses to allow restroom use for food truck patrons. Spacing of 10 feet between trucks is required.

Grants Pass has no size limitation but must meet Oregon Vehicle Code and be moveable. They are only permitted on certain streets/zones. Grouping of food trucks is permitted, but a site plan review is required and the grouping must be on private property and paved.

Bend has a size limitation of 250 square feet. Food carts are not exempt from traditional development standards except for parking (treated as a "mini-restaurant").

Eugene has no size limitation, but must meet Oregon Vehicle Code and be moveable. They are allowed in certain public rights-of-ways, parks, sidewalks and private property. City has designated certain areas as mobile food unit zones.

Salem is similar to Eugene. There is no size limitation, but must meet Oregon Vehicle Code and be moveable, requires zoning and land use requirements to be followed, and pick up trash within a 20 foot radius.

Phoenix is similar to Medford's code. Size limitation is 170 square feet (includes slide outs). It is a staff decision and requires that all equipment be moved at the end of the vendor's business day. Permits last for a year.

Central Point did not get into the specifics of how they look at food trucks. They are allowed within two zoning districts, those being the Tourist and Office Professional District and the Thoroughfare Commercial District.

The City Council has asked the Planning Commission to research temporary mobile food vendors and then give direction as to whether a code amendment is needed or not. The request to consider is an increase in the allowable square footage for food trucks. Increasing the size of mobile food vendors would allow more business opportunities in Medford, but may receive some push back from the business community.

Vice Chair McFadden stated that he is concerned with City Council's issues are less about size of the truck and more about the lack of consistency between the similar uses. He does not know what they mean by that.

Commissioner Foley reported that he does not know what kind of inspections food trucks have. Ms. Paladino stated that would come from the Jackson County Health Department.

Commissioner Mansfield stated that it appears the existing ordinance permits these temporary uses on public property, City owned property and private property. Is that correct? Ms. Paladino replied yes.

Commissioner Mansfield asked does the City charge a rental for a food truck on public right-of-way? Vice Chair McFadden commented that he thought they could not be in the public right-of-way. Ms. Paladino reported that there are designated locations. It is administered through the City Manager's office.

Commissioner Mansfield stated that even if they are not in a public right-of-way some of them are in City owned property which means these people are getting a free ride. If someone wants to do a restaurant downtown they will have to either rent or buy the property and pay taxes.

Ms. Akin reported that the locations in the right-of-way have an annual fee.

Commissioner Mansfield asked what change does Buttercloud want? Commissioner D'Alessandro stated that their truck is larger than what is permitted. Mr. Kearns reported that Buttercloud's truck is 200 square feet.

Commissioner D'Alessandro stated that as someone employed by a tax supported entity he needs to understand the issue of vendors on City owned property. If his company leases to a food vendor on one of their properties they have to collect property taxes for the square footage they occupy and they have to pay property taxes on that. Is the City held to that same standard? Ms. Akin replied that is a good question but she does not know the answer to that.

Commissioner McKechnie reported that he is not a City employee but based if it is a for profit organization then the City has to pay property taxes.

Commissioner McKechnie stated that to build a brand new restaurant in the City of Medford the fees are very expensive; primarily with traffic, sewer and water SDC fees. They can easily run $50,000 to $80,000. Remodel gets some credit of what was there before but the developer is still liable for that. If the previous development happened to be more intense the credit is short. It is his understanding that the temporary food vendors do not pay any of those fees. Does staff know the logic of why they are not paying those fees? Mr. Kearns reported that the intent of the food truck is a small starter business where they do not have all the fees and restrictions.

Commissioner Mansfield commented that when he started his law practice why didn't he get that benefit?

Commissioner Pulver stated that food carts are a big part of downtown Portland. It is a good idea there so people started trying it in other metropolitan areas in the State. As a

code standpoint everyone is trying to catch up. In a general sense he is anti-food carts because they more or less circumvent traditional restaurants. They provide a healthy level of competition to an existing restaurant in a traditional bricks and mortar situation and probably unfairly so.

Commissioner McKechnie stated that he thinks everyone is familiar with the bento lady on Riverside and Main. She was successful and moved into a building around the corner for a month or so but then moved back out on the street. Obviously they were not as successful as a traditional restaurant.

Vice Chair McFadden commented that location is the name of the game in the food business.

Commissioner Pulver would be in favor updating the code. He believes there is a place for food carts in the downtown.

Commissioner McKechnie asked if there was a fee for a food cart? Mr. Kearns reported a business license.

Commissioner McKechnie asked if food carts pay the same amount for a business licenses as any other business? Ms. Paladino reported they are the same.

Commissioner McKechnie stated that it is his opinion that if food carts are using City services, they should be paying for it; just like a regular restaurant. Putting a limitation on size is foolish.

Commissioner Culbertson reported that looking at the other cities there are a lot of similarities in the mobile truck vendors. Piecing it apart to allow one particular person, who did not pay attention to the code when he was creating it, how far does Medford go? At the Southern Oregon Golf Tournament there was a food truck vendor at Hole 13. That is zoned SFR-4. He was outside of the zoning. How did he get permitted to be there? He either did it without asking anyone or nobody paid attention to the code. Ms. Paladino stated that the vendor could have been there under a special event permit.

Commissioner D'Alessandro stated that the fundamental question is there going to be change based on one vendor's misinterpretation or ignorance of the code. Is the code fair the way it is now in terms of size? It is his opinion that it is a great business and there is room for it. Does the City want the trucks larger?

The meeting was adjourned at 12:49 p.m.

From Study Session on **April 24, 2017**

The study session of the Medford Planning Commission was called to order at noon in the Lausmann Annex Room 151-157 on the above date with the following members and staff in attendance:

Commissioners Present
Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie
Jared Pulver

Staff Present
Matt Binkley, Planning Director
Kelly Akin, Assistant Planning Director
Kevin McConnell, Deputy City Attorney
Carla Paladino, Principal Planner
Kyle Kearns, Planner II

Commissioners Absent
E. J. McManus, Excused Absence

Subject:

20.1 DCA-17-007 – Mobile Food Vendors – Update to Standards

Kyle Kearns, Planner II, reported that today's discussion is on mobile food vendors or food trucks. At the December 12, 2016, Planning Commission study session there was discussion on concerns of brick and mortar restaurants versus food trucks and costs associated with that.

The code pertaining to food trucks has evolved several times. In 1983 the original code was adopted. The code adopted in 1994 permitted the size to be 128 square feet. The City Council in 1997 denied the request to increase the size to 153 square feet. The City Council in 2009 denied the request to increase the size to 170 square feet. In 2010 the City Council increased the truck size. In 2016 the City Council directed staff to draft measures to permit Buttercloud Bakery's food truck to 200 square feet.

Currently, mobile food vendors or food trucks are permitted in all commercial, light and general industrial zones. They are permitted to be 128 square feet in the Central Business (CB) Overlay and to be 170 square feet outside of the CB Overlay. They are permitted to be on City property pursuant to permit regulations but excludes rights-of-way. They do not have to abide by the standards for special events. When on City property they can exceed the standard size. Other standards include walkway clearance, improved surface material, private property use, outdoor seating allowance, and they cannot displace parking.

At the December 12, 2016, study session the Planning Commission discussed other cities' codes regarding food standards as well as size standards which included:

- Medford – 170 square feet (128 in CB Overlay)
- Grants Pass – No size limit, must meet vehicle code
- Bend – 250 square feet
- Eugene – No size limit, must meet vehicle code
- Portland – 16 feet in length

Staff was directed to increase the size and analyze cost of a food trucks compared to a brick and mortar restaurant.

The yearly cost (excludes items such as insurance, food, staffing) comparison of food trucks versus brick and mortar restaurants:

Cost Comparison of Food Trucks v. Brick and Mortar Restaurants		
Yearly Cost (excludes items such as insurance, food, staffing)		
Line Item	Food Truck	Brick and Mortar Restaurant (2,000 square feet)
Business License	$100.00	$100.00
Jackson County Health	$515.00 - $888.00	$515.00 - $888.00
Rent (Yearly)	Will Vary (will use $6,000)	$15.00-$19.00 per square foot[1]
Yearly Total	**$6,615 – $6,888.00**	**$30,615.00 – $38,888.00**
One Time Cost		
Line Item	Food Truck	Brick and Mortar Restaurant (2,000 square feet)
Cost of Equipment	$30,000 - $50,000[2]	$30,000 - $150,000[3]
Street SDC	$0.00**	$15,341.26*
Sewer Connection SDC	$0.00**	$2,004.00*
Regional Sewer SDC	$0.00**	$4,348.40*
Water SDC	$0.00**	$10,242.12 - $13,656.16
One Time Cost Total	**$30,000 - $50,000**	**$61,935.78 – $185,349.82**
Overall Total for First Year	**$36,615 - $56,888**	**$92,550.78 – $224.237.82**

Staff is not proposing changes to the fee system for food trucks because the two uses differ in impacts and are not comparable. Private property owners leasing space to a vendor have already paid SDCs and have utility hook-ups. Food trucks do not hook in to utilities, and if they do they will then have to pay SDCs.

The proposed changes have been made to incorporate larger mobile food vendor standards (measured by length rather than square footage); allows for mobile food vendors to be in the public rights-of-way from 10:00 p.m. to 2:30 a.m., and reflect comments received from the Fire Department.

The prosed changes in size measurements include:

- 128 square feet in CB Overlay = 14 feet in length
- 170 square feet outside CB = 20 feet in length

Assuming a 10 foot trailer width, this would increase the size permitted by 12 square feet and 30 square feet, respectively. The cab and bumpers would be excluded. The food truck would be measured by only the area for food production.

Additional language added under Code Section 10.840 D(3)(a)(2.)(b):

(b) From the hours of 10:00 PM until 2:30 AM, temporary food vendors may locate in on-street parking stalls so long as the temporary food vendor is completely self-contained (not needing utility connections to operate) and must be capable of moving without assistance from another vehicle. Section 10.840 (D)(3)(2) shall still apply.

Staff has prepared a stronger standard for allowing food trucks in public right-of-way. Still seeking comments from the City's Legal Department and the Police Department. Additional language could include:

- Disallowing trailers in rights-of-way and utility connections
- Shall not obstruct vehicular or pedestrian traffic
- Requiring trash receptacle or within 20 feet of public trash can
- One mobile food vendor per City block
- Exemption from right-of-way permits (per Section 2.185) during the hours of 10:00 p.m. through 2:30 a.m.

Chair Miranda asked, for the "per City block", is that all four sides of the block or one street of the block? Mr. Kearns stated they would have to clarify the definition of the City block.

Commissioner Culbertson asked, where does the 20 foot length come in in relation to Buttercloud's truck? Mr. Kearns reported that Buttercloud has stated their truck is 25 feet in length. That is why staff is excluding the cab.

Matt Brinkley, Planning Director, asked, is the 14 feet in length is a common size for a box truck like what is being discussed? Portland is 16 feet. Mr. Kearns stated that 16 feet in length incudes the cab of a standard box truck.

Chair Miranda stated that on Barnett across from the hospital there is small strip where there are several food trucks. One of the food trucks has a platform that they use for food production. Would that be counted as or excluded from because it is behind the bumper? Mr. Kearns replied that seems like a special situation. They would have to include that in the food production area.

Vice Chair McFadden asked, what is the typical size of a parking space downtown? Mr. Kearns reported on-site is 19 feet. Parallel parking is 24 feet in length and 80 feet in width.

Vice Chair McFadden stated that he is fine with having one food truck on each side per block or between two intersections but protect the restaurants by stating as long as there is not a restaurant on that block. It is just a thought.

Chair Miranda replied that the caveat he would make is if the restaurant has a marketing deal with the food truck.

Commissioner Pulver thought there was something in the report that if it was within 50 feet of the front of the restaurant they would have to have approval from the restaurant owner. Commissioner Foley thought that was with another city. Mr. Kearns reported that the City of Corvallis requires food vendors to get written consent from surrounding business owners for bathroom use.

Commissioner Pulver stated that he will probably vote no when this comes before the Planning Commission in a public hearing. He thinks food trucks make sense in downtown Portland where there are a lot of office buildings and a lot of people. It is an amenity beneficial to building owners and the employees that work downtown. What we are as a City and what we want to be as a City is to have a vibrant downtown. Food trucks are not that. It does not impact neighboring restaurants in a significant radius. He would argue that restaurants in the vicinity of the hospital are hurt by the two food trucks. The restaurants in that area benefit from being the only options there. He does not think the SDCs are accurate. He has a lot of problems in increasing the presence and size of food trucks. Not to mention, this is a single party requesting the size increase.

Commissioner Mansfield shares Commissioner Pulver's views. He also, is going to vote no. Makes him wonder why he did not set up his law practice 50 years ago in a law truck and save on the cost of insurance, taxes, etc. His principal problem is it is an unfair in this free enterprise system that the system is supposed to work fairly. This does not work fairly because some of these people through the Planning Commission's actions will permitting people to work for and to earn their living with less cost. Anyone that runs a business cost is one of the most important things. Staff commented at the last discussion on this that one of the purposes is to increase economic interest. He agrees that in our system it is supposed to be done but that goes way down the list for him. It is his opinion that basically this is unfair to the competitors.

Commissioner McKechnie agrees a little with Commissioner Pulver and Commissioner Mansfield and then disagrees more than that. The analysis of the SDCs is flawed. The owners of parking lots do not pay SDCs. They only pay it for buildings. He likes the idea of changing to length rather than area. He thinks of that as an enforcement issue. He understands the logic of smaller trucks downtown. He agrees they do take business away from fast food places, not sit down restaurants. From a sustainability aspect the people downtown walk to the food trucks rather than driving. He is concerned about parking in the public right-of-way. Parking spaces are designed for 8 foot wide automobiles allowing an extra space to open the vehicle doors. The trucks or trailers are 10 feet plus that will be poking into the public right-of-way. He is concerned about the traffic flow around that. It seemed odd allowing the food trucks to park from 10:00 p.m. to 2:30 a.m. Why were those times chosen? Chair Miranda responded that is when the bars are active.

Commissioner Culbertson stated it was a great soap box that Commissioner Pulver opened up. The counter point to that is it should be allowed for Cracker Barrel to go in because it might hurt Panda Express and The Point because of proximity. The consumer is the ultimate deciders whether or not a business fails or succeeds. The Planning Commission should not be the judge or jury as to whether or not someone gets to do something in a particular area simply because they are close to a competitor.

Commissioner Pulver reported that he would not dispute that if he thought they were paying their fair share. He thinks what food truck people do is on the cheap. He does not think they contribute to City fees; right or wrong. What a brick and mortar restaurateur has to pay versus what a food truck vendor pays is incredible. Food trucks have less risk and low entry.

Mr. Brinkley stated that Commissioner Pulver has a point about SDCs for street sewer fees. The food trucks use the street systems the same way that similar restaurants do. There is an argument to be made for that. They do not connect to other City utilities. If they do, they have to pay the SDCs. If they connect to sanitary sewer they would have to pay the SDCs unless sanitary sewer fees have already been paid on the property.

While it is less expensive to operate a food truck they generate less revenue on a per unit basis as opposed to a bricks and mortar restaurant. Most of the food trucks are open for one meal a day. They serve a specific kind of need and demand in the market that is not being met.

Some of the food trucks eventually morph into a bricks and mortar restaurant.

Commissioner Mansfield stated that where the entrepreneur is using City property they should be paying the City rent. The City has no business letting someone use its property without paying a reasonable rent value.

Commissioner McKechnie asked, will there be a separate parking permit fee where they are parking after hours in the public right-of-way? Commissioner Mansfield replied, a negotiated lease. Commissioner McKechnie responded that it would be easier as a fee on a yearly or monthly basis rather than a negotiated lease.

Commissioner Pulver asked, who would be monitoring the license, lease or permit? Mr. Kearns stated that staff has Jackson County's list of all the food trucks in the area. There are approximately 54 permits in the City of Medford that go to multiple locations.

Vice Chair McFadden asked, does staff feel there are too many holes to move forward on this item or need to discuss it more? Mr. Kearns asked, what if they went with just the length. It would not change what is current except for the length.

Kevin McConnell asked, how did the right-of-way issue come up? Was it an issue like Buttercloud where there was a vendor that wanted to operate outside for example Four Daughter's or something like that? It was a complaint to the City Council about someone operating a food truck outside a bar.

Kelly Akin, Assistant Planning Director, reported that the standards do not apply in the right-of-way or on public property. If someone wanted to go into a park or on the right-of-way the standards do not apply.

Mr. Kearns stated that in the code it talks about sales on public property. That is what restricts it. Otherwise, there is not much that could stop it. The Code states: "Unless authorized by other provisions of this Code".

Carla Paladino, Principal Planner, reported that staff would like to move this forward. The Planning Commission can say at the public hearing they do not like something and staff could scrap it or the right-of-way piece now and just bring the length piece forward. Staff's goal is to try and get this off the books to move onto other projects.

Chair Miranda commented that if the vehicle is wider than the parking space there should be indicators such as cones or reflectors in order to warn traffic there is something protruding.

Commissioner McKechnie is wondering if they are trying to solve a problem that does not currently exist.

Commissioner Culbertson thinks the problem does exist. Delineating how the measurements are done with the food trucks. Going on the point of saying the length is measured from here to there is a definitive measurement. If it goes past that then it is not allowed. Strip the right-of-way portion and go with the length.

Commissioner Culbertson asked, is there a fining structure for one that knows the rules but does not follow them? Mr. McConnell reported that there have been issues with food trucks that are subject to the City's Code Enforcement Division. They can get a daily fine for not abiding the code.

Ms. Paladino stated that this was a property owner who purchased something that cannot exist in Medford unless they are at a special event. The Planning Commission has the authority to have staff work on it or not. If the Planning Commission feels this is an issue that does not need to be addressed then say no.

Mr. Brinkley reported that the City Council can be asked to initiate a code amendment.

Vice Chair McFadden thought it came from the City Council anyway.

Ms. Akin replied, this one did.

Ms. Akin reported that there is a Final Order on the agenda for Thursday, April 27, 2017, Planning Commission meeting. The applicant has requested staff to continue the adoption of the Final Order. It has something to do with their financing. Staff did receive an extension of the 120-days. This time will be pulled from the agenda and request the Planning Commission to continue the item.

30. Adjournment

The meeting was adjourned at 12:39 p.m.

From Planning Commission Hearing on **May 11, 2017**

The regular meeting of the Planning Commission was called to order at 5:30 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present
Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie (departed at 8:30 p.m.)
E.J. McManus (arrived at 5:45 p.m.)
Alex Poythress
Jared Pulver

Staff Present
Kelly Akin, Assistant Planning Director
Carla Paladino, Principal Planner
Kevin McConnell, Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Kyle Kearns, Planner II
Sarah Sousa, Planner IV
Liz Conner, Planner II

10. Roll Call

20. Consent Calendar/Written Communications.
20.1 LDS-17-005 Final Order of a tentative plat for a 17-lot residential subdivision on 3.17 acres located on the south side of Hondeleau Lane approximately 430 feet east of Springbrook Drive and zoned SFR-6 (Single Family Residential, 6 dwelling units per gross acre). (371W08BD TL 100) (Dan Mahar, Applicant; Neathamer Surveying, Inc., Agent)

Motion: Adopt the consent calendar as submitted.

Moved by: Vice Chair McFadden Seconded by: Commissioner Foley

Voice Vote: Motion passed, 8–0.

30. Minutes
30.1. The minutes for April 13, 2017, were approved as submitted.
30.2. The minutes for April 27, 2017, were approved as submitted.

40. Oral and Written Requests and Communications. None.

Kevin McConnell, Deputy City Attorney, read the Quasi-Judicial Statement.

50. Public Hearings – **New Business**
50.1 DCA-17-007 Consideration of a code amendment to revise the size standards for mobile food vendors and to consider other impacts of the code on vendors when appropriate. (City of Medford, Applicant/Agent)

Kyle Kearns, Planner II, reviewed the purpose, background, proposal and criteria compliance. The applicable criteria are found in Medford Municipal Code Section 10.184(2) and is included in the staff report. Hard copies are available at the entrance of Council Chambers for those in attendance.

Commissioner Pulver asked, would a drive-in garage scenario fall under the same code requirements? Mr. Kearns stated that staff had received a request for a food cart center. These would fall under the commercial regulations and would not be considered a food truck. The outcome would probably be the same. If the food truck is mobile and moves then it would fall under the food truck standards.

The Public Hearing was opened and there being no testimony the Public Hearing was closed.

Motion: The Planning Commission finds that based on the findings and conclusions that all of the approval criteria are either met or not applicable, forwards a favorable recommendation for adoption of DCA-17-007 to the City Council per the staff report dated May 4, 2017, including Exhibits A through J.

Moved by: Vice Chair McFadden Seconded by: Commissioner McKechnie

Commissioner McKechnie stated that it seems to him that the seating and tables for accommodating guests is superfluous.

Chair Miranda replied that the only reason he would see the validity of including the seating and tables to ensure they do not take over an area or block a right-of-way.

Commissioner Foley commented that he believes that is currently in the Code.

Commissioner Pulver stated that if changing the measurement to an area for food production but allowing additional area for food production in the outdoor equipment concept does not make sense to him.

Commissioner McKechnie recommended taking out the seating and tables.

Commissioner Mansfield stated that he has previously explained why he is going to vote no and he will briefly explain again. To permit food trucks like this involves unfair competition to those in the food vending business who use brick and mortar building and pays expenses upon such activity. In some instances the City lets these vendors use the property for little or no cost that seems to be an unfair competition to him. There are also some safety and traffic issues that have been described by the Police Department. He is aware there is an economic development goal in the goals for land use planning but he does not consider it to be the function of the Planning Department to subsidize business. That is to be done by other aspects of government. For those reasons he plans to vote no. He is opposed to the existing ordinances and will oppose any extension of it.

Roll Call Vote: Motion passed, 7-2, with Commissioner Mansfield and Commissioner Pulver voting no.

From City Council Hearing on **October 20, 2016**

MINUTES
12:00 Noon
Medford City Hall, Council Chambers
411 West 8 Street, Medford, Oregon

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

Acting Mayor Dick Gordon; Councilmembers Clay Bearnson, Daniel Bunn, Chris Corcoran*, Tim Jackle, Eli Matthews, Kevin Stine, Michael Zarosinski

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

Mayor Gary Wheeler was absent.

*Arrived as noted.

* * *

30. Oral Requests and Communications from the Audience

* * *

30.2 Ellen Holub, Buttercloud Bakery, stated she had spoken before Council about a month ago regarding their food truck. She requested Council reevaluate the current Code on food trucks. Ms. Holub provided examples of the regulations from various cities. She suggested revising the size limitations on food trucks based on where they are parked.

Councilmember Gordon questioned the process for changing the Code. City Manager Brian Sjothun explained that if Council approved, the issue would be forwarded to the Planning Department for consideration.

*Councilmember Corcoran arrived.

Motion: Direct staff to review the Code regarding food trucks, prepare beneficial language for small business owners to be successful downtown and bring back historical information for Council consideration and discussion.

Moved by: Clay Bearnson Seconded by: Eli Matthews

Councilmember Bearnson believed food trucks foster diversity, bring additional people to the downtown area, improves downtown revitalization and does not impact the brick and mortar establishments.

After discussion, Council clarified the motion's intent is to direct staff to bring back information to the Council to consider any type of zone change. Council requested the history of the current food truck Code language as well.

Roll call: Councilmembers Bearnson, Bunn, Corcoran, Gordon, Jackle, Matthews, Stine, and Zarosinski voting yes.
Motion carried and so ordered.

From City Council Hearing on **November 3, 2016**

MINUTES
12:00 Noon
Medford City Hall, Council Chambers
411 West 8 Street, Medford, Oregon

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

Mayor Gary Wheeler; Councilmembers Clay Bearnson, Daniel Bunn, Chris Corcoran*, Dick Gordon, Eli Matthews, Kevin Stine*, Michael Zarosinski

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

Councilmember Tim Jackle was absent.

*Arrived and left as noted.

