



# CITY OF CENTRAL POINT

*Oregon*

## City Council Meeting Agenda Thursday, May 26, 2022

Next Res (1706) Ord (2087)

### I. REGULAR MEETING CALLED TO ORDER

### II. PLEDGE OF ALLEGIANCE

### III. ROLL CALL

### IV. SPECIAL PRESENTATIONS

1. Jackson County Fire District 3 Annual Report
2. Rogue Valley Disposal Update

### V. PUBLIC COMMENTS

*Public comment is for non-agenda items. If you are here to make comments on a specific agenda item, you must speak at that time. Please limit your remarks to 3 minutes per individual, 5 minutes per group, with a maximum of 20 minutes per meeting being allotted for public comments. The council may ask questions but may take no action during the public comment section of the meeting, except to direct staff to prepare a report or place an item on a future agenda. Complaints against specific City employees should be resolved through the City's Personnel Complaint procedure. The right to address the Council does not exempt the speaker from any potential liability for defamation.*

### VI. CONSENT AGENDA

- A. Approval of April 28, 2022 City Council Minutes

### VII. ITEMS REMOVED FROM CONSENT AGENDA

### VIII. ORDINANCES, AND RESOLUTIONS

- A. Ordinance No. \_\_\_\_\_, - An Ordinance Amending Central Point Municipal Code Charters 3.25.090, 3.26.080, 11.16.080, 11.20.070, and Chapter 13.16 Regarding Discounted Utility Fees for Extreme Hardship (Weber)

### IX. BUSINESS

- A. Planning Commission Report (Holtey)
- B. A Discussion/Briefing on how to Respond to Measure 109 (Clayton)
- C. Community Center Partnership Update (Clayton)

### X. MAYOR'S REPORT

### XI. CITY MANAGER'S REPORT

**Mayor**  
Hank Williams

**Ward I**  
Neil Olsen

**Ward II**  
Kelley Johnson

**Ward III**  
Melody Thueson

**Ward IV**  
Tanea Browning

**At Large**  
Rob Hernandez

**At Large**  
Michael Parsons

**XII. COUNCIL REPORTS**

**XIII. DEPARTMENT REPORTS**

**XIV. EXECUTIVE SESSION**

The City Council will adjourn to executive session under the provisions of ORS 192.660. Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

**XV. ADJOURNMENT**

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 72 hours prior to the City Council meeting. To make your request, please contact the City Recorder at 541-423-1026 (voice), or by e-mail to [Deanna.casey@centralpointoregon.gov](mailto:Deanna.casey@centralpointoregon.gov).

Si necesita traductor en español o servicios de discapacidades (ADA) para asistir a una junta publica de la ciudad por favor llame con 72 horas de anticipación al 541-664-3321 ext. 201

# CITY OF CENTRAL POINT

*Oregon*

## City Council Meeting Minutes Thursday, April 28, 2022

### I. REGULAR MEETING CALLED TO ORDER

The meeting was called to order at 7:00 PM by Mayor Hank Williams

### II. PLEDGE OF ALLEGIANCE

### III. ROLL CALL

Attendee Name	Title	Status	Arrived
Hank Williams	Mayor	Present	
Neil Olsen	Ward I	Present	
Kelley Johnson	Ward II	Present	
Melody Thueson	Ward III	Present	
Taneea Browning	Ward IV	Present	
Rob Hernandez	At Large	Present	
Michael Parsons	At Large	Present	

Staff members present: City Manager Chris Clayton; City Attorney Sydnee Dreyer; Finance Director Steve Weber; Police Chief Kris Allison (virtual); Police Captain Scott Logue; Parks and Public Works Director Matt Samitore; Planning Director Stephanie Holtey; and City Recorder Deanna Casey.

### IV. SPECIAL PRESENTATIONS

#### 1. RVCOG Annual Presentation

RVCOG Executive Director Ann Marie Alfrey presented the 2021 RVCOG Annual Report highlighting what is available for the City of Central Point and the projects they do to support our citizens.

Food and Friends has 77 volunteers to deliver meals. They are excited to get to work at the Central Point Senior Resource Center. They started using the building on April 1st, they are trying to get ready for a grand reopening. There will be an increase in benefits for Central Point Seniors. The thrift store is still up and operating.

<b>RESULT:</b> <b>FOR DISCUSSION ONLY</b>
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### V. PUBLIC COMMENTS

Marcia Cavin, Central Point Resident

Mrs. Cavin read into the record a letter regarding a burn barrel issue with a neighbor on Maple Street. She would like to see the City amend the code and put a ban on burn barrels. It is not fair to the neighbors when they burn trash and there is continual smoke.

## VI. CONSENT AGENDA

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Rob Hernandez, At Large
<b>SECONDER:</b>	Taneea Browning, Ward IV
<b>AYES:</b>	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

### A. Approval of April 14, 2022 City Council Minutes

Rob Hernandez moved to approve the Consent Agenda as presented.

## VII. ORDINANCES, AND RESOLUTIONS

### A. Resolution No. \_\_\_\_\_, Approving an Intergovernmental Agreement for a Coordinated Water Rights Management and Water Sharing Plan and Authorizing City Manager to Execute Same

City Manager Chris Clayton introduced Ed Olsen former manager of the Medford Water Commission. In early 2020 the Medford Water Commission and the Partner Cities of Talent, Ashland, Phoenix, Eagle Point, Central Point, and Jacksonville completed a joint water rights strategy related to the water rights authorizing diversion at Medford Water's Duff Water Treatment Plant (WTP) on the Rogue River. This plan proposes an approach to sharing water supply to meet combined short-term and long-term water supply needs. An intergovernmental agreement for Phase 1 was developed and presented to the Council earlier this year. The partner cities are now seeking approval of the IGA. Medford Water Board will complete the adoption process after each individual city council considers adoption. However, the document will be returned for additional approval if significant changes occur after Central Point City Council approval.

The Medford Water Commission and the Partner Cities worked together to develop the proposed IGA under the following principals to share water rights already purchased:

1. Medford Water would be the Managing Agency for the Partners, but will not have a fiduciary responsibility to the other Partners but will be compensated for that role.
2. The agreement must be consistent with the City of Medford's January 1, 1999, City Charter.
3. The agreement must ensure that Medford Water retains control of its water rights, the Duff WTP, and related infrastructure.
4. The agreement should relate only to water rights associated with the Duff WTP and not to the Big Butte Creek water rights.
5. The Phase 1 IGA would provide for water sharing among the Partner Cities and would seek commitments to develop a Phase 2 agreement. Medford Water would not be bound to enter into a Phase 2 agreement.
6. Medford Water could withdraw from the sharing agreement.
7. All cities will retain their water rights. If one city withdraws from the IGA the others remain in effect.
8. The agreement does not bind a party to enter into Phase 2.

Legal counsel of all parties have reviewed the IGA. This agreement is intended to be

supplemental to the Treat and Transport and wholesale water agreements that already exist between Medford Water and the partner cities.

Chris Luz, former Phoenix Mayor

Mr. Luz thanked Mayor Williams and City Manager Clayton for hammering the Water Commission over the years. He is concerned about the cities who have purchased enough water rights and will be loaning to cities who have not. Phoenix and Talent over purchased water rights and have been paying the maintenance fees. He would like to see a reimbursement program in place for these cities.

**Tanea Browning moved to approve Resolution No. 1704, Approving an Intergovernmental Agreement for a Coordinated Rights Management and Water Sharing Plan and Authorizing City Manager to Execute Same.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Tanea Browning, Ward IV
<b>SECONDER:</b>	Kelley Johnson, Ward II
<b>AYES:</b>	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

**B. First Reading - An Ordinance Amending Central Point Municipal Code Charters 3.25.090, 3.26.080, 11.16.080, 11.20.070, and Chapter 13.16 Regarding Discounted Utility Fees for Extreme Hardship**

Finance Director Steven Weber explained that the city has offered any household with city water and other city fees the eligibility to participate in the city's utility rate discount for extreme hardship discount based on multiple criteria, including income limits.

