



# CITY OF CENTRAL POINT

*Oregon*

## City Council Meeting Agenda Thursday, October 13, 2022

Next Res(1721) Ord (2090)

- I. **REGULAR MEETING CALLED TO ORDER**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **PUBLIC COMMENTS**

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

- V. **CONSENT AGENDA**
  - A. **Approval of September 8, 2022 City Council Minutes**
  - B. Proclamation - Lung Cancer Awareness Month

- VI. **ITEMS REMOVED FROM CONSENT AGENDA**

- VII. **PUBLIC HEARING**

*Public comments will be allowed on items under this part of the agenda following a brief staff report presenting the item and action requested. The presiding officer may limit testimony.*

- 1. Resolution No. \_\_\_\_\_, A Resolution to Annex 34.64 Acres, Located on Property Identified on the Jackson County Assessor's Map as 37S2W02D-TL 2001; 37S2W11A-TL 102 AND 28100; 37S2W12B-TL 501 AND 600; 37S2W12C-TL 301 and 805. Applicant: City of Central Point (Holtey)

- VIII. **ORDINANCES, AND RESOLUTIONS**

- A. First Reading - an Ordinance Amending in Part Central Point Municipal Code Chapter 8.02 Regarding Chronic Nuisance Property and Chapter 8.45 Regarding Public Nuisance Remedy (Dreyer)

- IX. **BUSINESS**

- A. Rogue Disposal CPI Request & Calculation 2022 (Clayton)
- B. Central Point Community Center Financial Update (Clayton)
- C. Appointment of Citizens Advisory Committee Member (Clayton)

**Mayor**  
Hank Williams

**Ward I**  
Neil Olsen

**Ward II**  
Kelley Johnson

**Ward III**  
Melody Thueson

**Ward IV**  
Taneea Browning

**At Large**  
Rob Hernandez

**At Large**  
Michael Parsons

D. Planning Commission Report (Holtey)

X. **MAYOR'S REPORT**

XI. **CITY MANAGER'S REPORT**

XII. **COUNCIL REPORTS**

XIII. **DEPARTMENT REPORTS**

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 to [Deanna.casey@centralpointoregon.gov](mailto:Deanna.casey@centralpointoregon.gov).

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

# CITY OF CENTRAL POINT

*Oregon*

## City Council Meeting Minutes Thursday, September 8, 2022

### I. REGULAR MEETING CALLED TO ORDER

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

### II. PLEDGE OF ALLEGIANCE

### III. ROLL CALL

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

Staff members present: City Manager Chris Clayton; City Attorney Sydnee Dreyer; Parks and Public Works Director Matt Samitore; Planning Director Stephanie Holtey; Lieutenant Chadd Griffin, and City Recorder Deanna Casey.

### IV. PUBLIC COMMENTS

Crater Renaissance Academy Senior Neve McGuire and Principle Jennifer Spencer presented an update on events happening at the High School. Ms. McGuire explained why the academy is so important to her and other students.

Chris Kofoid, Central Point Resident stated that he is concerned about the fires along the greenway and other creeks within our area.

Mr. Clayton and Mr. Samitore updated him on what the city does to discourage camping along the creeks in Central Point.

### V. CONSENT AGENDA

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

A. Approval of August 25, 2022 City Council Minutes

B. 2022 City Surplus Vehicles

**VI. ITEMS REMOVED FROM CONSENT AGENDA**

**VII. ORDINANCES, AND RESOLUTIONS**

**A. Resolution No. \_\_\_\_\_, Consenting to the Assignment of the Rogue Disposal and Recycling, Inc. Franchise Agreement, Specifically, the Transfer of Stock of Franchisee's Parent Rogue Waster Inc. to a Subsidiary of Waste Connections**

City Attorney Sydnee Dreyer explained the Council is being asked to consider the proposed resolution consenting to the assignment of Rogue Disposal and Recycling, Inc., (RDR) Franchise Agreement, specifically the transfer of stock of franchisee's parent company, Rogue Waste, Inc. to a subsidiary of Waste Connections.

The Franchise Agreement between the City and Rogue Disposal and Recycling, Inc., states that the city must provide consent if there are certain changes in ownership. RDR provided notice to the city that its parent company will be selling stock to a subsidiary of Waste Connections. Their own stock will not be changing hands. The change in ownership may be characterized as a change in control. Staff believes that the city's consent is required for the franchise agreement to continue in operation after this transaction.

RDR representatives Laura LeBrick and Gary Penning explained the change is to allow the current owners to plan for succession of the company. Waste Connections is very familiar with Oregon laws and know what can be done in our area.

City Manager Chris Clayton explained that the agreement will remain the same.

**Michael Parsons moved to approve Resolution No. 1720, A Resolution Consenting to the Assignment of the Rogue Disposal and Recycling, Inc. Franchise Agreement, Specifically, the Transfer of Stock of Franchisees' Parent Rogue Waste, Inc. to a subsidiary of Waste Connections.**

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

**B. Resolution No. \_\_\_\_\_, Authorizing Night Work for the Oregon Department of Transportation to Complete the Scenic and Highway 99 Signal Project for up to Ten Nights**

Parks and Public Works Director Matt Samitore explained that ODOT has requested to work nights during the improvements at the intersection of Highway 99 and Scenic Avenue. They believe they can complete the night work in five nights. He will be working with the construction crew to keep it to five nights or less. There could be complaints because this area is near to a subdivision.

There was discussion about the traffic plan and detours during construction. It was pointed out that this intersection can get busy when there are sporting events at the schools.

**Rob Hernandez moved to approve Resolution No. 1721, A Resolution authorizing night work for the Oregon Department of Transportation to complete the Scenic and Highway 99 Signal Project for up to 10 nights.**

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

**C. Resolution No. \_\_\_\_\_, Declaring The City Council’s Intent To Annex Lands Located On City-Owned Properties Within The Bear Creek Greenway Fire Area Master Plan Area, Which Includes 372w11a-TI 102 And 28100, And 272w12b-TI501, 600, 699; And, 372w12c-301 And Replacing Resolution No. 1695**

Planning Director Stephanie Holtey explained the proposed resolution will replace Resolution No. 1695 approved January 13, 2022. At the August 25, 2022 meeting the Council voted to withdraw the application to consider the Bear Creek Greenway Annexation request in order to allow time to complete the necessary surveys and update the legal description and map. To initiate the new application based on the boundary changes. She provided a new resolution that is different than the Resolution presented in the Council Agenda Packet.

She went on to explain which properties are included in the resolution presented tonight. One parcel is currently owned by the City of Medford, they are working on transferring that ownership to Central Point.

**Tanea Browning moved to approve Resolution No. 1722, A Resolution Declaring the City Council’s Intent to Annex Lands Located on City-Owned Properties within the Bear Creek Greenway Fire Area Master Plan, Which Includes a portion of 372W02D TL 2001; 372W11A TL 102 and 28100, 372W12B TL 501 and 600; and 372W12C TL 301 and 805 and Replaces Resolution No. 1695.**

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

**VIII. BUSINESS**

**A. Appointment of Citizens Advisory Committee Member**

Mr. Clayton explained that the city conducted interviews with two applicants for the Citizens Advisory Committee. Mayor Williams stated that he would like to recommend Mitchel Price for the CAC. The other candidate would be a great asset to the Budget Committee if we need to appoint a member in the Spring.

**Michael Parsons moved to appoint Mitchel Price to the Citizens Advisory Committee.**

Minutes Acceptance: Minutes of Sep 8, 2022 7:00 PM (CONSENT AGENDA)

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

**B. Community Center Financial Strategy**

Mr. Clayton presented information regarding the Community Center Financial Strategy. Due to COVID-19 the Community Center to be located across from Central Point Elementary School was on hold. In 2021 Staff spoke with Jackson County Administration who showed interest in a joint process for the Center to be located on Jackson County property at the Expo. The City and County entered into a partnership to conceptually evaluate the possibility of a "joint" community and evacuation center. After several meetings a design (Option 2) was decided would best serve the needs for all involved.

After several revisions the facility would include recreational classroom space, outdoor recreations opportunities, and office space for Parks and Recreation Staff. On the Jackson County side, features include a larger commercial kitchen for feeding evacuees during an emergency, shower facilities, and six full size basketball courts which could be used as an emergency shelter.

He presented the overall cost for the option selected by both organizations. Explained the cost split and various options to fund it. Jackson County has been told that this project would be an acceptable project for their ARPA funds.

There was discussion regarding current fees and increasing the Parks Fee for our citizens. Council expressed concern that the citizens may not be as interested in a community center as they were during the last survey. The survey asked about the Cemetery, Greenway, Little League fields and the community center, but were the citizens actually ready for all those increases. There is concern that a community center may not have a small town feel if located at the Expo.

Mr. Clayton stated that he will enter into discussions with the County to see what all the options are for financing the project. He will return with more information and they will put some thought into a way to get community input about the new location in a timely manner.

<b>RESULT:</b>	<b>FOR DISCUSSION ONLY</b>
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**IX. MAYOR'S REPORT**

Mayor Williams reported that the Twin Creeks Facility is happy about the curb striping around the building. He has spoken with a citizen who has some interesting ideas for the cemetery.

**X. CITY MANAGER'S REPORT**

City Manger Chris Clayton reported that:

Minutes Acceptance: Minutes of Sep 8, 2022 7:00 PM (CONSENT AGENDA)

- Today a transformer blew outside of City Hall. We have been on back-up power all day and had no access to the internet. They hope that everything should be back up and running by tomorrow morning.
- Rogue Disposal will be returning in October with the Annual CPI Increase.
- He recommends cancelling the September 22, 2022 Council meeting due to lack of agenda items.
- The Finance Director has been in contact with the Auditors and they hope to present to the Council next month.
- The City of Rogue River has hired Ryan Nolan from RVCOG. Mr. Nolan was City Administrator for Cave Junction, worked in Planning for Grants Pass and should be a good asset for Rogue River.

## XI. COUNCIL REPORTS

Council Member Michael Parsons reported that he assisted in the concealed weapons class.

Council Member Tanea Browning reported that:

- the LOC Board has approved the Strategic Plan after months of hard work. They also approved the legislative priorities that the cities suggested. They have approved the hiring process for an executive director.
- She is looking forward to the Bear Creek Steering Committee meeting next week.

No other reports were provided.

## XII. DEPARTMENT REPORTS

Parks and Public Works Director Matt Samitore reported that:

- Jackson County and the City are negotiating the Hamrick and Pine intersection construction project.
- There will be a preconstruction meeting next week for the Dennis Richardson and War Memorial project.
- There is an Open House next week for the Little League project.

Planning Director Stephanie Holtey reported that:

- There will be a Joint Study Session on September 19<sup>th</sup>. This meeting will be to discuss the new climate friendly rules required by the state.
- The October Planning Commission will be discussing the Urban Renewal and Transportation Plan.
- The CAC meeting on October 11<sup>th</sup> will be to consider the final draft of Climate Friendly rules.

- There will be code revisions coming in the next few months regarding parking.

Police Lieutenant Chad Griffin reported that:

- They are in the process of doing background checks on two possible employees.
- The schools started on Tuesday. They are working on the annual traffic issues around the drop off area.

County Commissioner Dave Dotterer reported that they have talked to the County Assessor about the most recent audit. The audit pointed out several areas of concern regarding that department.

**XIII. EXECUTIVE SESSION - None**

**XIV. ADJOURNMENT**

Taneea Browning moved to adjourn, all said aye and the meeting was adjourned at 8:58 p.m.

The foregoing minutes of the September 8, 2022, Council meeting were approved by the City Council at its meeting of \_\_\_\_\_, 2022.

Dated:

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

ATTEST:

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

Minutes Acceptance: Minutes of Sep 8, 2022 7:00 PM (CONSENT AGENDA)





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

### **ISSUE SUMMARY**

<b>TO:</b>	City Council	<b>DEPARTMENT:</b>	Clerk
<b>FROM:</b>	Deanna Casey, City Recorder		
<b>MEETING DATE:</b>	October 13, 2022		
<b>SUBJECT:</b>	Proclamation - Lung Cancer Awareness Month		
<b>ACTION REQUIRED:</b>	Consent Agenda Item	<b>RECOMMENDATION:</b>	Approval

Lung cancer is the leading cause of cancer death in the United States and the world, and in 2022, it is estimated that 130,180 Americans will die from lung cancer. Early detection through lung cancer screening by low-dose computed tomography (CT) significantly reduces lung cancer mortality by up to 33%. However, only 5.7% of high-risk individuals are currently getting screened.

In order to increase the lung cancer screening rate and save lives, ALCSI is partnering with communities to raise awareness and educate community members about lung cancer and lung cancer screening. We've worked with community organizations like the South Asian Network and American Indian Cancer Foundation, as well as city and state health departments, including the NYC and Connecticut Health Departments.

November 2022 is Lung Cancer Awareness Month. This month provides an excellent opportunity for Salem to demonstrate its support for the numerous people affected by lung cancer. Furthermore, it is a wonderful opportunity to educate the public on the efforts that can be taken to reduce deaths through lung cancer screening. ALCSI would be honored if you would sponsor an official proclamation to recognize November 2022 as Lung Cancer Awareness Month in your city. Your proclamation would lend official recognition to the importance of educating the public on lung cancer, as well as emphasize your personal commitment to raising awareness about the resources available to screen for the disease early-on.

**ATTACHMENTS:**

1. Lung Cancer Awareness Month 2022 Proclamation

## LUNG CANCER AWARENESS MONTH PROCLAMATION

**Whereas,** lung cancer is the leading cause of cancer death among men and women in the United States and Oregon, accounting for more deaths than colon cancer, breast cancer, and prostate cancer combined; (1)(2)

**Whereas,** according to the Centers for Disease Control and Prevention, there were 13,865 new lung cancer cases and 9,305 deaths because of lung cancer between 2015 and 2019 in Oregon; (2)

**Whereas,** the 5-year survival rate for localized lung cancer is ~60%, yet only ~24% of lung cancers are diagnosed at this stage; (1)

**Whereas,** screening for lung cancer for high-risk individuals, using low-dose computed tomography, can lead to the earlier detection of lung cancer and save lives, reducing the mortality by 20% when compared to screening by chest x-ray in the National Lung Screening Trial (3) and reducing the risk of death at 10 years by 24% in men and 33% in women as demonstrated by another large randomized trial; (4)

**Whereas,** funding for lung cancer research trails far behind funding for research of many other cancers, and additional research is needed in early diagnosis, screening, and treatment for lung cancer as well as in lung cancer affecting women and lung cancer health disparities;

**Whereas,** lung cancer incidence is decreasing twice as fast in men as it is in women, each year more women die from lung cancer than breast cancer and by 2035, more women will die from lung cancer than men; (6,7)

**Whereas,** African Americans have the highest lung cancer incidence and mortality of all races, and disparities in lung cancer screening, diagnosis, treatment, and mortality are well characterized among African Americans and other racial minorities. (8)

**Whereas,** lung cancer in never smokers is the 7<sup>th</sup> leading cause of cancer-related death and accounts for 17,000-26,000 deaths in the US every year (7), 60-70% of never smokers diagnosed with lung cancer are women (9,10), and the proportion of lung cancers diagnosed in never smokers is increasing in the US; (10,11)

**Whereas,** organizations working in the City of Central Point community, such as the American Lung Cancer Screening Initiative and Women's Lung Cancer Forum, are committed to educating about lung cancer and lung cancer screening and working to increase lung cancer screening rates in Central Point.

