AGENDA
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MEDFORD CITY COUNCIL MEETING

April 18, 2013
Noon

Council Chambers, Medford City Hall
411 W. 8th Street, Medford

10. Roll Call

McLoughlin Students of the Month

New Employee Introductions

Employee Recognition

20. Approval or correction of the minutes of the April 4, 2013 regular meeting and April 11, 2013 special 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.

   30.1 Mayor’s Youth Advisory Commission Presentation

40. Consent calendar
   40.1 COUNCIL BILL 2013-56 A resolution denying an exemption from competitive bidding for the design and construction of the Police Department’s Property Control Facility, Phase 2.

   40.2 COUNCIL BILL 2013-57 An ordinance awarding a contract in the amount of $193,242 to Brown and Caldwell, Inc., to provide engineering services for the Larson Creek Basin Plan.

50. Items removed from consent calendar

60. Ordinances and resolutions
   60.1 COUNCIL BILL 2013-58 An ordinance authorizing execution of an Agreement between the City of Medford and Teamsters Local 223/Medford Municipal Mechanics Association concerning wages, hours, fringe benefits and other working conditions retroactive from July 1, 2012 to June 30, 2014.

   60.2 COUNCIL BILL 2013-59 An ordinance awarding a contract in the amount of $27,330 with Jennifer Cutshall for public art at the Santo Community Center.

70. City Manager and other staff reports
   70.1 Legislative Priorities

   70.2 Further reports from City Manager.

80. Propositions and remarks from the Mayor and Councilmembers
   80.1 Proclamations issued:
       Administrative Professionals Day, April 24, 2013

   80.2 Further Council committee reports.
       a. Appointment to Cemetery Commission

   80.3 Further remarks from Mayor and Councilmembers.

90. Adjournment to Evening Session
EVENING SESSION
7:00 P.M.

100. Roll call

110. 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.

120. 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 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

120.1 COUNCIL BILL 2013-60 A resolution adopting the Action Plan for use of the City's Community Development Block Grant (CDBG) funds in fiscal year 2013-14.

130. Ordinances and resolutions
130.1 COUNCIL BILL 2013-61 A resolution affirming the Finance Director's denial of a taxi driver identification card for Kevin Haney.

140. Further reports from the City Manager and staff

150. Propositions and remarks from the Mayor and Councilmembers
150.1 Further Council committee reports.

150.2 Further remarks from Mayor and Councilmembers.

160. Adjournment
COUNCIL BILL 2013-56

A resolution denying an exemption from competitive bidding for the design and construction of the Police Department's Property Control Facility, Phase 2.

ISSUE STATEMENT & SUMMARY:

On April 4, 2013, the Medford City Council held a public hearing to consider draft findings to support exemption from competitive bid for the Police Department Property Control Facility Phase 2 project. After hearing testimony from all contractors and staff, the City Council moved to deny use of exemption from competitive bidding on the justifications presented and this resolution embodies that decision.

BACKGROUND:

State law requires sealed competitive (low) bid for public improvement contracts, unless the contracting entity justifies a procurement process other than competitive low bid. The justification for such exemption must be advertised, and findings to support exemption from competitive must be adopted after a public hearing on the findings. After the required public hearing, the Council declined to adopt the findings to support exemption from competitive bid.

A. Council Action History

April 4, 2013, Council heard testimony from all responders on the procurement as well as City staff.

B. Analysis

Exemption from competitive bid must be based on findings, after which the City council can conclude that the proposed exemption "is unlikely to encourage favoritism or reduce competition" in contracting and "will result in substantial cost savings to the City or public."

In part, the justification for the exemption was the unknown elements and complexity of the project. The factors to consider are (a) operational, budget and financial data, (b) public benefits, (c) value engineering, (d) special expertise required, (e) public safety, (f) market conditions, (g) technical complexity, (h) funding sources.

After hearing from all the parties who responded to the procurement solicitation and considering all the arguments and exhibits presented at the public hearing, the City Council determined that the information in the procurement documentation including but not limited to the justifications for exemption from competitive bid and the selection criteria and weighting on this project did not support granting exemption from competitive bid on this project. This decision does not dictate the future procurement process for this project.

