CITY OF GRANTS PASS
MEETING AGENDA
May 4, 2016
6 p.m. City Council Meeting
Council Chambers - 101 N.W. "A" Street

MAYOR: Darin Fowler

CITY COUNCIL MEMBERS:

Ward 1 ***Northwest Area***	***Ward 2*** ***Northeast Area***	***Ward 3*** ***Southeast Area***	***Ward 4*** ***Southwest Area***
Dan DeYoung	Valerie Lovelace	Ken Hannum	Shonna Bouteller
Roy Lindsay	Rick Riker	Dennis Roler	Jim Goodwin

Invocation

Flag Salute

Roll Call

Swear in Police Officer Daniel Surmi

Proclamation: 50th Anniversary of the Vietnam War
National Small Business Week

1. PUBLIC COMMENT: This is a courtesy the Chair provides for citizens to address the Council regarding any item or issue that is not on tonight's agenda. The intent is to provide information that is pertinent to the City's jurisdiction. Each speaker will be given three minutes to address the Council as one body, not to individuals. Council may consider items brought up during this time later in our agenda during Matters from Mayor, Council and Staff.

   This meeting will proceed in an effective and courteous manner. Citizens and Council members will be allowed to state their positions in an atmosphere free from slander, threats, or other personal attacks. Signs or placards, outbursts of applause, campaigning for public office, or other disruptive behavior will not be tolerated.

   If you have a question regarding any government provided service or a current City policy, please contact the City Manager's office in an attempt to resolve the matter.

2. CONSENT AGENDA (Items included are of such routine nature or without controversy so that they may be approved with a single action).
   Indicates short Staff presentation and Council comment.

   a. Resolution authorizing the City Manager to enter into a contract with Elaine Howard Consulting, LLC to prepare a redevelopment plan and report. **Pgs. 1-24**

b. Resolution authorizing the City Manager to enter into a contract extension for the annual Municipal Auditor Services. **Pgs. 25-28**

c. Motion approving the Finding of Facts for Development Code Text Amendment Self-Storage & Warehouse Article 12 ~ Zoning Districts, Article 14 ~ Certain Uses, & Article 30 ~ Definitions. **Pgs. 29-34**

d. Motion approving the minutes of the City Council meeting of April 20, 2016. **Pgs. 35-40**

3. COUNCIL ACTION

a. Ordinance amending the Grants Pass Municipal Code by adding Chapter 4.21 Social Gaming. **Pgs. 41-48**

b. Ordinance amending the City of Grants Pass Municipal Code Chapter 6.02 Traffic Administration. **Pgs. 49-53**

4. MATTERS FROM MAYOR, COUNCIL AND STAFF

a. Committee Liaison reports.

5. EXECUTIVE SESSION 192.660 (2) (Executive session is held to discuss one of the following subjects: (a) Employment of Public Officers, (b) Dismissal or discipline of Public Officers/Employees, (c) Public Medical Staff, (d) Labor negotiations (news media not allowed without specific permission), (e) Real property transactions-negotiations, (f) To consider information or records that are exempt by law from public inspection, (h) With city attorney re: rights/duties, current-likely litigation, (i) Performance Evaluations of Public Officers, (j) Public Investments…)

None anticipated

6. ADJOURN

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate person with physical impairments, please notify the City Recorder's Office of any special physical or language accommodations at least 48 business hours prior to the meeting. To request these arrangements, please contact Karen Frerk, City Recorder at (541) 450.6000.

Item: Resolution authorizing the City Manager to enter into a contract with Elaine Howard Consulting, LLC to prepare a redevelopment plan and report. Date: May 4, 2016

SUBJECT AND SUMMARY:

Acquire the services of Elaine Howard Consulting, LLC to assist the City with establishing a new Tax Increment Financing Urban Renewal Agency.

RELATIONSHIP TO COUNCIL GOALS:

This supports Council's goals of **LEADERSHIP** and **ECONOMIC OPPORTUNITIES** by providing tools to prepare a redevelopment plan and report that will assist the City in addressing economic opportunities and urban blight.

CALL TO ACTION SCHEDULE:

To capture first-year increment, the Redevelopment Agency plan needs to be adopted at least 30 days prior to October 1, 2016. Making a decision early this month will facilitate that objective. Call to action schedule: May 4, 2016.

BACKGROUND:

The Council appointed an Urban Renewal Task Force to assist in the development of an Urban Renewal Plan using tax increment financing. The Task Force participated with Elaine Howard, LLC in the development of the Feasibility Study. That report was submitted to the Council and reviewed at the March 28, 2016 Council workshop. The Council provided direction to proceed in the development of an Urban Renewal Plan.

The following steps must be completed for adoption of an Urban Renewal Plan:

1. Preparation of an Urban Renewal Plan (Plan) pursuant to ORS 457.085 including goals and objectives and projects to pursue. This is typically done with the assistance of a consultant.

2. Direction for the projects to be included in the urban renewal plan. This determination should come from the City Council. Initial project categories are presented in the feasibility study. A decision needs to be made on the percentage of allocations to the projects and if administration should also be included as a potential project.

Staff Report (continued):

3. Completion of the Report that accompanies the Urban Renewal Plan. This Report must comply with ORS 457.085, both identifying existing conditions and establishing financial feasibility. There is generally a large amount of City Staff input in this document, as existing conditions must be identified and projects defined.

4. Presentation of the draft Plan to the Urban Renewal Agency for their review, and if desired, passing a motion to start the public review process. In Grants Pass, the City Council also serves as the Agency Board.

5. Public input that generally takes the form of a Public Open House.

6. Presentation to the Urban Area Planning Commission for their finding of conformance with the Grants Pass Comprehensive Plan.

7. Presentation to the Josephine County Commission. No action on their behalf is required.

8. Consult and confer with affected taxing districts.

9. Public hearing in front of Grants Pass City Council, advertised to a specific group as identified in 457.120. Review of a non-emergency ordinance.

10. Publication of notice if the ordinance for the Plan is adopted.

11. Completion of a legal description of the Area. This legal description must be complete by the final action in front of City Council.

12. Timing of the adoption of a Plan is important. The timing will determine which tax roll will be used to establish the frozen base. If the Plan is adopted and the 30-day period for a non-emergency ordinance occurs prior to the certification of the FY 16/17 tax roll by the County Assessor (typically in October), the frozen base that is established for the Area uses the FY'15/16 assessed values. This potentially captures 3% in assessed value growth as well as any new growth that will come on the tax roll in FY'16/17.

Elaine Howard Consulting, LLC was chosen through the City's RFP purchasing policies to assist the City with the Urban Renewal Area Feasibility Study. Staff recommends, due to Elaine Howard Consulting's familiarity with our proposed project and past performance, that a direct award be given to Elaine Howard Consulting, LLC in accordance with the City's purchasing policies. The contract with Elaine Howard Consulting, LLC may be exempted from competitive bidding process under Municipal Code Sections

- 2.23.100 F.(1) Purchase of goods or services less than $50,000 in value
- 2.23.100 F.(15) Contracts for services of a specialized, creative and research oriented, non-commercial nature;
- 2.23.100 F.(17) Personal services contracts.

Staff Report (continued):

COST IMPLICATION:

Revenue Source: Project No. LB6135

The contract reflects current billing rates and a copy of the contract and scope of services is in included as an attachment to the resolution. The cost estimate for this phase is $30,000

ALTERNATIVES:

- Approve the resolution;
- Go out with a Request for Proposals (RFP process);
- Do not take action at this time.

RECOMMENDED ACTION:

It is recommended Council approve the resolution to enter into the contract.

POTENTIAL MOTION:

I move to approve the resolution authorizing the City Manager to enter into a contract with Elaine Howard Consulting, LLC to prepare a Redevelopment Plan and Report.

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT WITH ELAINE HOWARD CONSULTING, LLC TO PREPARE A REDEVELOPMENT PLAN AND REPORT.

