

**Central Point
City Hall
541-664-3321**

City Council

Mayor
Hank Williams

Ward I
Bruce Dingler

Ward II
Michael Quilty

Ward III
Brandon Thueson

Ward IV
Tanea Browning

At Large
Rob Hernandez
Allen Broderick

Administration
Chris Clayton, City
Manager
Deanna Casey, City
Recorder

**Community
Development**
Tom Humphrey,
Director

Finance
Steven Weber,
Director

Human Resources
Elizabeth Simas,
Director

**Parks and Public
Works**
Matt Samitore,
Director

Police
Kris Allison Chief

**CITY OF CENTRAL POINT
City Council Meeting Agenda
December 14, 2017**

Next Res. 1521
Next Ord. 2041

I. REGULAR MEETING CALLED TO ORDER – 7:00 P.M.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC APPEARANCES – *Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization.*

V. CONSENT AGENDA

- | | |
|------------|--|
| Page 2 - 8 | A. Approval of November 9, 2017 City Council Minutes |
| 9 - 10 | B. Approval of Reappointments to City Committees and Commissions |
| 11 | C. Letter of Support for Rogue Disposal & Recycling, Inc. regarding Commingled Materials |

VI. ITEMS REMOVED FROM CONSENT AGENDA

VII. PUBLIC HEARING, ORDINANCES, AND RESOLUTIONS

- | | |
|---------|--|
| 13 - 21 | A. Ordinance No. 2041, An Ordinance Amending Central Point Municipal Code Chapter 17.05.300(C) and 17.05.400(C) to Increase the Public Notification Requirements for Type II Land Use Applications (Humphrey/Dreyer) |
| 23 - 26 | B. First Reading – An Ordinance Amending the Central Point Municipal Code Section 17.05.600(H) Regarding City Council Review Provisions (Humphrey/Dreyer) |
| 28 - 30 | C. Resolution No. _____, A Resolution Revising the Classification Pay Plan (Simas/Clayton) |
| 32 - 35 | D. Resolution No. _____, A Resolution Authorizing the City Manager to Sign an IGA with Jackson County for |

Distribution of Civil Forfeiture Assets in Jackson County
Case No. 17CV33924 (Clayton)

VIII. BUSINESS

- 37 - 38 A. Planning Commission Report (Humphrey)
- 40 B. Water Account policy for Foreclosed Properties (Weber)
- 42 C. Parks Commission Report (Samitore)

IX. MAYOR'S REPORT

X. CITY MANAGER'S REPORT

XI. COUNCIL REPORTS

XII. DEPARTMENT REPORTS

XIII. EXECUTIVE SESSION - ORS 192.660(2)(i) – City Manager Evaluation

The City Council will adjourn to executive session under the provisions of ORS 192.660 (2)(i) for the City Manager Evaluation. Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

XIV. 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 at: 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

Consent Agenda

**CITY OF CENTRAL POINT
City Council Meeting Minutes
November 9, 2017**

I. REGULAR MEETING CALLED TO ORDER

Mayor Williams called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

- III. ROLL CALL:** Mayor Hank Williams
Council Members: Bruce Dingler, Allen Broderick, Tanea Browning, Rob Hernandez and Mike Quilty were present. Brandon Thueson was excused.

City Manager Chris Clayton; City Attorney Sydnee Dreyer; Police Chief Kris Allison; Community Development Director Tom Humphrey; Parks and Public Works Director Matt Samitore; Finance Director Steve Weber; IT Director Jason Richmond and Finance Clerk Tammy Ball were also present

IV. PUBLIC APPEARANCES - None

V. CONSENT AGENDA

A. Approval of October 26, 2017 City Council Minutes

Mike Quilty moved to approve the Consent Agenda as presented. Rob Hernandez seconded. Roll call: Allen Broderick, yes; Bruce Dingler, yes; Rob Hernandez, yes; Mike Quilty, yes; Tanea Browning, yes; Mayor Williams, yes
Motion approved

VI. ITEMS REMOVED FROM CONSENT AGENDA – None.

VII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

A. Resolution No. 1519, Declaring Certain Real Property on Upton Road Surplus and Authorizing the Sale of Such Property.

Parks and Public Works Director Matt Samitore spoke regarding the sale of the Upton Road property. This property hasn't been assessed recently. The market value is \$62,500, which is well under its actual value. Staff is suggesting we get have an appraisal done before any further steps are taken. He is asking authority to start the appraisal process. The City Attorney is looking into placing a condition on the property that it cannot be used to grow marijuana. This is considered high value farm land.

Council Member Alan Broderick stated that we cannot keep a deed restriction banning the use of marijuana. City Attorney Sydnee Dryer stated the deed could be challenged if we attach that restriction. We will have to look into getting homestead approval. The property is 42.5 acres and Harry and David Corporation owns property to the south. There is no chance of bringing the

property into city within next 50 years. If it goes through the appraisal process and is worth less than \$100,000 it is probably in the best interest of the City to keep it. Council is in agreement to proceed forward with step one.

Mike Quilty moved to approve Resolution 15-18 a resolution declaring certain real property on Upton Road surplus and authorizing the sale of such property. Rob Hernandez seconded. Roll call: Bruce Dingler, yes; Rob Hernandez, yes; Mike Quilty, yes; Tanea Browning, yes; Mayor Williams, yes; Allen Broderick, yes. Motion approved.

B. Public Hearing, First Reading – An Ordinance Amending the Central Point Municipal Code Section 17.05.600(H) Regarding City Council Review Provisions.

Address call up procedures brought to staffs attention several months ago regarding public hearing process in the Twin Creeks area and Council's ability call up items that Planning Commission has made a decision on. Planning Commission raised questions that need to be addressed with city attorney. The Planning Commission would like to continue a public hearing on this item until meeting in December. There are some questions regarding items being reviewed by the Council without any additional evidence. The Planning Commission is wondering if Council would remand it back to Planning Commission to fix or override the Planning Commission decision. They would like to bring this back after discussing with City Attorney Sydnee Dreyer. Mrs. Dreyer advised this could be continued at a later time.

Rob Hernandez made a motion to table the public hearing first reading an ordinance amending Central Point Municipal Code Section 17.05.600H regarding city council review provisions to the next available Council Meeting. Tanea Browning seconded. Roll call: Rob Hernandez, yes; Mike Quilty, yes; Tanea Browning, yes; Mayor Williams, yes; Allen Broderick, yes; Bruce Dingler, yes. Proposed ordinance is tabled until the next meeting.

C. Public Hearing, First Reading – An Ordinance Amending CPMC Chapter 17.05.300(C) and 17.05.400(C) to Increase the Public Notification Requirements for Type II Land Use Applications

The consensus of council and commission in a study session is we should change distance for notification from 100 feet (which is consistent with the state) to 250 feet (which is more consistent with communities in the valley) and more in keeping with interest of the citizens. Change to 250 feet for Type 2 and 3 applications. Notification process also occurs after the fact. Notification is to also go after each type 2 or 3 application, decision of Planning Commission. Everyone is to be mailed a notice of decision of Planning Commission. Change the title to reflect noticing of application and noticing of decision. Post notice on property will become part of the process. Commission feels we don't need to institutionalize sign format. The Planning Commission unanimously approved the change of the title.

