CITY COUNCIL MINUTES

MEDFORD OREGON

September 19, 2019
Immediately following the Medford Urban Renewal Board Meeting
Medford City Hall, Council Chambers
411 W. 8th Street, Medford, Oregon

The regular meeting of the Medford City Council was called to order at 6:15 p.m. in the Medford City Hall Council Chambers on the above date with the following members and staff present:

Councilmembers Clay Bearnson, Tim D'Alessandro, Dick Gordon, Alex Poythress, Eric Stark, Kevin Stine, Michael Zarosinski (left at 8:45 p.m.); City Manager Brian Sjothun; Deputy City Attorney Eric Mitton; Deputy City Recorder Winnie Shepard; Mayor Gary Wheeler and Councilmember Kay Brooks were absent.

20. Recognitions, Community Group Reports

20.1 Employee Recognition

Kathryn Ivens was recognized for 25 years of service.

20.2 Downtown Medford Association by Christian Nelson

Christian Nelson thanked Council for supporting Downtown Medford Association. Their organization is working to secure additional art in the downtown area, various events and he noted new businesses.

In response to Councilmember questions, Mr. Nelson reported that Travel Medford is attending meetings, Downtown Medford Association needs funding for a director, printing expenses, improving aesthetics in the downtown area and they are actively seeking that funding from a variety of agencies.

30. Oral Requests and Communications from the Audience

30.1 Carla Jacobson, Medford, spoke in opposition of 5G towers in Medford.

40. Approval or Correction of the Minutes of the September 5, 2019 Regular Meeting

There being no additions or corrections, the minutes were approved as presented.

50. Consent Calendar

50.1 COUNCIL BILL 2019-98

A resolution requesting surrender by Jackson County to the City of Medford all right, title, interest, jurisdiction, maintenance, and control of all subject roadway sections, to the City.

50.2 COUNCIL BILL 2019-99

A resolution authorizing assignment of two Purchase and Sale Agreements from the City of Medford to the Medford Urban Renewal Agency, for property located at 703 Central Avenue and 801 Central Avenue.

50.3 COUNCIL BILL 2019-100

A resolution approving an Intergovernmental Agreement between the City of Medford and MURA for Tax Increment Financing.

Motion: Approve the consent calendar.
Moved by: Kevin Stine Second: Dick Gordon
Roll call: Councilmembers Bearnson, D'Alessandro, Gordon, Poythress, Stark, Stine and Zarosinski voting yes.
Council Bills 2019-98, 2019-99 and 2019-100 were approved.

60. Items Removed from Consent Calendar

None.

70. Ordinances and Resolutions

70.1 COUNCIL BILL 2019-101

An ordinance authorizing execution of a Quitclaim Deed to sell two tax lots located on the west side of Portland Avenue south of East Main Street to Rogue Community Health for the amount of $0.

City Manager Brian Sjothun advised that Rogue Community Health (RCH) is requesting the donation of the City's property adjacent to RCH. The organization provided detailed information outlining how RCH's services supported Council goals. Although the City would be foregoing the $196,510 with this property donation, those funds would be used to develop the RCH site plan and complete their master plan.

Council discussed a previous cross easement and an ingress/egress issue with Bolt Dental (Bolt), a neighboring business; RCH's Attorney Jason Anderson advised that the access issue was resolved through a vacation of the property by the City. Bolt and RCH are working with City Attorney Lori Cooper regarding a cross easement agreement to be finalized after RCH receives the deed. The agreement provides Bolt parking in exchange for the cross easement.

Councilmember Stark requested a covenant within the sale agreement requiring the property continue to be used for public benefit if it was sold by RCH.

RCH's CEO William North advised that their patients pay for RCH's healthcare on a sliding scale, based on the federal poverty level. RCH offers a drug treatment program. Although a success rate percentage was unknown, Mr. North believed their success

rate was equivalent to agencies providing comparable services. RCH's focuses on reducing the amount of the drug used, provides mental health services with treatment and focuses on long-term care.