* * *

80. City Manager and Other Staff Reports

* * *

80.4 Food Truck Legislative History, Private Petition Code Amendment by Kelly Akin.
*Councilmember Stine returned to the dais.

Mr. Sjothun noted that Matt Brinkley was hired as the new planning director and should start January 3, 2017.

Interim Planning Director Kelly Akin explained that the current Code standards for temporary food vendors apply to private property and are limited to 128 square feet in downtown. However, elsewhere in the City they can be up to 170 square feet with an additional 170 square feet for tables and chairs. She noted the current Code was adopted in 1986 and was modified in 1993 to include mobile food vendors. In 1997, the Council heard a request to increase the size, but no Code changes were made. In 1999 a study session was held, but again no Code changes were made. In 2009 Council received a request to increase the size to 160 square feet; Council approved an increase to 170 square feet.

Mr. Sjothun noted Council requested staff bring this issue back with suggested changes to the Code. He questioned whether we could use the existing policy to address the issue. Councilmember Bunn liked the policy, but believed the Council should interpret the question as a request and questioned if the City charged a fee. Ms. Akin stated the fee is approximately $1,100. Councilmember Bunn noted because Buttercloud came to the Council twice and were not advised of the current policy, Council should waive the fee.

Councilmember Bearnson questioned the basis for limiting the size of the food truck; Ms. Akin believed it was a community value question and explained the Council has received concerns from brick and mortar businesses who pay provide SDC fees, provide parking, pay utilities, property taxes and other fees that mobile vendors do not.

Councilmember Gordon recalled the Yellow Submarine and various other brick and mortar locations spoke against food trucks, because they felt they had unfair advantage; mobile vendors were only open during the peak periods of time, while brick and mortar had longer hours with higher overhead expenses. No discussion was received about the cost of a food truck. Councilmember Stine noted we have one person who didn't know the rule and bought too big of a truck.

Mayor Wheeler agreed with Councilmember Stine and would not be open to changing the rules at this point.

Motion: Initiate the process through the Planning Department and Planning Commission's review for food trucks.

Moved by: Clay Bearnson Seconded by: Daniel Bunn

Councilmember Bunn confirmed the motion's intent was to refer the issue to the Planning Department and the Planning Commission for a study session to discuss, make an informal decision and provide direction to staff. Councilmember Bunn clarified that Council is not initiating a text amendment, but Council is referring the issue using the procedure outlined.

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

Exhibit D

Fire Department Comments

April 6, 2017

Kyle W. Kearns

From: Greg G. Kleinberg
Sent: Thursday, April 06, 2017 11:14 AM
To: Kyle W. Kearns
Cc: Ralph E. Sartain
Subject: DCA-17-007 Comments

Kyle,

We now have an operational permit set up. The only comment Fire has is we would like to change (g) to state the following:

(g) Temporary food vendors shall ~~comply with the Fire Department's Outdoor Food Vendor Safety Checklist~~ obtain an operational permit from the Fire Department.

Thank You,

Greg Kleinberg
Deputy Chief - Fire Marshal
Medford Fire-Rescue
541-774-2317

Exhibit E
Public Works Department Comments

April 19, 2017

Continuous Improvement Customer Service

CITY OF MEDFORD

Date: 4/19/2017
File Number: DCA-17-007

PUBLIC WORKS DEPARTMENT STAFF REPORT

Development Code Amendment – Mobile Food Vendors

Project: A code amendment to revise the size standards for the mobile food vendors and to consider other impacts of the code on vendors when appropriate.

Applicant: City of Medford (Citizen Initiated)

Planner: Kyle Kearns, Planner II, Long Range Division

Public Works has no comments on the proposed amendment.

Prepared by: Doug Burroughs

P:\Staff Reports\CP, DCA, & ZC\DCA only\2017\DCA-17-007 Mobile Food Vendors\DCA-17-007 Staff Report.docx Page 1

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us
TELEPHONE (541) 774-2100
FAX (541) 774-2552

Exhibit F

Police Department Comments

April 04 – 27, 2017

Kyle W. Kearns

From: Donald G. Lane
Sent: Thursday, April 27, 2017 4:40 PM
To: Kyle W. Kearns
Subject: RE: Food Vendor at Bohemian

Sorry to get back to you past the deadline, but I can only ask the bosses so many times. I finally got word that they have no opposition to the changing of the code.

Don

From: Kyle W. Kearns
Sent: Wednesday, April 19, 2017 5:03 PM
To: Donald G. Lane
Subject: RE: Food Vendor at Bohemian

Sounds good. Do let me know if you find out. We are trying to get feedback prior to our study session on Monday with some changes we are proposing, which I've attached. We added some more regulations to permitting food trucks in public right-of-way, but if we are told by Planning Commission to take it out then all of this back and forth we have had would have been for nothing.

What we sent PD for comment is different from the draft we'd like to present on Monday. All that said, the actual Planning Commission hearing date is May 11 (I'm just hoping to get feedback before then, not expecting it).

I've reviewed a few Sections of the Muni. Code that may pertain and bolded the ones that you may have to deal with if this goes through (2.185, **6.350**, **6.370**, 6.360, 6.340, 2.190).

Feel free to call or email if I'm not making sense.

Kyle Kearns
541-774-2380

From: Donald G. Lane
Sent: Wednesday, April 19, 2017 4:46 PM
To: Kyle W. Kearns
Subject: RE: Food Vendor at Bohemian

Good question. I am not sure but I am checking. The position I am in here at the PD would allow me to if they were directed to me, if you want in the future. I am checking to see who would have reviewed this.

Thanks,

Don

From: Kyle W. Kearns
Sent: Wednesday, April 19, 2017 3:11 PM
To: Donald G. Lane
Subject: RE: Food Vendor at Bohemian

Hello Don,

Quick question. Who reviews amendments to the municipal code, specifically Chapter 10 when we send them out for comment? We haven't received any feedback from PD on the past discussion we had (below). We had sent out a request for comments to PD about a month ago (File # DCA-17-007) and want to make sure that we are provided feedback (largely due to the enforcement side of things). I'm happy to reach out to whomever it is that reviews said code amendments.

Best,

Kyle Kearns
541-774-2380

From: Donald G. Lane
Sent: Tuesday, April 04, 2017 2:12 PM
To: Kyle W. Kearns
Subject: FW: Food Vendor at Bohemian

Kyle,

Here is the entire email train with the PD's opinions on the matter. Attached is a letter drafted by Jim Huber.

Just so you are aware, I don't think the PD is necessary opposed to these food trucks parking on the street and survey food, however Trevor Arnold (who worked for me at the time) has a valid safety concern that does need to be considered. I don't think this is a fatal flaw, just something that needs to be considered.

However with this all being said, I cannot speak for my Command Staff at the PD. They may have issues with it so if you are sending out the code amendment then they should be able to weigh in on the issue if needed.

Respectfully,

D. Lane

From: Jim E. Huber [mailto:Jim.Huber@cityofmedford.org]
Sent: Monday, February 22, 2016 1:28 PM
To: Donald G. Lane
Subject: RE: Food Vendor at Bohemian

Hi Don,

I'll share what I've written up (see attachment). To respond to your question, it's not my decision because the authority I have only pertains to temporary food vendors on private property, not public right-of-way. Second, I think Council already has the authority to allow the food vendor to be in front of The Bohemian, if they want to, based on my read of 2.185 (7) and 6.350(1). However, I want Legal to let me know if they concur with that reading of the code. I've forwarded the same attachment to Legal but have not heard back yet.

Jim

From: Donald G. Lane
Sent: Monday, February 22, 2016 11:47 AM
To: Jim E. Huber
Subject: Re: Food Vendor at Bohemian

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Jim

From: Donald G. Lane
Sent: Monday, February 22, 2016 11:47 AM
To: Jim E. Huber
Subject: Re: Food Vendor at Bohemian

Sir,

When you work through this issue may I respectfully ask to be informed of your decision so I can better educate myself on this issue as well as gain an understanding of the process as a whole.

Respectfully,

D. Lane

Sent from my iPhone

On Feb 19, 2016, at 15:25, Jim E. Huber <Jim.Huber@cityofmedford.org> wrote:

> Thanks Don,
>
> Jim
>
> ---
>
> **From:** Donald G. Lane
> **Sent:** Friday, February 19, 2016 3:17 PM
> **To:** Jim E. Huber
> **Subject:** Fwd: Food Vendor at Bohemian
>
> Jim,
>
> Below is a summary of our findings and opinion on safety.
>
> Additionally if the city does allow this food truck to park on the street I am confident the other food trucks will want to do the same.
>
> Sent from my iPhone
>
> Begin forwarded message:
>
>> **From:** "Trevor C. Arnold" <Trevor.Arnold@cityofmedford.org>
>> **Date:** February 10, 2016 at 12:00:25 PST
>> **To:** "Donald G. Lane" <Donald.Lane@cityofmedford.org>
>> **Subject: RE: Food Vendor at Bohemian**
>>
>> In addition to the below listed information I also reviewed Medford Municipal Code 6.350, Sales on Public Property. This code states the following:
>>
>> (1) Unless authorized by other provisions of this code, no person shall park or leave standing a vehicle, moveable device, container, equipment or merchandise on a street, sidewalk, public right-of-way, or public off-street parking lot, for longer that five consecutive minutes in one location for the purposes of offering food or merchandise for sale without prior written approval of the council.
>>
>> I interpret this code to mean that the owner of the food truck is not allowed to park his mobile vender vehicle on a public right-of-way for the purpose of offering food for sale for more than five consecutive minutes, unless he gets written approval from the city council. I stand by my explanation listed below that it poses a hazard to the community and is not in the best interest of the City of Medford to grant that approval.

3

Corporal Trevor Arnold

From: Trevor C. Arnold
Sent: Wednesday, February 10, 2016 8:16 AM
To: Donald G. Lane
Subject: RE: Food Vendor at Bohemian

Regarding the below listed case I reviewed Medford Municipal Code 10.840 section (3) which covers temporary mobile vendors. Subsection (d) of that code states: "On city-owned property and right-of-way, temporary food vendor units shall obtain a permit pursuant to Chapter 2, and are exempt from standards of 10.840(D)." So, I then reviewed Medford Municipal Code 2.185, which covers permits for use of Publicly Owned Property and Right-of-way. Section (1) of that code states: "The City Manager upon application on a form prescribed by the City Manager's Office, shall issue a special event permit to a person when the City Manager or his designee finds with input from the affected departments that the parade or event will meet the following conditions:"

(a) Will not unreasonably obstruct vehicular and pedestrian traffic; or
(b) Create an unreasonable hazard to person or property

My interpretation of the Medford Municipal Code is as follows:
If the owner of the food truck wants to park his temporary mobile vendor vehicle on the south side of W. Main St. in front of the Bohemian Club, in a public right-of-way, he must obtain a special event permit from the City Manager's Office.

I believe the food truck being parked at the listed location in the public right-of-way causes an unreasonably obstruction of vehicular and pedestrian traffic, as well as creates an unreasonable hazard to persons and property at that location.

I have worked the downtown Medford area during graveyard shifts over the past several years. Since the opening of Bohemian Club and 4Daughters directly across the street I have seen a dramatic increase in pedestrian traffic crossing W. Main St. For the most part, pedestrians do not walk to the nearby crosswalk and wait for the electronic walk signals, but instead walk back and forth across the three traffic lanes, often times without even looking for oncoming vehicles. While crossing W. Main St. many of these patrons and pedestrians are at varying states of alcohol intoxication, their decision making and visual acuity is diminished further.

I have worked several shifts and seen the "Fired Up" food truck parked at the listed location, right in front of the Bohemian Club. It causes a major blind spot for pedestrians who choose to cross W. Main St. at the front of the truck. A line for the Bohemian Club often forms along the sidewalk to the east, forcing patrons who are leaving the club and crossing the street to walk in front of the food truck, on the west side. When people cross the roadway in that manner, they have absolutely no view of oncoming vehicles. I can't count the number of times I myself have had to come to a complete stop in the roadway for pedestrians who are crossing W. Main St. without using the crosswalk and while I had a green traffic signal.

Not only does the food truck cause a hazard to pedestrians, but it also affects vehicular traffic. Taxi cabs are a staple business in the downtown area on Friday and Saturday nights. As an officer who has worked his entire career to curb the impaired driving problem I appreciate seeing the taxi cabs in business. The problem the food truck brings

when it is parked in front of the Bohemian club is that it takes up several parking spaces, right in front of the entrance to the club. This is where taxi cabs used to park to drop off and pick up passengers. Now, I often see the taxi cabs stop in the roadway, blocking the far left traffic lane for W/B traffic to drop off and pick up their passengers. They no longer have a safe place to pull over in front of the club.

On another note, I received information on Tuesday February 9th that the Bohemian Club had stopped serving food during the nighttime hours and were closing their kitchen down, relying on food service from the food truck parked in front of the business for their patrons. In order to continue operating with a valid license to serve alcohol the business is required to serve food. I contacted OLCC Inspector Matt Roberts and asked him what he knew the situation. Matt Roberts confirmed it is a requirement for the business to serve food in order to maintain their liquor license. He also added he had heard the same information last week. Roberts told me he did an inspection of Bohemian Club last week and confirmed the business had closed their kitchen down for the night, while still serving alcohol, and were relying on the food truck to supply food for their patrons. Roberts told me this was a violation of their liquor license and he is in the processes of completing his report, at the conclusion of which the Bohemian Club will be fined.

Based on my interpretation of the Medford Municipal Code and the unreasonable obstruction of pedestrian and vehicular traffic that is caused by a mobile food vendor being parked in front of the Bohemian Club, I feel it would not be in the best interest of the city to grant special event permits to mobile food vendors who wish to park in the public right-of-way in front of that location.

Respectfully Submitted,
Corporal Trevor Arnold

From: Donald G. Lane
Sent: Friday, February 05, 2016 5:06 PM
To: Trevor C. Arnold
Subject: Food Vendor at Bohemian

Cody at 541-973-4753 wants to operate his food trailer at night in front of the Bohemian club, parking on street. Niezen originally had this case and I did some work on it, but never got a final answer from my research in Muni Code.

Exhibit G

Public Comment: Ellen and Gibson Holub (Buttercloud Bakery Owners)

December 03, 2016 and April 26, 2017

Kyle W. Kearns

From: Ellen Holub <ellenholub@gmail.com>
Sent: Saturday, December 03, 2016 10:29 AM
To: Kyle W. Kearns
Subject: Buttercloud food truck

Hi Kyle! My husband Gibson mentioned that you had some questions regarding the size of our food truck. Our vehicle is 25' long by 8' wide.

I know that you are doing your own research about this issue, but what I learned in my research is that most cities (including Central Point where our truck is currently parked) look at each request on a case by case basis. Even if it is to be parked on private property, the city can determine whether that is an appropriate location for that particular use. Of all the many cities that I called, Bend, Eugene, Corvallis, Talent, Phoenix, none had specific numbers tied to food trucks in general. Portland is the only city that does, from what I can tell, and they are as follows:

10'x 20' = metered parking spaces on city owned property
10'x 24' = non-metered parking spaces on city owned property
10' x 40' = private property

Our wish is that the City of Medford consider adopting a policy more in line with the rest of the cities in our state regarding parking a vehicle on private property.

Thank you for looking into this and please let me know if you have any further questions.

Ellen Holub

Kyle W. Kearns

From: Gibson <gibsonholub@gmail.com>
Sent: Wednesday, April 26, 2017 3:54 PM
To: Kyle W. Kearns
Subject: Re: Food Trucks at Special Events

Hi Kyle,

I just left a phone message, but thought I'd email you as well. The internal kitchen production area, not including the cab, of our food truck is about 18 ft, so looks like we would be permitted according to the proposed code change.

Thanks again and let me know if you have any more questions.

Best,
Gibson

On Tue, Apr 25, 2017 at 7:53 AM, Kyle W. Kearns <Kyle.Kearns@cityofmedford.org> wrote:

Hello Gibson,

If you have a chance could you review the below portion of the code update and tell me if your truck would be permitted under the new code.

(1) The exterior length shall not exceed 20 feet (See Figure 10.840 – 1 for measurement guidance).

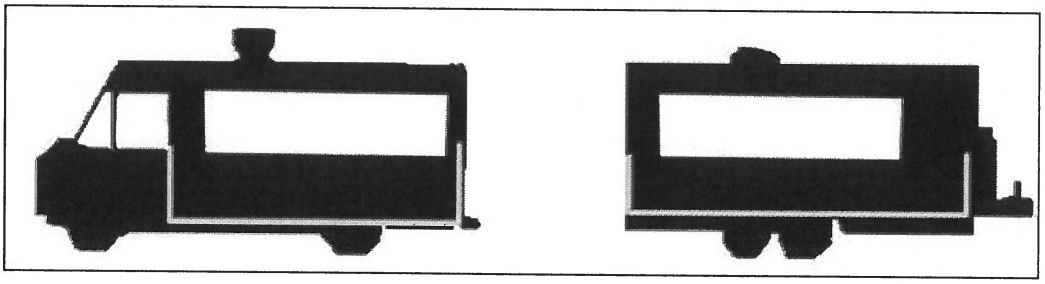


Figure 10.840 – 1: The length of a mobile food vendor shall only include the length of the area devoted to the production of food excluding things such as vehicle cabs, bumpers, trailer tongues, slide outs and trailer hitches.

1

Exhibit H
Public Comment: LBG Meford, LLC.
(Medford Center Owner)

LBG Medford, LLC

500 Newport Center Drive
Suite 800
Newport Beach, CA 92660

Ph (949)640-0005
www.lbgfunds.com

RECEIVED
JAN 12 2017
PLANNING DEPT.

January 12, 2017

City of Medford
200 S. Ivy Street
Medford, OR 97504-3100
Att: Praline McCormick

RE: Food Trucks

Dear Praline,

As you know, LBG is the owner of Medford Center, and has a very substantial, invested interest in in Medford Center and the city.

It has come to our attention that tonight the city will be discussing the city code pertaining to food trucks operating in the city. While I cannot attend the meeting, I would like to offer the following thoughts regarding the matter.

As you mentioned, some of the concerns the city has with food trucks and the city code as written are protecting bricks and mortar restaurant operations, as well as food trucks not paying real estate taxes and sewer development charges that bricks and mortar restaurant operators pay. These are very valid concerns that should be addressed. LBG has similar concerns, and thoughts and suggestions to remedy the same, as set forth below.

Food trucks can be an asset to the community, but can also be a detriment. The thoughts and suggestions below are intended to keep food trucks in the "asset" category, under which circumstances LBG supports food truck operations in the city. As you may know, LBG has substantial experience with food trucks, including at Medford Center.

Food trucks should only be an ancillary part of bricks and mortar operations. Accordingly, food trucks operators should be required to have bricks and mortar premises of at least 1,000 square feet in buildings zoned for restaurant use, with permanent on-site electrical power to serve the food trucks when not in transit for ancillary mobile operations. Such premises need not necessarily have kitchens (the food trucks can be the kitchens), but should have seating for at least 10 customers, restrooms, and on-site parking for the food truck and its customers, to not burden private property owned by others, city property, nor bricks and mortar restaurant and general retail operators. Mobile

food serving operations should be limited to catering and other events with notice in advance to the city by a simple online notification form to be completed, and serving construction sites.

The permits should be conditional, annual in term, and issued administratively. The size and weight of the food trucks need not be regulated other than that the size, weight, and other requirements for the food trucks should be the same as any non-food service trucks accessing public right of ways.

The code need not be overly exhaustive nor burdensome for the city to enforce. By having permanent premises, enforcement by the city will be much easier, and compliance with city requirements will be controlled by not only the food truck operators, but by their premises landlords as well. In our case, Medford Center has full time on-site security which serves as additional monitoring to ensure food truck operators do not operate on-site without authorization or proper permitting.

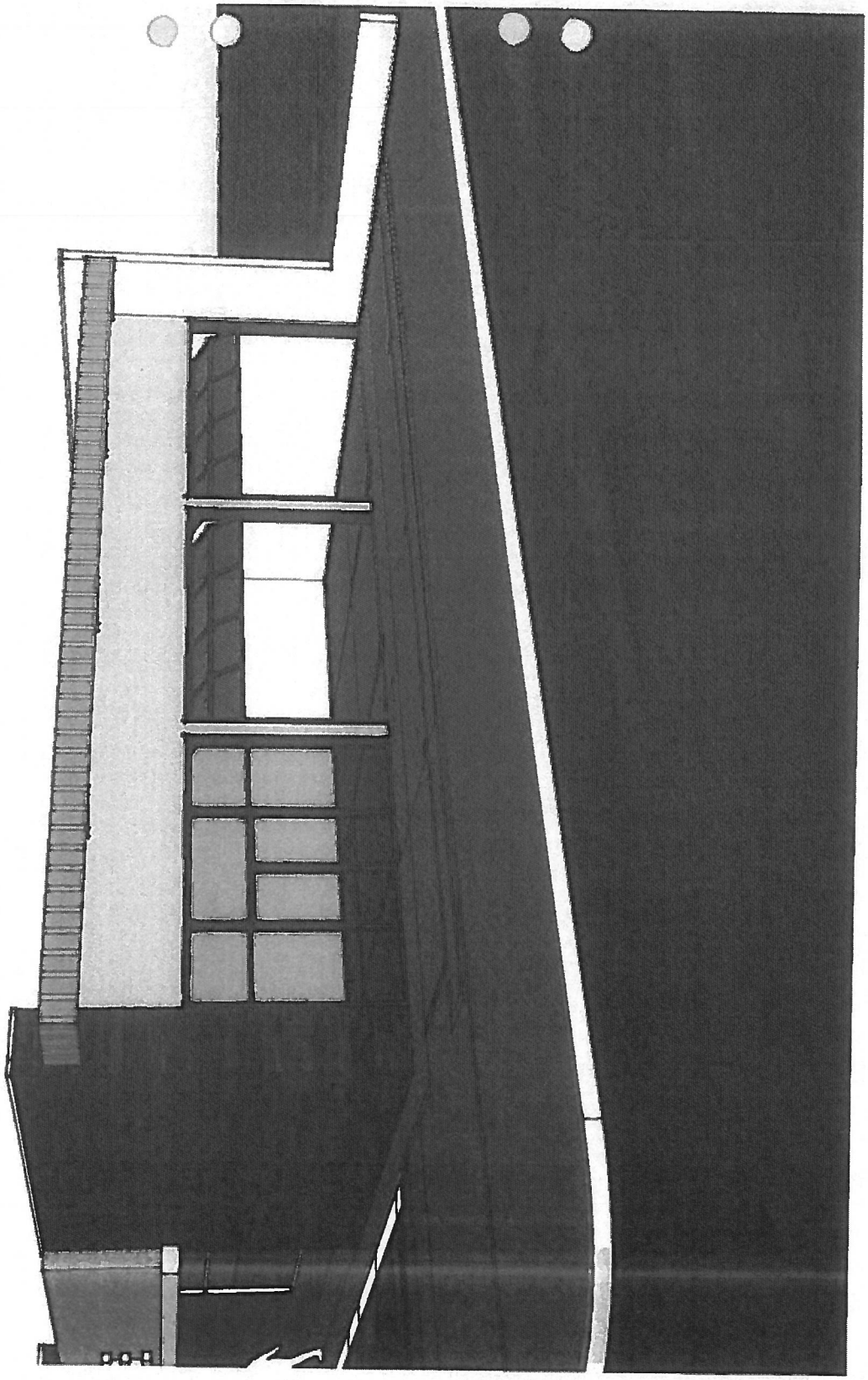
By instituting these requirements, food truck operators (or their physical premise landlords) will pay real estate taxes and sewer development charges in addition to fees assessed on the food trucks, covering the city's cost of such operations and leveling the playing field with bricks and mortar restaurant operators. Additionally, the food truck operators will be permanent instead of transient businesses in the city, and benefit the city and its residents and businesses instead of just taking from.