C. Financial and/or Resource Considerations

The Department had a fixed amount it could spend for this contract, not to exceed $474,000. The Department proposed to award the contract to the responder who scored the highest in qualifications, history, approach and rates. Of the criteria, cost was only 10% weight of the scoring criteria.
D. Timing Issues
There is an immediate need for expansion of the property control facility. This second phase project was previously let out to bid in fall of 2012 and only a single bidder responded. This solicitation is the second attempt at securing design and construction of the project. Denial of the design build exemption from competitive bid results in denial of the award of the contract to commence the project. There will be additional time needed to solicit design and construction of the project. City staff meeting scheduled for April 12, 2013 to review options for subsequent actions to address issue.

STRATEGIC PLAN:
Safe Community:
Goal 4: Provide a safe working environment for City employees
   Objective 4.1: Foster a culture in which employees understand their responsibility for safety in the workplace.
   Action 4.1d: Identify and correct safety issues in the workplace.

Responsive Leadership:
Goal 12: Ensure adequate long-term municipal financial stability for City services, assets and facilities.
   Objective 12.3: Continue to fund capital improvements to City-owned facilities to preserve and increase the life capacity.
   Action 12.3b: Provide necessary maintenance for all City-owned facilities.

COUNCIL OPTIONS:
1. Adopt resolution
   Deny request for exemption from competitive based on information to date.
2. Deny resolution or continue item.
   Consider additional information and reconsider prior decision.

STAFF RECOMMENDATIONS:
Adopt the resolution.

SUGGESTED MOTION:
I move to adopt the resolution denying request for exemption from competitive bid for design and construction of Police Department Property Control Facility Phase 2.

EXHIBITS:
Resolution
RESOLUTION NO. 2013-56

A RESOLUTION denying an exemption from competitive bidding for the design and construction of the Police Department’s Property Control Facility, Phase 2.

WHEREAS, this matter came before the City Council on April 4, 2013, at a duly noticed public hearing; and

WHEREAS, at this public hearing protests were received from competitive bidders; and

WHEREAS, Council heard testimony from all responders on the procurement as well as City staff and determined that when taken as a whole, evidence in the agenda packet, documents and testimony from the public hearing did not support granting an exemption from competitive bid; now, therefore,

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

An exemption from competitive bidding to award a design-build contract to Adroit Construction Co., Inc., to design and construct the Police Department's Property Control Facility, Phase 2, is hereby denied.

PASSED by the Council and signed by me in authentication of its passage this _____ day of ____________________, 2013.

ATTEST: _________________________

City Recorder

_____________________________

Mayor
COUNCIL BILL 2013-57
An ordinance awarding a contract in the amount of $193,242 to Brown and Caldwell, Inc., to provide engineering services for the Larson Creek Basin Plan.

ISSUE STATEMENT & SUMMARY:
Engineering services are needed to develop the Larson Creek Basin Plan. The Basin Plan will provide the City and developers with the information necessary to plan and design stormwater infrastructure in the Larson Creek Basin. The work includes a flood study with 100 and 500 year flood water surface elevations. The flood study will replace a 1979 Federal Emergency Management Agency (FEMA) flood study.

A request for proposal was issued and two firms responded (Brown & Caldwell and HDR Engineering). A selection committee reviewed the proposals based on qualifications, not price, and recommends Brown and Caldwell be selected.

BACKGROUND:
A. Council Action History
None.

B. Analysis
Staff followed the requirements of sections 2.563 and 2.582 of the Medford Municipal Code to request and review proposals.

C. Financial and/or Resource Considerations
The current budget includes $110,000 in the Storm Drain Maintenance (Fund 46) for the Basin plan. Public Works has proposed an additional $86,000 in the next budget to fund the flood study. The flood study work is included in the contract contingent on approval of the next biennial budget. Combining the two tasks is more cost effective than separate projects.

The total contract amount is $193,242.

D. Timing Issues
The work cannot start until a contract is awarded.

STRATEGIC PLAN:
Theme: Responsive Leadership
Goal 12: Ensure financial stewardship and long-term municipal financial stability for City services, assets and facilities.
Action Item 12.3a: Develop a long-range capital improvement plan for all City facilities.