Council voiced concerns that RCH had not yet paved the parking lot as required in the existing lease agreement between the City and RCH. Mr. Anderson advised that the paving requirement was included within a lease agreement with the City 40-50 years ago.

Mr. Anderson stated the property donation supported the Council's goals, improved the aesthetics of the area, and would provide assistance to the indigent. This property is vacant and the donation would not impact the City's budget or financial situation.

Mr. Sjothun clarified that over the past two years, RCH developed their master plan and received the required Site Plan and Architectural Commission's (SPAC) approval of RCH's proposed master plan. All of SPAC's requirements will be completed as part of that plan.

Council preferred a restriction that the property would be used for non-profit services, despite future sales. Mr. Anderson advised that a covenant could be added to that effect. He also clarified that the property would revert back to the City or the next owner would have to pay full market value. Mr. North added that their property at 19 Myrtle is also required to be used for existing services as part of a grant agreement with the federal government.

Councilmember Bearnson questioned the amount of financial support RCH received from Jackson County; Mr. North advised that RCH received no support until recently, when RCH began working with Jackson County Housing Authority to provide wraparound services for patients. RCH has not received funding for mental health/drug addiction treatment from Jackson County.

Councilmember Zarosinski advised that the city's general fund grant process was used to distribute approximately $150,000 annually to local social service providers and pointed out that RCH's request was $196,000. Councilmember Stine stated a $50,000 cap has been used in the past to distribute those funds.

Motion: Reduce the purchase price to $146,510 and require RCH to pay all recording fees.
Moved by: Kevin Stine Second: Michael Zarosinski

Councilmember Zarosinski voiced his support of RCH, but also believed the revenue received through this sale could be used for other services.

Councilmember Gordon recommended the resolution of the issue with Bolt. Assistant Planning Director Kelly Evans reported that Bolt had agreed to the removal of the driveway during the SPAC approval process.

Mr. Anderson reiterated that RCH's request does not require Council funding; it is a donation request for City land.

Roll call: Councilmembers Bearnson, Gordon, Poythress, Stine and Zarosinski voting yes; Councilmembers D'Alessandro and Stark voting no.
Council Bill 2019-101 was approved as amended.

Council President declared a recess at 7:14 p.m.

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The Council meeting reconvened at 7:25 p.m. with the same members present.

80. Public Hearings

80.1 COUNCIL BILL 2019-102

A resolution approving a minor amendment to the General Land Use Plan (GLUP) Map of the Medford Comprehensive Plan by changing the land use designation of 5.07 acres located at 709 North Phoenix Road, from Urban Residential (UR) to Commercial (CM). (GLUP-19-002) Land Use, Quasi-Judicial

Mr. Mitton read quasi-judicial hearing requirements into the record.

Planning Director Matt Brinkley advised that the criteria for a Minor Comprehensive Plan Amendment were either not applicable or met. Although opposition was received, Mr. Mitton opined that the single objection submitted was not specific or succinct and most likely would not hold up in an appeal process. Staff recommended the approval of the amendment request.

Councilmember D'Alessandro requested disclosure of ex parte contact. Councilmembers Poythress, Bearnson and Gordon reported their use of businesses in the area; Mr. Mitton did not believe these matters were conflicts or would impact their decision.

Public hearing opened.

Principal of CSA Planning Raul Woerner spoke on behalf of the applicant, noting the current zoning and the proposed new zoning for the five-acre site. A storm water detention area is

located on the north side of the property and the property owners to the east and south support the project. He clarified that the language "inexactness of the Southeast overlay map" is used because the Southeast Plan does not include property lines.

Mr. Woerner advised that the City's Public Works Department had requested a dedicated street crossing on the subject property as a half street plus, which would prohibit a new pool and would actually take out the existing pool on the property. Mr. Woerner explained that there is an existing six to eight foot high berm along North Phoenix Road where the new street would intersect. This berm would create a solid vertical wall preventing a proper site triangle to the south, where vehicle travel is commonly over 50 miles per hour. He believed it would create an unsafe street.

Public hearing closed.