Allen Broderick moved to second reading an ordinance amending CPMC Chapter 17.05.300(c) and 17.05.400(c), to increase the public notification requirement for Type II & Type III Land Use applications and make necessary clerical changes to the title and reference to the 250 feet. Mike Quilty seconded. Roll call: Mike Quilty, yes; Tanea Browning, yes; Mayor Williams, yes; Allen Broderick, yes; Bruce Dinger, yes; Rob Hernandez, yes. Ordinance moved to second reading.

D. Resolution No. 1520, to Contribute Funds to the St. Vincent DePaul Social Services Program, to Provide Assistance to Central Point Residents being served Rental Eviction or Utility Shut off Notices.

Finance Director Steve Weber explained a resolution to contribute funds to St Vincent de Paul for non-utility assistance. Their housing programs have contributed \$116,000 to Central Point residents. Rich Hansen from St Vincent de Paul spoke about the housing program. The program is all volunteer, there are no salaries or benefits paid. All funds raised or donated go to help the people who need it. They provide dining, food pantry, urban rest stop (laundry and shower facility), social services (utility, rent, find apartment). Any money received from Central Point will only be used for Central Point residents.

Mr. Hansen stated that applicant must have job and have a poverty level income. Rental assistance must not exceed 40% of income. In some situations they can help pay security deposit. Seventy-five percent of people helped are still in apartments. The program is modeled after the State HUD program.

Staff feels partnership with St. Vincent de Paul would be a great opportunity to expand the outreach of assistance to Central Point residents. The resolution would call for an annual \$18,000 contribution to come from the city enhancement fund of the general fund. There isn't a request to increase each year. The amount is already budgeted and just needs to be designated to this fund.

Bruce Dinger moved to approve Resolution No. 1520, to Contribute Funds to the St. Vincent DePaul Social Services Program, to Provide Assistance to Central Point Residents being served Rental Eviction or Utility Shut off Notices. Tanea Browning seconded. Roll call: Mike Quilty, yes; Tanea Browning, yes; Mayor Williams, yes; Allen Broderick, yes; Bruce Dinger, yes; Rob Hernandez, yes. Resolution approved.

VIII. BUSINESS

A. Review of Rogue Disposal & Recycling's Annual Consumer Price Index Based on Rate Adjustment

City Manager Chris Clayton spoke of Rogue Disposal price index, and rate analysis that will go into effect January 1, 2018. He met with representatives from the Meadows who are concerned about the increase in rates. There are 260 units in the meadows. In the past, Rogue Disposal has allowed them to only pay for cans picked up, usually 220. Rogue Disposal is requesting all cans be paid for, rather than the cans picked up. All utilities are charged as one contract, then

the Meadows charges the utilities out to their residents. The Meadows can only increase residence utilities by 5% a year. Mr. Clayton is asking for council to approve a motion accepting Rogue Disposal & Recycling's Annual Consumer Price Index Based on Rate Adjustment of 1.9%.

Mike Quilty moved to accept Rogue Disposal & Recycling's Annual Consumer Price Index Based on Rate Adjustment of 1.9%. Rob Hernandez seconded. Roll call: Tanea Browning, yes; Mayor Williams, yes; Allen Broderick, yes; Bruce Dingler, yes; Rob Hernandez, yes; Mike Quilty, yes. Rate increase approved.

B. Planning Commission Report

Community Development Director Tom Humphrey stated conceptual plan work is being done for CP5 & 6. The land use element, Planning Manager Don Burt is working on will be going to Planning Commission in December for a first look, and returning in January for conclusion.

C. Acceptance of Grant from Oregon Department of Transportation to Improve Bicycle Lane Improvements

Mr. Matt Samitore spoke regarding a grant received for bicycle lane improvements. Grant was five years in the making. There will be no improvements on People's Bank side of Pine Street, this is to increase pedestrian safety from 7th to the I-5 off ramp.

This Grant was approved due to number of accidents in that area. The goal is to improve sidewalks, ADA compliance, and a green bicycle lane. We would enter contract with DKS to get additional designs. Staff will bring back options to approve safety. State is asking for a transfer of money. They get 3% of the money back and we get the money unencumbered. If we accept the grant our risk is approximately \$10,000 if we don't use grant, we would still have to pay the money for engineering. Council Member Broderick stated that we need to get bikes into alleyways. We could add onto the plan and expand on it with City funds.

Rob Hernandez moved to approve Acceptance of Grant from Oregon Department of Transportation to Improve Bicycle lane from 7th to the freeway. Mike Quilty seconded. Roll call: Mayor Williams, yes; Allen Broderick, yes; Bruce Dingler, yes; Rob Hernandez, yes; Mike Quilty, yes, Tanea Browning, yes.

D. Street Closure for Community Christmas

Matt Samitore discussed street closure for Community Christmas, from Central Point Elementary to 4th Street to Pine Street. Parade route will go back to Pine Street after improvements are complete. Construction makes it impossible to have the full parade route on Pine Street at this time. Councilwoman Browning asked if we will have a schedule for future events during the construction. Will the 4th of July Parade be affected? Mr. Samitore stated that the sub-contractor for

concrete is not ready, and this will slow things down a little bit. Signal loops at Pine and Front were ground through today. Lights right now are on a timer instead of the loop. All stated "aye"

IX. MAYOR'S REPORT

Mayor Williams reported that:

- He attended the Medford Water Commission meeting.
- He attended the Holly Theatre tour.
- It is time to evaluate City Manager. Human Recourse Director Elizabeth Simus will send out information and he will summarize responses for the December 14, 2017 Council meeting.

X. CITY MANAGER'S REPORT

City Manager Chris Clayton reported:

- He, Tom Humphrey and Dan O'Conner met with County Commissioner Bob Strosser and Ted Zook on Monday. He is sympathetic to folks being impacted by the growing of marijuana. The County Code Enforcement office is being audited at the request of the Board of Commissioners. Mr. Clayton offered our help. We can take pictures or documentation of the issues. They can site the marijuana grows, but they are capped at \$10,000 in fines. The Board of Commissioners plan to raise that amount to \$20,000. Commissioner Strosser is interested in Central Point participation on an advisory committee to discuss this issue.
- That there are still water related issues around marijuana grows and sale of city water going to outside service area for marijuana. This could be seen as violation of federal law. The Medford Water Commission will be discussing the issue over the winter months. We may not knowingly be able to sell to known marijuana growers. We received a business license application submitted this week for a water hauler that is specifically hauling to marijuana grows. Mr. Samitore stated that we have no policies stating that we can deny the sale of water to marijuana grows. Mrs. Dreyer stated that depending on wording in business license you could deny on federal law. Even if we try to enforce, it will be hard for city to follow water and find how it is used. Mike Quilty stated there is a memo for marijuana guidelines. The Cole memo states federal enforcement guideline, as long as people are in compliance with State laws, the feds will choose to not enforce.
- The City has a deferred improvement agreement for the Reddaway property; we would like to call in the agreement so they have to make improvements to Hamrick Road. They could work out an agreement with the Contractor that gets the bid for Table Rock Road improvements
- Next Wednesday is the Costco opening party with the 16th being the opening.
- Attended the Holly Theatre tour.
- The former tenant at 75 Bush Street can make an appointment to get additional stuff. He has an appointment on Monday, to discuss issues with Mr. James Dee, who is wanting more compensation for the property. There is a possibility this property will be demolished. Public Works will have a

contractor set to clean it on November 27. It appears there is extensive mold damage in front of house. Vector control or pest extermination will be brought in. They can't do anything until trash has been removed. Western States Environmental was the only bid we received to do a clean up.

