



**December 5, 2019**

6:00 P.M.

Medford City Hall, Medford Room

411 W. 8<sup>th</sup> Street, Medford, Oregon

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**10. Roll Call**

**20. Recognitions, Community Group Reports**

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

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

**40. Approval or Correction of the Minutes of the November 21, 2019 Regular Meeting**

**50. Consent Calendar**

**50.1 COUNCIL BILL 2019-126**

A resolution establishing a public hearing date for the vacation of a 15-foot wide Public Utility Easement (PUE) on a single 0.76-acre parcel located at the corner of Garfield Street and Center Drive in the Regional Commercial (C-R) zoning district. (SV 19-048)

**50.2 COUNCIL BILL 2019-127**

An ordinance awarding a contract in the amount of \$944,650 to Central Pipeline, Inc. for Americans with Disabilities (ADA) ramp repairs and replacement.

**50.3 COUNCIL BILL 2019-128**

A resolution approving the process for assigning funding to projects, programs, and activities from the Council Vision Fund.

**50.4 COUNCIL BILL 2019-129**

An ordinance amending Sections 2.436, 2.447, 2.451, and 2.452 of the Medford Municipal Code establishing the relationship of the Parking Commission (now Parking Committee) to the Transportation Commission.

**60. Items Removed from Consent Calendar**

**70. Ordinances and Resolutions**

**80. Public Hearings**

90. Council Business

90.1 Proclamations issued: None

90.2 Committee Reports and Communications

a. Council Officers Update

100. City Manager and Staff Reports

100.1 Government Relations RFP Update

100.2 17 Street Project Funding

110. Adjournment



**AGENDA ITEM COMMENTARY**

**DEPARTMENT:** Planning  
**PHONE:** (541) 774-2380  
**STAFF CONTACT:** Matt Brinkley, AICP, CFM, Planning Director

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** December 5, 2019

**COUNCIL BILL 2019-126**

A resolution establishing a public hearing date for the vacation of a 15-foot wide Public Utility Easement (PUE) on a single 0.76-acre parcel located at the corner of Garfield Street and Center Drive in the Regional Commercial (C-R) zoning district. (SV-19-048)

**SUMMARY AND BACKGROUND**

Council is requested to consider a resolution establishing a public hearing date for the vacation of a 15-foot wide PUE on a single 0.76-acre parcel located at the corner of Garfield Street and Center Drive in the Regional Commercial (C-R) zoning district. (File No. SV-19-048)

**PREVIOUS COUNCIL ACTIONS**

On December 7, 2017, Council approved Council Bill 2017-97 accepting the Vacation of a portion of Belknap Road.

**ANALYSIS**

On April 5, 2019, the Site Plan & Architectural Commission (SPAC) approved the construction of a 2,849 square foot KFC restaurant to be located on the subject property. Included in the applicant's SPAC submittals was a topographic survey map which identified a 15-foot wide PUE running through the lot where the future building is proposed to be constructed. Accordingly, a condition of approval was added to the SPAC approval, requiring the applicant to obtain approval for the vacation of the PUE prior to the issuance of a building permit for vertical construction.

Per MLDC 10.288(A-B), a request to vacate a PUE is subject to the vacation provisions of the Code, and is required to be recorded into the public record in accordance with Oregon Revised Statutes procedures.

The applicant is initiating the vacation process for the PUE by petition under MLDC 10.228(C) and ORS 271.080. The property is located within a three-lot partition plat, and pursuant to ORS 271.080, the consent of the owners of two-thirds in area of the property embraced within such plat is required. The applicant has provided the written consent of the requisite property owner(s) within the subject plat, along with written approval from all affected private utility providers.

On June 6, 2019, the applicant submitted their construction plans to the Building Safety Department, but the Planning Department's sign-off on the building permit is on hold until the vacation of the PUE has been approved by City Council.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

None.



**TIMING ISSUES**

The vacation of the Public Utility Easement is necessary in order to release building plans for the project and keep the development of the site moving forward.

**COUNCIL OPTIONS**

Approve the resolution as presented.

Modify the resolution as presented.

Deny the resolution as presented and provide direction to staff.

**STAFF RECOMMENDATION**

Staff recommends approval of the request for City Council to set the public hearing date of February 6, 2020.

**SUGGESTED MOTION**

I move to adopt the resolution to set the public hearing date of February 6, 2020.