The Central Point Municipal Code mentions this discount program in various chapters. Staff has determined it would provide clarity to create a separate code section for the utility discount program and direct each of the fee chapters to the new section. Amendments were also made for consistency between current policy and the code with regard to income limits equal to 150% of the Federal poverty guidelines.

**Kelley Johnson moved to second reading an Ordinance Amending Central Point Municipal Code Chapters 3.25.090, 3.26.080, 11.16.080, and chapter 13.16 Regarding Discounted Utility Fees for Extreme Hardship.**

<b>RESULT:</b>	<b>1ST READING [UNANIMOUS]</b>
	<b>Next: 5/26/2022 7:00 PM</b>
<b>MOVER:</b>	Kelley Johnson, Ward II
<b>SECONDER:</b>	Tanea Browning, Ward IV
<b>AYES:</b>	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

**C. Resolution No. \_\_\_\_\_, Scheduling Biennial Election of Central Point City Officers on November 8, 2022**

City Manager Chris Clayton explained the proposed resolution sets the date for the next general election of city officers to coincide with the statewide General Election

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on November 8, 2022. The filing period begins July 11, 2022 through August 29, 2022. Election packets are being prepared by the City Recorder.

**Rob Hernandez moved to approve Resolution 1705, Scheduling Biennial Election of Central Point City Officers on November 8, 2022.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Rob Hernandez, At Large
<b>SECONDER:</b>	Michael Parsons, At Large
<b>AYES:</b>	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

**VIII. BUSINESS**

**A. Appointment to Citizens Advisory Committee**

City Manager Chris Clayton explained there are two vacancies on the Citizens Advisory Committee. We have received four applications but only three were able to interview before tonight's meeting. The interview committee is interested in interviewing the fourth person before filling both vacancies.

Mayor Williams stated that he is recommending appointment of Paul Contreras to the Citizens Advisory Committee and wait to appoint the second vacancy until all applicants have been interviewed.

**Neil Olsen moved to appoint Paul Contreras to the Citizens Advisory Committee.**

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Neil Olsen, Ward I
<b>SECONDER:</b>	Tanea Browning, Ward IV
<b>AYES:</b>	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

**IX. MAYOR'S REPORT**

Mayor Williams reported that he attended a fair board meeting where they talked about the Rodeo, and the Central Point Chamber Mixer.

**X. CITY MANAGER'S REPORT**

City Manager Chris Clayton reported that:

- The first notification has been sent for a chronic nuisance house on Grand Avenue.
- He and Finance Director Steve Weber met with representatives from Avista Utilities.
- On Monday final documents for the Greenway were signed. The next step is to Annex the property into the city limits.
- The Wild Rogue Pro Rodeo is May 12-14. We are recommending cancelling the first meeting in May so Council can attend the Sponsor Dinner and event.

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- He attended a meeting regarding the Little League Field Complex.
- We will be having a health and safety fair in June for City Staff, providing basic health screening options.

## XI. COUNCIL REPORTS

Council Member Melody Thueson had no report.

Council Member Michael Parsons reported that:

- He attended the Study Session.
- He attended the Chamber Greeters event at Jewett.
- He attended the Rogue Valley Sewer System Board meeting. The Board filled a vacant seat with Jim Lewis of Jacksonville.
- He attended the monthly Jackson County Local Public Policy Coordinating Committee meeting. They had a presentation by Pause First Academy and author of “Mindfulness for Warriors” a program of prevention and harm reduction for First Responders.
- He attended and chaired the RVSS budget committee meeting.

Council Member Rob Hernandez reported that he:

- Attended the Study Session.
- Attended the School District 6 Bond oversight committee meeting.
- He attended the Jackson County Fire District No. 3 Budget Committee meeting. He was appointed as Vice Chair.
- He attended the Community Center meeting with Jackson County.

Council Member Tanea Browning reported that:

- She has done a lot of traveling as LOC President this year and we have the best water. She had traveled for 16 weeks all over the state and our water is the best water in the state.
- She has concluded most of her LOC travels. She attended the LOC Spring Conference in Hermiston, there was a great turnout and a great event.
- She attended the Study Session.
- She attended the Chamber mixer at Jewett.
- She continues to work with the Infrastructure Cabinet for the Governor’s office.

Council Member Kelley Johnson reported that:

- She attended the Study Session.
- She attended the RVCOG Budget meeting. The Board of Directors meeting covered challenges state wide.
- Jackson County has been approved for 48 new full time mental health employees.

Council Member Neil Olsen stated that he attended the Study Session.

## **XII. DEPARTMENT REPORTS**

Planning Director Stephanie Holtey reported that they are preparing for the Planning Commission meeting next week.

Captain Scott Logue reported that:

- There has been some improvements regarding Grand Avenue, we will continue to communicate with the neighbors and the property owner.
- Two people are moving through the interview process.
- Today he did a news interview with Channel 10 regarding the effects of Measure 110 and local police departments. He thinks it will be aired next week.
- Made in Southern Oregon is Saturday May 7<sup>th</sup>.

City Attorney Sydnee Dreyer stated that we will be having an Executive Session tonight under ORS 192.660(2)(h) Legal Counsel.

## **XIII. EXECUTIVE SESSION ORS 192.660(2)(h) Legal Counsel**

City Attorney Sydnee Dreyer stated that no action will be taken after the Executive Session and the regular meeting will adjourn as soon as the Executive Session adjourns.

Tanea Browning moved to adjourn to Executive Session at 9:15 under ORS 192.660(2)(h). Michael Parsons seconded and the meeting was adjourned to Executive Session.

## **XIV. ADJOURNMENT**

No further action was taken and the meeting was adjourned at 9:45 p.m.

The foregoing minutes of the April 28, 2022, Council meeting were approved by the City Council at its meeting of \_\_\_\_\_, 2022.

Dated: \_\_\_\_\_



Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

Minutes Acceptance: Minutes of Apr 28, 2022 7:00 PM (CONSENT AGENDA)



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**STAFF RECOMMENDATION:**

Approve amendment and ordinance.

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**RECOMMENDED MOTION:**

Approve Ordinance No. \_\_\_\_\_, An Ordinance Amending Central Point Municipal Code Chapters 3.25.090, 3.26.080, 11.20.070, and chapter 13.16 Regarding Discounted Utility Fees for Extreme Hardship

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**ATTACHMENTS:**

1. Ordinance Amending Utility Discounts for Extreme Hardship

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CENTRAL POINT MUNICIPAL CODE CHAPTERS 3.25.090, 3.26.080, 11.16.080, 11.20.070, AND CHAPTER 13.16 REGARDING DISCOUNTED UTILITY FEES FOR EXTREME HARDSHIP**

Recitals:

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. Upon review, staff determined that amendments to the City Code are necessary with regard to fee discounts for extreme hardship for consistency between adopted City policy and City Code. In particular, the City desires to offer discounts for the Parks Maintenance Fee, Public Safety Fee, Stormwater or Water Quality Rate Fees, Transportation Utility Fee, and Water Rates to any household in the city with a combined total income which is less than 150% of the HHS Poverty Guidelines in effect each year.
- C. Words ~~lined through~~ are to be deleted and words **in bold** are added.

**THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:**

SECTION 1. Chapter 3.25.090 of the Central Point Municipal Code is amended in part as set forth below.

**3.25.090 Parks maintenance fee discount for extreme hardship.**

**A. Eligible households may apply for a discount of the parks maintenance fee pursuant to that procedure set forth in Section 13.16.030.** ~~Any household in the city with a combined total income falling below the federal poverty level shall be considered eligible to apply for a parks maintenance fee rate discount. Persons applying for a parks maintenance fee rate discount must be the person who receives the monthly water bill and is the head of a household.~~

~~B. Any person desiring to receive the parks maintenance fee rate discount must submit an application to the city on forms to be provided by the city. Subsequent to initial qualifications for utility fee discount, any person must reapply on or before June 15th of each year thereafter. The city manager shall determine whether any applicant meets the qualifications and requirements for discount as set forth in this chapter.~~

**A.** ~~The amount of parks maintenance fee rate discount for eligible persons, provided under this chapter, shall be equal to the percentage water rate discount for extreme hardship, as established in Section 13.16.030.~~

~~D. It is unlawful for any person to make, assist in making or to derive the benefits from any false application for discounts provided under this chapter. In addition to other penalties provided by law, the city shall be entitled to recover from any person or persons receiving the benefit of discounts as a result of any false statement made in any application the amount therefor, including interest at the rate of nine percent per year from the date such discounts were granted.~~

SECTION 2. Chapter 3.26.080 of the Central Point Municipal Code is amended in part as set forth below.