- The City has an IGA with City of Talent for backup IT. We may be terminating the contract unless they bring on their own IT staff. It is taking up too much of our IT Services time because they had decided not to hire a new IT person in house. Our agreement was for back up, but we have been doing all their IT Services for several months.
- There will be a Study Session Monday night.

XI. COUNCIL REPORTS

Council Member Mike Quilty reported that:

- He met with Airport Director Bern Case, Mike Montero and Amber Judd at the airport. The tax on aviation fuel went to a grant program (CORE). They sorted through seven applications for the grant.
- Met with County Commissioner Bob Strosser about the transportation funding bill. RVTD will be getting a grant for new services. Also asking staff at NPO to explain to people that money is encumbered, and used for bicycle and pedestrians.
- He met with Carl Walsenback, about NPO funds.
- He attended Holly Theatre tour.
- He had surgery on Friday to replace his pain pump.
- His wife will not be relocating to Washington because she does not have specific certifications required in that state.

Council Member Rob Hernandez reported that:

- He attended Chamber forum
- He attended Mayors United Dinner
- He attended School District 6 board meeting. A Study session on repairing schools will start the process May 2019. Discussion was that they would keep it under \$2 per thousand.

Council Member Bruce Dingler stated that he would not be voting in favor of another school bond.

Council Member Tanea Browning reported that:

- She has returned from a family vacation and is glad to be home. She did notice that the Jackson County Airport has far more advertising than other airports in the region, specifically dispensary advertisements.
- She attended the Holly Theatre tour.
- She will be attending the Costco ribbon cutting on Thursday.

Council Member Alan Broderick had no report.

XII. DEPARTMENT REPORTS

IT Director Jason Richmond reported that he met with Ashland IT Director. They talked about their fiber network. They talked about a possible IT collaboration.

Parks and Public Works Director Matt Samitore reported:

- Saturday is the annual Veteran event.
- Cory Long has submitted her resigned. He has decided to restructure the position.

Police Chief Kris Allison reported that:

- Community Works Advocate Lyndsey Birdsey will be at our department for victims of domestic violence or sexual assaults.
- Wednesday will be the Police Volunteer luncheon.
- Friday will be the retirement luncheon for Donna Beyer.

Finance Director Steve Weber reported:

- That he is working with a company who will be doing a short term rental tax compliance program.
- That the President's proposed tax bill may impact municipalities finance options.
- That Fiscal Year 2016/2017 Audit is planned for presentation at the December 14 meeting.
- Andy Croft is working as an intern in the Finance Department.

Community Development Director Tom Humphrey reported:

- There will be a Citizens Advisory Committee meeting on Tuesday night.
- Saxbury building has been leveled; they are reviewing a new site plan for the property. There will be two professional office buildings going in there.

City Attorney Sydnee Dreyer had no report.

XIII. EXECUTIVE SESSION - None

XIV. ADJOURNMENT

Tanea Browning moved to adjourn, Mike Quilty seconded, and all said "aye" and the Council Meeting was adjourned at 9:10 p.m.

The foregoing minutes of the November 9, 2017, Council meeting were approved by the City Council at its meeting of December 14, 2017.

Dated:

Mayor Hank Williams

ATTEST:

City Recorder

Staff Report

TO: Mayor and City Council
FROM: City Manager Chris Clayton
City Recorder Deanna Casey
SUBJECT: Reappointments to Committee and Commissions
DATE: December 14, 2017

It is time to reappoint members and a chairperson for various committees. This consent agenda item is for re-appointments only.

Planning Commission

The term for Amy Moore and John Whiting expire December 31, 2017. Staff has received word from both Mrs. Moore and Mr. Whiting that they would like to remain on the Planning Commission.

Mike Oliver is the current Chair of the Commission.

Current members are: Tom Van Voorhees Mike Oliver Amy Moore
Craig Nelson Sr. Kay Harrison John Whiting
Jim Mock

Staff recommends reappointment of Amy Moore to Position 4 and John Whiting to Position 5 as Planning Commission Chair with expiration dates of December 31, 2021.

Staff recommends reappointment of Mike Oliver as Planning Commission Chair.

Park and Recreation Commission

There are no expiring terms or vacancies on the Parks and Recreation Commission at this time. Carl Orndoff has indicated a willingness to step down once the Council finds a replacement for his position. The City will run ads in the City Newsletter and on our Social Media pages.

Current members are: Patricia Alvarez Dennis Browning Lee Orr
Mark Ludwiczak Neil Olsen Fran Cordeiro-Settell
Carl Orndoff

Staff recommends reappointment of Mark Ludwiczak as Chair.

Budget Committee

The term for Chris Richey expires December 31, 2017. Staff has spoken with Mr. Richey and he has indicated that he would like to remain on the Budget Committee.

Current members are:

Council:	Mayor Williams	Allen Broderick	Taneea Browning
	Mike Quilty	Rob Hernandez	Brandon Thueson
	Bruce Dingler		

Citizen Members:	Bill Walton	Bill Stults	Karen Huckins
	Chris Richey	Lori Garfield	Jim Mock
	Kay Harrison		

Staff recommends reappointment of Chris Richey with a term expiring December 31, 2021.

ACTION:

Approve the Consent Agenda and accept staff recommendations for reappointments of committee members and Chair appointments.

City of Central Point, Oregon
140 S 3rd Street, Central Point, OR 97502
541.664.3321 Fax 541.664.6384
www.centralpointoregon.gov



Administration Department
Chris Clayton, City Manager
Deanna Casey, City Recorder
Elizabeth Simas, Human Resources Director

November 28, 2017

Garry Penning
Rogue Disposal & Recycling, Inc.
One West Main Street, Suite 401
Medford, OR 97501

RE: Recycling Market Disruption - Landfilling of Commingled Materials

Mr. Penning,

Thank you for your recent presentation regarding current recycling market disruption/volatility before the Central Point City Council at our November 13th, 2017 Council Study Session. After thorough discussion at the Council Study Session, the Central Point City Council has remained supportive of Rogue Disposal and Recycling's coordination with the Oregon Department of Environmental Quality (DEQ) for temporary landfilling of commingled materials.