**EXHIBITS**

Resolution

Legal Description with Exhibit Map

Vicinity Map

RESOLUTION NO. 2019-126

A RESOLUTION establishing a public hearing date for the vacation of a 15-foot wide Public Utility Easement (PUE) on a single 0.76-acre parcel located at the corner of Garfield Street and Center Drive in the Regional Commercial (C-R) zoning district. (SV-19-048)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON: that the City Council initiates vacation proceedings with regard to the vacation of a 15-foot wide Public Utility Easement (PUE) on a single 0.76-acre parcel located at the corner of Garfield Street and Center Drive in the Regional Commercial (C-R) zoning district, and that at 6:00 p.m. on the 6<sup>th</sup> day of February, 2020, in City Hall Council Chambers, 411 W. 8<sup>th</sup> Street, Medford, Oregon, there shall be a public hearing before the City Council on the question of vacating said property and the City Recorder is directed to give notice of the hearing in accordance with ORS 271.110.

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

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

\_\_\_\_\_  
Mayor

**Vacation of 15' PUE**

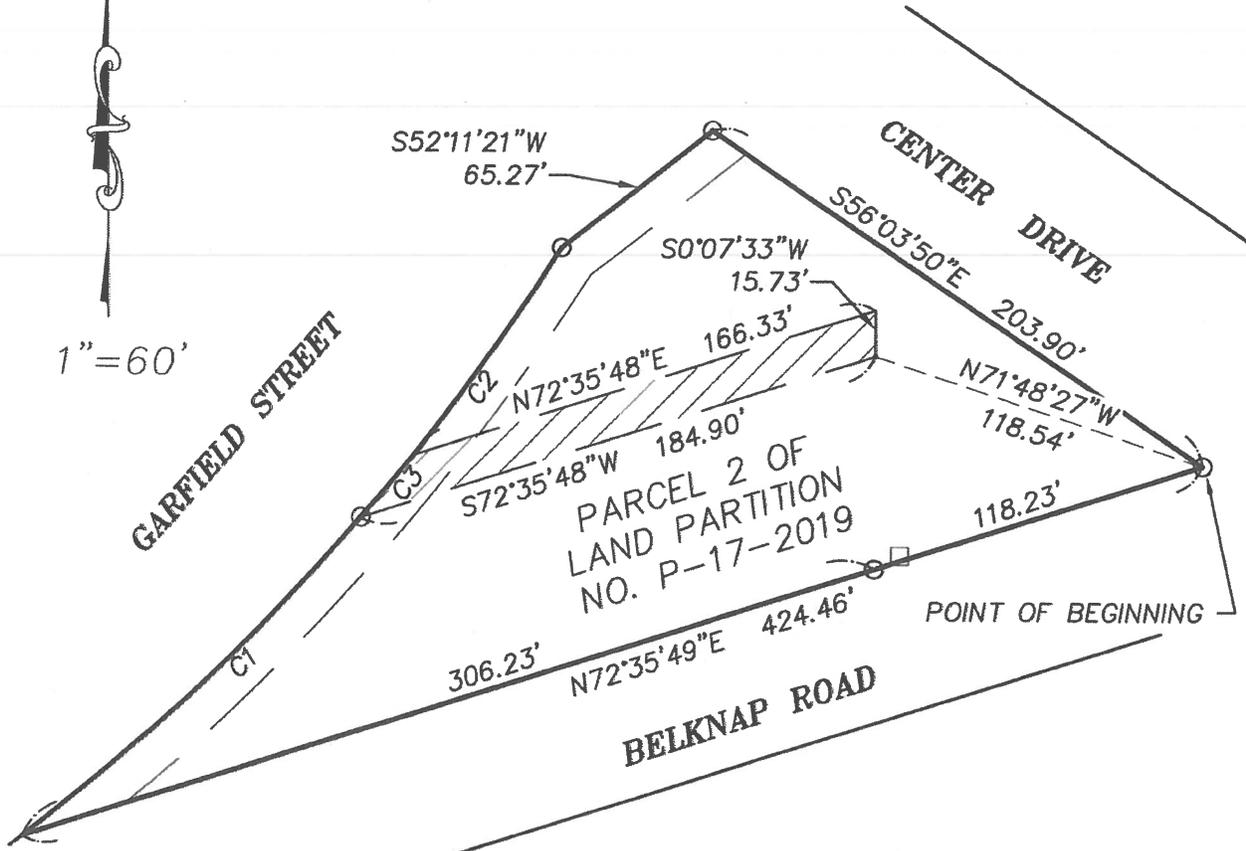
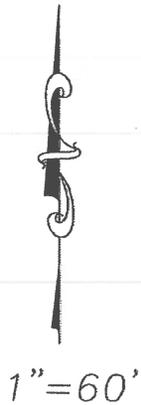
A parcel of land situated in Parcel 2 of Land Partition No. P-17-2019, said Parcel 2 is situated in the NW1/4 of Section 32, Township 37 South, Range 1 West of the Willamette Meridian. Being more particularly described as follows:

