



CITY OF CENTRAL POINT

Oregon

Mayor
Hank Williams

Ward I
Neil Olsen

Ward II
Kelley Johnson

Ward IV
Tanea Browning

At Large
Rob Hernandez

At Large
Michael Parsons

City Council Meeting Agenda Thursday, November 14, 2019

Next Res(1601) Ord (2062)

I. REGULAR MEETING CALLED TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. SPECIAL PRESENTATIONS

1. SOREDI Update

V. PUBLIC COMMENTS

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

VI. CONSENT AGENDA

- A. Approval of October 24, 2019 City Council Minutes

VII. ITEMS REMOVED FROM CONSENT AGENDA

VIII. ORDINANCES, AND RESOLUTIONS

- A. Second Reading - Ordinance No. _____, Amending Central Point Municipal Code Section 12.36 in part regarding Trees (Dreyer)
- B. Resolution No. _____, Accepting the Lowest Responsible Bid from Pilot Rock Excavation, Inc. for the Rostel-Cedar Street Storm Drain Project and Authorizing the City Manager to Execute a Contract (Samitore)
- C. Resolution No. _____, A Resolution Accepting the Property Line Adjustment Agreement with the School District for new sidewalks adjacent to the Maker's Space (Samitore)

IX. BUSINESS

- A. Planning Commission Report (Humphrey)
- B. Final Design for Dennis Richardson Memorial (Samitore)
- C. Floodplain Management Update (Gindlesperger)

D. Council Member Ward III Appointment (Clayton)

X. MAYOR'S REPORT

XI. CITY MANAGER'S REPORT

XII. COUNCIL REPORTS

XIII. DEPARTMENT REPORTS

XIV. EXECUTIVE SESSION

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 Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

XV. ADJOURNMENT

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

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, October 24, 2019

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	
Taneeea Browning	Ward IV	Present	
Rob Hernandez	At Large	Excused	
Michael Parsons	At Large	Present	

Staff members present: City Manager Chris Clayton; City Attorney Sydnee Dreyer; Finance Director Steve Weber; Police Captain Dave Croft; Parks and Public Works Director Matt Samitore; and City Recorder Deanna Casey.

IV. SPECIAL PRESENTATIONS

1. Safety Award Presentation

City Manager Chris Clayton stated that the City of Central Point takes safety seriously and we have been recognized with three awards this year. We received the Gold Safety Award by the League of Oregon Cities in September. At the 2019 Southern Oregon Occupational Safety & Health Conference we received the Safety Committee Recognition Award. Desiree Badizadegan was also awarded the Safety Committee Champion Award. The Safety Committee Champion Award recognizes a safety committee member who has demonstrated an outstanding commitment to safety and health in their organization.

Our Workplace Safety Manager, Sam Patrick will start with the City on November 5th. We are very proud of all our Safety Committee members and employees.

V. PUBLIC COMMENTS - None

VI. CONSENT AGENDA

Minutes Acceptance: Minutes of Oct 24, 2019 7:00 PM (CONSENT AGENDA)

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Parsons, At Large
SECONDER:	Taneeea Browning, Ward IV
AYES:	Williams, Olsen, Johnson, Browning, Parsons
EXCUSED:	Rob Hernandez

- A. **Approval of October 10, 2019 City Council Minutes**
- B. **Council Meeting Cancellation**

VII. **ORDINANCES, AND RESOLUTIONS**

A. **Second Reading - Ordinance Amending 12.36 in part regarding Trees**

Parks and Public Works Director Matt Samitore presented amendments to Central Point Municipal Code 12.36 regarding trees. Staff has been approached by several homeowners and HOA's requesting additional flexibility to allow removal of street trees and frontage trees which drop fruit or nuts in the public right of way. Some of these trees can become a tripping hazard by dropping fruit or nuts and staining the sidewalks. There are also issues with roots tangling around irrigation lines and public infrastructure. Currently our code does not allow property owners to remove these trees even with application for removal to the City. We have no language in the code allowing the removal of these types of tree issues.

There was discussion to adjust recommended amendments to include removal of trees that interfere with infrastructure public or private, and avoidance of hazardous trees planted in town. There was discussion regarding who could submit an application to remove a Street or Frontage Tree when the property is owned or maintained by a homeowners association.

There was discussion of why it is important to include private property trees in sections of this code to help keep the peace at times between neighbors when one person's trees/plants encroach on another person's property. Frontage trees were planted as part of the application process and should not be removed by the property owner unless there are issues with that specific tree. They would need to complete an application to the city for review before removing.

The City Attorney will adjust the definition of nuisance trees to include trees that are not thriving. She will add language clarifying the definition of frontage trees which are trees approved as part of a land use application approval. She will also review language to allow removal of trees if they are damaging infrastructure, irrigation systems and/or utilities. She will review any public/private references within the ordinance.

Matt Epstien, Grand Oak resident

Mr. Epstien showed the Council a sprinkler head that was surrounded by roots from one of the offending trees. He stated that it would be nice to allow property owners to remove the trees that are causing issues with their infrastructure.

Kelley Johnson moved to second reading an Ordinance Amending Central Point Municipal Code Section 12.36 in Part Regarding Trees with revisions as discussed.

RESULT:	1ST READING [UNANIMOUS]
	Next: 11/14/2019 7:00 PM
MOVER:	Kelley Johnson, Ward II
SECONDER:	Michael Parsons, At Large
AYES:	Williams, Olsen, Johnson, Browning, Parsons
EXCUSED:	Rob Hernandez

B. Second Reading - Ordinance No. _____, Amending CPMC 8.38.010 regarding Garbage Removal

Mr. Clayton stated that there were no recommended changes to the Ordinance making clarifications to the Garbage Removal Ordinance that owner, tenant, or a person in control of property is responsible to subscribe to and pay for weekly refuse removal. However, language has been included providing that in the event of a dispute, the owner is ultimately responsible to comply with the code.

Kelley Johnson moved to approve Ordinance No. 2061, Amending Central Point Municipal Code Section 8.38.010 Regarding Garbage Removal Required.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kelley Johnson, Ward II
SECONDER:	Michael Parsons, At Large
AYES:	Williams, Olsen, Johnson, Browning, Parsons
EXCUSED:	Rob Hernandez

C. Resolution No. _____, Consenting to Assignment of Telecommunication Franchise Agreement Hunter Communications, Inc., and Authorizing the City Manager to Execute a Letter Reflecting Same

City Attorney Sydnee Dreyer stated that we have been notified by Hunter Communications that it is under contract on an acquisition of a majority share of its interest which is schedule to close the first quarter of 2020. If the transaction closes Hunter would remain in place and continue to operate its infrastructure, but the purchaser would become the majority owner of the company. In the event the transaction closes, Hunter Communications seeks the city's approval of the transfer of a majority of its interest, per the terms of the Franchise Agreement dated January 2014.

Hunter has provided a letter for the city's signature acknowledging that 1) the city consents to the assignment or transfer 2) any notice requirement is deemed satisfied and 3) the city's consent is conditioned upon Hunter closing the transaction in 2020.

Kelley Johnson moved to approve Resolution No. 1600, A Resolution Consenting to Assignment of City of Central Point Telecommunications Franchise Agreement with Hunter Communications, Inc. and Authorizing the City Manager to Execute a Letter Reflecting Same.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kelley Johnson, Ward II
SECONDER:	Michael Parsons, At Large
AYES:	Williams, Olsen, Johnson, Browning, Parsons
EXCUSED:	Rob Hernandez

VIII. BUSINESS

A. Motion to: Council President Appointment

Mayor Williams asked for nominations for Council President. This position would fill in for the Mayor if he were unable to attend a meeting.

Mike Parsons nominated Tanea Browning to be Council President.

There were no other nominations.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Parsons, At Large
SECONDER:	Kelley Johnson, Ward II
AYES:	Williams, Olsen, Johnson, Browning, Parsons
EXCUSED:	Rob Hernandez

B. September 30, 2019 Financial Statements

Finance Director Steve Weber presented the September 30, 2019 Financial Report. He updated the council on revenue and expenditure line items. Overall city funds are in line with the budgeted amounts for this time of year.

General Fund revenues are in line with expectations as more significant property tax receipts won't be in until November and the financing of the Community Center is budgeted for the second year of the biennium. Expenditures for the General Fund are at 11.66% of the budgeted amount.

Street Fund revenues are at 11.14% of the budgeted amount and expenditures are at 14.21%. The revenue percentage is impacted by the financing of the new Public Works corporation yard which was budgeted in the second year of the budget.

Building Fund continues to show strong revenue totals that are exceeding expectation for the biennium.

Water Fund revenues are 14.11% with expenditures at 12.87%. The charge for services revenue line item is trending slightly higher due to the warm weather. The expenditure total is higher due to the purchase of the Haskell Street Public Works Yard property.

Tanea Browning moved to accept the September 30, 2019 financial statements as presented.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Taneea Browning, Ward IV
SECONDER:	Kelley Johnson, Ward II
AYES:	Williams, Olsen, Johnson, Browning, Parsons
EXCUSED:	Rob Hernandez

C. Planning Commission Report

Parks and Public Works Director Matt Samitore presented the October 15, 2019 Planning Commission Report:

- The Commission continued a Public Hearing for a Site Plan and Architectural Review application for the development of an oil change facility and car wash to be located on the corner of Table Rock and Biddle Road. It was agreed that an additional two weeks was necessary and that this item would be presented at the November Planning Commission meeting for further action. The applicant submitted a letter authorizing the city to exceed the State's 120 day permit processing rule.
- The Commission held a public hearing to consider modifications to approved plans and conditions of approval for an existing stealth-designed telecommunication facility located on Penninger Road. The current cell tower was designed to resemble a flag pole. The commission approved the modification to increase the circumference of the pole to accommodate a new updated antenna in order to maintain user service in this area.
 - Council Member Parsons would like to see a flag pole installed at that location so they can still fly the USA Flag.

RESULT:	FOR DISCUSSION ONLY
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IX. MAYOR'S REPORT

Mayor Hank Williams reported that he attended:

- The Medford Water Commission meeting.
- The Council Study Session for the Strategic Plan.
- The Medford Chamber Forum.
- Central Point Greeters.
- A Fair Board Meeting and volunteer recognition event.
- The Rogue Creamery celebration for the World's Best Cheese. There were 4000 entries and the Rogue Creamery received the award for their 2019 vintage Rogue River Blue Cheese.

X. CITY MANAGER'S REPORT

City Manager Chris Clayton reported that:

- He signed the latest quarterly payment for school excise tax of \$111,000. The City collects this fee and forwards it on to the school district as per state mandate. We would like to see an accounting of where this money is being spent, which is also a state requirement.

- We have filled the new Safety Manager Position. That person will start the first week of November.
- The Council Chambers are about 85% complete. The final cleanup is next Tuesday.
- He attended the Rogue Creamery celebration yesterday.
- The online survey for the Strategic Plan has specific questions for school district kids.
- We have had some email issues this week due to a virus in the system. The IT Department has been working hard to get it cleared up.
- Next week the Medford Water Commission will be having a meeting to discuss a rate increase.
- Environmental Services Technician Mike Ono did a great job helping Mountain View Plaza with a private sanitary sewer system issue and their pumps. He was able to get them in touch with someone to pump out their vaults. DEQ was notified and issued a fine. It could have been much worse if Mr. Ono had not been available.
- Jackson County will be submitting two resolutions for approval regarding the new Jail proposal in December.
- He met the new Superintendent for the Medford School District.
- The Parks and Rec Department are looking for speakers at the Veterans Day event. They hope to have the new updated drawings for the Dennis Richardson Memorial.