COUNCIL OPTIONS:
1. Approve the ordinance.
2. Modify the ordinance.
3. Deny the ordinance.
STAFF RECOMMENDATIONS:
Approve the ordinance authorizing a contract with Brown and Caldwell to provide engineering services for the Larson Creek Basin Plan.

SUGGESTED MOTION:
I move to approve the ordinance authorizing a contract with Brown and Caldwell to provide engineering services for the Larson Creek Basin Plan.

EXHIBITS:
Consulting Services Contract on file in the City Recorder’s office.
COUNCIL BILL 2013-58
An ordinance authorizing execution of an Agreement between the City of Medford and Teamsters Local 223/Medford Municipal Mechanics Association concerning wages, hours, fringe benefits and other working conditions retroactive from July 1, 2012 to June 30, 2014.

ISSUE STATEMENT & SUMMARY:
The Human Resources Department is requesting that the Mayor and City Manager be authorized to execute a new labor agreement with Teamsters Local 223 representing the Medford Municipal Mechanics for the period July 1, 2012 through June 30, 2014.

BACKGROUND:
A two-year labor agreement with Teamsters Local 223 representing five mechanics in the Public Works Department expired June 30, 2012. No cost of living or general wage increase was included in that agreement. Increased health insurance contributions were made due to a switch in insurance carriers from the Oregon Teamsters Employers Trust to the overall city insurance program through Pacific Source.

A new two-year contract has been negotiated for this group for the period July 1, 2012 through June 30, 2014. The group has ratified this agreement.

A. Council Action History
The Council has previously entered multi-year agreements with this group of employees over more than 12 years.

B. Analysis
The proposed agreement provides for the following major provisions:

a. A salary increase of 1.5% retroactive to July 1, 2012.
b. A salary increase of 1.9% on July 1, 2013.
c. The previous agreement’s health insurance cap will be adjusted from $1,075 per month to $1,222 per month for the 2013 plan year (this group has the same cap and 50/50 split above the cap as the management group on the same insurance program). The cap will increase to $1,300 for coverage in 2014.
d. The agreement provides for the two-day change in paydays from the 10th to the 12th and from the 25th to the 27th as desired by the City.
C. Financial and/or Resource Considerations
   a. The first year cost of wage increases is approximately $5,000 in wages and salary
driven benefits (PERS and Social Security taxes) for the five employees. Changing the
health insurance cap for six months of the current biennium will cost the City an
additional $4,400 over previous levels. The total increases are within the resources of
the current biennial budget.

   b. The second year wage increase will be another $6,400, which will be factored into the
proposed 2013-2015 biennial budget, as will health care expenditures.

D. Timing Issues
   Although the agreement provides for a retroactive salary increase, this will not cause
timing issues.

STRATEGIC PLAN:
   Themes: Quality Public Services; Responsive Leadership
   No specific Strategic Plan item is related to the proposed action.

COUNCIL OPTIONS:
   1. Approve the ordinance authorizing execution of the agreement.
   2. Not approve the ordinance.

STAFF RECOMMENDATIONS:
   Staff recommends approving the ordinance.

SUGGESTED MOTION:
   I move to approve the ordinance authorizing execution of the agreement with Teamsters Local 223
representing Medford Municipal Mechanics regarding wages, hours, fringe benefits and other
conditions of employment for the period July 1, 2012 through June 30, 2014.

EXHIBITS:
   The proposed agreement is on file with the office of the City Recorder.
COUNCIL BILL 2013-59
An ordinance awarding a contract in the amount of $27,330 with Jennifer Cutshall for public art at the Santo Community Center.

ISSUE STATEMENT & SUMMARY:
The Parks and Recreation Department is seeking approval of a personal services contract in the amount of $27,330 between the City of Medford (on behalf of the Medford Arts Commission) and artist Jennifer Cutshall for creation and installation of two murals at the Santo Community Center.

BACKGROUND:
A. Council Action History
None.