Commencing at the most easterly corner of said Parcel 2, Thence North  $71^{\circ}48'27''$  West, 118.54 feet to the TRUE POINT OF BEGINNING; Thence South  $72^{\circ}35'48''$  West, 184.90 feet to a point on the easterly right-of-way line of Garfield Street, said point bears North  $46^{\circ}52'00''$  East, 158.93 feet from the most southwesterly point of said Parcel 2; Thence along said right-of-way line, along the arc of a 761.81 radius curve to the left, through a central angle of  $2^{\circ}05'06''$  (the long chord of which bears North  $39^{\circ}50'12''$  East, 27.72 feet) an arc distance of 27.72 feet; Thence leaving said right-of-way line, North  $72^{\circ}35'48''$  East, 166.33 feet; Thence South  $00^{\circ}07'33''$  West, 15.73 feet to the point of beginning.

Basis of bearings is Grid North of the Oregon Coordinated Reference System, Grants Pass – Ashland Zone as per Record of Survey No. 21477 on file at the Jackson County Surveyors Office.

CITY OF MEDFORD  
EXHIBIT # \_\_\_\_\_  
File # SV-19-048

# VACATION OF 15' PUE



Curve Table

Curve #	Radius	Length	Delta	Chord Direction	Chord Length
C1	761.81	159.22'	11°58'29"	N46°52'00"E	158.93'
C2	761.81	114.79'	8°38'00"	N36°33'45"E	114.68'
C3	761.81	27.72'	2°05'06"	N39°50'12"E	27.72'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Keith R. Rhine*

OREGON  
JULY 11, 2000  
**KEITH R. RHINE**  
58985

RENEWAL DATE: 12-31-20

R-C

RHINE-CROSS  
GROUP

RHINE-CROSS GROUP LLC

ENGINEERING - SURVEYING - PLANNING  
112 N 5th ST - SUITE 200 - P.O. BOX 909  
KLAMATH FALLS, OREGON 97601

Phone: (541) 851-9405    Fax: (541) 273-9200    admin@rc-grp.com



Project Name:

**Vacation of Public  
Utility Easement**

Map/Taxlot:

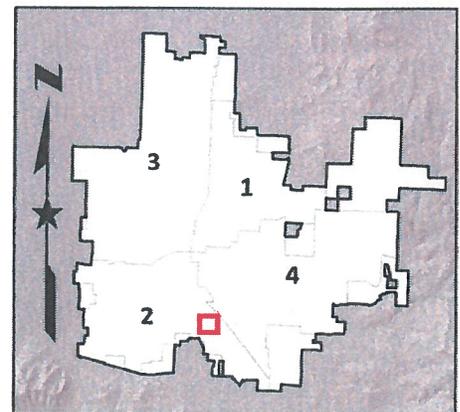
**371W32B TL 3605**



**Legend**

-  Subject Area
-  Tax Lots

11/06/2019





**AGENDA ITEM COMMENTARY**

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

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** December 5, 2019

**COUNCIL BILL 2019-127**

An ordinance awarding a contract in the amount of \$944,650 to Central Pipeline, Inc. for Americans with Disabilities (ADA) ramp repairs and replacement.

**SUMMARY AND BACKGROUND**

Council is requested to consider a contract with Central Pipeline, Inc. to construct Americans with Disabilities Act (ADA) Ramp repairs and replacements on various streets scheduled to receive asphalt overlays in 2020. The City contracts for some concrete work when it exceeds the capacity of Public Works crews.

Federal guidance was issued defining an asphalt overlay as an "alteration" requiring installation or replacement of ADA ramps when work is performed. Accomplishing this concrete work with a separate contract will result in performing the asphalt overlays on schedule.

**PREVIOUS COUNCIL ACTIONS**

On June 6, 2019, Council Bill 2019-45 was approved adopting the 2019-2021 Biennial Budget for the City of Medford and making appropriates thereunder.

On January 3, 2019, Council approved Council Bill 2019-02 for a contract in the amount of \$925,000.00 to Central Pipeline, Inc. for 142 ramps that were installed during the period of January through May 2019.

On December 21, 2017, Council approved Council Bill 2017-144 for a contract in the amount of \$888,888.00 to Brown Contracting, Inc. for 140 ramps that were installed during the period of January through July 2018.