Councilmember Bearnson questioned whether this location could be zoned to allow a gas station; Ms. Evans advised that the Southeast Plan prohibits gas stations.

Motion: Approve the Resolution.
Moved by: Kevin Stine Second: Eric Stark
Roll call: Councilmembers Bearnson, D'Alessandro, Gordon, Poythress, Stark, Stine and Zarosinski voting yes.
Council Bill 2019-102 was approved.

80.2 COUNCIL BILL 2019-103

An ordinance vacating excess right-of-way for the Larson Creek Trail on a parcel located at Black Oak Drive in the SFR-4 (Single-Family Residential, 2.5 to 4 dwelling units per gross acre) zoning district. (SV-19-046) Land Use, Quasi-Judicial

Mr. Mitton read quasi-judicial hearing requirements into the record.

Ms. Evans provided a staff report noting Council directed staff to bring this matter forward. The property is located between Ellendale and Black Oak, along the Larson Creek Trail.

Councilmember D'Alessandro requested the disclosure of ex parte contact. Nothing was reported.

Public hearing opened.
No one spoke.
Public hearing closed.

Motion: Approve the Ordinance.

Moved by: Clay Bearnson Second: Kevin Stine
Roll call: Councilmembers Bearnson, D'Alessandro, Gordon, Poythress, Stark, Stine and Zarosinski voting yes.
Council Bill 2019-103 was approved.

80.3 COUNCIL BILL 2019-104

An ordinance amending Sections 2.185, 6.330, 6.350, 10.012, 10.334, 10.348, 10.725, 10.840, and adding Sections 10.829A and 10.829B, of the Medford Municipal Code permitting mobile food vendors to sell ready-to-eat food from designated downtown streets during night-time hours and adding provisions for mobile food vendor pods, effective November 1, 2019. (DCA-17-104) Land Use, Legislative

Principal Planner Carla Paladino provided the staff report, noting Council had directed staff to bring this matter forward and that the proposed amendments were approved by the Planning Commission. The proposed changes allow street vendors between the hours of 9:00 p.m. and 3:00 a.m. on designated streets in downtown and would permit both daily and semi-permanent food pods on private property. The food trucks could utilize on-street parking locations during those hours, although specific spaces would not be assigned to each truck.

Various changes were outlined for food pods, including specific site standards for both daily and semi-permanent pod locations, requiring trash receptacles, stipulating setback distances, minimum spacing between food trucks, customer parking, restroom facilities, etc. Pods would be allowed within commercial, light-industrial, general industrial and the Parks zoning throughout Medford without limiting the number of trucks per pod.

The term "ready to eat" included prepackaged or food that was cooked/prepared onsite.

Ms. Paladino noted that two Planning Commissioners opposed the Code amendments. They voiced concerns about potential conflicts between existing restaurants and the food trucks, as well as the City offering public land for food trucks.

Public hearing opened.

Owner of Heart and Bowl Stephanie Card noted her food truck is part of the Bartlett Bites temporary food pod. She supported this Code amendment, but requested the following revisions to the proposed Code semi-permanent pod: allow portable restrooms and handwashing stations for the daily and semi-permanent pods, and to allow mobile water and gray water removal services. She believed the expense of these requirements could deter

people from creating semi-permanent pods. She recommended the Code revision to allow trucks within daily pods to stay for multiple days.

Ms. Paladino explained that multiple Code amendment options were included for Council's consideration, including permitting the trucks within daily pods to remain for up to five days and multiple options for restroom facilities. She advised that permanent restroom facilities are recommended for semi-permanent pods because the locations would be developed for permanent use, are typically built-up on paved lots, while daily food pods could be as simple as multiple food trucks gathered on a paved lot.

Councilmember Stark recommended that the operators decide whether to have permanent or temporary restroom facilities. Pods have varying needs depending on the use, location, proximity to available services, and owner preference.

Ms. Card was asked to provide additional feedback. She preferred the ability to have her food truck in a semi-permanent location, but would also like the ability to remove her truck from the location. The 5-day period for daily food trucks was acceptable for her needs.

