



## Medford City Council Meeting

# Agenda

October 6, 2016

12:00 Noon

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

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10. **Roll Call**

20. **Approval or Correction of the Minutes of the September 15, 2016 Regular Meeting**

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

Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

40. **Consent Calendar**

40.1 COUNCIL BILL 2016-122 A resolution affirming the Unified Appeal Board's denial of a taxi driver identification card for Tiffany Perez.

40.2 COUNCIL BILL 2016-123 An ordinance authorizing dedication of a 12 foot wide by 200 foot long strip of City owned property and the adjacent 10 feet as a public utility easement located at Stewart Avenue on the north side of Fire Station #2.

40.3 COUNCIL BILL 2016-124 An ordinance authorizing execution of a Quitclaim Deed in favor of Brayco, LLC, to extinguish a 50 foot wide future public street reservation on property located near Center Drive, Parcel No. 1, Partition Plat No. P-86-2004, recorded December 20, 2004 and filed as Survey No. 18547 in the Office of the Jackson County Surveyor.

40.4 COUNCIL BILL 2016-125 An ordinance authorizing acceptance and expenditure of a grant in the amount of \$136,500 from the Office of National Drug Control Policy and the Oregon High Intensity Drug Trafficking Area Program for narcotic enforcement activities.

50. **Items Removed from Consent Calendar**

60. **Ordinances and Resolutions**

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

60.2 COUNCIL BILL 2016-126 An ordinance authorizing execution of an amendment to the lease agreement with Southern Oregon Veterans Benefits, to waive the requirement to obtain liability insurance prior to the issuance of building permits.

60.3 COUNCIL BILL 2016-127 An ordinance awarding a contract in the amount of \$605,823 to Brown and Caldwell for detailed design services for the Aeration Basin Project.

60.4 COUNCIL BILL 2016-128 An ordinance amending section 8.015 of the Medford Municipal Code pertaining to the issuance of business licenses to marijuana dispensaries.

60.5 COUNCIL BILL 2016-129 A resolution agreeing to pay any judgments and damages entered against Paul Mellgren and Patrick Dennis.

**70. Council Business**

70.1 Contract Renewal with Federal Lobbyist, CFM Strategic Communications

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

80.1 ERP Update by Finance Director Alison Chan and Technology Services Director Doug Townsend

80.2 Further reports from City Manager

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

90.1 Proclamations issued:  
    Filipino-American History Month – October 2016  
    National Community Planning Month – October 2016

90.2 Further Council committee reports

90.3 Further remarks from Mayor and Councilmembers

**100. Adjournment to the Evening Session**

The evening meeting has been canceled as there are no items for council consideration.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 40.1

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**DEPARTMENT:** Unified Appeal Board; Legal  
**PHONE:** (541) 774-2020  
**STAFF CONTACT:** Eric Mitton, Senior Assistant City Attorney

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** October 6, 2016

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**COUNCIL BILL 2016-122**

A resolution affirming the Unified Appeal Board's denial of a Taxi Driver Identification Card for Tiffany Perez.

**SUMMARY AND BACKGROUND**

An appeal requesting a discretionary issuance of a Taxi Driver's ID Card was considered by the City Council on September 15, 2016.

**PREVIOUS COUNCIL ACTIONS**

The Council voted to deny the appeal at the September 15, 2016 Council Meeting.

**ANALYSIS**

Pursuant to MC 8.004(6), a Taxi Driver's ID Card may issue notwithstanding a disqualifying criminal conviction if Council finds reliable indicia of rehabilitation. On October 6, 2015, the Jackson County Circuit Court convicted Tiffany Perez of five felony property crimes. At the September 15, 2016 Council Meeting, Ms. Perez presented evidence regarding rehabilitation since the convictions.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

Potential for civil liability exposure to the City under *Brennen v. City of Eugene* if a license is issued.

**TIMING ISSUES**

None.

**COUNCIL OPTIONS**

Approve, modify, or deny the appeal.

**STAFF RECOMMENDATION**

Staff recommends denial of the appeal.

**SUGGESTED MOTION**

I move to approve the resolution denying the appeal.

**EXHIBITS**

Resolution

RESOLUTION NO. 2016-122

A RESOLUTION affirming the Unified Appeal Board's denial of a Taxi Driver Identification Card for Tiffany Perez.

WHEREAS, the Unified Appeal Board's decision to deny a Taxi Driver Identification Card was appealed to the City Council by appellant, Tiffany Perez pursuant to Section 1.025 of the Medford Municipal Code; and

WHEREAS, there is sufficient proof to sustain that appellant is not entitled to be issued a Taxi Driver Identification Card pursuant to Section 8.004(6) of the Medford Municipal Code, and

WHEREAS, the City Council reviewed the decision and considered the matter upon appeal on September 15, 2016, and affirmed the Unified Appeal Board's decisions, now therefore;

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

That the Unified Appeal Board's denial of a Taxi Driver Identification Card for Tiffany Perez is affirmed.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 40.2

www.ci.medford.or.us

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**DEPARTMENT:** Fire Department  
**PHONE:** (541) 774-2300  
**STAFF CONTACT:** Brian Fish, Fire Chief

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** October 6, 2016

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**COUNCIL BILL 2016-123**

An ordinance authorizing dedication of a 12 foot wide by 200 foot long strip of City owned property and the adjacent 10 feet as a public utility easement located at Stewart Avenue on the north side of Fire Station #2.