XI. COUNCIL REPORTS

Council Member Tanea Browning reported that:

- She attended Greeters at the Airport.
- She attended the Study Session.
- The Visitors Center is working with the City on new involvement for businesses at the Community Christmas this year.

Council Member Mike Parsons reported that:

- He attended the Jail Advisory Committee meeting.
- He attended the Study Session and the Planning Commission meeting.

Council Member Kelley Johnson reported that she attended the Study Session.

Council Member Neil Olsen reported that he attended the Planning Commission meeting and the Study Session.

XII. DEPARTMENT REPORTS

City Attorney Sydnee Dreyer reported that the Department of Justice and ODOT are asking us to hold some dates for mediation with TYLNN.

Parks and Public Works Director Matt Samitore reported that:

- there are approximately 1.15 Million in overages for the Twin Creeks Rail Road Crossing because of the delays with TYLNN. We hope to be receiving some of those funds back.
- They have a list of small projects moving forward for the winter months.
- Public Works employee Mike Blake has won another award from Gadgets and Gimmicks again this year.

Captain Dave Croft reported that:

- Cassidy Walters and Alyssa Herron are our two newest Police Officers, they will be attending the Police Academy this fall. We should have all our vacant positions fill in the Spring.
- Our new design patrol car is out on the streets now.
- Yesterday afternoon a driver had a medical incident and crossed Hwy 99 driving into the Wash-N-Go Depot office. Luckily no one else was hurt in this incident.

Finance Director Steve Weber reported that:

- The hotel/motel tax audit went well with LaQuinta, they have new software as of June and over reported tax revenue. We will need to issue a refund to them.
- He will be providing the Annual Financial Statement at December Council meeting.
- We have received property tax levy notices. They are lower than we anticipated. He is researching to see if Pear Valley and Smith Crossing structures were assessed too low. The Urban Renewal District assessments came in higher than anticipated.

XIII. ADJOURNMENT

Mike Parsons moved to adjourn, Neil Olsen seconded and the meeting was adjourned at 8:10 p.m.

The foregoing minutes of the October 24, 2019, Council meeting were approved by the City Council at its meeting of _____, 2019.

Dated:

Mayor Hank Williams

ATTEST:

City Recorder

Minutes Acceptance: Minutes of Oct 24, 2019 7:00 PM (CONSENT AGENDA)



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

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	City Attorney
FROM:	Sydnee Dreyer, City Attorney		
MEETING DATE:	November 14, 2019		
SUBJECT:	Second Reading - Ordinance No. _____, Amending Central Point Municipal Code Section 12.36 in part regarding Trees		
ACTION REQUIRED:	Ordinance 2nd Reading	RECOMMENDATION:	Approval

BACKGROUND INFORMATION:

Staff was approached by several homeowners' associations requesting additional flexibility to allow removal of street trees and frontage trees which drop fruit or nuts in public right-of-way. Specifically, the Twin Creeks development has reported ongoing problems with trees such as flowering plums, flowering cherries, which drop a significant amount of fruit causing staining and undue burdens of maintenance to remove such fruits, and silver oaks which drop large acorns causing tripping hazards in the public right-of-way.

Staff had presented this item to Council at a study session in September, with a follow-up discussion and request for direction at the Council's October 3 meeting. Based on those meetings, staff has worked with the city attorney to revise Chapter 12.36 as follows: 1) better define nuisance trees to include those trees that drop acorns or fruits in the right-of-way causing tripping hazards or undue maintenance burdens; 2) providing private property owners a right to request a permit to remove such nuisance trees; and 3) better clarification of the city's right, but not requirement, to require removal of nuisance and hazardous trees.

Council made a motion to forward the ordinance to a second reading with minor modifications to clarify that application for removal of trees may also be made where the tree interferes with private utility or irrigation lines, and where the tree has "failed to thrive". Additional minor modifications were made as housekeeping matters. A comparison version of the ordinance is attached which depicts the changes made from the first reading to the second reading.

FINANCIAL ANALYSIS:

LEGAL ANALYSIS: None

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

STAFF RECOMMENDATION:

Approve ordinance as revised.

RECOMMENDED MOTION:

I move to approve Ordinance No. _____ amending Central Point Municipal Code Section 12.36 in Part Regarding Trees.

ATTACHMENTS:

1. ORD Amending 12.36 Trees Comparison Version
2. ORD Revisions 12.36 Trees 2d Reading

ORDINANCE NO. ____

AN ORDINANCE AMENDING CENTRAL POINT MUNICIPAL CODE SECTION 12.36 IN PART REGARDING TREES

RECITALS:

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. Upon review, the staff and city attorney for the City of Central Point determined that amendment to Chapter 12.36 Trees is advisable to expand the definition of nuisance trees, allow homeowners to apply for removal and replacement of a nuisance tree and/or allow the City to require a homeowner to remove a tree the City deems to be a nuisance.
- C. Words ~~lined through~~ are to be deleted and words **in bold** are added.

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

SECTION 1. Chapter 12.36 is amended in part as set forth below and incorporated herein by reference.

Chapter 12.36
TREES

Sections:

- 12.36.010 Purpose.
- 12.36.020 Applicability.
- 12.36.030 Definitions.
- 12.36.040 Tree removal/replacement.
- 12.36.045 City's power is permissive.
- 12.36.050 Review criteria.
- 12.36.060 Permit exemptions.
- 12.36.070 Tree topping.
- 12.36.080 Protection of trees.

1 | Ordinance No. ____; ~~October 24,~~November 14, 2019

12.36.090 Street and frontage tree planting--When required.

12.36.100 Street tree standards.

12.36.110 Street tree plans.

12.36.120 Street tree planting.

12.36.130 Street tree maintenance.

12.36.010 Purpose.

The purpose of this chapter is to establish and maintain the maximum amount of tree cover on public and private lands in the city; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance cost; to enhance the appearance of the city; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues. (Ord. 1821 §1(part), 2001).

12.36.020 Applicability.

The provisions of this chapter shall apply to:

- A. Individual significant or historic trees as defined in this chapter;
- B. All trees planted in or upon any public area or right-of-way;
- C. All trees **and shrubs** planted in or upon any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections, **and private utility and irrigation lines, including but not limited to frontage trees and private trees which are deemed hazardous trees or shrubs or nuisance trees as defined in this Chapter;**
- D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review. (Ord. 1821 §1(part), 2001).

12.36.030 Definitions.

"Approved tree list" means those trees identified in city of Central Point publication, City of Central Point Recommended Street Tree Guide which will be approved and amended by city council resolution.

2 | Ordinance No. ____; ~~October 24,~~November 14, 2019

“Critical root zone” is generally a circular region measured outward from a tree trunk representing the essential area of roots that must be maintained or protected for the tree’s survival. Critical root zone is one foot of radial distance for every inch of tree diameter measured at four and one-half feet above ground level, with a minimum of eight feet. For significant trees, the formula changes to one and one-half feet for every inch of tree diameter at four and one-half feet above ground level, with a minimum of twelve feet.

“Crown” means the leaves and branches of a tree or shrub; the upper portion of the tree from the lowest branches on the trunk to the top. May also be referred to as “canopy.”

“Diameter-at-breast-height (DBH)” is tree trunk diameter measured in inches at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, the trunk is measured at its most narrow point beneath the split.

“Drip line” means a vertical line extending from the outermost edge of the tree’s original canopy to the ground.

“Frontage tree” means a living, standing woody plant typically having a single trunk at least one and one-half inches in diameter at a point six inches above mean ground level at the base of the trunk, that is located on private property adjacent to the street right-of-way and was installed as a condition of development approval.

“Hazardous tree or shrub” means a tree or shrub or part thereof growing on private or public property which endangers, obstructs or impairs the free and full use of a public area, including public or private utilities and irrigation lines within these areas, or is afflicted with or weakened by a disease or injury or is considered dead.

“Historic tree” means selected trees placed on a city inventory based on the age, species, location, health and historic significance.

“Major pruning” means removal of over twenty percent of the tree’s canopy, any tree topping, or disturbance of over ten percent of the root system.

3 | Ordinance No. ____; ~~October 24,~~November 14, 2019

“Nuisance Tree” ~~A tree is considered a public nuisance~~ **means a tree or part thereof growing on private or public property** which by reason of its condition interferes with the use of any public area; or which is infected with a plant disease; or which is infested with injurious insects or pests which therein threaten public or private property, or which endangers the public health, safety and welfare ~~;~~ **or which has failed to thrive.** **Nuisance trees include fruit, nut or deciduous trees which drop a significant amount of fruits, nuts or pinecones onto public sidewalks or public streets creating a reasonable tripping hazard and/or unreasonable burden of maintenance or cleaning of public sidewalks and/or other public property, or are otherwise inappropriate for their location.**

“Private tree” means a tree located on private property, other than a frontage tree, ~~hazardous tree,~~ historic tree or significant tree.

“Public tree” means a tree located ~~within a public right-of-way~~ or on public land, such as a city park.

“Significant trees” means selected trees placed on a city inventory based on the age, species, health and location.

“Street tree” means a living, standing woody plant typically having a single trunk at least one and one-half inches in diameter at a point six inches above mean ground level at the base of the trunk, that is located within the street right-of-way.

“Topping” means the severe cutting back of limbs to stubs three inches in diameter within the tree’s crown to such a degree so as to remove the natural canopy and disfigure the tree.

“Tree” means any woody plant, including shrubs and bushes, having a trunk five inches or more in diameter four and one-half feet above ground level at the base of the trunk. If a tree splits into multiple trunks below four and one-half feet, the trunk is measured at its most narrow point beneath the split.

“Tree board” means an appointed citizen committee formed for the purpose of hearing concerns and making decisions regarding trees. The Central Point planning commission currently serves in this capacity.

4 | Ordinance No. ____; ~~October 24,~~November 14, 2019

"Tree establishment" includes watering, feeding, initial pruning, pesticide or herbicide management, and replacement of trees, if necessary, for a period of three years from the date of planting. (Ord. 1980 §1(part), 2013; Ord. 1821 §1(part), 2001).

12.36.040 Tree removal/replacement.

The provisions of this section shall apply to any historic tree, significant tree, street tree, frontage tree required as a condition of development, public tree, **nuisance tree** or hazardous tree **or shrub**, unless otherwise specified.

A. The removal or major pruning **by a property owner or association of owners responsible for maintenance** of any tree other than a private tree shall require city approval, unless specifically designated as exempt by this chapter. Persons wishing to remove or prune such trees shall file an application for a permit with the Central Point city manager. **Where the application is filed by an association of owners responsible for maintenance, the owner of the property upon which the tree is located must consent in writing to the application.** The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action.

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The city shall review the application for the permit within thirty **(30)** calendar days and either approve, approve with conditions or modifications, deny the application or request additional information based on the criteria stated in Section [12.36.050](#). Any decision to deny the application shall be in writing along with the reasons for the denial and a description of the appeal process.

An applicant may appeal an adverse determination to the Central Point planning commission. A written notice of appeal shall be filed with the city manager within fifteen **(15)** calendar days following the date of distribution of a city's decision. The applicant shall have the burden of proving that the city made an incorrect decision. Based on the planning commission's findings and conclusions, the planning commission may affirm, reverse or modify the decision being appealed.