**3.26.080 Public safety fee discount for extreme hardship.**

~~A. Eligible households may apply for a discount of the public safety fee pursuant to that procedure set forth in Section 13.16.030. Any household in the city with a combined total income falling below the federal poverty level shall be considered eligible to apply for a public safety fee rate discount. Persons applying for a public safety fee rate discount must be the person who receives the monthly water bill and is the head of a household.~~

~~B. Any person desiring to receive the public safety fee rate discount must submit an application to the city on forms to be provided by the city. Subsequent to initial qualifications for public safety fee discount, any person must reapply on or before June 15th of each year thereafter. The city manager shall determine whether any applicant meets the qualifications and requirements for discount as set forth in this chapter.~~

~~C. The amount of public safety fee rate discount for eligible persons, provided under this chapter, shall be equal to the percentage water rate discount for extreme hardship, as established in Section [13.16.030](#).~~

~~D. It is unlawful for any person to make, assist in making or to derive the benefits from any false application for discounts provided under this chapter. In addition to other penalties provided by law, the city shall be entitled to recover from any person or persons receiving the benefit of discounts as a result of any false statement made in any application the amount therefor, including interest at the rate of nine percent per year from the date such discounts were granted.~~

SECTION 3. Chapter 11.16.080 of the Central Point Municipal Code is amended in part as set forth below.

**11.16.080 Stormwater or water quality rate discounts for extreme hardship.**

~~A. Eligible households may apply for a discount of the stormwater or water quality fee pursuant to that procedure set forth in Section 13.16.030. Any household in the city with a combined total income falling below the federal poverty level shall be considered eligible to apply for a stormwater or water quality rate discount. Persons~~

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applying for a stormwater or water quality rate discount must be the person who receives the stormwater or water quality bill and the head of a household.

~~B. Any person desiring to receive the stormwater or water quality rate discount must submit an application to the city on forms to be provided by the city. Subsequent to initial qualifications for utility discount, any person must reapply on or before June 15th of each year thereafter. The city manager shall determine whether any applicant meets the qualifications and requirements for discount as set forth in this chapter.~~

~~C. The amount of stormwater or water quality rate discount for eligible persons, provided under this chapter, shall be equal to the percentage water rate discount for extreme hardship, as established in Section [13.16.030](#).~~

~~D. It is unlawful for any person to make, assist in making or to derive the benefits from any false application for discounts provided under this chapter. In addition to other penalties provided by law, the city shall be entitled to recover from any person or persons receiving the benefit of discounts as a result of any false statement made in any application the amount therefor, including interest at the rate of nine percent per year from the date such discounts were granted.~~

SECTION 4. Chapter 11.20.070 of the Central Point Municipal Code is amended in part as set forth below.

**11.20.070 Transportation utility fee discounts for extreme hardship.**

**A. Eligible households may apply for a discount of the transportation utility fee pursuant to that procedure set forth in Section 13.16.030.** Pursuant to Chapter [13.16](#), the annual income for extreme hardship must fall below one hundred fifty percent of the published federal poverty level in order to qualify for this discount.

~~B. Any person desiring to receive the transportation utility fee discount must submit an application to the city on forms to be provided by the city. Subsequent to initial qualifications for utility discount, any person must reapply on or before June 15th of each year thereafter. The city manager shall determine whether any applicant meets the qualifications and requirements for discount as set forth in this chapter.~~

~~C. The amount of transportation utility fee discount for eligible persons, provided under this chapter, shall be equal to the percentage water rate discount for extreme hardship, as established in Section [13.16.030](#).~~

~~D. It is unlawful for any person to make, assist in making or to derive the benefits from any false application for discounts provided under this chapter. In addition to other penalties provided by law, the city shall be entitled to recover from any person or persons receiving the benefit of discounts as a result of any false statement made in any application the amount therefor, including interest at the rate of nine percent per year from the date such discounts were granted.~~

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SECTION 5. Chapter 13.16 of the Central Point Municipal Code is amended in part as set forth below.

**Chapter 13.16**  
**WATER AND UTILITY RATE DISCOUNTS FOR EXTREME HARDSHIP**

**13.16.010 Qualification for discount.**

Any residence being served by city water, **and/or subject to a parks maintenance fee, public safety fee, stormwater or water quality fee, and/or transportation utility fee** and with a combined, total income falling below **150% of the federal poverty guidelines as published by the Department of Health and Human Services** ~~the federal poverty level~~ shall be considered eligible to apply for a ~~water~~ rate discount **to each of the above-described fees**. Persons applying for a water rate discount must be the person who has signed up for the water service, a water customer of the city and the occupant of the residence. **For all other rate discounts, the person applying for the rate discount must be the person who receives the respective bill for which the discount is sought and the occupant of the residence. To qualify for a discount to any of the foregoing fees or water service, the applicant must not owe delinquent payments to the City for any utilities and other assessed fees and charges.**

**13.16.020 Application.**

Any person desiring to receive ~~a the water~~ rate discount must be the occupant of the residence and must submit an application to the city on forms to be provided by the city. Subsequent to initial qualifications for ~~utility rate~~ discount, any person must reapply on or before **April June** fifteenth of each year thereafter. The finance department shall determine whether any applicant meets the qualifications and requirements for **the discounts** as set forth in this chapter.

**13.16.030 Amount of discount.**

The amount of discount for eligible persons, provided under this chapter, shall be fifty percent of the regular rate for water, inclusive of the fixed minimum rate established in Chapter [13.04](#), **and/or fifty percent of the monthly parks maintenance fee, public safety fee, stormwater or water quality fee, and/or transportation utility fee.**

**13.16.040 Unlawful acts--Penalties.**

It is unlawful for any person to make, assist in making or to derive the benefits from any false application for discounts provided under this chapter. In addition to other penalties provided by law, the city shall be entitled to recover from any person or persons receiving the benefit of discounts as a result of any false statement made in any application the amount thereof, including interest at the rate of nine percent per year from the date such discounts were granted.

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SECTION 6. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Recitals A-C) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 7. Effective Date. The Central Point City Charter states that an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

**PASSED** by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

5 – Ordinance No. \_\_\_\_\_; (Council Meeting \_\_\_\_\_, 2022)





## City of Central Point Staff Report to Council

### ISSUE SUMMARY

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<b>TO:</b>	City Council	<b>DEPARTMENT:</b>	Community Development
<b>FROM:</b>	Stephanie Holtey, Planning Director		
<b>MEETING DATE:</b>	May 26, 2022		
<b>SUBJECT:</b>	Planning Commission Report		
<b>ACTION REQUIRED:</b>	Information/Direction	<b>RECOMMENDATION:</b>	Not Applicable

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The Central Point Planning Commission met at their regular meeting on May 3, 2022. There were three (3) items on the agenda including public hearings for a Site Plan and Architectural Review and Class “C” Variance to construct parking lot, access and circulation improvements at Scenic Middle School; and a public hearing and consideration of revised Mobile Food Business code amendments.

#### **SCENIC MIDDLE SCHOOL SITE PLAN & ARCHITECTURAL REVIEW:**

The Planning Commission conducted a duly noticed public hearing and considered a Site Plan and Architectural Review application to construct access, circulation and off-street parking lot improvements at Scenic Middle School. The project is part of a larger plan to address increasing enrollment and known traffic congestion issues in and around the school campus. The proposed improvements include paving the northwest private access drive, adding sidewalks to connect pedestrians from Scenic Avenue to campus, increasing parking spaces from 77 to 122, providing landscaped terminals and islands, and providing separated loading zones for parents and school buses to drop-off and pick-up students.