**NOW THEREFORE,** I, Mayor Hank Williams, hereby proclaim November 2022 as Lung Cancer Awareness Month in the City of Central Point, and recognize the need for research in lung cancer affecting

women and lung cancer health disparities, and encourage all citizens to learn about lung cancer and early detection through lung cancer screening.

Date this \_\_\_\_\_ Day of \_\_\_\_\_, in the Year 2022.

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Mayor Hank Williams

- (1) “Cancer of the Lung and Bronchus - Cancer Stat Facts.” *SEER*, [seer.cancer.gov/statfacts/html/lungb.html](http://seer.cancer.gov/statfacts/html/lungb.html).
- (2) “United States Cancer Statistics: Data Visualizations.” Center for Disease Control, <https://gis.cdc.gov/Cancer/USCS/DataViz.html>.
- (3) National Lung Screening Trial Research Team, Aberle DR, Adams AM, et al. Reduced lung-cancer mortality with low-dose computed tomographic screening. *N Engl J Med*. 2011;365(5):395-409. doi:10.1056/NEJMoa1102873
- (4) de Koning HJ, van der Aalst CM, de Jong PA, et al. Reduced Lung-Cancer Mortality with Volume CT Screening in a Randomized Trial. *N Engl J Med*. 2020;382(6):503-513. doi:10.1056/NEJMoa1911793
- (5) Siegel, R. L.; Miller, K. D.; Jemal, A., Cancer statistics, 2020. *CA: A Cancer Journal for Clinicians* 2020, 70 (1), 7-30.
- (6) Jeon, J.; Holford, T. R.; Levy, D. T.; Feuer, E. J.; Cao, P.; Tam, J.; Clarke, L.; Clarke, J.; Kong, C. Y.; Meza, R., Smoking and Lung Cancer Mortality in the United States From 2015 to 2065: A Comparative Modeling Approach. *Ann Intern Med* 2018, 169 (10), 684-693.
- (7) Rivera, G. A.; Wakelee, H., Lung Cancer in Never Smokers. *Adv Exp Med Biol* 2016, 893, 43-57.
- (8) Rivera, M. P.; Katki, H. A.; Tanner, N. T.; Triplette, M.; Sakoda, L. C.; Wiener, R. S.; Cardarelli, R.; Carter-Harris, L.; Crothers, K.; Fathi, J. T.; Ford, M. E.; Smith, R.; Winn, R. A.; Wisnivesky, J. P.; Henderson, L. M.; Aldrich, M. C., Addressing Disparities in Lung Cancer Screening Eligibility and Healthcare Access. An Official American Thoracic Society Statement. *American Journal of Respiratory and Critical Care Medicine* 2020, 202 (7), e95-e112.
- (9) Korpanty, G. J.; Kamel-Reid, S.; Pintilie, M.; Hwang, D. M.; Zer, A.; Liu, G.; Leighl, N. B.; Feld, R.; Siu, L. L.; Bedard, P. L.; Tsao, M.-S.; Shepherd, F. A., Lung cancer in never smokers from the Princess Margaret Cancer Centre. *Oncotarget* 2018, 9 (32), 22559-22570.
- (10) Pelosof, L.; Ahn, C.; Gao, A.; Horn, L.; Madrigales, A.; Cox, J.; McGavic, D.; Minna, J. D.; Gazdar, A. F.; Schiller, J., Proportion of Never-Smoker Non-Small Cell Lung Cancer Patients at Three Diverse Institutions. *Journal of the National Cancer Institute* 2017, 109 (7), djw295.
- (11) Toh, C. K.; Ong, W. S.; Lim, W. T.; Tan, D. S.; Ng, Q. S.; Kanesvaran, R.; Seow, W. J.; Ang, M. K.; Tan, E. H., A Decade of Never-smokers Among Lung Cancer Patients-Increasing Trend and Improved Survival. *Clin Lung Cancer* 2018, 19 (5), e539-e550.



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

### **ISSUE SUMMARY**

<b>TO:</b>	City Council	<b>DEPARTMENT:</b>	Community Development
<b>FROM:</b>	Stephanie Holtey, Planning Director		
<b>MEETING DATE:</b>	October 13, 2022		
<b>SUBJECT:</b>	Resolution No. _____, A Resolution to Annex 34.64 Acres, Located on Property Identified on the Jackson County Assessor's Map as 37S2W02D-TL 2001; 37S2W11A-TL 102 AND 28100; 37S2W12B-TL 501 AND 600; 37S2W12C-TL 301 and 805. Applicant: City of Central Point		
<b>ACTION REQUIRED:</b>	Public Hearing Resolution	<b>RECOMMENDATION:</b>	Approval

#### **BACKGROUND INFORMATION:**

On September 8, 2022 the City Council approved a Resolution of Intent to annex land within the Bear Creek Greenway for the dual purpose of developing a new park and mitigating wildfire risk to the community. The subject properties are owned by the City of Central Point ("City"), with the exception of one lot (37S2S12B, Tax Lot 501) that is in the process of being transferred from ownership by the City of Medford to the City. Once annexed, the City will be able to allocate funds necessary to master plan and construct a high quality, diverse park facility that provides active and passive recreation in balance with wildfire mitigation and habitat restoration.

At this time the City Council is considering a resolution to annex 34.64 acres within the Bear Creek Greenway (BCG) zone south of Penger Road, north of Table Rock Road and east of Interstate 5. The properties are identified on the Jackson County Assessor's Map as 37S2W02D-TL 2001; 37S2W11A-TL 102 and 28100; 37S2W12B-TL 501 and 600; 37S2W12C-TL 301 and 805 (Attachment 1, including Exhibits A and B). Applicant: City of Central Point.

#### **FINANCIAL ANALYSIS:**

The annexation has incurred costs to prepare the map of survey and legal description. All other costs associated with the annexation are in-kind cost for staff time.

#### **LEGAL ANALYSIS:**

ORS 222.125 authorizes annexation of property contiguous to cities when all of the owners of land and a majority of electors consent. CPMC 1.20 vests the City Council with the authority to order the annexation of unincorporated territory in the Urban Growth Boundary into the City of Central Point.

1. **Written Consent.** This annexation is a 'full consent annexation' as evidenced by Council's approval of Resolution No. 1722, a Resolution of Intent to annex the subject

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properties. The City of Medford is in the process of transferring ownership of Tax Lot 501 to the City. To expedite the annexation process, the City of Medford City Council is expected authorize Medford's written consent to annex said property on October 20, 2022. The City of Central Point City Council may approve the Resolution to annex the Bear Creek Greenway properties with the understanding that the approval will be subject Medford's written consent.

2. **Contiguous to City Limits.** Pursuant to ORS 222.111, territory proposed for annexation must be contiguous to the City or separated from it only by a public right-of-way or a stream, lake or other body of water. The subject annexation area is contiguous to the city limits along several property boundary segments and is separated from the city limits boundary to the west only by Oregon Department of Transportation right-of-way
3. **Within Urban Growth Boundary (UGB).** The annexation territory is within the Urban Growth Boundary of Central Point and is in compliance with the City-County Urban Growth Boundary and Policy Agreement of September 1984 and amended in 1998.
4. **Orderly Provision of Public Facilities.** The City-County Urban Growth Boundary and Policy Agreement requires that, in considering an annexation, urban facilities and services must be adequate in condition and capacity to accommodate the additional level of growth allowed by the Comprehensive Plan within the annexation area prior to or concurrent with the development. The subject properties are within the Bear Creek Greenway. Services are limited to water, emergency vehicle and pedestrian access. As the site develops as a recreational amenity, it will take advantage of existing services.
5. **Duly Noticed and Advertised Public Hearing.** Pursuant to ORS 222.120, notice of the hearing was published for the City Council meeting on October 5, 2022 and October 12, 2022 in the Mail Tribune and notice was posted in four (4) public locations. In addition, on September 23, 2022 the notice was mailed to property owners within 250-feet of the proposed annexation area.

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

**Responsible Governance Goal 6:** Prepare as a resilient city with the capabilities required across the whole community to prevent, protect against, mitigate, respond to and recover from the threats and hazards that pose the greatest risk.

Comment: The proposed annexation brings land into the city limits that poses a significant wildfire risk to the community. As a result of the proposed annexation, the City will be in a position to acquire and allocate funding to construct improvements that mitigate wildfire risk while restoring habitat along Bear and Elk Creeks and providing active and passive recreation amenities for the community.

**Community Investment, Goal 2:** Be a city filled with happy, healthy people who are thriving.  
**Strategy 5:** Plan, design, build and maintain a comprehensive system of sustainable facilities, trails and park spaces (setting the highest standards) to provide attractive places people will use and enjoy. Acquire additional lands for active and passive recreation use based on current deficiencies and public demands created by increasing population or the environmental and recreational significance of the area.

Comment: The proposed annexation is a pre-requisite to funding and constructing the parks and recreation amenities set forth in the Bear Creek Greenway Fire Area Master Plan. The facilities will ultimately align with the aspiration articulated in Strategy 5.

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**STAFF RECOMMENDATION:**

Conduct a public hearing and consider the Resolution to Annex 34.64 acres within the Bear Creek Greenway.

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**RECOMMENDED MOTION:**

I move to approve Resolution No. \_\_\_\_\_ to annex 34.64 acres located on property identified on the Jackson County Assessor's Map as 37S2W02D-TL 2001; 37S2W11A-TL 102 and 28100; 37S2W12B-TL 501 and 600; 37S2W12C-TL 301 and 805.

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**ATTACHMENTS:**

1. Resolution to Annex (ANNEX-22002)
2. Exhibits A and B

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION TO ANNEX 34.64 ACRES,  
LOCATED ON PROPERTY IDENTIFIED ON THE JACKSON COUNTY  
ASSESSOR’S MAP AS 37S2W02D-TL 2001; 37S2W11A-TL 102 AND 28100; 37S2W12B-TL  
501 AND 600; 37S2W12C-TL 301 AND 805.  
APPLICANT: CITY OF CENTRAL POINT**

**File No. ANNEX-22002**

**RECITALS:**

- A. The Central Point City Council (the Council) is authorized under ORS 222.120 to hold a public hearing for annexation proceedings without an election for annexation.
- B. The City of Central Point owns six (6) tax lots and the City of Medford owns one (1) tax lot (37S2W12B, Tax Lot 501) within the Bear Creek Greenway generally described by Exhibit A, which are not located within the City of Central Point city limits. The City of Medford is in the process of transferring ownership of Tax Lot 501 to the City of Central Point. On October 20, 2022 the City of Medford City Council is scheduled to process a Written Consent to Annex Tax Lot 501.
- C. On October 13, 2022, the Council conducted a duly noticed public hearing on the annexation application, at which time it reviewed the City staff report, heard testimony and comments on the application to annex the 34.64 acres specifically described in attached Exhibits “A” Legal Description and Exhibit “B” Annexation Map of Survey.
- D. This annexation is a full consent annexation as the City of Central Point City Council have consented to the annexation in Resolution No. 1722 and the City of Medford intends to complete the Written Consent to Annex Tax Lot 501.
- E. The City Manager, or designee, will transmit a copy of this resolution to the Oregon Secretary of State upon receipt of the City of Medford’s Written Consent to Annex Tax Lot 501. This annexation is effective when filed with the Oregon Secretary of State pursuant to ORS. 222.180.

The City of Central Point resolves as follows:

**Section 1:** The properties within the Bear Creek Greenway, described in the above recitals and set forth in attached Exhibits “A” and “B” is proclaimed to be annexed to the City of Central Point.

Passed by the Council and signed by me in authentication of its passage this 13<sup>th</sup> day of October, 2022.

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

ATTEST:

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

Attachment: Resolution to Annex (ANNEX-22002) [Revision 1] (1596 : Bear Creek Greenway Annexation)





**EXHIBIT "A"****ANNEXATION DESCRIPTIONS:**

Those real properties described in Instrument Number 67-07010, Instrument Number 2022-013723 and Parcels I and II per Instrument Number 2022-000383 of the Official Records of Jackson County, Oregon, being located in the Northwest One-quarter and the Southwest One-quarter of Section 12, Township 37 South, Range 2 West of the Willamette Meridian, in Jackson County, Oregon. The exterior boundaries of said properties is more particularly described as follows:

**TRACT 1:**

Commencing at the monument marking the Southeast corner of Donation Land Claim Number 56 (DLC 56); thence South 89°39'28" West, along the south boundary of said DLC 56, 1271.13 feet to the northeast corner of said Instrument Number 2022-013723 and being the **TRUE POINT OF BEGINNING**; thence leaving said DLC 56 boundary and along the easterly boundary of said instrument, the following courses: South 38°23'35" East, 254.16 feet; thence North 89°38'04" East, 357.48 feet; thence South 43°57'32" East, 470.00 feet; thence South 49°57'32" East, 268.97 feet; thence North 89°40'23" East, 91.42 feet; thence South 32°49'37" East, 300.00 feet; thence South 00°19'37" East, 365.71 feet to intersect the northerly boundary of said Parcel I in Instrument Number 2022-000383; thence along the exterior boundaries of said Parcel I, the following courses: North 89°40'23" East, 62.10 feet; thence South 00°16'37" East, 209.37 feet; thence North 89°40'23" East, 150.00 feet; thence South 00°16'37" East, 373.37 feet; thence South 00°15'12" East, 300.20 feet; thence South 42°22'29" East, 205.72 feet; thence North 89°32'36" East, 212.38 feet to intersect the westerly right-of-way of Table Rock Road; thence South 00°16'37" East, along said westerly right-of-way, 125.59 feet to an angle point of said Parcel II in Instrument Number 2022-000383; thence continuing along said right-of-way, South 09°48'13" West, along the easterly boundary of said Parcel II, 169.66 feet to intersect the easterly right-of-way of Interstate 5 (Pacific Highway 1) per Volume 471 at Page 97 of the Deed Records of Jackson County, Oregon; thence leaving said Table Rock Road right-of-way, and along said easterly right-of-way of Interstate 5, being common with the westerly boundary of said Parcel I, the following courses: North 42°21'08" West, 1037.21 feet; thence North 23°36'33" West, 606.75 feet to the northwest corner of said Parcel I, also being a point on the southerly boundary of aforesaid Instrument Number 2022-013723; thence South 89°40'23" West, along said southerly boundary and aforesaid Interstate 5 right-of-way, 1.30 feet to the southwest corner of said Instrument Number 2022-013723, being common with the southeast corner of Parcel III of said Instrument Number 2022-000383; thence North 39°40'37" West, along the common boundaries of said Parcel III and Instrument Number 2022-013723, 473.28 feet to the southeasterly corner of said Instrument Number 67-07010; thence along the exterior boundaries of last said instrument, the following courses: South 80°39'32" West, 532.00 feet to intersect the aforesaid easterly right-of-way of Interstate 5; thence North 42°21'08" West, along said right-of-way, 238.50 feet; thence leaving said right-of-way, North 80°39'32" East, 544.89 feet to intersect the westerly boundary of said Instrument Number 2022-013723; thence along the common boundaries of said Instrument Number 2022-013723 and Parcel III of Instrument 2022-000383, the following courses: North 39°40'37" West, 94.58 feet; thence North 89°40'23" East, 42.26 feet; thence North 38°19'37" West, 906.35 feet to intersect said south boundary of said DLC 56; thence leaving said common boundaries, North 89°39'28" East, 131.11 feet to the Point of Beginning.