B. All trees other than private trees shall be removed or pruned following accepted pruning standards adopted by the city.

5 | Ordinance No. ____; ~~October 24,~~November 14, 2019

C. The applicant shall be responsible for all costs associated with the tree removal or pruning and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.

D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree from the city's approved tree list, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plan Appraisal" published by the International Society of Arboriculture Council for Tree Landscape Appraisers.

E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The areas shall be crowned at least two inches above the surrounding grade to allow for settling and shall be graded smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be reseeded.

F. Other conditions may be attached to the permit approval by the ~~Central Point planning commission~~ **city** as deemed necessary.

G. The city shall have the right to cause the pruning or removal of any potentially hazardous or nuisance tree, or parts of a tree or shrub, on **public or** private property within the city, when such trees constitute a threat to human life, safety, or property. Except in an emergency when immediate action is necessary for safety, the Central Point city manager or his designee will notify in writing the owners of such trees.

Where such hazardous ~~tree or shrub~~ or nuisance tree is located within public right-of-way maintained by private property owners, or ~~a private property owners' associations~~, the city shall notify in writing the property owner ~~responsible for maintenance of said tree, or of record~~ whose property frontage includes said tree. Said owners at their own expense shall do pruning or removal within thirty **(30)** days after the date of notice. In the event of failure of owners to comply with such provisions, or in the above mentioned emergency situation, the city shall have the authority to remove or cause to be removed such trees and assess the cost of removal, **and replacement of such tree**, plus reasonable and actual administrative charges as a lien against the property.

6 | Ordinance No. ____; ~~October 24,~~November 14, 2019

H. In the event that it becomes necessary for the Central Point city manager or his designee to undertake the inspection, pruning or removal of a potentially hazardous or nuisance tree from any private property within the city, the city manager or his designee shall have the right at reasonable times to enter into or upon said property to inspect, prune or remove said potentially hazardous or dead tree. (Ord. 1980 §1(part), 2013; Ord. 1969 §1(part), 2013; Ord. 1821 §1(part), 2001).

12.36.045 City's power and authority is permissive, not mandatory.

Under no circumstances shall this chapter obligate city, or any employee or agent thereof, to undertake any particular action to enforce any of the terms of this chapter. All authority granted to city, its agents and employees, shall be permissive and not mandatory, and city, its agents and employees shall have complete discretion to determine whether or not enforcement action of any type should be undertaken and if so, the nature of the enforcement action itself.

12.36.050 Review criteria.

A permit for major pruning or tree removal shall be granted if any of the following criteria apply:

A. The tree is unsafe, dead, or diseased as determined by a certified arborist. Verification of tree health may be required, at the expense of the applicant, by a certified arborist acceptable to the city;

B. The tree **or shrub is deemed a hazardous tree or shrub and** is in conflict with public improvements **such as public utilities, sidewalks, public areas, or rights of way**;

C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program; **or**

D. The tree is deemed a nuisance tree as defined in this Chapter **;** **or**

E. The tree is in conflict with private utilities or irrigation lines.

12.36.060 Permit exemptions.

A. Hazardous Tree. If an imminent danger exists to the public or any private property owner or occupant, the city may issue an emergency removal permit. The removal shall be in accordance with International Society of Arboriculture (ISA) standards.

7 | Ordinance No. ____; ~~October 24,~~ November 14, 2019

B. Maintenance. Regular pruning maintenance which does not require the removal of over twenty percent of the tree's canopy, tree topping, or the disturbance of over ten percent of the tree's root system is exempt from the provisions of this chapter. (Ord. 1821 §1(part), 2001).

12.36.070 Tree topping.

It is unlawful for any person, firm, or the city to top any tree other than a private tree; however, trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions may be exempted from normal pruning practices at the determination of the Central Point planning commission, applying criteria developed by the city. (Ord. 1821 §1(part), 2001).

12.36.080 Protection of trees.

A. It is unlawful for any person to remove, destroy, break, or injure any tree or part of a tree other than a private tree. Individuals convicted of removing or destroying a tree or part of a tree without city approval shall be subject to paying to the city an amount sufficient to fund the planting and establishment of a tree, or trees, of similar value. The value of the removed or destroyed tree shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers.

B. It is unlawful for any person to attach or keep attached to any tree other than a private tree, or to the guard or stake intended for the protection of such tree, any rope, wire, chain, sign, or other device, except as a support for such tree.

C. During the construction, repair, alteration or removal of any building or structure it is unlawful for any owner or contractor to leave any tree other than a private tree in the vicinity of such building or structure without a good and sufficient guard or protectors as shall prevent injury to such tree arising out of or by reason of such construction or removal.

D. Excavations shall not occur within one and one-half times the drip line of any tree other than a private tree without approval of the city, applying criteria developed by the planning commission. Utility pole installations are exempted from these requirements. During such excavation or construction, the excavator or builder shall guard any such tree within said area around the drip line, or as may be required by the planning commission.

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E. All building or other debris shall be kept outside one and one-half times of the drip line of any tree other than a private tree.

F. Every effort should be made to retain existing trees on public or private property as an integral part of overall community forest canopy and the development process. The planning commission shall make every effort to modify setback requirements to include existing trees. (Ord. 1980 §1(part), 2013; Ord. 1821 §1(part), 2001).

12.36.090 Street and frontage tree planting--When required.

A. All new multifamily development, commercial or industrial development, subdivisions, partitions, or parking lots fronting a public roadway which has a designated curbside planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section [12.36.100](#).

B. Frontage trees shall be required as a condition of new development. The standards for the planting of such trees are those listed in Section [12.36.100](#). The number and location of frontage trees shall be determined by the Central Point planning commission during the site plan, tentative plan or other discretionary permit review process for new development. (Ord. 1821 §1(part), 2001).

12.36.100 Street tree standards.

A. The species of the street trees to be planted shall be chosen from the approved street tree list unless approval of another species is given by the Central Point planning commission.

B. Street trees shall be a minimum of one and one-half inches in caliper measured at six inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

C. Small or narrow stature trees (under twenty-five feet tall and less than sixteen feet wide branching) should be spaced no greater than twenty feet apart; medium sized trees (twenty-five feet to forty feet tall, sixteen feet to thirty-five feet wide branching) should be spaced no greater than thirty feet apart; and large trees (over forty feet tall and more than thirty-five feet wide branching) should be spaced no greater than forty feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the city for specific site limitations and safety purposes. Within

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commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the Central Point planning commission.

D. When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curb-side landscape strip measuring a minimum of three feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four feet from the back edge of the sidewalk. In no case shall a tree be planted closer than two and one-half feet from the face of a curb.

E. Street trees shall not be planted within ten feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty feet of street light standards or street intersections, or within five feet of an existing street tree. Variations to these distances may be granted by the public works director and as may be required to ensure adequate clear vision.

F. Existing street trees shall be retained unless approved by the city manager for removal during site development or in conjunction with a street construction project. Sidewalks of a variable width and elevation may be utilized as approved by the city manager or his designee to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way shall be replaced at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the removed tree shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.

G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb.

H. Street trees, as they grow, shall be pruned to provide at least eight feet of clearance above sidewalks and fourteen feet above local streets, sixteen feet above collector streets, and eighteen feet above arterial streets. This provision shall be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the city.

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I. Maintenance of street trees, other than those located in the downtown core area (defined as that area bordered by Manzanita, Oak, Front and 6th Streets) shall be the continuing obligation of the abutting property owner. (Ord. 1984 §1, 2014; Ord. 1969 §1(part), 2013; Ord. 1821 §1(part), 2001).

12.36.110 Street tree plans.

A. Submittal.

1. Subdivisions and Partitions. Street tree planting plans shall be submitted to city staff for review and approval prior to the filing of a final subdivision or partition plat.
2. Commercial, Industrial, Parking Lots, and Multifamily Residential Development. Landscape plans, to include street tree planting as may be required by this chapter shall be submitted to the landscape review committee for review and approval prior to the issuance of a building permit.

B. Street Tree Plan Content. At a minimum, the street tree plan should:

1. Indicate all existing trees, noting location, species, size (caliper and height) and condition;
2. Indicate whether existing trees will be retained, removed, or relocated;
3. Indicate the measures to be taken during site development to ensure the protection of existing trees to be retained;
4. Indicate the location, species, and size (caliper and height) of street trees to be planted;
5. Indicate the location of proposed and existing utilities and driveways; and
6. Indicate the location of rights-of-way, existing structures, driveways, and trees including their species, size, and condition, within twenty feet of the subject site. (Ord. 1821 §1(part), 2001).

12.36.120 Street tree planting.

A. Residential Subdivisions and Partitions.

1. Planting Schedule. Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant

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may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in the Central Point Municipal Code.

B. Commercial, Industrial, Multifamily, Parking Lot Development.

1. Planting Schedule. Street trees required of a commercial, industrial, multifamily, or parking lot development shall be installed at the time all other required landscaping is installed. (Ord. 1821 §1(part), 2001).

12.36.130 Street tree maintenance.

Street trees shall be continually maintained, including necessary watering, feeding, weeding, pruning, pesticide, herbicide application for pest and disease management with removal and replacement of any dead or dying tree, by the developer or property owner for three full growing seasons following planting, or as may be required by the city. (Ord. 1980 §1(part), 2013; Ord. 1821 §1(part), 2001).

SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Recitals A-C) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 3. Effective Date. The Central Point City Charter states that an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

PASSED by the Council and signed by me in authentication of its passage this ___ day of _____ 2019.

Mayor Hank Williams

ATTEST:

City Recorder

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Attachment: ORD Amending 12.36 Trees Comparison Version (1208 : Second Reading Ordinance Amending 12.36 in part regarding Trees)

13 | Ordinance No. ____; ~~October 24,~~November 14, 2019

ORDINANCE NO. ____

AN ORDINANCE AMENDING CENTRAL POINT MUNICIPAL CODE SECTION 12.36 IN PART REGARDING TREES

RECITALS:

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. Upon review, the staff and city attorney for the City of Central Point determined that amendment to Chapter 12.36 Trees is advisable to expand the definition of nuisance trees, allow homeowners to apply for removal and replacement of a nuisance tree and/or allow the City to require a homeowner to remove a tree the City deems to be a nuisance.
- C. Words ~~lined through~~ are to be deleted and words **in bold** are added.

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

SECTION 1. Chapter 12.36 is amended in part as set forth below and incorporated herein by reference.

Chapter 12.36
TREES

Sections:

- 12.36.010 Purpose.
- 12.36.020 Applicability.
- 12.36.030 Definitions.
- 12.36.040 Tree removal/replacement.
- 12.36.045 City's power is permissive.
- 12.36.050 Review criteria.
- 12.36.060 Permit exemptions.
- 12.36.070 Tree topping.
- 12.36.080 Protection of trees.
- 12.36.090 Street and frontage tree planting--When required.

12.36.100 Street tree standards.

12.36.110 Street tree plans.

12.36.120 Street tree planting.

12.36.130 Street tree maintenance.

12.36.010 Purpose.

The purpose of this chapter is to establish and maintain the maximum amount of tree cover on public and private lands in the city; provide tree-lined streets throughout the city; select, situate and maintain trees appropriately to minimize hazard, nuisance, damage, and maintenance cost; to enhance the appearance of the city; to promote a diverse, healthy, and sustainable community forest; and to educate the public regarding community forest issues. (Ord. 1821 §1(part), 2001).