The Planning Commission received testimony from Staff, the Applicant and opponents. Opposition focused on the bus route located on the south side of the campus. The bus route proposed access off Aurora Lane and egress onto Comet Way. The plan illustrated inadequate landscape planters along Aurora Lane and adjacent to residential property at the terminus of Comet Way. This was addressed by a recommended condition of approval requiring a Class “C” Variance to the landscape standards. Following the public hearing, the Planning Commission unanimously voted to approve the Site Plan and Architectural Review application subject to conditions of approval in the Staff Report dated May 3, 2022.

**APPEAL UPDATE:** A letter was received during the 10-day appeal period. The letter did not meet the Notice of Appeal requirements set forth in CPMC 17.05.550 for the following reasons:

- The Notice of Appeal was not accompanied by the requisite fee;
- The Appeal Notice did not include a statement demonstrating that the individual had standing to appeal;

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- The Appeal Notice did not explain the specific issues being appealed; and
  - The Appeal Notice does not state whether these issues were raised in the record.

Staff consulted with the City Attorney on the matter and made two (2) attempts to notify the individual in writing of the deficiencies and the opportunity to address the appeal requirements prior to close of the appeal period. Since the deficiencies noted above were not addressed, the Planning Commission's decision on this matter became effective on Tuesday, May 17, 2022.

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**SCENIC MIDDLE SCHOOL CLASS "C" VARIANCE:**

The Planning Commission conducted a duly noticed public hearing and considered a Class "C" Variance to the off-street parking/loading and street frontage landscape standards in CPMC 17.75.039(G)(1), including Table 17.75.03 to construct a school bus loading zone on the south side of Scenic Middle School. Due to limited space between existing school facilities (buildings and track/field) the requisite landscape buffers adjacent to the Aurora Lane street frontage and residential property at the terminus of Comet Way could not be met. The variance requested relief from the planter width and the number of plants required. Following the Staff Report, which included a report from the Parks & Public Works Director, the Commissioners heard testimony from the Applicant, the Applicant's Engineer and members of the public who opposed the proposal. Opposition cited negative impacts to the neighborhood and quality of life, concern for student safety, inability for the School District to restrict parents from continuing to drop-off/pick-up students near Aurora Lane and increased traffic once buses are added into the mix. Additionally, one member of the public testified that there are code sections that were contrary to the proposal. Following the public hearing, the Planning Commissioners deliberated and voted 3 to 2 to approve the Class "C" Variance application as conditioned in the Revised Staff Report dated May 3, 2022.

APPEAL UPDATE: No appeals were filed during the 10-day appeal period for the Planning Commission's decision on the Class "C" Variance. The decision became effective on Tuesday, May 17, 2022.

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**MOBILE FOOD BUSINESS CODE REVISIONS:**

Due to the duration of the prior two (2) items and the time nearing 10:00 p.m. City staff briefly introduced the legislative text amendments to add CPMC 5.44 concerning Mobile Food Businesses and corresponding changes in various section of Title 17 for cross reference purposes. The public hearing was opened and continued until the Planning Commission's regular meeting on June 7<sup>th</sup>, 2022 at 6:00 p.m. in the City Council Chambers located at 140 South 3<sup>rd</sup> Street in Central Point.

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## City of Central Point Staff Report to Council

### ISSUE SUMMARY

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<b>TO:</b>	City Council	<b>DEPARTMENT:</b>	City Manager
<b>FROM:</b>	Chris Clayton, City Manager		
<b>MEETING DATE:</b>	May 26, 2022		
<b>SUBJECT:</b>	A Discussion/Briefing on how to Respond to Measure 109		
<b>ACTION REQUIRED:</b>	Information/Direction	<b>RECOMMENDATION:</b>	None Forwarded

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#### BACKGROUND INFORMATION:

Oregon Measure 109, the Psilocybin Program Initiative, was on the [ballot](#) in Oregon on [November 3, 2020](#). It was approved by 56% of voters. The program doesn't become operational until January 1, 2023. Psilocybin mushrooms are wild or cultivated mushrooms that contain [psilocybin](#), a naturally-occurring [psychoactive](#) and hallucinogenic compound. Psilocybin is considered one of the most well-known psychedelics, according to the Substance Abuse and Mental Health Services Administrations (SAMHSA). Psilocybin is classified as a Federal Schedule I drug, meaning that it has a high potential for misuse and has no currently accepted medical use for treatment in the United States.

#### LEGAL ANALYSIS:

Measure 109 allows cities and counties to place referendums on local ballots to prohibit or allow psilocybin-product manufacturers or psilocybin service centers within their jurisdictions. Therefore, Cities and counties are allowed to "opt-out" of allowing psilocybin licensees within their borders entirely. This must be done via a local initiative petition during a statewide general election. The next one of those is November 8, 2022. The deadline for filing a ballot measure for this election is August 9, 2022.

In the alternative, any city or county that chooses to allow the facilities will have some flexibility in regulating licensed psilocybin businesses. Specifically, all cities and counties are allowed to adopt local "time, place and manner" (TPM) regulations. Those regulations control things like where a psilocybin business can be located (i.e., which zones in a city or county, pursuant to a land use compatibility statement); and whether certain hours of operation are prohibited.

There are three types of facilities referenced in the new law, manufacturing, use (service centers), and testing. The first, manufacturing, is probably a light manufacturing use but could be agricultural for growing mushrooms. The second, service centers, are not allowed in residential areas, so it is likely considered a health/medical use, but could be retail also. Testing is definitely a type of lab and might be commercial or light industrial (depending on the

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explosiveness of the test chemicals. Might be heavy industrial too).

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### **COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:**

#### 2040 Strategic Plan

Strategic Priority – Responsible Governance.

GOAL 2 - Invite Public Trust.

STRATEGY 1 – Be a trusted source of factual information.

GOAL 5 - Continue to develop and foster the city’s community policing program.

STRATEGY 1 – Build relationships with the community through interactions with local agencies, stakeholders, and members of the public, creating partnerships and programs for reducing crime and disorder.

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### **STAFF RECOMMENDATION:**

Staff is recommending City Council exercise its authority to allow the citizens of Central Point to “opt-out” of allowing businesses permitted under Measure 109 via local initiative petition at the November 8, 2022, general election.

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### **RECOMMENDED MOTION:**

I move to direct city staff to prepare a local initiative petition during the next statewide general election allowing the citizen of Central Point to “opt out” of allowing businesses permitted under Measure 109.

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### **ATTACHMENTS:**

1. Measure 109 Memo\_RJM 5.19.22
2. Exhibit A Measure 109

**JARVIS,  
DREYER,  
GLATTE,  
LARSEN &  
BUNICK, LLP**

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May 19, 2022

**ELECTRONIC MAIL**

Chris Clayton  
City Manager, City of Central Point  
140 South Third Street  
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[Chris.Clayton@centralpointoregon.gov](mailto:Chris.Clayton@centralpointoregon.gov)

**RE: BALLOT MEASURE 109**

Dear Chris:

Attached please find a brief discussion of Ballot Measure 109 as well as the City's options regarding restricting psilocybin facilities or prohibiting them through a voter approved ordinance. The purpose of this memo is to provide background to discuss whether the City will put an initiative on the ballot in the upcoming statewide election to prohibit psilocybin facilities within the City limits.

**Ballot Measure 109**

In November 2020, Oregon voters approved Ballot Measure 109, which directed the Oregon Health Authority ("OHA") to license and regulate the manufacturing, transportation, delivery, sale and purchase of psilocybin products and the provision of psilocybin services. Accordingly, OHA has created the Oregon Psilocybin Services Section to implement Ballot Measure 109. Additionally, the Oregon Psilocybin Advisory Board will advise the OHA on matters related to Ballot Measure 109 implementation.

Currently, the Oregon Psilocybin Services Section is in its two-year development period, which will end no later than December 31, 2022, to develop the regulatory framework to implement Ballot Measure 109. OHA will begin accepting applications for licensure on January 2, 2023, the day after the program becomes operational.

Although Ballot Measure 109 authorized the use of psilocybin within the State, the U.S. Drug Enforcement Administration ("DEA") lists psilocybin as a Schedule I drug, meaning there is no federally accepted medical use and that the substance has a high potential for abuse. Nonetheless, Ballot Measure 109 recognized that studies conducted by recognized medical institutions indicate that psilocybin has shown efficacy, tolerability, and safety in the treatment of a variety of mental health conditions.