Containing 26.95 acres, more or less.

**TRACT 2:**

That portion of the real property described as Parcel V in Instrument Number 2022-000383 of the Official Records of Jackson County, Oregon, being located in the Southeast One-quarter of Section 2 and in the Northeast One-quarter and Southwest One-quarter of Section 11, Township 37 South, Range 2 West of the Willamette Meridian, in Jackson County, Oregon. The exterior boundary of which is more particularly described as follows:

Commencing at the monument marking the Southeast corner of Donation Land Claim Number 56 (DLC 56); thence South 89°39'28" West, along the south boundary of said DLC 56, 1506.93 feet to the southeast corner of said Parcel V in Instrument Number 2022-000383 and being the **TRUE POINT OF BEGINNING**; thence continuing South 89°39'28" West, along the common boundaries of said DLC 56 and Parcel V, 644.08 feet to intersect the easterly right-of-way of Interstate 5 (Pacific Highway 1) per Volume 573 at Page 495 of the Deed Records of Jackson County, Oregon, and being the southwest corner of said Parcel V; thence leaving said DLC 56 boundary and along the westerly boundary of said Parcel V, the following courses: North 42°21'08" West, 493.54 feet to an angle point of said Parcel V, being common with the most southerly corner per Instrument Number 2003-038052 of the Official Records of Jackson County, Oregon; thence leaving said easterly right-of-way, North 01°52'36" East, 242.52 feet; thence North 08°42'14" West, 142.69 feet; thence North 28°45'19" West, 259.88 feet; thence North 17°27'37" West, 210.22 feet; thence North 47°13'50" West, 71.55 feet to intersect the southerly boundary of Volume 236 at Page 240 of the Deed Records of Jackson County, Oregon; thence leaving the westerly boundary of said Parcel V, North 89°37'43" East, along said southerly boundary of Volume 236 at Page 240, 193.59 feet to intersect the easterly boundary of aforesaid Parcel V; thence leaving said southerly boundary of Volume

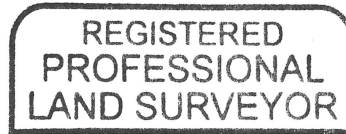
236 at Page 240 and along the easterly boundary of said Parcel V, the following courses: South 18°49'57" East, 365.59 feet to an angle point thereof; thence South 26°58'27" East, 365.91 feet to an angle point thereof; thence South 42°17'20" East, 476.00 feet to an angle point thereof; thence South 65°23'39" East, 476.22 feet to intersect aforesaid south boundary of DLC 56 and the Point of Beginning.

Containing 7.69 acres, more or less.

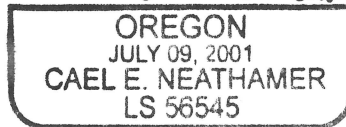
The basis of bearings for these descriptions is Geodetic North referenced to the NAD83 2011 (Epoch 2010.00) datum, projected onto the Oregon Coordinate Reference System, Grants Pass-Ashland Zone (references: OAR 734-005-0005, 734-005-0010 (3) and 734-005-0015(3)(a)). Note that the grid bearings listed herein do not equal geodetic bearings due to meridian convergence.

Prepared by:  
NEATHAMER SURVEYING, INC.  
3126 State Street, Suite 203  
PO Box 1584  
Medford, Oregon 97501  
Phone: (541) 732-2869  
Facsimile: (541) 732-1382  
Project Number: 09002-T-46

Date: September 21, 2022



*Cael E. Neatham*



RENEWAL DEC. 31, 2022

Attachment: Exhibits A and B (1596 : Bear Creek Greenway Annexation)

EXHIBIT "B"

7.1.b

INTERSTATE 5  
(PACIFIC HIGHWAY 1)

ORDINANCE  
1556

INST 2022-013723

PERMANENT  
EXCLUSIVE  
EASEMENT PER  
INST 2022-013723  
(HATCHED AREA)

37 2W 12B  
TAX LOT 100  
KENNETH C &  
GERI L LANE  
INST 2005-  
077743

37 2W 12B  
TAX LOT 1500  
ROBERT D & KAROL A WAITS  
INST 2001-051803

37 2W 12B  
TAX LOT 1700  
PAUL D & SHANNON  
N KRALK  
INST 2014-  
011935

37 2W 12B  
TAX LOT 1800  
RORY P & JAMIE D WHITE  
INST 2003-048195

37 2W 12C  
TAX LOT 400  
VR JONES PROPERTIES LLC  
INST 2004-005351

37 2W 12C  
TAX LOT 500  
JOHN R BESTUL  
INST 2021-  
012940

(TRACT 1)

37 2W 12C  
TAX LOT 301  
CITY OF CENTRAL POINT  
INST 2022-000383  
(PARCEL I)

37 2W 12C  
TAX LOT 300  
STAR PROMENADERS, INC  
INST 91-12420

37 2W 12C  
TAX LOT 805  
CITY OF CENTRAL POINT  
INST 2022-000383  
(PARCEL II)

TABLE ROCK ROAD

SCALE: 1" = 150'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

Cael E. Neatham

OREGON  
JULY 9, 2001  
CAEL E. NEATHAMER  
56545

Renewal Date 12/31/22

Packet Pg. 19

Attachment: Exhibits A and B (1596 : Bear Creek Greenway Annexation)

S89°40'23"W 572.07'

544.96'

N23°36'53"W 606.75'

N42°21'08"W 1037.21'

S42°22'24"E 205.12'

N89°32'36"E 212.38'

S09°48'13"W 169.66'

S00°16'37"E 125.59'

S00°15'12"E 300.20'

S00°16'37"E 373.37'

N89°40'23"E 150.00'

S00°16'37"E 209.37'

N89°40'23"E 62.10'

S00°19'37"E 365.71'

S32°49'37"E 300.0'

S89°40'23"W 1.30'

EXHIBIT "B"

7.1.b

120'

37 2W 02D  
TAX LOT 1904  
GOOD FORTUNE LLC  
INST 2006-001743

37 2W 02D  
TAX LOT 2004  
GOOD FORTUNE LLC  
INST 2006-001743

ORDINANCE  
1623

37 2W 02D  
TAX LOT 2003  
CITY OF CENTRAL POINT  
INST 2005-072781

37 2W 02D  
TAX LOT 2001  
CITY OF CENTRAL POINT  
INST 2022-000383  
(PARCEL V)

37 2W 02D  
TAX LOT 2002  
GOOD FORTUNE LLC  
INST 2006-001743

37 2W 02D  
TAX LOT 2000  
LTM INCORPORATED  
INST 2005-067011

37 2W 02D  
TAX LOT 1800  
PENNINGER LEASING, LLC  
INST 2003-038052

INTERSTATE 5  
(PACIFIC HIGHWAY 1)

37 2W 11A  
TAX LOT 101  
PENNINGER LEASING, LLC  
INST 2003-038052

37 2W 11A  
TAX LOT 28000  
LTM INCORPORATED  
INST 90-22522

TRACT 2  
7.69 AC

37 2W 11A  
TAX LOT 102  
CITY OF CENTRAL POINT  
INST 2022-000383  
(PARCEL V)

37 2W 11A  
TAX LOT 28100  
CITY OF CENTRAL POINT  
INST 2022-000383  
(PARCEL V)

120'

ORDINANCE  
1556

POINT OF  
BEGINNING  
TRACT 2

SCALE: 1" = 150'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

CAEL E. NEATHAMER  
OREGON  
JULY 9, 2001  
CAEL E. NEATHAMER  
56545

Renewal Date 12/31/22

Attachment: Exhibits A and B (1596 : Bear Creek Greenway Annexation)

CCP ORDINANCE 1556

37 2W 12B  
TAX LOT 502  
CITY OF CENTRAL POINT  
INST 2022-000383  
(PARCEL III)

POINT OF BEGINNING TRACT 1

37 2W 12B  
TAX LOT 700  
ROGUE RIVER IRRIGATION DISTRICT  
INST 67-07010

TRACT 1  
26.95 AC

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Caël E. Neathamer*

OREGON  
JULY 9, 2001  
CAEL E. NEATHAMER  
56545

Renewal Date 12/31/22

37 2W 12B  
TAX LOT 501  
CITY OF MEDFORD  
INST 67-07010

37 2W 12B  
TAX LOT 600  
CITY OF CENTRAL POINT  
INST 2022-013723

37 2W 12B  
TAX LOT 699  
CITY OF CENTRAL POINT  
INST 2022-013723  
(PARCEL IV)

37 2W 12B  
TAX LOT 505  
CITY OF CENTRAL POINT  
INST 2022-000383  
(PARCEL III)

CCP ORDINANCE 1556

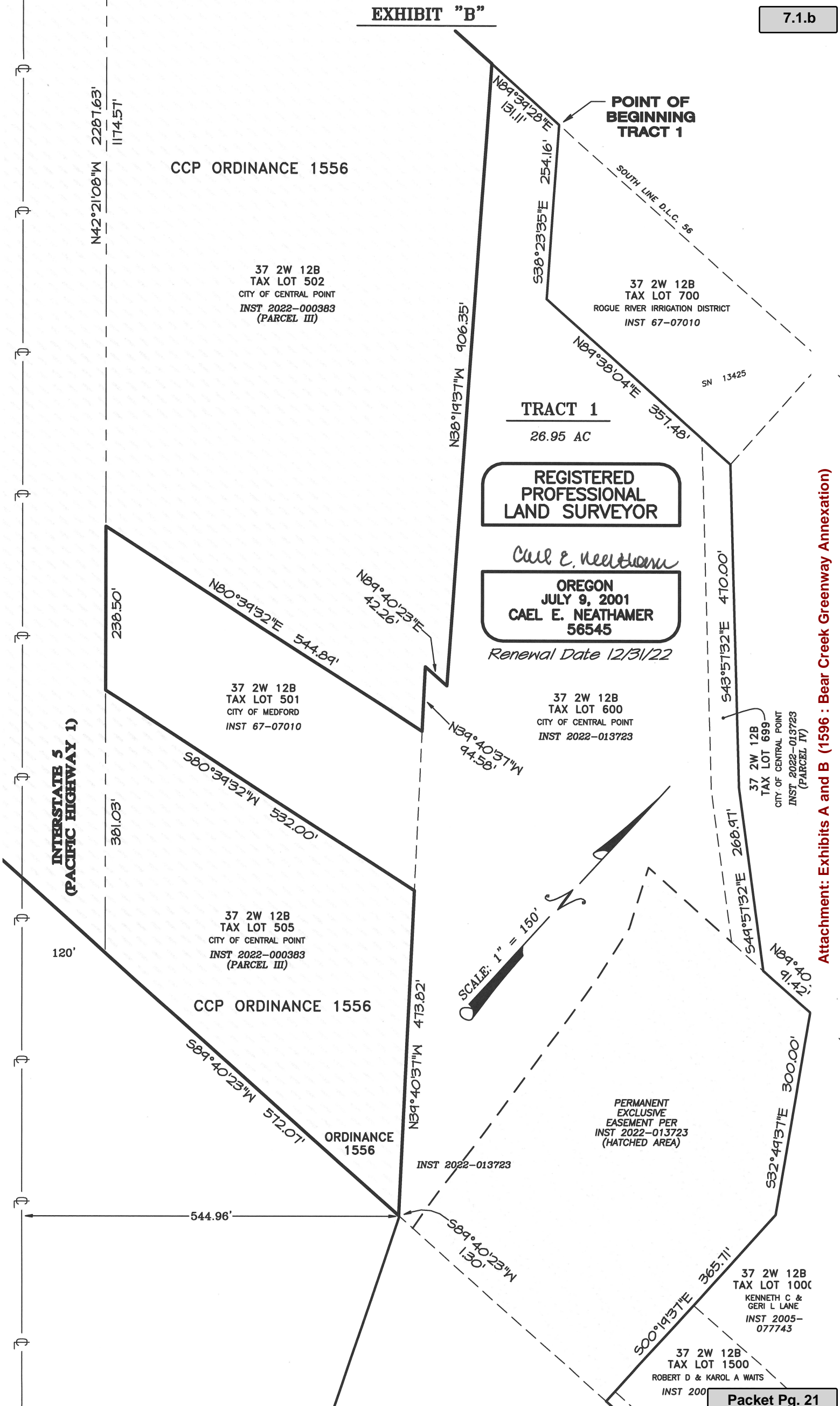
ORDINANCE  
1556

PERMANENT  
EXCLUSIVE  
EASEMENT PER  
INST 2022-013723  
(HATCHED AREA)

37 2W 12B  
TAX LOT 100C  
KENNETH C &  
GERI L LANE  
INST 2005-  
077743

37 2W 12B  
TAX LOT 1500  
ROBERT D & KAROL A WAITS  
INST 200

Attachment: Exhibits A and B (1596 : Bear Creek Greenway Annexation)





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

### **ISSUE SUMMARY**

<b>TO:</b>	City Council	<b>DEPARTMENT:</b>	City Attorney
<b>FROM:</b>	Sydnee Dreyer, City Attorney		
<b>MEETING DATE:</b>	October 13, 2022		
<b>SUBJECT:</b>	First Reading - an Ordinance Amending in Part Central Point Municipal Code Chapter 8.02 Regarding Chronic Nuisance Property and Chapter 8.45 Regarding Public Nuisance Remedy		
<b>ACTION REQUIRED:</b>	Motion Ordinance 1st Reading	<b>RECOMMENDATION:</b>	Approval

#### **BACKGROUND INFORMATION:**

In August, staff presented a discussion to Council regarding recommended revisions to the city's chronic nuisance ordinance. Council directed staff to proceed with significant revisions to the Chronic Nuisance Ordinance in order to provide greater flexibility to address properties that have multiple nuisance violations but fall outside the limited timeframe of the city's existing code and to update, reorganize and streamline the process for addressing such chronic nuisance properties.