Formal concurrence on this matter will be provided via the consent agenda at our December 14, 2017 City Council meeting. However, please consider this letter as the City of Central Point's initial support of Rogue Disposal's efforts to address the current crisis as you have proposed.

Thank you,

A handwritten signature in black ink, appearing to read "Chris Clayton".

Christopher S. Clayton
City Manager

Ordinance

Second Reading – Amending Chapter 17 to Increase Notification Requirements



STAFF REPORT

November 9, 2017

AGENDA ITEM: File No. CA-17002

Consideration of amendments to Section 17.05.300 (C) – Notice of Application for Type II Decision and Section 17.05.400 (C) Notification Requirements for Type III Decision in the Central Point Municipal Code. **Applicant:** City of Central Point

STAFF SOURCE:

Tom Humphrey, Community Development Director

BACKGROUND:

The recent consideration and approval of a Site Plan for an apartment complex in Twin Creeks led to a Joint City Council/Planning Commission Study Session during which a change to public noticing requirements was discussed. The consensus of the elected and appointed officials was to expand the notification radius around land use project sites.

Central Point has been following the state requirements for mailing public notices as they apply to land use development and we have been using a 100 foot radius around a project site. Local citizens argue that this is an inadequate distance for them to be made aware of land use changes. The City Council agreed and directed staff to investigate the practices of other local jurisdictions. It was subsequently decided to expand the mailing radius to 250 feet around a project site and also to post a sign with the notice on the site.

ISSUES:

There are no issues relative to this proposal and it is consistent with Statewide Planning Goal #1 which advocates *the development of a citizen involvement program that ensure the opportunity for citizens to be involved in all phases of the planning process*. The City has not received any correspondence (either support or objection) from the Department of Land Conservation and Development (DLCDC) to whom a notice of this code amendment was sent.

EXHIBITS/ATTACHMENTS:

Attachment “A” – Ordinance No. _____ An Ordinance Amending CPMC Chapter 17.05.300 (C) and 17.05.400 (C), to Increase the Public Notification Requirements for Type II and Type III Land Use Applications.

ACTION:

Consider proposed amendments and 1) forward the ordinance to a second reading, 2) make revisions and forward the ordinance to a second reading or 3) deny the ordinance.

RECOMMENDATION:

Discuss ordinance proposal and forward ordinance and amendments to a second reading.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CPMC CHAPTER 17.05.300 (C) AND 17.05.400 (C), TO INCREASE THE PUBLIC NOTIFICATION REQUIREMENTS FOR TYPE II AND TYPE III LAND USE APPLICATIONS

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. At a joint study session on August 14, 2017, the Central Point City Council and the City Planning Commission discussed ways to improve citizen involvement in the planning process. As a consequence, the Community Development Department initiated an ordinance amending Chapter 17.05.
- C. On November 7, 2017, the City Planning Commission held a properly advertised public hearing; reviewed the Staff Report; heard testimony and comments, and recommended approval of the Municipal Code Amendment to the City Council.
- D. On November 9, 2017, the City of Central Point City Council held a properly advertised public hearing; reviewed the Staff Report; heard testimony and comments, and deliberated on approval of the Municipal Code Amendment.
- E. Words ~~lined through~~ are to be deleted and words in **bold** are added.

THE PEOPLE OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Amendments to Section 17.05.300(C) Notice of Application for Type II Decision is hereby amended to read:

Title 17
ZONING

17.05.300 Type II procedure.

C. Notice of Application for Type II Decision.

1. No less than twenty days before the community development director makes a decision, written notice of the application shall be mailed to all of the following:

- a. Applicant;
- b. Owners of record of the subject property;
- c. Owners of record within a minimum of ~~one~~**two hundred fifty (250)** feet of the exterior boundaries of the site;
- d. All city-recognized neighborhood groups or associations whose boundaries include the site;
- e. Any person who submits a written request to receive a notice; and
- f. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city. The city may notify other affected agencies. The city shall notify the county or ODOT, and the rail authority, when there is a proposed development abutting or within ~~one~~**two hundred fifty (250)** feet of an affected transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application.

2. The notice of application shall include:

- a. The street address or other easily understood reference to the site;
- b. The relevant approval criteria by name and number of code sections;
- c. The place, date and time the comments are due, and the person to whom the comments should be addressed;
- d. A description of the proposal and identification of the specific permits or approvals requested;
- e. A statement of the issues that may provide the basis for an appeal to the Land Use Board of Appeals must be raised in writing and with sufficient specificity to enable the decision maker to respond to the issue;
- f. The name and phone number of a city contact person;

g. A brief summary of the local decision making process for the decision being made;

h. A statement that all evidence relied upon by the community development director or designee to make this decision is in the public record, available for public review. Copies of this evidence may be obtained at a reasonable cost from the city;

i. A statement that, after the comment period closes, the community development director or designee shall issue a Type II administrative decision, and that the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice; and

j. Contain the following notice:

Notice to mortgagee, lien holder, vendor, or seller: The City of Central Point Land Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.

3. The notice shall allow a fourteen-day period for the submission of written comments, starting from the date of mailing. All comments must be received by the city by five p.m. on that fourteenth day.

D. Administrative Decision Requirements. The community development director or designee shall make a Type II written decision addressing all of the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the community development director or designee shall approve, approve with conditions, or deny the requested permit or action.

E. Notice of Decision.

1. Within five days after the community development director or designee signs the decision, a notice of decision shall be sent by mail to:

a. The applicant and all owners or contract purchasers of record of the site that is the subject of the application;

b. Any person who submitted a written request to receive notice, or provides comments during the application review period;

- c. Any city-recognized neighborhood group or association whose boundaries include the site;
- d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city, and other agencies that were notified or provided comments during the application review period; and
- e. Property owners located within one hundred feet of the exterior boundaries of the subject property.

2. The community development director or designee shall cause an affidavit of mailing the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed and shall demonstrate that the notice was mailed to the parties above and was mailed within the time required by law.

3. The Type II notice of decision shall contain:

- a. A description of the applicant's proposal and the city's decision on the proposal (i.e., may be a summary);
- b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;
- c. A statement of where a copy of the city's decision, and the complete planning file may be reviewed and the name and contact number of the city staff to contact about reviewing the file;
- d. The date the decision shall become final, unless appealed;
- e. A statement that only the applicant and persons who submitted comments prior to the comment deadline may appeal the decision; and
- f. A statement briefly explaining how to file an appeal, the deadline for filing an appeal, and where to obtain further information concerning the appeal process.

SECTION 2. Amendments to CPMC 17.05.400(C) Notification Requirements increasing landowner and agency notification requirements from 100-ft to 250-ft, and adding the requirement to post on-site notice of public hearing for Type III land use actions.