**ANALYSIS**

Central Pipeline, Inc. was the apparent low bidder at \$944,650.00. Knife River Materials, Inc. bid \$964,469.00, and Brown Contracting, Inc. bid \$958,823.00. Because each ramp is unique, no engineer's estimate is created as the contractor is responsible for ensuring that each ramp installed meets ADA specifications. Unit costs for each location are utilized to determine total cost.

A total of 138 ramps will be installed as shown on the exhibit "Special Provisions: Work To Be Done." This work is necessary to meet the federal requirement that ADA ramps must be installed or upgraded to meet current ADA standards when a street is overlaid with asphalt.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

Expenditure of \$944,650.00, which is included on page 9-18 of the 2019-2021 Biennial Budget.



**TIMING ISSUES**

The work will start after January 7, 2020, and is scheduled to be complete by May 8, 2020.

**COUNCIL OPTIONS**

Approve the ordinance as presented.

Modify the ordinance as presented.

Deny the ordinance and provide direction to staff regarding ADA ramp installation.

**STAFF RECOMMENDATION**

Approve the ordinance for a contract with Central Pipeline, Inc.

**SUGGESTED MOTION**

I move to approve the ordinance for a contract in the amount of \$944,650 to Central Pipeline, Inc. for ADA Ramps.

**EXHIBITS**

Ordinance

Bid Tabulation

Special Provisions: Work To Be Done

Contract on file in the City Recorder's Office

ORDINANCE NO. 2019-127

AN ORDINANCE awarding a contract in an amount of \$944,650.00 to Central Pipeline, Inc. for Americans with Disabilities (ADA) ramp repairs and replacement.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in an amount of \$944,650.00 to Central Pipeline, Inc. for Americans with Disabilities (ADA) ramp repairs and replacement, which is on file in the City Recorder's office, is hereby awarded to Central Pipeline, Inc.

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

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

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

**BID TABULATIONS ADA Ramps 2020 in the City of Medford**

**Project; ADA Ramps 2020 in the City of Medford**  
**Location: Various Streets in the City of Medford**  
**Project No: MST-2101**  
**Date of Bid Opening: November 12, 2019**

**CITY OF MEDFORD**  
**PUBLIC WORKS - OPERATIONS**

**Peter Brown**  
**Public Works Operations**  
**Engineering Tech IV**



Item No.	Item Description	Unit of Measure	Estimated Quantity	Low Bidder Central Pipeline Inc.		Brown Contracting Inc.	Knife River Materials
				Unit Bid	Amount	Unit Bid	Unit Bid
1	MOBILIZATION	LS	1	\$95,000.00	\$95,000.00	\$90,000.00	\$84,644.00
2	TEMPORARY WORK ZONE TRAFFIC CONTROL, COMPLETE	LS	1	\$75,000.00	\$75,000.00	\$20,000.00	\$82,000.00
3	TEMPORARY PEDESTRIAN ACCESS ROUTING	LS	1	\$25,000.00	\$25,000.00	\$8,000.00	\$15,000.00
4	EROSION CONTROL	LS	1	\$1,500.00	\$1,500.00	\$4,000.00	\$6,000.00
5	REMOVAL OF CONCRETE WALKS AND NO CONCRETE REPLACEMENT	SQFT	200	\$5.00	\$1,000.00	\$5.00	\$9.00
6	12 INCH STORM SEWER PIPE	FOOT	30	\$80.00	\$2,400.00	\$163.00	\$250.00
7	CONCRETE INLETS, TYPE CG-3	EACH	3	\$2,300.00	\$6,900.00	\$2,500.00	\$2,000.00
8	CONCRETE INLETS, TYPE 4A	EACH	7	\$2,500.00	\$17,500.00	\$3,000.00	\$2,200.00
9	CONCRETE INLET GALLERY	FOOT	6	\$250.00	\$1,500.00	\$500.00	\$1,000.00
10	MINOR ADJUSTMENT OF MANHOLES	EACH	3	\$700.00	\$2,100.00	\$261.00	\$1,100.00
11	COLD PLANE PAVEMENT REMOVAL, 0 - 4 INCHES DEEP	SQYD	150	\$60.00	\$9,000.00	\$120.00	\$13.00
12	4 INCH ASPHALT CONCRETE PAVEMENT REPAIR	SQYD	50	\$80.00	\$4,000.00	\$70.00	\$79.00
13	6 INCH ASPHALT CONCRETE PAVEMENT REPAIR	SQYD	800	\$87.00	\$69,600.00	\$60.00	\$105.00
14	CONCRETE CURBS, CURB AND GUTTER	FOOT	2775	\$54.00	\$149,850.00	\$62.00	\$39.00
15	CONCRETE WALKS	SQFT	26400	\$12.00	\$316,800.00	\$8.75	\$15.00
16	STANDARD VALLEY GUTTER	SQYD	50	\$90.00	\$4,500.00	\$295.00	\$146.00
17	EXTRA FOR NEW SIDEWALK RAMPS	EACH	138	\$1,000.00	\$138,000.00	\$2,075.00	\$800.00
18	ADDITIONAL WORK AS AUTHORIZED*	LS	Lump Sum	\$25,000.00	\$25,000.00	\$25,000.00	\$25,000.00
				<b>Total Bid =</b>	<b>\$944,650.00</b>	<b>\$958,823.00</b>	<b>\$964,469.00</b>