Ballot Measure 109 also lists as a stated purpose, to prevent the distribution of psilocybin products to persons who are not permitted users under the rules that

Attachment: Measure 109 Memo\_RJM\_5.19.22 (1540 : A Discussion/Briefing on how to Respond to Measure 109)

Chris Clayton  
 May 19, 2022  
 Page 2

will be promulgated by OHA and to prevent the diversion of psilocybin products to other states. The general guidelines for permitted use of psilocybin are that use by person under 21 years of age is prohibited, and where use is permitted, psilocybin products must be purchased and consumed at a psilocybin service center and under the supervision of a psilocybin service facilitator after undergoing a preparation session.

Oregon Health Authority (OHA) regulations will determine who is eligible to be licensed as a facilitator, what qualifications, education, training, and exams are required, and create a code of professional conduct for facilitators. OHA will also set psilocybin dosage standards and labeling and packaging rules.

### **City Options Regarding Psilocybin Service Centers**

Ballot Measure 109 allows cities and counties to place referendums on local ballots to prohibit or allow psilocybin-product manufacturers or psilocybin service centers within their jurisdictions. Therefore, the City could prohibit psilocybin licensees from operating within City limits. However, this must be done via a local initiative petition during a statewide general election, which is November 8, 2022. The deadline for filing a ballot measure for this election is August 9, 2022.

In the alternative, the City could allow licensed psilocybin businesses to operate within the City but place certain “time, place and manner” restrictions on said operations. Such restrictions would regulate the location and hours of operation of psilocybin facilities.

Lastly, the City could take no action and allow psilocybin facilities to operate within City limits provided the facility is permitted under the City’s zoning ordinance.

Very Truly Yours,

JARVIS, DREYER, GLATTE, LARSEN &  
 BUNICK, LLP

s/ Riley J. MacGraw  
 RILEY J. MACGRAW

RJM:amb

## City Relevant Provisions of Measure 109

### **SECTION 128. Adoption of ordinances; referral to electors for approval.**

(1) The governing body of a city or county may adopt ordinances to be referred to the electors of the city or county as described in subsection (2) of this section that prohibit or allow the establishment of any one or more of the following in the area subject to the jurisdiction of the city or in the unincorporated area subject to the jurisdiction of the county:

(a) Psilocybin product manufacturers that hold a license issued under section 23 of this 2020 Act;

(b) Psilocybin service center operators that hold a license issued under section 26 of this 2020 Act; or

(c) Any combination of the entities described in this subsection.

(2) If the governing body of a city or county adopts an ordinance under this section, the governing body shall submit the measure of the ordinance to the electors of the city or county for approval at the next statewide general election.

(3) If the governing body of a city or county adopts an ordinance under this section, the governing body must provide the text of the ordinance to the Oregon Health Authority.

(4) Upon receiving notice of a prohibition under subsection (3) of this section, the authority shall discontinue licensing those premises to which the prohibition applies until the date of the next statewide general election.

(5) If an allowance is approved at the next statewide general election under subsection (2) of this section, the authority shall begin licensing the premises to which the allowance applies on the

first business day of the January immediately following the date of the next statewide general election.

(6) Notwithstanding any other provisions of law, a city or county that adopts an ordinance under this section that prohibits the establishment of an entity described in subsection (1) of this section may not impose a tax or fee on the manufacturing or sale of psilocybin products.

### **SECTION 19. Duty to request land use compatibility statement.**

(1) Prior to receiving a license under section 23 or 26 of this 2020 Act, an applicant shall request a land use compatibility statement from the city or county that authorizes the land use. The land use compatibility statement must demonstrate that the requested license is for a land use that is allowable as a permitted or conditional use within the given zoning designation where



the land is located. The Oregon Health Authority may not issue a license if the land use compatibility statement shows that the proposed land use is prohibited in the applicable zone.

(2) Except as provided in subsection (3) of this section, a city or county that receives a request for a land use compatibility statement under this section must act on that request within 21 days of:

(a) Receipt of the request, if the land use is allowable as an outright permitted use; or

(b) Final local permit approval, if the land use is allowable as a conditional use.

(3) A city or county that receives a request for a land use compatibility statement under this section is not required to act on that request during the period that the authority discontinues licensing those premises pursuant to section 128(4) of this 2020 Act.

(4) A city or county action concerning a land use compatibility statement under this section is not a land use decision for purposes of ORS chapter 195, 196, 197, 215 or 227.

**SECTION 81. Local time, place and manner regulations.**

(1) For purposes of this section, “reasonable regulations” includes:

(a) Reasonable conditions on the manner in which a psilocybin product manufacturer that holds a license issued under section 23 of this 2020 Act may manufacture psilocybin products;

(b) Reasonable conditions on the manner in which a psilocybin service center operator that holds a license issued under section 26 of this 2020 Act may provide psilocybin services;

(c) Reasonable limitations on the hours during which a premises for which a license has been issued under sections 3 to 129 of this 2020 Act may operate;

(d) Reasonable requirements related to the public’s access to a premises for which a license has been issued under sections 3 to 129 of this 2020 Act; and

(e) Reasonable limitations on where a premises for which a license may be issued under sections 3 to 129 of this 2020 Act may be located.

(2) Notwithstanding ORS 30.935, 215.253 (1) or 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of businesses located at premises for which a license has been issued under sections 3 to 129 of this 2020 Act if the premises are located in the area subject to the jurisdiction of the city or county, except that the governing body of a city or county may not adopt an ordinance that prohibits a premises for which a license has been issued under section 26 of this 2020 Act from being located within a distance that is greater than 1,000 feet of another premises for which a license has been issued under section 26 of this 2020 Act.



**SECTION 82. Local tax or fee; referral to electors for approval.**

(1)(a) The authority to impose a tax or fee on the manufacturing or sale of psilocybin products in this state, or on the provision of psilocybin services in this state, is vested solely in the Legislative Assembly.

(b) A county, city or other municipal corporation or district may not adopt or enact ordinances imposing a tax or fee on the manufacturing or sale of psilocybin products in this state or on the provision of psilocybin services in this state.

**SECTION 83. Repeal of city, county ordinance that prohibits certain establishments.**

(1) The governing body of a city or county may repeal an ordinance that prohibits the establishment of any one or more of the following in the area subject to the jurisdiction of the city or in the unincorporated area subject to the jurisdiction of the county:

(a) Psilocybin product manufacturers that hold a license issued under section 23 of this 2020 Act;

(b) Psilocybin service center operators that hold a license issued under section 26 of this 2020 Act; or

(c) Any combination of the entities described in this subsection.

(2) If the governing body of a city or county repeals an ordinance under this section, the governing body must provide the text of the ordinance to the Oregon Health Authority, in a form and manner prescribed by the authority, if the ordinance concerns a premises for which a license has been issued under sections 3 to 129 of this 2020 Act.



## **City of Central Point** **Staff Report to Council**

### **ISSUE SUMMARY**

<b>TO:</b>	City Council	<b>DEPARTMENT:</b>	City Manager
<b>FROM:</b>	Chris Clayton, City Manager		
<b>MEETING DATE:</b>	May 26, 2022		
<b>SUBJECT:</b>	Community Center Partnership Update		
<b>ACTION REQUIRED:</b>	Information/Direction	<b>RECOMMENDATION:</b>	Not Applicable

#### **BACKGROUND INFORMATION:**

In late 2021, the City of Central Point and Jackson County entered into a partnership to conceptually evaluate the possibility of a "joint" community center (City) and evacuation center (Jackson County) to be located near the Jackson County Expo.

Although Central Point had previously conducted conceptual design work on a centrally located community center (near Central Point Elementary), the possibility of a larger facility—including increased recreational opportunities—and the economies of scale that could be leveraged from a partnership with the Jackson County, made the partnership concept well worth evaluating from the City's perspective.