In general, under the existing code a chronic nuisance could only be declared if the property was subject to two or more nuisance activities in a 30-day period. However, this prevented the city from proceeding against a chronic nuisance property which might, for example, have 5 nuisance activities within a year, but does not meet the strict 30-day period. Under the revised code language staff can consider properties with multiple nuisance activities over time frames defined at 30-days, 120-days, and 365-days.

Additionally, staff recommended expanding the definition of a nuisance activity and to provide a clear process for how to address chronic nuisance properties which includes developing a chronic nuisance abatement plan.

#### **FINANCIAL ANALYSIS:**

Not Applicable.

#### **LEGAL ANALYSIS:**

The city attorney reviewed the options with council, and has reviewed and approved the draft ordinance.

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**COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:**

Strategic Priority – Responsible Governance

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

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

---

**STAFF RECOMMENDATION:**

Consider the proposed ordinance and 1) forward the ordinance to second reading; or 2) make revisions and forward the revised ordinance to second reading.

---

**RECOMMENDED MOTION:**

I move to second reading the Ordinance amending in part Central Point Municipal Code chapter 8.02 regarding chronic nuisance property and chapter 8.45 regarding public nuisance remedy to second reading.

---

**ATTACHMENTS:**

1. Ordinance Amending Ch 8.02 Chronic Nuisance Property

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

**AN ORDINANCE AMENDING IN PART CENTRAL POINT MUNICIPAL CODE CHAPTER 8.02 REGARDING CHRONIC NUISANCE PROPERTY AND CHAPTER 8.45 REGARDING PUBLIC NUISANCE REMEDY**

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. The city has authority to protect the health, safety and welfare of the community and to abate violations of the Code which are declared to be a public nuisance either through fines, requiring the owner to abate the nuisance or abating the nuisance when the owner fails to do so. In addition, pursuant to the City’s Chronic Nuisance Ordinance, the city can address repeated nuisances, when abatement of a single nuisance is insufficient to protect the health, safety and welfare of the community.
- C. Upon review, staff determined that significant amendments to the Chronic Nuisance Ordinance are recommended, in order to allow the city to address chronic nuisances in a more efficient manner, including the ability to address conditions or activities that create public nuisances over time, to clarify the process by which such nuisances may be brought by the city and/or challenged by the property owner, to better organize the code sections for easier review, and to clarify miscellaneous items in the code.
- 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 8.02 of the Central Point Municipal Code is hereby amended to add section 8.02.000:

**8.02.000 Intent and Purpose of Chronic Nuisance Ordinance.**

**(1) By virtue of its authority to protect the health, safety, and welfare of the community, the city has the power to abate a violation of the Code declared to be a public nuisance by imposing a fine on the owner of the property, requiring the owner to abate the nuisance, or abating the nuisance if the owner fails to do so. However, the abatement of a single nuisance is ineffective in protecting the health, safety, and welfare of the community at large when conditions or activities related to the use of property give rise to a series of public nuisances over time.**

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

Attachment: Ordinance Amending Ch 8.02 Chronic Nuisance Property (1592 : Ordinance Amending Chronic Nuisance Ordinance)



(2) A process to hold property owners and other persons in charge of property accountable for adverse conditions and activities that repeatedly occur in connection with the property is needed to help maintain and improve the quality of life in the city.

(3) Pursuant to the city's authority to protect the health, safety, and welfare of the community, this ordinance is enacted to establish the rights, duties, and procedures necessary to hold property owners and other persons in charge of property accountable for adverse conditions and activities that repeatedly occur in connection with the property.

SECTION 2. Chapter 8.02.010 of the Central Point Municipal Code is hereby amended in part:

### 8.02.010 Definitions.

For purposes of this chapter, the following definitions apply:

**"Chronic Nuisance Abatement Plan (CNAP)" means a plan required to be submitted by a person in charge in response to a notice authorized under chapter 8.02.030 that includes actions to abate, correct, or eliminate the occurrence of chronic nuisance activities on or around the property. A CNAP may include, but is not limited to the following: actions to remedy building code, fire code, property maintenance code, and nuisance code violations; eviction of problem tenants responsible for causing chronic nuisance activities; or hiring security guards to monitor the property. A CNAP shall include an implementation timeline.**

~~"Chronic nuisance property" means property on which: two or more nuisance activities (as defined below) have occurred during any thirty-day period; property on which, or within two hundred feet of, any person associated with the property has engaged in two or more nuisance activities during any thirty-day period; or property which, upon request for execution of a search warrant, has been the subject of a determination by a court that probable cause that possession, manufacture, or delivery of a controlled substance or related offenses under Oregon law have occurred within the previous thirty days; and the execution of the search warrant has resulted in the discovery of such controlled substances and/or property on which two or more citations for violations of the nuisance ordinance Chapter 8.04 have been served on the owner, tenant, agent, guest or licensee of the property in any consecutive thirty-day period.~~

- (a) three or more nuisance activities have occurred during any 30-day period;**
- (b) four or more nuisance activities have occurred during any 120-day period;**
- (c) six or more nuisance activities have occurred during any 365-day period; or**

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

(d) a court has issued a search warrant based upon probable cause that possession, manufacture, or delivery of a controlled substance or related offenses as defined in ORS [167.203](#), ORS [475.005](#) through ORS [475.285](#) and/or ORS [475.752](#) through [475.980](#) has occurred within the previous thirty (30) days, and the execution of the search warrant has resulted in the discovery of such controlled substances.

“Nuisance activities” means any of the following activities, behaviors or criminal conduct, as defined under Oregon state law: harassment; intimidation; disorderly conduct; assault or menacing; sexual abuse, contributing to the delinquency of a minor, or sexual misconduct; public indecency; prostitution or related offenses; alcoholic liquor violations; theft; arson or related offenses; possession, manufacture, or delivery of a controlled substance or related offenses; illegal gambling; criminal mischief; any attempt to commit (as defined by ORS [161.405](#)), or conspiracy to commit (as defined by ORS [161.455](#)), any of the above offenses; unlawful discharge of a firearm; unlawful operation of sound-producing or reproducing equipment or unnecessary noise.

“Nuisance Activities” means any of the following activities, behaviors, or criminal conduct that occurs on or within 200 feet of a property:

- (a) harassment as provided in ORS [166.065](#);
- (b) intimidation as provided in ORS [166.155](#) through [166.165](#);
- (c) disorderly conduct as provided in ORS [166.025](#) and/or Central Point Municipal Code Chapter [9.50](#);
- (d) assault as provided in ORS [163.160](#), ORS [163.165](#), ORS [163.175](#), ORS [163.185](#) and/or Central Point Municipal Code Chapter [9.20](#);
- (e) strangulation as provided in ORS [163.187](#);
- (f) menacing as provided in ORS [163.190](#);
- (g) recklessly endangering another person as provided in ORS [163.195](#);
- (h) public and private indecency as provided in ORS [163.465](#) and ORS [163.467](#) and/or Central Point Municipal Code Chapter [9.34](#);
- (i) prostitution or related offenses as provided in ORS [167.007](#) through ORS [167.017](#) and/or Central Point Municipal Code Chapter [9.44](#);
- (j) alcoholic liquor violations as provided in the Oregon Liquor Control Act;
- (k) theft as provided in ORS [164.015](#) through [164.140](#);

- (l) arson or related offenses as provided in ORS [164.315](#) through [164.335](#);
- (m) possession, manufacture, or delivery of a controlled substance or related offenses as provided in ORS [167.203](#), ORS [475.005](#) through [475.285](#), and ORS [475.752](#) through [475.980](#);
- (n) illegal gambling as provided in ORS [167.118](#), ORS [167.122](#), and ORS [167.127](#);
- (o) criminal mischief as provided in ORS [164.345](#) through [164.365](#);
- (p) any attempt to commit (as defined by ORS [161.405](#)), or conspiracy to commit (as defined by ORS [161.455](#)), any of the above offenses;
- (q) marijuana-related offenses as provided in the Control and Regulation of Marijuana Act (ORS [475B.010](#) through ORS [475B.395](#)), the Oregon Medical Marijuana Act (ORS [475B.400](#) through ORS [465B.525](#)), or Central Point Municipal Code Chapter [8.45](#);
- (r) hindering prosecution as provided in ORS [162.325](#);
- (s) discharge of weapons or airguns as provided in Central Point Municipal Code Chapter [9.88](#) and [9.92.010](#);
- (t) public urination as provided in Central Point Municipal Code Chapter [9.38.020](#);
- (u) unnecessary noise as provided in Central Point Municipal Code Chapter [8.04.080](#);
- (v) unlawful accumulation of junk as provided in Central Point Municipal Code Chapter [8.04.035](#);
- (w) failure to control dangerous dog as provided in Central Point Municipal Code Chapter [6.08.040](#);
- (x) maintaining prohibited animals as provided in Central Point Municipal Code Chapter [6.06](#); and
- (y) nuisances affecting public health as set forth in chapter [8.04.040](#).

“Control” means the ability to regulate, restrain, dominate, counteract or govern conduct that occurs on a property.

“Person in charge” means any person, in actual or constructive possession of a property, including but not limited to an owner, **tenant**, or occupant of property under his or her dominion, ownership or control.

“Permit” means to suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the commission of an act.

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

“Person” means any natural person, agent, association, firm, partnership or corporation capable of owning, occupying or using property in the city of Central Point.

“Property” means any property, including land and that which is affixed, incidental or appurtenant to land, including but not limited to any business or residential premises, room, house, parking area, loading area, landscaping, building or structure or any separate part, unit or portion thereof, or any business equipment, whether or not permanent. For property consisting of more than one unit, property is limited to the unit or the portion of the property on which any nuisance abatement has occurred or is occurring, but includes areas of the property used in common by all units of property including without limitation other structures erected on the property and areas used for parking, loading and landscaping.

“Person associated with” means any person who, on the occasion of a nuisance activity, has entered, patronized, visited, or attempted to enter, patronize or visit, or waited to enter, patronize or visit a property or person present on a property, including without limitation any officer, director, customer, agent, employee, or any independent contractor of a property, person in charge, or owner thereof.

SECTION 3. Chapter 8.02.020 of the Central Point Municipal Code is hereby amended in part:

**8.02.020 Violation.**

A. Any property within the city of Central Point which is a chronic nuisance property is in violation of these provisions and subject to the remedies prescribed herein.

B. Any person in charge who permits property to be a chronic nuisance property shall be in violation of these provisions and subject to the remedies prescribed herein.

**C. The following actions constitute a violation of this ordinance:**

- (1) failing to submit a CNAP as required by chapter 8.02.035.A;**
- (2) failing to submit an approved CNAP as required by chapter 8.02.035D;**
- (3) failing to implement the CNAP in accordance with the timeline and terms set forth within the plan as required by chapter 8.02.035.E; or**
- (4) a report of an additional nuisance activity at the property after service of the notice described in chapter 8.02.030.**

**D. A violation of subsection C of this section constitutes a violation. Every day in which the violation exists constitutes a separate violation.**

SECTION 4. Chapter 8.02.030 of the Central Point Municipal Code is hereby amended in part:

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

**8.02.030 Procedure--Notice.**

A. When the chief of police receives a police report documenting the occurrence of a nuisance activity on or within two hundred feet of a property within the city, the chief or the chief's designee shall independently review such reports to determine whether they describe any acts enumerated under nuisance activities above. Following such review, the chief ~~may~~ **shall** notify the person in charge in writing that the property ~~is in danger of becoming~~ **is a** chronic nuisance property. The notice shall contain the following information:

1. The street address or a legal description sufficient for identification of the property.
2. A statement that the chief **or designee** has ~~information~~ **determined** that the property ~~may be~~ **is a** chronic nuisance property, with a concise description of the nuisance activities **upon which the statement is based.** ~~that may exist or that have occurred.~~ The chief shall offer the person in charge an opportunity to propose a course of action that ~~the chief agrees will abate the nuisance activities giving rise to the violation.~~
3. ~~Demand that the person in charge respond to the chief within ten days to discuss the nuisance activities.~~

~~B. After notification of nuisance activities to a person in charge, when the chief receives a police report documenting the occurrence of a second nuisance activity at or within two hundred feet of a property and determines that the property has become a chronic nuisance property, the chief shall notify the person in charge in writing that the property has been determined to be a chronic nuisance property. The notice shall contain the following information:~~

1. ~~The street address or legal description sufficient for identification of the property.~~
2. ~~A statement that the chief has determined the property to be a chronic nuisance property with a concise description of the nuisance activities leading to his findings.~~
3. ~~Demand that the person in charge respond within ten days to the chief and propose a course of action that the chief agrees will abate the nuisance activities giving rise to the violation.~~
4. ~~Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the person in charge at the address of the property, or such other place which is likely to give the person in charge notice of the determination by the chief.~~
5. ~~A copy of the notice shall be served on the owner at such address as shown on the tax rolls of the county, and/or the occupant at the address of the property, if these persons~~

~~are different than the person in charge, and shall be made either personally or by first class mail, postage prepaid.~~

~~6. A copy of the notice shall also be posted at the property if ten days have elapsed from the service or mailing of the notice to the person in charge and the person in charge has not contacted the chief.~~

~~7. The failure of any person to receive notice that the property may be a chronic nuisance property shall not invalidate or otherwise affect the proceedings under these provisions.~~

**3. A statement that the person in charge shall submit a CNAP to the Chief or designee within ten (10) days from the date the notice was personally served or mailed.**

**4. Service shall be made either personally or by certified mail-restricted delivery, addressed to the person in charge at the address of the property, or such other place which is reasonably calculated, under all the circumstances, to notify the person in charge of the city's determination. A copy of the notice shall be served on the owner of the property at such address shown on the tax rolls of the county, if that person is different than the person in charge, and shall be made either personally or by certified mail-restricted delivery.**

**5. At or near the same time of the delivery of the notice set forth in subsection (4), the city shall post a copy of the notice at the property.**

~~C. If after the notification, but prior to the commencement of legal proceedings by the city pursuant to these provisions, a person in charge stipulates with the chief that the person in charge will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation, the chief may agree to postpone legal proceedings for a period of not less than ten nor more than thirty days.~~

~~D. B. Concurrent with any notification procedures set forth above, the chief shall send copies of the notice, as well as any other documentation which supports legal proceedings against the property, to the city attorney.~~

~~E. C. When a person in charge makes a response to the chief, any conduct or statements made in connection with the furnishing of that response shall not constitute an admission that any nuisance activities have or are occurring. This section does not require the exclusion of any evidence which is otherwise admissible or offered for any other purpose.~~

SECTION 5. Chapter 8.02 of the Central Point Municipal Code is hereby amended in part to add section 8.02.035.

