

CITY OF CENTRAL POINT
City Council Meeting Minutes
December 14, 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: Allen Broderick, Bruce Dingler, Brandon Thueson, Tanea Browning, Rob Hernandez, and Mike Quilty were present.

City Manager Chris Clayton; City Attorney Sydnee Dreyer; Police Captain Dave Croft; Community Development Director Tom Humphrey; Parks and Public Works Director Matt Samitore; IT Director Jason Richmond; and City Recorder Deanna Casey were also present.

IV. PUBLIC APPEARANCES

Anthony Ulloa, Phoenix Resident

Mr. Ulloa explained that he was in a car accident on November 25th while traveling on Biddle Road. He is concerned that there will be more accidents at the Biddle/Table Rock intersection. It is an unsafe intersection with the amount of traffic going through because of the new Costco. There should have been improvements made before the Costco opened. He has PTSD because of the accident and will no longer drive through this intersection. He did state that the Central Point Police were very helpful and did an amazing job during the accident.

City Manager Chris Clayton explained the future plans for the intersection. He will continue to be in contact with the County in regards to improvements.

Larry Martin, CAC Member and Irrigation District Representative

Mr. Martin updated the Council on SB865. This bill requires cities to submit notice to Irrigation Districts in regards to new construction. Central Point is already including the district in regards to notices and plans. SB865 also requires the district to report to the cities regarding land use issues that could impact a city. He appreciates the City of Central Point and their corporation with letters of support for several state level projects they have been working on.

V. CONSENT AGENDA

City Manager Chris Clayton requested that Item B of the Consent Agenda be removed for additional discussion.

- A. Approval of November 9, 2017 City Council Minutes**
- C. Letter of Support for Rogue Disposal & Recycling, Inc. regarding Comingled Materials**

Mike Quilty made a motion to approve Items A and C of the Consent Agenda. Tanea Browning seconded. Roll call: Hank Williams, yes; Bruce Dinger, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rob Hernandez, yes; and Mike Quilty, yes. Motion approved.

VI. ITEMS REMOVED FROM CONSENT AGENDA

B. Approval of Reappointments to City Committees and Commissions

City Manager Chris Clayton explained that the appointment of the Citizen Advisory Chair was inadvertently left off the reappointment list. Staff recommends reappointing David Painter to the Chair position for 2018. There were no other changes or recommendations from the original staff report.

Allen Broderick moved to approve the list of recommended reappointments to City Committees and Commissions including David Painter as Citizen Advisory Committee Chair for 2018. Brandon Thueson seconded. Roll call: Hank Williams, yes; Bruce Dinger, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rob Hernandez, yes; and Mike Quilty, yes. Motion approved.

VII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

A. Ordinance No. 2041, An Ordinance Amending CPMC Chapter 17.05.300 (C); 17.05.300(E); and 17.05.400(C), to increase the Public Notification Requirements for Type II and Type III Land Use Applications

Community Development Director Tom Humphrey presented an amended staff report and Ordinance for the second reading of An Ordinance Amending the CPMC increasing the Public Notification Requirements for Type II and Type III Land Use Applications. There was discussion regarding the two types of land use applications. The Community Development Director is authorized to approve or deny Type II decisions while Type III decisions go to the Planning Commission for final decision. There was discussion regarding the time frame for sending out notices and the 120 day period for approval of applications set by the state.

Mike Quilty moved to approve Ordinance No. 2041, An Ordinance Amending CPMC Chapter 17.05.300 (C); 17.05.300(E); and 17.05.400(C), to increase the Public Notification Requirements for Type II and Type III Land Use Applications. Brandon Thueson seconded. Roll call: Hank Williams, yes; Bruce Dinger, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rob Hernandez, yes; and Mike Quilty, yes. Motion approved.

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

Mr. Humphrey explained that it has been discussed that 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 in our land use ordinances. At the direction of the Council staff has researched similar processes in other cities and have provided the proposed ordinance for adoption.

The Planning Commission considered these amendments at a public hearing in November and raised questions about conflicting processes. They wondered if the Council might remand Commission decisions once they are reviewed. The City Attorney recommended against language to allow the Council to remand back the Commission due to the time limitations once the City accepts a land use application. The City Council would retain the "last word" in land use decision regardless of review or appeal to the Council.

There was discussion regarding the appellate fee being refunded if the Council were to exercise its review authority. The proposed Ordinance is necessary to ensure the Council Review authority is well defined and the process set forth avoids inconsistent application and/or to avoid appeal based upon failure to follow appropriate procedures.