**SUMMARY AND BACKGROUND**

During the Site Plan and Architectural review of the Fire Station #2 project (AC-14-129/E-15-025), it was determined that, according to Medford Land Development Code Section 10.428 and 10.471, the City, as owner of the property, would be required to provide a Street Right-of-Way and Public Utility Easement back to the City of Medford.

The City had the area surveyed and the street right-of-way and public utility easements along Stewart Avenue adjacent to the new fire station were established.

**PREVIOUS COUNCIL ACTIONS**

On May 15, 2014, Council approved Ordinance # 2014-66, approving a CM-GC Contract with Adroit Construction for construction of three fire stations. On December 3, 2015, Council approved Ordinance #2015-125, the GMP Amendment to the CM-GC Contract with Adroit, setting forth the construction costs for Fire Station #2, as well as Fire Station #4.

**ANALYSIS**

The easement is a requirement of obtaining building occupancy.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

Surveying: \$755  
Recording Fees: \$100 approximately

**TIMING ISSUES**

The easement needs to be approved and recorded with Jackson County prior to the City receiving occupancy of this building.

**COUNCIL OPTIONS**

Approve, modify or deny the ordinance.

**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance.

**SUGGESTED MOTION**

I move to approve the ordinance granting the Street Right-of-Way and Public Utility Easement for the new Medford Fire Station #2 to the City of Medford.

**EXHIBITS**

Ordinance  
Dedication of Street Right-of-Way and Public Utility Easement

ORDINANCE NO. 2016-123

AN ORDINANCE authorizing dedication of a 12 foot wide by 200 foot long strip of City owned property and the adjacent 10 feet as a public utility easement located at Stewart Avenue on the north side of Fire Station #2.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That dedication of a 12 foot wide by 200 foot long strip of City owned property located at Stewart Avenue on the north side of Fire Station #2 is hereby authorized.

Section 2. That dedication of the adjacent 10 feet as a public utility easement is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor

DEDICATION OF STREET RIGHT-OF-WAY AND PUBLIC UTILITY EASEMENT

**Medford Fire Station #2**

The **City of Medford**, Grantor, hereby dedicates to the public of the **City of Medford**, a municipal corporation of the State of Oregon, the following tract described in Exhibit "A" for street right-of-way purposes, together with the following tract described also in Exhibit "A" being dedicated as a non-exclusive easement for facilities of public utilities.

**See attached Exhibit A**

The **City of Medford**, a municipal corporation of the State of Oregon, hereby accepts such street right-of-way dedication on behalf of the public with the express understanding that in so doing, the City of Medford does not agree to improve or maintain said property, unless and until such time as the City shall accept jurisdiction of the property for purposes of street maintenance.

Providers of public utilities may use this Public Utility Easement for construction, reconstruction, and maintenance of their underground and above ground utility facilities. Such utilities shall also have reasonable rights of ingress and egress to and from such easement across Grantor's property. Public utilities that may use this easement include, but are not limited to, storm drainage, sanitary sewer, water, gas, electric, telephone and cable television.

CONDITIONS

The Grantor, its successors and assigns, covenant that they shall not construct any building or other structure, except standard surface paving, in the Public Utility Easement; shall not excavate adjacent to utility facilities and shall not reduce or increase the depth of the cover over any utility facilities without the City's written consent.

A utility making any excavation pursuant to this Public Utility Easement shall promptly fill the excavation to the grade of the adjoining property, restore the surface, and repair any damage to landscaping and irrigation.

IN WITNESS WHEREOF, signed this \_\_\_\_\_ day of October, 2016.

STATE OF OREGON  
(County of Jackson) ss.

\_\_\_\_\_  
GARY WHEELER, Mayor

On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared before me \_\_\_\_\_, and acknowledged the foregoing instrument to be their voluntary act and deed.

\_\_\_\_\_  
Notary Public

**City of Medford**

IN WITNESS HEREOF, signed this \_\_\_\_\_ day of October, 2016

By: \_\_\_\_\_  
GARY WHEELER  
Mayor

STATE OF OREGON  
(County of Jackson) ss.

On the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, personally appeared before me \_\_\_\_\_, and acknowledged the foregoing instrument to be the voluntary act and deed of the City of Medford.

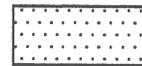
\_\_\_\_\_  
Notary Public

# Exhibit Sketch Map

Located In:  
 NW1/4, SE1/4 of Section 36  
 Township 37 South, Range 2 West, W.M.,  
 Medford, Jackson County, Oregon