17.05.400 Type III procedure.

C. Notification Requirements.

1. Mailed Notice. The city shall mail the notice of the Type III hearing. Notice of a Type III hearing shall be given by the community development director or designee in the following manner:

a. At least twenty days before the hearing date, or if two or more hearings are allowed, ten days before the first hearing, notice shall be mailed to:

i. The applicant and all owners or contract purchasers of record of the property on the most recent property tax assessment roll that is the subject of the application;

ii. All property owners of record on the most recent property tax assessment roll within ~~one~~ **two hundred fifty (250)** feet of the site, including tenants of a mobile home or manufactured dwelling park;

iii. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the city. The city may notify other affected agencies. The city shall notify the county road authority, or ODOT, and rail authority ~~for~~ **when there is a proposed development abutting or within two hundred fifty (250) feet of an affected applications that are abutting or affecting their** transportation facility and allow the agency to review, comment on, and suggest conditions of approval for the application;

iv. Owners of airports in the vicinity shall be notified of a proposed zone change in accordance with ORS [227.175](#);

v. Any neighborhood or community organization recognized by the city council and whose boundaries include the property proposed for development;

vi. Any person who submits a written request to receive notice;

vii. At the applicant's discretion, notice may also be provided to the Department of Land Conservation and Development.

~~b. The community development director or designee shall prepare an affidavit of notice and the affidavit shall be made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who were sent notice.~~

2-b. Content of Notice. Notice of a Type III hearing shall be mailed per this subsection C and shall contain the following information:

ai. An explanation of the nature of the application and the proposed land use or uses that could be authorized for the property;

bii. The applicable criteria and standards from the zoning and subdivision code and comprehensive plan that apply to the application;

ciii. The street address or other easily understood geographical reference to the subject property;

dii. The date, time, and location of the public hearing;

ev. A statement that the failure to raise an issue in person, or in writing at the hearing, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue prior to the close of the final hearing means that an appeal based on that issue cannot be raised at the State Land Use Board of Appeals;

fvi. The name of a city representative to contact and the telephone number and email address where additional information on the application may be obtained;

gvii. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at the city of Central Point City Hall at no cost and that copies shall be provided at a reasonable cost;

hvi. A statement that a copy of the city's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;

ix. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings; and

jx. The following notice:

Notice to mortgagee, lien holder, vendor, or seller: The City of Central Point Land Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser.

bc. The community development director or designee shall prepare an affidavit of notice and the affidavit shall be made a part of the file. The affidavit shall state the date that the notice was mailed to the persons who were sent notice.

2. On-Site Posting. Public notice signs shall be posted on the project site for any Type III land use action according to the following:

a. Contents of sign. Notice signs shall include a description of the proposed land use action, the date of the public hearing, and the City of Central Point file number for the proposed land use action.

b. Location and number of signs. A posted notice sign must be placed on each existing street frontage of the project site. If a frontage is over 600-ft long, a notice is required for each 600-feet or fraction thereof. Notice signs must be posted within 10-feet of a property line along the street and must be visible to pedestrians and motorists. Notice signs may not be posted in a public right-of-way unless the land use action specifically pertains to a public right-of-way. If posting must occur in the right-of-way, care should be taken to comply with Clear Vision Area requirements as set forth in Section 17.60.120.

c. Sign posting schedule. The required sign(s) shall be posted not later than 21-days prior to the first public hearing date of each body that hears the application. Posted signs shall be removed within 10-days following the final decision.

d. Affidavit of on-site posting. The Director or designee shall prepare an affidavit of on-site notice posting and the affidavit shall be made part of the file. The affidavit shall state the date that the notice was posted, the number of notices posted and the name of the person(s) who posted the notice.

PASSED by the Council and signed by me in authentication of its passage this ___ day of November 2017.

Mayor Hank Williams

ATTEST:

City Recorder

Ordinance

First Reading – Council Call Up Procedures



**ADMINISTRATION
DEPARTMENT**

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STAFF REPORT
December 14, 2017

AGENDA ITEM:

Consideration of an Ordinance amending the Central Point Municipal Code Section 17.05.600(h) regarding City Council review provisions.

STAFF SOURCE:

Tom Humphrey, Community Development Director
Sydnee Dreyer, City Attorney

BACKGROUND:

Upon Council consideration to utilize Council Review procedures, it was determined there were insufficient provisions in place with respect to: timing of call-up procedures, vote requirements for call-up procedures, hearings procedures, and overlapping appellate procedures. Council directed staff and the city attorney to research similar processes in other cities and to bring back recommended code revisions that prescribe the council review process.

The Planning Commission considered these amendments at a public hearing on November 7th and raised questions about conflicting processes and wondered whether the Council might remand Commission decisions once they are reviewed. The City Attorney resolved potential conflicts and recommended against language to allow remand due to the time limitations the City is under once it accepts a land use application. Whether upon review or as a result of an appeal, the City Council will retain the 'last word' in land use decisions.

FISCAL IMPACTS:

If Council were to exercise its review authority after an appeal was filed, the appellate fee would be refunded to the appellant.

FINDINGS:

The amendments are necessary to ensure the Council Review authority is well defined and the process set forth to avoid inconsistent application and/or to avoid appeal based upon failure to follow appropriate procedure.

ATTACHMENTS:

Attachment "A" – Ordinance No. ___ An Ordinance amending the Central Point Municipal Code Section 17.05.600(h) regarding City Council review provisions.

RECOMMENDATION:

Make a motion to forward to a second reading An Ordinance amending the Central Point Municipal Code Section 17.05.600(h) regarding City Council review provisions.

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE CENTRAL POINT MUNICIPAL CODE SECTION 17.05.600(H) REGARDING CITY COUNCIL REVIEW PROVISIONS

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, the staff and city attorney for the City of Central Point determined that amendment to Section 17.05.600(H) Council Review Procedures is necessary in order to more clearly define the process for Council review of land use matters.
- C. The amendment is intended to set forth the timing and procedure for Council review.
- D. 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 17.05.600(H), City Council Review is hereby amended as set forth in Exhibit "A" attached hereto and incorporated herein by reference.

