

**CITY COUNCIL
REGULAR MEETING MINUTES**

November 17, 2009

1) CALL TO ORDER / PLEDGE OF ALLEGIANCE

Mayor Garrett called the meeting to order at 7:00 p.m., followed by the Pledge of Allegiance.

Present: Mayor Bruce Garrett, Councilors Chris Gilman, John Dodero, Linda Meyers, Donna Schatz and Dan Winterburn.

Staff: Administrator Paul Wyntergreen, City Recorder Sandra Miller.

Absent: Councilor Paul Becker.

2) MINUTES / BILLS

Minutes:

Councilor Meyers made a motion to approve the minutes for November 3, 2009. The motion was seconded by Councilor Schatz. All others present voted aye. Motion approved.

Bills:

Councilor Gilman made a motion to approve the Bills against the City. The motion was seconded by Councilor Dodero. Mayor Garrett abstained. All others present voted aye through a roll-call vote. Motion approved.

3) AUDIENCE / PUBLIC COMMENT

Clara Wendt, 570 "G" St.: She made general comments regarding the scarecrows attached on each street corner.

Katie Haugse, 635 East D St.: She had comments regarding the November 3, 2009 amended minutes. She further stated that she was taken aback by the approval of \$8,000.00 to the Planner according to the memo submitted by staff bringing the Planner's salary to \$43,600.00 a year.

Mayor Garrett: He stated that Ms. Haugse is misunderstanding and that it was \$8,000.00 for that line item and wasn't Daryl's salary.

Administrator Wyntergreen: He stated that it is not a salary award at this point in time.

Katie Haugse: She asked how the minutes were amended.

Administrator Wyntergreen: He responded that it is a budgetary allowance.

Katie Haugse: She stated that according to the minutes it states "adding \$8,000.00 to the Planner salary, General 2.7, line 12 to compensate for one year of the additional duties related to that position as opposed to the original proposal of \$1,400.00 for 6 months," Councilor Dodero made a motion to adopt as amended and it was seconded by Councilor Schatz and all present voted aye through a roll call vote and it was approved. She then stated that this tells her as a public citizen, that you added \$8,000.00 to the Planner's salary which is over a 25% raise.

Mayor Garrett: He stated that this is a public comment session and not for discussion.

Katie Haugse: She stated that she is concerned about what the Teamsters Union will think since Daryl is a Union member.

Mayor Garrett: He again stated that this is not a discussion forum, but for comments only.

4a) PUBLIC HEARING – MEDFORD WATER COMMISSION RATE INCREASE:

Larry Rains, Manager, Medford Water Commission: He gave an overview of the rate increase explaining that the original proposal was purposefully placed at a higher rate because they cannot propose a lower rate and then increase it. He further stated that the rate ended up being lower than what was proposed.

Mayor Garrett opened the Public Hearing at 7:15 p.m.

There was no participation from the audience.

Councilor Dodero made a motion to close the Public Hearing at 7:16 p.m. The motion was seconded by Councilor Gilman. All others present voted aye. Motion approved.

4b) SOUTHERN OREGON PHILATELIC SOCIETY – STAMP CLUB:

Administrator Wyntergreen: He explained that this is a request to use the City’s logo for their “History Series Cachet.”

Evelyn Bryan, 1090 Shafer Ln, Medford: She explained that this is a non-profit stamp club organization and that she would like to use the Jacksonville logo for a History series cachet to be presented during their October 19, 2010 Anniversary show. She also stated that she has concurrence with the Jacksonville Post Office.

Councilor Gilman made a motion to approve the request. The motion was seconded by Councilor Schatz. All others present voted aye. Motion approved.

4c) JACKSONVILLE GARDEN CLUB:

City Recorder Miller gave an overview of the yearly request.

Councilor Dodero made a motion to approve the request. The motion was seconded by Councilor Winterburn. All others present voted aye. Motion approved.

4d) CHRISTMAS MARKET DAYS – KIRSTEN & JOHN NEALE:

City Recorder Miller: she gave an overview of the request for a special use permit for an event in a residential area wherein they will be holding an open house.

Kirsten Neale, 410 East D St.: She gave an overview of the event and stated that she has approval from the Police Chief, the Fire Chief and the neighbors.

Councilor Meyers made a motion to approve the request. The motion was seconded by Councilor Schatz. All others present voted aye. Motion Approved.

4e) MOVIE COMMITTEE APPOINTMENTS:

Mayor and Council consensus was to appoint Stacey Van Voorhees and John Braislin to the committee.