12.36.020 Applicability.

The provisions of this chapter shall apply to:

- A. Individual significant or historic trees as defined in this chapter;
- B. All trees planted in or upon any public area or right-of-way;
- C. All trees **and shrubs** planted in or upon any private property which directly affect public infrastructure including but not limited to sewers, water mains, sidewalks, streets, public property, or clear vision distances at street intersections, **and private utility lines, including but not limited to frontage trees and private trees which are deemed hazardous trees or shrubs or nuisance trees as defined in this Chapter;**
- D. All trees on developable land and subject to or undergoing development review such as site plan review, tentative subdivision review, or partition review. (Ord. 1821 §1(part), 2001).

12.36.030 Definitions.

“Approved tree list” means those trees identified in city of Central Point publication, City of Central Point Recommended Street Tree Guide which will be approved and amended by city council resolution.

“Critical root zone” is generally a circular region measured outward from a tree trunk representing the essential area of roots that must be maintained or protected for the tree’s survival. Critical root zone is one foot of radial distance for every inch of tree diameter measured at four and one-half feet above

ground level, with a minimum of eight feet. For significant trees, the formula changes to one and one-half feet for every inch of tree diameter at four and one-half feet above ground level, with a minimum of twelve feet.

“Crown” means the leaves and branches of a tree or shrub; the upper portion of the tree from the lowest branches on the trunk to the top. May also be referred to as “canopy.”

“Diameter-at-breast-height (DBH)” is tree trunk diameter measured in inches at a height of four and one-half feet above the ground. If a tree splits into multiple trunks below four and one-half feet, the trunk is measured at its most narrow point beneath the split.

“Drip line” means a vertical line extending from the outermost edge of the tree’s original canopy to the ground.

“Frontage tree” means a living, standing woody plant typically having a single trunk at least one and one-half inches in diameter at a point six inches above mean ground level at the base of the trunk, that is located on private property adjacent to the street right-of-way **and was installed as a condition of development approval.**

“Hazardous tree or shrub” means a tree or shrub or part thereof growing on private or public property which endangers, obstructs or impairs the free and full use of a public area, including **public or private** utilities within these areas, or is afflicted with or weakened by a disease or injury or is considered dead.

“Historic tree” means selected trees placed on a city inventory based on the age, species, location, health and historic significance.

“Major pruning” means removal of over twenty percent of the tree’s canopy, any tree topping, or disturbance of over ten percent of the root system.

“Nuisance Tree” ~~A tree is considered a public nuisance~~ **means a tree or part thereof growing on private or public property** which by reason of its condition interferes with the use of any public area; or which is infected with a plant disease; or which is infested with injurious insects or pests which therein threaten public or private property, or which endangers the public health, safety and welfare, **or which has failed to thrive. Nuisance trees include fruit, nut or deciduous trees which drop a significant amount of fruits, nuts or pinecones onto public sidewalks or public streets creating a reasonable**

tripping hazard and/or unreasonable burden of maintenance or cleaning of public sidewalks and/or other public property, or are otherwise inappropriate for their location.

“Private tree” means a tree located on private property, other than a frontage tree, ~~hazardous tree,~~ historic tree or significant tree.

“Public tree” means a tree located ~~within a public right-of-way or~~ on public land, such as a city park.

“Significant trees” means selected trees placed on a city inventory based on the age, species, health and location.

“Street tree” means a living, standing woody plant typically having a single trunk at least one and one-half inches in diameter at a point six inches above mean ground level at the base of the trunk, that is located within the street right-of-way.

“Topping” means the severe cutting back of limbs to stubs three inches in diameter within the tree’s crown to such a degree so as to remove the natural canopy and disfigure the tree.

“Tree” means any woody plant, including shrubs and bushes, having a trunk five inches or more in diameter four and one-half feet above ground level at the base of the trunk. If a tree splits into multiple trunks below four and one-half feet, the trunk is measured at its most narrow point beneath the split.

“Tree board” means an appointed citizen committee formed for the purpose of hearing concerns and making decisions regarding trees. The Central Point planning commission currently serves in this capacity.

“Tree establishment” includes watering, feeding, initial pruning, pesticide or herbicide management, and replacement of trees, if necessary, for a period of three years from the date of planting. (Ord. 1980 §1(part), 2013; Ord. 1821 §1(part), 2001).

12.36.040 Tree removal/replacement.

The provisions of this section shall apply to any historic tree, significant tree, street tree, frontage tree required as a condition of development, public tree, **nuisance tree** or hazardous tree **or shrub**, unless otherwise specified.

A. The removal or major pruning **by a property owner or association of owners responsible for maintenance** of any tree other than a private tree shall require city approval, unless specifically designated as exempt by this chapter. Persons wishing to remove or prune such trees shall file an application for a permit with the Central Point city manager. **Where the application is filed by an association of owners responsible for maintenance, the owner of the property upon which the tree is located must consent in writing to the application.** The applicant shall include information describing the location, type, and size of the subject tree or trees, and the reasons for the desired action.

The city shall review the application for the permit within thirty **(30)** calendar days and either approve, approve with conditions or modifications, deny the application or request additional information based on the criteria stated in Section [12.36.050](#). Any decision to deny the application shall be in writing along with the reasons for the denial and a description of the appeal process.

An applicant may appeal an adverse determination to the Central Point planning commission. A written notice of appeal shall be filed with the city manager within fifteen **(15)** calendar days following the date of distribution of a city's decision. The applicant shall have the burden of proving that the city made an incorrect decision. Based on the planning commission's findings and conclusions, the planning commission may affirm, reverse or modify the decision being appealed.

B. All trees other than private trees shall be removed or pruned following accepted pruning standards adopted by the city.

C. The applicant shall be responsible for all costs associated with the tree removal or pruning and shall ensure that all work is done in a manner which ensures safety to individuals and public and private property.

D. Approval of a request to remove a tree may be conditioned upon replacement of the tree with another tree from the city's approved tree list, or a requirement to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree, or trees, of similar value. The value of the existing tree to be removed shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plan Appraisal" published by the International Society of Arboriculture Council for Tree Landscape Appraisers.

E. The applicant is responsible for grinding stumps and surface roots at least six inches below grade. At least a two-inch-thick layer of topsoil shall be placed over the remaining stump and surface roots. The areas shall be crowned at least two inches above the surrounding grade to allow for settling and shall be graded smooth. The applicant shall restore any damaged turf areas and grades due to vehicular or mechanical operations. The area shall be reseeded.

F. Other conditions may be attached to the permit approval by the ~~Central Point planning commission~~ city as deemed necessary.

G. The city shall have the right to cause the pruning or removal of any potentially hazardous or nuisance tree, or parts of a tree or shrub, on **public or** private property within the city, when such trees constitute a threat to human life, safety, or property. Except in an emergency when immediate action is necessary for safety, the Central Point city manager or his designee will notify in writing the owners of such trees.

Where such hazardous tree or shrub or nuisance tree is located within public right-of-way maintained by private property owners, or a private property owners' associations, the city shall notify in writing the property owner of record whose property frontage includes said tree. Said owners at their own expense shall do pruning or removal within thirty **(30)** days after the date of notice. In the event of failure of owners to comply with such provisions, or in the above mentioned emergency situation, the city shall have the authority to remove or cause to be removed such trees and assess the cost of removal, **and replacement of such tree**, plus reasonable and actual administrative charges as a lien against the property.

H. In the event that it becomes necessary for the Central Point city manager or his designee to undertake the inspection, pruning or removal of a potentially hazardous or nuisance tree from any private property within the city, the city manager or his designee shall have the right at reasonable times to enter into or upon said property to inspect, prune or remove said potentially hazardous or dead tree. (Ord. 1980 §1(part), 2013; Ord. 1969 §1(part), 2013; Ord. 1821 §1(part), 2001).

12.36.045 City's power and authority is permissive, not mandatory.

Under no circumstances shall this chapter obligate city, or any employee or agent thereof, to undertake any particular action to enforce any of the terms of this chapter. All authority granted to city, its agents and employees, shall be permissive and not mandatory, and city, its agents and

employees shall have complete discretion to determine whether or not enforcement action of any type should be undertaken and if so, the nature of the enforcement action itself.

12.36.050 Review criteria.

A permit for major pruning or tree removal shall be granted if any of the following criteria apply:

A. The tree is unsafe, dead, or diseased as determined by a certified arborist. Verification of tree health may be required, at the expense of the applicant, by a certified arborist acceptable to the city;

B. The tree is in conflict with public improvements **such as public utilities, sidewalks, public areas, or rights of way**;

C. The proposed removal or pruning is part of an approved development project, a public improvement project where no alternative is available, or is part of a street tree improvement program; **or**

D. The tree is deemed a nuisance tree as defined in this Chapter; or

E. The tree is in conflict with private utilities.

12.36.060 Permit exemptions.

A. Hazardous Tree. If an imminent danger exists to the public or any private property owner or occupant, the city may issue an emergency removal permit. The removal shall be in accordance with International Society of Arboriculture (ISA) standards.

B. Maintenance. Regular pruning maintenance which does not require the removal of over twenty percent of the tree's canopy, tree topping, or the disturbance of over ten percent of the tree's root system is exempt from the provisions of this chapter. (Ord. 1821 §1(part), 2001).

12.36.070 Tree topping.

It is unlawful for any person, firm, or the city to top any tree other than a private tree; however, trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions may be exempted from normal pruning practices at the determination of the Central Point planning commission, applying criteria developed by the city. (Ord. 1821 §1(part), 2001).

12.36.080 Protection of trees.

A. It is unlawful for any person to remove, destroy, break, or injure any tree or part of a tree other than a private tree. Individuals convicted of removing or destroying a tree or part of a tree without city approval shall be subject to paying to the city an amount sufficient to fund the planting and establishment of a tree, or trees, of similar value. The value of the removed or destroyed tree shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers.

B. It is unlawful for any person to attach or keep attached to any tree other than a private tree, or to the guard or stake intended for the protection of such tree, any rope, wire, chain, sign, or other device, except as a support for such tree.

C. During the construction, repair, alteration or removal of any building or structure it is unlawful for any owner or contractor to leave any tree other than a private tree in the vicinity of such building or structure without a good and sufficient guard or protectors as shall prevent injury to such tree arising out of or by reason of such construction or removal.

D. Excavations shall not occur within one and one-half times the drip line of any tree other than a private tree without approval of the city, applying criteria developed by the planning commission. Utility pole installations are exempted from these requirements. During such excavation or construction, the excavator or builder shall guard any such tree within said area around the drip line, or as may be required by the planning commission.

E. All building or other debris shall be kept outside one and one-half times of the drip line of any tree other than a private tree.

F. Every effort should be made to retain existing trees on public or private property as an integral part of overall community forest canopy and the development process. The planning commission shall make every effort to modify setback requirements to include existing trees. (Ord. 1980 §1(part), 2013; Ord. 1821 §1(part), 2001).

12.36.090 Street and frontage tree planting--When required.

A. All new multifamily development, commercial or industrial development, subdivisions, partitions, or parking lots fronting a public roadway which has a designated curbside planting strip or planting island shall be required to plant street trees in accordance with the standards listed in Section [12.36.100](#).

B. Frontage trees shall be required as a condition of new development. The standards for the planting of such trees are those listed in Section [12.36.100](#). The number and location of frontage trees shall be determined by the Central Point planning commission during the site plan, tentative plan or other discretionary permit review process for new development. (Ord. 1821 §1(part), 2001).