Public hearing closed.

Ms. Paladino explained that business licenses for food truck vendors are $100. Trucks located on City right-of-way would pay an additional $100 per month.

Council discussed restroom requirements at length.

Motion: Approve the ordinance, except section 10.829A(F)(2)(b) which should state that portable toilets and handwashing facilities are permitted. The daily pods are allowed to be there for no more than five days.
Moved by: Clay Bearnson Second: Kevin Stine

Councilmember Bearnson clarified his motion would allow options for permanent or temporary restroom facilities. Councilmembers Zarosinski and D'Alessandro supported the motion, but voiced concerns that not all restaurant owners may appreciate the amendments.

Roll call: Councilmembers Bearnson, D'Alessandro, Gordon, Poythress, Stark, Stine and Zarosinski voting yes.
Council Bill 2019-104 was approved with the options outlined by Councilmember Bearnson.

80.4 COUNCIL BILL 2019-105
A resolution adopting the second Supplemental Budget for the 2019-21 biennium.

Chief Financial Officer/Deputy City Manager Ryan Martin explained that this supplemental budget allowed the use of state forfeiture fund to provide for MADGE expenses.

Public hearing opened.
No one spoke.
Public hearing closed.

Motion: Approve the resolution.
Moved by: Kevin Stine Second: Clay Bearnson
Roll call: Councilmembers Bearnson, D'Alessandro, Gordon, Poythress, Stark and Stine voting yes.
Council Bill 2019-105 approved.

90. Council Business

90.1 Proclamations issued: None

90.2 Committee Reports and Communications

a. Council Officers Update
   i. Councilmember D'Alessandro briefly discussed Council workload and Council will consider options for the workload.
   ii. Council had previously discussed the creation of a committee to develop a vision funding process. Councilmembers Bearnson, Stark and Bearnson have offered to help with the creation of a process.

Motion: Create a committee for the purpose of establishing a process for the utilization of the Council's vision funding.
Moved by: Kevin Stine Second: Alex Poythress

Councilmember D'Alessandro clarified the committee would include Councilmembers Bearnson, Stark, Poythress and D'Alessandro and would meet as soon as possible.

Roll call: Councilmembers Bearnson, D'Alessandro, Gordon, Poythress, Stark and Stine voting yes.
Motion carried and so ordered.

   iii. Staff will work to determine a date for a Council photo.
   iv. There will be no study session September 26.

b. Councilmember D'Alessandro met with Senator Merkley's staff a couple weeks ago to discuss the BUILD grant application. The Manager, Federal Affairs of CFM Strategic Communications, Inc. Kirby Garrett will provide Senator Merkley's office with the necessary information for this grant.

100. City Manager and Staff Reports

100.1 Charter Review Committee

Mr. Sjothun explained that during a recent study session, Council provided criteria for applicants interested in serving on a charter review committee. Because there were a variety of options presented during that study session, the proposed resolution was created based on staff's understanding of the direction.

Motion: Form a charter review committee of nine people. Those nine people will be individually selected, so that each Councilmember can appoint one person. The criteria for who may be chosen is that they currently sit or they were a former elected official to the Medford City Council or Mayor. The other criteria is that they sit on Planning, Transportation, Budget, Parks and Recreation, Housing, Police and Medford Water Commission.

Councilmember Bearnson requested clarification.

Councilmember Stine restated his motion as: Form a charter review committee composed of nine people. The nine elected officials will each choose one person. Each proposed member would be approved by a formal vote of the entire Council. The criteria for who may be selected is that they sit now or previously on those Commissions as presented in our agenda packet or they have previously served as a former City Councilmember or Mayor of Medford.

Moved by: Kevin Stine Second: Clay Bearnson

Councilmember D'Alessandro questioned Council's basis for selecting the proposed members; Councilmember Stine clarified his intention was that each proposed member complete an application to provide information to the other Councilmembers. Each Councilmember's recommendation would be provided to staff for distribution to the entire Council and for placement on the dais.