WHEREAS:

1. The City has completed an Urban Renewal Feasibility Study to assist with the potential formation of a Redevelopment Agency; and

2. The City Council has received input from the Urban Renewal Task Force and has received and reviewed the Grants Pass Urban Renewal Feasibility Study prepared by Elaine Howard Consulting, LLC; and

3. The study identifies a potential Urban Renewal Area (URA), potential projects, and provides baseline data that would support the formation of a Redevelopment Agency with its accompanying Tax Increment Finance District; and

4. The Council has directed staff to negotiate a contract for the preparation of a Redevelopment Plan and Report; and

5. Entering into a contract with Elaine Howard Consulting will provide for effective and efficient service. The contract may be exempted from competitive bidding process under multiple Municipal Code Sections [MC 2.23.100 F.(1) Purchase of goods or services less than $50,000 in value; 2.23.100 F.(15) Contracts for services of a specialized, creative and research oriented, non-commercial nature; 2.23.100 F.(17) Personal services contracts,...]; and

6. The City of Grants Pass has sufficient budget and funds to enter into the contract in the capital Project No. LB6135.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grants Pass that the City Manager is authorized to enter into a contract with Elaine Howard Consulting, LLC which is attached to and incorporated herein as Exhibit 'A'.

EFFECTIVE DATE of this Resolution shall be immediate upon its passage by the City Council and approval by the Mayor.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 4th day of May, 2016.

SUBMITTED to and _____ by the Mayor of the City of Grants Pass, Oregon, this ____ day of May 2016 to be effective on the date indicated as adopted by the City Council.

_____
Darin Fowler, Mayor

ATTEST:

_____
Karen Frerk, City Recorder

Date submitted to Mayor: _____

Approved as to Form, Mark Bartholomew, City Attorney _____

EXHIBIT A

PROFESSIONAL SERVICE AGREEMENT

This Agreement is entered into this ____ day of April, 2016, by and between the City of Grants Pass ("CITY") and Elaine Howard Consulting, LLC ("CONSULTANT").

Whereas CONSULTANT has completed an urban renewal feasibility study for the CITY; and

Whereas CITY has determined they would like to proceed with the preparation of an urban renewal plan ("PROJECT"), now therefore;

Parties agree as follows:

1. Duration

This Agreement shall be effective from the date of execution by both parties and shall remain in effect until and including December 31, 2016 unless terminated or extended by the City.

2. Scope of Work

Consultant shall provide all services specified in the attached "Exhibit A -- Scope of Work and Budget" which is incorporated into this Agreement by reference.

3. Compliance with Laws

Consultant shall comply with all federal, state, and local laws and regulations applicable to this Agreement. Consultant hereby certifies that Consultant is not in violation of any Oregon tax law and that Consultant is an independent contractor as defined in ORS 670. 600.

4. Payment

City will pay Consultant for services performed and materials delivered in the amount and manner specified in the Scope of Work and Budget. Consultant will submit monthly invoices to the City, which shall make payment within 30 days of receipt of the monthly bill. The total amount of this Agreement is $30,000 including expenses, which will be billed at cost. The $30,000 figure includes 2 trips to Grants Pass. If other trips are desired, they will be billed at the hourly rate of Consultant plus expenses. (Travel time and expenses is approximately $2,000. Meeting time will be in addition to that.) Changes in Scope of Work will only be performed with a written agreement between City and Consultant and will be billed at the hourly rate of the consultant performing the work.

5. Ownership of Documents

All documents and other products produced by Consultant pursuant to this Agreement are the property of the City with the exception of the Urban Renewal 101 PowerPoint which is copyrighted by Consultant. City may use the Urban Renewal 101 PowerPoint for its own purposes but may not share with other localities for their use. Consultant shall maintain books, documents, paper and records pertinent to this Agreement for a period of three years after final payment to the Consultant ("Retention Period"). Consultant shall allow the City's authorized representative access to such records during the Retention Period. The cost of any copies of records requested by the City shall be reimbursed to the Consultant. Consultant does not typically maintain paper files. Most documents are kept as electronic copies.

6. Indemnity and Insurance

Consultant shall indemnify, defend, and hold harmless the City , and its respective officers, agents, and employees, from all claims, suits, or actions of whatsoever nature, including intentional acts, resulting from or arising out of the activities of Consultant or its subcontractors, agents or employees under this Agreement including professional negligent acts, errors or omissions of Consultant; provided however, that nothing herein shall be construed to require indemnification of the City for liability attributable to the City 's sole negligence. The full coverages are stated in Exhibit C to this Agreement. The requirement for two years of continued coverage after final payment may be met by tail coverage.

The general liability and business automobile coverage shall name the City of Grants Pass as Additional Insured with respect to the Consultant's services to be provided under the Agreement.

Consultant shall maintain Workers' Compensation Insurance for all employees providing work under this agreement. At this time, there are no employees. If any are hired a Workers' Compensation certificate will be provided.

7. Assignment

This Agreement is binding on each party, its successors, assigns, and legal representatives and may not, under any circumstance, be assigned or transferred by either party. Other than stated in this paragraph, consultant shall not subcontract for services under this Agreement without written approval of City. It is agreed that ECONorthwest is performing some of the work including the financial analysis and performing GIS responsibilities. They may subcontract some portions of the GIS work to Rob Wyman.

8. Termination

This Agreement may be terminated by mutual consent of the parties. Termination is the sole remedy for breach of the Agreement by either party. In addition, City may terminate this Agreement by giving Consultant 10 days' prior written notice of intent to terminate. Termination shall not excuse payment for that portion of the Consultant's fee and expenses properly incurred prior to notice of termination, but neither party shall be liable for indirect or consequential damages arising from termination under this section.

9. Modification

Notwithstanding and succeeding any and all prior agreement(s) or practice(s), this Agreement constitutes the entire Agreement between the parties, and may only be expressly modified in writing(s), signed by both parties.

10. Legal Counsel Review

It is understood that the City has legal counsel and that it will have that counselor review any documents requiring legal counsel review. If consultant is asked to provide legal counsel review, that will be done at the cost of the legal counsel and billed directly to the City.

CONSULTANT: Elaine Howard Consulting, LLC
4763 SW Admiral Street
Portland, Oregon 97221
Federal Tax ID#: 51-0650547

BY: _____ DATE _____
Elaine Howard

City of Grants Pass
101 NW A Street
Grants Pass, Oregon 97526

BY: _____ DATE _____

Approved as to form, Mark Bartholomew, City Attorney _____

Exhibit A – Scope of Work

The Grants Pass City Council has authorized the preparation of an urban renewal plan. The Consultant, in cooperation with City of Grants Pass staff, will be responsible for developing the urban renewal plan and report which will include:

1. Document Preparation

   We will prepare the following documents:

   - Grants Pass Urban Renewal Plan
   - Grants Pass Street Urban Renewal Report
   - Grants Pass Urban Renewal Agency Report
   - Grants Pass Planning Commission Report
   - Taxing Jurisdictions Memorandum satisfying "consult and confer" responsibilities
   - Grants Pass City Council Report
   - Grants Pass City Council Ordinance
   - Notice for Open Public Meeting
   - Notice for Planning Commission Meeting
   - Notice for City Council Meeting
   - Notice of Adoption
   - Letter of transmittal to County Assessor/Recorder

2. Preparation of an Urban Renewal Plan in accordance with requirements of ORS 457.085. Some of this information is boilerplate and required in all urban renewal plans. Other information is specific to the Area. The information specific to the Grants Pass Area is:

   - Goals and Objectives for the Area. This would be based on the documents reviewed for the feasibility study and input of the city staff.
   - Outline of Major Urban Renewal Activities (Projects and Programs).
   - Relationship to Local Objectives (the documents to be reviewed are the Comprehensive Plan and relevant documents as identified by the Community Development Director. If an Economic Development Plan exists, it must also be reviewed).
   - Decision on what types of amendments to designate in the plan.

The components of an urban renewal plan in accordance with ORS 457. 085 (2) are:

- A description of each urban renewal project to be undertaken.
- An outline of the major project activities planned for the urban renewal area or areas.
- A map and legal description of the urban renewal area.
- An explanation of how the plan relates to local objectives, such as relevant objectives of the comprehensive plan, and other pertinent local planning efforts.
- An indication of proposed land uses (which must conform to the comprehensive plan and zoning code).
- A description of relocation methods for residents or businesses that must move because of Agency projects
- If public acquisition of property is required by the plan, a description of property to be acquired by the Agency (if any) and how it will be disposed of (e.g. sale or lease), along with a schedule for acquisition and disposition.
- A limit on the maximum amount of indebtedness to be issued to carry out the plan.
- A description of what types of changes to the plan are to be considered substantial amendments. (see above)
- If the plan calls for the development of a public building (e.g. a fire station), an explanation of how the building serves or benefits the urban renewal area.