Title 17
ZONING

17.05.600 General procedural provisions.

H. City Council Review.

1. Authority. Whether or not an appeal is filed, pursuant to Section 17.05.550, the city council shall, by majority vote, have the authority to call up any Type II or Type III application for review upon a finding that it would be in the public interest to hear the matter. ~~The decision to call up an application may occur at any time after the application is filed until the decision is otherwise final. When the city council calls up an application, the council shall, in its order of call-up, determine the procedure to be followed, including the extent of preliminary processing and the rights of the parties. At a minimum, the council shall follow the procedures in Section 17.05.550 regarding appeals from Type III decisions.~~

Ordinance No. _____ (011118)

2. Procedures:

a. A summary of Type II and Type III decisions shall be forwarded by mail or electronic mail to the City Council as an information item by the Community Development Director at the time the decision is mailed to the applicant.

b. Review under this Section shall be initiated by the City Council before the adjournment of the first regular City Council meeting, following the date the City Council receives notification of the decision.

c. Any member of the City Council or the Mayor may make a motion to review the Type II or Type III decision which shall require majority of the Council present to approve. Notwithstanding the foregoing, a Council member or the Mayor is prohibited from initiating or voting upon the motion if such individual has a conflict of interest or has participated in the proceedings below in his/her individual capacity.

d. Unless subsequently discontinued by majority vote, City Council review pursuant to this section shall supersede and replace any appeal filed under Section 17.05.550. The appellant(s) of any appeal filed before a City Council call for review shall receive a full refund of the filing fee.

e. The City Recorder shall set the hearing date for the next regularly scheduled Council meeting, that falls not less than fourteen (14) days after the date the Council approves the motion to review the application.

f. City Council review shall be on the record which means the Council review is limited to the application materials, evidence, documentation, and specific issues raised in the initial proceeding and participation shall be limited to the applicant or owner of the subject property and any person who participated in the proceeding by submitting timely written and/or oral comments on the record prior to the decision.

g. The notice, hearing and decisions procedures for a City Council review shall follow the provisions of the Central Point Municipal Code for appeals except that issues are not limited to those issues raised in a notice of appeal.

h. The decision of the City Council upon review shall become final on the date when written notice of the decision is mailed to persons entitled to notice of the decision. Any further appeal shall be to the Oregon Land Use Board of Appeals.

SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter"

Ordinance No. _____ (011118)

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 3. 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 January 2018.

Mayor Hank Williams

ATTEST:

City Recorder

Ordinance No. _____ (011118)

Resolution

Pay Plan



ADMINISTRATION DEPARTMENT

Chris Clayton, City Manager • Deanna Casey, City Recorder • Elizabeth Simas Human Resources Director

STAFF REPORT

December 14, 2017

AGENDA ITEM: Classification Pay Plan Revision

Consideration of Resolution No. _____ Revising the Classification Pay Plan

STAFF SOURCE:

Chris Clayton, City Manager

Elizabeth M. Simas, Human Resources Director

BACKGROUND/HISTORY:

The Classification Pay Plan was last revised and approved in May following changes to the General Services and Police Bargaining Units effective July 1, 2017. The revisions being addressed in this resolution reflect changes to the General Services and Management Compensation Plan.

Part A of the pay plan (General Service Bargaining Unit) has been updated to reflect the reallocating of duties following the departure of the Parks and Recreation Manager; this reorganization includes adding a Recreation Specialist and reclassification of the Recreation Programs Coordinator to Park Planner.

Part B of the pay plan (Police Bargaining Unit) has no changes.

Part C of the pay plan (management/non-represented) has been updated effective January 1, 2018 to reflect the 1.7% U.S. City Average CPI-U July 2016 – July 2017 as set forth in the Management Compensation Plan. The CPI-U for 2017 has ranged from as high as 2.7% in February to as low as 1.6% in June with an average year-to-date of 2.1%. The adjustments to the pay plan are to the salary range minimums and maximums, not to individual salaries. Pay changes for management employees are tied to performance and limited to the parameters set by the management compensation plan.

Parks & Public Works have found the need to consolidate the supervision for those divisions for better coordination and efficiencies of staff. Parks & Public Works Supervisor has been added to the salary schedule for the promotion of our current Foremen. Principal Planner has been added to the salary schedule due to the supervision of planning staff being transferred to this position.

RECOMMENDATION:

Motion to approve Resolution _____, A Resolution revising the Classification Pay Plan.

ATTACHMENTS:

- A. Classification Pay Plan
- B. Resolution
- C. Consumer Price Index chart

RESOLUTION NO. _____

A RESOLUTION REVISING THE CLASSIFICATION PAY PLAN

RECITALS:

1. Chapter 2.48 of the Central Point Code authorizes and directs the City Council to adopt rules relating to personnel matters.
2. Policy #5.2.3 of the Personnel Policies and Procedures provides that the Council shall, by resolution, adjust the salaries and rates of compensation and benefits for all City officers and employees. The City Council deems it to be in the best interest of the City to make revisions thereto.

The City of Central Point resolves as follows:

The Classification Pay Plan for bargaining unit and management employees, as attached, is hereby ratified and adopted.

Passed by the Council and signed by me in authentication of its passage this ____ day of December, 2017.

Mayor Hank Williams

ATTEST:

City Recorder

Classification Pay Plan Effective January 1, 2018

Part A: General Service Bargaining Unit Positions (hourly) (continuing)

Classification Title	Grade	Step A	Step B	Step C	Step D	Step E	Step F
Grade 2-3	GS2-3	15.95	16.75	17.59	18.47	19.39	20.36
Office Assistant		15.95	16.75	17.59	18.47	19.39	20.36
Grade 4	GS4	17.40	18.27	19.18	20.14	21.15	22.21
Account Clerk: Finance/Public Works		17.40	18.27	19.18	20.14	21.15	22.21
Community Development Specialist		17.40	18.27	19.18	20.14	21.15	22.21
Parks Maintenance Worker		17.40	18.27	19.18	20.14	21.15	22.21
Recreation Specialist		17.40	18.27	19.18	20.14	21.15	22.21
Utility Worker		17.40	18.27	19.18	20.14	21.15	22.21
Grade 5	GS5	19.55	20.53	21.56	22.64	23.77	24.96
Assistant Engineering Technician		19.55	20.53	21.56	22.64	23.77	24.96
Customer Service Technician		19.55	20.53	21.56	22.64	23.77	24.96
Equipment Maintenance Technician		19.55	20.53	21.56	22.64	23.77	24.96
Planning Technician		19.55	20.53	21.56	22.64	23.77	24.96
Recreation Programs Coordinator		19.55	20.53	21.56	22.64	23.77	24.96
Senior Utility Worker		19.55	20.53	21.56	22.64	23.77	24.96
Grade 6	GS6	21.65	22.73	23.87	25.06	26.31	27.63
Acctg/Business Services Coordinator		21.65	22.73	23.87	25.06	26.31	27.63
Parks Lead		21.65	22.73	23.87	25.06	26.31	27.63
Recreation Coordinator: Special Events/Mktg		21.65	22.73	23.87	25.06	26.31	27.63
Grade 7	GS7	23.87	25.06	26.31	27.63	29.01	30.46
Community Planner I		23.87	25.06	26.31	27.63	29.01	30.46
Foreman: Streets, Water		23.87	25.06	26.31	27.63	29.01	30.46
Park Planner		23.87	25.06	26.31	27.63	29.01	30.46
Grade 8	GS8	26.71	28.05	29.45	30.92	32.47	34.09
Community Planner II		26.71	28.05	29.45	30.92	32.47	34.09
Construction Management Coordinator		26.71	28.05	29.45	30.92	32.47	34.09
Environmental Services/GIS Coordinator		26.71	28.05	29.45	30.92	32.47	34.09
Information Technology Specialist		26.71	28.05	29.45	30.92	32.47	34.09
Grade 9	GS9	29.65	31.13	32.69	34.32	36.04	37.84
		29.65	31.13	32.69	34.32	36.04	37.84