We had our architect draw an elevation of the north end of our westerly most building facing Stevens, which is attached to this letter. This is an example of the type of location that would be ideal, as there would be indoor and outdoor seating opportunities, restroom facilities, ample parking, and electrical service. This premises is of course ideal, and other premises need not be so similarly ideal, but this is the general idea.

Food trucks today desired by cities and residents are going rapidly in the direction of gourmet food prepared by skilled chefs, and what we are suggesting promotes that outcome. Food trucks stationed haphazardly and in places without parking and infrastructure, that take from bricks and mortar operations instead of supplementing them are of little value to anyone but the transient food truck operator. There is also the propensity for drug activity to occur with transient food truck operations.

While the common perception is that food trucks are intended to only be mobile in operation, in reality, cities with successful and interesting food truck operations require the food trucks be generally fixed in location, off the public right of way, and if the food truck operator determines that particular location does not work for their product, the food truck operator can pick up and relocate to a new permanent location. The benefit to the food truck operator is generally the same; a low-cost way to get great chefs with little working capital into the food service business and maintain flexibility until they can establish a primarily bricks and mortar operation in the area. A perfect example of this is in my home town where TLT Food followed this path, by code, and now is a very successful chain of restaurants with excellent food, permanent operations, and with food truck catering for parties, schools, sports, and other events. Please visit www.tltfood.com; you need look no further than the Home page to see how TLT started. This is the type of operation LBG seeks to cultivate, and with so many shopping centers in Medford, I am sure other landlords will as well.

Thank you for allowing and considering my input. I am available at yours and the city's convenience for further discussion.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

www.ci.medford.or.us

Item No: 130.4

DEPARTMENT: Planning Department
PHONE: (541) 774-2380
STAFF CONTACT: Matt Brinkley, AICP, CFM, Planning Director

AGENDA SECTION: Public Hearings
MEETING DATE: June 15, 2017

COUNCIL BILL 2017-68

A resolution approving the construction of street improvements on Foothill Road between Hillcrest Road and East McAndrews, as part of Foothill Road Improvement Project. (TF-17-012)

SUMMARY AND BACKGROUND

The project includes street improvements on a segment of Foothill Road between Hillcrest Road and East McAndrews Road in Medford. The project was discussed at the Bicycle and Pedestrian Advisory Committee (BPAC) on March 13 and April 10, 2017. The Committee made recommendations in support of the project. The Planning Commission reviewed the proposal at a public hearing on May 11, 2017. The Commission forwarded a favorable recommendation to the City Council (TF-17-012).

PREVIOUS COUNCIL ACTIONS

- The project was included as part of a loan from the Oregon Transportation Infrastructure Bank, approved by Ordinance 2015-49 on May 21, 2015.
- The Council authorized the execution of Intergovernmental Agreement Number 30421 between the City and the Oregon Department of Transportation accepting a Congestion Mitigation and Air Quality grant by ordinance 2015-95 on September 17, 2015.
- The Council granted Intergovernmental Agreement Number 31209 between the City and the Oregon Department of Transportation by Ordinance 2016-55 on May 5, 2016, which defined the right-of-way acquisition roles and responsibilities for street improvements to Foothill Road.
- The Council adopted Resolution Number 2016-104 on August 18, 2016, acknowledging the continued support for the improvement of Foothill Road as the top transportation priority for the City of Medford.

ANALYSIS

Foothill Road is a regionally significant roadway that is part of a system that connects from Phoenix to Eagle Point. The project would improve 5,100 linear feet of Foothill Road between Hillcrest Road and East McAndrews Road to major arterial standards with modifications. The improvements include an increase in travel lanes, buffered bike lanes, a multi-use path, sidewalks, medians, planter strips, street lights, and traffic signals. The proposal is identified in the city's Transportation System Plan as Project Number 469 and categorized as a Tier 1 improvement.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Total project cost is estimated at $13 million dollars. The funding sources are an Oregon Transportation Infrastructure Bank (OTIB) loan in the amount of $10 million dollars and a Congestion Mitigation and Air Quality (CMAQ) grant in the amount of $3 million dollars. Funding is contained within the 2017-2019 biennial budget, project number STA1825520: Foothill Road Improvements.

TIMING ISSUES

The Public Works Department anticipates construction completion by August 2019.

COUNCIL OPTIONS

Approve, modify, or deny the resolution.

STAFF RECOMMENDATION

Staff recommends approval of the transportation facility.

SUGGESTED MOTION
I move to adopt the resolution authorizing the Foothill Road improvement project as recommended by the Planning Commission.

EXHIBITS
Resolution
Commission Report, including Exhibits A through R

RESOLUTION NO. 2017-68

A RESOLUTION approving the construction of street improvements on Foothill Road between Hillcrest Road and East McAndrews, as part of the Foothill Road Improvement Project.

WHEREAS, having held a duly noticed public hearing on May 11, 2017; and

WHEREAS, the Council has determined that the proposed project plans satisfy the applicable criteria as demonstrated by the Commission Report dated June 8, 2017, attached as Exhibit "A" and incorporated herein, and adopted as the findings and conclusions of the City Council; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON, that the construction of street improvements on Foothill Road between Hillcrest Road and East McAndrews, as part of the Foothill Road Improvement Project, as shown in the Commission Report dated June 8, 2017, attached as Exhibit "A" and incorporated herein, are hereby approved.

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

ATTEST: _____ _____

City Recorder Mayor

COMMISSION REPORT

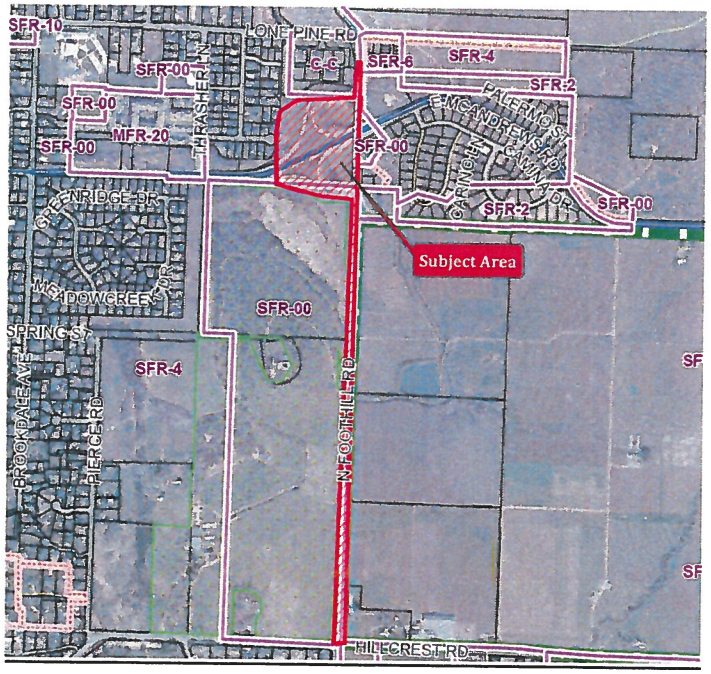
for a Type-B quasi-judicial decision: Transportation Facility

PROJECT	Transportation Facility Review – Foothill Road Improvement Project Applicant: City of Medford
FILE NO.	TF-17-012
TO	City Council for June 15, 2017 hearing
FROM	Sarah Sousa, Planner IV
REVIEWER	Carla Angeli Paladino, Principal Planner
DATE	June 8, 2017

BACKGROUND

Proposal

The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and East McAndrews Road to modified major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, street lights, and traffic signals.



History

The proposed street improvement is identified in the Transportation System Plan as Project Number 469 and categorized as a Tier 1 Long-Range improvement. The City Public Works Department is the applicant. The funding sources are an Oregon Transportation Infrastructure Bank (OTIB) loan and a Congestion Mitigation and Air Quality (CMAQ) grant.

The proposal was discussed at the Bicycle and Pedestrian Advisory Committee meetings of March 13 and April 10, 2017. The Planning Commission held a hearing on May 11, 2017, and voted 8-1 to recommend approval to the Council.

Authority

This proposed plan authorization is a Class-B quasi-judicial approval for the development of a transportation facility. The Planning Commission is authorized to recommend and the City Council to approve transportation facilities under Medford Municipal Code Sections 10.102–122, 10.165, and 10.185.

ISSUES AND ANALYSIS

Background

Foothill Road is a regionally significant roadway. It provides one of the only major arterial connections linking the northern and southern portions of the city east of Interstate 5. It is also part of a system (at North Phoenix Road) that links Phoenix to Eagle Point.

Foothill Road is a two-lane County road with no bicycle or pedestrian facilities. The Public Works Department proposes to construct approximately 5,100 linear feet of improvements to Foothill Road between Hillcrest Road and East McAndrews Road to Major Arterial standards with modifications. **Exhibit F**

Project Details

On page 2 of the executive summary, a table is included showing the required dimensions of a Major Arterial Street with the requested modifications. The bike lanes are proposed to be wider due to the extra buffer area. The sidewalks are not reduced below the minimum required and are actually proposed to be wider in most areas. The planter strip is requested to be reduced and/or eliminated in some sections. The center median is reduced in two sections from the required fourteen feet down to six feet. The total paved width and right-of-way widths vary due to the above requested changes.

The following details a list of project improvements. **Exhibits C-E**

1) The proposed street improvements to Foothill Road include:

-Increased travel lanes from two to four (two each way)

-Five to seven foot sidewalk on the east side of road

-Ten foot wide multi-use path on the west side of the road

-Ten foot wide multi-use path along the Hillcrest Orchard Property on the east side of the road

-Left turn lanes at intersections

-Six foot bike lanes with three foot buffer

-Underground storm drain improvements

-Traffic signals at north and south McAndrews Road interchange ramps

-Left and right turn lanes at north and south McAndrews Road interchange intersections

-Street Lighting

-Street Trees

2) The proposed street improvements to McAndrews Road (on/off ramps):

-Seven foot wide sidewalk along eastbound off-ramp

-Seven to ten foot wide multi-use path along westbound off-ramp

Right-of-way Acquisition

At present, most of the Foothill Road right-of-way is 60 feet wide. Proposed street improvements will require a width of 88-109.5 feet. Acquisition of approximately 113,000 square feet from twelve tax lots will be needed, as well as slope and construction easements of 90,000 square feet.

Committee & Citizen Comments

Bicycle & Pedestrian Advisory Committee: The project was discussed at the Bicycle and Pedestrian Advisory Committee (BPAC) on March 13 and April 10, 2017. Although the Committee is in overall support of the project, they provided written comments expressing safety concerns regarding the existing East McAndrews on-ramp and off-ramp multi-use path. The following are two committee recommendations:

- Add signage and pavement markings to alert motorists of the presence of cyclists and pedestrians.
- Replace existing landscaping, which can obstruct vision clearance, with ground cover vegetation that will not obstruct visibility.

As proposed improvements will tie into the existing multi-use path, the recommendations can be considered as part of the project. **Exhibit M**

Citizen Comments: The property owners of 1570 Foothill Road came in to the Planning Department and spoke with Planning and Engineering staff about driveway concerns. Since the driveway at 1570 Foothill Road is located at the future signalized intersection, the city proposes to relocate the driveway to the south. According to the owners, it may be problematic to relocate the driveway approach due to grade and radius issues.

At the Planning Commission hearing, oral testimony was received from eleven citizens. One person testified that, as a new property owner, he did not receive a notice in the mail regarding the project. The owners of 1570 Foothill Road expressed concerns about the proposed relocation of their driveway which would decrease the functionality of their property. They were also worried about the impact that noise and tree removal would have on their view and property value. Other citizens brought up concerns related to access. Some accesses are proposed for removal along the farming properties while others will only have a right-in, right-out driveways once a median is installed. The Planning Commission minutes detail all of the citizen input at the public hearing. **Exhibit B**

Four letters were submitted at the Planning Commission public hearing from the following: Bill and Gwyn Reen, Lisa and Laurence Rubenstein, Emily Mostue, and Karen Allan. **Exhibits N-Q.**

Agency and Department Comments

Public Works Department: The Public Works Department is the applicant and they do not have any additional comments regarding the proposed project. **Exhibit G**

Fire Department: The Fire Department did not have any additional requirements. **Exhibit H**

Parks & Recreation Department: The Parks and Recreation Department submitted a letter supporting the project and detailing consistency with the Leisure Services Plan. **Exhibit I**

Medford Water Commission: The Medford Water Commission requests the following conditions of approval for the project. **Exhibit J**

- The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
- There is an existing 12-inch ductile iron water line located just outside the east right-of-way line of North Foothill Road. This existing water line is planned to

remain in place, and shall be protected in place during all construction activities. If conflicts are found to exist between the existing 12-inch water line and the proposed street/storm/sewer improvements, those conflicts will be investigated and resolved prior to construction.

- MWC's recent Water Distribution Facility Capital Improvement Plan requires the installation of a 16-inch water transmission line in North Foothill Road between Hillcrest Road and Lone Pine Road. No water services will be connected to this water transmission line.
- MWC-metered water service does exist to a portion of these parcels along North Foothill Road from the existing 12-inch water line along the east right-of-way line. The existing water meters and all future water service connections will be from the existing 12-inch water line.
- MWC will coordinate proposed water line alignment and design with City of Medford Engineering Department staff, and prepare and provide engineering plans, and specifications for ODOT approval.
- MWC will have an inspector on-site during water facility construction activities.

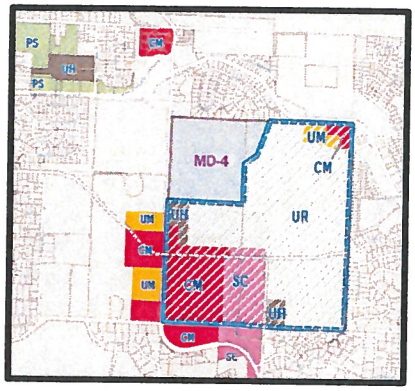
Medford Irrigation District: The Medford Irrigation District supplied comments in favor of the project but asks for coordination related to the district's pipe size and easements. **Exhibit K**

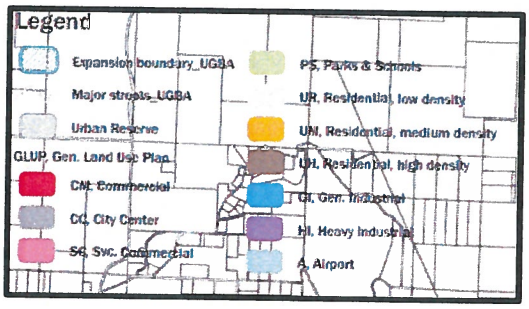
Jackson County Roads: Jackson County Roads sent a letter explaining that currently the County maintains Foothill Road. Once the project is complete, they would prefer that the City request a jurisdictional transfer. **Exhibit L**

Planning Department: At the Planning Commission hearing, the proposed raised median was described by the City Engineer as a wall. These can be seen on freeways and expressways. They serve as barriers between traffic traveling in opposite directions in areas where there is limited turning and multimodal facilities. It has been clarified that the wall barrier is proposed on the segments with the reduced six-foot median (Segments B & C) along the northerly portion of the project. The raised median for the other segments will be a six-inch raised concrete section.

Photos of raised median walls

Since the proposed street improvement segment is within the City's limits and the proposed Urban Growth Boundary, this will be an area with new residential and commercial uses. (The map below shows the General Land Use Plan designations for the areas adjacent to the project). As development occurs, the street environment will need to invite citizens to experience this area, not just pass through it. A barrier wall might create an expressway atmosphere, which may not be desirable. A raised 6-inch median may be more appropriate. Council may want to consider this as part of the decision.





The photos below show existing raised medians with trees on Barnett Road and North Phoenix Road.

North Phoenix Road

Barnett Road (photos from Google Earth)

Planning Commission Comments

Planning Commission Comments: At the Planning Commission hearing, the commissioners discussed the proposed signal at the south McAndrews Road intersection ramp and the impact to the property located at 1570 Foothill Road. Instead of moving the driveway at 1570 Foothill Road to the south to avoid alignment with the future signalized intersection, the Planning Commission recommended that the city try to create a reasonable access across from the signal.

The Commission also expressed concern about the proposed raised median wall. If the wall was eliminated, the median would still allow areas in which residents could turn left

into their properties as they do now. The City Engineer pointed out the proposal is based upon safety and that raised medians are described in the Transportation System Plan for major arterials to limit access. The Commission also questioned where in Medford raised median walls, such as the one proposed, exist. The City Engineer explained that they are located in areas approaching bridges on the side of the road. Typical locations are on freeways and expressways.

The Commission emphasized the need for flexibility in the design to allow existing accesses full movement (left-in options) as much is possible without compromising on safety.

RECOMMENDED ACTION

The Planning Commission found the approval criteria is met and forwarded a favorable recommendation to the City Council with the recommendation that the city try to create a reasonable access for the property at 1570 Foothill Road across from the signal at the south McAndrews ramp signal and with the consideration for flexibility in the design to allow existing accesses full movement (left-in options) where possible for TF-17-012, per the Commission Report dated June 8, 2017, including Exhibits A through R.

EXHIBITS

A Findings and Conclusions
B Planning Commission Minutes of May 11, 2017
C Cross Section A received January 30, 2017
D Cross Sections B,C, & D received January 30, 2017
E Cross Sections E & F received January 30, 2017
F Applicant's Executive Summary received January 30, 2017
G Public Works Department Report received April 19, 2017
H Medford Fire Department Report received April 19, 2017
I Medford Parks & Recreation Department letter received March 17, 2017
J Medford Water Commission memo & map received April 19, 2017
K Medford Irrigation District letter received March 9, 2017
L Jackson County Road letter received March 15, 2017
M Letter from the Bicycle & Pedestrian Advisory Committee Vice-Chair received April 27, 2017
N Letter from Karen Allan received May 11, 2017
O Letter from Emily Mostue received May 11, 2017
P Letter & Photos from Bill and Gwyn Reen received May 11, 2017
Q Letter from Lisa and Laurence Rubenstein received May 11, 2017
R Letter from Gwyn Reen with attachments received May 30, 2017

CITY COUNCIL AGENDA: **JUNE 15, 2017**

Exhibit A

Findings and Conclusions

The criteria that apply to transportation facility development are found in Medford Municipal Code §10.207).

Transportation Facility Development. The Planning Commission shall base its recommendation and the City Council its decision on the following criteria:

COMPLIANCE WITH CRITERIA

Criterion (1): Transportation facility development projects shall be consistent with the Transportation Goals and Policies of the Comprehensive Plan.

Findings: Satisfied. The transportation facility project is consistent with various transportation goals and policies identified in the Comprehensive Plan. The relevant statements are identified below and are further explained about how they relate to this project.

Goal 1: To provide a multi-modal transportation system for the Medford planning area that supports the safe, efficient, and accessible movement of all people and goods, and recognizes the area's roles as the financial, medical, tourism, and business hub of Southern Oregon and Northern California.

Policy 1-B: The City of Medford shall use the Transportation System Plan as the legal basis and policy foundation for decisions involving transportation issues.

Policy 1-C: The City of Medford's top priority for the use of transportation funds shall be to address the maintenance, operational, and safety needs of the transportation system.

Policy 1-E: The City of Medford's third priority for the use of transportation funds shall be to fund capital improvements that add capacity to the transportation system. These improvements shall be prioritized based on availability of funds, reducing reliance on the automobile, improving safety, relieving congestion, responding to growth, and system-wide benefits.

Goal 2: To provide a comprehensive street system that serves the mobility and multi-modal transportation needs of the Medford planning area.

Policy 2-E: The City of Medford shall design to enhance livability by assuring that aesthetics and landscaping are a part of Medford's transportation system.

Policy2-F: The City of Medford shall bring Arterial and Collector streets up to full design standards where appropriate, and facilitate improving existing local streets to urban design standards where appropriate.

Policy 2-I: The City of Medford shall promote transportation safety.

Goal 5: To facilitate the increased use of pedestrian transportation in the Medford planning area.

The improvements to Foothill Road will encourage multi-modal transportation while providing better vehicular capacity to the overall transportation system. The addition of an extra vehicular lane in each direction and turn lanes will provide additional vehicular capacity. The subject segment roadway will include a sidewalk and/or 10-foot multi-use path along both sides of the roadway which will help add to the sidewalk network and provide recreational opportunities.

Safety improvements include buffered bike lanes, street lighting, and signalized intersections. Major Arterial standards require a six-foot wide bike lane on each side of the street. The proposal includes six-foot bike lanes but also adds an extra 3-foot buffer between the bike and vehicular travel lanes. This additional measure will encourage bicycle usage and promote additional safety. Currently, no street lighting exists on this segment of roadway. New street lights will be installed as part of the project which will provide illumination for vehicles, pedestrians, and bicyclists. Two new signalized intersections will also provide additional safety for vehicles entering and exiting the McAndrews Road on/off ramps.

The entire length of Foothill improvements will be enhanced with trees. Proposed landscape easements on adjoining properties are proposed to protect existing trees. Other areas will include a planter strip between the bike lane and sidewalk.

Overall, the modifications from the typical Arterial Street standards will provide a safer and enhanced roadway that will benefit the vehicular, bicyclists, and pedestrian public.

Conclusion: The transportation facility project implements the Transportation System Plan and fulfills identified goals and policies of the Comprehensive Plan. The project satisfies Criterion 1.

Criterion (2): Transportation facility projects should not prevent development of the remainder of the property under the same ownership or development of adjoining land.

Findings: Satisfied. The transportation facility improvements are to an existing roadway and abut large properties that have the potential to develop in the future.

Conclusions: The proposal does not prevent development of the remainder of the property under the same ownership or development of adjoining land. This criterion is found to be satisfied.

Criterion (3): If the project includes the creation of new streets, such streets should be laid out to conform with the plats of land divisions already approved for adjoining property.

Findings: Not applicable. The proposal does not create any new streets. The proposed improvements will be installed along an existing roadway.

Conclusions: As no new streets are proposed, the criterion is not applicable.

Exhibit B

Planning Commission Minutes May 11, 2017(excerpt)

Planning Commission

Minutes

From Public Hearing on **May 11, 2017**

The regular meeting of the Planning Commission was called to order at 5:30 PM in the City Hall Council Chambers on the above date with the following members and staff in attendance:

Commissioners Present
Patrick Miranda, Chair
David McFadden, Vice Chair
David Culbertson
Joe Foley
Bill Mansfield
Mark McKechnie (departed at 8:30 p.m.)
E.J. McManus (arrived at 5:45 p.m.)
Alex Poythress
Jared Pulver

Staff Present
Kelly Akin, Assistant Planning Director
Carla Paladino, Principal Planner
Kevin McConnell, Deputy City Attorney
Alex Georgevitch, City Engineer
Greg Kleinberg, Fire Marshal
Kyle Kearns, Planner II
Sarah Sousa, Planner IV
Liz Conner, Planner II

50.2 TF-17-012 The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and East McAndrews Road to modified major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, street lights, and traffic signals. (City of Medford, Applicant/Agent)

Sarah Sousa, Planner IV, stated that the transportation facility development criteria are found in the Medford Land Development Code Section 10.207. It was included in the property owner notices, staff report and copies have been provided for the audience located at the entrance of Council Chambers for those in attendance. Ms. Sousa gave a

staff report. Ms. Sousa mentioned that the owner of 1570 Foothill Road brought up concerns about the driveway relocation. They are in attendance this evening to testify. Ms. Sousa recognized a letter received this evening from Emily Mostue who is also in the audience to testify. Staff has not had a chance to review the letter but the Commissioners have a copy of the letter before them.

There are representatives from the Public Works Department to answer any questions that Ms. Sousa cannot answer.

Commissioner Foley asked, on the east side, is the multi-use path replacing the sidewalk? That is Ms. Sousa's understanding. Commissioner Foley, asked will meld into the sidewalk at some point? That is Ms. Sousa's understanding.

Alex Georgevitch, City Engineer, stated that the multi-use path will meld into a sidewalk.

Chair Miranda asked, are the materials used for the multi-use path and sidewalk different? Mr. Georgevitch reported that has not been determined at this point. Typically the multi-use path is made out of asphalt but they could use concrete. Sidewalks will be concrete.