3. Preparation of a Report which accompanies the Urban Renewal Plan. The specific requirements of an urban renewal report are:

    - A description of the physical, social and economic conditions within the urban renewal area and the impact of the plan, including fiscal impacts, in terms of increased population and the need for additional public services.
    - The reasons why the urban renewal area (or areas) was selected.
    - The relationship between each urban renewal project and the conditions within the area.
    - A relocation report which includes an analysis of businesses or residents that may be required to relocate and a description of the methods to be used in the relocation program; and an analysis (number and cost range) of the existing housing units that may be destroyed or altered and the housing units that may be added.
    - The estimated costs of the projects and the sources of project funding.
    - The completion date for each project.
    - The amount of tax increment funds that are estimated to be required and the year in which the Agency plans to pay off all outstanding tax increment indebtedness.
    - A financial analysis that shows the plan to be financially feasible.
    - An analysis of the impact on the tax rates and/or revenues of the taxing districts that overlap the urban renewal area; and
    - A relocation report.

This work will involve coordination with city staff on identifying the blighting conditions, the projects and the portions of the projects which would be funded with urban renewal, specifying funding amounts and detailing the finance plan. It will also require working with staff to identify the existing conditions of the projects which are identified. This will involve coordination with staff in Public Works.

4. City Responsibilities

The City of Grants Pass will provide the following:

- Transmission to consultant of existing plans including the Grants Pass Comprehensive Plan, Grants Pass Economic Development and any master plans that identify blighting conditions in the Area.
- Confirmation of Feasibility Study boundary as the boundary to use for the Plan.
- Information on projects to be included in the Plan, including provision of project descriptions and rough cost estimates.
- Information on potential development in Area which will increase the assessed value of the Area. (review of list previously given to consultant in Feasibility Study)
- Meeting space for all meetings and copying of documents for all meetings
- Costs for publishing notice for all meetings (open public meeting and planning commission meetings) Notice language provided by consultant
- Preparation and mailing of super-notice required for a new urban renewal plan and report. Notice language provided by consultant.
- Mailing of taxing jurisdictions notices. Notice prepared by consultant.
- Preparation of legal description for Area.
- Recording of plan on adoption. Recording cover provided by consultant.

Timeline for Completing Scope of Work

We propose the following timeline for the work. We are able to begin work immediately upon contract execution. If adoption is desired by October 1, 2016 we will need to start work immediately.

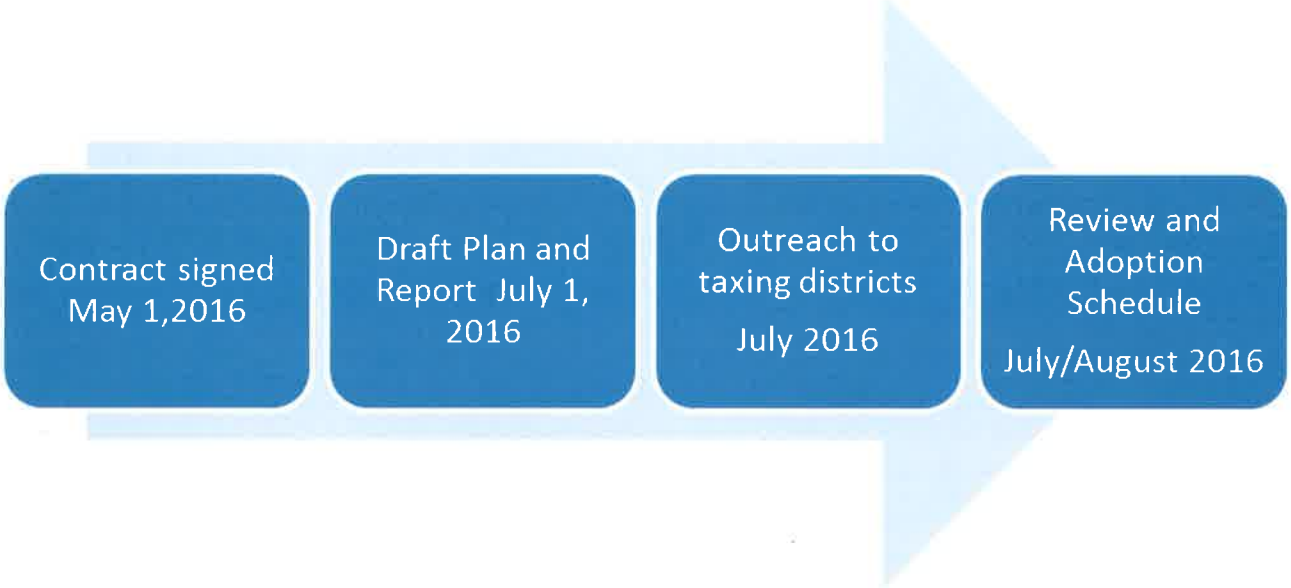

Exhibit B – Insurance Requirements

It is hereby agreed and understood that the insurance required by the City of Grants Pass is primary coverage and that any insurance or self-insurance maintained by the City of Grants Pass, its officers, council members, agents, employees or authorized volunteers will not contribute to a loss. All insurance shall be in full force prior to commencing work and remain in force until the entire job is completed or the length of time that is specified in the contract.

1. PROFESSIONAL LIABILITY
   - A. Limits
     - (a) $1,000,000 each claim/$2,000,000 annual aggregate
   - B. Must continue coverage for 2 years after final payment for service/job

2. GENERAL LIABILITY COVERAGE
   - A. Commercial General Liability
     - (a) $1,000,000 general aggregate
     - (b) $1,000,000 products - completed operations aggregate
     - (c) $500,000 personal injury and advertising injury
     - (d) $500,000 each occurrence limit
   - B. Claims made form of coverage is not acceptable.
   - C. Insurance must include:
     - (a) Premises and Operations Liability
     - (b) Blanket Contractual Liability
     - (c) Personal Injury
     - (d) Explosion, collapse and underground coverage
     - (e) Products/Completed Operations
     - (f) The general aggregate must apply separately to this project/location

3. BUSINESS AUTOMOBILE COVERAGE
   - A. Limits - $250,000 each person/$500,000 each accident for Bodily Injury and $100,000 for Property Damage; or $500,000 Combined Single Limit for Bodily Injury and Property Damage each accident
   - B. Must cover liability for "Any Auto" - including Owned, Non-Owned and Hired Automobile Liability

4. WORKERS COMPENSATION AND EMPLOYERS LIABILITY - If required by Oregon State Statute or any Workers Compensation Statutes of a different state.

A. Must carry coverage for Statutory Workers Compensation and Employers Liability limit of:

(a) $100,000 Each Accident

(b) $500,000 Disease Policy Limit

(c) $100,000 Disease - Each Employee

5. ADDITIONAL PROVISIONS

* Additional Insured - On the General Liability Coverage and Business Automobile Coverage. City of Grants Pass, and its officers, Council members, agents, employees and authorized volunteers shall be Additional Insureds.

* Endorsement - The Additional Insured Policy endorsement must accompany the Certificate of Insurance.

* Certificates of Insurance - A copy of the Certificate of Insurance must be on file with the City Recorder.

* Notice - NOTE: City of Grants Pass requires 30 day written notice of cancellation, non-renewal or material change in the insurance coverage.

*The insurance coverage required must be provided by an insurance carrier with the "Best" rating of "A-VII" or better. All carriers shall be admitted carriers in the State of Oregon.

See accompanying 'Elaine Howard consulting contract – Scope of Services'

Grants Pass Urban Renewal Plan and Report Scope of Work and Timeline

ELAINE HOWARD
CONSULTING, LLC

PROJECT MANAGEMENT, DEVELOPMENT, POLICY, AND PLANNING SERVICES

elaine@elainehowardconsulting.com
www.elainehowardconsulting.com
cell: 503.975.3147 office: 503.635.2783
705 Terrace Drive
Lake Oswego, Oregon 97034

ELAINE HOWARD
CONSULTING, LLC

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Background

The City of Grants Pass (City) is exploring the potential of using urban renewal and the associated financing tool, tax increment financing, to assist in the development of the commercial and industrial area of Grants Pass. Elaine Howard Consulting, LLC and ECONorthwest have completed a feasibility study that has received advisory committee input and has been reviewed with the Grants Pass City Council (City Council). As a follow up to that study, staff has requested a proposal for the preparation of an urban renewal plan and report for the area.