There was discussion that in the case of a review or an appeal the Council would receive the same information that the Planning Commission was given in order to make an informed decision. If the city is close to the 120 limit the City Council would be able to hold a special Council meeting to come to an informed decision.

Mayor Williams opened the Public Hearing. No one came forward and the Public hearing was closed.

Bruce Dingler moved to second reading An Ordinance Amending the Central Point Municipal Code Section 17.05.600(H) Regarding City Council Review Provisions. Tanea Browning seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rob Hernandez, yes; and Mike Quilty, yes. Motion approved.

C. Resolution No. 1521, A Resolution Revising the Classification Pay Plan

City Manager Chris Clayton explained that Part A has been updated to reflect the reallocating of duties following the departure of the Parks and Recreation Manager; the reorganization includes adding a Recreation Specialist and reclassification of the Recreation Programs Coordinator to Park Planner.

Parks and 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.

The changes in Part C of the pay plan has been updated to reflect the 1.7% U.S. City Average CPI as set forth in the Management Compensation Plan. The adjustments were to the salary schedule 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.

Brandon Thueson moved to approve Resolution 1521, A Resolution Revising the Classification Pay Plan. Rob Hernandez seconded. Roll call: Hank Williams, yes; Bruce Dinger, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rob Hernandez, yes; and Mike Quilty, yes. Motion approved.

D. Resolution No. 1522, 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

City Attorney Sydnee Dreyer explained that the City acted as a forfeiting agency in a civil forfeiture regarding Jackson County Case No. 17CV33924. ORS 131A.360(2) requires that if the forfeiting agency is not a county, the 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 situation 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 be negotiated at that time.

Allen Broderick moved to approve Resolution No. 1522, 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. Tanea Browning seconded. Roll call: Hank Williams, yes; Bruce Dinger, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rob Hernandez, yes; and Mike Quilty, yes. Motion approved.

VIII. BUSINESS

A. Planning Commission Report

Community Development Director Tom Humphrey presented the Planning Commission Report from December 5, 2017.

- The Commission held a public hearing to consider amendments to CPMC 17.05.600(H) – General Procedural Provisions, City Council Review. Staff presented the amendments to the council review procedures. The Commission voted in support of the proposed ordinance.
- The Commission held a public hearing to consider a Conceptual Land Use and Transportation Plan for Urban Reserve Areas CP-5 and CP-6. The Commission heard testimony from county residents living in the CP-5A and

CP-6A urban reserve areas. There were comments both in favor and opposition to the plan. Concerns primarily focused on property owners not wanting to be annexed into the city, and the need for a parks/open space buffer between future and existing development. The Commission determined that more work is needed to refine the land use allocations, specifically regarding the parks and open space buffers. The Public Hearing was continued to February 6, 2018.

- Staff introduced a summary of the working draft Land Use Element to the Commission. 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. Changes to the map correct errors and inconsistencies, incorporate changes proposed by other and address changing condition. A Public Hearing on the Land Use Element is scheduled for January 2, 2018.

B. Water Account Policy for Foreclosed Properties

Allen Broderick recused himself from the dais because of a potential Conflict of Interest.

Finance Director Steven Weber explained that in 2016 the Council adopted Ordinance 2029 allowing a delinquent water account to become a lien against the property if the customer is the owner of the property.

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. Any new charges are the responsibility of the lender. Unpaid balance becomes a lien against the property.

In almost all instances, when a property is purchased through a sheriff's sale, there is a lien on the property for unpaid charges that the new owner is unaware of and feel they should not be responsible to pay. Staff provided examples of when a house has gone through a short sale, or foreclosure and the proper lien searches have not been done. This delays the sale of the property and sometimes stops the sale altogether. There are situations where a property owner may think that all the past due bills are paid, but in reality they have just been transferred into a lien on the property causing issues when the owner goes to sell the property. Lenders don't always change the water accounts into their name when attempting a foreclosure. There are times when there is not activity on the account and staff can assume that the owners have moved out and let the home go to the bank, but that does not stop the utility fees from accumulating and eventually becoming a lien.

There was discussion if the policy is to protect the current owner or the future owner. Should we continue to charge the fees if the property is empty. How much authority does the Council wish to give staff in order to accommodate these fees or waive them depending on different situations. There will be times when a property sale may be able to close if the fees are waived, but there will not be

time to come before the Council to ask permission to waive the fees. Should the city be waiving fees for one property when all the other properties are still responsible for the fees.

Council agreed that staff should have the authority to review each situation accordingly. If there is evidence that a foreclosure notice was issued, and that the home is vacant as evidenced by a lack of use of utilities, Council would like to give staff authority to waive some fees following the vacancy of the property. Each situation will be different and Council feels that Department Directors should have the authority to waive under certain circumstances. In no case should fees be waived prior to the adoption of Ordinance 2029.