12.36.100 Street tree standards.

A. The species of the street trees to be planted shall be chosen from the approved street tree list unless approval of another species is given by the Central Point planning commission.

B. Street trees shall be a minimum of one and one-half inches in caliper measured at six inches above ground level. All trees shall be healthy grown nursery stock with a single straight trunk, a well developed leader with tops and roots characteristic of the species cultivar or variety. All trees must be free of insects, diseases, mechanical injury, and other objectionable features when planted.

C. Small or narrow stature trees (under twenty-five feet tall and less than sixteen feet wide branching) should be spaced no greater than twenty feet apart; medium sized trees (twenty-five feet to forty feet tall, sixteen feet to thirty-five feet wide branching) should be spaced no greater than thirty feet apart; and large trees (over forty feet tall and more than thirty-five feet wide branching) should be spaced no greater than forty feet apart. Within residential developments, street trees should be evenly spaced, with variations to the spacing permitted as approved by the city for specific site limitations and safety purposes. Within commercial and industrial development staggered, or irregular spacing is permitted, as may be approved by the Central Point planning commission.

D. When located adjacent to a local residential street or minor collector street, street trees shall be planted within a curb-side landscape strip measuring a minimum of three feet in width. Street trees adjacent to major collector streets or arterial streets shall be placed a minimum of four feet from the back edge of the sidewalk. In no case shall a tree be planted closer than two and one-half feet from the face of a curb.

E. Street trees shall not be planted within ten feet of fire hydrants, utility poles, sanitary sewer, storm sewer or water lines, or within twenty feet of street light standards or street intersections, or within five feet of an existing street tree. Variations to these distances may be granted by the public works director and as may be required to ensure adequate clear vision.

F. Existing street trees shall be retained unless approved by the city manager for removal during site development or in conjunction with a street construction project. Sidewalks of a variable width and elevation may be utilized as approved by the city manager or his designee to save existing street trees. Any street tree removed through demolition or construction within the street right-of-way shall be replaced at a location approved by the city with a tree, or trees, of similar value. As an alternative the property owner may be required to pay to the city an amount sufficient to fund the planting and establishment by the city of a tree of similar value. The value of the removed tree shall be calculated using the methods set forth in the edition then in effect of the "Guide for Plant Appraisal" published by the International Society of Arboriculture Council of Tree Landscape Appraisers. The developer or applicant shall be responsible for the cost of the planting, maintenance and establishment of the replacement tree.

G. Sidewalk cuts in concrete for tree planting shall be a minimum of four feet by six feet, with the long dimension parallel to the curb.

H. Street trees, as they grow, shall be pruned to provide at least eight feet of clearance above sidewalks and fourteen feet above local streets, sixteen feet above collector streets, and eighteen feet above arterial streets. This provision shall be waived in the case of newly planted trees so long as they do not interfere with public travel, sight distances, or endanger public safety as determined by the city.

I. Maintenance of street trees, other than those located in the downtown core area (defined as that area bordered by Manzanita, Oak, Front and 6th Streets) shall be the continuing obligation of the abutting property owner. (Ord. 1984 §1, 2014; Ord. 1969 §1(part), 2013; Ord. 1821 §1(part), 2001).

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2. Commercial, Industrial, Parking Lots, and Multifamily Residential Development. Landscape plans, to include street tree planting as may be required by this chapter shall be submitted to the landscape review committee for review and approval prior to the issuance of a building permit.

B. Street Tree Plan Content. At a minimum, the street tree plan should:

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1. Indicate all existing trees, noting location, species, size (caliper and height) and condition;
2. Indicate whether existing trees will be retained, removed, or relocated;
3. Indicate the measures to be taken during site development to ensure the protection of existing trees to be retained;
4. Indicate the location, species, and size (caliper and height) of street trees to be planted;
5. Indicate the location of proposed and existing utilities and driveways; and
6. Indicate the location of rights-of-way, existing structures, driveways, and trees including their species, size, and condition, within twenty feet of the subject site. (Ord. 1821 §1(part), 2001).

12.36.120 Street tree planting.

A. Residential Subdivisions and Partitions.

1. Planting Schedule. Street trees required of residential subdivisions and partitions shall be installed prior to submittal of a final subdivision plat or partition plat. As an alternative the applicant may file a surety bond or other approved security to assure the planting of the required street trees, as prescribed in the Central Point Municipal Code.

B. Commercial, Industrial, Multifamily, Parking Lot Development.

1. Planting Schedule. Street trees required of a commercial, industrial, multifamily, or parking lot development shall be installed at the time all other required landscaping is installed. (Ord. 1821 §1(part), 2001).

12.36.130 Street tree maintenance.

Street trees shall be continually maintained, including necessary watering, feeding, weeding, pruning, pesticide, herbicide application for pest and disease management with removal and replacement of any dead or dying tree, by the developer or property owner for three full growing seasons following planting, or as may be required by the city. (Ord. 1980 §1(part), 2013; Ord. 1821 §1(part), 2001).

SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Recitals A-C) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 3. Effective Date. The Central Point City Charter states that an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

PASSED by the Council and signed by me in authentication of its passage this ___ day of _____ 2019.

Mayor Hank Williams

ATTEST:

City Recorder



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO: City Council **DEPARTMENT:** Public Works

FROM: Matt Samitore, Parks and Public Works Director

MEETING DATE: November 14, 2019

SUBJECT: Resolution No. _____, Accepting the Lowest Responsible Bid from Pilot Rock Excavation, Inc. for the Rostel-Cedar Street Storm Drain Project and Authorizing the City Manager to Execute a Contract

ACTION REQUIRED: Resolution **RECOMMENDATION:** Approval

BACKGROUND INFORMATION:

The City conducted a formal bidding letting procedure for the Rostel Street – Cedar Street Storm Drain Project. The City received two bids, one from Knife River Materials, Inc., and one from Pilot Rock Excavation, Inc. The low bid was in the amount of 76,475.00 from Pilot Rock Excavation, Inc. The engineer's estimate was \$106,370.00. The project is needed as there is currently no storm drain on this street. Previously, the storm drain system in this area was illegally connected to the Sanitary Sewer system. Rogue Valley Sewer Services replaced the sewer line this past spring, thus leaving the street with no storm water drainage facilities. The project extends from the intersection of Rostel and Cedar to Freeman Road. The funding for the project was appropriated in the 19/21 FY budget.

FINANCIAL ANALYSIS:

The project was budgeted for in the FY 2019/21 City of Central Point Budget (storm water fund). No additional budget appropriation is needed to complete the Project.

LEGAL ANALYSIS:

The Rostel Street – Cedar Street Storm project bid letting was legally noticed/advertised per the requirements of Oregon Revised Statute Chapter 279.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

Goal 3- Continually update infrastructure plans.

Strategies:

- a) Include pedestrian and bicycle-friendly options in every plan, and retrofit existing streets and neighborhoods whenever possible;

-
- b) Cooperate with developers to plan future needs for schools and parks;
 - c) Take advantage of all opportunities to use environmentally friendly technology in city government and development of new or retrofitted infrastructure.
-

STAFF RECOMMENDATION:

Approval of a resolution awarding the Rostel – Cedar Street Storm Drain Project to Pilot Rock Excavation, Inc.

RECOMMENDED MOTION:

I move to approve Resolution No. ____ accepting the lowest responsible bid from Pilot Rock Excavation for \$76,475.00 for the Rostel – Cedar Street Storm Drain Project and authorizing the City Manager to execute a contract.

ATTACHMENTS:

1. bid ad
2. Rostel-Cedar Storm drain bid tabs
3. resolution

CITY OF CENTRAL POINT
140 S Third St
Central Point, OR 97502

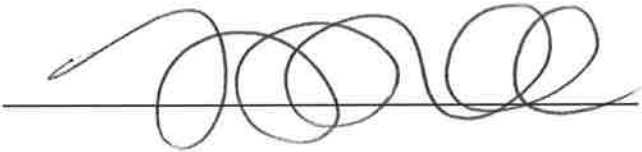
Affidavit of Publication

THIS IS NOT A BILL

State of Oregon
County of Jackson

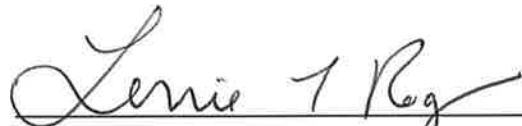
CASE NO.

I, Jennie DeBunce, being first duly sworn, depose and say that I am the principal clerk of Medford Mail Tribune, a newspaper of general circulation, as defined by ORS 193.010 and 193.020; printed at Medford in the aforesaid county and state; that the PUBLIC NOTICE, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for 4 successive and consecutive insertion(s) in the following issues 10/19/2019, 10/20/2019, 10/26/2019, 10/27/2019 (HERE SET FORTH DATES OF ISSUE)



Subscribed and sworn to before me this 29th day of Oct., 2019.




NOTARY PUBLIC FOR OREGON

My commission expires 24th day of Sept., 2022

Rosebud Media - Mail Tribune - Ashland Tidings
111 N Fir St
Medford, OR 97501

PUBLICATION	EXPIRE DATE	AD CAPTION	# TIMES	AMOUNT	PO
Mail Tribune	10/27/2019	ADVERTISEMENT FOR BIDS	4	1108.88	

Attachment: bid ad (1216 : Rostel - Cedar Street Storm Drain)

ADVERTISEMENT FOR BIDS

NOTICE TO CONTRACTORS
PUBLIC IMPROVEMENT PROJECT:
 Rostel and Cedar Storm Drain Improvements
PROJECT #6549614

Sealed bids will be opened and publicly read at the City of Central Point, City Hall, 140 S. 3rd Street, Central Point, OR 97502 at 2:00 PDT on Thursday, November 5th, 2019 for the above referenced project. Bids must be submitted to Matt Samitore, Parks and Public Works Director, at the same address prior to 2:00 PDT on the above date. Subcontractor Disclosure forms must be submitted prior to 4:00 PDT on the same date.

Bidders must be prequalified in order to be eligible for award. Pre-qualification may be with the City of Central Point, City of Medford or the Oregon Department of Transportation. If the bidder is disqualified in any of these jurisdictions, the bidder will be ineligible for this contract.

Award of contract will not be final until the later of: 1) three business days after the City of Central Point announces Notice of Intent to Award, or 2) the City of Central Point provides a written response to each timely protest, denying the protest and affirming the award.

On all projects, work performed by the Contractor's own organization must be at least 30% of the awarded contract amount.

Plans and specifications will be available **online only** at www.centralpointoregon.gov or www.questcdn.com beginning October 14th, 2019. Any addenda issued will be posted on the above websites.

COST ESTIMATE: \$80,000 - \$100,000

This project consists of storm drain improvements and modifications within two City streets and includes installation of up to approximately: 585 linear feet of 12-inch diameter corrugated plastic pipe; 14 linear feet of 8-inch diameter corrugated plastic pipe; three storm drain manholes; connection to and modification of one existing storm drain catch basin; disconnection of an existing storm drain to sanitary sewer cross connection and abandonment of existing pipe; connection to an existing 12-inch storm drain stub-out; minor concrete work to repair curb and gutter removed to access existing piping; associated trench restoration, including patch paving; potholing to locate existing utility crossings; and potential relocation of existing sanitary sewer laterals where they are found to be in conflict with the new storm drain pipe alignment. This is a City funded project.