The budget estimate for the work is $30,000 including a minimum of two meeting in Grants Pass. It costs approximately $2,000 for each meeting in Grants Pass including travel time, airplane ticket, rental car, food and lodging. You may decide how many times you wish for the consultant to travel to Grants Pass. Our proposal includes a minimum of two meetings, once for the Planning Commission meeting where an Open House is held the same night, and again at the City Council hearing on the ordinance. Other potential meetings include staffing a task force, coming to the Urban Renewal Agency meeting that starts the process of formal public review, presentation at the County Commission meeting.

Scope of Work: Meetings and Public Outreach

1. Meetings with city staff
   a. Regular weekly phone call meetings
2. Additional meetings
   a. Required public meetings for adoption
      - Grants Pass Urban Renewal Agency
      - Grants Pass Planning Commission (1 meeting to find conformance with the comprehensive plan, consultant attends)
      - Grants Pass City Council (2 meetings planned, with notice to all citizens of Grants Pass. Consultant attends first meeting)
      - Josephine County (no action is required, only a briefing)

Scope of Work: Document Preparation

1. Document Preparation

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Timeline for Completing Scope of Work

We propose the following timeline for the work. We are able to begin work immediately upon contract execution. If adoption is desired by October 1, 2016 we will need to start work immediately.

Budget

Document Preparation	$26,000
Meetings - $2,000 per travel to meeting in Grants Pass (2 trips)	4,000
Total	$30,000

We bill actual hours worked, this is not a flat fee contract. All expenses are billed at cost; mileage is billed at the federally established rate. The 2016 rate is .54 cents per mile.

If legal advice is needed, it will be considered an extra item and will be in addition to the proposed contract amount. We do not anticipate this to occur.

If additional meetings or work items are requested, they will be billed at actual time and expenses and will be in addition to the proposed contract amount.

	Billing rate	Plan	Meetings	Report	PC Report	Agency Report	TD letter	CC report	Notices/ORDINANCE	Total Hours	Total Cost
Elaine Howard, Principal	195.00	30	17.00	35.5	5	3	3	3	2	98.5	$19,208
Nick Popenuk, Economic Consultant	150.00			30						30	$4,500
Kate	110.00			14						14	$1,540
Ali	75.00			10						10	$750
										0	$0
Total Hours		30	17.00	89.5	5	3	3	3	2	152.5	
Total Cost Plan and Report		$5,850	$3,315	$13,713	$975	$585	$585	$585	$390		$25,998
Travel Costs											$4,000
Total Estimate											$29,998

Item: Resolution authorizing the City Manager to enter into a contract extension for the annual Municipal Auditor Services. Date: May 4, 2016

SUBJECT AND SUMMARY:

The City is required by ORS 297.425 to have an independent annual audit and may be subject to additional audit requirements for receipt of grant monies.

RELATIONSHIP TO COUNCIL GOALS:

This supports Council's goal of **LEADERSHIP** by ensuring adequate independent audit services are engaged to confirm the fiduciary trust and responsibility of staff. The auditors report directly to the Council upon the completion of the annual audit.

CALL TO ACTION SCHEDULE:

Action should be taken by the end of May 2016. Call to action schedule: May 18, 2016.

BACKGROUND:

The City's three-year contract for annual audit services with Eide Bailly, LLP expired with the completion of the FY'15 financial statement audit. There is an optional contract extension period for up to two additional years. In 2013, Eide Bailly, LLP was selected as the City's auditor by the Audit Committee and the City Council. The scope of services, in addition to the main municipal audit, included the Redevelopment Agency, Redwood Sanitary Sewer Service District, Josephine County/City of Grants Pass Solid Waste Agency, Single Audit and agreed upon procedures to perform a review on up to five lodging facilities subject to Transient Room Tax remittance.

The contract extension proposal from Eide Bailly, LLP includes a 3% increase for the FY'16 audit and another 3% increase for the FY'17 audit. Staff has been pleased with the first three years of service under the contract and the value added services provided during the term of the contract. The firm has met the City's expectations in terms of expertise in Governmental Accounting Standards, assisting with the implementation of new accounting standards, helpful recommendations that don't rise to the level of audit report comments, and general assistance with creating a quality and timely CAFR (Comprehensive Annual Financial Report) each year.

ITEM: 2.b. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT EXTENSION FOR THE ANNUAL MUNICIPAL AUDITOR SERVICES.

Staff Report (continued):

COST IMPLICATION:

Revenue Source: The main City Audit and the Single Audit (federal grant award audit procedures) are paid by the General Fund, General Program Operations division. The transient room tax audit procedures are paid by the Transient Room Tax Fund. Audits of the separate agencies, if needed, are provided by the revenues of those separate agencies.

The breakdown of fees for the FY'16 audit is allocated as follows and there would be a 3% increase to each of these figures in FY'17:

Services	Audit for the Year Ending June 30, 2016
City of Grants Pass	
Annual Audit	$36,050
Single Audit, if necessary	2,150
Transient Room Tax Review	3,550
Future Redevelopment Agency, if needed	
Annual Audit	4,550
Josephine County/City of Grants Pass Solid Waste Agency	
Annual Audit	3,600

ALTERNATIVES:

Since the financial audit is mandatory, the Council could either amend the contract term from a two-year extension to a one year extension or direct staff to go through another RFP process to select another qualified audit firm.

RECOMMENDED ACTION:

It is recommended the Council approve the resolution to allow the City Manager to award the contract extension and begin the audit work for Fiscal 2016.

POTENTIAL MOTION:

I move to approve the resolution authorizing the City Manager to extend the contract for two years with Eide Bailly, LLP for Municipal Auditor Services.

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT EXTENSION FOR THE ANNUAL MUNICIPAL AUDITOR SERVICES.

WHEREAS:

1. The City of Grants Pass is bound by ORS 297.425 to have an independent annual financial audit and the City may be subject to additional audit requirements for receipt of grant monies; and
2. The audit service provider annually examines Transient Room Tax receipts for compliance; and
3. The City has consistently received the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association and intends to continue qualifying for this award; and
4. The proposal from Eide Bailly, LLP in 2013 was determined by the City's Audit Committee and City Council to meet the City's need for the annual audit, its bid was complete, responsive, and the firm was and remains to be qualified under the terms of the 2013 Request for Proposal; and
5. The initial three-year contract term with Eide Bailly, LLP has been successfully completed and the City Council desires to exercise the contract option to extend the contract for two additional years.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grants Pass that the City Manager is authorized to extend the contract with Eide Bailly LLP for two additional years for the work as described in the 2012-2013 Request for Proposal – Auditor and the terms of the contract signed in 2013 with amended cost terms as noted in the proposal attached as Exhibit 'A'.

EFFECTIVE DATE of this Resolution shall be immediate upon its passage by the City Council and approval by the Mayor.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 4th day of May, 2016.

SUBMITTED to and _____ by the Mayor of the City of Grants Pass, Oregon, this _____ day of May, 2016 to be effective on the date indicated as adopted by the City Council.

_____
Darin Fowler, Mayor

ATTEST:

_____ Date submitted to Mayor: _____
Karen Frerk, City Recorder

Approved as to Form, Mark Bartholomew, City Attorney _____

EXHIBIT A

April 11, 2016

Jay Meredith
City of Grants Pass, Oregon
101 NW A Street
Grants Pass, Oregon 97526

Thank you for the opportunity to continue our services with you. I have includes the fee schedule (includes both travel costs and out-of-pocket expenses) for the 2016 and 2017 audits below:

	2016 fees	% increase
Grants Pass audit	$36,050	3%
Single audit (if necessary)	$2,150	3%
Josephine County/City of Grants Pass Solid Waste Agency	$3,600	3%
Redevelopment Agency (if necessary)	$4,550	3%
Transient Room Tax AUP	$3,550	3%
Total:	$49,900	

	2017 fees	% increase
Grants Pass audit	$37,100	3%
Single audit (if necessary)	$2,200	3%
Josephine County/City of Grants Pass Solid Waste Agency	$3,700	3%
Redevelopment Agency (if necessary)	$4,650	3%
Transient Room Tax AUP	$3,650	3%
Total:	$51,300	

Josephine County 911 Agency	3% increase
2016 fees	$7,875
2017 fees	$8,115

Please let us know if you have any questions.