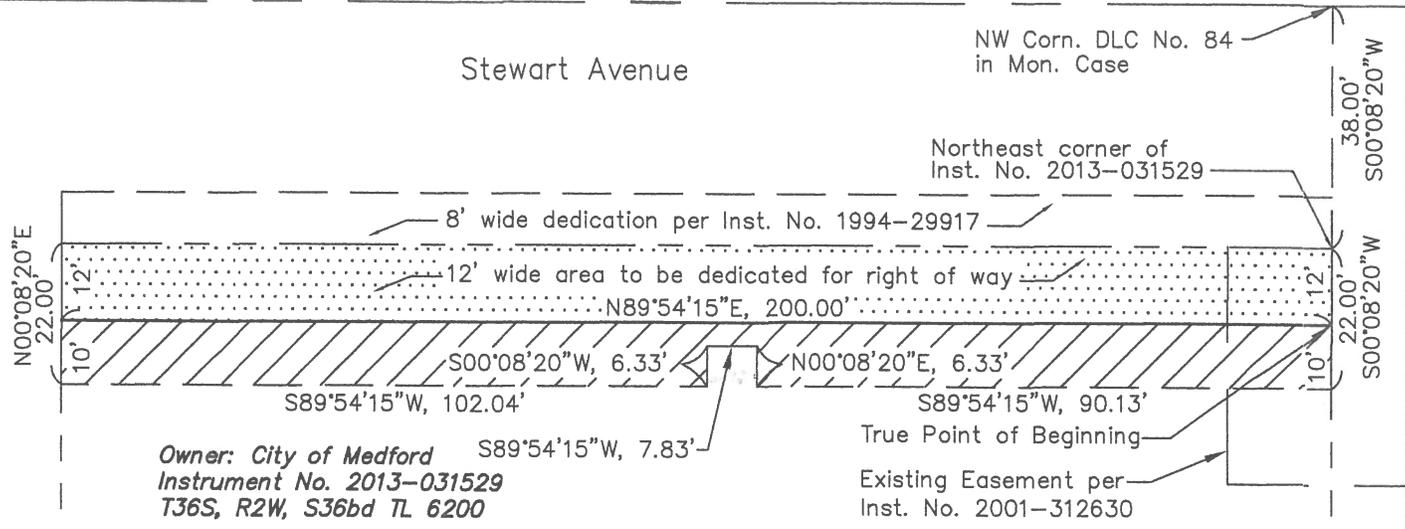


Public Utility Easement  
 Dedication



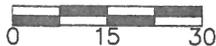
Right of Way  
 Dedication

Legal description for the Right of Way Dedication:  
 The north 12.00 feet of that property described in  
 Instrument No. 2013-031529.



Legal Description for a Public Utility Easement:

Beginning at the NW Corner DLC No. 84, Township 37 South, Range 2 West, W.M., City of Medford, Jackson County, Oregon; thence South 00°08'20" West, 38.00 feet to the northeast corner of that property described in Instrument No. 2013-031529; thence South 00°08'20" West, along the east line of said Instrument, 12.00 feet, said point also being the True Point of Beginning; thence continuing along the said east line, 10.00 feet; thence South 89°54'15" West, 90.13 feet; thence North 00°08'20" East, 6.33 feet; thence South 89°54'15" West, 7.83 feet; thence South 00°08'20" West, 6.33 feet; thence South 89°54'15" West, 102.04 feet to a point on the west line of said Instrument; thence North 00°08'20" East, 10.00 feet; thence North 89°54'15" East, 200.00 feet to the point of beginning.



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*John R. Pariani*

OREGON  
 July 13, 1999  
 JOHN R. PARIANI  
 #51382

Renews: Dec. 31, 2016

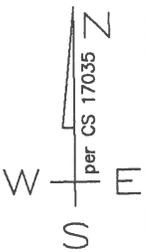


Exhibit Sketch Map

## Pariani Land Surveying

10558 Highway 62, Suite B-1  
 Eagle Point, OR 97524  
 541-890-1131

ParianiLS@yahoo.com

Date:	Scale:	Job No.:	Sheet:
July 25, 2016	1" = 30'	2016-291	1 of 1

# Pariani

## Land Surveying

September 8, 2016

**RE: Medford Fire Station 2, Public Utility Easement**

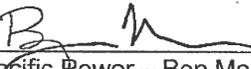
Dear Utility Providers:

During the construction of this aforementioned project, the water vault serving this new facility was constructed into the public utility easement. Previously, there were meeting(s) and discussions with representatives for each affected utility regarding the possibility to leave this water vault in the as-constructed location, exclude the area around the water vault from the public utility easement and to obtain permission from each affected utility to allow this water vault in the public utility easement.

It is my understanding that all affected utilities have provided verbal approvals to leave the water vault in its existing location. The intent of this letter is to obtain signatures from each utility.

Please find the attached Exhibit Sketch Map, indicating thereon the area excluded from the public utility easement. If you still find that this proposal is acceptable, please sign below and return the letter at your earliest convenience. A signed, scanned and email document is acceptable. My contact information is below.

Please call me if you have any questions.