\* "Additional Work as Authorized" means additional work tasks not specifically required or implied by the Contract that an authorized City representative specifically requests in writing for a contractor to perform. Executing a construction contract is not a specific request for a contractor to perform any additional work.

## SPECIAL PROVISIONS

### WORK TO BE DONE

The Work to be done under this Contract consists of removal of concrete sidewalks and curb and gutter and install 138 new ADA compliant ramps at various locations, in the City of Medford, Oregon.

1. Removal of concrete sidewalks and curb and gutter.
2. Install new concrete sidewalks and curb and gutter including ADA compliant ramps.
3. In accordance to pedestrian disruption limitations as stated on TM844.
4. Removal of existing Inlets and install new Inlets.
5. Removal of existing storm sewer pipe and replace storm sewer pipe
6. Perform additional and incidental work as called for by the Specifications and Plans.

This project includes work at the following locations:

2020 ADA Ramp Locations				
	Street	From	To	ADA Ramps to install
1	N CENTRAL AVE	E JACKSON ST	E 4th ST	11
2	S COLUMBUS AV	STEWART AV	PRUNE	13
3	CRATER LAKE AV	75' N of E Main St	230' S of DELTA WATERS RD	71
4	DAKOTA AV	HAMILTON ST	PEACH ST	2
5	E JACKSON ST	CRATER LAKE AV	260' W of HAWTHORNE	11
6	E JACKSON ST	N CENTRAL AVE	N RIVERSIDE AV	12
7	E MCANDREWS RD	200' E of BIDDLE RD	150' E of ROYAL AV	7
8	S PEACH ST	STEWART AV	DAKOTA AV	11
			<b>Total</b>	<b>138</b>

### 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.



**AGENDA ITEM COMMENTARY**

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**DEPARTMENT:** Finance  
**PHONE:** (541) 774-2030  
**STAFF CONTACT:** Ryan Martin, CFO/Deputy City Manager

**AGENDA SECTION:** Consent Calendar  
**MEETING DATE:** December 5, 2019

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**COUNCIL BILL 2019-128**

A resolution approving the process for assigning funding to projects, programs, and activities from the Council Vision Fund.

**SUMMARY AND BACKGROUND**

Council is requested to consider a resolution approving the process for assigning funding to projects, programs, and activities from the Council Vision Fund.

Councilmembers Bearnson, Poythress, and Stark, as well as staff members Eric Mitton and Ryan Martin, met on November 7<sup>th</sup> to discuss the process for assigning Council Vision Fund monies. Goals of the meeting were to determine a process that:

- Only expends monies that have already been received.
- Would bring proposals forward at regular intervals.
- Would limit the amount of proposals that could be brought forward by each councilmember.

**PREVIOUS COUNCIL ACTIONS**

On June 6, 2019, City Council approved Resolution 2019-45 adopting the 2019-21 Biennium Budget

On August 1, 2019, City Council approved Resolution 2019-78 adopting the first Supplemental Budget for the 2019-21 biennium and creating the Council Vision Fund.

On September 9, 2019, Councilmember Stine made a motion to create a committee for the purpose of establishing a process for the utilization of the Council's vision funding.

**ANALYSIS**

Councilmembers Bearnson, Poythress, and Stark came to a consensus regarding a procedure for assigning funding from the Council Vision Fund. See below for the process:

- Utilizing the form recommended by Councilmember Stine, councilmembers or the Mayor may bring forth proposals for funding a project, program, or activity from the Council Vision Fund with the caveat that, while it may be recommended, funding proposals do not require a co-sponsor.
- Study sessions will be held in June and December of each year to review proposals and determine recommendations on what to fund.
- Proposals receiving a majority of support at the study session shall be forwarded to be included and voted on at the first scheduled Council meeting in July and January.
- The amount of Council Vision Fund monies available on December 31, 2019 will be available to allocate at the June 2020 study session. The amount available as of June 30, 2020 will be



**AGENDA ITEM COMMENTARY**

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available to allocate at the December 2020 study session. Any monies not allocated will carry over to the next study session.