Sincerely,

Lealan Miller

Lealan Miller, CGFM, CPA
Partner

CITY OF GRANTS PASS
PARKS & COMMUNITY DEVELOPMENT DEPARTMENT

DEVELOPMENT CODE TEXT AMENDMENT
SELF-STORAGE & WAREHOUSE
ARTICLE 12 ~ ZONING DISTRICTS, ARTICLE 14 ~ CERTAIN USES, & ARTICLE 30 ~ DEFINITIONS

FINDINGS OF FACT – CITY COUNCIL DECISION

Procedure Type:	Type IV: Planning Commission Recommendation and City Council Decision
Project Number:	405-00006-15
Project Type:	Development Code Text Amendment
Applicant:	City of Grants Pass
Planner Assigned:	Joe Slaughter
Application Received:	December 30, 2015
Application Complete:	January 8, 2016
Date of Staff Report:	February 16, 2016 & March 15, 2016
Date of UAPC Hearing:	February 24, 2016 & March 23, 2016
Date of UAPC Findings:	March 23, 2016
Date of Council Staff Report:	April 12, 2016
Date of Council Hearing:	April 20, 2016
Date of City Council Findings:	May 4, 2016

I. PROPOSAL:

A Development Code Text Amendment adding definitions for Self-Storage and Warehouse to Article 30; listing where Self-Storage and Warehouse facilities are permitted in Article 12, Schedule 12-2; and creating standards for Self-Storage facilities in general commercial and residential zones in Article 14.

II. AUTHORITY AND CRITERIA:

Section 4.102 of the City of Grants Pass Development Code provides that the Director, Planning Commission or City Council may initiate a text amendment. The amendment has been initiated by the Director.

Section 2.062 authorizes the Planning Commission to make a recommendation to the City Council and authorize the City Council to make a final decision on an application for a Development Code Text Amendment, pursuant to the requirements of a Type IV procedure.

The text of the Development Code may be recommended for amendment and amended provided the criteria in Section 4.103 of the Development Code are met.

III. APPEAL PROCEDURE:

The City Council's final decision may be appealed to the State Land Use Board of Appeals (LUBA) as provided in state statutes. A notice of intent to appeal must be filed with LUBA within 21 days of the Council's written decision.

IV. PROCEDURE:

A. The application was received on December 30, 2015 and deemed complete on January 8, 2016. The application was processed in accordance with Section 2.062 of the Development Code.

B. Notice of the proposed amendment and the public hearings was sent to the Oregon Department of Land Conservation and Development on January 10, 2016 in accordance with ORS 197.610 and OAR Chapter 660, Division 18.

C. Notice of the proposed amendment and the public hearings was sent to Josephine County on January 10, 2016 in accordance with the 1998 Intergovernmental Agreement.

D. Public notice of the February 24, 2016 Planning Commission public hearing was published in the newspaper on February 17, 2016 in accordance with Sections 2.053 and 2.063 of the Development Code.

E. The Planning Commission held a public hearing on February 24, 2016 to consider the proposal. At that meeting the Commission requested staff bring this item back to the March 23, 2016 meeting for further discussion.

F. The Planning Commission continued its discussion on this matter at the March 23, 2016 meeting of the Planning Commission and to make a recommendation to the City Council.

G. Public notice of the proposal and the April 20, 2016 City Council public hearing was posted on March 30, 2016.

H. The City Council held a public hearing on April 20, 2016 to consider the proposal and recommendation and make a decision. The vote on the first and second readings of the Ordinance were unanimous (7-0), in favor, and the ordinance was approved at the April 20, 2016 meeting.

V. SUMMARY OF EVIDENCE:

A. The basic facts and criteria regarding this application are contained in the staff report and its exhibits attached as Exhibit "A" and incorporated herein.

1. Updated mark-up text for:

    a. Article 12, Schedule 12-2
    b. Sections 14.700 – 14.720

c. Sections 30.020

2. Planning Commission Findings of Fact and the Attached Record

   a. Planning Commission Supplemental Staff Report and Exhibits
      i. Schedule 12-2, Sections 14.700-14.720, and Section 30,020

   b. Minutes of the March 23, 2016 Planning Commission Hearing not available, audio recording did not work

   c. PowerPoint Presentation from March 23, 2016 Planning Commission Hearing

   d. Planning Commission Staff Report and Exhibits
      i. Schedule 12-2, Sections 14.700-14.720, and Section 30,020

   e. Minutes of the February 24, 2016 Planning Commission Hearing

   f. PowerPoint Presentation from February 24, 2016 Planning Commission Hearing

B. The minutes of the public hearing held by the City Council on April 20, 2016, which are attached as Exhibit "B", summarize the oral testimony presented and are hereby adopted and incorporated herein.

C. The PowerPoint presentation provided by staff at the April 20, 2016 public hearing is attached as Exhibit "C" and incorporated herein.

VI. GENERAL FINDINGS:

Currently, there is no definition for either Self-Storage or Warehouse facilities in the Development Code. Because the two uses are not defined separately they are grouped into the larger category of 'Industrial, Indoor' uses for the purpose of determining where and how they can be developed. Since 'Industrial, Indoor' uses are only permitted in the Business Park (BP), Industrial Park (IP), and Industrial (I) zones, Self-Storage facilities have been forced into the industrial zones. Self-Storage and Warehouse facilities are two distinctly different uses and by defining them separately the City will have the ability to allow them to be more appropriately located.

The proposed text amendments will allow Warehouse facilities to continue to be permitted in the same zones they are currently; BP, IP, & I. Self-Storage facilities will be permitted as a primary use in BP and IP zones. In an effort to help preserve industrial lands for employment uses, Self-Storage facilitates will no-longer be permitted in I zones. They will however, be permitted as a secondary use in General Commercial (GC-1 & GC-2) and all residential zones, provided they meet certain criteria. Those criteria have been drafted as a part of the proposed text amendment in order to help mitigate any negative effects storage facilities could have in these commercial and residential zones.

The Urban Area Planning Commission (UAPC) considered the proposed amendment at their February 24, 2016 meeting. At that meeting the staff report was presented, a public

hearing was conducted, and the UAPC discussed the proposed amendments and directed staff to return to the March 23, 2016 meeting of the UAPC ready to discuss how the proposed text amendment could help to address the need for storage in existing residential neighborhoods.

The intent of the proposed text amendment is to allow differentiation in the development review for, and the locating of, Self-Storage and Warehouse facilities. Once Self-Storage and Warehouse are defined as two different uses Warehouse facilities will continue to be located in all industrial zones (BP,IP & I) while Self-Storage facilities will no-longer be permitted in I zones. This will help to preserve prime industrial land for employment uses. The proposed changes will also add flexibility in the siting of Self-Storage facilities by allowing them to be developed in general commercial and residential zones. This will allow for these kinds of storage facilities to be more conveniently located for the mostly residential customers who use them. Because Self-Storage facilities could present negative effects in general commercial and residential zones without special consideration, the proposed text amendments include specific siting criteria for these facilities in general commercial and residential zones.

The concern presented by the UAPC at the February 24, 2016 meeting centered on the applicability of the proposed text amendment for existing residential neighborhoods. Since the proposed text amendment was meant to provide an opportunity for Self-Storage facilities in residential neighborhoods, while at the same time trying to mitigate the negative effects commercial storage could have in residential neighborhoods, certain restrictions were put in place to limit how these Self-Storage facilities could be operated in residential zones. While it is true that these provisions of the code could most likely be addressed more easily in new residential developments and multi-family residential complexes, the code does not preclude the development of Self-Storage facilities in existing residential neighborhoods. Staff revised the proposed text amendment, adding "for example:" prior to the list of residential types in Section 14.720 to make more clear that the list is not all inclusive, and that other types of residential developments (not listed) could also use these provisions.

The UAPC believed this to be a reasonable approach to allowing Self-Storage facilities in residential zones without opening residential zones to unrestricted commercial storage.