In the months since deciding to explore the partnership concept, staff from the City, Jackson County, and Expo have worked with Ogden, Roemer, and Wilkerson (ORW) Architecture on developing a concept that would meet the needs of all involved agencies. This process has transitioned from developing a concept based on stakeholder "wants" to stakeholder "needs." Largely driven by construction costs that have been recently exposed to hyperinflation (both domestically and globally), the stakeholders have been forced to create a concept within reasonable financial parameters while still attempting to meet the needs of our citizens and business models.

The conceptual design has evolved from a 140,000-square-foot facility to less than 100,000 square feet to eliminate unrealistic project costs. However, the proposed facility maintains six full-size basketball courts, the minimum for hosting regional tournaments. Moreover, the facility would include recreational classroom space, outdoor recreation opportunities, and office space for our Parks & Recreation Staff. On the Jackson County side, design features include a larger commercial kitchen for feeding evacuees during an emergency, shower facilities, and the previously mentioned gymnasium space, used as an emergency shelter during emergencies/disasters.

In addition to the above, the Jackson County Expo is exploring the potential for hosting some of its indoor "shows" (i.e., RV shows, Home and Garden shows, etc.) on certain weekends throughout the year.

Given the advanced stage of the conceptual design, City Staff thought it would be timely to provide the City Council/Public with an update and seek direction on proceeding with Phase 2, including developing a facility use agreement with Jackson County and outlining project cost responsibilities.

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### **FINANCIAL ANALYSIS:**

The project architect is working on new construction cost estimates for the most recent version of our conceptual design. If available, we will review those cost projections with City Council.

Understanding the above, the City has been preparing for a community center in the 9-12 million dollar range. The total cost of the City's responsibility for a community center will be shared between our Urban Renewal Agency and General City; however, we are not recommending a project beyond our previously established cost range.

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### **LEGAL ANALYSIS:**

Legally, the "joint" community center will require an evaluation, and likely update, of the Jackson County/Expo facilities master plan. Additionally, Jackson County will be required to agree to a Central Point Urban Renewal boundary amendment that would allow Urban Renewal agency funds to be spent on this project.

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### **COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:**

#### City of Central Point 2040 Strategic Plan

#### Strategic Priorities – Community Investment

Public and private investments in Central Point include physical (i.e., new buildings, streets, waterlines, businesses, parks, etc.); social (e.g., programs and services that support people: families, youth, retirees, etc.); and economic (i.e., programs and facilities that foster new growth and development necessary to fuel the local economy and provide jobs for residents).

GOAL 2 - Be a city filled with happy, healthy people who are thriving.

GOAL 3 - Provide opportunities for youth education, recreation, and support. (Kids are the future. Happy, well-adjusted kids are the canary in the coal mine for true community/family wellbeing).

GOAL 4 - Manage growth to provide places that are timeless and loved by the

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community.

GOAL 5 - Plan, design, and construct modern and efficient infrastructure in all areas and systems.

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**STAFF RECOMMENDATION:**

The staff is recommending the City Council review and discuss current project information. Additionally, City Staff will be seeking direction on whether to pursue phase 2 aspects of the "joint" community center project.

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**RECOMMENDED MOTION:**

No motion is necessary at this time.

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**ATTACHMENTS:**

1. communityctr\_2022

# Community Center Discussion 2022

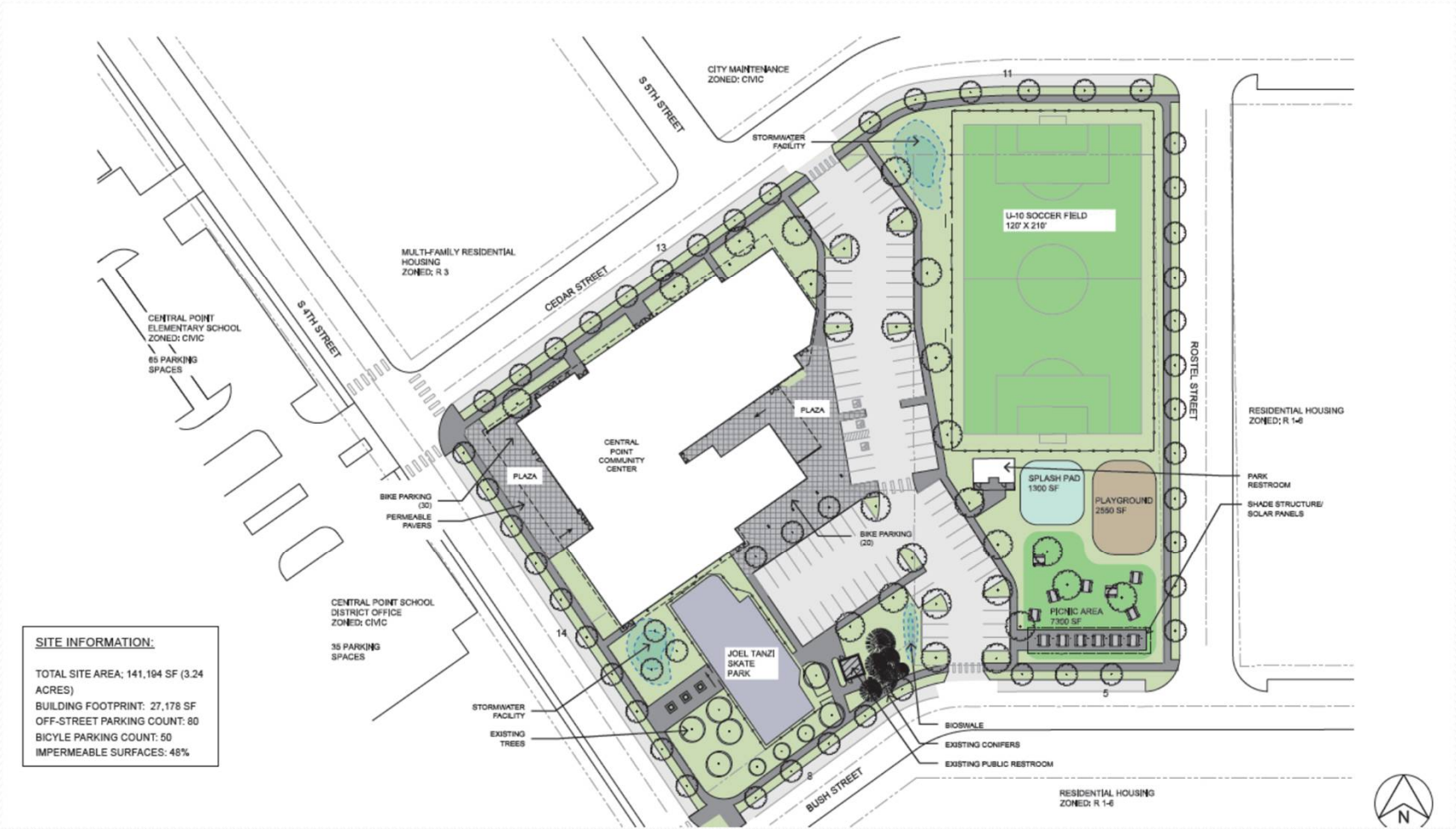
- How we got here?
- Expo Site and Options.
- Next Steps.