Proposed policy would provide that if an owner can show proof of notice of foreclosure, and there has been no consumption for at least 60 days staff would have authority to waive fees accumulating after the 60-day vacancy period. If Staff does not feel that fees should be waived, or there are other circumstances that do not meet this criteria, a person could request a hearing before Council.

Mike Quilty moved to establish a policy allowing staff to waive fees going back to 2016 in situations where there is evidence of foreclosure and evidence that the home has been vacant for at least 60-days. Rob Hernandez seconded.

There was continued discussion to clarify if the Council was intending to set policy at the meeting tonight or directing staff to return with a policy regarding this issue. City Attorney Dreyer attempted to clarify the motion in the form of a policy stating that staff can review the past 60 days of consumption to determine if fees could be waived. There was discussion regarding the motion and the intent of the Council. The Council decided to clarify the motion and have staff bring back a policy for its review rather than adopt the policy that night.

Mike Quilty clarified his motion stating that Staff should bring back a policy for council approval regarding the issues of Water Account Collections and Foreclosures based on the direction provided by Council as to evidence of vacancy and timing discussed tonight.. Rob Hernandez seconded. Roll call: Hank Williams, yes; Bruce Dingle, yes; Tanea Browning, yes; Brandon Thueson, yes; Rob Hernandez, yes; and Mike Quilty, yes. Motion approved.

Council Member Allen Broderick addressed the Council from the podium. He stated that he is representing a client who needed an answer tonight regarding the lien on his property. He tried to do the right thing and move out of his home when foreclosure notice came. After five years he found out that the bank never put the property in its name and a lien of \$1300 was put on the property. He now has an offer for the sale of the property but without a decision tonight the sale may not go through. This owner cannot wait until January, and the buyer is not willing to purchase the property subject to that lien. He stated that he brought this issue to the attention of the Council years ago and nothing was ever done about the current policy to help property owners in situations like this.

Mrs. Dreyer stated that this was not noticed as a public hearing and the Council is not in a position to make a decision to write off these fees tonight. The new recommended policy would not necessarily help in this situation much because the fees would only be retroactive to 2016 not the five years needed by the seller.

Mr. Broderick returned to his seat at the dais.

C. Parks Commission Report

Parks and Public Works Director Matt Samitore presented the Parks and Recreation Commission Report from December 7, 2017.

- The Commission discussed the request to use unmanned Aerial Vehicles (Drones) in City Parks. Because of FAA regulations most of the parks in Central Point would be limited to a height restriction. It was also decided that the use of Drones would be covered under CPMC 8.06 Flying Model Aircraft, which restricts the use of Model Aircraft in the City Limits.
- The Commission reviewed the Inclusive Playground designs for Robert Pfaff Park.
- The Commission has begun discussions to revise the Special Event and Gazebo reservation applications along with the related fees and damage deposits.
- They will continue discussions of seasonal vendor applications for various activities around town.

IX. MAYOR'S REPORT

Mayor Williams reported that he attended several Rogue Valley Lunches this week including the SOREDI Open House, Medford Water Commission, and the Medford Chamber Forum.

X. CITY MANAGER'S REPORT

City Manager Chris Clayton reported that:

- He is happy to announce that 466 S. First Street/75 Bush Street has been demolished and cleaned up.
- He attended the Medford Chamber Forum where Avista Utilities had a speaker who talked about the affordability rate in Jackson County.
- On Tuesday Morning Central Point Chamber will be holding Greeters here in the Council Chambers.
- Next Thursday is the City Attorney's Holiday Party, Council Members and City Staff are invited to attend.
- He has been in contact with Collin Grant regarding the marijuana grows in the Urban Reserve Areas. They will be working together with the County to get some enforcement in the area in regards to non-compliance with Marijuana Grows.
- Staff has been in contact with Mr. Hamlin regarding the extension of Federal Way to connect with Airport Road.

XI. COUNCIL REPORTS

Council Member Mike Quilty reported that:

- He was one of the judges for Providence Festival of Trees, a great event with beautiful trees.
- He attended two MPO meetings last month, and had an unscheduled meeting today regarding bridges in the valley.
- He attended the Lights Parade and the Tree lighting at City Hall.
- He attended the meet and greet for the new Airport Director. They talked about aviation grants coming to the area. He also attended the retirement party for the previous Airport Manager Mr. Burns.
- They are looking for a second PAC member for the MPO, we need an additional member from Central Point to fill this position.