**8.02.035 Chronic Nuisance Abatement Plan**

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

Attachment: Ordinance Amending Ch 8.02 Chronic Nuisance Property (1592 : Ordinance Amending Chronic Nuisance Ordinance)

A. A person in charge shall respond to the Chief or designee within ten (10) days of the date the notice described in chapter **8.02.030** was served by submitting a CNAP describing the actions that the person in charge will take to abate, correct, or eliminate the occurrence of chronic nuisance activities.

B. The Chief or designee shall review the CNAP submitted by the person in charge and shall approve or deny it in writing within ten (10) days of it being submitted.

C. The Chief or designee shall approve the plan if it is determined that the actions proposed are likely to substantially decrease the incidence of chronic nuisance activities on or around the property.

D. In the event the CNAP is denied, the reasons for the denial shall be included and the person in charge shall have ten (10) days to resubmit a plan for approval.

E. After the Chief or designee approves a CNAP, the person in charge shall implement it in accordance with the timeline and terms set forth within the CNAP.

SECTION 6. Chapter 8.02.040 of the Central Point Municipal Code is hereby amended in part:

**8.02.040 Commencement of action—Remedies & Defenses.**

~~A. The city council may, by resolution after affording the person in charge of the property an opportunity to be heard before the council, authorize the city attorney to commence legal proceedings in a court of competent jurisdiction to enjoin or abate chronic nuisance property and to seek closure, the imposition of civil penalties against any or all of the persons in charge thereof, and any such other relief deemed appropriate. Proof shall be by a preponderance of the evidence.~~

**A. If the person in charge fails to submit and implement a CNAP as required, or the approved CNAP does not result in the abatement of the chronic nuisance activity, the city manager may refer the matter to the city attorney to commence legal proceedings to seek closure of the property, the imposition of civil penalties, and any such other relief deemed appropriate. The action shall be brought in any court of competent jurisdiction, including the City of Central Point Municipal Court. The court may award attorney fees to the prevailing party.**

**B. The action shall be commenced by the filing of a complaint alleging facts constituting the nuisance activities, and containing a legal description of the property involved and an allegation that the owners of record of the property have been notified of the facts giving rise to the alleged nuisance activities at least ten (10) days prior to the filing of the action with the court.**

**C. The complaint shall be served as provided in Oregon Rules of Civil Procedure (ORCP) 7. No service need be made prior to an application for a temporary restraining order,**

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

**provided the procedures of ORCP 79B are followed with regard to all persons entitled to service under this section.**

**B.D.** If, after the commencement but prior to the trial of any action or suit brought by the city, a person in charge of chronic nuisance property stipulates with the city that he or she will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation, the city may agree to stay proceedings for a period of not less than ten **(10)** nor more than sixty **(60)** days, ~~except in the case of nuisance activity involving drugs where a search warrant was executed at the property.~~ The person in charge or the city may thereafter petition the court for such additional periods of time as may be necessary to complete the action(s) to abate the nuisance activities. However, in the event that the city reasonably believes the person in charge of a property is not diligently pursuing the action(s) necessary to abate the nuisance activities, the city may apply to the court for release from the stay and may seek such relief as is deemed appropriate.

**E. If the existence of the nuisance is established in the action, an order of abatement shall be entered as part of the judgment in the case. The order may contain any or all of the following remedies:**

- 1. Order that the property be closed and secured against all access, use, and occupancy for a period of not less than six (6) months, nor more than one (1) year. The court shall retain jurisdiction during any period of closure. The person in charge may petition the court for an order reducing the period of closure if the person in charge and the city stipulate that the nuisance has been and will continue to be abated. The court shall not include provisions for the closing of the premises under the provisions of this subsection unless that relief is specifically requested in the complaint.**
- 2. Impose a civil penalty of up to \$250 per day for each day nuisance activities occurred on the property following notice.**
- 3. Any other relief prayed for and deemed appropriate.**

**F. A property shall no longer be determined to be a chronic nuisance property either after the passage of one year from the date of the last reported chronic nuisance activity or the date the chronic nuisance abatement plan was approved, whichever is later.**

**G. The city shall have the initial burden of proof to show by a preponderance of the evidence that the property is a chronic nuisance property.**

**€. H.** It is an **affirmative** defense to an action for chronic nuisance property that the person in charge at all material times could not, in the exercise of reasonable care or diligence, determine that the property had become chronic nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the determination that the property is chronic nuisance property.

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



~~D. In the event a court determines property to be chronic nuisance property, the court shall order that the property be closed and secured against all access, use and occupancy for a period of not less than six months, nor more than one year. The court shall retain jurisdiction during any period of closure. The person in charge may petition the court for an order reducing the period of closure if the person in charge and the city stipulate that the nuisance has been and will continue to be abated.~~

~~E. If a property is found to be chronic nuisance property, the person in charge of the chronic nuisance property is subject to a civil penalty of up to one hundred dollars per day for each day nuisance activities occurred on the property following notice.~~

F.I. In establishing the amount of any civil penalty requested, the court may consider any of the following factors and shall cite those found applicable:

- 1. The actions taken by the person in charge to mitigate or correct the nuisance activities at the property;
- 2. The financial condition of the person in charge;
- 3. Whether the problem at the property was repeated or continuous;
- 4. The magnitude or gravity of the problem;
- 5. The cooperativeness of the person in charge with the city;
- 6. The cost of the city of investigating and correcting or attempting to correct the nuisance activities; and
- 7. Any other factor deemed by the court to be relevant.

~~G.J. The provisions of this chapter **8.02** are separate and distinct remedies from those specified in Central Point Code chapters **8.01**, and **8.03** through **8.45**. Nothing in these provisions shall require any conviction for criminal activities prior to the commencement of any action provided herein.~~

SECTION 7. Chapter 8.02.060 of the Central Point Municipal Code is hereby amended in part:

**8.02.060 Enforcement—Costs and Attorney Fees.**

A. The court may authorize the city to physically secure the property against all access, use or occupancy in the event that the person in charge fails to do so within the time specified by the court. In the event that the city is authorized to secure the property, all costs reasonably incurred by the city to physically secure the property shall be paid to the city by the person in

charge and may be included in the city's money judgment. As used in this section, "costs" means those costs actually incurred by city for physically securing the property, as well as tenant relocation costs pursuant to this section. **The judgment shall also include an award of the city's other costs and disbursements and attorney fees, if applicable.**

B. The city department(s) physically securing the property shall prepare a statement of costs and the city shall thereafter submit that statement to the court for its review. If no objection to the statement is made within the period prescribed by Oregon Rule of Civil Procedure 68, the statement of costs shall be included in the city's money judgment.

C. Judgments imposed by this chapter shall bear interest at the rate of nine percent per year from the date the judgment is entered.

D. Any person who is assessed the costs **and disbursements and/or attorney fees under this chapter** of physically securing the property by the court shall be personally liable for the payment thereof to the city.

E. The person in charge shall pay reasonable relocation costs of a tenant ~~as defined by ORS 90.100(31)~~ **as determined by the court** if, without actual notice, the tenant moved into the property after either:

- 1. A person in charge received a notice from the chief ~~or chief's designee~~ determination that the property ~~may be~~ **has become a chronic** nuisance property; or
- 2. A person in charge ~~received notice of an action brought~~ **was served with a complaint** to close a chronic nuisance property.

SECTION 8. Chapter 8.45.040 of the Central Point Municipal Code is hereby amended in part:

**8.45.040 Public nuisance remedy.**

A. Any household, housing unit, premises, property, building, structure or place of any kind where medical or homegrown marijuana is grown, processed, manufactured, bartered, distributed or given away in violation of state law or this chapter, or any place where medical or homegrown marijuana is kept or possessed for sale, barter, distribution or gift in violation of state law or this chapter, is a public nuisance per Chapter [8.04](#).

B. In addition to the foregoing, two or more violations ~~in a thirty-day period~~ may be deemed a chronic nuisance property subject to the provisions of Chapter [8.02](#).

C. In addition to any remedies provided in Chapters [8.02](#) and [8.04](#), the city may institute an action in municipal or circuit court in the name of the city to abate, and to temporarily and

permanently enjoin, such nuisance. The court has the right to make temporary and final orders as in other injunction proceedings. The city shall not be required to give bond in such an action.

SECTION 9. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Recitals A-C) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 10. Effective Date. The Central Point City Charter states that an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

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

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

ATTEST:

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

Attachment: Ordinance Amending Ch 8.02 Chronic Nuisance Property (1592 : Ordinance Amending Chronic Nuisance Ordinance)

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



## City of Central Point Staff Report to Council

### ISSUE SUMMARY

<b>TO:</b>	City Council	<b>DEPARTMENT:</b>	City Manager
<b>FROM:</b>	Chris Clayton, City Manager		
<b>MEETING DATE:</b>	October 13, 2022		
<b>SUBJECT:</b>	Rogue Disposal CPI Request & Calculation 2022		
<b>ACTION REQUIRED:</b>	Motion	<b>RECOMMENDATION:</b>	Approval

#### BACKGROUND INFORMATION:

The Franchise Agreement between the City of Central Point and Rogue Disposal allows for an annual consumer price index (CPI) rate adjustment. The City must review any adjustment proposal to ensure mathematical accuracy and compliance with all franchise agreement provisions. Having reviewed Rogue Disposal & Recycling's proposed (August 31, 2022) 8.5% rate increase proposal and the current franchise agreement requirements, I have found the proposed increase to be both accurate and compliant with the current franchise agreement language.

The specific calculation required by the franchise agreement includes measuring the CPI from July 2021 to July 2022, which increased from 273.00 to 296.3, or 8.5%. Additionally, the calculated CPI is multiplied towards non-disposal costs by 70% and then added to the increase in disposal costs (also 8.5%) and multiplied by 30%.

Thus:

$$\text{CPI} = (296.3 - 273.00) / 273.00 = \underline{\mathbf{8.5\%}}$$

$$(8.5\% \times .7 \text{ (non-disposal)}) + (8.5\% \times .3 \text{ (disposal)}) = \underline{\mathbf{8.5\%}}$$

Adjusted Rate Category Rate (ARCR) calculation for single curbside can residential:

$$\$22.57 \text{ (current rate)} \times 8.5\% = \underline{\mathbf{\$1.92}}$$

$$\$22.57 + \$1.92 = \underline{\mathbf{\$24.49 \text{ (ARCR)}}} \text{ beginning 1/1/2023}$$

#### FINANCIAL ANALYSIS:

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The proposed 8.5% CPI rate adjustment has the following impact on Central Point residential customers beginning January 1, 2023:

35-gallon cart @ curb \$24.49/per month.  
 65-gallon cart @ curb \$41.07/per month.  
 95-gallon cart @ curb \$57.65/per month.

*\*Commercial and specialty rate information is included in the attached rate schedule.*

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## **LEGAL ANALYSIS:**

### **7.5 Annual Adjustment of Approved Service Rate Schedule (Current Franchise Agreement Language).**

On each Anniversary Date (other than an Anniversary Date that is immediately preceded by a Fifth Anniversary Rate Review), commencing with the Anniversary Date that falls on January 1, 1998, there shall be an annual adjustment of the Approved Service Rate Schedule pursuant to and in accordance with this Section 7.5. If the City and the Contractor agree, the annual adjustment pursuant to this Section 7.5 may be waived for any year.

Unless such annual adjustment for a given year is waived by the Contractor and the City, the Contractor shall be required to deliver to the City, not less than 120 days prior to such Anniversary Date, a detailed calculation of the adjustment to each Rate Category Rate in the Approved Service Rate Schedule then in effect calculated in accordance with the Annual Rate Adjustment Formula set forth in this Section 7.5, together with all supporting information. The City Administrator shall review such information and not less than 90 days prior to the related Anniversary Date, the City shall inform the Contractor as to whether or not it agrees with the Contractor's calculation of such adjustment. The City shall specify to the Contractor in writing the particulars of any disagreement with the Contractor's calculation of such adjustment, and the City and Contractor shall meet in order to resolve any such differences. Effective as of each Anniversary Date for which an annual adjustment is made pursuant to this Section 7.5, each Rate Category Rate in the Approved Service Rate Schedule shall be adjusted in accordance with the Annual Rate Adjustment Formula set forth in this Section 7.5.

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

### Strategic Priority – Responsible Governance

GOAL 1 - Maintain a strong financial position that balances the need for adequate service levels and capital requirements against the affordability that is desired by our citizens.

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**STAFF RECOMMENDATION:**

1. Provide additional comments to Rogue Disposal and Recycling on their proposed annual CPI rate adjustment.
  2. Approve Rogue Disposal and Recycling's proposed annual CPI rate adjustment.
- 

**RECOMMENDED MOTION:**

I move to approve Rogue Disposal and Recycling's 2022 proposed CPI rate adjustment of 8.5%.

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**ATTACHMENTS:**

1. Rogue Disposal CPI Request & Calculation 2022



roguedisposal.com

August 31, 2022

Mr. Christopher Clayton  
 City Administrator  
 City of Central Point  
 140 South 3<sup>rd</sup> Street  
 Central Point, OR 97502

**RE: City of Central Point Solid Waste Collection Franchise Agreement Sec. 7.5  
 Our File No: RET II 13A**

Dear Mr. Clayton:

Paragraph 7.5 of the Solid Waste Collection Franchise Agreement (Franchise) between the City of Central Point (City) and Rogue Disposal & Recycling, Inc., (Rogue), provides for an annual adjustment of the approved service rate schedule based on the change in the Consumer Price Index (CPI) during the previous year. Please accept this letter as Rogue's implementation of the 7.5 provisions. Set forth below is Rogue's detailed calculation of the adjustment to each "Rate Category Rate" (RCR) in the improved service rate schedule, then in effect, calculated in accordance with the Annual Rate Adjustment Formula set forth under Section 7.5.

The CPI change between July 2021 (273.0) and July 2022 (296.3) equals a percentage change of 8.5%. The annual disposal increase was also 8.5%. Please see enclosed table taken from the Bureau of Labor Statistics Data setting forth the Consumer Price Index-All Urban Consumers for years 2021 and 2022.

The percentage increase will be a Non-Disposal adjustment at 70% of CPI, plus the Disposal adjustment percentage at 30%. This is calculated as follows:

$$(8.5\% \times .7) + (8.5\% \times .3) = 8.5\%$$

Accordingly, under the Annual Rate Adjustment Formula, the service rate for a particular rate category is multiplied by 8.5% plus the current service rate which equals the "Adjusted Rate Category Rate" (ARCR), calculated as follows:

For example, residential garbage/curbside recycling-one-can current rate of \$22.57 renders the following adjustment:

$$\$22.57 \times 8.5\% (\% \text{ increase}) = \$1.92$$

Thus, the rate as of January 1, 2023 adjusted for the 8.5% percentage increase equals:

$$\$22.57 + \$1.92 = \$24.49 \text{ (ARCR)}$$

I have enclosed a copy of Exhibit "D" Schedule of Approved Maximum Monthly Collection Rates for City of Central Point, effective January 1, 2022, which sets forth the current RCR. The new rates reflecting the ARCR are attached hereto as Exhibit "C", amended as of January 1, 2023.