  
\_\_\_\_\_  
Pacific Power – Ben Maue

\_\_\_\_\_  
Charter Communications – Representative

\_\_\_\_\_  
Avista Utilities – Dave Mcfadden

\_\_\_\_\_  
Hunter Fiber - Representative

Best regards,

*John R. Pariani*

John R. Pariani, PLS

P.O. Box 551

Shady Cove, Oregon 97539

Cell 541-890-1131

[ParianiLS@yahoo.com](mailto:ParianiLS@yahoo.com)

# Pariani

## Land Surveying

September 8, 2016

**RE: Medford Fire Station 2, Public Utility Easement**

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---

Pacific Power – Ben Maue

*Eric Chase*

Charter Communications – Representative

---

Avista Utilities – Dave Mcfadden

---

Hunter Fiber - Representative

Best regards,

*John R. Pariani*

John R. Pariani, PLS

P.O. Box 551

Shady Cove, Oregon 97539

Cell 541-890-1131

[ParianiLS@yahoo.com](mailto:ParianiLS@yahoo.com)

# Pariani

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September 8, 2016

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---

Pacific Power – Ben Maue

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Charter Communications – Representative **DAVID McFADDEN**  
*David McFadden* **AVISTA UTILITIES**  
Avista Utilities – Dave Mcfadden 541-941-4055

---

Hunter Fiber - Representative

Best regards,

*John R. Pariani*

John R. Pariani, PLS  
P.O. Box 551  
Shady Cove, Oregon 97539  
Cell 541-890-1131  
[Pariani15@yahoo.com](mailto:Pariani15@yahoo.com)

# Pariani

## Land Surveying

September 8, 2016

**RE: Medford Fire Station 2, Public Utility Easement**

Dear Utility Providers:

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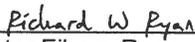
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\_\_\_\_\_  
Pacific Power – Ben Maue

\_\_\_\_\_  
Charter Communications – Representative

\_\_\_\_\_  
Avista Utilities – Dave Mcfadden

DocuSigned by:  
  
\_\_\_\_\_  
Hunter Fiber, Representative

Best regards,

*John R. Pariani*

John R. Pariani, PLS  
P.O. Box 551  
Shady Cove, Oregon 97539  
Cell 541-890-1131  
[ParianiLS@yahoo.com](mailto:ParianiLS@yahoo.com)



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 40.3

www.ci.medford.or.us

**DEPARTMENT:** Public Works/Legal  
**PHONE:** (541) 774-2021  
**STAFF CONTACT:** Alex Georgevitch/Lori Cooper

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** October 6, 2016

**COUNCIL BILL 2016-124**

An ordinance authorizing execution of a Quitclaim Deed in favor of Brayco, LLC, to extinguish a 50 foot wide future public street reservation on property located near Center Drive, Parcel No. 1, Partition Plat No. P-86-2004, recorded December 20, 2004 and filed as Survey No. 18547 in the Office of the Jackson County Surveyor.

**SUMMARY AND BACKGROUND**

Brayco LLC has signed an earnest money agreement to purchase property off of Center Drive. A predecessor in interest purchased this property from MURA. At that time, MURA reserved a 50 foot wide right-of-way for a possible future public street. Due to changes in the South Medford I-5 interchange, this 50 foot reservation is no longer needed. Brayco is requesting that the City and MURA quitclaim the 50 foot reservation.

**PREVIOUS COUNCIL ACTIONS**

N/A

**ANALYSIS**

Public Works has verified that this 50 foot reservation for public street right-of-way is not needed. When this parcel is developed, Public Works will be requiring a cross-access easement so that the properties in this area have access to Center Drive.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

N/A

**TIMING ISSUES**

Brayco is requesting that this reservation be removed from title before they purchase the property.

**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 execution of a quitclaim deed in favor of Brayco LLC.

**EXHIBITS**

Ordinance

Map

Quitclaim deed on file in the City Recorder's Office

ORDINANCE NO. 2016-124

AN ORDINANCE authorizing execution of a Quitclaim Deed in favor of Brayco, LLC, to extinguish a 50 foot wide future public street reservation on property located near Center Drive, Parcel No. 1, Partition Plat No. P-86-2004, recorded December 20, 2004 and filed as Survey No. 18547 in the Office of the Jackson County Surveyor.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of a Quitclaim Deed in favor of Brayco, LLC, to extinguish a 50 foot wide future public street reservation on property located near Center Drive, Parcel No. 1, Partition Plat No. P-86-2004, recorded December 20, 2004 and filed as Survey No. 18547 in the Office of the Jackson County Surveyor is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of October, 2016.