B. Analysis
In 2012, the Medford Arts Commission developed specifications and allocated up to $40,000 for installation of a large mural at two designated locations on exterior walls at the Santo Community Center. The designated locations are on the Youth Activity Center outside wall facing McAndrews Road and the Main Hall breezeway facing Jackson Street.

On Feb. 4, 2013, the Commission approved its Request for Proposal selection panel’s recommendation to enter into contract negotiations with Portland-based artist Jennifer Cutshall.

After a Feb. 22, 2013 site review with the artist and Commissioner Linda Hildebrandt, City staff prepared a draft personal services contract on behalf of the Arts Commission utilizing the standard contract language provided by the Legal Department along with wording from previous public art installation contracts.

At its March 11, 2013 business meeting, Arts Commissioners and Cutshall finalized terms and recommended for approved a personal services contract authorizing $27,330 for mural installations at both Santo Community Center project locations.

Murals will not be painted directly on the brick surface. Instead, the murals will be painted on wood substrate, coated with graffiti protectant and attached to the building.

Even though City contracts under $50,000 typically do not require Council action, the Arts Commission customarily forwards public art installation expenditures to Council for final approval.

C. Financial and/or Resource Considerations
$27,330 budgeted in the Arts Commission capital outlay for the 2011-13 biennium.

D. Timing Issues
Both murals are to be completed within 90 days upon approval of the contract.
STRATEGIC PLAN:
   Theme: Healthy Economy
   Goal 6: Maintain and enhance community livability.
   Objective 6.1: Promote the aesthetic quality of the urban environment.

COUNCIL OPTIONS:
   1. Approve the ordinance.
   2. Modify the ordinance.
   3. Deny the ordinance.

STAFF RECOMMENDATIONS:
   Staff recommends approval of the ordinance.

SUGGESTED MOTION:
   I move to approve the ordinance authorizing a contract with Jennifer Cutshall for the installation of two murals at the Santo Community Center on behalf of the Medford Arts Commission.

EXHIBITS:
   The contract is on file in the City Recorder’s office for review.
   Preliminary mural designs.
COUNCIL BILL 2013-60

A resolution adopting the Action Plan for use of the City's Community Development Block Grant (CDBG) funds in fiscal year 2013-14.

ISSUE STATEMENT & SUMMARY:

A resolution approving the 2013 Action Plan for use of the City's Community Development Block Grant (CDBG) funds for fiscal year 2013/2014.

BACKGROUND:

The City of Medford is an entitlement community receiving an annual allocation of Community Development Block Grant funds from the U. S. Department of Housing and Urban Development (HUD). A competitive application process is held each year by the Housing and Community Development Commission to formulate a recommendation of how these funds should be disbursed. The process includes advertising to non-profits for Public Service and Capital Improvement projects to be funded.

Each year an Action Plan must be developed and approved indicating how the activities to be funded with CDBG funds will meet the needs identified in the City's Consolidated Plan for Housing and Community Development. The Action Plan must also identify other activities to be conducted by outside agencies throughout the City, which help meet the needs identified in the Consolidated Plan in the coming year. The Consolidated Plan is a comprehensive planning document identifying the City's overall housing and community development issues and outlining a five-year strategy to address those issues.

A. Council Action History

Council approved Medford's 2010-2014 Consolidated Plan for Housing and Community Development April 1, 2010. This is the fourth year of the Five-Year Consolidated Plan. Each year, a public hearing is held to obtain Council approval for the Annual Action Plan. The 2013 Action Plan must be approved by Council before it is submitted to HUD for final approval.

B. Analysis

This public hearing is a HUD requirement to solicit citizen input regarding the City's Action Plan for use of CDBG funds for the 2013 Program Year. The Housing and Community Development Commission approved the proposed expenditures of CDBG funds outlined in the 2013 Action Plan at its March 6, 2013 meeting.

This document, in its entirety, is available in the City Manager's Office and on the City's website. As required by HUD, a 30-day public comment period which ended on April 17, 2013, was held to solicit public input. Any public comments received during the public comment period and at this hearing will be included with the document submitted to HUD.
C. Financial and/or Resource Considerations
Expenditure of an estimated $550,446 in Community Development Block Grant Funds (pass through funds), an estimated $75,000 in program income and an estimated $307,865 in carryover funds, for an estimated total of $933,311.