Under the Franchise, the City has 30 days to review this calculation. After review of this information, please inform me as to whether you agree that the calculations set forth herein are accurate. I can be reached on my direct line at 541.494.5409.

As required by the Franchise, 30 days written notice (this includes electronic notice for our customers who have opted for "paperless" communication) will be provided to customers of all rate changes. In an effort to proceed with this rate change as environmentally and cost effectively as possible, our goal is to use statement inserts (as well as electronic notices) to notify customers of this rate change in our October 31 billing. *Timing wise, to enable us to do this, we would ask that any calculation questions you may have be submitted to us by Friday, September 30, 2022.*

We value and appreciate our partnership with you in providing excellent and affordable solid waste and recycling solutions to the members of our community.

Thank you,



**Brenda B. Olsson**

*Director, Operations Services*

Rogue Disposal & Recycling, Inc.



## CONSUMER PRICE INDEXES PACIFIC CITIES AND U. S. CITY AVERAGE July 2022

(All items indexes. 1982-84=100 unless otherwise noted. Not seasonally adjusted.)

MONTHLY DATA	All Urban Consumers (CPI-U)						Urban Wage Earners and Clerical Workers (CPI-W)					
	Indexes			Percent Change			Indexes			Percent Change		
				Year ending		1 Month ending				Year ending		1 Month ending
	Jul 2021	Jun 2022	Jul 2022	Jun 2022	Jul 2022	Jul 2022	Jul 2021	Jun 2022	Jul 2022	Jun 2022	Jul 2022	Jul 2022
U. S. City Average.....	273.003	296.311	296.276	9.1	8.5	0.0	267.789	292.542	292.219	9.8	9.1	-0.1
West.....	289.863	313.496	313.951	8.8	8.3	0.1	282.738	307.063	307.269	9.2	8.7	0.1
West – Size Class A <sup>1</sup> .....	297.881	322.591	322.703	8.9	8.3	0.0	289.069	314.046	313.747	9.3	8.5	-0.1
West – Size Class B/C <sup>2</sup> .....	169.267	182.790	183.277	8.5	8.3	0.3	169.901	184.457	184.879	9.1	8.8	0.2
Mountain <sup>3</sup> .....	113.562	123.933	124.452	9.9	9.6	0.4	114.427	125.518	126.047	10.4	10.2	0.4
Pacific <sup>3</sup> .....	112.297	121.046	121.095	8.3	7.8	0.0	113.192	122.522	122.454	8.8	8.2	-0.1
Los Angeles-Long Beach-Anaheim, CA.....	290.890	314.072	313.415	8.6	7.7	-0.2	282.271	305.577	304.441	8.9	7.9	-0.4
BI-MONTHLY DATA (Published for odd months)	Indexes			Percent Change			Indexes			Percent Change		
				Year ending		2 Months ending				Year ending		2 Months ending
	Jul 2021	May 2022	Jul 2022	May 2022	Jul 2022	Jul 2022	Jul 2021	May 2022	Jul 2022	May 2022	Jul 2022	Jul 2022
	Riverside-San Bernardino-Ontario, CA <sup>3</sup> .....	114.682	123.893	125.262	9.4	9.2	1.1	115.129	124.853	126.084	9.8	9.5
San Diego-Carlsbad, CA.....	323.906	343.502	347.462	8.3	7.3	1.2	307.737	327.997	331.914	9.2	7.9	1.2
Urban Hawaii.....	298.820	317.207	319.197	7.0	6.8	0.6	296.723	314.884	318.257	6.9	7.3	1.1
BI-MONTHLY DATA (Published for even months)	Indexes			Percent Change			Indexes			Percent Change		
				Year ending		2 Months ending				Year ending		2 Months ending
	Jun 2021	Apr 2022	Jun 2022	Apr 2022	Jun 2022	Jun 2022	Jun 2021	Apr 2022	Jun 2022	Apr 2022	Jun 2022	Jun 2022
	Phoenix-Mesa-Scottsdale, AZ <sup>4</sup> .....	153.672	167.396	172.643	11.0	12.3	3.1	152.744	167.209	172.827	11.5	13.1
San Francisco-Oakland-Hayward, CA.....	309.497	324.878	330.539	5.0	6.8	1.7	304.971	322.021	328.137	6.5	7.6	1.9
Seattle-Tacoma-Bellevue, WA.....	296.573	316.525	326.656	9.1	10.1	3.2	293.607	310.928	321.626	8.5	9.5	3.4
Urban Alaska.....	239.296	251.041	268.916	7.5	12.4	7.1	237.705	251.441	265.859	7.7	11.8	5.7

1 Population over 2,500,000    2 Population 2,500,000 and under, Dec 1996 = 100    3 Dec 2017=100    4 Dec 2001=100

**NOTE:** In January 2018, BLS introduced a new geographic area sample for the Consumer Price Index (CPI): [www.bls.gov/regions/west/factsheet/2018cpirevisionwest.pdf](http://www.bls.gov/regions/west/factsheet/2018cpirevisionwest.pdf)

1967=100 base year indexes and tables with semiannual and annual average data are available at: [www.bls.gov/regions/west/factsheet/consumer-price-index-data-tables.htm](http://www.bls.gov/regions/west/factsheet/consumer-price-index-data-tables.htm)

Release date August 10, 2022. The next release date is scheduled for September 13, 2022. For questions, please contact us at [BLInfoSF@bls.gov](mailto:BLInfoSF@bls.gov) or (415) 625-2270.

Attachment: Rogue Disposal CPI Request & Calculation 2022 (1593 : Rogue Disposal CPI Request &



**EXHIBIT C  
CITY OF CENTRAL POINT, OREGON  
ROGUE DISPOSAL AND RECYCLING, INC.  
MAXIMUM MONTHLY COLLECTION RATES  
EFFECTIVE JANUARY 1, 2023**

**Residential Collection**

Garbage/Curbside Recycling			
35 gallon cart @ curb (1 can service)	\$	24.49	Per month
65 gallon cart @ curb (2 can service)	\$	41.07	Per month
95 gallon cart @ curb (3 can service)	\$	57.65	Per month
Each Additional Can Serviced Weekly	\$	16.58	Per month
Extra 32 gallon Can or Bag On Route	\$	6.12	Each
Special Pick-up - Non-Garbage Customer	\$	20.79	Each
Recycling Cart - Non-Garbage Customer	\$	7.26	Per month
Green Waste Cart - Garbage Customer	\$	9.35	Per month
Green Waste Cart - Non-Garbage Customer	\$	12.01	Per month

**Commercial (Front-Load)**

**Monthly Front-Load Rates by Container size and Frequency of Pickup**

	1 1/2 YD	2 YD	3 YD	4 YD	6 YD	8 YD
<b>1 x Week</b>	\$ 164.12	\$ 213.89	\$ 253.41	\$ 328.08	\$ 471.42	\$ 614.61
<b>2 x Week</b>	\$ 265.81	\$ 344.67	\$ 477.66	\$ 608.41	\$ 851.49	\$ 1,092.29
<b>3 x Week</b>	\$ 384.17	\$ 490.11	\$ 683.22	\$ 861.80	\$ 1,299.97	\$ 1,738.18
<b>4 x Week</b>	\$ 502.51	\$ 616.74	\$ 874.28	\$ 1,167.09	\$ 1,709.04	\$ 2,253.20
<b>5 x Week</b>	\$ 600.17	\$ 743.37	\$ 1,094.41	\$ 1,447.39	\$ 2,122.36	\$ 2,797.22
<b>6 x Week</b>	\$ 681.13	\$ 890.92	\$ 1,299.97	\$ 1,725.71	\$ 2,533.49	\$ 3,341.36
<b>Extra p/u</b>	\$ 59.18	\$ 71.59	\$ 96.54	\$ 121.53	\$ 171.32	\$ 221.14

**Commercial Commingle Recycling (Front-Load)**

**Monthly Front-Load Rates by Container size and Frequency of Pickup**

	1 1/2 YD	2 YD	3 YD	4 YD	6 YD	8 YD
<b>1 x Week</b>	\$ 49.24	\$ 64.17	\$ 76.03	\$ 98.42	\$ 141.43	\$ 184.38
<b>Extra p/u</b>	\$ 17.75	\$ 21.47	\$ 28.96	\$ 36.46	\$ 51.40	\$ 66.35

**Commercial Commingle Recycling (Bins)**

65 gallon cart @ curb (2 can service)	\$	12.33
95 gallon cart @ curb (3 can service)	\$	17.29

**Industrial (Roll-off)**

**DROP BOX SERVICE RATES**

<b>SIZE</b>	<b>RATE PER LOAD</b>		<b>DAILY RENT</b>	
	<b>LOOSE</b>	<b>COMPACT</b>	<b>PERM</b>	<b>TEMP</b>
10 Yard Box (rate per haul)	\$ 334.52	\$ 560.62	\$ 3.57	\$ 7.13
20 Yard Box (rate per haul)	\$ 502.88	\$ 951.70	\$ 4.47	\$ 8.90
27 Yard Box (rate per haul)	\$ 620.96	\$ -	\$ 5.33	\$ 10.70
30 Yard Box (rate per haul)	\$ 670.80	\$ -	\$ 5.33	\$ 10.70
33 Yard Box (rate per haul)	\$ 718.49	\$ -	\$ 5.33	\$ 10.70
40 Yard Box (rate per haul)	\$ 870.33	\$ -	\$ 5.33	\$ 10.70
50 Yard Box (rate per haul)	\$ 1,088.36	\$ -	\$ 5.33	\$ 10.70

Attachment: Rogue Disposal CPI Request & Calculation 2022 (1593 : Rogue Disposal CPI Request & Calculation 2022)

EXHIBIT C  
CITY OF CENTRAL POINT, OREGON  
ROGUE DISPOSAL AND RECYCLING, INC.  
MAXIMUM MONTHLY COLLECTION RATES  
EFFECTIVE JANUARY 1, 2023

Residential Collection Miscellaneous Charges

\$ 34.36	Exchange Roll Cart	\$	8.35	Long Driveway with Cart (per Month)
\$ 2.83	32 Gal Can Extra GW Pick-Up	\$	142.34	Misc. Labor (Truck and Driver) per Hour
\$ 1.95	Extra GW Cart Rent Per Month	\$	62.26	Misc. Labor (Helper) per Hour
\$ 3.73	On Call Extra GW Cart Pick-up	\$	60.32	Small Quantity Pgm - 5 Pre-Paid Bags
\$ 9.24	Recycle Bin Not Returned	\$	83.27	Small Quantity Pgm - 10 Pre-Paid Bags
\$ 5.36	For Each Addtl Resident Roll Cart	\$	92.51	1st Appliance
\$ 31.69	Off Route Charge	\$	46.26	Ea. Additional Appliance
\$ 76.49	35 Gal Lost Cart Replacement	\$	17.78	Tire - Passenger
\$ 88.98	65 Gal Lost Cart Replacement	\$	35.58	Tire - Truck
\$ 112.09	95 Gal Lost Cart Replacement	\$	35.58	Misc. Loose Waste - Per Yard
\$ 8.00	Cart/Can not at Curb (per Month)	\$	5.61	Christmas Tree - Per 3 Ft Section

Commercial Collection Special Charges

\$ 35.58	Per month temporary container rental
\$ 35.58	Per month temporary cardboard only; waived if minimum p/u every other week
\$ 46.26	Trip charge/pull fee
\$ 71.17	Cleaning
\$ 71.17	Deposit
\$ 71.17	Pickup & Delivery
\$ 21.37	Pull Out from 30-90 ft (multiply by p/u per week)
\$ 16.01	Key Acct
\$ 8.90	Per month auto lock container
\$ 28.47	Lock replacement
\$ 144.10	6 yd. or under FL compactor cleaning fee

	<u>Deliver</u>	<u>Pickup</u>
\$ 155.87	Bin for a day - 5 yard - 24 hours 1 Dump	
\$ 176.64	Bin for a week-end - 5 yard - 48 hours 1 Dump	Fri Mon am
\$ 197.42	Bin for 72 hours - 5 yard - 1 Dump	1st day 4th day
\$ 140.51	Yard debris bin for a week-end - 5 yard 1 Dump	Fri Mon am
\$ 160.60	Yard debris bin for 72 hours - 5 yard 1 Dump	1st day 4th day
\$ 120.42	Yard debris bin for a day - 5 yard - 24 hours 1 Dump	

Industrial Special Charges

\$ 47.52	Compactor - Per Yard Under 20 Yds
\$ 43.98	Compactor - Per Yard 20 Yds and Over
\$ 158.37	Compactor Cleaning
\$ 46.26	Trip Charge(move box @ location) / Turn Around Charge
\$ 149.47	Haul Fee - Asbestos Box (Requires special per yard disposal charge)
\$ 149.47	Wood Box Haul Fee
\$ 3.57	Per Mile, starting after border boundary
\$ 35.58	Car tire in drop box
\$ 53.36	Truck tire in drop box
\$ 92.51	Haul Fee to haul appliance from landfill to transfer station

Medical Waste

\$ 26.67	1 Gallon container (Residential)	\$	48.36	15 Gallon Steri-Box (Commercial Pick-Up)
\$ 33.29	2 Gallon container (Residential)	\$	64.10	34 Gallon Steri-Box (Commercial Pick-Up)
		\$	59.35	21 Gallon Steri-Tub (Commercial Pick-Up)
		\$	71.05	48 Gallon Steri-Tub (Commercial Pick-Up)

Attachment: Rogue Disposal CPI Request & Calculation 2022 (1593 : Rogue Disposal CPI Request & Calculation 2022)

**EXHIBIT D  
CITY OF CENTRAL POINT, OREGON  
ROGUE DISPOSAL AND RECYCLING, INC.  
MAXIMUM MONTHLY COLLECTION RATES  
EFFECTIVE JANUARY 1, 2022**

**Residential Collection**

Garbage/Curbside Recycling			
35 gallon cart @ curb (1 can service)	\$	22.57	Per month
65 gallon cart @ curb (2 can service)	\$	37.86	Per month
95 gallon cart @ curb (3 can service)	\$	53.14	Per month
Each Additional Can Serviced Weekly	\$	15.28	Per month
Extra 32 gallon Can or Bag On Route	\$	5.64	Each
Special Pick-up - Non-Garbage Customer	\$	19.16	Each
Recycling Cart - Non-Garbage Customer	\$	6.69	Per month
Green Waste Cart - Garbage Customer	\$	8.62	Per month
Green Waste Cart - Non-Garbage Customer	\$	11.07	Per month