Commissioner Foley asked, is the buffering on the bike lanes space and will there something on the surface to alert they are over the line? Mr. Georgevitch replied there will not be anything on the surface, only striping. With the available right-of-way, environmental impacts and with the available dollars, it was determined to be the best solution in order to sweep the bike lane. If it was raised it could not be swept.

Commissioner Mansfield stated that the material that the Commissioner's received indicates there is apparently a substantial amount of right-of-way acquisition and consequential damages. Is Mr. Georgevitch in discussions on those matters? Mr. Georgevitch reported that they have had meetings with some of the property owners discussing impacts. They have not started any right-of-way negotiations. That will occur after the City Council gives approval. Public Works will be dealing with any adverse impacts to the properties. They will be paying for any damage to the property. These are all negotiated through the process after the Transportation Facility hearing. This is determining what they have to negotiate for. After approval from the City Council they start the process of finalizing the design and seeking right-of-way.

Commissioner McKechnie asked, is there only one access in the middle off each side of this transportation facility forever or will there be other roadways allowed as the two parcels develop? Mr. Georgevitch stated that this is the current public access that Public Works is planning. There will eventually be an east/west street that will serve Hillcrest Orchard side to the east as well as the property owned to the north by the

Carpenter family. There will eventually be a street to the west coming through the Carpenter family property that could tie into the internal study area that was part of the urban growth boundary expansion process. Public Works envisioned Spring Street coming through the property and eventually tie into this location as well. This is envisioned to be the single signalized location along there. Ideally, Foothill Road will be a highly accessed managed facility that will move high volume of vehicles. He cannot tell what future access will be because it will depend on development patterns. They will be building needed infrastructure on each side of the street that will be able to tie into the east/west street. He cannot guarantee that at this time.

Commissioner McKechnie asked, is there any reason the driveway cannot stay at the signalized intersection at the access ramp to McAndrews? It looks like the driveway relocation will only have a right in/right out where now they have full movement. They would definitely have full movement if signalized. Mr. Georgevitch reported that is correct. The standard is not to use a single drive approach for single family residents across from a signalized intersection. It is unconventional. If Public Works is directed to do that, it can be done but it would not be advised by Engineering. They will try to work with all impacted property owners. Public Works is looking at U-turn locations if they can fit them in.

Commissioner McKechnie asked, is the Planning Commission offering suggestions to change this or requiring changes be made if they think changes should be done or accept this blindly and hope they fix something that looks like it is wrong? Chair Miranda reported that it is the Planning Commissions purview and responsibility to look at it realistically and make a recommendation.

Commissioner McKechnie suggested that in this particular space that Public Works consider doing a shortened street on the other side that they could tie into. There are some other houses there and there may be some in the future that would benefit from a stub of a street.

Mr. Georgevitch responded that the Planning Commission is a recommending body to the City Council. If that is a recommendation, please make sure it is the motion. Public Works is going to do what is required of them after the City Council hearing. Tonight, the recommendation moves it forward to the City Council. How the City Council deals with it he cannot say. Public Works puts together their best recommendation and now they are waiting to hear the feedback from the public, Planning Commission and eventually to see how the City Council weighs in on all the information.

Chair Miranda asked, are the concerns basically from the intersection signalization? Mr. Georgevitch replied, that is correct.

Commissioner McKechnie asked, what is the logic of putting the multi-use path on the east side of the southern part of this project (Sections D, E and F area)? Mr. Georgevitch reported that trees are historic in nature that goes with the Hillcrest Orchard property. Those trees are just as important as the buildings that are part of that property so they had to do everything they could to avoid them. If they end up having to take out the trees it will probably delay the project one to two years. They started looking for alternatives. They started working with State Historical Preservation Office (SHPO), Oregon Department of Transportation (ODOT) and property owners to find a way to satisfy the needs of the road and still minimize impacts to the historic property. Between working with the property owners and the other agencies, this is what they came up with as the most reasonable approach. It allows for the bike movements if they want to stay on this facility opposed to a sidewalk because it is wider than normal along this portion. It preserves the trees. They are working with the property owner to install some kind of buffer between the path and the existing building on cross section F. They feel they have come to a reasonable compromise for all parties involved and believes this can be approved by SHPO primarily.

Commissioner McKechnie stated that he does not have a problem with the location but on this side of the roadway for Sections D, E and F there are two bike paths transitioning into a sidewalk in Sections A, B and C. Having a bike path is fine but why another one in the street? Mr. Georgevitch stated the reason they did this is that there are different types of cyclists and they are trying to accommodate a broader portion of the public that wants to ride their bikes. There is the fearless cyclists that will stay on Foothill Road. The people that want to ride on the sidewalk as a pedestrian there is no way to transition them off the sidewalk. Further north there will be a planter strip and the sidewalk goes back to the 5 foot standard which exists throughout the community. Public Works originally was considering a multi-use path only and realized there was no way to transition down.

Commissioner McManus asked, is Jackson County asking to transfer the jurisdiction outside of the project section? Mr. Georgevitch reported that their agreement is to whenever a road is improved to City standards they will take it into City jurisdiction. This will be the section from Hillcrest to McAndrews.

Vice Chair McFadden stated that the right-of-way is going through the trees. They have a life span. It will raise the question in the future who takes care of the trees and what happens to the trees when and if the inevitable happens. He suggested increasing the road right-of-way width to the backside of the path so that the City takes jurisdiction of the trees for maintenance.

Vice Chair McFadden asked, do the three houses at the south McAndrews off ramp take access from that one access point? Mr. Georgevitch replied that there are three, maybe four properties that will be taking access there.

Vice Chair McFadden asked, how is that done? Is it still undecided? Mr. Georgevitch stated that Public Works will design and reconstruct the driveway and obtain any easements required to allow cross access if that is approved by the City Council. At this point, Public Works is leaning towards moving the driveway south and then creating an internal roadway for all four properties to use.

Vice Chair McFadden asked, how does Public Works foresee the access to the Carpenter home on the hill, come back into the new intersection? Mr. Georgevitch replied that the house on the hill will have its own driveway near the irrigation canal. It will be right in/right out. The Carpenters are fine with that.

Vice Chair McFadden asked, has Mr. Georgevitch had a chance to read the letters submitted at this evening meeting? Mr. Georgevitch replied yes.

Vice Chair McFadden asked, will the City replace the fencing that will be removed during construction? Mr. Georgevitch reported that all that will be negotiated through right-of-way process. If Public Works impact they will either pay or reconstruct. Typically, on fencing Public Works wants to pay and let the property owner reconstruct.

Vice Chair McFadden stated that he is sure the City will not have a problem with maintaining access to farming equipment during construction of this project. Mr. Georgevitch stated that there will be a few times where that may be challenging but they will work as closely as they possibly can. These projects always have impact to the surrounding community. This community is a farming community. Public Work always strives to do what they can. When they are paving they need to consider the fact that vehicles cannot cross. Public Works has discussed this with the family and they understand there will be times this may be difficult. Public Works will do what they can to give advance notification. One of the concerns is when hay needs to be cut there is no exact date. When it needs to be cut it needs to be dried and picked up quickly. Public Works will do their best to work with the family and contractor to work around any type of impact.

Vice Chair McFadden asked about the discrepancy in the right-of-way and the issue of possibly giving back part of a right-of-way that has not been utilized. Will that take place during negotiation? Mr. Georgevitch reported with that one he is not exactly sure. Public Works met with the family and asked them to be as specific as they can of their concerns. It helps the Planning Commission make clear direction. When they go to the City Council, Mr. Georgevitch anticipates the same type of clear specific request

they are making. If there is any excess right-of-way it would go through a vacation process. It would be a separate process through the City Council. Public Works will look into making sure they understand that prior to the City Council meeting.

Vice Chair McFadden asked, are there other areas affected by a permanent easement outside the right-of-way for tree plantings? Mr. Georgevitch stated there are concerns about the trees being an additional impact beyond the right-of way that could impact some of the farming operations. Again, if the City Council directs Public Works they will purchase that as right-of-way. If the best decision is to leave it as an easement then Public Works will purchase it as a permanent easement. If it goes way it would have to go through a quit claim.

Mr. Georgevitch pointed out that he was acting as the applicant. He feels he has taken his applicant time.

Commissioner McManus stated, regarding the driveway impact discussion Mr. Georgevitch mentioned the three new homes on the east side. That is not the same driveway at 1570 Foothill, correct? That is not being asked to be moved, correct? Mr. Georgevitch reported that the property at 1570 Foothill Road Public Works is proposing to relocate the driveway to the south and not have it cross the signal. The three houses have frontage and access further north.

Commissioner Poythress stated that Mr. Georgevitch strongly discouraged signal access to a single residence driveway but it looks like there are three residences in that same path. Can he speak to that? Mr. Georgevitch stated that the four parcels north that can take access off of Foothill Road, not across from the signal. They would be between the two ramped terminals. The 1570 Foothill Road driveway lies directly east of the off ramp. It would be unorthodox to signal that for a single family.

Commissioner Poythress reported that if three residences are already sharing one access at what point can it be made a residential road even if it is only 20 feet long. If three families continue to share that same access point, then it is no longer a single residence. Vice Chair McFadden stated what they are not seeing is an overall picture of all the properties. This is just showing the one access that is the only one across from the intersection. The rest come in differently which he thinks is confusing. There is less of an issue as far as the other properties than it is for the 1570 Foothill Road property.

Commissioner Pulver asked, will the issues in the letters received this evening from Ms. Allan and Ms. Mostue be addressed in the right-of-way acquisitions? Mr. Georgevitch stated that was a fair assessment.

Commissioner Pulver asked Ms. Sousa if she had an opportunity to read the letters from Ms. Allan and Ms. Mostue? Ms. Sousa replied, no.

It is Commissioner Pulver's opinion that it is important that Planning staff acknowledges they received and reviewed the letters and if they have any impact on staff's recommendation. It seems to him to be appropriate before the Planning Commission voted. Commissioner McKechnie stated that can be done by adding the letters to the exhibits. Commissioner Pulver reported that he is concerned that without Planning staff weighing in on the letters would they affect their recommendation to the Planning Commission.

The Public Hearing was opened.

a. Rick Pies, 1618 N. Foothill Road, Medford, Oregon, 97504. Mr. Pies testified that he did not get information regarding the project. His neighbors told him about the project and the hearing this evening. If he had known about the project he probably would not have bought the property back in September or he would have negotiated a lower price. He thinks he is going to lose money on his property. He has lived near signaled intersections and stop signs. At lights, there is a tremendous amount of noise. He does not know why there is going to be a signal at each end. The busiest times he has noticed is at 8:00 a.m. and 5:00 p.m. He will only have a right turn out from his property. He pulls a travel trailer a lot of the time. He does not know how he is going to get in and out of his driveway. A U-turn with a 25 foot trailer is not fun. Currently he has access either way.

b. Lacy Reen, P. O. Box 186, Medford, Oregon, 97501. Ms. Reen stated that she lives in the middle of the Foothill Road expansion project. Her concerns are water, increased noise and decreased property value from the signalization and the relocation of her driveway (inability to cross Foothill to access driveway). She needs City water. An Analysis and Abatement of Highway Traffic Noise Study is needed to determine how to mitigate the increase noise. She needs easy access to her driveway.

Vice Chair McFadden asked, does Mr. Georgevitch know the proximity of City water supply to the residences? Mr. Georgevitch stated that currently there is a Medford Water Commission line on the east side of the road. If they are in the County they cannot connect to City water but when they annex into the City they can connect to that line.

c. William Reen, 1570 N. Foothill Road, Medford, Oregon, 97504. Mr. Reen stated that he does not want or can afford to annex into the City. His property taxes would greatly increase that would be a hardship on him. He continued with their concerns of parking area, driveway and garage and view, privacy and functionality. They need City sewer

and water. They have a straight easy access driving from Foothill to their garage. If moved 240 feet south there would be a huge grade level change and hazardous S-Curve to get into their garage. The value of their home is their view and usability. Relocating the driveway would significantly destroy views and bulldozing their trees to widen Foothill Road destroys their privacy.

d. Gwyn Reen, 1570 N. Foothill Road, Medford, Oregon, 97504. Ms. Reen referenced Medford Land Development Code 10.207 stating: "Projects should not prevent development of the remainder of the property under the same ownership". Moving her driveway to the opposite side, making her entire front a road greatly reduces her property. She cannot subdivide it. It is hugely impacting how the property currently is used. When the City makes plans for a signal they should determine how it affects adjoining homes. Twenty years ago the City wanted to move their driveway. They were given a map to mark their preference and guaranteed they would have input to the new location. Their driveway was installed without their input and access to their parking was severed. Ms. Reen referenced an apology letter from the City of Medford that she displayed on ELMO. They were assured a light post would not be placed directly in front of their house, however, it was. Again, Ms. Reen referenced an apology letter form the City of Medford dated August 29, 2000. When the City finished the project leaving a dangerous 100-15 foot drop off above their yard, they were awarded a guardrail that the City never installed. Ms. Reen referenced a City of Medford letter dated October 10, 2000. These letters that were referenced in Ms. Reen's testimony were not submitted into the record that evening.

Chair Miranda stated, regarding the challenging of the criteria, an answer needs to be provided from staff or Engineering. Mr. Georgevitch reported that they are questioning if their property is developable. They have frontage to a public street that is a requirement. They are currently outside the City limits. They would have to annex and get zoning. Through the zoning process the City would determine if there are adequate Category "A" facilities. They are currently at their maximum use of a single family dwelling unit under County zoning as he understands it. He does not believe their parcel is large enough to develop any further in the County. In either case they could still develop but they may not be able to maintain the current residence depending on how that is situated on the property compared to where their lot lines would need to be. There are still several other criteria that he could not name off right now to determine if there would be adequate development rights. He believes their development rights are secure that they have access to the frontage. Beyond that, the rest is a burden on the applicant when they make their zoning application. They would have to determine adequate Category "A" facilities which includes streets, storm drain water and sewer.

e. Karen Allan, 2895 Hillcrest Road, Medford, Oregon, 97504. Ms. Allen testified that she is one of the members of the Rocky Knoll LLC which owns property on the west side of Foothill Road from Hillcrest to McAndrews and on the east side a 30 acre parcel in the middle going south to north. Ms. Allan has submitted a memo into the record. They have met with the City Engineer and other staff that have been very cooperative and willing to meet with them. The items that she is going to talk about tonight and in the memo are particular concerns that have to do with the negotiation part of compensation for things. They were encouraged to raise issues of concern. The issues of concern are access both during and after construction. They are farming both sides of the road so they have to get across Foothill Road. They are going to lose a couple of access points. The best way to replace them is an internal road along their property on the west side of Foothill Road that will not need to go all the way south but would need to go to the north end of the property. They have a rough road there now but it is not accessible when there is irrigation or rain. They will need an all-weather road. Mr. Georgevitch made reference to hay and getting across Foothill Road at various times. City staff has negotiated those issues with them. They are interested in getting arranged are the opposite of access protection from public access because this will encourage bicycles and pedestrians. There will be the intersection designed for future development which will potentially encourage cars to go onto the farming property. They need fences and gates to deal with those issues.

Commissioner Mansfield commented that it is enlightening to know that the City has a cooperative group of people that they can work with.

f. Emily Mostue, 612 Pierce Road, Medford, Oregon, 97504. Ms. Mostue stated that since the Commission has her memo she is not sure she needs to go through all the elements. She would like to underscore from what Ms. Allan stated was the frontage road is really important for a variety of reasons. On the north side of the hill is a pasture. That pasture has access from two gates from Foothill Road so that they can drive into that pasture. This will take away that access 100%. They will have no way getting into that pasture if they do not have a frontage road. There is a gate that comes into that pasture from Brookdale Meadows on the far west side of the property. There is a slough that goes through the middle so they cannot get from that side in the pasture all the way to Foothill Road. There is an easement and a sewer line that runs through that pasture that belongs to the City. The City will have no access to that easement and sewer line if there is not a frontage road through there. It is an expensive item but it is key to them. The permanent easement is something they will have to deal with in negotiation. They were surprised to see all the trees were on the permanent easement and not on the right-of-way.

g. Laurence and Lisa Rubenstein, 801 N. Foothill Road, Medford, OR 97504. Mr. Rubenstein testified that they are in general supportive of the Foothill Road

improvement project. However, they have some concerns about how the project will affect their driveway and their residence (which is a historically significant structure as evaluated by ODOT, located atop Rocky Knoll). Their driveway cannot realistically be re-situated. The City has taken account of this by identifying an exit onto Foothill Road from their driveway in the plans. They will only have a right in/right out. If an opportunity arises to develop a left-turn entry to their driveway, they would be grateful for the City's assistance in making a shorter route possible. They will need to maintain a safe entrance onto Foothill Road. A small on-ramp of some kind would be important, given the fact their driveway exit is at the top of the small hill between McAndrews Road and Hillcrest. Their utilities are situated near the expansion. Their large mailbox will need to be replaced. When the irrigation ditch is piped, as shown in the plans, they will need a different system for pumping and ditch access.

h. Mike Montero, 4497 Brownridge Terrace, Suite 202, Medford, Oregon, 97504. Mr. Montero is present tonight representing Cogswell Limited Partnership otherwise known as the Hillcrest property. They want to offer commendations to the City particularly to the Public Works staff. They have worked with them for approximately two years to coordinate the development of this project. His clients recognize the regional import of this project. This is not simply a Medford project. It has incredible need across the Valley. For that reason his client supports the project. What the Commission has heard in regard to specific concerns, his client has some too, but they want to couch it by saying the following. It is difficult to demand the kind of specificity they need when working from a 30% designed project. Public Works has worked with his clients particularly with regard to the Foothills frontage along the west side on the south end of the project. The Hillcrest family treasures the historic structures. The trees are part of the historic register. Navigating through this process with SHPO and ODOT are to be commended for the level of cooperation they made. The family wants to retain ownership of the trees, manage and maintain those as part of their historic structure. The area on the south side near the historic structures they have requested that the City of Medford work with their landscape architect, which they have agreed to do, on security fencing. The family will continue to own and utilize those structures; and to have a landscape buffer. They ask the Planning Commission acknowledge the commitment that City staff has made too allow them to submit the more specific landscape plans when they are available.

Vice Chair McFadden asked Mr. Montero if protecting the trees in a permanent easement on the property is suitable to the people he represents? Mr. Montero replied that it is.

i. Judson Parsons, 124 Stark Street, Medford, Oregon, 97504. Mr. Parsons is a shareholder of Hillcrest Corporation and Cogswell. He is only representing himself. He strongly supports what Mr. Montero testified about the historic structures and main-

taining the trees through an easement. He pointed out that the power line is directly over the trees. This presents a problem. Any future trees should be shorter in height. Eventually the trees will die. At that time they will need to be replaced. He strongly supports the relocation of the Medford Irrigation District canal as long as Rocky Knoll owners agree. This will save water and maintenance for the Medford Irrigation District. He pointed out that there is a driveway north of the present crossing of the canal at Foothill Road and McAndrews that they use to haul fruit out of the orchards in August and September. Some arrangement will be needed to access that with their trucks.

Vice Chair McFadden asked about Mr. Parsons' concern about the access from the Hillcrest Orchards property onto Foothill Road. Is that a similar situation on the east side of the road as the west? Mr. Georgevitch reported that it would be a similar situation. That section has a raised median. All that will be negotiated as part of the right-of-way acquisition process. They have been working with the property owners to ensure they will be able to minimize any impact to their property. They also need to include farming operations as part of those impacts. When they widen the road to the east and create a large fill section they need to make sure that there is room for farming vehicles to pass going north/south. Public Works will work with the property owners on any access issues they have. Anything above and beyond what is being proposed tonight, which there are none at this time, would have to be negotiated prior to the City Council meeting with the exception of farming access. If it is only farming access, for a limited duration, the City creates a modified curb to drive over.

Vice Chair McFadden stated that the mid access point planned for future roadways drops off in neighboring properties. Could they block off that access point? Mr. Georgevitch stated that he anticipates they will want to block off both sides, but have the ability to gate it in order to access as they need, but to protect their resources.

Vice Chair McFadden asked, does most of the section at the Hilltop property have a 6 foot wide median? Mr. Georgevitch reported that it is a wall. They will not be able to cross it.

Vice Chair McFadden asked, would it be possible to widen from the south the roadway approach and create an island for a left turn lane at that location? Mr. Georgevitch stated that anything is possible. The dilemma there is that the City would push out impacts further to the east and it would not be only the south. They would have to make sure the receiving side on the north side tapers down or tapers for the midpoint access. It is approximately 1000 feet. It would be the same if the allowed a left in or full movement.

Chair Miranda asked, what is the reasoning for the wall? Is it to stop the ingress and egress from those areas? Mr. Georgevitch reported that they never want to stop

ingress and egress. It will limit the ingress and egress. It has to do with the volume and regional significance of this roadway. More importantly, the Transportation System Plan envisions major arterials have a raised median limiting access especially for residential. There will be significant impacts to the orchards to the east as well as overall cost of the project. It could be accommodated.

Commissioner Pulver asked Vice Chair McFadden, is the turn lane and the median in relation to the designed access in the middle or is this a separate part? Vice Chair McFadden stated that the width of the center turn lane is adequate for the proposed intersection. He is thinking in terms for the house that the 6 foot wide section could be opened enough to give it a left turn lane. The same is true for the 1570 Foothill Road property. It would be nice to have extra room to swing trailers etc. It seems to him that the impacts would warrant some type of flexibility in the design. He does not think a left turn lane going north to the house on the hill takes 500 feet of slow down area requires that much distance.

Commissioner McKechnie asked, is the City accommodating the driveway for the Carpenter house or do they have to go to the new intersection being proposed? Mr. Georgevitch reported that they will be accommodated. It will be right in/right out. All the driveways are shown on the plans.

Commissioner McKechnie asked, is the north pasture going to have access off of Foothill Road? Mr. Georgevitch stated that is something over the next month before they go before the City Council they will discuss with them. They are in a field section with a steep embankment. He is not sure how they are currently using that. Public Works will have to go out and evaluate it. They will be working with the property owner to find a solution at that location.

Commissioner Culbertson stated that the median seems to be causing a lot of turmoil. Is there a way to not build a wall and allow breaks for the different residences? It is affecting five accesses for the Hillcrest Orchard and five homes. Mr. Georgevitch reported that it is the City's proposal based on safety and following the Code. The Planning Commission's recommendation to the City Council and how the City Council chooses to deal with that is a wait and see. The dilemma is that the median currently takes up 6 feet. Going to a raised median is 14 feet. When reviewing the area instead of putting in a 14 foot median, if there is no access, they can reduce it to 6 feet. They are trying to limit access onto a regionally significant facility that serves from Phoenix to Eagle Point. The County has plans to take Foothill Road across Highway 140 at Atlantic with a roundabout at Highway 140 in White City. This is a unique facility.

Commissioner McManus stated that Mr. Georgevitch made a comment earlier that it is not orthodox to serve one residence at the signal. If there was an option that the signal

served the properties north of it by a parallel road to offer those lots a left out; would that be more reasonable to consider having not moving the driveway of the directly impacted lot? Mr. Georgevitch stated that if there was a public facility on the opposite side of the signal that would be much more reasonable even if serving a small number of homes. The dilemma is that the property at 1570 Foothill Road is directly impacted. The properties to the north are not connected with the roadway and there are no easements that he is aware of that go across them. The difficulty with creating an easement if they brought in a public right-of-way for a certain distance ends in a cul-de-sac or some other form of termination of a roadway. There is no real way without being a significant impact. He is not sure what a good balance is when they deal with single homes like this.

Mr. Georgevitch addressed questions that were brought up earlier. It was asked why Public Works is installing a traffic signal. There was a traffic study done when Bella Vista to the east of this project off McAndrews was developed. It showed both the ramp terminals were failing. They were supposed to build the two signals. They deposited money with Public Works and it is now up to the City to following through in building those. There have been several other traffic analyses that have looked at these two intersections and have shown they are failing as well. Through the Transportation System Plan they also are shown to be failing. This is a typical higher order street to a higher order street connection. This is a little unique because they are using the interchange.