Work shall begin no earlier than **December 1st, 2019** and must be completed by **March 1st, 2020**. Please direct all questions to Tyler Duncan at (425) 471-8625 or tduncan@rh2.com

No bid will be received or considered by the City of Central Point unless bidder signs the bid statement.

The contract is for public work subject to ORS 279C.800 to 279.870. This project is subject to Oregon prevailing wage rates.

The City of Central Point may reject any bid not in compliance with all public bidding procedures and requirements and may reject for good cause any or all bids upon a finding by the City of Central Point that it is in the public interest to do so.

CITY OF CENTRAL POINT

Matt Samitore, Parks and Public Works Director

October 19, 20, 26 & 27, 2019.

Attachment: bid ad (1216 : Rostel - Cedar Street Storm Drain)

Waterline Improvement Project: Hazel Street
City of Central Point

July 9, 2019				Engineer Est.	Knife River	Pilot Rock				
Spec. No.	Item No.	Item	Bid Unit	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
TEMPORARY FEATURES AND APPURTENANCES										
00210	10	Mobilization	LS	1	\$ 12,000.00	\$ 12,000.00	\$10,600.00	\$10,600.00	\$6,500.00	\$6,500.00
00225	20	Work Zone Traffic Control	LS	1	\$ 1,500.00	\$ 1,500.00	\$9,800.00	\$9,800.00	\$2,500.00	\$2,500.00
00280	30	Erosion and Sediment Control	LS	1	\$ 500.00	\$ 500.00	\$1,800.00	\$1,800.00	\$250.00	\$250.00
ROADWORK										
00305	40	Construction Survey Work	LS	1	\$ 4,000.00	\$ 4,000.00	\$500.00	\$500.00	\$2,000.00	\$2,000.00
	50	Removal of structures and obstructions	LS	1	\$ 4,000.00	\$ 4,000.00	\$3,300.00	\$3,300.00	\$4,200.00	\$4,200.00
Wearing surfaces										
01140	60	8 inch storm sewer pipe, 5 FT depth, classe E backfill	LF	14	\$ 80.00	\$ 1,120.00	\$90.00	\$1,260.00	\$50.00	\$700.00
01140	70	12 inch storm sewer pipe, 5 FT depth, classe E backfill	LF	585	\$100.00	58,500.00	\$100.00	\$58,500.00	\$75.00	\$43,875.00
01140	80	Concrete storm sewer manholes	EA	3	\$6,000.00	18,000.00	\$3,300.00	\$9,900.00	\$1,900.00	\$5,700.00
01140	90	Capping Existing concrete structure	EA	1	\$500.00	\$500.00	\$500.00	\$500.00	\$250.00	\$250.00
01140	100	Connection to existing structures	EA	2	\$2,000.00	\$4,000.00	\$800.00	\$1,600.00	\$350.00	\$700.00
01140	110	Relocate or modify existing sewer laterals	EA	4	\$ 500.00	\$ 2,000.00	\$2,000.00	\$8,000.00	\$2,400.00	\$9,600.00
Permanent Traffic Control and Illumination Devices										
01140	120	Concret curbs, standard curb and gutter	LF	5	\$ 50.00	\$ 250.00	\$50.12	\$250.60	\$40.00	\$200.00
Bid Amount						\$ 106,370.00		\$106,010.60		\$76,475.00

Attachment: Rostel-Cedar Storm drain bid tabs (1216 : Rostel - Cedar Street Storm Drain)

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE LOWEST RESPONSIBLE BID FROM PILOT ROCK EXCAVATION, INC. FOR THE ROSTEL-CEDAR STREET STORM DRAIN PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT.

RECITALS:

A. WHEREAS, the City recently published a solicitation for bidders/contractors to install a new storm drain from the intesection of Rostel and Cedar Streets to Freeman Road on Cedar Street.

B. WHEREAS, the City received two bid submittals with the lowest responsible bidder being Pilot Rock Excavation, Inc. with the lowest base bid of \$76,475.00.

C. WHEREAS, the project was budgeted as part of the 2019-2021 fiscal year budget with an engineer's estimate of \$106,370.00.

The City of Central Point resolves as follows:

Section 1. The City Council hereby accepts the bid Pilot Rock Excavation in the amount of \$76,475.00.

Section 2. The City Manager is hereby authorized to execute a contract and any related documents necessary to effectuate the acceptance of this award in a form substantially the same as that included in the specifications.

Section 3. This Resolution shall take effect immediately from and after its passage and approval.

Passed by the Council and signed by me in authentication of its passage this _____ day of _____, 2019.

Mayor Hank Williams

ATTEST:

City Recorder

1 - Resolution No. _____ (11/14/19 Council meeting)

Attachment: resolution [Revision 1] (1216 : Rostel - Cedar Street Storm Drain)



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO: City Council **DEPARTMENT:** Public Works

FROM: Matt Samitore, Parks and Public Works Director

MEETING DATE: November 14, 2019

SUBJECT: Resolution No. _____, A Resolution Accepting the Property Line Adjustment Agreement with the School District for new sidewalks adjacent to the Maker's Space

ACTION REQUIRED: Resolution **RECOMMENDATION:** Approval

BACKGROUND INFORMATION:

The City has been working with School District 6 to extend the North Front Streetscape Improvements adjacent to the MakerSpace property—providing a pedestrian connection via a new flashing beacon at the entrance to Crater High School off and North Front Street. In reviewing the proposed improvements, it was determined that construction could not occur within the existing right of way of North Front Street. The proposed improvements include ten-foot sidewalks with tree wells and street trees that match the existing improvements to both the south and east.

The School District agreed to dedicate the area needed for the improvements.

FINANCIAL ANALYSIS:

The above-described project was budgeted for in the FY 2019/21 City of Central Point Budget (street fund). No additional budget appropriation is needed to complete the Project.

LEGAL ANALYSIS: N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

Goal 3- Continually update infrastructure plans.

Strategies:

- a) Include pedestrian and bicycle-friendly options in every plan, and retrofit existing streets and neighborhoods whenever possible;
- b) Cooperate with developers to plan future needs for schools and parks;
- c) Take advantage of all opportunities to use environmentally friendly technology in city government and development of new or retrofitted infrastructure.

STAFF RECOMMENDATION: Approval of a resolution approving a property line adjustment with School District 6 for public improvements along the frontage of the MakerSpace property.

RECOMMENDED MOTION: I move to approve Resolution No. ____ accepting the property line adjustment agreement with School District 6 for public improvements on North Front Street adjacent to the Makers Space and authorizing the City Manager to sign the agreement.

ATTACHMENTS:

1. PLA Agreement - CPSD-City with exhibits
2. resolution

**PROPERTY LINE ADJUSTMENT AGREEMENT
City of Central Point/School District No. 6**

DATE: _____, 2019

BETWEEN: **Jackson County School District No. 6** (“CPSD”)
300 Ash Street
Central Point, Oregon 97502

AND: **City of Central Point, Oregon** (the “City”)
An Oregon municipal corporation
140 South Third Street
Central Point, Oregon 97502

RECITALS

A. CPSD is the owner of certain real property located in Jackson County (City of Central Point), Oregon, and commonly known as Township 37 South, Range 2 West, Section 03DC, Tax Lots 2900 and 3000 (collectively, “the CPSD Property”).

B. City has jurisdiction over the public right-of-way located adjacent to the CPSD Property (“the ROW”).

C. CPSD and City are working together to implement certain street frontage improvements for the benefit of both CPSD and the City (“the Improvements”). In order to facilitate the construction and maintenance of the Improvements, the parties desire to adjust the boundary line between the CPSD Property and the ROW consistent with the map attached hereto as **Exhibit “A”** (“the Map”). Furthermore, the parties desire to construct the Improvements consistent with plans to be prepared by RH2 Engineering, Inc. (“the Plans”).

AGREEMENT

In consideration of the mutual promises, covenants and undertakings of the parties herein contained, the parties hereby agree as follows:

1. Recitals. The parties acknowledge and agree that the Recitals set forth above are incorporated herein and deemed a material part of this Agreement.

2. Property Line Adjustment. The parties agree to cooperate and execute the appropriate documents to complete the property line adjustment consistent with the Map subject to possible minor revisions to the proposed adjusted boundary line pursuant to the requirements of the City and/or the Jackson County Surveyor (“the Property Line Adjustment”). City, at the City’s sole expense, shall pay the following costs to complete the Property Line Adjustment: (a) City application fee(s) and review fees; (b) Jackson County Surveyor fees; (c) surveyor fees; and (d) any other costs and fees, which are not the responsibility of CPSD. CPSD, at CPSD’s sole expense,

shall pay all title fees, recording costs and attorney fees incurred for the preparation of this Agreement and which are reasonably necessary to consummate the Property Line Adjustment. The parties have agreed that John Pariani, an Oregon licensed surveyor, shall perform the necessary surveying work and Daniel O'Connor of O'Connor Law, LLC, shall prepare this Agreement, property line adjustment deeds and will communicate with the City (collectively, "the Agents"). The parties agree that the execution of this Agreement shall constitute authorization for the City to process Property Line Adjustment application. Each party agrees to execute a City Authorization Form authorizing the Agents to submit documents and communicate with the City concerning the Property Line Adjustment if the City requires such authorizations. City understands and acknowledges that Daniel O'Connor of O'Connor Law, LLC, solely represents CPSD concerning this matter. The parties further understand and acknowledge that the City Authorization Form, if necessary, is for the limited purpose of submitting the appropriate land use application(s) and communicating with the City concerning the status and any issues that may arise concerning said land use application(s). City acknowledges that City is solely represented by Sydnee Dreyer of Jarvis, Dreyer, Glatte and Larsen, LLP concerning this matter.

3. Property Line Adjustment Deeds. CPSD agrees to execute a property line adjustment deed upon approval of the Property Line Adjustment by the City provided such approval is consistent with this Agreement ("the Property Line Adjustment Deed"). CPSD shall convey title to the real property being conveyed pursuant to the Property Line Adjustment free and clear of any liens and encumbrances except for: (a) such recurring assessments and liens by governmental or quasi-governmental entities; and (b) the title exceptions set forth in **Exhibit "B"** attached hereto. There shall be no proration of real property taxes and other assessments. Notwithstanding the foregoing, the parties acknowledge that Banner Bank has a lien on the CPSD Property ("the Banner Lien") that needs to be removed from that portion of the CPSD Property to be conveyed to the City (i.e. partial reconveyance) prior to the execution of the Property Line Adjustment Deed. The parties shall cooperate with each other to implement the necessary removal of the Banner Lien. The parties acknowledge and agree that the parties' execution of the Property Line Adjustment Deed is contingent upon the necessary removal of the Banner Lien. Each party, at their sole discretion, shall have the right to appeal any decision resulting in the denial of Property Line Adjustment application. In the event the Property Line Adjustment application is denied subsequent to the exhaustion of all appeals pursued by either or both parties, this Agreement shall automatically terminate without further notice and shall be of no further force or effect.

4. Future Development Agreement. The parties acknowledge and agree that they will enter into a separate development agreement for the Improvements ("the Development Agreement"). The Development Agreement will provide that the City, at the City's sole expense, will install and maintain the Improvements and that CPSD, at CPSD's sole expense, shall be responsible for site work and paving located on the CPSD Property post Property Line Adjustment. The parties agree to cooperate to enter into the Development Agreement once the Plans have been completed.