VII. FINDINGS IN CONFORMANCE WITH APPLICABLE CRITERIA:

The text of the Development Code may be recommended for amendment and amended provided that all of the following criteria of Section 4.103 of the Development Code are met.

CRITERION 1: The proposed amendment is consistent with the purpose of the subject section and article.

Response: Satisfied. Schedule 12-2 lists uses, identifies in which zones those uses are permitted, and identifies the proper procedure type for a particular use in a particular zone. The purpose of the table is to site uses in appropriate zones, require adequate review process for uses, and to establish additional mitigation for certain uses in certain zones. The proposed text amendments are consistent with these purposes. By treating Self-Storage and Warehouse as two distinct uses, the City will have a greater ability to

appropriately locate these facilities. The proposed amendments also establish adequate review processes and appropriate site development standards.

Warehouse facilities will continue to be permitted in the same zones they are currently; BP, IP, & I. Self-Storage facilities will be permitted as a primary use in BP and IP zones. In an effort to help preserve industrial lands for employment uses, Self-Storage facilitates will no-longer be permitted in I zones. They will however, be permitted as a secondary use in General Commercial (GC-1 & GC-2) and all residential zones, provided they meet certain criteria. Those criteria have been drafted as a part of the proposed text amendment in order to help mitigate any negative effects storage facilities could have in these commercial and residential zones.

CRITERION 2: The proposed amendment is consistent with other provisions of this code.

Response: Satisfied. Currently, there is no definition for either Self-Storage or Warehouse facilities in the Development Code. Because the two uses are not defined separately they are grouped into the larger category of 'Industrial, Indoor' uses for the purpose of determining where and how they can be developed. Self-Storage and Warehouse facilities are two distinctly different uses and by defining them separately the City will have the ability to allow them to be more appropriately located. This differentiation between clearly different uses is consistent with other provisions of this code. The proposed development standards for Self-Storage facilities in general commercial and residential zones are also consistent with other strategies used in this code to help mitigate negative effects certain uses could have in what could otherwise be viewed as incompatible zones.

CRITERION 3: The proposed amendment is consistent with the goals and policies of the Comprehensive Plan, and most effectively carries out those goals and policies of all alternatives considered.

Response: Satisfied. The proposed changes are consistent with Element 13–Land Use, of the Comprehensive Plan. Once Self-Storage and Warehouse are defined as two different uses Warehouse facilities will continue to be located in all industrial zones (BP,IP & I) while Self-Storage facilities will no-longer be permitted in I zones. This will help to preserve prime industrial land for employment uses. The proposed changes will also add flexibility in the siting of Self-Storage facilities by allowing them to be developed in general commercial and residential zones. This will allow for these kinds of storage facilities to be more conveniently located for the mostly residential customers who use them. Because Self-Storage facilities could present negative effects in general commercial and residential zones without special consideration, the proposed text amendments include specific siting criteria for these facilities in general commercial and residential zones.

Most Effective Alternative

The alternative to approving the proposal is to make no change. Self-Storage and Warehouse facilities can continue to be reviewed as 'Industrial, Indoor' facilities. If the code is left unchanged it will continue to function as it does currently and more prime industrial land will be used for mini-storage facilities rather than employment generation. While the proposed text amendment is not necessarily critical, it is the most effective way to differentiate between these two uses and to site them more appropriately.

CRITERION 4: The proposed amendment is consistent with the functions, capacities, and performance standards of transportation facilities identified in the Master Transportation Plan.

Response: Satisfied. The proposed amendment is not expected to affect the functions, capacities, or performance standards of transportation facilities identified in the Master Transportation Plan (MTP).

VIII. DECISION AND SUMMARY:

Based on the above findings, the City Council found the applicable criteria were satisfied and **APPROVED** the proposed Development Code text amendment as presented in Exhibit "A" to the Ordinance.

The vote was 7-0 with Councilors Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler in favor. Councilor DeYoung was absent.

IX. FINDINGS APPROVED AND DECISION ADOPTED BY THE GRANTS PASS CITY COUNCIL this 4th day of May, 2016.

_____

Darin Fowler, Mayor

NOTE: *The amendment is legislative and is not subject to the 120-day requirement.*

City Council Meeting
April 20, 2016
6:00 pm
City Council Chambers

The Council of the City of Grants Pass met in regular session on the above date with Mayor Fowler presiding. The following Councilors were present: Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker, Roler. Also present and representing the City were City Manager Cubic, Assistant City Manager Reeves, Finance Director Meredith, Deputy Chief Hamilton, Parks & Community Development Director Glover, Public Works Director Canady, City Attorney Mark Bartholomew, and City Recorder Frerk. Absent: Councilor DeYoung and Public Safety Director Landis.

Mayor Fowler opened the meeting and Councilor Lovelace led the invocation followed by the Pledge of Allegiance.

1. PUBLIC COMMENT:

2. PUBLIC HEARING:

   a. Public hearing regarding housing and community development needs and priorities for Year 2 Action Plan for use of Community Development Block Grant (CDBG) funds.

Quasi-judicial Hearing

   b. Ordinance vacating the common property line between Tax Lots 2200, 2800 & 2900 of Map Number 36-05-19-DC.

ORDINANCE NO. 16-5677

Councilor Lindsay moved that the ordinance be read for the first reading, title only. The motion was seconded by Councilor Riker. The vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The motion passed. The ordinance is read.

Councilor Riker moved that the ordinance be read by title only, second reading. The motion was seconded by Councilor Hannum. The vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The motion passed. The ordinance is read.

Councilor Lindsay moved that the ordinance be adopted. The motion was seconded by Councilor Goodwin. Mayor Fowler asked if the ordinance should be adopted, signified by roll call vote as follows: Bouteller – yes, DeYoung – absent, Goodwin – yes, Hannum – yes, Lindsay – yes, Lovelace – yes, Riker – yes, Roler – yes. The ordinance was adopted.

c. Ordinance entering into a Development Agreement (2016-01) with Stutzman Investments, LLC for property located at 1741 Dowell Road.

ORDINANCE NO. 16-5678

Councilor Lindsay moved that the ordinance be read for the first reading, title only. The motion was seconded by Councilor Riker. The vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The motion passed. The ordinance is read.

Councilor Riker moved that the ordinance be read by title only, second reading. The motion was seconded by Councilor Hannum. The vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The motion passed. The ordinance is read.

Councilor Lovelace moved that the ordinance be adopted. The motion was seconded by Councilor Lindsay. Mayor Fowler asked if the ordinance should be adopted, signified by roll call vote as follows: Bouteller – yes, DeYoung – absent, Goodwin – yes, Hannum – yes, Lindsay – yes, Lovelace – yes, Riker – yes, Roler – yes. The ordinance was adopted.

Legislative

d. Ordinance amending Article 12, Schedule 12-2: listing where Self-Storage and Warehouse facilities are permitted; amending Article 14: creating standards for Self-Storage facilities in general commercial and residential zones; and amending Article 30: creating definitions for Self-Storage and Warehouse.

ORDINANCE NO. 16-5679

Councilor Lindsay moved that the ordinance be read for the first reading, title only. The motion was seconded by Councilor Riker. The vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The motion passed. The ordinance is read.

Councilor Lovelace moved that the ordinance be read by title only, second reading. The motion was seconded by Councilor Roler. The vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The motion passed. The ordinance is read.

Councilor Lindsay moved that the ordinance be adopted. The motion was seconded by Councilor Riker. Mayor Fowler asked if the ordinance should be adopted, signified by roll call vote as follows: Bouteller – yes, DeYoung – absent, Goodwin – yes, Hannum – yes, Lindsay – yes, Lovelace – yes, Riker – yes, Roler – yes. The ordinance was adopted.

3. CONSENT AGENDA:

a. Resolution authorizing the City Manager to create a School Marshal position and amend the Classification Plan.

RESOLUTION NO. 16-6413

Councilor Lindsay moved and Councilor Goodwin seconded that Resolution 16-6413 be adopted and the vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The resolution is adopted.

b. ~~Resolution amending the procedures for conduct of business, Section 8 Meeting Dates.~~

This item was removed at the April 18, 2016 City Council Workshop.

c. Resolution declaring certain property surplus and authorizing its appropriate disposal.

