CITY COUNCIL MINUTES

MEDFORD
OREGON

October 3, 2019
6:00 P.M.
Medford City Hall, Council Chambers
411 W. 8th Street, Medford, Oregon

The regular meeting of the Medford City Council was called to order at 6:00 p.m. in the Medford City Hall Council Chambers on the above date with the following members and staff present:

Mayor Gary Wheeler; Councilmembers Clay Bearnson*, Kay Brooks*, Tim D'Alessandro, Dick Gordon, Alex Poythress, Kevin Stine, Michael Zarosinski*; Councilmember Eric Stark was absent.

City Manager Brian Sjothun; City Attorney Lori Cooper; City Recorder Karen Spoonts

20. Recognitions, Community Group Reports

20.1 Annual Travel Medford Report by Eli Matthews

*Councilmember Brooks and Zarosinski arrived.

Eli Matthews presented the quarterly report as well as the annual travel report. He noted the smoke had quite an impact on tourism last year. Councilmember Gordon questioned if he is asking support from other travel organizations to promote the area. Mr. Matthews noted there is co-op in advertising as we work better in numbers. Councilmember Stine questioned why they don't use twitter; Ashley Cates of Travel Medford stated twitter is not as important in this area but will be discussed later this winter. Councilmember Bearnson questioned if there are any marketing certifications; Ms. Kates noted she has certifications but unsure if an organization needs them. Councilmember Brooks questioned how they will assist Kid Time; Ms. Kates noted they have met with them. Councilmember Poythress questioned the ads in the booklets; Mr. Matthews noted the ads are something new and do cover the costs of the booklets.

*Councilmember Bearnson left and returned.

20.2 Kirby Garrett, CFM Strategic Communications

Kirby Garrett provided information on pending projects (Foothill Road Corridor, Fire Dept. SCBA compressor, Bear Creek Restoration, Employment Center, seismic retrofitting, and lead paint hazard reduction) and awarded projects (brownfields assessment and RCC Technical Center). He provided information on the banking access for the cannabis business bill. Councilmember Zarosinski questioned the timeline on build grants; Mr. Garrett stated Congress requires Department of Transportation to designate awards by November 12, but it could be sooner. City Manager Sjothun noted we will need to determine which councilmember(s) will head to Washington DC.

30. Oral Requests and Communications from the Audience

30.1 Bill and Gwen Reen talked about the issue they have with standing water from work done by Public Works on Foothill Road. She noted State codes require closed drainage systems to be located 50' away from a well, not 10'. She is asking the issue be resolved and paid by the City within the next three months.

30.2 Carla Jacobson spoke about 5G technology and that no safety studies have been done, as well as small cells in neighborhoods.

30.3 Kelly Marcotulli spoke about the hazards of 5G technology and electromagnetic pollution. Councilmember Gordon stated staff has been in contact with Ashland's attorney and that the federal government has preempted local cities from doing anything about cell towers due to alleged health impacts. He asked that she talk to our representatives.

40. Approval or Correction of the Minutes of the September 19, 2019 Regular Meeting

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

50. Consent Calendar

60. Items Removed from Consent Calendar

70. Ordinances and Resolutions

70.1 COUNCIL BILL 2019-101 – SECOND READING

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 $146,510.

Motion: Approve the ordinance.
Moved by: Clay Bearnson Seconded by: Kevin Stine

Councilmember Gordon stated if this is sold, it will not revert back to the City. The price should not be set, as we don't know what the going price will be at a later time. Attorney Cooper stated that reversionary language is in the draft Quitclaim Deed. Councilmember Stine stated this is surplus property and we are selling it to get rid of it. Jason Anderson of Foster Denman spoke on behalf of Rogue Community Health, and stated it went from a gift to a $50,000 discount. Rogue Community Health would not have a problem to say that the new user would have to pay the $50,000. Ms. Cooper will work with Mr. Anderson to place language to that effect in the deed; Council can review the deed before it is signed.

Roll call: Bearnson, Brooks, D'Alessandro, Gordon, Poythress, Stine, and Zarosinski voting yes. Ordinance #2019-101 was duly adopted.

70.2 COUNCIL BILL 2019-106

A resolution establishing a public hearing date for the vacation of a portion of excess right-of-way on Foothill Road, Normil Terrace, and High Cedars Lane, a Public Utility Easement and Reserve Strips in High Cedars Landing, Phases 5B, 6B, and 7B, within the SFR-4 (Single-Family Residential, four dwelling units per gross acre) zoning district. (SV-19-045)

Motion: Approve the resolution.
Moved by: Kevin Stine Seconded by: Tim D'Alessandro
Roll call: Bearnson, Brooks, D'Alessandro, Gordon, Poythress, Stine, and Zarosinski voting yes.
Resolution #2019-106 was duly adopted.

70.3 COUNCIL BILL 2019-107

An ordinance authorizing execution of a grant agreement with the Housing Authority of Jackson County in the amount of $200,000 in 2019 Community Development Block Grant funds and an estimated $95,000 in program income for the Homeowner Repair Program.

Motion: Approve the ordinance.
Moved by: Kay Brooks Seconded by: Kevin Stine
Roll call: Bearnson, Brooks, D'Alessandro, Gordon, Poythress, Stine, and Zarosinski voting yes.
Ordinance #2019-107 was duly adopted.