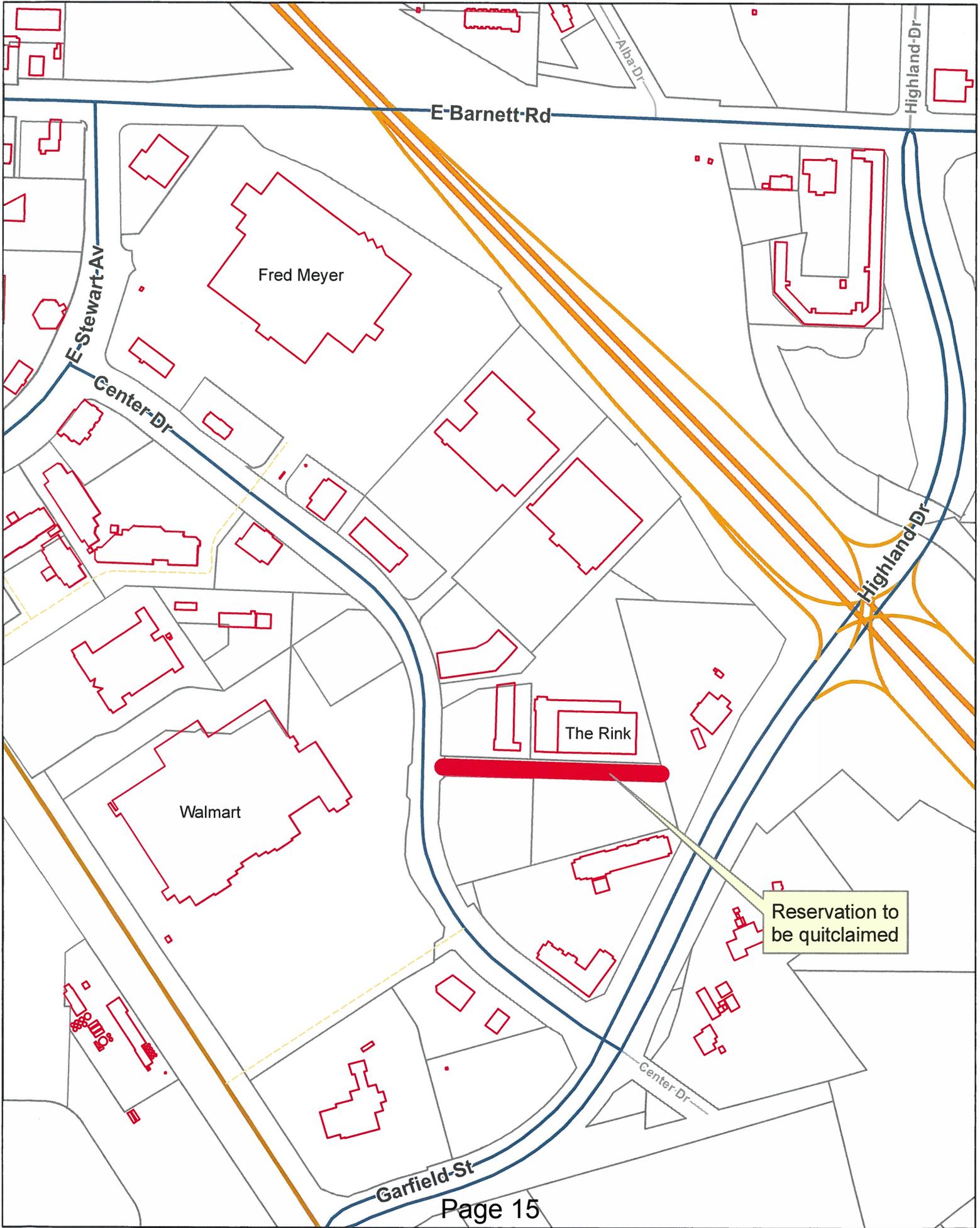
ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor

# Brayco Reservation Quitclaim



Reservation to be quitclaimed



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 40.4

[www.ci.medford.or.us](http://www.ci.medford.or.us)

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**DEPARTMENT:** Police Department - MADGE  
**PHONE:** (541) 774-2212  
**STAFF CONTACT:** Mike Budreau, Lieutenant

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** October 6, 2016

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## **COUNCIL BILL 2016-125**

An ordinance authorizing acceptance and expenditure of a grant in the amount of \$136,500 from the Office of National Drug Control Policy and the Oregon High Intensity Drug Trafficking Area Program for narcotic enforcement activities.

## **SUMMARY AND BACKGROUND**

An ordinance authorizing acceptance and expenditure of a grant in the amount of \$136,500 from the Office of National Drug Control Policy and the Oregon High Intensity Drug Trafficking Area Program for drug enforcement.

These funds are used in the operations of the Medford Area Drug and Gang Enforcement (MADGE) team managed and housed by the Medford Police Department.

MADGE is a multi-agency task force consisting of local, state and federal investigators working cooperatively and jointly to combat the manufacturing and distribution of narcotics in Southern Oregon as well as investigate and monitor gang activity within Jackson County.

Receipt of specific purpose grants, gifts or donations can be expended after enactment of an ordinance under ORS 294.338. A supplemental budget is not required.

## **PREVIOUS COUNCIL ACTIONS**

Council has accepted these funds every year for the last six years. During budget process for the 2015/2016 budget, the 2015 award was budgeted for. Additionally, Council approved the acceptance of the same grant on June 5<sup>th</sup>, 2014, ordinance 2014-68.

## **ANALYSIS**

This will allow the continued cooperation of drug and gang investigations that MADGE has been conducting since 2010. This will increase revenues and appropriations by \$136,500.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

The City of Medford Police Department was awarded a grant through The Office of National Drug Control Policy (ONDCP) and High Intensity Drug Trafficking Area (HIDTA) \$125,000 for narcotic enforcement activities. This year, the City of Medford Police Department was awarded an additional \$11,500 in reprogrammed funds from HIDTA's 2014 budget. The total award for 2016 is \$136,500. This will increase revenues and appropriations by \$136,500.

## **TIMING ISSUES**

The 2015 HIDTA award was expended in May of 2016. Acceptance of the 2016 award would allow MADGE to submit reimbursements to the 2016 award as soon as needed.

## **COUNCIL OPTIONS**

Approve or deny the ordinance.