- Councilmembers may sponsor (submit) up to two proposals for every six month window (January-June and July-December).
- Councilmembers may co-sponsor an unlimited amount of proposals.
- All proposals must meet Council goals.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

As of October 31, 2019, \$615,396.28 was available in the Council Vision Fund. The final distribution of local and state marijuana taxes for 2019 will be at the end of December or early January.

**TIMING ISSUES**

None.

**COUNCIL OPTIONS**

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

**STAFF RECOMMENDATION**

Staff recommends approval of the resolution.

**SUGGESTED MOTION**

I move to approve the resolution authorizing the process for assigning Council Vision Fund monies to projects, programs, and activities.

**EXHIBITS**

Resolution

RESOLUTION NO. 2019-128

A RESOLUTION approving the process for assigning funding to projects, programs, and activities from the Council Vision Fund.

WHEREAS, the City Council approved resolution 2019-78 adopting the first Supplemental Budget for the 2019-21biennium and creating the Council Vision Fund.

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

That a resolution approving the process for assigning funding to projects, programs, and activities from the Council Vision Fund, as set forth below, is hereby adopted:

- Councilmembers or the Mayor may bring forth ideas for funding a project, program, or activity from the Council Vision Fund with the caveat that, while it may be recommended, funding proposals do not require a co-sponsor.
- Study sessions will be held in June and December of each year to review proposals and determine recommendations on what to fund.
- The amount of Council Vision Fund monies available on December 31, 2019 will be available to allocate at the June 2020 study session. The amount available as of June 30, 2020 will be available to allocate at the December 2020 study session. Any monies not allocated will carry over to the next study session.
- Councilmembers may sponsor (submit) up to two proposals for every six month window (January-June and July-December).
- Councilmembers may co-sponsor an unlimited amount of proposals.
- All proposals must meet Council goals.

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

ATTEST: \_\_\_\_\_

City Recorder

\_\_\_\_\_

Mayor



**AGENDA ITEM COMMENTARY**

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**DEPARTMENT:** City Manager's Office

**PHONE:** (541) 774-2000

**STAFF CONTACT:** Donna Holtz, Chief Administrative Officer

**AGENDA SECTION:** Consent Calendar

**MEETING DATE:** December 5, 2019

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**COUNCIL BILL 2019-129**

An ordinance amending Sections 2.436, 2.447, 2.451, and 2.452 of the Medford Municipal Code establishing the relationship of the Parking Commission (now Parking Committee) to the Transportation Commission.

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**SUMMARY AND BACKGROUND**

Council is requested to consider an ordinance amending sections 2.436, 2.447, 2.451, and 2.452 of the Medford Municipal Code (MMC) establishing the relationship of the Parking Commission (now Parking Committee) to the Transportation Commission.

**PREVIOUS COUNCIL ACTIONS**

On July 25, 2019, Council directed staff during a study session to initiate changes to the MMC to establish the Parking Committee as an advisory group to the Transportation Commission. The current Parking Commission is comprised of community stakeholders who are vested in the parking of the Central Business District. The Parking Commission and staff liaison are insufficient in the technical expertise required to adequately meet the community's needs beyond their purview. Aligning this commission with our current commission focused on our Transportation, Traffic, Bicycle and Pedestrian needs will provide that expertise and allow a more efficient, holistic and comprehensive approach to city transportation.

**ANALYSIS**

A Council liaison will remain appointed to the Parking Committee maintaining nine non-voting liaison positions as outlined in MMC 2.436. MMC 2.436 proposed changes only reflect the name change.

Proposed changes to MMC 2.447 change the reporting structure from the City Council to the Transportation Commission and renames the Commission to a Committee.

Proposed changes to MMC 2.451 incorporate the functions of the Transportation Commission listed in MMC 2.452 under one code (2.451) and designate one member of the Transportation Commission to be from the Parking Committee.

**FINANCIAL AND/OR RESOURCE CONSIDERATIONS**

None

**TIMING ISSUES**

These MMC changes will impact the applicants during the annual recruitment ending October 30, 2019 and appointed to begin their terms on February 1, 2020.



**AGENDA ITEM COMMENTARY**

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**COUNCIL OPTIONS**

- Approve the ordinance as presented.
- Modify the ordinance as presented.
- Deny the ordinance and provide direction to staff.

**STAFF RECOMMENDATION**

Staff makes no recommendation.