There was a concern about noise. ODOT is their environmental consultant on this project. They are doing a noise analysis. If there is anything that comes out of that analysis they will have to mitigate that. This is a full federalized project. They are following all the environmental requirements that comes with a federal project.

There were several comments about access. It is not an easy job the Planning Commission has. Public Works struggles with making these decisions all the time. They recognize they are impacting but they have to balance the needs of currently approximately 11,000 vehicles a day on Foothill Road. They anticipate it to go to 18,000 in the near future. In their recommendation they have to balance that over the needs of the individual driveways.

There was a question about the Rubenstein's driveway that they were going to make sure they used the terminal ramp but they were concerned about site distance. Whenever Public Works puts in a driveway they will make sure it meets adequate site distance. They will make sure there are adequate turning movements.

Chair Miranda asked, will Foothill Road maintain the 45 miles per hour speed limit through the project area? Mr. Georgevitch stated that speed limits are set by the State

Speed Control Board. When Public Works designs a facility they do 10 miles per hour over for their design parameters. They are designing if for 55 miles per hour to maintain a 45 mile per hour speed zone.

Commissioner Pulver asked, is the median wall something he would see somewhere else in the community? He is having a hard time visualizing the wall. The concept baffles him. Mr. Georgevitch reported that a typical location is approaching bridges on the right side of the road, not in the middle of the road. One typically see these types of treatments on freeways with narrow medians and expressways. Chair McFadden reported there is one on Highway 62 in front of Hubbard's.

Commissioner Culbertson stated that the 6 foot median requires the wall. The 14 foot does not. Is that correct? Mr. Georgevitch stated that there will be a standard 6 inch curb along the section that is needed. Through design it could be as little as 2 feet on the left side of the driver as they are in a left turn lane or it could go up to 10 feet wide with 2 foot of shy distance on each side.

Commissioner Culbertson stated that Cross Section "A" impacts the majority of the houses; all five of them. One of the property owners is not here this evening. There is representation for the cluster of three as well as 1570. That section has a 14 foot median lane. Why wouldn't it be allowed to have a left/right across that median for those property owners that are clustered? Commissioner McKechnie made a great comment about giving the one home a signal on the other side for any impending development. It has to come before the Planning Commission for tentative plat and they could direct them to use that side of the signal. Mr. Georgevitch reported that the median is not shown on Cross Section "A". There will be a 2 foot median on the left side of the driver widening out to 10 feet as they transition out of a left turn pocket south to go down to the concrete barrier.

Commissioner Culbertson asked, how long is that left turn lane going to be needed? There is a long distance between the last driveway and going under the bridge getting to where they turn left. Mr. Georgevitch stated there is a raised median through there.

Commissioner Culbertson asked, why can't there be a break in the raised median? Mr. Georgevitch reported that it comes down to strictly safety. Making a left turn on a high speed, high volume facility on a new design Public Works would not promote that.

Commissioner Culbertson asked, is there any way around that? They are currently going across the road now. It is a county road. By the City adopting it into the City we are not cutting off access but we are severely limiting access. Mr. Georgevitch recommended that the Planning Commission make that recommendation to the City Council. They are the deciding body this. For the sake of the audience, he reminded everyone that tonight

they are doing a recommendation to the City Council. There will be another public hearing at Council and he wanted to make sure everyone understands that the Planning Commission does a great job of putting together a recommendation but individual concerns, even though City staff will be passing them on, it is important that everyone consider showing up again if they have strong concerns they want to share.

The Public Hearing was closed.

Motion: The Planning Commission finds the approval criteria is met and forwards a favorable recommendation to the City Council with the exception of creating a cross intersection at the south McAndrews ramp light for TF-17-012, per the staff report dated May 4, 2017, including all conditions and exhibits.

Moved by: Commissioner McKechnie Seconded by: Vice Chair McFadden

Vice Chair McFadden stated that they have heard Engineering's presentation. The Planning Commission can agree with it or they can try to change and approve it. Whether or not the City Council will hear any of their recommendations will be up to staff unless a Commissioner goes and to the City Council hearing and testifies as a concerned citizen. Commissioner McKechnie stated there needs to be some consideration for the property at 1570 Foothill Road.

Friendly Amendment made by Vice Chair McFadden: The City install access points and/or internal roadways to maintain internal property accesses for properties on both sides of the road. The City tires to find a way to widen the right-of-way to allow a turn lane into the home on the hill. Leave the trees along the roadway on private property and in permanent easements as much as possible and not brought into the City right-of-way. Minimize curbs and/or barricades beneath the McAndrews overpass to allow access to the homes on the east side. That the blocking of the accesses at midpoint onto adjoining properties or properties across the street are accessible possible within the City.

Commissioner Mansfield stated that he does not agree with Vice Chair McFadden. It is his opinion that he had several that dealt with allowing left turns. Does he understand that correctly? Chair Miranda replied that is correct.

Commissioner Mansfield reported that he disagrees with that and it should be voted on. He would like to understand Commissioner McKechnie's motion. If he could explain that a little better so that he can understand it. Does it also involve allowing some more left hand turns?

Chair Miranda asked Commissioner McKechnie if he accepts Vice Chair McFadden's friendly amendment. Commissioner McKechnie replied no.

Commissioner McKechnie answered Commissioner Mansfield's question stating that he is not convinced moving the driveway 90 to 120 feet south solves any kind of problem. It is his opinion that it creates a problem for the current homeowners. If they do a bulb-out like they have further down that bisects the two properties that allows access for 1570 Foothill Road and the other couple of homes so they can have one-way in and out. It is signaled controlled. It helps the homeowners for sure and the City as well. That is already a highly traveled road and adding two more lanes it is going to be a very busy roadway. It gives the rest of us some safety that they do not have someone pulling out with a 25 foot trailer.

Commissioner Mansfield stated that Commissioner McKechnie indicated that it is not going to harm the entire plan to change the access on the east side as requested by several citizens. Before he can vote on it he would like to hear the Engineering staff argue for or against it. Can they give the Planning Commission a presentation that would help him understand it a little better? If it be true as Commissioner McKechnie concludes that it will not hurt their plan, he is all for it, for helping the people. He understands that it is all tied up in safety. He is not sure everyone is on board with the safety issue. At least he respectfully disagrees with him.

Mr. Georgevitch reported that there might be ways to create a reasonable access across from the signal. He does not know how much impact that will do to the property that slopes up the hill quickly. Unfortunately for tonight's recommendation moving forward he cannot do a design analysis but prior to the City Council hearing he definitely can do some design analysis to determine if it could safely be built and something that is palatable to the neighbors. Keep in mind that whatever Public Works does has a potential to impact those properties and will become right-of-way and therefore setbacks, landscape buffers or public utilities are all built off right-of-way. That is one of the benefits of using easements as opposed to right-of-way. Without having time to be able to look at that and determine what a minimum safe stacking distance is and what it would take to operate a signal at the leg of it to make it work, he would need to do some analysis that he cannot do off the top of his head tonight.

Commissioner Mansfield stated that his point is if Engineering does not know at this point, he is not demeaning Engineering for not knowing it, he is simply being careful, then how can the Planning Commission possibly decide that from here? They are not even experts. It is his opinion that it is premature. Commissioner McKechnie reported they are making a recommendation. Commissioner Mansfield does not think they have a sound foundation on which to make a recommendation and therefore, they should not be undercutting staff at this point.

Commissioner Foley asked Commissioner McKechnie is his recommendation specific or general that the City Council look at it as a potential? He thinks that is something the Planning Commission could support without saying you should do this? Commissioner McKechnie replied they are recommending. The Planning Commission is not dictating they do that. The Planning Commission is passing a recommendation to the City Council that it is important enough to be considered.

Commissioner Mansfield asked, is it in the form that the City Council take a look at it? Chair Miranda replied yes. It is a recommendation for the City Council to review this and Engineering review this as a potential solution. Commissioner Mansfield stated that if it is worded that way, it is acceptable.

Chair Miranda stated they are flushing out issues so that the City Council can make an informed decision when it comes before them.

Vice Chair McFadden reported that roadways are not designed forever. They adjust. Since this project is getting federally funded through ODOT, how much of the curb lines, barricades, etc. are required by them and how much is the City's addition? That road does get a lot of traffic but there are times when there is not a lot of traffic. To pull in a trailer, cross the road into a driveway and roll over a curb to go into a field is still possible. In the future they may change but that is the future and something they do not have current insight to. Those conditions in the future may dictate that but he is not so sure they do now.

Mr. Georgevitch commented that federal requirements are not going to delve and tax. They will be more a City decision. Through this entire process there is an exception process that allows taking exception to design standards if needed. He does not say that is something the Planning Commission should use as a criteria to hold them back from making a recommendation.

Commissioner Pulver stated that when he interviewed for the Planning Commission one of the questions he asked was how do they see the relationship between the City Council and Planning Commission? One of the Council members answered they do not have a relationship but then went further to say "nor should we". We should be independent bodies working independently. He respects and understands that. The sense that he gets is that there is some concern depending on what the forward on or regardless of what they forward Council is going to do what Council wants to do. That is his personal opinion. He recommends to the body that if there is a consensus that there are issues that the Planning Commission specifically wants them to look at, whether they make them, include them, or whatever or not, they are going to make that decision. The Planning Commission should call those out. He thinks Commissioner

McKechnie was trying to do that at least with the one item he added to the recommendation. They are working on a 30% plan now. There are a lot of negotiations still to done between neighboring property owners. There has to be some trust in that process. If there are things the Planning Commission heard that they would like to accommodate or at least ask Public Works to take a further look at so they can specifically address those to Council, those should be sent to the City Council.

Commissioner McManus commented that he agrees. The City Council obviously serves the Planning Commission also as residents of Medford. He hopes their informed decision is based off of recommending bodies. Clarification of trying to iron out the issues would hopefully put weight on the decisions. Is Commissioner McKechnie's motion for staff's request asking for the other option to be considered as the Planning Commission is not in favor their proposed move of the driveway? Commissioner McKechnie stated yes, he thinks what he has offered is a better solution for that particular section of the roadway.

Commissioner Culbertson stated that Commissioner Pulver makes some good points. All these options should go to the City Council. The City Council is going to do what they want to do. If the Planning Commission could have it set one way the City Council could strip down whatever the Planning Commission wants to have. It is their latitude. Commissioner Mansfield should reconsider Commissioner McFadden's recommendations. They are simply recommendations. Commissioner Pulver brings it to light. The City Council needs to know the Planning Commission had these discussions, it needs to be on record and they need to consider them. Commissioner Mansfield respects Commissioner Culbertson's right to have his view. He simply does not agree with it. He believes that minority views should be expressed so that the City Council knows that is in the package; it is part of the menu. That is why he does not agree to go along with the majority. He likes to be an opponent.

Chair Miranda stated that the friendly amendment was rejected since there was no second.

Mr. McConnell reported that there was a motion, second and then a friendly amendment. Once a motion is seconded, whatever they are calling the friendly amendment, friendly or not, the body would vote on the proposed amendment.

Chair Miranda clarified that the Planning Commission would vote on the friendly amendment made by Commissioner McFadden and then the main motion made by Commissioner McKechnie.

Mr. McConnell stated that technically a friendly amendment is made before a second. Once a second is made it becomes the body's motion so the body decides. It is really a motion to amend.

Chair Miranda asked Vice Chair McFadden to repeat his friendly amendment so that the Commission understands what they are voting on.

Friendly Amendment made by Vice Chair McFadden: The City install access points and/or internal roadways to maintain internal property accesses for properties on both sides of the road. The City tries to find a way to widen the right-of-way to allow a turn lane into the home on the hill. Leave the trees along the roadway on private property and in permanent easements as much as possible and not brought into the City right-of-way. Minimize curbs and/or barricades beneath the McAndrews overpass to allow access to the homes on the east side. That the blocking of the accesses at midpoint onto adjoining properties or properties across the street are accessible possible within the City.

Roll Call Vote on the friendly amendment: Motion failed, 3-6, with Commissioner Foley, Commissioner Mansfield, Commissioner McKechnie, Commissioner McManus, Commissioner Poythress and Commissioner Pulver voting no.

Commissioner Pulver stated that he voted no because of the specificity. It is a bit of give and take.

Vice Chair McFadden reported that his friendly amendment is a recommendation. It is just saying the City should consider it. The engineers can figure it out if they get told to do it.

Commissioner Pulver stated that he thinks the people that purchased the Carpenter house specifically requested consideration of a left turn going north. The byproduct of that may be the right-of-way be expanded then it may impact the Hillcrest Orchard property or the Rocky Knoll people. One thing changes other things so it is a give and take. He would be more supportive of something that says the Planning Commission forwards a favorable recommendation with specific property owners being able to request additional accesses and allowing Public Works to consider them and outline the effects of those in front of the City Council so that the City Council could have a more complete picture when making a final decision. The Planning Commission has heard from a lot of people that would like additional or different accesses. He fully appreciates that. He thinks Public Works may not have known about some of them; specifically the pastureland.

Chair Miranda stated that the Planning Commission can vote on the main motion and then make an amendment to that motion if they feel it necessary.
Commissioner Mansfield responded to Commissioner Pulver's comment stating that is always available. They do not have to put it in a motion. It is simply true that anyone can apply for another access and the City can grant it if they see fit.

Commissioner Pulver's concerns is that there is some sympathy in the Planning Commission to some of the concerns raised by the private citizens in regards to access. Hopefully the audience will come back and testify at the City Council hearing. If the City Council was provided with a more complete picture they would be able to make a better decision. He does not think the Planning Commission has a complete picture to make a good decision and frankly he does not know Public Works does either in some of the specific requests.

Commissioner Foley echoed Commissioner Pulver's comments. His issue is with the specificity. The Planning Commission wants to raise concerns that the citizens brought tonight and make sure that City Council looks at all the alternative accesses.

The main motion is: The Planning Commission finds the approval criteria is met and forwards a favorable recommendation to the City Council with the exception of creating a cross intersection at the south McAndrews ramp stop light for TF-17-012, per the staff report dated May 4, 2017, including all conditions and exhibits.

Commissioner Mansfield stated that motion does not satisfy him. He thought it was a "look see" but he did not hear that in the motion. It is a requirement that he objects to.

Commissioner McKechnie reported that it is a recommendation.

Commissioner Mansfield is satisfied with the recommendation.

Roll Call Vote for the main motion: Motion passed, 8-1, with Commissioner Culbertson voting no.

Amend the main motion: To include additional recommendation that the City Council consider additional access points for neighboring residences and the impact to the overall plan.

Moved by: Commissioner Pulver Seconded by: Commissioner Foley

Commissioner Mansfield understands the motion and argues against it. As he has mentioned before that permission already exists. The City has eminent power to do that. He believes the plan that the engineers have put together is designed to create

the greatest amount of safety. He is sorry there is some inconvenience to property owners but that is part of the risks of life. He would rather save the lives of the people that are going to be saved from left turns than suffer the somewhat serious inconveniences to these people. He feels sorry that is going to be happening. In the age of automobiles that is part of the cost of an automobile society.

Commissioner McManus wanted clarification that the amendment Commissioner Pulver is asking is basically to reconsider the motion that passed with his amendment. Commissioner Pulver stated it is the intent of an addition.

Chair Miranda reported it is a modification of the friendly amendment that failed.

Commissioner Foley stated that it is asking for additional consideration of other potential accesses.

Vice Chair McFadden stated to Commissioner Pulver that Commissioner Mansfield feels that this was a left turn issue. He did not hear that in Commissioner Pulver's motion. He thought he was looking at just access points. Commissioner Pulver reported that getting everything on the table is the reality of it. Commissioner Mansfield's concerns are legitimate. In the case of the home on the hill that has a right in/right out access. If they want to pursue an additional access like the left turn from the north that would be a left turn across traffic.

Roll Call Vote: Motion passed, 8-1, with Commissioner Mansfield voting no.

Commissioner Poythress stated that he wants the record to show that he does not consider where a citizen is forced to reengineer their entire property is simply an inconvenience mandated from the City Council as they consider this recommendation. His strongest recommendation is that the City finds an alternative than force the Reen family to restructure their entire property.