4f) VIZIT NOW PRESENTATION:

Mike Green, CEO, Vizitnow: He gave a power point presentation regarding branding of Jacksonville through the Vizitnow website. He further stated that he has presented this to the Chamber of Commerce with a positive response and that the Southern Oregon Historical Society is also supportive.

Council discussion: The City would provide the laser imaging as that already exists of the downtown area. Concern over the large ‘price tag’ for this item was addressed by Mr. Green stating that his group would pursue funding from other sources and that the City’s contribution was with the imaging.

There was a consensus to pursue discussion regarding the proposal.

4g) NEATHAMER SURVEYING – HARC DECISION REGARDING BYBEE COURTYARD LANDSCAPE:

Administrator Wyntergreen explains that this is an approved development plan for Bybee Dr., approved by the Planning Commission in February 2008. One of the conditions was that the applicant provides a landscape plan from a Certified Landscape Architect and reviewed by a Certified Arborist, indicating which trees (resource) required protection. The applicant has done this and as a result of the approval layout, 2 of the trees located near the road would be detrimentally impacted and subsequently die. The recommendation to remove these trees was to alleviate the hazard created. The proposal was subject to HARC ‘review’ and that review took place on September 23, 2009. HARC determined that the trees needed to be saved and denied the landscape plan. The issue becomes whether to honor the Planning Commission decision to remove the trees, or honor the HARC decision and require the redesign and relocation of the road to save the trees. Conditions of approval are not appealable, and the requirement to protect the trees was a condition, the applicant therefore has no appeal recourse. Staff requests direction as to how to remedy this issue.

Bob Neathamer, 3126 State St., Medford (representative for the applicant) – Respects the HARC decision, and it isn’t that the applicant feels the trees are not worth of saving, but the Planning Commission, along with staff, public works and the City Engineer approved the plan for construction. Denying the landscape portion requires the redesign of the entire subdivision. Criteria required mitigation of the tree removal; that has been done by with the proposed planting of additional trees and was also approved by the Planning Commission. We are asking for guidance from Council, keeping in mind that this is a completely approved project.

Councilor Dodero – on the original application, were resource trees delineated on the tentative plat so that it was obvious that the trees in question would be affected?

Bob Neathamer - Yes, this was clearly depicted on the PUD plan, which was approved along with the proposed mitigation.

Councilor Dodero – Was there any discussion at the time as to whether the tree roots would be impacted by the road?

Bob Neathamer – Yes. The trees were discussed in that they would be negatively affected and mitigation by planting additional trees was required. Planning Commission asked us to do several things, one of which was to hire a Certified Arborist and submit a landscape plan showing tree mitigation. The arborist stated that this type of tree has a ‘spread’ root which would be damaged with the road construction, no matter how it was designed. We did try to design the street to save the trees and did not come up with a reasonable alternative.

Administrator Wyntergreen – The process is that the engineered drawings are independent of the landscape plan. Staff reviews the construction drawings to assure that they are in compliance with the tentative plan. In order to render a decision, criteria must be present. The condition states that HARC must review the landscape plan; therefore, the review is without criteria.

It is discussed that the condition states that ‘HARC will review the landscape plan’. Review does not mean approve or deny. In order to approve or deny, criteria must exist. The Planning Commission Final Order did not include criteria in the Condition regarding HARC ‘review’.

Art Krueger, 1055 N. 5th (Planning Commissioner) – based on new information, he respectfully requests that this plan be returned to the Planning Commission for re-review and for Planning to conduct a site visit. Suggests looking at minutes but recollects that the trees were discussed in detail, but that the Commission didn’t have all the facts (presented here) in order to make an intelligent decision.

Christina Duane, 240 Coachman Dr (HARC Commissioner) – She clarifies the tree removal code further stating that by that code states that every reasonable effort must be made to preserve resource trees. These trees are probably over a hundred years old and there is lots of buildable land around them. She feels subdivisions should be planned around resource trees, not viewed as a secondary consideration. She would like staff to be more concise regarding resource trees.

Discussion: it is determined that the process should be that a Certified Arborist, as required by a PUD Condition of Approval, should attend the initial Planning Commission meetings to state the effect of the development on resource trees and/or, a landscape plan must submitted to the HARC for ‘approval or denial’ prior to the Planning Commission decision on a new PUD/Subdivision application. Regardless of what should have taken place, a decision has been made and there is no appeal process so you cannot require the applicant to go back to the Planning Commission. It is questioned as to what the definition of ‘review by’ means in terms of approval or denial. It is also discussed that the tree removal code needs stronger language regarding the retention of resource trees.

Gary Collins, 305 Pair-a-dice Ranch Rd, (HARC Commissioner) - this should be debated as a point of law. If the code is clear in its endeavor, then a Commission cannot go against its own code. If the code is unclear, then that is another issue separate of this one. You cannot make a decision without knowing the letter of the code.