**SUGGESTED MOTION**

I move to approve the ordinance amending sections 2.436, 2.447, 2.451 and integrating 2.452 into 2.451 of the Medford Municipal Code.

**EXHIBITS**

Ordinance

ORDINANCE NO. 2019-129

AN ORDINANCE amending Sections 2.436, 2.447, 2.451, and 2.452 of the Medford Municipal Code establishing the relationship of the Parking Commission (now Parking Committee) to the Transportation Commission.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 2.436 of the Medford Code is amended to read as follows:

2.436 Council Liaison.

(1) At the second regular City Council session, the Council president shall appoint Council liaisons to the following City Boards and Commissions:

Hospital Facilities Authority (2 positions)  
Rogue Valley Area Commission on Transportation (RVACT)  
Rogue Valley Council of Governments (RVCOG)  
Rogue Valley Metropolitan Planning Organization (RVMPO)  
Regional Rate Committee (2 positions)  
Southern Oregon Regional Economic Development Inc. (SOREDI)  
Housing Advisory Committee  
Parking ~~Commission~~ **Committee**  
Parks & Recreation Commission  
Police Advisory Committee  
Transportation Commission  
TRADCO  
Chamber Board  
Travel Medford Board  
Medford Water Commission

The role of Council liaison shall include the following:

- (i) Secure alternate if unable to attend;
- (ii) If an alternate is attending, brief alternate regarding materials for meeting and issues that could arise;
- (~~a~~**b**) Provide regular updates to the entire Council as to the concerns or issues for this board or commission;
- (~~b~~**e**) Provide the communication link from the Council to the board or commission;
- (~~c~~**d**) Relay Council direction to board or commission to assist them in fulfilling their goals and duties as defined by the Medford Code; and
- (~~d~~**e**) Be knowledgeable regarding issues and vision of the board or commission.

\*\*\*

SECTION 2. Section 2.447 of the Medford Code is amended to read as follows:

2.447 ~~Parking Commission~~ **Committee.**

(1) ~~A~~**The Parking Commission Committee** is hereby established to ~~advise the City Council~~ **make recommendations to the Transportation Commission** on matters related to parking in the Central Business District. **The duties of the Parking Committee** include~~ing~~, but **are** not limited to:

- (a) **Establish** downtown parking policies;
- (b) **Create** plans for management of parking regulations and safety;
- (c) **Determine** proper public use of parking;
- (d) **Provide** protection of public structures and lots;
- (e) **Act as a forum to hear citizen** grievances, objections and suggestions regarding parking;
- (f) **Consider** requests for changes, additions and variances; and
- (g) ~~s~~**Short- and long-term** planning for parking as it relates to revitalization and development.

(2) ~~The Commission~~ **Committee** shall consist of nine members. ~~The Mayor and City Council~~ **Transportation Commission** shall appoint seven persons who are property or business owners, employees of businesses, or residents in the Central Business District or members-at-large. No more than two members may be a member-at-large. In addition, there shall be one member who is appointed by Rogue Community College (RCC) as a representative, and one member who is appointed by Southern Oregon University (SOU) as a representative. All members shall be voting members.

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(4) **The City Manager's office shall provide a staff liaison or other personnel for clerical or other assistance as deemed appropriate.**

(5) **The minutes of the meetings of the Parking Committee shall be filed with the City Recorder's office.**

SECTION 3. Section 2.451 of the Medford Code is amended to read as follows:

2.451 Transportation Commission

~~2.452 Function of Transportation Commission~~

Ordinance No. 2019-129

~~The Transportation Commission shall:~~ **(1) The Transportation Commission is hereby established to advise the City Council and the Planning Commission on all matters affecting transportation policy in the City and the surrounding area. The duties of the Transportation Commission include:**

~~(1) Advise the City Council and the Planning Commission on all matters affecting transportation policy in the City and the surrounding area.~~

~~(a2)~~ Examine multi-modal transportation issues.

~~(b3)~~ Evaluate level-of-service alternatives.

~~(c4)~~ Evaluate travel demand management alternatives.

~~(d5)~~ Make recommendations concerning provisions of the Comprehensive Plan and the Land Development Code that affect transportation.

~~(e6)~~ Facilitate coordination of transportation issues with other governmental agencies.

~~(f7)~~ Receive and consider recommendations from the Traffic Coordinating Committee, the Bicycle and Pedestrian Advisory Committee and the Parking Committee.

~~(g8)~~ Perform such other related duties assigned by the City Council.

The meetings of the Transportation Commission are not to be considered a part of any land use hearings process and the records of its proceedings shall not be a part of the record of any land use case. However, the Transportation Commission may submit testimony and evidence in a land use matter in the same manner as any other party.