Exhibit C
Cross Section A

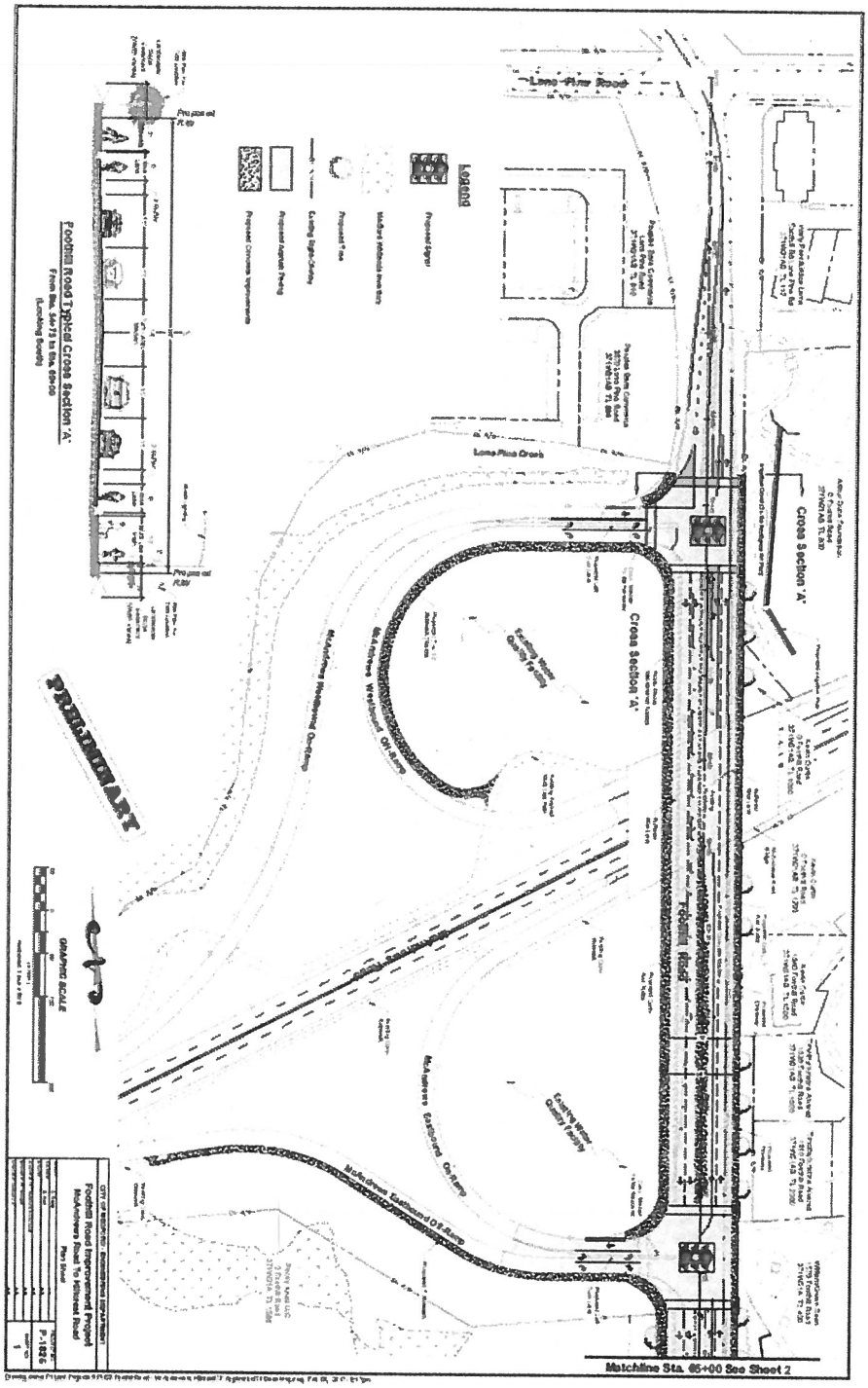


Exhibit D

Cross Sections B-D

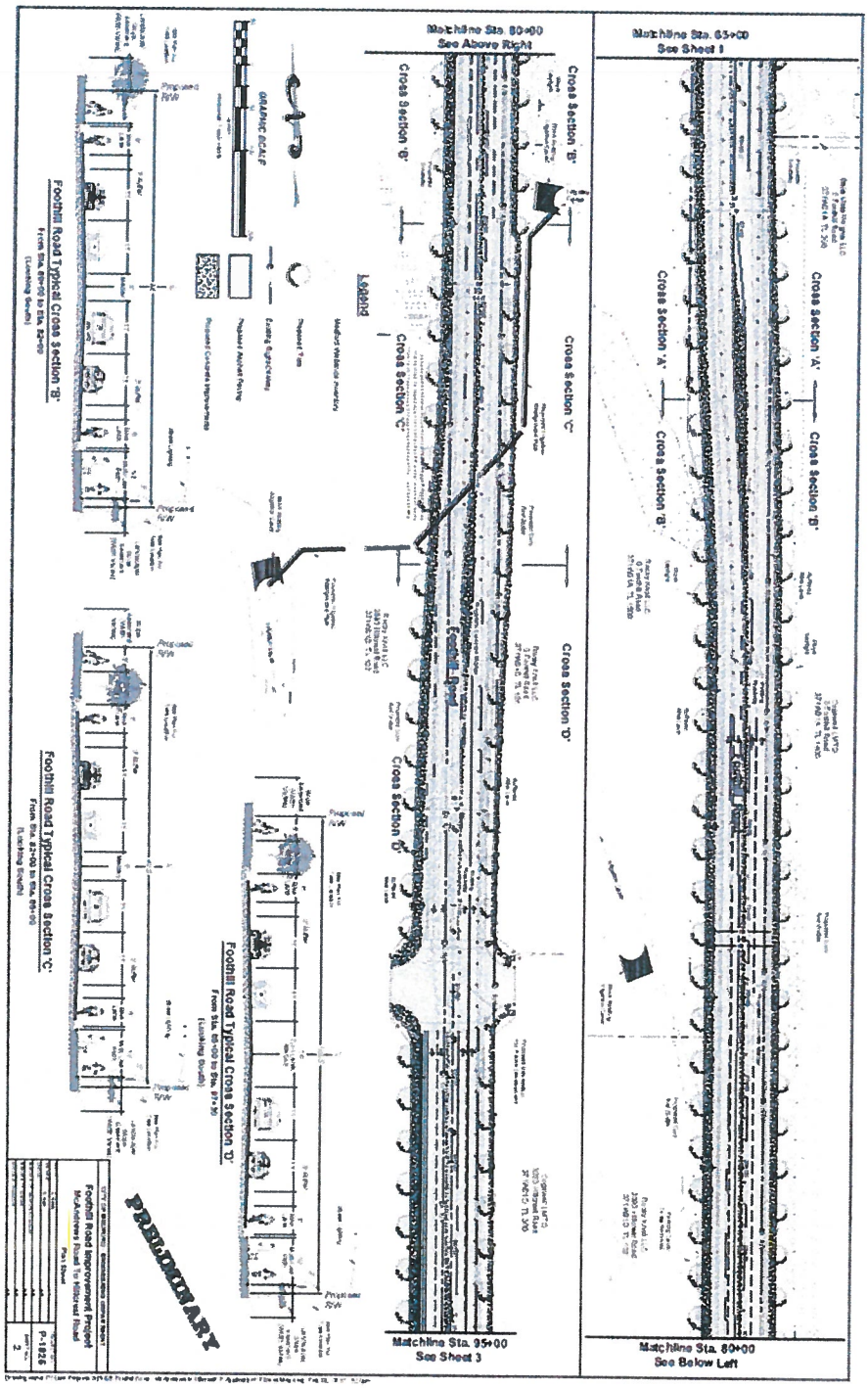


Exhibit E

Cross Sections E & F

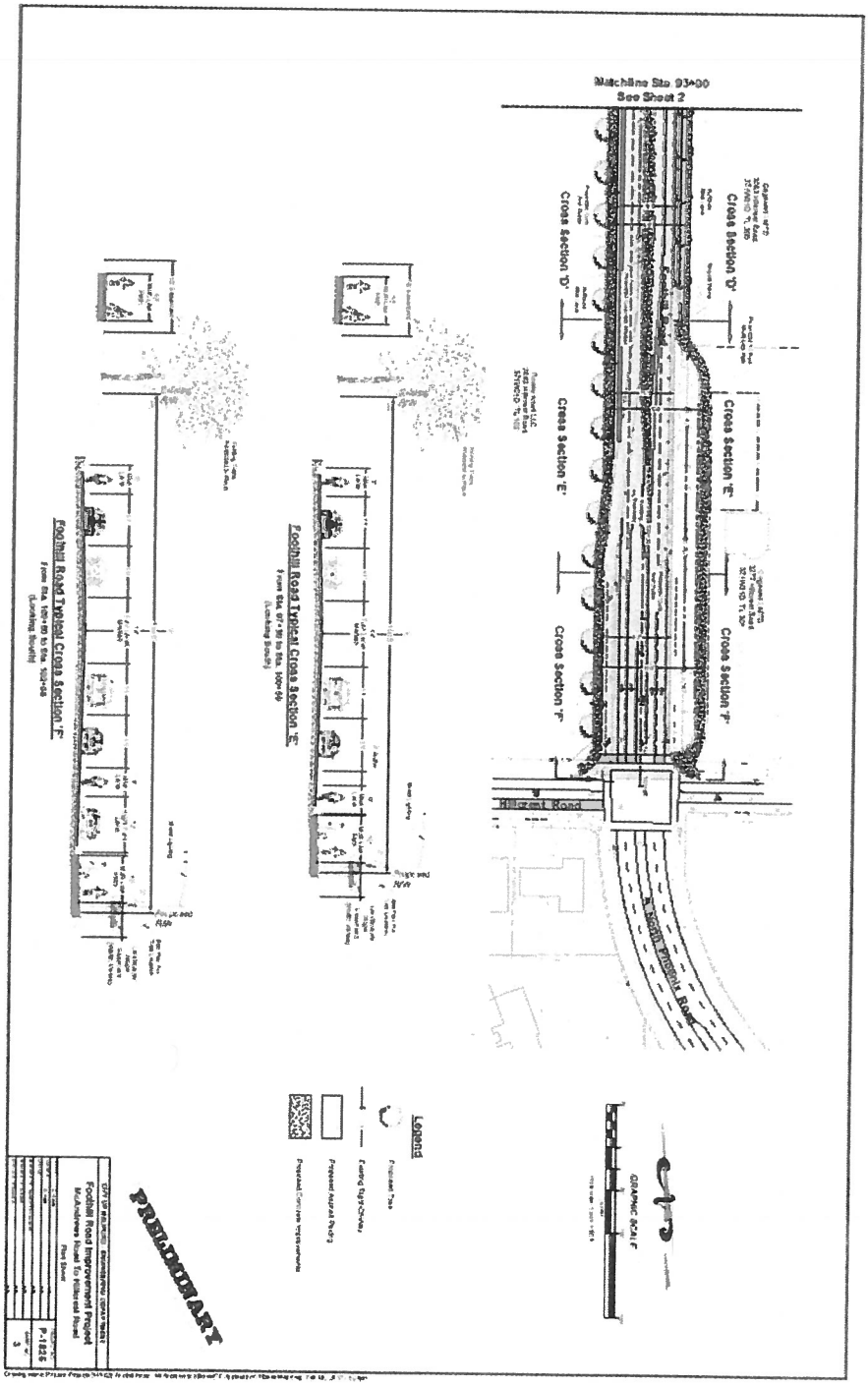


Exhibit F

Applicant's Executive Summary

RECEIVED
JAN 30 2017
PLANNING DEPT.

Executive Summary

This project will improve Foothill Road between Hillcrest Road (major collector) to McAndrews Road (major arterial) to major arterial standards which include: travel lanes, bike lanes, sidewalks, medians, and planter strips. The number of travel lanes within the proposed section of Foothill Road will be increased from two to four lanes. Also proposed is a varied width median to separate the northbound and southbound lanes, buffered bike lanes, varied width planter strips, sidewalks, a multi-use path and street lighting on Foothill Road.

Project length is approximately 5,100 feet and will provide approximately 10,000 feet of bike lanes and 11,000 feet of sidewalks. Staff coordinated placement of a full movement intersection, approximately 1,200 feet north of Hillcrest Road, to accommodate future development of urban growth boundary (UGB) expansion area MD-4. On the north end of the project, traffic signals will be installed at both ramp interchange terminals at Foothill Rd and new sidewalk will connect to the existing multi-use path and sidewalk on McAndrews Road. The project will pipe and realign a small segment of the Medford Irrigation crossing at Foothill Rd.

The Engineering Division of Public Works recommends constructing Foothill Road from McAndrews Road to Hillcrest Road (approximately 5,100 feet) as a major arterial in accordance with the City of Medford Transportation System Plan (TSP) with modifications shown on the plans.

Project Background

Foothill Road currently provides one of the only major arterial connections linking the northern and southern portions of the UGB area east of Interstate 5. It extends N. Phoenix Road northward from Hillcrest Rd to Delta Waters Rd where it continues northward into Jackson County. It therefore provides a by-pass for Hwy 62 and I-5 around the east side of Medford. As population increases in the Bear Creek Valley and Medford area, Foothill Road will experience increased traffic volumes, congestion, and delays.

The section of Foothill Road within East Medford is currently a two-lane County road with very narrow shoulders and no bicycle or pedestrian facilities. The corridor speed is posted at 45 MPH and currently carries traffic volumes that exceed 11,000 ADT within the Medford UGB.

On August 18, 2016, Medford City Council passed Resolution No. 2016-104 supporting improvement of the Foothill Road/North Phoenix Corridor and considered it the top transportation priority for the City of Medford, see Exhibit A.

This project will provide the following:

Foothill Road:

- 68 to 82 foot wide street improvements (curb to curb) from McAndrews Road to Hillcrest Road.
- 5 to 7 foot wide sidewalk on east side of road.
- 10 foot wide multi-use path on east side of road along historic Hillcrest Orchard property.
- 10 foot wide multi-use path on west side of road. **
- Left turn lanes at intersections.
- 4 travel lanes (two each way).
- 6 foot bike lanes each side with 3 foot buffer.
- Underground storm drain improvements.
- Traffic Signals at north and south McAndrews interchange ramps.
- Traffic Signal modification at Hillcrest intersection.
- Street lighting.

- Street trees

McAndrews Road:

- 7 foot wide sidewalk along McAndrews eastbound off-ramp.
- 7 to 10 foot wide multi-use path along McAndrews westbound off-ramp.
- Left and right turn lanes at north and south intersections.

Proposed variance to Transportation System Plan:

	Features / Dimensions (Each Direction)							
	Travel Lanes	Bike Lane	On-Street Parking	Sidewalk	Planter Strip	Left or Center Turn Lane/Median	Total Paved Width	Total Right-of-Way Width
* Major Arterial	11' 11'	6'	None	5'	10'	14'	70'	100'
Foothill Rd. Cross Section 'A'	11' 11'	6' & 3' Buffer	None	7' East **10' West	0'	14'	76'	96'
Foothill Rd. Cross Section 'B'	11' 11'	6' & 3' Buffer	None	7' East **10' West	0'	6'	68'	88'
Foothill Rd. Cross Section 'C'	11' 11'	6' & 3' Buffer	None	5' East **10' West	7' East 0' West	6'	68'	92.5'
Foothill Rd. Cross Section 'D'	11' 11'	6' & 3' Buffer	None	5' East **10' West	7' East 0' West	14'	76'	100.5'
Foothill Rd. Cross Section 'E'	11' 11'	6' & 3' Buffer	None	**10'	30' East 0' West	14'	73'	100.5'
Foothill Rd. Cross Section 'F'	11'/11' 12' Rt. Turn	6'	None	**10'	30' East 0' West	14'	82'	109.5'
	Indicates variance from Medford Transportation System Plan							

* Per Table 5-6 of Medford Transportation System Plan

**Medford Leisure Services Plan, Map 11, shows a proposed shared use path along the corridor. This project can build the path if the Parks Department has available funds. Staff has coordinated this work but funding is unknown at this time. If funds are not available to build the path at this time then this project will design and build a sidewalk that will be able to accommodate the future path.

Utility impact:

Portions of the Medford Irrigation District (MID) canal will be realigned with underground pipe as shown on the submitted plan sheets. These improvements are needed to eliminate conflicts between the road widening and the existing canal. Staff has been in contact with MID and have helped with the location and sizing of the proposed irrigation facilities.

Staff is coordinating with other affected utilities to determine facility impacts.

Driveway impact:

Existing driveways will have a standard driveway approach and transition matching the existing width and material (i.e. concrete, asphalt). The proposed location of driveways is shown on the submitted plan sheets labeled "Proposed Driveway". All driveways will be right-in/right-out due to the concrete median along Foothill Road.

The driveway located at 1570 Foothill Road will be moved from its current location at the southern intersection of Foothill and McAndrews to the south end of the property. This relocation is needed to eliminate the conflict of having a residential driveway at a signalized intersection. Staff recommends constructing a private asphalt driveway from the relocated driveway apron to the existing driveway as shown on the submitted plans.

Right-of-Way Acquisition:

Currently, the majority of Foothill Road right of way is 60 feet wide. Proposed street improvements for Foothill Road will require between 88' and 109.5' right of way footprint. Right of way acquisition is not expected for the improvements along McAndrews Road. Right of way acquisition will be needed from 12 taxlots (see table below) for approximately 113,000 square feet. Slope and construction easements will be needed along Foothill Road for a combined total of approximately 90,000 square feet.

Name	Tax Map	Tax Lot
Arthur Dubs Foundation	371W21AB	900
Kevin Curtin	371W21AB	1000
Kevin Curtin	371W21AB	1200
Kevin Curtin	371W21AB	1500
William W. & Gwen R. Reen	371W21A	400
Bella Vista Heights LLC	371W21A	300
Cogswell LMTD	371W21A	1400
Rocky Knoll LLC	371W21D	101
Cogswell LMTD	371W21D	300
Cogswell LMTD	371W21D	301
Rocky Knoll LLC	371W21D	102
Rocky Knoll LLC	371W21A	1500

Exhibit A

RESOLUTION NO. 2016-104

A RESOLUTION supporting the continued improvement of the Foothill Road/North Phoenix Corridor.

WHEREAS, Foothill Road/North Phoenix Corridor improvements will provide improved freight mobility between Eagle Point, White City, Medford, and Phoenix by removing weight restrictions on portions of this corridor; and

WHEREAS, Foothill Road/North Phoenix Corridor improvements will relieve impacts to the multiple Interstate 5 interchanges by providing alternative north-south connectivity; and

WHEREAS, Foothill Road/North Phoenix Corridor improvements will reduce demand on Interstate 5, Highway 99, and Highway 62; and

WHEREAS, economic development along the Foothill Road/North Phoenix Corridor will be aided by the connectivity the Project will provide; and

WHEREAS, the Foothill Road/North Phoenix Corridor Project has the support of local staff of the Oregon Department of Transportation, Jackson County Roads and Parks, and the Public Works Department of the City of Medford; and

WHEREAS, Foothill Road/North Phoenix Corridor improvements will improve the resiliency of the Rogue Valley's regional transportation system in the event of a natural disaster such as a major seismic event by providing an improved connection to Highway 97 via Highway 140; and

WHEREAS, Foothill Road/North Phoenix Corridor improvements will improve safety, connectivity, and mobility throughout the Rogue Valley; and

WHEREAS, The City of Medford has invested millions of local dollars into improving the capacity of the Foothill Road/North Phoenix Corridor within City limits and ODOT has invested millions of dollars in rebuilding Interstate 5 Exit 24;

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

That it supports the improvement of the Foothill Road/North Phoenix Corridor, considers it the top transportation priority for the City of Medford, and encourages all other stakeholders to give this corridor high priority for funding.

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///

Resolution No. 2016-104 P:\Cassie\Ords 1. Council Documents 081816\NorthPhoenix

Exhibit A

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PASSED by the Council and signed by me in authentication of its passage this 18 day of August, 2016.

ATTEST: s/Karen M. Spoonts
City Recorder

s/Gary H. Wheeler
Mayor

Resolution No. 2016-104

P:\Cassie\Ords\1. Council Documents\081816\NorthPhoenix

Exhibit G

Public Works Department Report

Continuous Improvement Customer Service

CITY OF MEDFORD

RECEIVED
APR 19 2017
PLANNING DEPT.

Date: 4/19/2017
File Number: TF-17-012

PUBLIC WORKS DEPARTMENT STAFF REPORT
Foothill Road Transportation Facility Project

Project: The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and McAndrews Road to major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, and street lights.

Applicant: Medford Public Works Department – Engineering Division

Planner: Sarah Sousa, Planner IV, Long Range Division

Public Works has no comments on the proposed Transportation Facility project.

Prepared by: Doug Burroughs

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

Exhibit H

Medford Fire Department Report

Medford Fire Department
200 S. Ivy Street, Room #180
Medford, OR 97501
Phone: 774-2300; Fax: 541-774-2514;
E-mail www.fire&ci.medford.or.us

RECEIVED
APR 19 2017
PLANNING DEPT.

LAND DEVELOPMENT REPORT - PLANNING

To: Sarah Sousa

LD Meeting Date: 04/19/2017

From: Fire Marshal Kleinberg

Report Prepared: 04/07/2017

File #: TF - 17 - 12

Site Name/Description:

The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and McAndrews Road to major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, and street lights

DESCRIPTION OF CORRECTIONS	REFERENCE
Approved as Submitted	
Meets Requirement: No Additional Requirements	

Development shall comply with access and water supply requirements in accordance with the Fire Code in affect at the time of development submittal.
Fire apparatus access roads are required to be installed prior to the time of construction. The approved water supply for fire protection (hydrants) is required to be installed prior to construction when combustible material arrives at the site.
Specific fire protection systems may be required in accordance with the Oregon Fire Code.

This plan review shall not prevent the correction of errors or violations that are found to exist during construction. This plan review is based on the information provided only.

Design and installation shall meet the Oregon requirements of the IBC, IFC, IMC and NFPA standards.

04/07/2017 14:25

Exhibit I

Medford Parks & Recreation Department Letter

MEDFORD PARKS & RECREATION

HEALTHY LIVES. HAPPY PEOPLE. STRONG COMMUNITY.

To: Sarah Sousa, Planner IV
From: Pete Young, Park Planner and Project Manager
Subject: TF-17-012, Foothill Road Transportation Facility Project
Date: March 17, 2017

RECEIVED
MAR 17 2017
PLANNING DEPT.

We would like to support TF-17-012 for the construction of a ten-foot wide path in-lieu of a sidewalk as shown on the Foothill Road Improvement Project, McAndrews Road to Hillcrest Road, plan P-1825, sheets 1- 3. We are very pleased to propose a path similar to the one that is so popular on E McAndrews in partnership with Public Works as a part of their Foothill Road Transportation Facility Project.

This route has been included in the 2016 City of Medford Leisure Services Plan Map 13: Proposed Trails & Paths. The TF-17-012 proposal directly aligns with the recently adopted City of Medford Parks and Recreation's Leisure Services Plan in Chapter 6, Paths, Trails & Greenways; as well as Chapter 9, Goals & Objectives- copied below.

Goal 1: To provide for a full range of recreational activities and opportunities to meet the needs of all residents of Medford.

Goal 3: To provide recreational opportunities within parks and connectivity to parks through a path and trail system that is well integrated with the community.

Policy 3-A: The City of Medford shall seek to develop a network of shared-use pedestrian and bicycle paths and trails to promote their important recreational uses within parks and enable connectivity between parks, neighborhoods, public amenities, and major pedestrian and bicycle routes identified in the Transportation System Plan and Southeast Circulation Plan.

Implementation 3-A (1): Coordinate recreational path and trail system planning and development with the City's and Jackson County's Transportation System Plan and Southeast Plan to provide a comprehensive pedestrian and bicycle network.

Implementation 3-A (2): Integrate the siting of proposed path and trail segments into the development review process: require development projects along designated routes to be designed to incorporate path and trail segments as part of the project.

Implementation 3-A (3): Facilitate and provide for a high degree of pedestrian and bicycle connectivity from major shared-use paths, such as the Bear Creek Greenway, to parks and other destinations.

Implementation 3-A (6): Partner with local utilities, public agencies and private landowners to secure easements and access to open space for path and trail connections.

CONTINUOUS IMPROVEMENT | CUSTOMER SERVICE
701 N COLUMBUS AVE. | MEDFORD OR 97501 |
WWW.PLAYMEDFORD.COM | PARKS@CITYOFMED
COMMUNITY ENRICHMENT EXCELLENCE EXCEPTIONAL CUSTOMER S

CAPRA

Exhibit J

Medford Water Commission Memo & Map

BOARD OF WATER COMMISSIONERS
Staff Memo

RECEIVED
APR 19 2017
PLANNING DEPT.

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: TF-17-012

PARCEL ID: N Foothill Road (Between Hillcrest Road and McAndrews Road)

PROJECT: The City proposes a transportation facility project to construct street improvements on Foothill Road between Hillcrest Road and McAndrews Road to major arterial standards including: an increase in travel lanes, buffered bike lanes, multi-use path, sidewalks, medians, planter strips, and street lights.

DATE: April 19, 2017

I have reviewed the above plan authorization application as requested. Comments are as follows:

COMMENTS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."

2. There is an existing 12-inch ductile iron water line located just inside the east right-of-way line of North Foothill Road. This existing water line is planned to remain in place, and shall be protected in place during all construction activities. If conflicts are found to exist between the existing 12-inch water line and the proposed street/storm/sewer improvements; those conflicts will be investigated and resolved prior to construction.

3. MWC's recent Water Distribution Facility Capital Improvement Plan requires the installation of a 16-inch water transmission line in North Foothill Road between Hillcrest Road and Lone Pine Road. No water services will be connected to this water transmission line.

4. MWC-metered water service does exist to a portion of these parcels along North Foothill Road from the existing 12-inch water line along the east right-of-way line. The existing water meters and all future water service connections will be from the existing 12-inch water line.

5. MWC will coordinate proposed water line alignment and design with City of Medford Engineering Department staff, and prepare and provide engineered plans, and specifications for ODOT approval.

6. MWC will have an inspector on-site during water facility construction activities.

K:\Land Development\Medford Planning\tf17012.docx

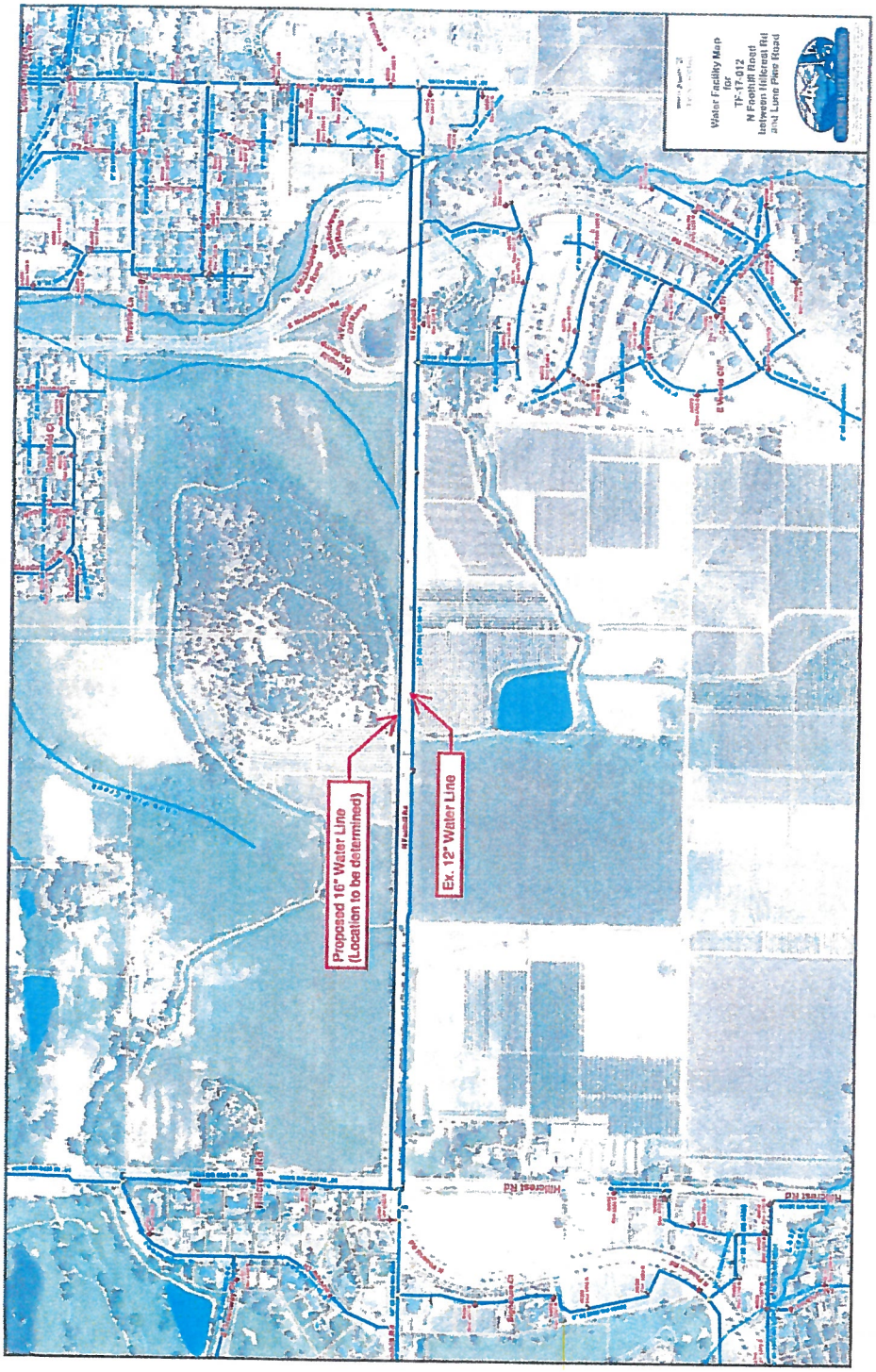

Water Facility Map
for
TF-17-012
N Foothill Road
between Hillcrest Rd
and Long View Road
Proposed 16" Water Line
(Location to be determined)
Ex. 12" Water Line
Hillcrest Rd

Exhibit K
Medford Irrigation District Letter

RECEIVED
MAR 09 2017
PLANNING DEPT.

MEDFORD IRRIGATION DISTRIC

P.O.BOX 70
5045 Jacksonville Hwy
Jacksonville, Oregon
Office (541)899-9913

CITY OF MEDFORD
PLANNING DEPT.
LAUSMANN ANNEX, RM 240
200 SOUTH IVY ST.
MEDFORD, OR 97501

MARCH 9, 2017

FILE#: TF-17-012
Project Name: FOOTHILL ROAD TRANSPORTATION FACILITY PROJECT

PLANNER: Sarah Sousa, Planner IV

COMMENTS:

The Medford Irrigation District is very supportive of the project plans and asks to have more information on the District's pipe size and type. Also the new easements obtained for the District such as width, etc.

There are other details to be considered.

Sincerely, Carol Bradford

Carol Bradford
District Manager

Exhibit L

Jackson County Roads Letter

RECEIVED
MAR 15 2017
PLANNING DEPT.

JACKSON COUNTY
Roads

Roads
Engineering
Kevin Christiansen
Construction Manager

200 Antelope Road
White City, OR 97503
Phone: (541) 774-6255
Fax: (541) 774-6295
ChristKE@jacksoncounty.org

www.jacksoncounty.org

March 10, 2017

Attention: Sarah Sousa
Planning Department
City of Medford
200 South Ivy Street, Lausmann Annex, Room 240
Medford, OR 97501

RE: Street Improvements for North Foothill Road.
Planning File: TF-17-012.