Part B: Police Bargaining Unit Positions

Classification Title	Grade	Step A	Step B	Step C	Step D	Step E	Step F
Police Support Specialist	P110	3,110	3,266	3,429	3,600	3,780	3,969
Community Services Officer	P117	3,300	3,465	3,638	3,820	4,011	4,212
Police Officer	P145	4,230	4,442	4,664	4,897	5,142	5,399
Corporal	P150	4,678	4,912	5,158	5,416	5,687	5,971

Part C: Exempt, Non-Bargaining Unit, Management Positions

Classification Title	Band	Minimum	Maximum
Accountant/Finance Supervisor	I	5,250	7,050
City Recorder	I	5,250	7,050
Parks & Recreation Manager	I	5,250	7,050
Parks & Public Works Supervisor	I	5,250	7,050
Parks & Public Works Operations Manager	II	6,300	8,150
Building Division Manager	II	6,300	8,150
Principal Planner	II	6,300	8,150
Department Director (CD, FIN, HR, IT, PPW)	III	6,650	9,350
Police Office Manager	P-I	4,250	5,700
Police Lieutenant (non-exempt)	P-II	5,800	7,750
Police Captain	P-III	6,950	8,950
Police Chief	P-IV	8,050	10,250

Resolution

IGA with Jackson County regarding Forfeiture Assets



ADMINISTRATION DEPARTMENT

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STAFF REPORT December 14, 2017

AGENDA ITEM:

Consideration of a Resolution Authorizing the City Manager to sign an intergovernmental agreement with Jackson County for distribution of civil forfeiture assets in Jackson County Case No. 17CV33924.

STAFF SOURCE:

Chris Clayton, City Manager
Sydney Dreyer, City Attorney

BACKGROUND:

The City acted as the forfeiting agency in a civil forfeiture regarding Jackson County Case No. 17CV33924. The City entered into a settlement agreement in the forfeiture matter in which it will receive \$ \$42,425.00 of the forfeiture assets. ORS 131A.360(2) requires that if the forfeiting agency is not a county, the forfeiting agency shall enter into an agreement, under ORS Chapter 190, with the County in which the property was seized to provide a portion of the forfeiture proceeds to the County.

In this case, the City proposed, and the County agreed, that the County's share of the forfeiture assets would be \$0 for the reason that the case did not involve any County personnel, the sheriff's office or the District attorney's office. The Agreement is applicable to this case only, and in the event of a future civil forfeiture in which the City is the forfeiting agency, the County's share will need to be negotiated at that time.

FISCAL IMPACTS:

The City will retain an increased portion of the forfeiture assets, as it will not need to provide a share to the County in this instance.

ATTACHMENTS:

Resolution for approval of agreement.
Intergovernmental agreement.

RECOMMENDATION:

Move to approve Resolution No. _____, Authorizing the City Manager to Sign an Intergovernmental Agreement with Jackson County for Distribution of Civil Forfeiture Assets in Jackson County Case No. 17CV33924.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY MANAGER TO SIGN AN INTERGOVERNMENTAL AGREEMENT WITH JACKSON COUNTY FOR DISTRIBUTION OF CIVIL FORFEITURE ASSETS IN JACKSON COUNTY CASE NO. 17CV33924

RECITALS:

- A. the City, in Jackson County Circuit Court Case No. 17CV33924 acted as a forfeiting agency and retained forfeiture counsel for this civil forfeiture action pursuant to ORS Chapter 131A.
- B. ORS 131A.360(2) requires that if the forfeiting agency is not a county, the forfeiting agency shall enter into an agreement, under ORS chapter 190, with the county in which the property was seized to provide a portion of the forfeiture proceeds to the county.
- C. Oregon Revised Statutes (ORS) 190.110 et. seq. grants authority to City to enter into agreements with units of local government or other governmental bodies for the performance of any or all of its functions or activities that a party to the agreement, its officers, or agents have the authority to perform.
- D. ORS 190.110 et. Seq. grants authority to County to enter into agreements with units of local government or other governmental bodies for the performance of any or all of its functions or activities that a party to the agreement, its officers, or agents have the authority to perform.
- E. the City is a political subdivision of the State of Oregon, organized and existing under the laws and constitution of the State of Oregon.
- F. the County is a political subdivision of the State of Oregon, organized and existing under the laws and constitution of the State of Oregon.
- G. the City and County wish to enter into the agreement required pursuant to ORS 131A.360(2) to provide for the allocation and provision of the forfeiture proceeds in Jackson County Circuit Court Case No. 17CV33924.

The City of Central Point resolves as follows:

Section 1. THEREFORE, it is hereby agreed by the City and County that the provision of forfeiture proceeds by the City to the County in Jackson County Circuit Court Case No. 17CV33924 shall be made pursuant to the terms and conditions of this agreement.

Passed by the Council and signed by me in authentication of its passage this _____ day of December, 2018.

Mayor Hank Williams

ATTEST:

City Recorder

PROPOSED

**INTERGOVERNMENTAL AGREEMENT
BETWEEN JACKSON COUNTY AND THE CITY OF CENTRAL POINT
For
DISTRIBUTION OF CIVIL FORFEITURE ASSETS**

This AGREEMENT is made and entered into by and between Jackson County, Oregon, a political subdivision of the State of Oregon, hereinafter referred to as “County”, and the City of Central Point, Oregon, a municipal corporation, hereinafter referred to as “City”. County and City are collectively referred to as “Parties”.

RECITALS

- A. WHEREAS, the City, in Jackson County Circuit Court Case No. 17CV33924 acted as a forfeiting agency and retained forfeiture counsel for this civil forfeiture action pursuant to ORS Chapter 131A.
- B. WHEREAS, ORS 131A.360(2) requires that if the forfeiting agency is not a county, the forfeiting agency shall enter into an agreement, under ORS chapter 190, with the county in which the property was seized to provide a portion of the forfeiture proceeds to the county.
- C. WHEREAS, Oregon Revised Statutes (ORS) 190.110 et. seq. grants authority to City to enter into agreements with units of local government or other governmental bodies for the performance of any or all of its functions or activities that a party to the agreement, its officers, or agents have the authority to perform.
- D. WHEREAS, ORS 190.110 et. Seq. grants authority to County to enter into agreements with units of local government or other governmental bodies for the performance of any or all of its functions or activities that a party to the agreement, its officers, or agents have the authority to perform.
- E. WHEREAS, the City is a political subdivision of the State of Oregon, organized and existing under the laws and constitution of the State of Oregon.
- F. WHEREAS, the County is a political subdivision of the State of Oregon, organized and existing under the laws and constitution of the State of Oregon.
- G. WHEREAS, the City and County wish to enter into the agreement required pursuant to ORS 131A.360(2) to provide for the allocation and provision of the forfeiture proceeds in Jackson County Circuit Court Case No. 17CV33924.