~~(12)~~ **The Medford Transportation Commission shall consist of seven voting members. There shall be one standing representative from each of the following:**

~~At least one member shall be a member of the Planning Commission, one member shall be a member of the City of Medford Bicycle and Pedestrian Advisory Committee, and one member shall be a member of the Traffic Coordinating Committee, and Parking Committee.~~

~~(23)~~ **The at-large** ~~voting~~ members of the Commission shall be appointed by the Mayor and ~~approved by the City Council~~ for terms of three years, except that shorter terms may be used to stagger appointments so that the terms of at least two members expire each year. Three-year terms for members shall begin February 1 and expire January 31.

~~(34)~~ The Transportation Commission shall adopt rules of procedure, as necessary, and shall by resolution establish either a regular meeting date or rules of procedure under which meetings may be called. Four voting members shall constitute a quorum. The Transportation Commission shall select one of its members as chair and may select such other officers as it deems necessary.

~~(45)~~ The City ~~Manager~~ shall provide staff members from the Public Works and Planning Departments to assist the Transportation Commission and may provide other staff assistance as deemed appropriate.

**(6) The minutes of the meetings of the Transportation Commission shall be filed with the City Recorder's office.**

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

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

\_\_\_\_\_  
Mayor

APPROVED \_\_\_\_\_, 2019.

\_\_\_\_\_  
Mayor

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



**AGENDA ITEM COMMENTARY**

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**DEPARTMENT:** Finance Department

**PHONE:** (541) 774-2030

**STAFF CONTACT:** Ryan Martin, CFO/Deputy City Manager

**AGENDA SECTION:** City Manager Reports

**MEETING DATE:** December 5, 2019

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MEMORANDUM

**To:** Mayor and Councilmembers  
**From:** Ryan Martin, CFO/Deputy City Manager  
**CC:** Brian Sjothun, City Manager  
**Date:** November 20, 2019  
**Subject:** Remaining 17 Street Project Funding and Uses

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At the October 17, 2019 Council meeting, the question was raised about the possibility of utilizing monies collected for the last two 17-street projects (Columbus and Delta Waters) for other projects.

**Legal Opinion**

A legal opinion was provided by Eric Mitton, Deputy City Attorney, that the funds collected for the 17-street projects cannot be redirected to a different, unrelated project.

Holding a public hearing about raising funds for purpose X, and then later redirecting those funds for purpose Y, is effectively equivalent to never holding a public hearing for raising funds for purpose Y; it deprives people of the opportunity to weigh in during the public hearing about whether funds should be raised in that manner and magnitude for that purpose.

In addition, when funds collected via utility fees and other fees are redirected to projects unrelated to the original stated purpose of the fee, there is risk that those fees could be judicially reclassified as "taxes" instead of "fees." The short version is that this scenario would not be a good thing. See, for example, *Bloom v. City of Fort Collins*, 784 P.2d 304, 311 (Supreme Court of Colorado, 1989).

The legal opinion also stated that the remaining 17-street projects could potentially be postponed to free up short-term resources for other transportation related projects. This is contingent on the City eventually circling back and finishing the 17-street projects.



## Options

Below are three options relating to the utilization of monies for the remaining 17-street projects:

Option 1: Continue the design and construction of the Delta Waters and Columbus projects as budgeted.

Option 2: Utilize the \$3,538,000 from the Street Improvement Fund and \$2,262,000 from the Street SDC Fund on other transportation related projects with the intention of completing the remaining two 17-street projects in the future.

Option 3: Utilize a portion of the \$3,538,000 from the Street Improvement Fund and a portion of the \$2,262,000 from the Street SDC Fund on other transportation related projects with the intention of completing the remaining two 17-street projects in the future.

## Remaining 17-street Project Descriptions

### Columbus

Description: Extend Columbus Avenue from McAndrews to HWY 238. Terminate Sage Road at intersection with Columbus Ave. and Posse Lane.

Biennial Monies Available:

Fund 520 (SDC Fund): \$1,560,000

Fund 550 (Street Improvement Fund): \$2,440,000

Total: \$4,000,000

### Delta Waters

Description: Widen and improve Delta Waters at three locations including approximately 1,900 feet of half-street improvements.

Biennial Monies Available:

Fund 520 (SDC Fund): \$702,000

Fund 550 (Street Improvement Fund): \$1,098,000

Total: \$1,800,000



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**Recommendation**

Staff recommends referring the question of completing the remaining two 17-street projects to the Transportation Commission.

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