Dear Sarah:

Thank you for the opportunity to comment on the consideration of plans to build street improvements on North Foothill Road, between Westbound on/off ramp for East McAndrews and Hillcrest Road. Construction of North Foothill Road will be to Major Arterial street standards with the modifications, as shown on the plans. Jackson County Roads has the following comments:

1. North Foothill Road is a County Minor Arterial and is county-maintained. Please note, North Foothill Road is partly within the city limits and partly outside of the city limits.

2. Jackson County Roads recommends that the city request road jurisdiction of North Foothill Road at the completion of the project.

3. Jackson County recommends approval of the project.

If you have any questions or need further information feel free to call me at 774-6255.

Sincerely,

Kevin Christiansen
Construction Manager

Cc: Alex Georgevitch

I:\Engineering\Development\CITIES\MEDFORD\2017\TF-17-012.docx

Exhibit M

Bicycle & Pedestrian Advisory Committee Letter

RECEIVED
APR 27 2017
PLANNING DEPT.

April 27, 2017

Sarah Sousa, Planner IV
City of Medford Planning
200 South Ivy Street
Medford, Oregon 97501

RE: TF-17-012

Dear Ms. Sousa,

Thank you for the opportunity to comment on the planned street improvements on Foothill Road from Hillcrest Road to McAndrews Road. The Bicycle & Pedestrian Advisory Committee (BPAC) reviewed the plans and discussed the project at our March 13th and our April 10th meetings. This letter is intended to provide a summary of our comments on the project.

In general, we are in favor of the project and we appreciate the sidewalks, bike lanes, and multi-use paths as proposed. Our only concerns have to do with safety on the existing multi-use paths on McAndrews Road. Several of us have observed, from both a motorist's standpoint and a cyclist's/pedestrian's standpoint, potential conflicts between motorists and cyclists/pedestrians on both the eastbound and westbound on-ramps onto McAndrews Road from Foothill Road. We discussed this issue at length in our meetings and have the following recommendations:

1) Add signage and pavement markings to alert motorists of the presence of cyclists and pedestrians.
2) Replace existing landscaping, which can obstruct vision clearance, with ground cover vegetation that will not obstruct visibility.

As the planned improvements on Foothill Road will connect to the existing facilities on McAndrews Road, we expect use on the existing facilities to increase, and these safety concerns should be addressed through this project to protect cyclists and pedestrians. With the addition of these relatively minor improvements to the existing interchange facilities, we fully support the planned street improvements on Foothill Road.

Sincerely,

Joe Slaughter
BPAC Vice Chair

Exhibit N

Karen Allen Letter

RECEIVED
MAY 11 2017
PLANNING DEPT.

To: City of Medford Planning Commission
From Karen C. Allan, member of Rocky Knoll, LLC.
Date: May 11, s017
RE: Street Improvements for North Foothill Road
Planning File: TF-17-012

As a member of Rocky Knoll LLC which owns land on both sides of the proposed Foothill Road improvement, I generally support the project, but have a number of concerns about impacts that the project may have on the following parcels of property owned by Rocky Knoll LLC: 371W21D TL 101; 371W21D TL 102; and 371W21D TL 1500.

The land in all three parcels is being farmed. It is necessary to get farm equipment to all portions of the property at the time the equipment is needed, such as to plant, maintain, and harvest grapes, hay, and grain. Currently the farm operation uses Foothill Road to get to the vineyard on the south side of the large hill toward the north portion of the Rocky Knoll property and also to the field to the north of the hill through a gate off Foothill Road. Because of the proposed road width and the median strip, both these points of access will be lost, so there needs to be an all-weather frontage road along the west side of Foothill Road just inside the Rocky Knoll property. This road needs to have a surface 12 feet wide and be usable at all seasons of the year. The access needs to be available both during construction and once construction has been completed.

In addition, we need access across Foothill Road to the parcel on the east side of the road which is currently used for hay and grain. This access also needs to be available both during construction and also after construction is completed. There is a proposed intersection approximately midway between Hillcrest Road and McAndrews Road (the "midpoint intersection".) There needs to be a rock surface on the east and west sides of that intersection so that the farm equipment has access and does not track mud onto Foothill Road during the crossing.

The frontage road along the west side of Foothill Road will also provide the city with access to its sewer line which runs through the field on the north side of the large hill.

The very northeast corner of the property to the west of Foothill Road will become inaccessible as Foothill Road becomes wider, because of the location of wetlands. This area should be purchased as part of the process.

Another set of concerns is with respect to keeping the public out of the farm, since bike and walking paths as well as the midpoint intersection will make inappropriate public access easier. There will need to be fencing along the Rocky Knoll properties on both sides of Foothill Road to protect against

pedestrians and bicyclists. There will also need to be gates on both sides of the midpoint intersection to prevent cars from driving into the farmed areas.

There is a driveway on the west side of Foothill Road that goes to a residence on the top of the large hill (801 N. Foothill Road) and provides access to the residence and to the area of the hill. That driveway needs to be readily usable during and after construction and also needs to have a safe and secure access to Foothill Road. The utilities that connect to Foothill Road at the driveway need to remain in service throughout the construction project.

The city proposes to pipe the irrigation canal and change its location in order to remove the bridge where Foothill Road currently crosses the canal. The residence on top of the hill currently has access to the irrigation canal on the west side of the bridge. It will need to have a sleeve or other arrangement under Foothill Road so it can have access to irrigation water on the east side of the road.

The preliminary plans show trees along both sides of Foothill Road. We would like to work with city staff to select trees to be planted, with large trees on the west side of Foothill Road where there are no power lines, and trees appropriate for location under power lines on the east side of Foothill Road.

At the southeast corner of the property on the west side of Foothill Road there is a berm with evergreens and other plantings that have been carefully planted and tended and serve to block the view of the intersection from within portions of the Rocky Knoll property. We would like those trees allowed to remain to the extent possible.

Karen C. Allan
2895 Hillcrest Road
Medford, OR 97504

Exhibit O

Emily Mostue Letter

RECEIVED
MAY 11 2017
PLANNING DEPT.

Planning Commission Hearing
May 11, 2017
Foothill Rd Improvement Project

The members of Rocky Knoll LLC met with Alex Georgevitch and other City staff last week and reviewed the drawings and plans for the Foothill Rd Improvement Project. We own property on both sides of Foothill Rd and this project has a huge impact on our property and our farm operation. Karen Allan, another member of Rocky Knoll LLC member, has outlined issues that affect the broader impact on our property. I am focusing on the issues directly relating to our farming operation

- Fences
  - Karen has already mentioned the needed fence along the south side of the hill to keep pedestrians and bicyclists off the farm
  - The North side of the hill needs a fence to keep animals in that pasture since the City will be removing the current fence to widen Foothill Rd
- Cattle in Pasture North of Hill
  - During construction of the road there will be no fence and we will be unable to lease for 2 years so we have loss of income
  - Income from leasing pasture is about $1200 a year
- Vineyard
  - Will need to remove several rows of vines in our vineyard in order to have a frontage road for farm access. We have not yet worked out the financial impact of this but compensation is in order.
- Proposed Irrigation Realignment Pipe
  - Needs to be installed in non-growing season – be completed between Oct-Mar
  - Construction needs to be coordinated with David Mostue, Rocky Knoll, as this will affect our irrigation system
  - David Mostue of Rocky Knoll, needs input on the design/construction of damn/weir that will be constructed to block the old ditch on south side of hill and west side of Foothill Rd
- Road Construction
  - Rocky Knoll needs access to all parts of the farm during the road construction. It is not acceptable to have any farm road blocked by equipment or vehicles
- Right of Way Discrepancy
  - Near McAndrews Rd, the existing Right of Way is outside the proposed Right of Way. Is the City proposing to give property back to Rocky Knoll as part of this process

- Permanent Easement
  - The proposal shows trees planted in the Permanent Easement rather than in the Right of Way. The Permanent Easement also includes substantial slopes in particular locations along Foothill which will make it impossible to farm. We are concerned about these impact s and may request that the City include the Permanent Easement or portions of the Permanent Easement within the property it purchases.

As mentioned before, we met with City staff and saw the most recent drawings for the Foothill Rd Improvement Project just a week ago. The issues we have raised today are not necessarily a comprehensive list of all of our concerns and we may well raise other issues as we have time for further consideration.

We appreciate the efforts of City staff to go over the drawings with us and to work with us on these various issues.

Emily Mostue
Rocky Knoll LLC
612 Pierce Rd
Medford, OR 97504
541-776-2486

Exhibit P

Bill & Gwyn Reen Letter & Photos

RECEIVED
MAY 11 2017
PLANNING DEPT.

5/11/17

FOOTHILL EXPANSION IMPACT (Bill and Gwyn Reen at 1570 N Foothill Rd)

We live in the middle of the Foothill Rd expansion project and we have some concerns to share with you, so you know how we are impacted, when you authorize projects.

WATER

When Foothill Rd is widened, it will place our well just 20-30 feet from the street. Major construction disrupts surface and ground water, which significantly impacts water flow. Increased traffic creates vibrations which cause layers of water/rock to shift. Gas and oil leak into the groundwater and contaminate it. This road project includes the addition of sidewalks and curbs which increase the road elevation, therefore placing *our well Below ground level*. **Oregon WATER RESOURCES DEPARTMENT** recommends locating wells **above grade** elevation to avoid drainage contamination. The addition of sidewalks and curbs will elevate foothill, placing our well Below ground level and at a huge risk of contamination. (Originally our well was located far above ground level, however during the last Foothill expansion, our yard was elevated 10-15 ft) **We need City Water.**

INCREASED NOISE AND DECREASED PROPERTY VALUE FROM STOPLIGHT

Adding 2 lanes of North and South traffic, turn lanes, and a stop light, significantly increases traffic noise. Accelerating and braking at stoplights increases overall traffic noise. **ODOTS Noise Manual** states, "**Heavy truck traffic lowers property value at a rate 150 times greater than cars.**" The sudden intermittent changes in noise with stop light traffic impacts health. An **Analysis and Abatement of Highway Traffic Noise Study** is needed, to determine how to mitigate the increased noise.

RELOCATION of DRIVEWAY (Inability to cross Foothill to access driveway)

City engineers have plans to move our driveway, but can not tell us, how we'd access it. They want a MEDIAN to separate North and South bound traffic. This would prevent us from even turning into our driveway. Its illegal and impossible to flip a U turn across 4 lanes of traffic, turning lanes, bike lane. When driving North, it seems as dangerous to be stopped in the middle of Foothill trying to make a 90 degree turn pulling a trailer. Please leave our driveway at its current location and use a 4 sided traffic light. We need **easy access to our driveway.**

PARKING AREA

Even if I could navigate into my "new"driveway, we cant access our parking area. We have a huge, circular parking area for various trailers and equipment.

Currently I head into my driveway and back into our parking area. If my driveway is relocated, its impossible to pull a trailer into our parking area, because there's no way to back it in. There isn't room to drive between vehicles so my yard would need to be reconfigured. Reconfiguring the parking area will destroy our septic leach lines, leading to contamination of our well. Also, this will position our well even further below ground level... We need **City Sewer and Water**

DRIVEWAY and GARAGE

We have a straight easy access, driving from Foothill to my garage. If you move our driveway 240 ft south, there'd be a huge grade level change and hazardous S-Curve to get into my garage. The functionality of our property of having easy access to the garage and parking area would be completely destroyed.

VIEW, PRIVACY, FUNCTIONALITY

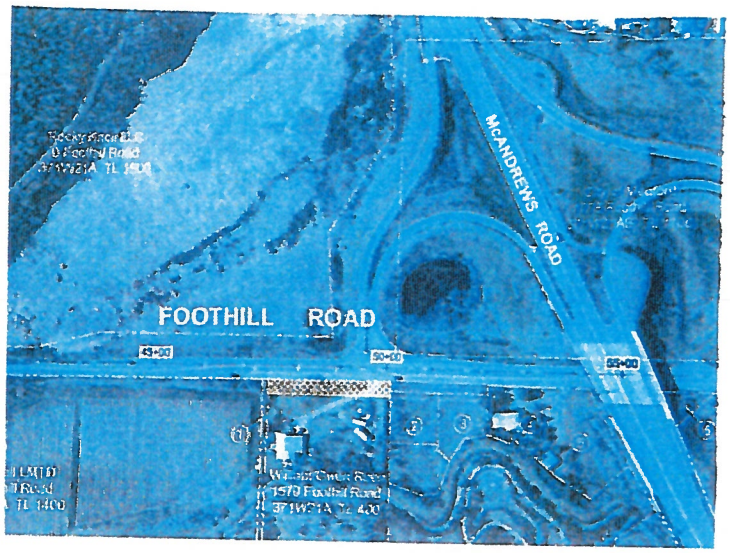
The value of our home, is our view and usability. When my dad built it, Foothill was a country road. Even though Foothill has grown, we have retained our privacy. Relocating the driveway will significantly destroy views and bulldozing our trees to widen Foothill destroys our privacy. Nobody wants their driveway

old trees destroyed. We rcvd a notice from the Planning Dept which includes **Medford Land Development Code 10.207** . It states, " Projects should not prevent development of the remainder of the property under the same ownership". I'm not a contractor but it's easy to see that relocating my driveway through the middle of my yard hugely decreases the future use of our property.

We understand progress and the need to move traffic safely. We also need our home protected and have safe water and noise abatement and access to our parking area. I'm a nurse. I would be negligent, not to consider the whole picture. If I just addressed your diabetes, without considering your heart and kidney function, I would cause great harm and impact your life forever. In the same way, when you make plans for a stoplight, you should determine how it affects adjoining homes.

20 ish yrs ago, the City wanted to move our driveway. We were given a map to mark our preference and guaranteed we'd have input to the new location. Our driveway was installed without our input and access to our parking area was severed. (see apology letter from City of Medford) We were assured a light post would not be placed directly in front of our house, however, it was .(see apology letter from City of Medford 8/29/00) When the city finished the project leaving a dangerous 10-15 ft drop off above our yard, we were awarded a guardrail, that the city never installed. (see letter from City of Medford 10/10/00). Although none of the agreements the City gave us were upheld, we have never received any compensation.

You can't fix the past, but you can do better, moving forward. The construction will impact my well, we need City water. Reconfiguring my parking area will destroy my septic leach fields, we need City sewer. The increased noise at a signal needs to be studied and modified. Relocating our driveway will destroy our front yard, functionality of our property, and future development potential. Our livelihood depends on using our trailers and equipment. We must have easy access to our parking area, do not relocate my driveway. When you bull doze down all our trees, please replace them.


FOOTHILL ROAD
MCANDREWS ROAD

50+00
1
2
3
William/Gwen Reen
1570 Foothill Road
371W21A TL 400

Exhibit Q

Lisa and Laurence Rubenstein Letter

RECEIVED
MAY 11 2017
PLANNING DEPT.

Testimony to City of Medford Planning Commission
Re: Foothill Road Expansion Project (TF-17-012) and our residence at 801 N. Foothill Road
From: Laurence and Lisa Rubenstein
Date: 5/11/2017

Thank you allowing us to provide input to the Planning Commission today. We are in general very supportive of the Foothill Road improvement project. However, we have some concerns about how the project will affect our driveway and our residence (which is a historically significant structure, as evaluated by ODOT, located atop Rocky Knoll). We had the fortunate opportunity to purchase this home from our cousins in 2013, after having been annual visitors to the house for over 50 years.

As you know, our driveway cannot realistically be re-situated, and you have taken account of this by identifying an exit onto Foothill for our driveway in your plans. We very much appreciate this. We do want to alert you to other issues related to the expansion project:

1. We will have only a right turn in, right turn out as we understand the plans. This is not ideal from our point of view, but we understand the difficulties in designing our exit given the road median that is planned. If an opportunity arises to develop a left-turn entry to our driveway, or otherwise enable us to avoid a 2 mile or so extra driving route to get to a McAndrews Road turnaround when driving North on Foothill from Hillcrest, we would be grateful for your assistance in making a shorter route possible.

2. We will need to maintain a safe entrance onto Foothill Road. A small on-ramp of some kind would be important, given the fact that our driveway exit is at the top of the small hill between McAndrews Road and Hillcrest.

2. Our utilities (city water/water meter, electricity lines, cable/telephone line, electricity to the pump for MID and city water, sewer) are situated near the expansion. You will likely need to move and replace the utility connections. We also need these utilities to continue to operate during construction.

3. You will need to replace our large mailbox, situated currently at the Foothill Rd. border.

4. We use MID water for irrigation, pumped directly out of the existing ditch using a large pump we put in place in spring and remove in winter. When the ditch is piped, as shown in the plans, we will need a different system for pumping and ditch access.

Thank you.

Sincerely,

(Drs.) Lisa and Laurence Rubenstein
801 N Foothill Rd
Medford, Or 97504
310-429-5365
405-227-5606

Exhibit R

Gwyn Reen Letter & Attachments

May. 30. 2017 9:16AM Community Health Center No. 4010 P. 1

May 28, 2017

Att: Sam 618-1708

Att: Planning Commission

Re: Testimony to Council 5/11/17 (1570 N Foothill Rd)

Per your request, please find letters we received from the City of Medford in 2000, showing promises given were not upheld. Currently, we've been notified the "right-of-way for Foothill Rd...is not well documented" and our property will be taken without compensation by "*Legalization*" (ORS 368.201) As we experienced the elevation and widening of Foothill and construction of the McAndrews overpass bridge, it's difficult to understand how Foothill Rd is not well documented and compensation is not warranted. A survey should have been completed, prior to the City placing a berm separating our property frontage from Foothill Rd.

We appreciate your consideration of our property concerns: ***Driveway relocation, barricaded driveway access, Well displaced below grade, Elimination of View and Privacy, Septic field relocation, tree/berm frontage destruction, Parking area access elimination, decreased access to garage, Increased noise, Decreased future development potential, decreased property valuation, legalization of property***

We know life isn't fair, however everyone likes to be treated equally. When you go to the hospital, you expect to be treated as well as the next patient. Our neighbors are fortunate that City Engineers have worked with them and agreed to maintain existing trees, provide landscaping and fences, and potentially provide a private road to access pastures.

We have had the same concerns over the past year and have contacted Engineering several times, yet no modifications have been offered. You can imagine the stress we're experiencing knowing our property, livelihood, and health will be affected. As the most impacted property, it's disappointing that Engineering is able to provide others with landscaping (while destroying my 100 year old tree) and provide fences or barriers, while making plans to destroy my view, privacy, and functionality. Even access for seasonal farm equipment has been considered for others, while daily access to our property is greatly impeded by barricades. We have health concerns regarding safe drinking water, increased noise, septic field elimination, and have received no direction from the City over this past year.

We are reluctant to point out discrepancies, but it seems worth noting, in hopes that the City of Medford can improve its practices to benefit all citizens. We support progress, but it should not be at the expense of our family home of nearly 50 years.

Sincerely,

Gwyn Reen
1570 N Foothill Rd
Medford OR 97504
541-772-8649

pg 1 of 4

May. 30. 2017 9:17AM Community Health Center No. 4010 P. 2

Lack of topsoil on the north west side of your driveway:
I have been out to your driveway and have not seen any area that is lacking topsoil. I suggest that we meet and you can show me the area you are speaking of.

Driveway being constructed without your input:
The City had set up a method in which we were going to receive a drawing from you which would show where you wanted the driveway relocated. In the interim while waiting for this drawing, the City inspector placed your driveway by direction of Mr. Reen. I offer my apologies to you for your driveway * being constructed without the City having this drawing from you. *

No Rock to drive on:
I have been out to your driveway and have seen the entire driveway covered with gravel. I will meet you in the field and discuss this issue with you as well.

Respectfully,

Michael Gamble
Project Manager

Cc Bob Deuel, City Engineer
Cory Crebbin, Public Works Director

* Bill came home e lunch to discover the City was making our driveway now. He said we needed a large turning radius & we're spose to draw a map. They said if we stopped their construction today, they wont finish it for weeks/mts. We can't park on foothill Rd & need access to our house!!

pg 2 of 4

May. 30. 2017 9:17AM Community Health Center No. 4010 P. 3

CITY OF MEDFORD

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

411 WEST 8TH STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

TELEPHONE
(541) 774-2100
FAX: (541) 774-2552

Oct. 10, 2000

William & Gwyn Reen
P.O. Box 186
Medford, OR 97501

Re: E. McAndrews Extension Project, P-1050

Dear Mr. & Mrs. Reen,

I am enclosing a drawing, which shows the relationship of your property to the Mc Andrews Road Project. Please indicate on the enclosed map the location you desire for your driveway. I know that you desire to wait until the fill that is placed on your property before making a decision on the driveway location. However, in order to avoid any additional contract costs I will need to receive the attached sketch, showing your desired driveway location, 7 days after completion of the fill material.

The project design consultant has determined that guardrail is required along portions of Foothill Road, including the northerly portion of your frontage. One opening in the guardrail will be included to accommodate access to your parcel. The schedule for the construction of the guardrail has not yet been determined.

Thank you for your time concerning this matter.

Respectfully,

Michael Gamble
Project Manager

Cc Bob Deuel, City Engineer
Cory Crebbin, Public Works Director

PS 384

May. 30. 2017 9:17AM Community Health Center No. 4010 P. 4

CITY OF MEDFORD
OREGON

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION

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MEDFORD, OREGON 97501
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August 29, 2000

William & Gwen Reen
P.O. Box 186
Medford, OR 97501

Re: E. McAndrews Extension Project, P-1050

Dear Mr. & Mrs. Reen,

This letter is a follow up to our meeting of August 24, 2000, in which we discussed the steps that will be taken per City of Medford Council decision addressing the frontage of your property on Foothill Road.

As I discussed with you I have the authority to proceed with the following items:

- placing fill along the frontage of your property of Foothill Road
- placing a culvert under the fill
- planting 60 lineal feet of plants (15 plants spaced at 4' o.c.)
- relocating entrance to driveway per your direction

During our discussion you also asked me about the possibility of placing an earth berm and also moving a street light that is on the west side of Foothill Road across from your home, and also the possibilities of getting irrigation to the hedge plants that the City will plant for you. As I told you in the field, I only have authorization to perform the items I have put forth in this letter.

I would like to go into some detail to inform you on the street light situation as the lights exist today. The street lights on the east side of Foothill Road were moved to the west side of Foothill Road due to a conflict with underground utilities. We had discussed the possibilities of moving a proposed light from its position near your driveway to one of two places. One place was to shift this light 10 feet to the north, the other was to shift the light across the road. Your choice was move the light 10 feet to the north. I informed the inspector to move the light per your request. The inspector moved the light across the road to the southwest corner of the off/on ramp at Foothill Road. This was done without my knowledge, and I apologize for this. The light was moved, as explained to me later, due to existing utilities that would have interfered with the lights foundation. I would like to point out that the light that is directly across Foothill Road from your home was constructed per the original plan and is not the light that was originally placed next to your driveway.

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CITY OF MEDFORD
AGENDA ITEM COMMENTARY

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Item No: 130.5

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

AGENDA SECTION: Public Hearings
MEETING DATE: June 15, 2017

COUNCIL BILL 2017-69
An ordinance amending sections 3.811, 3.815, 3.834, 3.835, 3.839, 3.840, 3.890 and 3.891 of the Medford Code pertaining to System Development Charges.

SUMMARY AND BACKGROUND
An ordinance amending Sections 3.811, 3.815, 3.834, 3.835, 3.839, 3.840, 3.890, and 3.891 of the Medford Municipal Code (MMC) related to the Street, Sewer Collection and Storm Drainage System Development Charges (SDCs).

PREVIOUS COUNCIL ACTIONS
Council approved Ordinance 2016-13 on January 21, 2016 which adjusts SDC rates on July 1 of each year, beginning July 1, 2017, by the January to January Engineering News Record Construction Cost Index (ENR-CCI).

ANALYSIS
The January to January ENR-CCI is 3.9%. This ordinance implements the Council decision by adjusting Street, Sanitary Sewer and Storm Drainage SDC fees and credits by 3.9%. In addition, several housekeeping changes are being proposed.