D. Timing Issues
The City Council must approve the 2013 Action Plan prior to submitting it to HUD for approval. The HUD submission deadline is May 15, 2013.

STRATEGIC PLAN:
Theme: Healthy Economy
Goal 5: Continue implementation of the Economic Development Strategy.
Objective: Collaborate with other agencies, non-profits, and educational institutions to prepare a workforce for the 21st century.
Action Item 5.3a: Provide City input to training programs that support the personnel needs of businesses in the community and those potentially locating to the community.

Theme: Healthy Economy
Goal 6: Maintain and enhance community livability.
Objective: Ensure that the City's codes enable developers and non-profit providers to meet the housing needs of the City of Medford.
Action Item 6.2c: Assure adequate land is available for a mix of income levels and dwelling types balancing placement throughout City.

Theme: Quality Public Services
Goal 8: Provide recreational activities and opportunities to improve the lives of Medford residents.
Objective 8.1: Ensure that long-term plans are adopted that identify where land is needed for parks and pedestrian/bicycle trail systems throughout the City.
Action Item 8.1c: Locate parks and facilities in underserved areas.

COUNCIL OPTIONS:
1. Approve the resolution.
2. Modify and approve the resolution.
3. Deny the resolution.

STAFF RECOMMENDATIONS:
Staff recommends approval of the resolution to authorize the 2013 Action Plan.

SUGGESTED MOTION:
I move to approve the resolution to authorize the 2013 Action Plan.

EXHIBITS:
The Draft 2013 Action Plan is on file in the City Recorder's Office.
COUNCIL BILL 2013-61
A resolution affirming the Finance Director’s denial of a taxi driver identification card for Kevin Haney.

ISSUE STATEMENT & SUMMARY:
Kevin Haney applied for a Taxi Driver Identification card and the Police Department denied his request. Mr. Haney appealed to the Finance Director and the Finance Director upheld the Police Department denial. Mr. Haney then appealed to the City Council at the noon April 4, 2013 Council meeting. The City Council reviewed the decision, considered the matter upon appeal and denied the appeal. Mr. Haney was not present at the hearing. Mr. Haney thought the hearing was at 7:00 p.m. A letter was sent to Mr. Haney stating the date and time of the public hearing however, Mr. Haney had moved and therefore did not receive the notice. Mr. Haney has spoken with staff and asked to reschedule the public hearing. Since the public hearing was already held it cannot be rescheduled however the City Attorney has indicated that the public hearing can be reopen if the Council so desires. Mr. Haney intends to attend the Council meeting on April 18th and request to reopen the public hearing.

BACKGROUND:
The Police Department denied issuing Mr. Haney a taxi driver ID card because of a 2012 felony conviction for Unlawful Delivery of Methamphetamine. The Police Department denied Mr. Haney based on Section 8.425 (2)(e) "Any drug offense within five (5) years of the date of this application". On March 14th an appeal hearing was held and the Finance Director upheld the decision of the Police Department. Mr. Haney then exercised his rights under the City of Medford Municipal Code 1.025 and appealed the Finance Director’s decision.

A. Council Action History
On April 4, 2013 Council held an appeal hearing and denied Mr. Haney’s appeal.

B. Analysis
Mr. Haney was convicted of Unlawful Delivery of Methamphetamine on October 23, 2012. That is a felony drug offense and under Medford City Code 8.425(2)(e) Mr. Haney ineligible for a taxi driver ID card for five (5) years from the date of conviction.

C. Financial and/or Resource Considerations
None

D. Timing Issues
None

STRATEGIC PLAN:
Theme: Safe Community
Goal 1: Ensure a safe community by protecting people, property and the environment.
COUNCIL OPTIONS:
1. Approve the resolution.
2. Modify the resolution.
3. Deny the resolution.

STAFF RECOMMENDATIONS:
The Police Chief recommends approving the resolution to deny the appeal.

SUGGESTED MOTION:
I move to approve the denial of the appeal for Kevin Haney.

EXHIBITS:
None