THEREFORE, it is hereby agreed by the City and County that the provision of forfeiture proceeds by the City to the County in Jackson County Circuit Court Case No. 17CV33924 shall be made pursuant to the terms and conditions of this agreement.

TERMS OF AGREEMENT

- 1. The City shall not be required to provide any portion of the forfeiture proceeds in Jackson County Circuit Court Case No. 17CV33924 to the County.
- 2. The City shall be solely liable for any and all costs, expenses, and liabilities associated with Jackson County Circuit Court Case No. 17CV33924 and any matter related thereto.
- 3. Indemnification. The City agrees to defend, indemnify and hold harmless County and its elected officials, officers, directors, employees, agents, and volunteers from any and all

liability, claims, or actions, including but not limited to liabilities, claims or actions brought by third parties or by any elected officials, officers, directors, employees, agents, attorneys or volunteers of City, which arise out of the actions or inactions of the City or its elected officials, officers, directors, employees, agents, attorneys or volunteers in Jackson County Circuit Court Case No. 17CV33924 or any matter related thereto.

4. No Third Party Beneficiary. The provisions of this Agreement are for the sole benefit of the Parties, and shall not be construed as conferring any rights to any Third Party (including any third party beneficiary rights).
5. Severability. If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms or provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provisions held to be invalid.
6. Interpretation. The terms and conditions of this Agreement shall be construed in accordance with the general purposes of this Agreement and according to Oregon law.
7. Amendment. The terms of this Agreement may be amended, changed, or modified only upon the written consent and agreement of both Parties.
8. Entire Agreement. This Agreement constitutes the entire Agreement between the Parties on the subject matter thereof.

EACH PARTY, BY EXECUTION OF THIS AGREEMENT, HEREBY ACKNOWLEDGES THAT HE/SHE HAS READ THIS AGREEMENT, UNDERSTANDS IT, AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS, AND HAS THE AUTHORITY TO SIGN AND BIND IT'S AGENCY.

City of Central Point

Jackson County

By:

By:

Date: _____

Date: _____

Business

Planning Commission Report



PLANNING DEPARTMENT MEMORANDUM

Date: December 14, 2017
To: Honorable Mayor & Central Point City Council
From: Tom Humphrey AICP, Community Development Director
Subject: Planning Commission Report

The following items were presented by staff and discussed by the Planning Commission at its regular meeting on December 5, 2017.

- A. Public Hearing to Consider a amendments to Section 17.05.600 (H) – General Procedural Provisions, City Council Review in the Central Point Municipal Code (File No. CP-17003) Applicant: City of Central Point.** Staff presented amendments to the proposed Council Review procedures presented at the November Planning Commission meeting. The proposed amendments change the standard for call-up to matters that the City Council finds in the public interest and maintains the provision that the review is on the record. Final action by the Council would be limited to affirming or reversing the decision to avoid likely conflicts with the 120-day rule, which requires a final decision (including appeals) within 120-days of an application being accepted as complete. The Commission voted in support of the Council review procedures.
- B. Public Hearing to Consider a Conceptual Land Use and Transportation Plan for Urban Reserve Areas CP-5 and CP-6. Applicant: City of Central Point.** The Commission was asked to consider the draft Concept Plan for CP-5A/CP-6A recommended by the Citizen’s Advisory Committee (CAC). Commission members received a staff report and heard testimony from county residents living in the CP-5A and CP-6A urban reserve with comments both in favor and in opposition to the draft plan. Questions and concerns primarily focused on not wanting to become part of the City and the need for a parks and open space buffer between future and existing development. Opponents expressed concern that inclusion of a parks and open space designation as shown places a significant constraint on development and the ability to site parks and open space where it would be best suited. A secondary focus was on density and how density is evaluated in the context of planning for other urban reserve areas.

Based on the testimony received, the Planning Commission determined that more work is needed to refine the land use allocations, specifically regarding the parks and open space buffer. The public hearing was continued to the February 6, 2018 Planning Commission meeting to accommodate greater coordination with the residents living in

CP-5A/6A and to incorporate feedback received from affected agencies such as the Metropolitan Planning Agency, Jackson County, Parks and Public Works and other utilities as applicable.

C. Discussion of Working Draft of Land Use Element, File No. 17003. The Planning Commission heard a staff report that introduced a summary of the working draft Land Use Element. The Land Use Element consists of text and maps, which addresses the purpose and scope of each land use allocation, and assigns a specific land use to each property within the City's urban area. It was noted that changes to the text, goals and policies of the Land Use Element reflect changes in policy since the last Land Use Element was amended in 1983. Changes to the map correct errors and inconsistencies, incorporate changes proposed by others and address changing conditions. The Planning Commission directed staff to schedule a public hearing for the Land Use Element on January 2, 2018.

Discussion

Foreclosure Water Accounts



STAFF REPORT

December 14, 2017

AGENDA ITEM: Foreclosure – Water Account Collections Discussion

STAFF SOURCE:

Steve Weber, Director

BACKGROUND/SYNOPSIS:

At the August 11, 2016 City Council meeting, Ordinance 2029 was adopted which, in part, allowed a delinquent water account to become a lien against the property if the water customer is the owner of the property. Staff would like to have a discussion on how to appropriately process properties going through the foreclosure process.

Current practice has been to put the water account in the name of the lender when the property owner provides the City with a notice of foreclosure. The outstanding balance at that time remains the responsibility of the property owner whereas any new charges are the responsibility of the lender. In any event, any unpaid balance becomes a lien against the property.

The other issue that has come up is turning on water service by owners who purchased a property through a sheriff's sale. In almost all instances, there is a lien on the property for unpaid charges that the new owner was unaware of and don't feel should be their responsibility. However, and as mentioned above, unpaid balances become liens against the property (and remain with the property regardless of how many times the property is conveyed).

Staff is looking for direction on possible boundaries to negotiate settlement on these unpaid accounts with properties going through the foreclosure process. Presently, staff has only been willing to waive late fees and pink tag fees.

RECOMMENDATION:

No Recommendation

PUBLIC HEARING REQUIRED:

No

SUGGESTED MOTION:

No Motion

Report

Park Commission



STAFF REPORT

December 7, 2017

AGENDA ITEM: Informational Item on Parks Commission.

STAFF SOURCE:

Matt Samitore, Director

BACKGROUND/SYNOPSIS:

The Parks and Recreation Commission met on December 7, 2017. Agenda topics include:

- A. Unmanned Aerial Vehicle (Drone) Use in City Parks
- B. Robert Pfaff Park Inclusive Playground Design Review
- C. Revised Special Event and Gazebo Applications and Related Fees, Damage Deposits, and Seasonal Vendor Application

RECOMMENDATION:

No Recommendation

PUBLIC HEARING REQUIRED:

No

SUGGESTED MOTION:

No Motion