5. Miscellaneous Provisions.

5.1 Board/Council Approval. The parties acknowledge and agree that this Agreement is contingent upon approval by the CPSD Board of Directors ("Board") and the City's council

("Council"). Each party shall act promptly in obtaining the necessary authorizations from their respective Board/Council. In the event a Board/Council fails to provide the appropriate authorization, the party lacking the necessary authorization shall promptly notify the other party in writing of the lack of authorization to consummate this transaction. In such event, this Agreement shall terminate without notice and be of no further force or effect.

5.2 Applicable law. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon.

5.3 Assignment. Except with the other party's prior written consent, a party may not assign any rights or delegate any duties under this Agreement.

5.4 Counterparts. This Agreement may be executed by the parties in separate counterparts. For the purposes of this Agreement, a facsimile or electronic copy of a signature shall have the same force and effect as an original signature.

5.5 Interpretation. Each party intends that this Agreement in all respects shall be deemed and construed to be equally and mutually prepared by all parties and it is hereby expressly agreed that any uncertainty or ambiguity shall not be construed for or against any party.

5.6 Time is of the Essence. Time is of the essence for this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement on the dates set forth below.

JACKSON COUNTY SCHOOL DISTRICT
NO 6:

Date: _____, 2019

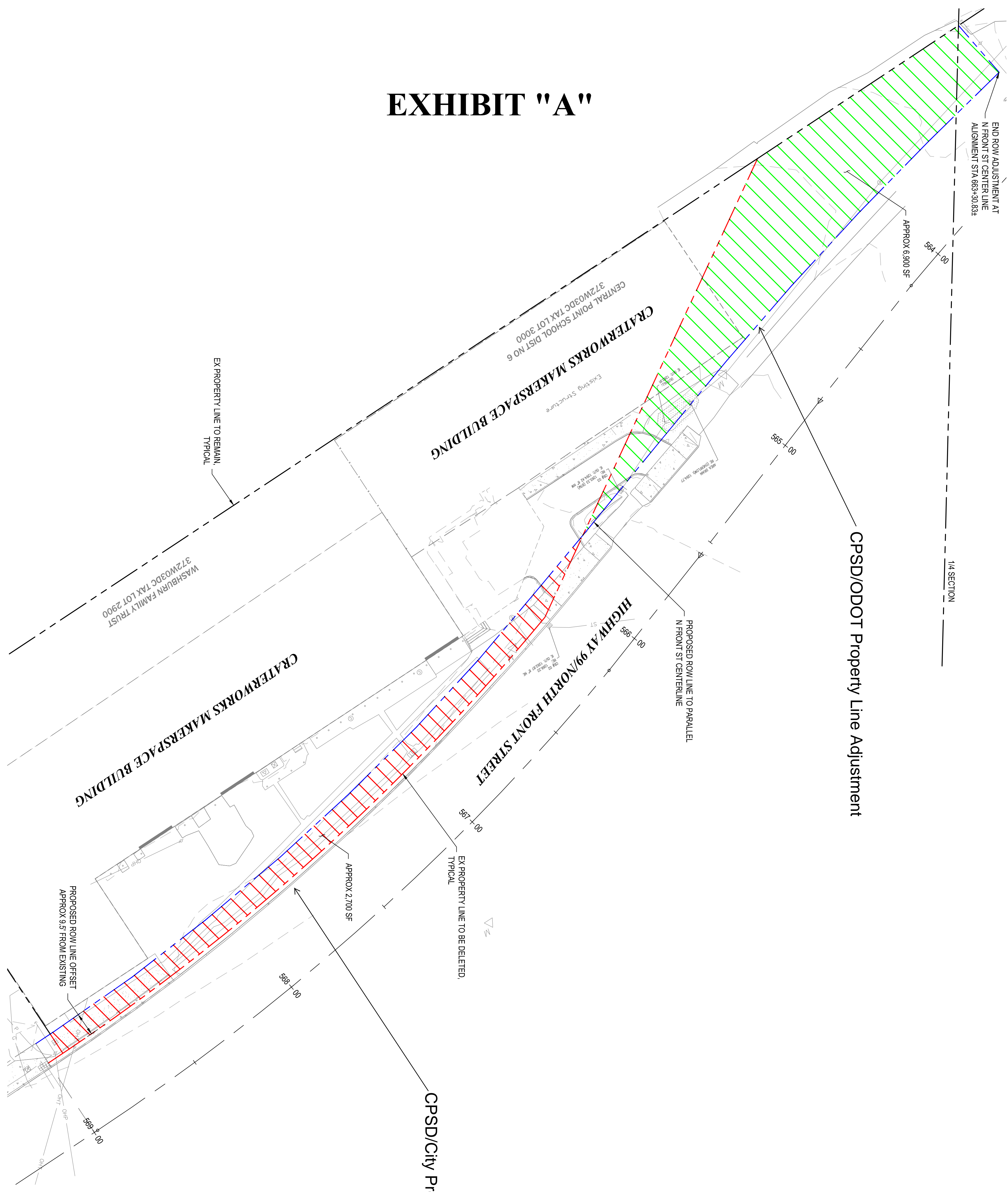
By: _____
Its: _____

CITY OF CENTRAL POINT:

Date: _____, 2019

By: _____
Its: _____

EXHIBIT "A"



GENERAL NOTES

1. THIS FIGURE IS FOR ILLUSTRATIVE PURPOSES ONLY. PROPOSED PROPERTY LINES SHOWN HAVE NOT BEEN CONFIRMED BY SURVEYOR.
2. BASE MAP INCLUDING EXISTING PROPERTY LINES WAS PREPARED BY PARAN LAND SURVEYING ON AUGUST 2ND, 2019.



PROPERTY LINE ADJUSTMENT AGREEMENT
 CPSD-CENTRAL POINT
 Page 4 of 5

ENGINEER: TMD	SAVE DATE: Oct 9, 2019	CLIENT: CPT	JOB NO.: 1015.093.09
REVIEWED:	PLOT DATE: Oct 9, 2019	FILENAME: HWY-P-CIV.DWG	
REVISIONS			
PRELIMINARY REVIEW DRAWINGS			
NO.	DATE	DESCRIPTION	BY REVIEW

CITY OF CENTRAL POINT

HIGHWAY 99 STREETSCAPE PROJECT

PROPOSED LOT LINE ADJUSTMENT



EXHIBIT "B"

1. City liens, if any, of the City of Central Point.
2. The property lies within the boundaries of Rogue Valley Sewer Services and is subject to any charges or assessments levied by said District and pipeline easements in connection therewith.
3. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
4. An easement including the terms and provisions thereof for the purpose shown below and rights incidental thereto as set forth in instrument:

Granted To: California Oregon Power Company
Recorded: May 28, 1955
Book 410, Page 419
Affects: Exact location not given

5. Declaration of Covenants for Stormwater and Maintenance of Stormwater Facilities, including the terms and provisions thereof,

Recorded: December 14, 2018
Instrument No.: 2018-038152

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE PROPERTY LINE ADJUSTMENT AGREEMENT WITH SCHOOL DISTRICT 6 FOR IMPROVEMENTS ON NORTH FRONT STREET ADJACENT TO THE MAKERS SPACE AND AUTHORIZING THE CITY MANAGER TO SIGN THE AGREEMENT.

RECITALS:

- A. WHEREAS, the City budgeted for streetscape improvements on North Front Street including new sidewalks, street lights and street trees.
- B. WHEREAS, the City needed additional right of way to complete the project.
- C. WHEREAS, School District 6 agreed to enter into a Property Line Adjustment Agreement to deed the land for needed right of way to the City via a Property Line Adjustment Deed.

The City of Central Point resolves as follows:

Section 1. The City Council hereby accepts the Property Line Adjustment Agreement with Jackson County School District No. 6 in substantially the form attached hereto.

Section 2. The City Manager is hereby authorized to execute the Property Line Adjustment Agreement and any related documents necessary to effectuate the agreement.

Section 3. This Resolution shall take effect immediately from and after its passage and approval.

Passed by the Council and signed by me in authentication of its passage this _____ day of _____, 2019.

Mayor Hank Williams

ATTEST:

City Recorder

1 - Resolution No. _____ (11/14/19 Council meeting)

Attachment: resolution [Revision 2] (1219 : School District Makers Space Property Line Adjustment Agreement)



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

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	Community Development
FROM:	Tom Humphrey, Community Development Director		
MEETING DATE:	November 14, 2019		
SUBJECT:	Planning Commission Report		
ACTION REQUIRED:	Information/Direction	RECOMMENDATION:	Approval

The following items were presented by staff and discussed by the Planning Commission at its regular meeting on November 5, 2019.

- A. **Public Hearing to consider a Site Plan and Architectural Review application for the development of a 2,345 square foot oil change facility and a 4,971 square foot automated car wash, including parking, payment kiosks, vacuum stations and landscaped areas. The project site is located at 4245 Table Rock Road within the Tourist and Office Professional (C-4) commercial zoning district and is identified on the Jackson County Assessor's Map as 37S 2W 01C Tax Lot 700. File No. SPAR-19002. Applicant: JB Steel, Inc.; Agent: Amy Gunter, Rogue Planning & Development Service, LLC.** Planning staff reported that the applicants provided revised site plan and building design material and findings that adequately address code guidelines and requirements. The Commission questioned internal traffic circulation and access on to Biddle and Table Rock Roads. These roads remain under Jackson County's jurisdiction and they will allow full access for the time being but retain the right to add restrictions in the future. A final plat for the property and architectural improvements to the buildings were discussed and then the Commission approved the application.
- B. **Public Hearing to consider text amendments to various sections of the Zoning Ordinance related to Accessory Dwelling Units (ADUs) and Accessory Structures. Applicant: City of Central Point; File No. ZC-19001. Approval Criteria: CPMC 17.10.** Planning staff explained new state legislation for cities between 10,000 and 25,000 and then presented Central Point's proposed code amendments in response. Most of the responses from citizens have been submitted in writing and have either been in favor of the changes or have expressed concern about the impact that ADUs will have on neighborhoods. Staff explained the City's intent to create options for affordable housing while also pointing out that of the 7,000 plus housing units in Central Point, there are only 18 ADUs citywide. The Police Department commented on the City's current safety record. Consequently the Commission recommended approval of the code revisions to the City Council.



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	Public Works
FROM:	Matt Samitore, Parks and Public Works Director		
MEETING DATE:	November 14, 2019		
SUBJECT:	Final Design for Dennis Richardson Memorial		
ACTION REQUIRED:	Information/Direction	RECOMMENDATION:	Approval

BACKGROUND INFORMATION:

The City has been working with John Galbraith, a local landscape architect, on the final renderings for the potential Dennis Richardson Memorial. Former Council Member Brandon Theuson met with the Richardson family, and they requested three water features, and that included flower plantings be red, white and blue as possible. The latest drawings reflect these changes.

FINANCIAL ANALYSIS:

The project is currently not budgeted.

LEGAL ANALYSIS: N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

STAFF RECOMMENDATION:

Approval of final design and move to construction documents and construction cost estimate.

RECOMMENDED MOTION:

I move to approve the final design of the Dennis Richardson Memorial and direct staff to develop construction documents and a formal estimate for construction.