## **STAFF RECOMMENDATION**

Staff recommends adopting the ordinance as presented.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 40.4

[www.ci.medford.or.us](http://www.ci.medford.or.us)

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**SUGGESTED MOTION**

I move to approve the ordinance by acceptance and expenditure of a grant in the amount of \$136,500 from the Office of National Drug Control Policy and the Oregon High Intensity Drug Trafficking Area Program for drug enforcement.

**EXHIBITS**

Ordinance

Grant available in the City Recorder's Office

ORDINANCE NO. 2016-125

AN ORDINANCE authorizing acceptance and expenditure of a grant in the amount of \$136,500 from the Office of National Drug Control Policy and the Oregon High Intensity Drug Trafficking Area Program for narcotic enforcement activities.

WHEREAS, ORS 294.338 authorizes acceptance and expenditure of a grant without adopting a supplemental budget or other procedural requirements of local budget law; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That acceptance and expenditure of a specific purpose grant to the Medford Area Drug and Gang Enforcement Team (MADGE) in the amount of \$136,500 from the Office of National Drug Control Policy and the Oregon High Intensity Drug Trafficking Area Program for narcotic enforcement activities, as shown on the Appropriation Modification Form attached as Exhibit A and incorporated herein, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor

**CITY OF MEDFORD Appropriation Modifications per ORS 294.338(2)**

Requesting Department: Police

Biennium **FY15/16 - FY16/17**

Date of Proposed Council Action: 10/6/2016

Date **September 27, 2016**

Explanation of Requested Transfer: See AIC

*cll*

Account Number	Description	Project Number	Debit	Credit
001-3304-641.10-02	Salaries & Wages	PD0086	32,950	
001-3304-641.22-11	Other Professional Services	PD0086	42,850	
001-3304-641.23-02	Travel & Training	PD0086	6,000	
001-3304-641.23-12	Invest. HIDTA Buy Money	PD0086	40,000	
001-3304-641.24-15	Technical Supplies	PD0086	7,700	
001-3304-641.24-50	Small Equipment	PD0086	7,000	
001-0000-330.01-06	Federal Grants	PD0086		136,500
<b>TOTALS</b>			<b>136,500</b>	<b>136,500</b>

Requested by *Acting COP! [Signature] 414*  
 Department Head

Approved by *[Signature]*  
 City Manager



# CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

[www.ci.medford.or.us](http://www.ci.medford.or.us)

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**DEPARTMENT:** Human Resources

**PHONE:** (541) 774-2010

**STAFF CONTACT:** Mike Snyder, Human Resource Director

**AGENDA SECTION:** Ordinances and Resolutions

**MEETING DATE:** October 6, 2016

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## **COUNCIL BILL 2016-116**

An ordinance awarding a contract in an amount of \$183,000 to USI to provide insurance consulting services for the management of the City's health and optional insurance programs for three years.

## **SUMMARY AND BACKGROUND**

Staff sent out a Request for Proposal for a single Agent of Record/Insurance Consultant to provide city-wide assistance to Human Resources and City employees in the management of the City's insurance programs and offerings. Prior arrangements included an agent of record for the AFSCME, Police and Fire employee groups and a separate agent of record for other City employees. Change of Agent of Record for all employees other than Police and Fire is retroactive to October 1, 2016. Police and Fire bargaining groups will change effective February 1, 2017.

This item was placed on the Council Agenda for September 15, 2016, but was pulled from the Agenda in open session for further consideration. In accordance with this consideration, an addendum was added to the USI contract providing continued Agent of Record services from Hart Insurance for the Police and Fire bargaining units through January 2017. Additionally, the addendum provides for complete transparency for all information obtained and work done by USI to be transmitted to employee groups in order for them to make appropriate decisions regarding their negotiated benefits.

## **PREVIOUS COUNCIL ACTIONS**

Last Agent of Record agreement adopted in September, 2011. Council action is required because the contract term of three (3) years exceeds \$100,000 (Year 1 - \$60,000, Year 2 - \$61,000 and Year 3 - \$62,000).

## **ANALYSIS**

Adoption of this agreement enables the Human Resources Department the ability to consolidate consulting and informational services to fulfill contractual and statutory obligations necessary in administering required and optional City insurance programs. Additionally, a single agent of record provides opportunity for greater cost control and benefits planning for all City employees.

## **FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

No additional cost above and beyond what has already been negotiated with employee groups and provided for management employees. The financial impact over three years is \$183,000.

## **TIMING ISSUES**

The Human Resources Department is preparing for the 2017 insurance and benefit open enrollment. Approving the contract allows the new agent of record to obtain necessary information for rate bidding and renewal options.

## **COUNCIL OPTIONS**

Approve or deny the ordinance.

## **STAFF RECOMMENDATION**

Staff recommends approval of the ordinance.



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.1

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**SUGGESTED MOTION**

I move to approve the contract authorizing USI to become the agent of record for the City of Medford.