**Commercial (Front-Load)**

**Monthly Front-Load Rates by Container size and Frequency of Pickup**

	1 1/2 YD	2 YD	3 YD	4 YD	6 YD	8 YD
<b>1 x Week</b>	\$ 151.26	\$ 197.13	\$ 233.56	\$ 302.38	\$ 434.49	\$ 566.46
<b>2 x Week</b>	\$ 244.99	\$ 317.67	\$ 440.24	\$ 560.75	\$ 784.78	\$ 1,006.72
<b>3 x Week</b>	\$ 354.07	\$ 451.71	\$ 629.70	\$ 794.29	\$ 1,198.13	\$ 1,602.01
<b>4 x Week</b>	\$ 463.14	\$ 568.42	\$ 805.79	\$ 1,075.66	\$ 1,575.15	\$ 2,076.68
<b>5 x Week</b>	\$ 553.15	\$ 685.13	\$ 1,008.67	\$ 1,334.00	\$ 1,956.09	\$ 2,578.08
<b>6 x Week</b>	\$ 627.77	\$ 821.12	\$ 1,198.13	\$ 1,590.52	\$ 2,335.01	\$ 3,079.59
<b>Extra p/u</b>	\$ 54.54	\$ 65.98	\$ 88.98	\$ 112.01	\$ 157.90	\$ 203.82

**Commercial Commingle Recycling (Front-Load)**

**Monthly Front-Load Rates by Container size and Frequency of Pickup**

	1 1/2 YD	2 YD	3 YD	4 YD	6 YD	8 YD
<b>1 x Week</b>	\$ 45.38	\$ 59.14	\$ 70.07	\$ 90.71	\$ 130.35	\$ 169.94
<b>Extra p/u</b>	\$ 16.36	\$ 19.79	\$ 26.69	\$ 33.60	\$ 47.37	\$ 61.15

**Commercial Commingle Recycling (Bins)**

65 gallon cart @ curb (2 can service)	\$	11.36
95 gallon cart @ curb (3 can service)	\$	15.94

**Industrial (Roll-off)**

**DROP BOX SERVICE RATES**

<b>SIZE</b>	<b>RATE PER LOAD</b>		<b>DAILY RENT</b>	
	<b>LOOSE</b>	<b>COMPACT</b>	<b>PERM</b>	<b>TEMP</b>
10 Yard Box (rate per haul)	\$ 308.31	\$ 516.70	\$ 3.29	\$ 6.57
20 Yard Box (rate per haul)	\$ 463.48	\$ 877.14	\$ 4.12	\$ 8.20
27 Yard Box (rate per haul)	\$ 572.31	\$ -	\$ 4.91	\$ 9.86
30 Yard Box (rate per haul)	\$ 618.25	\$ -	\$ 4.91	\$ 9.86
33 Yard Box (rate per haul)	\$ 662.20	\$ -	\$ 4.91	\$ 9.86
40 Yard Box (rate per haul)	\$ 802.15	\$ -	\$ 4.91	\$ 9.86
50 Yard Box (rate per haul)	\$ 1,003.10	\$ -	\$ 4.91	\$ 9.86

Attachment: Rogue Disposal CPI Request & Calculation 2022 (1593 : Rogue Disposal CPI Request & Calculation 2022)

**EXHIBIT D  
CITY OF CENTRAL POINT, OREGON  
ROGUE DISPOSAL AND RECYCLING, INC.  
MAXIMUM MONTHLY COLLECTION RATES  
EFFECTIVE JANUARY 1, 2022**

**Residential Collection Miscellaneous Charges**

\$ 31.67	Exchange Roll Cart	\$	7.70	Long Driveway with Cart (per Month)
\$ 2.61	32 Gal Can Extra GW Pick-Up	\$	131.19	Misc. Labor (Truck and Driver) per Hour
\$ 1.80	Extra GW Cart Rent Per Month	\$	57.38	Misc. Labor (Helper) per Hour
\$ 3.44	On Call Extra GW Cart Pick-up	\$	55.59	Small Quantity Pgm - 5 Pre-Paid Bags
\$ 8.52	Recycle Bin Not Returned	\$	76.75	Small Quantity Pgm - 10 Pre-Paid Bags
\$ 4.94	For Each Addtl Resident Roll Cart	\$	85.26	1st Appliance
\$ 29.21	Off Route Charge	\$	42.64	Ea. Additional Appliance
\$ 70.50	35 Gal Lost Cart Replacement	\$	16.39	Tire - Passenger
\$ 82.01	65 Gal Lost Cart Replacement	\$	32.79	Tire - Truck
\$ 103.31	95 Gal Lost Cart Replacement	\$	32.79	Misc. Loose Waste - Per Yard
\$ 7.37	Cart/Can not at Curb (per Month)	\$	5.17	Christmas Tree - Per 3 Ft Section

**Commercial Collection Special Charges**

\$ 32.79	Per month temporary container rental
\$ 32.79	Per month temporary cardboard only; waived if minimum p/u every other week
\$ 42.64	Trip charge/pull fee
\$ 65.59	Cleaning
\$ 65.59	Deposit
\$ 65.59	Pickup & Delivery
\$ 19.70	Pull Out from 30-90 ft (multiply by p/u per week)
\$ 14.76	Key Acct
\$ 8.20	Per month auto lock container
\$ 26.24	Lock replacement
\$ 132.81	6 yd. or under FL compactor cleaning fee

	<u>Deliver</u>	<u>Pickup</u>
\$ 143.66	Bin for a day - 5 yard - 24 hours 1 Dump	
\$ 162.80	Bin for a week-end - 5 yard - 48 hours 1 Dump	Fri Mon am
\$ 181.95	Bin for 72 hours - 5 yard - 1 Dump	1st day 4th day
\$ 129.50	Yard debris bin for a week-end - 5 yard 1 Dump	Fri Mon am
\$ 148.02	Yard debris bin for 72 hours - 5 yard 1 Dump	1st day 4th day
\$ 110.99	Yard debris bin for a day - 5 yard - 24 hours 1 Dump	

**Industrial Special Charges**

\$ 43.80	Compactor - Per Yard Under 20 Yds
\$ 40.53	Compactor - Per Yard 20 Yds and Over
\$ 145.96	Compactor Cleaning
\$ 42.64	Trip Charge(move box @ location) / Turn Around Charge
\$ 137.76	Haul Fee - Asbestos Box (Requires special per yard disposal charge)
\$ 137.76	Wood Box Haul Fee
\$ 3.29	Per Mile, starting after border boundary
\$ 32.79	Car tire in drop box
\$ 49.18	Truck tire in drop box
\$ 85.26	Haul Fee to haul appliance from landfill to transfer station

**Medical Waste**

\$ 24.58	1 Gallon container (Residential)	\$	44.57	15 Gallon Steri-Box (Commercial Pick-Up)
\$ 30.68	2 Gallon container (Residential)	\$	59.08	34 Gallon Steri-Box (Commercial Pick-Up)
		\$	54.70	21 Gallon Steri-Tub (Commercial Pick-Up)
		\$	65.48	48 Gallon Steri-Tub (Commercial Pick-Up)

Attachment: Rogue Disposal CPI Request & Calculation 2022 (1593 : Rogue Disposal CPI Request & Calculation 2022)



## City of Central Point Staff Report to Council

### ISSUE SUMMARY

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<b>TO:</b>	City Council	<b>DEPARTMENT:</b>	City Manager
<b>FROM:</b>	Chris Clayton, City Manager		
<b>MEETING DATE:</b>	October 13, 2022		
<b>SUBJECT:</b>	Central Point Community Center Financial Update		
<b>ACTION REQUIRED:</b>	Motion	<b>RECOMMENDATION:</b>	None Forwarded

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#### **BACKGROUND INFORMATION:**

*Note: The financial projections included in this strategy memo/staff report are based on cost estimates associated with a variety of design concepts for the Central Point Community Center. These concepts and costs are subject to change based on policy set by the Central Point City Council. To that end, future modifications of these designs will likely occur to meet the City's current financial constraints.*

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

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

In the months since deciding to explore the partnership concept, Staff from the City, Jackson County, and Expo have worked with Ogden, Roemer, and Wilkerson (ORW)

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Architecture on developing a concept that would meet the needs of all agencies. This process has evolved from developing a concept based on stakeholder "wants" to stakeholder "needs." Largely driven by construction costs that have been recently exposed to hyperinflation (both domestically and globally), the stakeholders have been forced to create a concept within reasonable financial parameters while still meeting the needs of our citizens and business models.

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

In early July 2022, The Central Point City Council considered all three conceptual options developed during our collaborative process with Jackson County (conceptual options included as attachments to this staff report). The City Council's preferred option was option 2, which is a reduced version of the overall Center, reducing the eating areas, classrooms, and gathering areas. The overall roof structure is the same, but gyms seven and eight are uncovered. This option provides additional savings on the overall cost. The overall cost if the option 2 scenario is agreed upon is 54 to 55 Million dollars with a cost split of 25-27%. The estimated City's portion would be 13.5 million to 15 million.

### **ADDITIONAL BACKGROUND**

In coordination with Moss Adams and Associates (Jackson County's Contract Municipal Auditor), Jackson County has determined that the County's American Rescue Plan Act (ARPA) funds are eligible for use on the joint facility concept. More specifically, the County's contribution to this project could be nearly 40 million dollars, and given the significance of this amount, Jackson County wanted to be absolutely certain that its contribution would comply with U.S. Department of Treasury rules and guidelines.

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In the 2019-2021 City of Central Point Budget, the City was preparing for our upcoming community center project, which was planned for the city-owned property immediately east of Central Point Elementary/School District 6 Administrative Offices. However, the emergence of COVID-19 delayed our plans to pursue the 10-12 million dollar stand-alone facility (original "stand-alone" concept included as an attachment to this staff report). The delay was a product of financial strategy by the City of Central Point Administration, which felt the economic uncertainties created by the COVID-19 pandemic should be fully understood before proceeding with a capital project of this magnitude.

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### **FINANCIAL ANALYSIS:**

As described above, the City's estimated contribution to the joint facility (option 2) is estimated at 13-15 million. In the 2019-2021 budget, city staff included a budget message statement regarding the Community Center project. More specifically, we estimated the project would require 8-10 million in public financing and a \$3.00 increase to the Parks Maintenance fee for operational costs (the 2019 community center project was estimated at 10-12 million). Additionally, the City budgeted one million in reserve funds to eliminate all debt service in the City's general fund. Historically, the general fund had managed five to six hundred thousand in debt service annually, and eliminating all debt provided the financial capacity to "tackle" the community center project.

Although our 2019-2021 budget strategy was based on the best available information, the past three years have seen significant shifts in our conceptual project, economic conditions, and emerging budget challenges. Given these changes, the Staff is offering an updated financial strategy to fund the joint community center facility.

### **UPDATED JOINT FACILITY FINANCIAL STRATEGY**

After offering several financial strategies to the City Council in early September, City Staff met with Jackson County Administration to review our financial options/position and discuss the City Council's concerns, comments and recommendations. Additionally, City Staff revisited financial strategy options and is now proposing an additional option

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predicated on the City's Urban Renewal District servicing Community Center Debt from 2026 to 2040. In 2040, after the Urban Renewal District concludes, the City's general fund would service the remaining debt obligations.

Although the Urban Renewal District would service debt for the first 15 years, implementing a recreation utility would be necessary to operate the proposed facility and reserve future funds for the City's general fund community center debt service obligations.

In the updated financial strategy, Staff would recommend—as discussed in September—a "lease back option."

In the lease back scenario, Jackson County would be responsible for all initial capital construction costs. However, the City would be obligated to enter a lease agreement to "leaseback" our estimated portion for an agreed-upon period. Assuming a total City contribution of 15 million, the recommended financial strategy would include the following:

1. In 2023-2024 the City would use funds allocated from the City's Urban District budget to participate in project design costs. The City's contribution to design is estimated at 750K to 1.3 million.
  2. In 2025-2026 the Central Point Urban Renewal District would issue debt and raise the necessary capital to begin servicing the required community center debt service from 2026 to 2040. During this period, the City would retain the option to have the City's general fund participate in debt service and reduce Urban Renewal responsibility (if alternate UR projects were preferred).
  3. The City's debt service obligations would stem from entering a lease back agreement for a period of 35 years. Annual lease payments over 35 years (4.5% municipal interest rate) are estimated at 850K annually.
  4. Staff would recommend the creation of a new recreation utility fee (7/1/2023) of
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\$3.50 per month. This increase would generate approximately 350K annually in additional revenue that could be used for operating costs and creating a general fund community debt service reserve.

5. From 2041 to 2061, the City's general fund would become responsible for future debt service payments due to the conclusion of the City's Urban Renewal District. The general fund would partially rely on debt service reserves created from a portion of the proposed recreation utility fee to meet these obligations. Further, the City's general fund would reap the benefits of the City's completed Urban Renewal District, which is projected to shift 1.4 million annually from tax increment (Urban Renewal) to property taxes (General Fund) in 2041.

### **JOINT FACILITY DESIGN PROCESS**

Jackson County is preparing to issue a Request for Proposal (RFP) for the proposed facility's design. The design would likely occur over a 12-18 period. With a completed design, both the City and County would have an accurate cost estimate, allowing all stakeholders to decide whether to move forward with construction.

After a significant investment in design, both agencies would be motivated to move the project forward. However, City and County discussions have included the possibility that unforeseen financial or economic conditions could make the project unattainable.

### **LEASE CONCERNS**

In September, concerns were expressed about the City leasing our portion of the facility versus a more traditional financing/ownership strategy. These concerns are understandable; however, the following makes the lease option attractive.

1. After 35 years (construction payback period), the City would have an option to lease its space at the current market rate.
2. The lease back agreement would eliminate the need for public financing, which includes significant borrowing costs.

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3. At the end of the 35 years, the joint community center facility will likely need upgrades. The City will not be required to participate in these future costs.
  4. If the City's recreational needs change, we will have no obligations that prevent us from moving in a different direction.
  5. Traditional ownership would be complicated by the County's standard reversion clause and the need for a ground lease on County-owned property.
  6. The lease agreement would include a provision that would allow the City of Central Point a right of first refusal on extending the lease after the initial 35-year period. The extended lease would be at "market rate."

### **POTENTIAL REVENUE**

The proposed financial strategy is conservative in identifying debt service costs and revenues. However, City Staff believes it is worth mentioning potential revenues that have not been included in the above-described strategy.

1. The proposed facility will generate revenue for the Jackson County Expo and the City of Central Point. The amount of revenue has yet to be determined but will be analyzed during the design phase.
2. Hotel-Motel Tax revenues will likely increase as a result of the proposed facility.

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### **LEGAL ANALYSIS:**

The City Attorney has provided a legal opinion confirming that Urban Renewal funds can be used for a facility lease. However, per Oregon Revised Statute (ORS), Urban Renewal funds cannot be used for ongoing operations and maintenance.