Section 3.811: The construction and right-of-way cost factors used in determining the Street SDC are adjusted by 3.9%.

Section 3.815 (5) (c) removes specific expenditure approval thresholds and adds language stating credits will be paid in accordance with applicable expense authority limits of the City's contracting and purchasing code. Language is clarified identifying "the approval date of this ordinance" that determines who will receive the Street SDC credit.

Section 3.834 adjusts the ERU by 3.9% and clarifies that SDCs are a percentage of the Single Family residential rate.

Section 3.835 (2) adjusts Sanitary Sewer SDC credits by 3.9%.

Section 3.839 adjusts Sanitary Sewer SDC types of buildings and sewer use to match language in the Regional Rate Committee Resolution No. 35. Section 3.839 (b) is eliminated as these rates are superseded by the rate in Section 3.834.

Section 3.840 updates Sanitary Sewer SDC definitions to match those in the Regional Rate Committee Resolution No. 35.

Section 3.890 adjusts the Storm Drainage SDC by 3.9%.

Section 3.891(a) adjusts the Storm Drainage SDC credits by 3.9%. Specific expenditure approval thresholds are removed and language added stating credits will be paid in accordance with applicable expense authority limits of the City's contracting and purchasing code. Paragraph (b) (1) clarifies that the monthly storm drainage utility fee will not be eliminated as a result of runoff control measures.

The amount for each System Development Charge (SDC) is based on the applicable system Master Plan projecting future capacity needs and costs. The master plans on which the City of Medford SDCs are based include:

City of Medford Storm Drain Master Plan completed September 1996
(Note: the City now uses 'basin plans' as a basis for storm drain master planning)
City of Medford Transportation System Plan adopted by the City Council on November 20, 2003
City of Medford Sewer Collection Master Plan completed April 2005

The City Recorder mailed public hearing notices to parties who have requested that they be advised of any SDC changes on March 14, 2017. Such notices are required to be mailed 90-days prior to the Council meeting at which changes are considered.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS
It is difficult to estimate the financial impacts as they are dependent upon the number and amount of SDCs charged and credits paid. Using data from the past twelve months as a proxy, the net financial impact of increased SDC fees and credits would be as follows:

Sewer Collection SDC Fund: Net revenue increase of $14,100
Storm Drain SDC Fund: Net revenue increase of $12,500
Street SDC Fund: Net revenue increase of $144,300

TIMING ISSUES
Per Ordinance 2016-13, the SDC rate changes will become effective July 1, 2017.

COUNCIL OPTIONS
Approve, modify or deny the ordinance.

STAFF RECOMMENDATION
Staff recommends approval of the ordinance.

SUGGESTED MOTION
I move to approve the ordinance amending Sections 3.811, 3.815, 3.834, 3.835, 3.839, 3.840, 3.890, and 3.891 of the Medford Municipal Code (MMC) related to the Street, Sewer Collection and Storm Drainage System Development Charges (SDCs).

EXHIBITS
Ordinance

ORDINANCE NO. 2017-69

AN ORDINANCE amending sections 3.811, 3.815, 3.834, 3.835, 3.839, 3.840, 3.890 and 3.891 of the Medford Code pertaining to System Development Charges.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. Section 3.811 of the Medford Code is amended to read as follows:

3.811 Methodology for Calculation of the SSDC.
***

(2) The construction cost factor used in computing the Street Systems Development Charge shall be set as follows per lane mile. This value may be updated from time to time by the City Council.

~~Prior to Termination of 17-Transportation Surcharge~~	After Termination of 17-Transportation Surcharge	**July 1, 2017**
~~$454,707~~	$400,749	**$416,378**

(3) The right-of-way cost factor used in computing the Street Systems Development Charge shall be set at the rate per lane mile of constructed street as shown below. This value may be updated from time to time by the City Council.

The following rate is hereby established for the right-of-way cost factor for one lane-mile of constructed street:

~~Prior to Termination of 17-Transportation Surcharge~~	After Termination of 17-Transportation Surcharge	**July 1, 2017**
~~$146,833~~	$162,402	$168,736

***

Section 2. Section 3.815 of the Medford Code is amended to read as follows:

3.815 Explanation of SSDC Methodology.
***

(c)(i)(a) All SSDC credits for eligible land dedications and street improvements ~~shall be paid in cash in accordance with the parameters identified in the subsections 5(c)(i)(a) through 5(d). SSDC credits which exceed $50,000 in total value for a development (street construction plus right-of-way) must first be approved for payment by the City Council. Total SSDC credits of $50,000 or less will be approved for payment administratively, per applicable expense authority limits of the City's contracting and purchasing code~~. **will be paid in cash in accordance with the parameters identified below. All cash payments will be approved administratively, per applicable expense authority limits of the City's contracting and purchasing code.** For those developments whose

credit period began (see Section 3.815(5)(c)(iii) below) prior to ~~the approval date of this ordinance,~~ **June 4, 2009,** payments shall be made to the entity applying for the building permit unless, ~~prior to the approval date of this ordinance,~~ a written agreement already existed **prior to June 4, 2009** between the developer who constructed the improvements or dedicated the right-of-way, and the City. For those developments whose credit period begins after ~~the approval date of this ordinance,~~ **June 4, 2009,** payments shall be made to the developer who constructs the improvements or dedicates the right-of-way, unless otherwise provided for in a written agreement between said developer and the City. Such an agreement is also subject to the restrictions of Section 3.723.
***

Section 3. Section 3.834 of the Medford Code is amended to read as follows:

3.834 Establishment of Values for Calculations of SCSDC.
The values to be used in calculating the Sanitary Sewer Collection SDC according to the methodology set forth above shall be set at the rate per equivalent residential unit (ERU) shown in the following table and shall be applied to the Schedule of Charges as found in Section 3.839 (a) to determine the fee charged for the various types of buildings and facilities listed therein. **SDCs are a percentage of the Single Family residential rate based on the ERU.** This value may be updated from time to time by the City Council based on available data and planning projections.

The following rates are hereby established for one ERU**, or Single Family Residence**:

~~July 1, 2010~~	After Termination of	**July 1, 2017**
~~$613~~	17- Transportation Surcharge	**$694.05**
	~~See Section 3.839 (b)~~	
	$668.00	

Section 4. Section 3.835 of the Medford Code is amended to read as follows:

3.835 Credits.
***
(2) Oversize Pipe.

(a) Where it is a condition of development approval that a developer construct a sanitary sewer main which is greater than 8 inches in diameter, the developer shall be credited an amount equal to the difference between the calculated cost of the larger pipe (installed) and that of the 8" pipe. The cost differential shall be as follows:

Pipe Size	Calculated Cost Difference	**Calculated Cost Difference July 1, 2017**
10"	$ 3.20 per foot	**$3.53 per linear foot (LF)**
12"	$ 6.70 per foot	**$6.97 per linear foot (LF)**
15"	$11.30 per foot	**$11.74 per linear foot (LF)**
18"	$20.10 per foot	**$20.89 per linear foot (LF)**
21"	$28.90 per foot	**$30.03 per linear foot (LF)**

24"	$38.70 per foot	**$40.21 per linear foot (LF)**

Compensation for solid rock excavation shall be based and prorated on the developer's actual costs as determined by the City Engineer.
The following table establishes the values used in determining the cost differential between 8" diameter sanitary sewer pipe and larger diameter sanitary sewer pipe.

Pipe Size	Pipe Cost	Trench Cost	Total Cost	Differential Above 8"
8"	$ 2.30/LF	$22.40/LF	$24.70/LF	----------
10"	$ 3.70/LF	$24.40/LF	$27.90/LF	$ 3.20/LF
12"	$ 5.30/LF	$26.10/LF	$31.40/LF	$ 6.70/LF
15"	$ 8.00/LF	$28.00/LF	$36.00/LF	$11.30/LF
18"	$14.00/LF	$30.80/LF	$44.80/LF	$20.10/LF
21"	$20.00/LF	$33.60/LF	$53.60/LF	$28.90/LF
24"	$27.00/LF	$36.40/LF	$63.40/LF	$38.70/LF

Effective July 1, 2017

Pipe Size	**Pipe Cost**	**Trench Cost**	**Total Cost**	**Differential Above 8"**
8"	**$ 2.39/LF**	**$23.27/LF**	**$25.66/LF**	**----------**
10"	**$ 3.84/LF**	**$25.35/LF**	**$29.19/LF**	**$ 3.53/LF**
12"	**$ 5.51/LF**	**$27.12/LF**	**$32.63/LF**	**$ 6.97/LF**
15"	**$ 8.31/LF**	**$29.09/LF**	**$37.40/LF**	**$11.74/LF**
18"	**$14.55/LF**	**$32.00/LF**	**$46.55/LF**	**$20.89/LF**
21"	**$20.78/LF**	**$34.91/LF**	**$55.69/LF**	**$30.03/LF**
24"	**$28.05/LF**	**$37.82/LF**	**$65.87/LF**	**$40.21/LF**

***

Section 5. Section 3.839 of the Medford Code is amended to read as follows:

3.839 Schedule of Charges.
~~(a)~~ The systems development charges for one ERU shall be the basis for calculating charges for all types of buildings according to the following table (this schedule is, and shall remain, identical to the rate schedule adopted by the Regional Rate Committee for the Sewage Treatment SDC, except for the extra strength factor applied to Wet Industrial users.):

Type of Building & Sewer Use		% of ERU **Rate**	Unit of Measure
(1)	Single Family Residence	1.0	Each
(2)	Multiple Family Residence/Accessory Dwelling Unit (ADU)	0.65	Per dwelling unit
~~(3)~~	~~Manufactured Dwelling Space in Manufactured Dwelling Park (Common building at additional commercial rate and laundry areas at laundry rate.)~~	~~0.65~~	~~Per space~~
(3)	**Recreational Vehicle Space in Recreational Vehicle Park (Common building at additional rate and laundry areas at laundry rate)**	**0.50**	**Per space**
(4)	Recreational Vehicle Waste Dumping Station	0.65	Per station
(5)	Schools	0.03	Per student at capacity
(6)	Churches (School uses at additional per student capacity rate.)	0.64	Per 100 seats capacity
(7)	Hospitals - general	1.00	Per bed
(8)	Convalescent Hospitals/Rest Homes/ Assisted Living Facilities	0.50	Per bed
(9)	Residential Care/Boarding Facilities/ Adult Foster Care	0.25 **1.00**	Per room **or** **whichever is greater**
***			
(14)	Commercial, Office, and Dry Industrial		~~ERUs f~~**F**or each plumbing fixture to be installed.
***			
(16)	Additional Loading or Change of Use		Determined on basis of new use for entire facility less credit for former use. No refunds if new use is less than former use.

~~(b) After termination of the 17 Transportation Street projects, the systems development charges are as follows:~~

~~Type of Building & Sewer Us~~		~~System Development Charge~~	~~Unit of Measure~~
~~(1)~~	~~Single Family Residence~~	~~$668.00~~	~~Each~~
~~(2)~~	~~Multiple Family Residence/Accessory Dwelling Unit (ADU)~~	~~$434.20~~	~~Per dwelling unit~~
~~(3)~~	~~Manufactured Dwelling Space in Manufactured Dwelling Park (Common building at additional commercial rate and~~	~~$434.20~~	~~Per space~~

	~~laundry areas at laundry rate.)~~		
~~(4)~~	~~Recreational Vehicle Waste Dumping Station~~	~~$434.20~~	~~Per station~~
~~(5)~~	~~Schools~~	~~$ 20.04~~	~~Per student at capacity~~
~~(6)~~	~~Churches (School uses at additional per student capacity rate.)~~	~~$427.52~~	~~Per 100 seats capacity~~
~~(7)~~	~~Hospitals - general~~	~~$668.00~~	~~Per bed~~
~~(8)~~	~~Convalescent Hospitals/Rest Homes/ Assisted Living Facilities~~	~~$334.00~~	~~Per bed~~
~~(9)~~	~~Residential Care/Boarding Facilities/ Adult Foster Care~~	~~$167.00~~	~~Per room~~
~~(10)~~	~~Lodging Facilities~~		
	~~(Additional charges for restaurant or lounge at food prep/serving rate, guest laundry areas at laundry rates, and all meeting room areas and individual room kitchens/kitchenettes with fixtures at commercial rate.)~~		
	~~a) Hotels and Motels~~	~~$167.00~~	~~Per room/motel unit.~~
	~~b) B&B's~~	~~$668.00~~	~~Each SFR plus $167.00 per bedroom greater than 4~~
	~~c) Homeless shelters, etc.~~		~~(To be tied directly to the determination made by Region's Technical Advisory Group for sewage treatment, on a case by case basis.)~~
~~(11)~~	~~Food Preparation and/or Serving Areas~~	~~$100.20~~	~~Per 100 sq. feet~~
~~(12)~~	~~Vehicle Wash~~		
	~~a) Self Service Vehicle Wash~~	~~$781.56~~	~~Per bay~~
	~~b) Full Service Vehicle Wash~~	~~$10,460.88~~	~~Per bay~~
	~~c) All Other Vehicle Washes~~		~~(See Wet Industrial)~~
~~(13)~~	~~a) Laundries & Laundromats~~	~~$200.40~~	~~Per 100 sq. feet~~
	~~b) Industrial Laundries~~		~~(See Wet Industrial)~~
~~(14)~~	~~Commercial, Office, and Dry Industrial~~		~~Per plumbing fixture to be installed.~~
	~~Bath tub w/or w/o shower~~	~~$86.84~~	
	~~Dental unit or cuspidor~~	~~$66.80~~	
	~~Dishwasher~~	~~$66.80~~	

~~Disposal~~	~~$66.80~~
~~Drinking Fountain~~	~~$33.40~~
~~Floor Drain~~	~~$8.68~~
~~Fountain/Backwash~~	~~$66.80~~
~~Kitchen Sink~~	~~$53.44~~
~~Laundry Tray~~	~~$53.44~~
~~Lavatory~~	~~$33.40~~
~~Service Sink~~	~~$53.44~~
~~Shower (each head)~~	~~$86.84~~
~~Swimming Pool/Backwash~~	~~$66.80~~
~~Urinal~~	~~$113.56~~
~~Urinal Trough (for each 2-foot section)~~	~~$113.56~~
~~Wash Sink (for each set of faucets)~~	~~$53.44~~
~~Washing Machine~~	~~$46.76~~
~~Water Closet~~	~~$220.44~~

~~In case of a remodel in types 5-13 that results in no increase in the units on which the charge for a new building is calculated, there will be no additional SDC charge for the remodel even if additional plumbing fixtures are installed.~~

~~(15)~~	~~Wet Industrial~~	~~To be tied directly to the determination made by Region's Technical Committee for sewage treatment, on a case-by-case basis.~~
~~(16)~~	~~Additional Loading or Change of Use~~	~~Determined on basis of new use for entire facility less credit for former use. No refunds if new use is less than former use.~~

***

Section 6. Section 3.840 of the Medford Code is amended to read as follows:

3.840 Definitions.
***

(2) A multiple family residence (MFR) is defined as a building or a group of buildings housing two or more families, living independently of each other, a family being defined as one or more persons living as a single housekeeping unit or household with sewer service being provided through not more than one sewer connection. **This definition included manufactured and mobile home parks.** Common buildings ~~in an apartment house complex~~ requiring sewer service shall be charged as commercial buildings. ~~and that portion~~ **Buildings or portions** of buildings housing common laundry facilities shall be charged as laundries and laundromats. **Buildings or portions of buildings housing food service areas shall be charged as food prep and service areas.** However, laundry

facilities located in individual dwelling units shall be considered incidental to the standard multi-family charge. *An Accessory Dwelling Unit (ADU)* is defined as a residential dwelling unit, with a kitchen or kitchen facilities, that ~~is~~ **can be** used for independent living and is located on the same lot as a single-family residence (SFR).

***

~~(3) A Manufactured Dwelling Park, including travel trailer parks, is defined as any area or tract of land having a sewer connection, and where sewerage collection pipes are extended to two or more spaces occupied by, or intended to be occupied by a manufactured dwelling, travel trailer or motor home which are defined as a vehicle with or without motive power which is designed, used or intended for use as a place of human habitation, or as eating, sleeping or living quarters or any combination thereof. A manufactured dwelling space is defined as the individual location having a sewer hookup for each such vehicle. For purposes of determining the Sanitary Sewer Collection Systems Development Charges (SCSDCs) for manufactured dwelling parks' common buildings such as recreation halls, etc., they shall be charged as commercial buildings. Buildings housing laundry facilities shall be charged as laundries and laundromats and food or drink service buildings shall be charged as food preparation and/or serving.~~

(3) A Recreational Vehicle Park is defined as any area or tract of land having a sewer connection, and where sewage collection pipes are extended to two or more spaces occupied by, or intended to be occupied by a travel trailer or motor home which are defined as a vehicular type unit primarily designed as a temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. A recreational vehicle space is defined as the individual location having a sewer hookup for each such vehicle. Recreational vehicle parks' common buildings such as recreation halls, etc., shall be charged as commercial buildings. Buildings housing laundry facilities shall be charged as laundries and laundromats, and food or drink service buildings shall be charged as food preparation and/or serving.

(4) A Recreational Vehicle Waste Dumping Station is defined as a building or structure used for the dumping of sanitary sewer wastes from recreational vehicle holding tanks~~. This includes~~ **including** gray water from sinks and showers. (This excludes an individual collector installed by a home owner for his/her own use.)

(5) A School is defined as any building or group of buildings used for school purposes more than 12 hours per week, involving assemblage for instruction, education or recreation. ~~A school~~ **Schools** may be public or private and may include, but is not limited to day care/pre-schools, kindergartens, elementary schools, middle/junior high schools, senior high schools, junior colleges, continuing education facilities, professional/vocational schools, and beauty colleges. ~~The c~~**C**harge shall be based on student capacity of classrooms.

***

(6) A Church is defined as a building or structure whose principal use is for worship and in which the incidental use for school or recreational purposes is less than 12 hours per week. Church buildings used for school purposes in excess of 12 hours per week shall be charged at the "schools" SDC rate in addition to the charge per 100 seats as a church. No additional charge shall be made for kitchens, multi-purpose rooms, or fellowship halls and related plumbing fixtures.

***

(9) A Residential Care, Boarding, or Adult Foster Care Facility is defined as a residential building or structure, generally located in a residential neighborhood, used for housing of persons requiring either long term supervision and general care, or any type of dependency recovery. The facility shall be considered an SFR for up to four bedrooms, with an additional charge per bedroom above four. No additional charge shall be made for laundry or food and drink preparation ~~or~~ **and** serving facilities included in the facility. Individual bedrooms may not contain kitchen facilities. This language distinguishes between 'assisted living facilities', which tend to be larger-scale 'businesses', and the smaller scale homes which provide more personal **foster** care.

(10) A Lodging Facility is defined as a building or group of buildings used for temporary housing of persons containing rooms or units intended for the use of transient persons. Included within this definition are hotels, motels, and bed and breakfast accommodations. ~~SDC fees for~~ **H**~~h~~omeless shelters and/or dormitory-style housing facilities shall be considered by the Regional TAG on a case-by-case basis.

a) Hotels/Motels: Any building or group of buildings with guest rooms intended or designed to be rented for temporary occupation by guests. Those areas within hotels and motels ~~to be~~ used for commercial preparation of and serving of food and drink shall be charged at the rate for food preparation and/or serving, including guest breakfast serving and eating areas. Kitchens or kitchenettes in individual rooms shall be charged at commercial rates based upon fixtures. Commercial areas within hotels and motels, including convention facilities**, meeting rooms** and other such common areas other than lobby areas, shall be charged at the rate for commercial and dry industrial areas.

***

b) Bed and Breakfast (B&B) Accommodations: A B&B is an SFR, or part thereof, other than a hotel, motel, or MFR, where traveler's accommodations and breakfast are provided for a fee on a daily or weekly room rental basis. A B&B shall be charged at the SFR SDC-rate for the first four (4) bedrooms and at the Lodging Facility ~~rate~~ per-unit **SDC rate** for each additional bedroom ~~beyond four~~.

***

(12) A Vehicle wash is defined as a commercial building or structure used for washing vehicles.

a) A Self-service vehicle wash is a coin operated facility serving the general public that requires the customer to wash the vehicle.

b) A Full-service vehicle wash is a facility ~~which serves~~ **serving** the ~~general~~ public, wherein the vehicle is washed for the customer, either automatically or by attendants.

c) A vehicle wash facility that recycles or reclaims water, and all ~~other vehicle and~~ parts washing or steam cleaning facilities that discharge to the sanitary sewer will be classified as Other Vehicle Washes and will be reviewed on a case-by-case basis by the Regional TAG.

(13) **a)** ~~A Laundry or laundromat is~~ **Laundries and Laundromats are** defined as a commercial building or structure or part of a commercial building or structures used for housing and operating laundry equipment by the general public to wash clothes and linens for personal use.

b) ~~An Industrial laundry is~~ **Industrial laundries are** defined as ~~a~~ building or structures or ~~a~~ parts of ~~a~~ buildings or structures used for housing and operating laundry equipment for the large scale

washing of uniforms, towels, linens, etc. The anticipated volume and strength of the sewage to be generated from an industrial laundry would be considerably more than that from a commercial laundry or laundromat. Industrial laundries shall be classified as ~~a~~ "Wet Industrial Building".
(14) ~~A Commercial building is~~ **Commercial Buildings are** defined as **all** buildings used for ~~the~~ conducting of wholesale or retail trade. ~~A dry~~ **Dry** industrial buildings or structures ~~is~~ **are those** that ~~building or structure housing~~ **house** light industrial activities where use of water and subsequent discharge of sewer does not occur in connection with the industrial process.
***

Section 7. Section 3.890 of the Medford Code is amended to read as follows:

3.890 Establishment of the Storm Drainage Systems Development Charge.
***
The following rates are hereby established for one ERU:

~~July 1, 2010~~	After Termination of 17-Transportation Surcharge	**July 1, 2017**
~~$574~~	$608	**$631.71**

***

Section 8. Section 3.891 of the Medford Code is amended to read as follows:

3.891 Credits.
***
Costs will be calculated from the following prices:

Pipe	2010	After Termination of 17-Transportation Surcharge	**July 1, 2017**
24"	$74.03/lf	$78.47/lf	**$81.53**
36"	$117.81/lf	$124.88/lf	**$129.75**
48"	$156.60/lf	$166.00/lf	**$172.47**
60"	$195.38/lf	$207.10/lf	**$215.18**
4' x 8' Conc.Box	$449.68/lf	$476.66/lf	**$495.25**

Costs of other pipe sizes will be determined by interpolation.
Eligible credits for oversize pipe construction shall be paid in cash to the developer **in accordance with the parameters identified below. All cash payments will be approved administratively per applicable expense authority limits of the City's contracting and purchasing code.** For land divisions, the payment shall be made after completion and acceptance of the improvements, or the recording of the final plat, whichever comes later. For all other improvements, payment shall be made after completion and acceptance of the improvements~~. Payments which exceed $50,000 in total value for a development must first be approved by the City Council. Payments of $50,000 or~~

~~less will be approved administratively, per applicable expense authority limits of the City's contracting and purchasing code.~~

b) Credits for Runoff Control Measures.

(1) Upon application, a person responsible may seek a reduction ~~or elimination~~ of the monthly ~~charge~~ **utility fee** for storm drainage service and/or the systems development charge for storm drainage. Upon submission of appropriate evidence, the City Engineer shall consider the application. The applicant must show to the City Engineer's satisfaction:

(a) The amount of permanent reduction ~~to the~~ **in** runoff for the property due to the retention system; and/or

(b) The amount of stormwater being discharged directly from the property into Bear Creek.

***

(3) Any reduction ~~or elimination~~ **in monthly utility fee** ~~given~~ shall continue until the property is further developed or until the City Engineer determines the property no longer qualifies for the reduction ~~or elimination granted~~.

***

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

ATTEST: _____ City Recorder

_____ Mayor

APPROVED _____, 2017.

_____ 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.