**EXHIBITS**

Ordinance

Agreement on file in the City Recorder's Office

ORDINANCE NO. 2016-116

AN ORDINANCE awarding a contract in an amount of \$183,000 to USI to provide insurance consulting services for the management of the City's health and optional insurance programs for three years.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in the amount of \$183,000 to provide insurance consulting services for the management of the City's health and optional insurance programs for three years, which is on file in the City Recorder's Office, is hereby awarded to USI.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of October, 2016.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.2

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**DEPARTMENT:** Parks & Recreation

**AGENDA SECTION:** Ordinances and Resolutions

**PHONE:** (541) 774-2483

**MEETING DATE:** October 6, 2016

**STAFF CONTACT:** Rich Rosenthal, Interim Parks & Recreation Director

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**COUNCIL BILL 2016-126**

An ordinance authorizing execution of an amendment to the lease agreement with Southern Oregon Veterans Benefits, to waive the requirement to obtain liability insurance prior to the issuance of building permits.

**SUMMARY AND BACKGROUND**

The proposed amendment adjusts the City of Medford's lease agreement with Southern Oregon Veterans Benefits to not require the organization to obtain comprehensive liability insurance prior to the issuance of building permits.

**PREVIOUS COUNCIL ACTIONS**

On July 7, 2016, Council approved Council Bill 2016-82 authorizing execution of a Lease Agreement with Southern Oregon Veterans Benefits for use of an area within U.S. Cellular Community Park.

**ANALYSIS**

As a result of City Council approval of the lease agreement, the Southern Oregon Veterans Benefits organization is fundraising in hopes of installing a Vietnam Memorial Wall on a 2.1-acre undeveloped parcel in U.S. Cellular Community Park.

The organization is responsible for installation, improvements, and land-use applications, including costs for:

- Fabrication and installation of the memorial wall
- Site improvements including utilities, landscaping and walkways
- Application and costs associated with all land-use approvals as determined by the Planning Department for a modification of the U.S. Cellular Community Park master plan
- All improvements as a condition of approval as determined by the Planning Department or Planning Commission
- Maintaining comprehensive liability insurance (as a standard requirement for City lease agreements)

In order to reduce costs, SOVB president Ron Kohl requested that the City not require the organization to obtain comprehensive liability insurance until building permits are issued by the City of Medford.

Mr. Kohl says the organization is approximately 20 percent toward its fundraising goal, and there is no estimated date for obtaining building permits or breaking ground on the project. Kohl says the cost of liability insurance will cost the organization approximately \$1,000 per year unless Amendment No. 1 is approved.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

None. The cost for all aspects of construction and on-going maintenance will be the responsibility of SOVB.

**TIMING ISSUES**

None



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.2

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**COUNCIL OPTIONS**

Approve or deny the ordinance.

**STAFF RECOMMENDATION**

Staff recommends approval of the amendment.

**SUGGESTED MOTION**

I move to approve Amendment No. 1 to the Southern Oregon Veterans Benefits/Vietnam Wall lease agreement.

**EXHIBITS**

Ordinance

Amendment No. 1; Lease Agreement on file in the City Recorder's Office

ORDINANCE NO. 2016-126

AN ORDINANCE authorizing execution of an amendment to the lease agreement with Southern Oregon Veterans Benefits, to waive the requirement to obtain liability insurance prior to the issuance of building permits.

WHEREAS, on July 7, 2016 the City entered into a 25 year lease agreement with Southern Oregon Veterans Benefits for use of an area with U.S. Cellular Community Park; and

WHEREAS, Southern Oregon Veterans Benefits requested the City not require the organization to obtain comprehensive liability insurance until building permits are issued as the organization is still fundraising; now therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an amendment to the lease agreement with Southern Oregon Veterans Benefits to waive the requirement to obtain liability insurance prior to the issuance of building permits, 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 \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.3

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**DEPARTMENT:** Public Works  
**PHONE:** (541) 774-2101  
**STAFF CONTACT:** Cory Crebbin, Public Works Director

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** October 6, 2016

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**COUNCIL BILL 2016-127**

An ordinance awarding a contract in an amount of \$605,823 to Brown and Caldwell for detailed design services for the Aeration Basin Project.

**SUMMARY AND BACKGROUND**

The Public Works Water Reclamation Division contracted with Brown and Caldwell to investigate potential future regulatory requirements that may impact the Regional Water Reclamation Facility (RWRF) in the next five to ten years and to develop potential solutions that can be implemented in advance. The completed pre-design report recommends modifications to the existing aeration system in order to comply with future regulations and improve the flexibility and reliability of the existing aeration system. This is a contract for the detailed design of the recommended aeration system improvements at the RWRF.

**PREVIOUS COUNCIL ACTIONS**

City Council approved the pre-design contract on September 4, 2014.

**ANALYSIS**

The RWRF has just completed the pre-design phase for the Aeration Basin Project. This proposed agreement is for preparation of the detailed design and construction documents. It is anticipated that construction will cost \$3M, more or less as the documents for a more accurate estimate will be created by the work purchased with this agreement. Construction funding will be proposed in future budgets. The engineering cost is approximately 20% of the estimated construction cost of the project, which is typical for this type of project. Brown and Caldwell was selected for this project based on their knowledge of the regulatory environment and their ability to successfully complete this highly specialized and very complex project.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

Expenditure of \$605,823 from the total of approximately \$850,000 remaining that is budgeted for this design (Project WD0100 – Treatment Facilities) in the current biennial budget.

**TIMING ISSUES**

This design phase will take at least one year with an additional one to two years of construction oversight.