Discussion continues with the question of what can be done at this point. It is determined that the code should be revised and tightened and landscape plans for new developments should be ‘approved or denied’ by the HARC prior to a Planning Commission decision, however, not much can be done about this project.

Councilor Meyers makes a motion finding that the applicant met the conditions of approval per the Planning Commission Final Order. Councilor Dodero seconds the motion. Five (5) Councilors vote aye, one (1) Councilor votes nay through a roll-call vote. Motion Passed.

4h) TRANSIENT ROOM TAX COMMITTEE – GRANT AWARDS:

Councilor Winterburn: gave an overview of the Transient Room Tax meeting and the applications that are recommended for approval by the Council.

Chamber of Commerce - permanent lighting - \$7,500.00

Councilor Winterburn made a motion to approve the grant with conditions. The motion was seconded by Councilor Schatz. All others present voted aye through a roll-call vote. Motion Approved.

City of Jacksonville – 150th Birthday Jubilee - \$3,500.00

Councilor Schatz made a motion to approve the grant. The motion was seconded by Councilor Winterburn. All others present voted aye through a roll-call vote. Motion Approved.

Jacksonville Cemetery Commission – Annual Website Hosting - \$174.90

Councilor Dodero made a motion to approve the grant. The motion was seconded by Councilor Meyers. All others present voted aye through a roll-call vote. Motion Approved.

Chamber of Commerce – Jacksonville’s self guided audio tour DVD’s – \$1200.00

Councilor Dodero made a motion to approve the grant. The motion was seconded by Councilor Schatz. All others present voted aye through a roll-call vote. Motion Approved.

AVOVA – Gateway signs - \$8,000.00

Councilor Dodero made a motion to approve the grant. The motion was seconded by Councilor Schatz. Mayor Garrett and Councilors Dodero and Schatz voted aye, Councilors Gilman, Winterburn and Meyers voted nay through a roll-call vote. Motion failed.

5a) RES1029 – A RESOLUTION AUTHORIZING THE BUDGET ALLOCATION FOR THE HISTORIC PRESERVATION FUND PROGRAMS.

Councilor Meyers made a motion to approve Resolution 1029 for the FY09-10 supplemental budget. The motion was seconded by Councilor Winterburn. All others present voted aye. Motion approved.

5b) RES1030 – A RESOLUTION REGARDING PROVISIONS REVISING MEDFORD WATER COMMISSION SYSTEM DEVELOPMENT CHARGES.

Councilor Gilman made a motion to approve Resolution 1030. The motion was seconded by Councilor Meyers. All others present voted aye. Motion approved.

5C) ORD 599 – AN ORDINANCE ESTABLISHING PUD AND TENTATIVE PLAN APPROVALS.

Councilor Schatz made a motion to adopt Ordinance 599 in its entirety and allow the second reading by title only. The motion was seconded by Councilor Dodero. All others present voted aye. Motion approved.

Councilor Dodero made a motion to approve the second reading of Ordinance 599 by title only. The motion was seconded by Councilor Gilman. All others present voted aye. Motion approved.

6a) MAYOR AND COUNCIL COMMITTEE REPORTS:

Administrator Wyntergreen: He gave an overview of the CCI meeting wherein there was discussion regarding the census and RVTV outreach access, due to not enough members present for a quorum.

Councilor Dodero: He had nothing to report.

Councilor Meyers: She gave an overview of the Planning Commission’s review of the Noise and PUD Ordinances, the discussion of the railroad freight use at the last MPO meeting as well as the Planning Commission’s change of meeting time to 6:00 p.m. due to a conflict with the SORC meetings and that Devin Hull has volunteered to be the SORC representative.

Councilor Winterburn: He stated that he attended the demonstration for the new extraction tool for the Fire Department and that he found it very interesting.

Councilor Schatz: She submitted the Senior Center financial report.

Councilor Gilman: He commented on the Public Safety meeting that was held at 4:00 p.m. today and the discussion regarding the Strategic Plan for the Fire Department. He also stated that the next Public Safety meeting will be on December 4, 2009 at 4:00 P.M. at the Fire Hall and the next PRVS meeting will be on the 18th at 4:00 p.m. at the Community Center.

City Recorder Sandra Miller: She had nothing to report.

Mayor Garrett: He gave an overview of the RVTV presentation and their interest in televising our City Council meetings.

8) ADJOURN.

Mayor Garrett adjourned the meeting to Urban Renewal Agency at 9:30 p.m.

Bruce W, Garrett, Mayor

City Recorder or Designee

Date approved: _____

Transcribed by A. White