Council Member Brandon Thueson reported that:

- He attended the Bear Creek Greenway meeting. They have seen great results using the County Inmates Program to help clean the path.
- He attended the lights parade and tree lighting with a couple of his family members.
- He attended the Crater Foundation Auction.
- He attended the Costco Grand Opening. He hasn't noticed a big change in the traffic on the east side of town in regards to Costco.

Council Member Rob Hernandez reported that he attended the Fire District No. 3 Strategic Planning meeting and the Southern Oregon Timber Industry meeting.

Council Member Bruce Dingler reported that he attended the November Study Session.

Council Member Tanea Browning reported that:

- She attended the Costco Ribbon Cutting and VIP night.
- She attended the November Study Session.
- She attended the November Greeters at Rogue Credit Union.
- She participated in the Fire District 3 Strategic Planning Process. They had a great facilitator.
- She attended the League of Oregon Cities Board of Directors Orientation and Board meeting in Beaverton at the end of November.
- Decorate downtown event went great. Businesses now have garland that was sponsored by Chamber members. The event included caroling, cocoa, baked goods and garland hanging.
- She attended the Crater Foundation Auction where they raised over \$80,000 for Crater Graduate Scholarships.
- RVCOG has requested participation in their Shake Alert from member cities. She has reported on this program in the past and the ability to allow agencies to get ahead of a seismic event like Cascadia to minimize some of the effects, like water treatment plants, bridges and infrastructure.

Council Member Allen Broderick reported that:

- He attended the Costco Grand Opening night.
- He attended the November Study Session.
- There is an office vacancy in his commercial building. He was approached by someone who wants to sell marijuana accessories. We have a code prohibiting the sale of these types of items that should be cleared up now that Marijuana is legal in the State.

XII. DEPARTMENT REPORTS

Parks and Public Works Director Matt Samitore:

- presented before and after photos of 466 S. 1st Street. There is a remarkable difference in this property now that the accumulations of junk and old buildings have been removed.
- There has been another delay for the Pine Street project. It looks like the sewer laterals need to be replaced. This will be done while the sections of street are open for the construction but may put a delay in the project completion. Rogue Valley Sewer District will be invoiced for this additional work.

Police Captain Dave Croft reported that:

- He is happy with the way all the departments worked together regarding the issues at 466 1st Street. It will be nice to not have to work on those violations again.
- The department did a greenway sweep last week. We are trying to do them monthly to keep the Central Point end of the greenway transient camp free.
- No Shave November has come to an end. The department raised funds for Cancer prevention by not shaving and collecting pledges.
- They started the interview process today for the Police Office Support position.
- One of our off duty officers spotted a stolen vehicle today, he called for back-up and we were able to locate and apprehend the suspect.

Finance Director Steve Weber reported that:

- The Audit presentation will be in January.
- The city will be using a new vendor for utility billing statements. There will be a new fresh look to the water bills in January.

Community Development Director Tom Humphrey reported that:

- They have received building permits for the old Saxbury Building location, and the first phase of Smith Crossing.
- Micro devices are still working on their plans to move into Central Point.
- The City has received two façade improvement grant requests.

City Attorney Sydnee Dreyer complemented the City Staff and Police Department on a job well done regarding the 1st Street property. They all worked together to clean up the property for resell. Staff and Council are welcome to the Attorney Office Holiday Party. If anyone needs directions feel free to contact her.

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

Brandon Thueson moved to adjourn to Executive Session Under ORS 192.660(2)(i) to review the City Manager Evaluation. Mike Quilty seconded. All said “aye” and the Council Adjourned to Executive Session at 9:12 p.m.

Council returned to regular session at 9:58 p.m.

Brandon Thueson moved to approve the City Manager Agreement with recommended changes to Differed Comp Contribution and a 5% wage increase after the City Attorney reviews for legal language and submitted for review of Council by electronic mail. Mike Quilty seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rob Hernandez, yes; and Mike Quilty, yes. Motion approved.

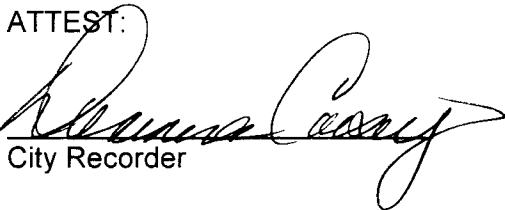
XIV. ADJOURNMENT

Mike Quilty moved to adjourn, Tanea Browning seconded, all said “aye” and the Council Meeting was adjourned at 10:02 p.m.

The foregoing minutes of the December 14, 2017, Council meeting were approved by the City Council at its meeting of January 11, 2018.

Dated: 1/12/18


Mayor Hank Williams

ATTEST:

City Recorder