ATTACHMENTS:

1. Revised lan 11.04.19
2. freegorm 250 passes



Attachment: Revised Jan 11.04.19 (1220 : Dennis Richardson Memorial Final Design)

DENNIS RICHARDSON MEMORIAL AREA Central Point, Oregon



SITE PL/
November 2019

9.B.b

Attachment: freegorm



Packet Pg. 54



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

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:
		Community Development
FROM:	Justin Gindlesperger, Community Planner II	
MEETING DATE:	November 14, 2019	
SUBJECT:	Floodplain Management Update	
ACTION REQUIRED:		RECOMMENDATION:
Information/Direction		

Background

The purpose of this item is to provide the Council with a brief overview of the City's floodplain management program, which supports community resiliency through preventive and corrective measures. These measures include requirements for zoning, subdivisions, buildings and building codes and the overall floodplain environment. The City participates in the National Flood Insurance Program (NFIP), which has minimum management standards for communities, but the City implements higher standards to promote a stronger community.

Floodplain Program

Participation in the NFIP provides base floodplain management standards and makes federal flood insurance available for all residents and business owners in the community. This is important because 1) flood insurance provides financial protection for at-risk structures; and 2) federal law requires flood insurance as a condition of financing for properties in high risk flood hazard areas. As illustrated in the attached map (Attachment "A"), the City has seven (7) streams with 208 acres mapped in the Special Flood Hazard Area (SFHA) and over 300 structures in high risk floodplains.

The City's floodplain program is more than the NFIP and flood insurance. Floodplain management is important in reducing flood losses and protecting City residents from the dangers of flooding. Some of the activities in the program include:

- Education and outreach
- Flood protection assistance
- Online floodplain management information, including an Elevation Certificate database
- Open Space Preservation
- Higher regulatory standards
- Floodplain management/hazard mitigation planning

Community Rating System

Flood insurance premiums continue to increase due to federal flood insurance reform laws passed in 2012 and 2014. The additional cost is a concern for Central Point families required to purchase flood insurance. In an effort to mitigate increasing costs, the City participates in the Community Rating System (CRS), which allows a community to earn automatic flood insurance discounts. Since Central Point's floodplain management program activities exceed the minimum

NFIP requirements, seek to reduce flood damages and promote the protection of floodplains, the City earns its residents a 20% discount on flood insurance premiums. Participation in the CRS requires documentation and certification. The recertification for the 2018-2019 cycle has been completed and the City continues to maintain records of the management activities.

What's ahead

October generally starts flood season in Central Point, which typically runs through April. The focus of the program in the coming months will be to provide information to residents about flood risks, flood insurance, how to build appropriately in a floodplain, and how to protect people and property from a flood hazard.

ATTACHMENTS:





1. Current Flood Insurance Rate Map (2016)



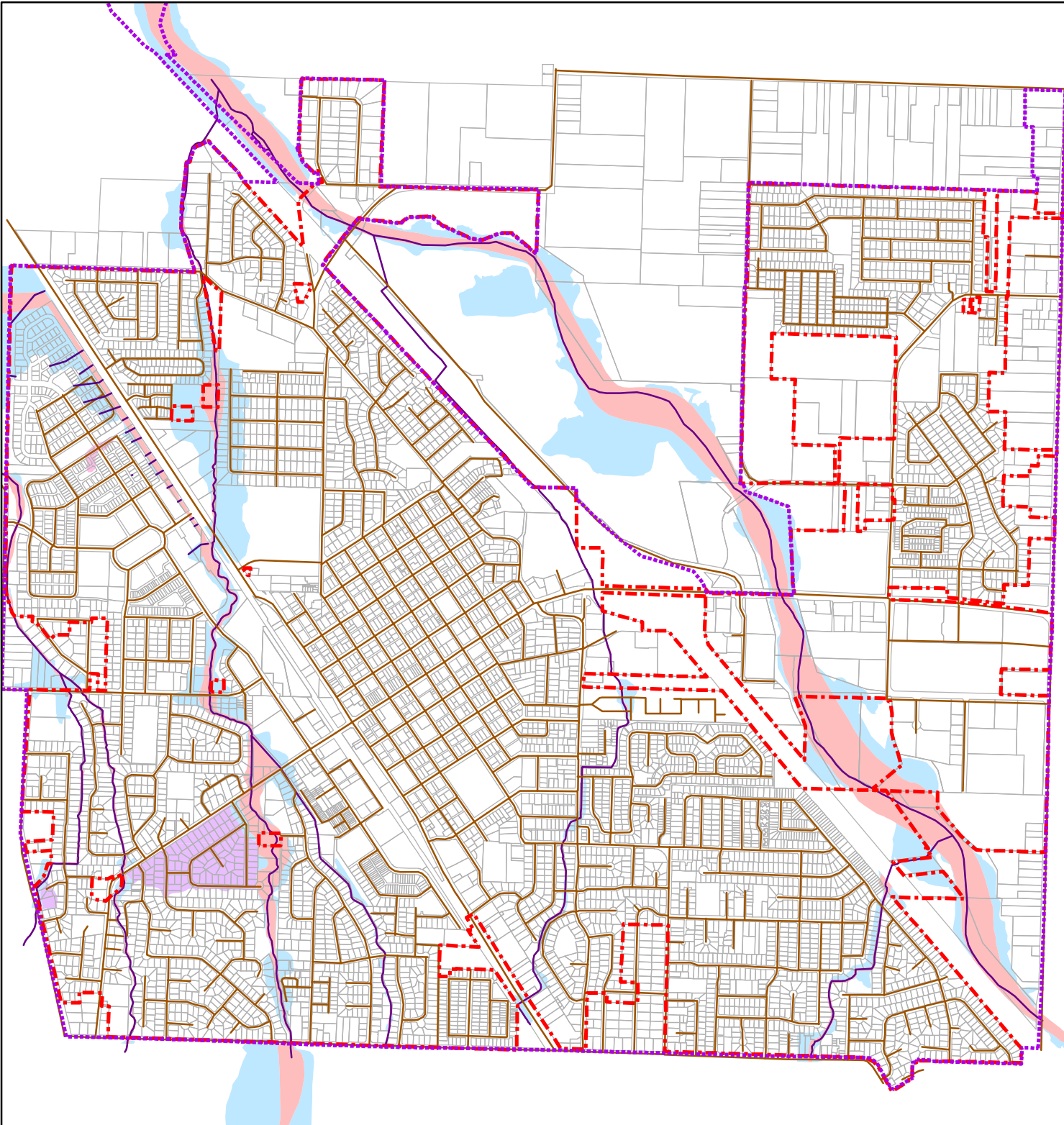
High Risk Floodplain Map



Legend

-  Floodway
-  Flood Zone AH
-  Flood Zone AO
-  Flood Zone AE

Flood Insurance Rate Map
 Community No. 410092
 Map No. 41029C
 Panel No. 1768F, 1769F,
 1956F, 1957F
 Effective: May 3, 2011
 Revised: September 14, 2016



Attachment: Current Flood Insurance Rate Map (2016) (1217 : Floodplain Management Update)



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO: City Council **DEPARTMENT:** Administration

FROM: Chris Clayton, City Manager

MEETING DATE: November 14, 2019

SUBJECT: Council Member Ward III Appointment

ACTION REQUIRED: Motion **RECOMMENDATION:**

Council Member Brandon Thueson resigned from his Ward III position on October 16, 2019. This term does not end until December 31, 2022. The city advertised for applications to fill the vacancy through the Newsletter, Mail Tribune, and on Social Media. We received one application.

Mayor Williams and City Manager Chris Clayton interviewed Melody Thueson on November 6, 2019 and both recommend appointment of Mrs. Thueson to the Ward III position.

Central Point 2010 Charter, Chapter VII, section 32, filling vacancies states that A mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members. The appointee's term of office shall run from appointment until expiration of the term of office of the last person elected to that office.

RECOMMENDED MOTION:

I move to appoint Melody Thueson to the Ward III Council position with a term ending December 31, 2022.

ATTACHMENTS:

1. Thueson Application_Redacted



APPLICATION FOR APPOINTMENT TO
CITY COUNCIL WARD III

Name: Melody Thueson Date: 10/27/19

Address: [Redacted] Bluegrass Dr. Central Point, OR 97502

Home Phone: Business Phone:

Cell Phone: [Redacted] Email: [Redacted]@gmail.com

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

Have you been a city resident in Ward III for at least 12 months? Yes No

Meeting days/times: City Council: 2nd and 4th Thursday of every month at 7:00 p.m.
Development Commission Meeting: Prior to Council meetings when needed. Dinner is usually provided.
Study Session: 3rd Monday of each month at 6:00 p.m. dinner is usually provided.

Will any of these meetings cause a hardship for you to attend? Yes No

This position expires 12/31/2022. At that time if you wish to remain in office you will be required to run in the local election.

Please be advised that members of the City Council are required to file an Annual Verified Statement of Economic Interest with the State of Oregon. A sample reporting form can be provided from the City Records Office at 140 S. Third Street, indicating the type of information that you will be required to disclose if you are appointed.

Employment, Professional, and volunteer background:
I currently work for Central Point School District. I am a 3rd grade teacher at Maedrichardson elementary. I have worked as an educator for 5 years.

Community affiliations and activities:
My husband and I have lived in Central Point for 9 years. Over those years I have been an active participant on PTO committees for Jewett Elementary, been on the PAC committee to pass the school bond, and been involved in my church. I have been to many of the city's events and enjoy helping

Attachment: Thueson Application_Redacted (1221 : Council Member Ward III Appointment)

Previous appointments, offices, or activities:

N/A

As 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, as a City Council member, would offer to the community. *My husband and I strongly believe that active participation in the community is essential. This community, its parks, people, stores, activities, and events make up our home. We have been active and will continue to be active in our community because it is our way of keeping our home a place to live and a place people want to visit. Central Point is a close knit community and I have a desire to help keep it growing in*
2. Describe what you believe are the major concerns of the City residents and businesses. *losing its*
How do you think these concerns should be met?
I have loved all the work done downtown to make Central Point look inviting and maintained. I think a major concern though, is keeping businesses from closing and still promoting small business success with big business moving in. Over the next few years, management of land/landuse will be essential as the urban growth boundary changes, subdivisions are built, and roads are expanded. This will all have to be done with careful consideration of our citizens and their need.
3. Please explain what you think the City could do or accomplish to improve the City. *their need.*
I am impressed with the increase in community events over the past few years. These community events really unify our town and make it a desirable place to live. I would like to see even more events! I like the use of our parks, and would like to see them utilized even more. I would also like to see a community center. It would be great for Central Point.
4. Provide any additional information or comments which you believe will assist the Council in considering your application.

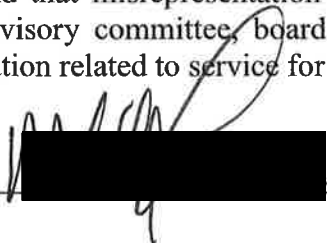
5. Council members are encouraged to participate on a variety of committees inside and outside the City. Are there any projects or committees you would be interested in participating on?

My undergraduate degree was in Environmental Studies. I understand the importance of community growth but I also want to be involved in committees that strive to keep our environment clean, healthy, and productive. The Greenway committee would be great to be involved in. I would like to be on the School Board committee since I am already in the district. Lastly, this town desperately needs a community center, so any committee planning for that would be of interest.

6. Do you anticipate any conflicts of interest if you are appointed to the council?

The only conflict I see would be with the School Board. Since I work for the district, there might be decisions that I will have to recuse myself from.

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: 10/27/19

Attachment: Thueson Application_Redacted (1221 : Council Member Ward III Appointment)

*Please return this application to City Recorder Deanna Casey by November 5, 2019 to be considered for the Ward III City Council position.
140 S. 3rd Street. Central Point OR 97502
Deanna.casey@centralpointoregon.gov
541-423-1026*