# 2017 Version – near 19 million



# 2019 Version – 12 million



**SITE INFORMATION:**

- TOTAL SITE AREA: 141,194 SF (3.24 ACRES)
- BUILDING FOOTPRINT: 27,178 SF
- OFF-STREET PARKING COUNT: 80
- BICYCLE PARKING COUNT: 50
- IMPERMEABLE SURFACES: 48%

Attachment: communityctr\_2022 (1541 : Community Center Partnership Update)



# 2019 Version – 12 million



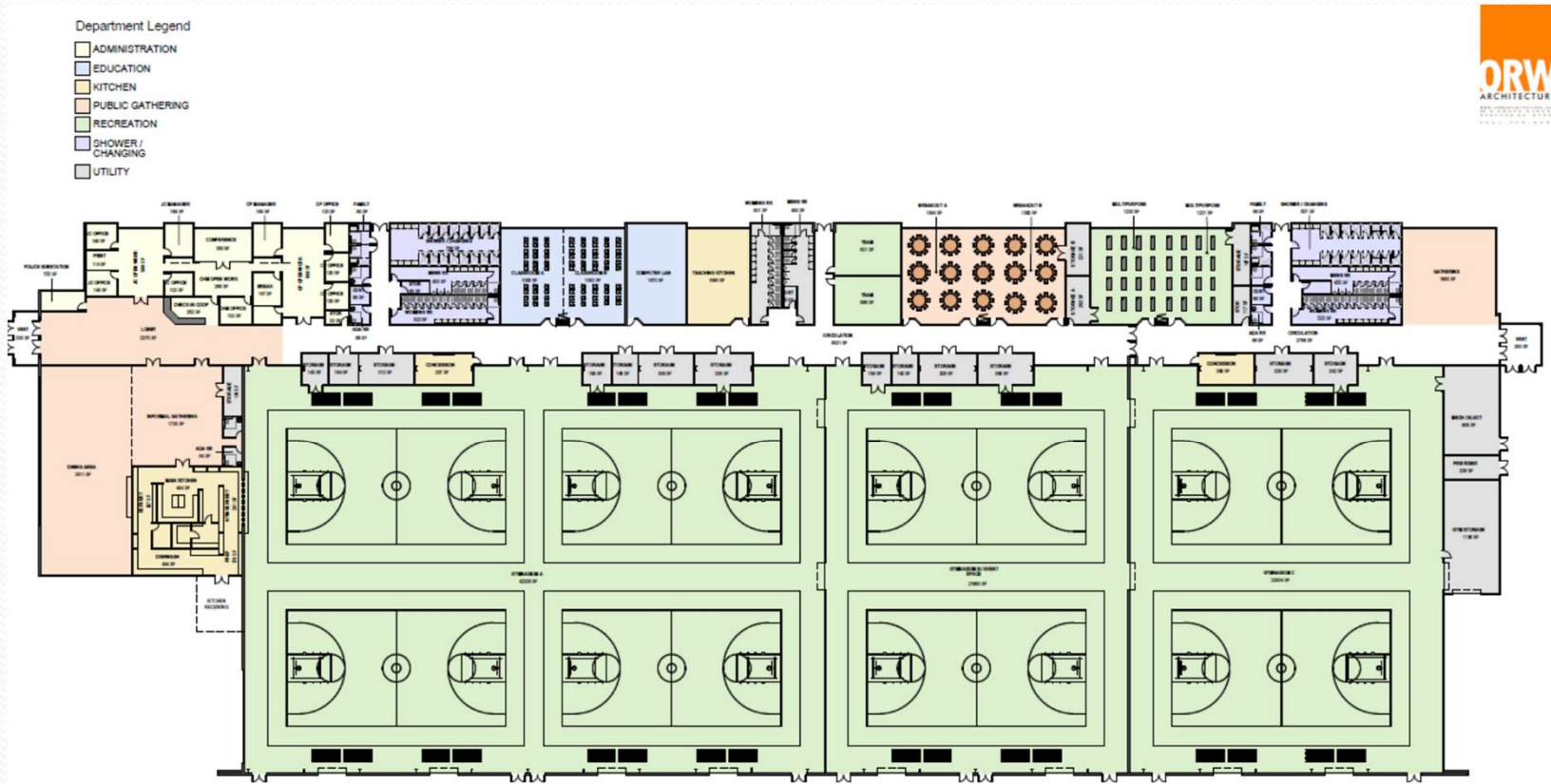
Attachment: communityctr\_2022 (1541 : Community Center Partnership Update)



# Jackson County Partnership

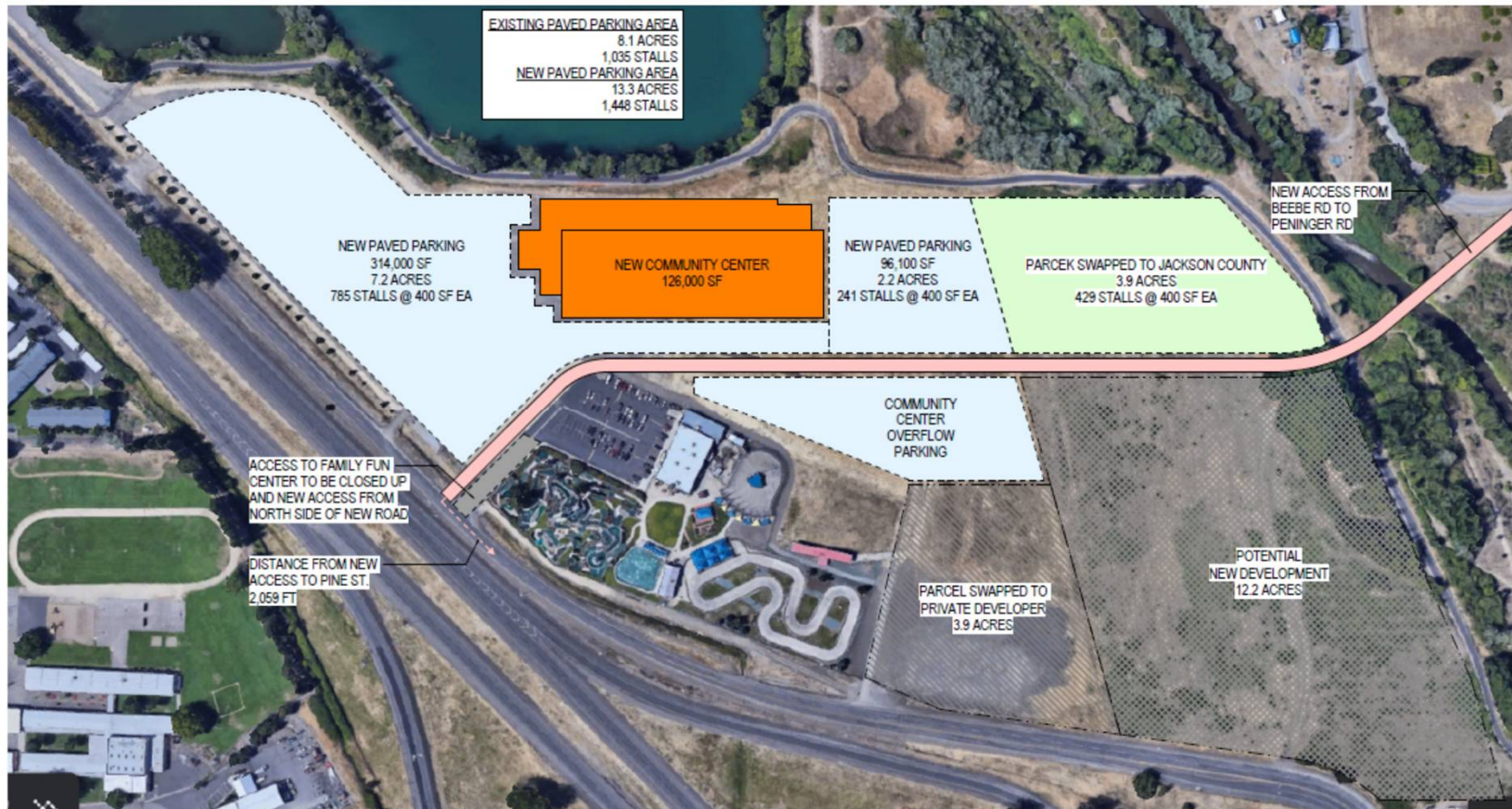
- Need for Emergency Center.
- Similar Uses.
- Partnership for long term maintenance and operations.
- ARPA Funding .