**COUNCIL OPTIONS**

Approve, modify, or deny the ordinance.

**STAFF RECOMMENDATION**

Approve the ordinance awarding a contract to Brown and Caldwell for the performance of detailed design services for the Aeration Basin Project

**SUGGESTED MOTION**

I move to approve an ordinance awarding a contract in the amount of \$605,823 to Brown and Caldwell for detailed design services for the Aeration Basin Project.

**EXHIBITS**

Ordinance  
Contract documents are available in the City Records Office

ORDINANCE NO. 2016-127

AN ORDINANCE awarding a contract in an amount of \$605,823 to Brown and Caldwell for detailed design services for the Aeration Basin Project.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount of \$605,823 for detailed design services for the Aeration Basin Project, which is on file in the City Recorder's office, is hereby awarded to Brown and Caldwell.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor





**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.4

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**ANALYSIS**

None.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

None.

**TIMING ISSUES**

None.

**COUNCIL OPTIONS**

Approve or deny the ordinance

**STAFF RECOMMENDATION**

Staff recommends approval of the ordinance.

**SUGGESTED MOTION**

I move to amend section 8.015 of the Medford Code by striking subsection 4.

**EXHIBITS**

Ordinance

ORDINANCE NO. 2016-128

AN ORDINANCE amending section 8.015 of the Medford Municipal Code pertaining to the issuance of business licenses to marijuana dispensaries.

Section 1. Section 8.015 of the Medford Municipal Code is hereby amended:

8.015 Business License Required.

\*\*\*

~~(4) Without limiting the City's powers under Section 3 above, no business license shall be issued to any person or entity engaged in the transfer, exchange, distribution, provision, or furnishing of marijuana, with or without consideration, for any purpose.~~

~~(a) This prohibition includes medical marijuana facilities as defined by Oregon state law and shall have the effect of meeting the moratorium provisions of that law to the full extent of that law, including without limitation those provisions of state law that allow the enactment of a moratorium with an effective date of March 1, 2014.~~

~~(b) This prohibition has no sunset provision.~~

~~(c) If any provision of this ordinance is deemed unlawful it shall be struck and the remainder of the ordinance shall survive.~~

~~(d) The City Manager shall notify the Oregon Health Authority of this ordinance in a manner as prescribed by the Authority.~~

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2016.

\_\_\_\_\_  
Mayor

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



**CITY OF MEDFORD**  
**AGENDA ITEM COMMENTARY**

Item No: 60.5

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**DEPARTMENT:** Legal  
**PHONE:** (541) 774-2021  
**STAFF CONTACT:** Lori Cooper, City Attorney

**AGENDA SECTION:** Ordinances and Resolutions  
**MEETING DATE:** October 6, 2016

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**COUNCIL BILL 2016-129**

A resolution agreeing to pay any judgments and damages entered against Paul Mellgren and Patrick Dennis.

**SUMMARY AND BACKGROUND**

The City is being sued for false arrest and several other allegations by Ron Doyle, who was arrested for driving under the influence in December 2014. In addition to the City being named as a Defendant, Officers Paul Mellgren and Patrick Dennis are also being sued in their individual capacities. Punitive damages are sought against Officers Mellgren and Dennis. Outside counsel Robert Franz, who has been retained to defend the City in this matter, advises that as a precautionary measure, due to the City being self-insured, the City agree to defend and indemnify Officers Mellgren and Dennis.

**PREVIOUS COUNCIL ACTIONS**

Council discussed this at the September 22, 2016 study session.

**ANALYSIS**

Pursuant to ORS 30.285, outside counsel Robert Franz requests that the City Council take official action vis resolution to agree to pay any judgments and damages entered against Officers Mellgren and Dennis in Case no. 1:16-cv-1376, which was filed in the United States District Court for the District of Oregon.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

Likely none, but not known for certain at this time. If the City has a financial obligation the funds would come from the Risk Management Fund 003 which is the City's self-insurance fund for damages.

**TIMING ISSUES**

None – the lawsuit is in its early stages, but this action should be taken sooner rather than later.

**COUNCIL OPTIONS**

Approve the resolution.

**STAFF RECOMMENDATION**

Staff recommends approval of the resolution.

**SUGGESTED MOTION**

I move to approve the resolution agreeing to pay any judgments or damages entered against Officers Paul Mellgren and Patrick Dennis in this case.

**EXHIBITS**

Resolution

RESOLUTION NO. 2016-129

A RESOLUTION agreeing to pay any judgments and damages entered against Paul Mellgren and Patrick Dennis.

WHEREAS, this matter came before the City Council for the City of Medford, Oregon on the tender of defense of Police Officers Paul Mellgren and Patrick Dennis in Case No. 1:16-cv-1376, which was filed in the United States District Court for the District of Oregon; now therefore,

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

Pursuant to ORS 30.285, the City of Medford, Oregon hereby agrees and resolves to defend, save harmless, and indemnify Paul Mellgren and Patrick Dennis for any and all judgments and damages of any kind or nature that may be entered against Paul Mellgren and Patrick Dennis in the above described lawsuit, including but not limited to any damages or judgments for costs, disbursements, attorney fees, and punitive damages.

PASSED by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

ATTEST: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Mayor