Councilmember D'Alessandro questioned how the Council would appoint two Councilmembers to the committee; Councilmember Stine would like the Councilmembers to be appointed during the meeting that the members are determined, similar to the motion earlier for the vision funding process committee.

Councilmember Gordon requested clarification that member recommendations would require formal approval by the entire Council; Councilmember Stine confirmed. Councilmember Gordon then questioned the process if a selected person was not approved by the Council; Councilmember Stine responded that the Councilmember would be required to nominate another person. Councilmember Gordon asked whether the recommendations would be required to be from their Ward; Councilmember Stine responded that there were no Ward restrictions.

Mr. Mitton requested clarification on whether the Council Liaisons would be voting or non-voting; Councilmember Stine recommended non-voting, as outlined in the proposed resolution.

Councilmember D'Alessandro requested roll call on the motion. Deputy City Recorder Winnie Shepard questioned whether all recommendations made by Council should be considered amendments. Councilmembers Stine and Bearnson agreed that all recommendations were incorporated into their original motion.

Roll call: Councilmembers Bearnson, D'Alessandro, Gordon, Poythress, Stark and Stine voting yes. Motion carried and so ordered.

100.2 Mr. Sjothun requested Councilmembers to fill liaison positions on RVACT and RVMPO during Deputy City Manager Eric Zimmerman's upcoming deployment.

Motion: Appoint Kevin Stine to Eric Zimmerman's positon on the RVMPO.
Moved by: Tim D'Alessandro Second: Clay Bearnson
Roll call: Councilmembers Bearnson, D'Alessandro, Gordon, Poythress, Stark and Stine voting yes. Motion carried and so ordered.

Councilmember D'Alessandro offered to serve on RVACT.

Motion: Appoint Tim D'Alessandro to serve in Eric Zimmerman's position on the RVACT.
Moved by: Kevin Stine Second: Clay Bearnson
Roll call: Councilmembers Bearnson, D'Alessandro, Gordon, Poythress, Stark and Stine voting yes. Motion carried and so ordered.

100.3 Mr. Sjothun spoke about an unpaved alley from Orange Street to Hamilton, south of West 10th. A developer is attempting to build affordable housing in that area, which requires paving the alley from that property to the end of the street, approximately 400 feet which is cost prohibitive.

Public Works Director Cory Crebbin explained that alleys are required to be paved. Typically, new development along alleys have been located near the street; therefore, the paving expense was minimal. In this situation, applications were received for properties in the middle of a fairly long alley.

Staff is proposing the City apply for a Congestion Mitigation Air Quality (CMAQ) grant to obtain federal funding to pave this alley. The paving expense was estimated at $400,000 and the grant would require a local match of about $80,000. The deadline to apply for the grant is September 30 and required a motion directing staff to apply for the grant and approve the funding match of approximately $80,000.

Councilmember Stine asked how much the City would need to pay; Mr. Crebbin responded that the minimum match was 10%, but to be competitive for a CMAQ match, he recommended 20% or approximately $80,000.

Motion: Approve this grant application as presented by Mr. Crebbin.
Moved by: Kevin Stine Seconded by: Tim D'Alessandro

Councilmember D'Alessandro had received a call from the developer, who was frustrated by hurdles involved with the construction. He believed the grant idea was brilliant and thanked the staff involved.

Councilmember Gordon questioned which fund would be used for the match; Mr. Crebbin explained staff is proposing that the developer have a condition to pay their proportional share. He estimated that cost to be 1/40 of the total expense, which would be used as part of the match funds. The remainder of the local match will be paid from the State Gas Tax Fund.

Roll call: Councilmembers Bearnson, D'Alessandro, Gordon, Poythress, Stark and Stine voting yes. Motion carried and so ordered.

110. Adjournment

There being no further business, this Council meeting adjourned at 9:10 p.m.

The proceedings of the City Council meeting were recorded and are filed in the City Recorder's Office. The complete agenda of this meeting is filed in the City Recorder's Office.

Winnie Shepard

Winnie Shepard, CMC
Deputy City Recorder