# Option 1





# Option 1

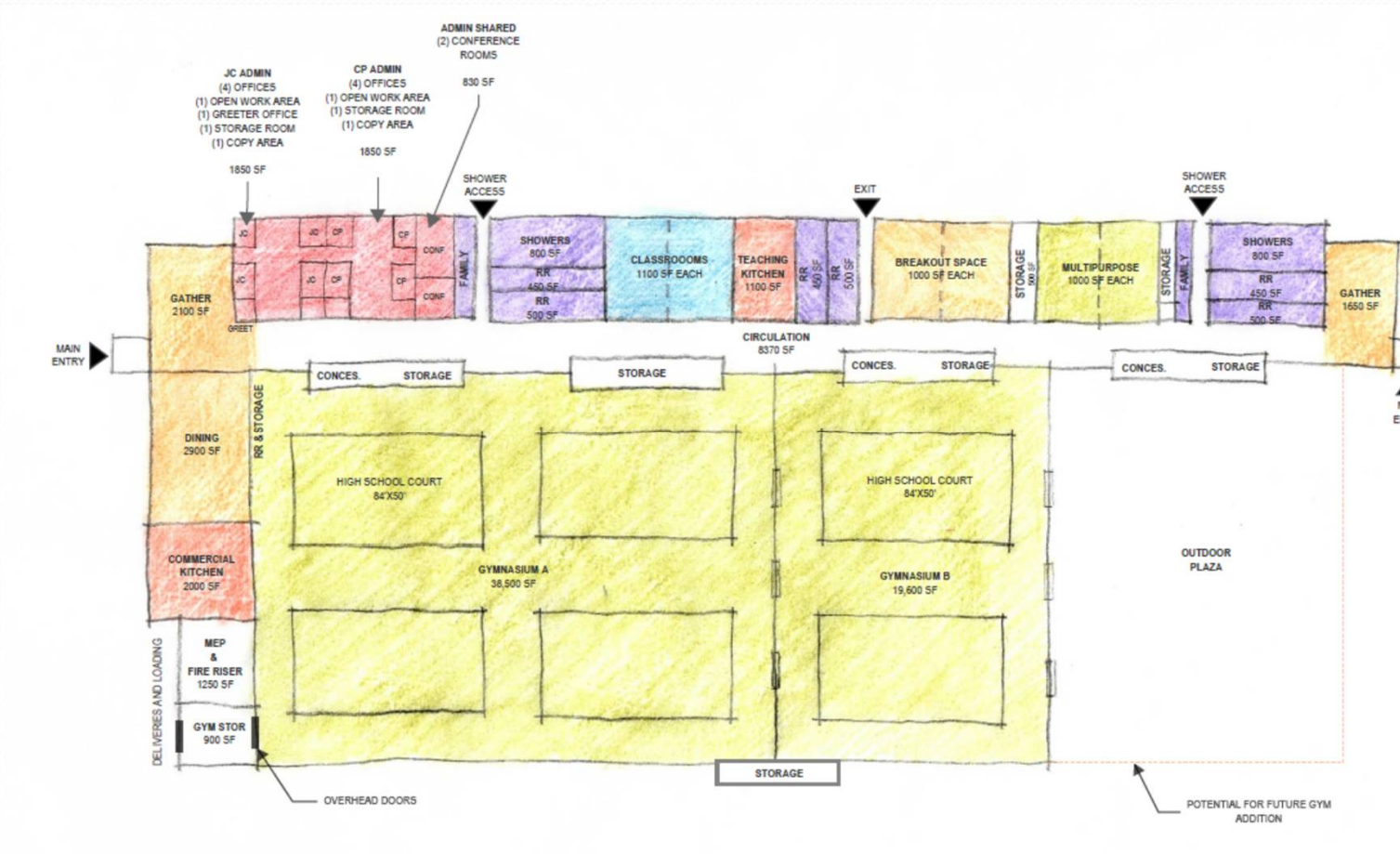




# Option 1

- 8 courts.
- Large Dining/Seating Area.
- Multiple Offices including Chamber.
- Multiple Classrooms.
- Large Shower/Restroom Facilities.
- Costs prohibitive (\$350 per square foot plus site work).

# Option 2



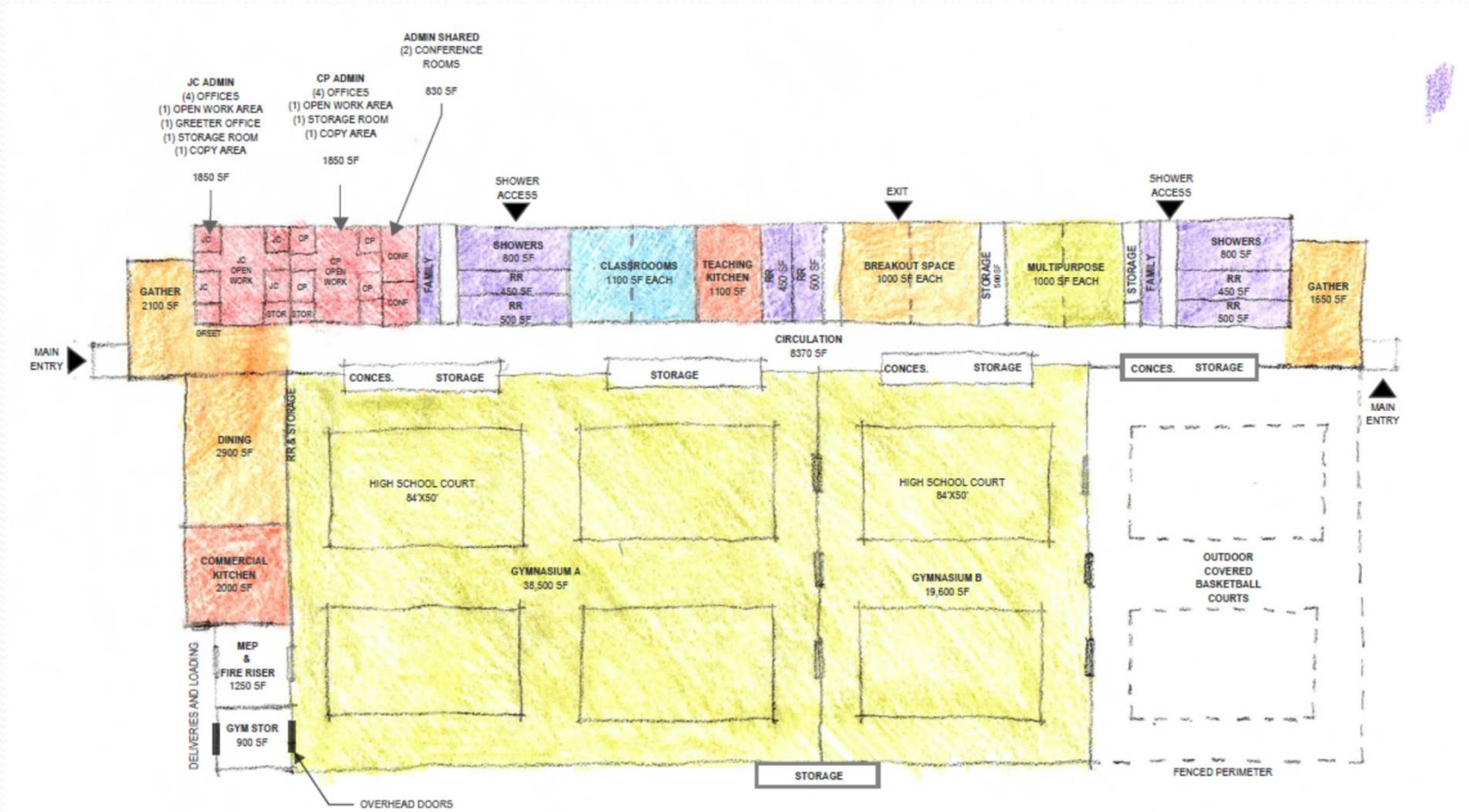
Attachment: communityctr\_2022 (1541 : Community Center Partnership Update)



# Option 2

- 6 Full Sized Courts
- Covered Outdoor area where courts 7/8 were previously.
- Smaller Dining/Seating Area.
- Chamber offices removed.
- Classrooms consolidated.
- Costs reduced 25% from option #1.

# Option 3





# Option 3

- Similar to option 2, except that the 7<sup>th</sup> and 8<sup>th</sup> gyms are completely open air.
- Cost Reduced 25% from option #2.



# Next Steps

- Review formal drawings and cost estimates to City Council and Jackson County Board of Commissioners.
- Review uses that are specific for each entity.
- Review each entity's financial obligation.
- Vote to proceed with Partnership to develop formal plans.
- Series of Land Use Issues to resolve.
  - Expo Master Plan.

Review Final Plans and Finances before letting.