80. Public Hearings

80.1 COUNCIL BILL 2019-108

An ordinance amending Sections 10.012, 10.204, 10.427, 10.460, 10.461, 10.462 of the Medford Municipal Code pertaining to the City's transportation concurrency standards and the Transportation Impact Analyses criteria. (DCA-18-180) Land Use, Legislative

*Councilmember Zarosinski left and returned.

Kyle Kearns, Planner II, presented the staff report and stated the Planning Commission recommended approval of this on September 12, 2019. This benefits the public by relying on the City's planned projects (Tier 1) for current and future development throughout the City. The proposal is intended to reduce cost and result in quicker development and consistency with State law (Transportation Planning Rule).

Public hearing opened.

Jay Harland, CSA Planning, stated this will be better for the City and is consistent with other cities. He commented on subsection 11, which is an economic development tool pertaining to the level of congestion and it was good for the Chamber to request that.
Public hearing closed.

Motion: Approve the ordinance as presented by staff which included modifying the definitions of ADT.
Moved by: Kevin Stine Seconded by: Tim D'Alessandro

Councilmember Stine was thankful that roundabouts need to be considered for projects. Councilmember Zarosinski questioned if we needed language added to the Planning Commission recommendation; Ms. Cooper stated we don't. Councilmember Brooks questioned level of service; Mr. Kearns explained the mitigation of the impact through such things such as bike lanes.

Roll call: Bearnson, Brooks, D'Alessandro, Gordon, Poythress, Stine, and Zarosinski voting yes.
Ordinance #2019-108 was duly adopted.

90. Council Business

90.1 Proclamations issued

National Community Planning Month – October 2019
Fire Prevention Week – October 6-12, 2019

90.2 Committee Reports and Communications

a. Council Officers Update

- An email from Deputy City Attorney Mitton was provided to Council regarding 5G. Councilmember Gordon stated we have a lot of correspondence regarding health impacts and other issues preempted by the federal government and questioned if we are sure of ourselves from a legal standpoint. Ms. Cooper stated Legal Department is confident that federal law preempts local jurisdictions from considering alleged health impacts when regulating telecommunication facilities. Mayor Wheeler read from an article about 3G, 4G, and 5G. He noted there are ways to get around this by hard wire fiber optic cable to the home.

Motion: Adopt information provided by Deputy City Attorney Eric Mitton pertaining to 5G.
Moved by: Dick Gordon Seconded by: Kevin Stine

Council discussed time, place, and manner for the cell towers. It was decided this could be reviewed without an amended motion.

Amended Motion: Consider looking at community surroundings regarding placement and look of cell towers.
Moved by: Michael Zarosinski Seconded by: Alex Poythress
Motion withdrawn.

Main Motion Roll call: Bearnson, Brooks, D'Alessandro, Gordon, Poythress, Stine, and Zarosinski voting yes.
Motion carried and so ordered.

- CFO/Deputy City Manager Ryan Martin is looking for a volunteer for the RFP banking; Councilmember Gordon stated he would volunteer. Council agreed via voice vote.

b. Arts Commission Appointment

Motion: Appoint David Masters to the Arts Commission, with a term beginning immediately and ending January 31, 2022.
Moved by: Kevin Stine Seconded by: Kay Brooks

Councilmember Poythress stated he does work with him and he would be a great asset in the Arts Commission.

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

c. Councilmember Stine reminded Council of the need for applicants for the Charter Review Committee.

d. Councilmember D'Alessandro attended the Medford Water Commission meeting where there was discussion about a news report regarding water quality. There was no indication that there is a water quality issue.

*Councilmember Zarosinski left and returned.

100. City Manager and Staff Reports

100.1 Foothill Road Median Options

Craig Howe, Engineering Technician, provided three options for the concrete median treatment. Mayor Wheeler would like something that would stand out from sidewalk to median. Mr. Howe stated the concrete will be different. There was discussion on fading, exposed aggregate and how well the product holds up due to deicing.

*Councilmember Bearnson left and returned.

Motion: Accept Parks Department recommendation of Option 1 (herringbone stamp and terra cotta color) for the Foothill Road median.
Moved by: Tim D'Alessandro Seconded by: Michael Zarosinski

Motion: Direct staff to use the Medford blue logo color for the Foothill Road median.
Moved by: Kevin Stine
Motion died for a lack of a second.

Assistant Director Stevens stated the selection was made based on what is in Medford, such as the Highland roundabout. He noted the terra cotta is also used in Sunriver. He stated the terra cotta will eventually fade, but unsure how long that might take.

Roll call: Brooks, D'Alessandro, Gordon, Poythress, and Zarosinski voting yes; Stine voting no; Bearnson abstained.
Motion carried and so ordered.

100.2 5-G Technology Information
Covered under Council Business.

Councilmember Gordon congratulated Councilmember Stine for being elected to the League of Oregon Cities Board of Directors.

110. Adjournment

Mayor Wheeler stated there will be a Medford Urban Renewal Agency Executive Session after this meeting. There being no further business, this Council meeting adjourned at 8:14 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.

Karen M. Spoonts, MMC
City Recorder