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

City of Central Point 2040 Strategic Plan Strategic Priorities – Community Investment

Public and private investments in Central Point include physical (i.e., new buildings,

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

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

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

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

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

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**STAFF RECOMMENDATION:**

Staff is recommending the City Council consider authorizing City participation in a joint community center design process and for city staff to prepare the 2023-2025 City of Central Point and Urban Renewal Budgets in a manner consistent with the current financial strategy recommendation.

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**RECOMMENDED MOTION:**

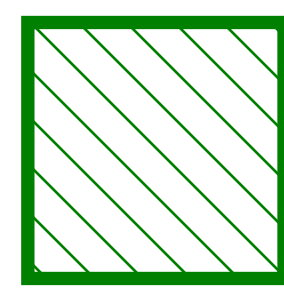
I move to authorize City participation in a joint community center design process and for city staff to prepare the 2023-2025 City of Central Point and Urban Renewal Budgets in a manner consistent with the current financial strategy recommendation.

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**ATTACHMENTS:**

1. JC Community Center - Floor Plan - Option 2 - Divisions between JC & CP

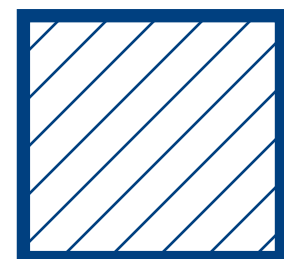
**EXCLUDING COVERED AREA**



**JACKSON COUNTY**  
58,630 SF

**JACKSON COUNTY**  
58,630 SF + 16,965 SF (1/2 SHARED SPACE TOTAL) =

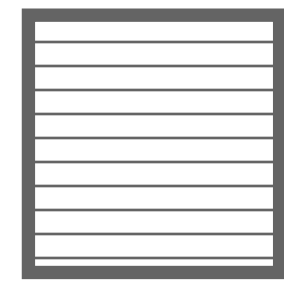
**75,595 SF**  
**72.8% TOTAL BUILDING SIZE**



**CENTRAL POINT**  
11,300 SF

**CENTRAL POINT**  
11,300 SF + 16,965 SF (1/2 SHARED SPACE TOTAL) =

**28,265 SF**  
**27.2% TOTAL BUILDING SIZE**



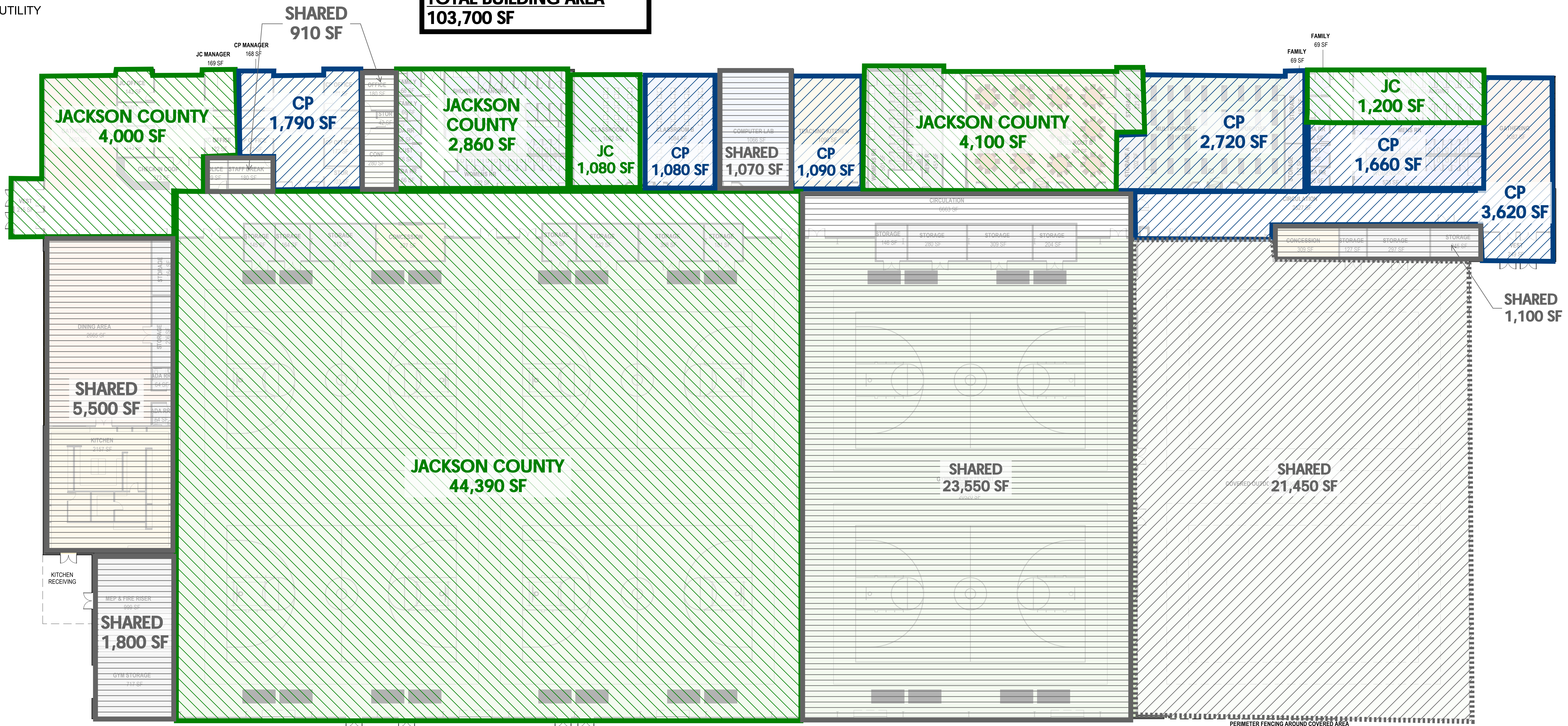
**SHARED SPACE**  
33,930 SF + 21,450 SF OUTDOOR COVERED AREA

**TOTAL BUILDING AREA**  
**103,700 SF**

**Department Legend**

- ADMINISTRATION
- EDUCATION
- KITCHEN
- PUBLIC GATHERING
- RECREATION
- SHOWER / CHANGING
- UTILITY

**TOTAL BUILDING AREA:**  
103,700 SF + 20,600 SF COVERED AREA



**INCLUDING COVERED AREA**

**JACKSON COUNTY**  
58,630 SF + 27,690 SF (1/2 SHARED SPACE TOTAL) =

**86,320 SF**  
**68.8% TOTAL BUILDING SIZE**

**CENTRAL POINT**  
11,300 SF + 27,690 SF (1/2 SHARED SPACE TOTAL) =

**38,990 SF**  
**31.2% TOTAL BUILDING SIZE**

**JACKSON COUNTY COMMUNITY CENTER - OPTION 2**

OVERALL FLOOR PLAN - OPTION 2

**JACKSON COUNTY COMMUNITY CENTER**  
Penninger Lane and Beebe Road, Central Point, OR 97502

05.25.2022

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WWW.ORWARCHITECTURE.COM  
27 S. GORHAM STREET  
REDWOOD CITY, CA 94063  
P 541.779.5237



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

### **ISSUE SUMMARY**

<b>TO:</b>	City Council	<b>DEPARTMENT:</b>	Administration
<b>FROM:</b>	Chris Clayton, City Manager		
<b>MEETING DATE:</b>	October 13, 2022		
<b>SUBJECT:</b>	Appointment of Citizens Advisory Committee Member		
<b>ACTION REQUIRED:</b>	Motion	<b>RECOMMENDATION:</b>	Approval

In August Mayor Williams, City Manager Chris Clayton, and Planning Director Stephanie Holtey interviewed applicants for the Citizens Advisory Committee. At that time there was one vacancy on the committee and the Council appointed Mitchel Price. On October 3rd the Planning Department received a letter of resignation from David Painter.

The City Recorder reached out to the second applicant, Royce Chambers, who has indicated he is still interested in being appointed to the Citizens Advisory Commission.

City staff is recommending Kristy Painter to be appointed as the CAC Chair.

Current members on the CAC and their appointment date:

Kristy Painter	1/21/21
John Eaton	1/21/21
Mitchel Price	8/08/22
Michael Meek	8/21/21
Paul Contreras	04/28/22
Carrie Reed	1/24/19

**RECOMMENDED MOTION:**

I move to appoint Royce Chambers to the Citizens Advisory Committee, and Kristy Painter as Chair.

**ATTACHMENTS:**

1. CAC Application - Chambers\_Redacted

City of Central Point, Oregon  
140 S 3rd Street, Central Point, OR 97502  
541.664.3321 Fax 541.664.6384  
[www.centralpointoregon.gov](http://www.centralpointoregon.gov)



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

**APPLICATION FOR APPOINTMENT TO  
CITY OF CENTRAL POINT COMMITTEE**

Name: Royce Chambers Date: 8-2-2022

Address: [Redacted] Buck Point St.

Home Phone: [Redacted] Business Phone: [Redacted] Cell Phone: [Redacted]

Fax: [Redacted] E-mail: [Redacted].com

Are you a registered voter with the State of Oregon? Yes  No

Are you a city resident? Yes  No  If Yes, How long: 3 years

Which committee(s) would you like to be appointed to: *(Please make sure the dates below work with your schedule before applying. Council and Planning Commission members are required to file an Annual Statement of Economic Interest to the State of Oregon.)*

**Meeting Dates (All meeting dates are subject to change or additions, times vary for each committee):**

- Budget Committee: Meetings vary in April Bi-Annually
- Citizens Advisory Committee: 2<sup>nd</sup> Tuesday of quarterly
- Planning Commission: 1<sup>st</sup> Tuesday of each month
- Parks and Recreation Committee/Foundation: Meeting dates vary

Employment, professional, and volunteer background:  
Retired from San Jose Fire Department.  
Royce Chambers Realty in Central Point at present.

Community affiliations and activities:  
Historic Jackson Business Association for seven years in Jackson, California.

Previous City appointments, offices, or activities:  
I ran for County Board of Supervisors in 2011 and lost by 125 votes in Alameda County California.

Attachment: CAC Application - Chambers\_Redacted (1594 : CAC Appointment)



Central Point Committee Application  
Page 2

To provide additional background for the Mayor and City Council, please answer the following questions.

1. Please explain why you are interested in the appointment and what you would offer to the community.  
Before moving to Central Point, my wife (Gloria) and I were coming to Central Point, monthly, starting on April 3, 2010. In any city where I have lived I have always participated in bettering it in some way.
2. Please describe what you believe are the major concerns of the City residents and businesses that this committee should be concerned about.  
Affordable Housing.  
Draw businesses to Central Point that will enhance the City.
3. Please provide any additional information or comments which you believe will assist the City Council in considering your application. I had a General Contractors license in CA for several years.  
I have a CA Real Estate license  
I was a member of The Board of Directors for a HOA in Sunnyvale CA for seven years  
I am now on the Board of Directors for Jackson Oaks Neighborhood Association.
4. Do you anticipate that any conflicts of interest will arise if you are appointed; and if so, how would you handle them?  
I do not anticipate any conflict of interest.

**Please feel free to use additional sheet if you have more information to help the Council make a final decision.**

My signature affirms that the information in this application is true to the best of my knowledge. I understand that misrepresentation and/or omission of facts are cause for removal from any council, advisory committee, board or commission I may be appointed to. All information/documentation related to service for this position is subject to public record disclosure.

Signature: \_\_\_\_\_

Date: 8-2-2022



## City of Central Point Staff Report to Council

### ISSUE SUMMARY

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<b>TO:</b>	City Council	<b>DEPARTMENT:</b>	Community Development
<b>FROM:</b>	Stephanie Holtey, Planning Director		
<b>MEETING DATE:</b>	October 13, 2022		
<b>SUBJECT:</b>	Planning Commission Report		
<b>ACTION REQUIRED:</b>	Information/Direction	<b>RECOMMENDATION:</b>	Not Applicable

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The Central Point Planning Commission met at their regular meeting on October 4, 2022. There were two information (2) items on the agenda. The first was an update on State Transportation Planning Rule prepared as part of the Climate Friendly & Equitable Communities rulemaking. The second item was an introduction to the Transportation System Plan Amendment currently underway.

#### **CUB HOUSE PRESCHOOL CONDITIONAL USE PERMIT:**

The Planning Commission conducted a public hearing and considered a Conditional Use Permit (CUP) application to operate a preschool at 81 Freeman Road. The school will have three (3) teachers and 26 students ranging in age from 2 to 6 years old. The project site is within the Tourist and Office Professional (C-4) zone and is developed with a 3,984 square foot office building, parking and landscape improvements. As part of the proposal the proposal includes fence installation to provide a secure playground area. Staff noted that the fence location is within the floodplain and will be subject to floodplain development permit requirements in CPMC 8.24. Additionally interior modifications and change of use are subject to building code requirements.

Commissioner's expressed concerns about traffic impacts of the proposed use due to existing traffic congestion that occurs in the vicinity on Freeman Road especially in the afternoon. Public Works noted that the proposed use does not exceed the threshold for requiring a new traffic impact analysis. However if the school grows in enrollment exceeding 36 students, a traffic study would be required. The Planning Commission unanimously voted to approve the CUP subject to staff's recommended conditions of approval and one additional condition limits school growth to no more than 36 students. Continuation of the CUP would require modification pursuant to CPMC 17.09, Modifications to Approved Plans and Conditions of Approval as needed to evaluate and address traffic impacts associated with the use.

#### **URBAN RENEWAL PLAN AMENDMENT:**

The Planning Commission was asked to consider an amendment to the Downtown and East Pine Street Corridor Revitalization Plan ("Urban Renewal Plan Amendment") relative to its conformance with the Central Point Comprehensive Plan. After receiving a presentation that

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provided background on Urban Renewal, the Urban Renewal Plan Amendment, the Planning Commission discussed the proposal relative to conformance with the 2040 Strategic Plan and Comprehensive Plan Citizen Involvement, Parks and Traffic Elements. The Planning Commission found that the Urban Renewal Plan Amendment is designed to implement the community's vision and priorities articulated in the Strategic Plan and remains consistent with Comprehensive Plan.

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**TRANSPORTATION SYSTEM PLAN AMENDMENT:**

Transportation Element in the Comprehensive Plan and provides goals and policies needed to accommodate growth by providing a safe, efficient and economical transportation system in the community. The focus of the proposed changes is adding projects to accommodate growth within the new Urban Growth Boundary (UGB) areas. Other changes include removing projects that have been completed since 2008, updating the financial forecast, conducting an equity analysis and re-prioritizing the project list. Other minor changes will be made throughout the document but these are limited to aligning the existing document with the substantial changes being proposed. When the Planning Commission hears this item in November it will be as a legislative amendment to the Comprehensive Plan.

The meeting adjourned at 8:00 p.m.

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