RESOLUTION NO. 16-6414

Councilor Lindsay moved and Councilor Goodwin seconded that Resolution 16-6414 be adopted and the vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The resolution is adopted.

d. Motion approving the Comprehensive Plan Map and Zone Map Amendment Historic District Expansion Findings of Fact.

Councilor Lindsay moved and Councilor Goodwin seconded to approve the Comprehensive Plan Map and Zone Map Amendment Historic District Expansion Findings of Fact and the vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The motion passed.

e. Motion approving the Development Code Text Amendment Slope Hazard District Article 13 ~ Special Purpose Districts and Article 18 PUD & Alternative Development Options Findings of Fact.

Councilor Lindsay moved and Councilor Goodwin seconded to approve the Development Code Text Amendment Slope Hazard District Article 13 ~ Special Purpose Districts and Article 18 PUD & Alternative Development Options Findings of Fact and the vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The motion passed.

f. Motion approving the minutes of the City Council meeting of April 6, 2016.

Councilor Lindsay moved and Councilor Goodwin seconded to approve the minutes of the City Council meeting of April 6, 2016 and the vote resulted as follows: "Ayes":

Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The motion passed.

g. Motion acknowledging the minutes of the Urban Tree Advisory Committee meeting of March 14, 2016.

Councilor Lindsay moved and Councilor Goodwin seconded to approve the minutes of the Urban Tree Advisory meeting of March 14, 2016 and the vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The motion passed.

h. Motion acknowledging the minutes of the Bikeways and Walkways Committee meeting of March 8, 2016.

Councilor Lindsay moved and Councilor Goodwin seconded to approve the minutes of the Bikeways and Walkways meeting of March 8, 2016 and the vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The motion passed.

4. COUNCIL ACTION:

a. Ordinance amending the Grants Pass Municipal Code by adding Chapter 4.21 Social Gaming.

Councilor Lindsay moved that the ordinance be read for the first reading, title only. The motion was seconded by Councilor Bouteller. The vote resulted as follows: "Ayes": Bouteller, Goodwin, Lindsay, Lovelace and Riker. "Nays": Hannum and Roler. Abstain: None. Absent: DeYoung. The motion passed. The ordinance is read.

Councilor Lindsay moved that the ordinance be read by title only, second reading. The motion was seconded by Councilor Lovelace. The vote resulted as follows: "Ayes": Bouteller, Goodwin, Lindsay, Lovelace and Riker. "Nays": Hannum and Roler. Abstain: None. Absent: DeYoung. The motion passed. The vote was not unanimous. The ordinance will be read at the May 4, 2016 meeting.

b. Ordinance amending certain sections of Chapter 9.21 Sign Standards of the Grants Pass Municipal Code.

ORDINANCE NO. 16-5680

Councilor Lovelace moved that the ordinance be read for the first reading, title only. The motion was seconded by Councilor Lindsay. The vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The motion passed. The ordinance is read.

Councilor Lindsay moved that the ordinance be read by title only, second reading. The motion was seconded by Councilor Bouteller. The vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The motion passed. The ordinance is read.

Councilor Lindsay moved that the ordinance be adopted. The motion was seconded by Councilor Riker. Mayor Fowler asked if the ordinance should be adopted, signified by roll call vote as follows: Bouteller – yes, DeYoung – absent, Goodwin – yes, Hannum – yes, Lindsay – yes, Lovelace – yes, Riker – yes, Roler – yes. The ordinance was adopted.

c. Ordinance amending Grants Pass Municipal Code Section 6.46.110 Commercial Activity in Parks.

ORDINANCE NO. 16-5681

Councilor Riker moved that the ordinance be read for the first reading, title only. The motion was seconded by Councilor Lindsay. The vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The motion passed. The ordinance is read.

Councilor Roler moved that the ordinance be read by title only, second reading. The motion was seconded by Councilor Hannum. The vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The motion passed. The ordinance is read.

Councilor Lindsay moved that the ordinance be adopted. The motion was seconded by Councilor Riker. Mayor Fowler asked if the ordinance should be adopted, signified by roll call vote as follows: Bouteller – yes, DeYoung – absent, Goodwin – yes, Hannum – yes, Lindsay – yes, Lovelace – yes, Riker – yes, Roler – yes. The ordinance was adopted.

d. Ordinance amending the Grants Pass Municipal Code by adding Chapter 8.70 – Jail Services Utility Fee.

ORDINANCE NO. 16-5682

Councilor Riker moved that the ordinance be read for the first reading, title only. The motion was seconded by Councilor Lindsay. The vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The motion passed. The ordinance is read.

Councilor Lindsay moved that the ordinance be read by title only, second reading. The motion was seconded by Councilor Roler. The vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The motion passed. The ordinance is read.

Councilor Lovelace moved that the ordinance be adopted. The motion was seconded by Councilor Lindsay. Mayor Fowler asked if the ordinance should be adopted, signified by roll call vote as follows: Bouteller – yes, DeYoung – absent, Goodwin – yes, Hannum – yes, Lindsay – yes, Lovelace – yes, Riker – yes, Roler – yes. The ordinance was adopted.

e. Resolution adding Jail Services Utility Fees in the Comprehensive Fee Schedule.

RESOLUTION NO. 16-6415

Councilor Lindsay moved and Councilor Lovelace seconded that Resolution 16-6415 be adopted and the vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The resolution is adopted.

f. Resolution authorizing the City Manager to amend the franchise agreement with Republic Services.

RESOLUTION NO. 16-6416

Councilor Riker moved and Councilor Lindsay seconded that Resolution 16-6416 be adopted and the vote resulted as follows: "Ayes": Bouteller, Goodwin, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: DeYoung. The resolution is adopted.

5. MATTERS FROM MAYOR, COUNCIL AND STAFF:

a. Committee liaison reports.

6. EXECUTIVE SESSION: None

7. ADJOURN:

There being no further business to come before the Council, Mayor Fowler adjourned the meeting at 8:56 p.m.

The ordinances, resolutions and motions contained herein and the accompanying votes have been verified by:

_____
City Recorder

Item: Ordinance amending the Grants Pass Municipal Code by adding Chapter 4.21 Social Gaming. Date: May 4, 2016

SUBJECT AND SUMMARY:

The proposal is to permit "Social Gaming," as that term is defined in ORS 167.117(21).

RELATIONSHIP TO COUNCIL GOALS:

This supports Council's goal of **ENCOURAGING ECONOMIC OPPORTUNITIES** by making a new business model available.

CALL TO ACTION SCHEDULE:

Call to action schedule: No statutory timeline required.

BACKGROUND:

A local attorney approached City staff on behalf of his client. The attorney inquired as to whether social gaming was permitted in the City. The City Attorney determined that, for social gaming to be permitted at a business in the City, the Council must expressly authorize it. In response, the attorney submitted a proposed ordinance for review.

Social gaming is defined as:

"(a) A game, other than a lottery, between players in a private home where no house player, house bank or house odds exist and there is no house income from the operation of the social game; and
(b) If authorized pursuant to ORS 167.121, a game, other than a lottery, between players in a private business, private club or place of public accommodation where no house player, house bank or house odds exist and there is no house income from the operation of the social game."

ORS 167.121 states: "Counties and cities may, by ordinance, authorize the playing or conducting of a social game in a private business, private club or in a place of public accommodation. Such ordinances may provide for regulation or licensing of the social games authorized."

COST IMPLICATION:

Staff time would be required to process social gaming licenses and additional business licenses. The license fees would offset the staff cost to an unknown extent.

ITEM: 3.a. ORDINANCE AMENDING THE GRANTS PASS MUNICIPAL CODE BY ADDING CHAPTER 4.21 SOCIAL GAMING.

Staff Report (continued):

ALTERNATIVES:

There are two ordinances before you. One ordinance prohibits those under 18 from entering the business establishment where social games are played. The other simply prohibits those under 18 from participating in social games (which would be against the law anyhow). The significance is that if those under 18 are prohibited from entering the establishment altogether, then the business falls under the adult use overlay, limiting potential locations.

Other alternatives include modification of either of the two proposed ordinances and not adopting an ordinance.

RECOMMENDED ACTION:

Staff does not have a recommended action.

POTENTIAL MOTION:

I move to adopt the ordinance amending the Municipal Code by adding Chapter 4.21 Social Gaming.

ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS AMENDING THE GRANTS PASS MUNICIPAL CODE BY ADDING CHAPTER 4.21 SOCIAL GAMING.

WHEREAS:

1. The City Council finds that it is in the economic and recreational interest of the citizens of Grants Pass to permit social gaming; and

2. Social gaming is permitted in a private club, place of public accommodation, or business, as long as the City expressly permits it pursuant to ORS 167.121; and

3. The City Council finds that those under 18 should not be permitted to enter a premises licensed for social gaming.

NOW, THEREFORE, THE CITY OF GRANTS PASS HEREBY ORDAINS: The Grants Pass Municipal Code is hereby amended to add a new chapter 4.21 as set forth in Exhibit "A."

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 4th day of May 2016 with the following specific roll call vote:

AYES:

NAYS: **ABSTAIN:** **ABSENT:**

SUBMITTED to and _____ by the Mayor of the City of Grants Pass, Oregon, this ____ day of May 2016.

_____
Darin Fowler, Mayor

ATTEST:

_____ Date submitted to Mayor: _____
Karen Frerk, City Recorder

Approved as to Form, Mark Bartholomew, City Attorney _____

Exhibit A

Chapter 4.21
Social Gaming

Sections:

4.21.000 Title, Legislative Authority and Purpose
4.21.010 Social Games Permitted
4.21.020 Definitions
4.21.030 License Required for Social Games
4.21.040 Application for License and Investigation
4.21.041 Application Requirements
4.21.042 Application Renewal
4.21.050 License Fee
4.21.060 Standards for Issuance of License
4.21.070 License Not Transferable
4.21.080 Responsibilities of Licensee
4.21.081 Tournament Format Required
4.21.090 Terms of License
4.21.100 Revocation of License
4.21.110 Suspension of License
4.21.120 Penalties
4.21.130 Savings Clause
4.21.140 Periodic Review Date

4.21.000 Title, Legislative Authority and Purpose

These regulations shall be known as the "City of Grants Pass Social Gaming Code" and may be cited as such. ORS 167.180, et seq. defines gambling and provides for the regulation of gambling in the State of Oregon. Pursuant to ORS 167.117(7) “gambling” does not include “social games.” ORS 167.121 provides that counties and cities may, by ordinance, authorize the playing or conducting of Social Games in a private business, private club, or in a place of public accommodation. Such ordinances may provide for regulation or licensing of the authorized Social Games. The purpose of this ordinance is to authorize and regulate, in accordance with Oregon state law, the playing or conducting of Social Games. It is not the purpose of this ordinance and this ordinance is not intended to regulate any form of gambling or gaming authorized and regulated under Oregon state law other than Social Gaming as specifically defined in this ordinance.

4.21.010 Social Games Permitted

Social games, other than a lottery, between players in a private business, private club or in a place of public accommodation where no house player, house bank

or house odds exist and there is no house take (meaning no house income from the operation of the social game), are hereby permitted as provided herein.

4.21.020 Definitions

Unless the context requires otherwise, all terms set forth in this Ordinance shall have the same meaning as set forth in ORS 167.117.

"Person" and "Persons" means any individual, firm, partnership, corporation, joint venture, association, social club, fraternal organization, fraternity, sorority, non-profit organization, estate, trust, business trust, receiver, trustee, syndicate or any other group, organization or combination acting as a unit.

"Social Game" and "Social Gaming" means a game, other than a lottery, between players at a Special Event held in a private business or place of public accommodation where no house player, house bank or house odds exist and there is no house income from the operation of the Social Game.

4.21.030 License Required for Social Games

Any person(s), business, private club, non-profit organization or place of public accommodation desiring to permit patrons or invitees to engage in any social game within the City of Grants Pass shall acquire and maintain a valid license from the City. Licenses shall be granted only upon application to the City and upon approval by the City Manager.

4.21.040 Application for License And Investigation

An applicant shall submit an application in a form approved by the City Manager.

4.21.041 Application Requirements

Before a license for social gaming may be granted by the City Manager, an applicant must submit an application for a license to the City Manager with the following information and allow an investigation to be made thereon. A completed application form must include the true names, dates of birth, social security numbers and addresses of all persons financially interested in the business and/or all persons who are either on the board of directors of or hold offices in the entity or organization. The term "persons financially interested in the business" shall include all persons who share in the profits of the business where the social gaming activity is located, on the basis of gross or net revenue, including landlords, lessors, lessees, and the owners of the building, fixtures or equipment used in the social game. The application shall also include the names, dates of birth, social security numbers and addresses of all tournament sponsors if different from persons financially interested in the business.

4.21.042 Application Renewal

The grantee of a social gaming license must notify the City Manager within 10 days of any change in persons financially interested in the business or in the names of any persons who are either on the board of directors of or hold offices in the entity or organization and request a renewal of its license. At the time of such request, the applicant shall submit the information required by Section 4.21.041.

4.21.050 License Fee

For each business or other entity or organization licensed, an annual fee shall be required, to be set by resolution of the City Council.

4.21.060 Standards For Issuance of License

The City Manager shall either approve the application and grant the license applied for, or deny the application and refuse to grant the license. The license shall not be granted, or it shall be temporarily revoked or suspended, if any applicant or any person(s) financially interested in the business, entity or organization have:

1. Supplied any false or misleading information in the application or omitted any requested information from the application;
2. Pleaded no contest to or been convicted of any felony within the last ten (10) years;
3. Had a license in his/her name which was revolted or suspended three (3) times by the Oregon Liquor Control Commission, either of which was in the last (5) years;
4. Been convicted and is currently on parole for any crime involving or related to gambling;
5. Had two (2) or more convictions within five (5) years for gambling-related activities; or
6. Violated any provision of this Ordinance.

4.21.070 License Not Transferable

No license shall be assigned or transferred; any such attempt shall void the license.

4.21.080 Responsibilities of Licensee

It shall be the responsibility of the licensee to ensure that:

1. No form of unlawful gambling is permitted upon the licensed premises.

2. Social games are conducted consistent with the provisions of state law, City ordinances and this Section.
3. There shall be no house player, house bank or house odds. All social games shall be open to public inspection during all hours of operation.
4. There are no off-premises signs advertising gambling, card playing, or social games.
5. The playing of all social games shall be so arranged as to provide equal access and visibility to any interested party.
6. No person under the age of eighteen (18) years shall be permitted to enter the licensed premises.
7. No charge, other than an entry fee, shall be collected from a player for the privilege of participating in a game.
8. No participant in a social game shall be charged a price for any consumer goods which is higher or lower than the price charged non-participants.
9. This Chapter, the rules for the social games, and the social gaming licenses are posted in a conspicuous place near the area where the games are being played.
10. The room or enclosure where the social games take place is open to free and immediate access by law enforcement officers. Doors leading into the room or enclosure remain unlocked during all hours of operation.
11. No social game is conducted between the hours of 2:00 am and 9:00 am.

4.21.090 Terms of License

All licenses issued hereunder shall be for a period of one (1) year and shall be renewed on the first business day of January of each year. Licenses are nontransferable and must be reapplied for at least thirty (30) days prior to the renewal date each year accompanied by the appropriate fee. All persons securing a license after first business day of January each year shall be required to pay the annual fee. All renewals shall be approved by the City Manager.

4.21.100 Revocation of License

A license is subject to revocation at any time for violation of this Ordinance or any of the provisions of state law related to gambling. If at any time facts arise or become known to the City Manager which are sufficient to show violation of this ordinance or state law, the City Manager shall notify the licensee in writing that the license is to be revolted and that all social gaming activities must cease within fifteen (15) days. The violations need not lead to a conviction, but must establish a reasonable doubt about the licensee's ability to perform the licensed activity without danger to property or public health or safety. The notice of revocation shall state the reason for the revocation, set a period of no less than 30 days before social gaming activities can recommence and inform the licensee of the procedures for filing an appeal.

4.21.110 Suspension of License

Upon determining that a licensed activity presents an immediate danger to person or property, the City Manager may suspend the license for the activity. The suspension shall take effect immediately on notice being received by the licensee, or being delivered to the licensee's business address as stated on the licensee's application for the license that is being suspended.

The notice shall be mailed to the licensee and state the reason for the suspension and inform the licensee of the procedures for filing an appeal. The City Manager may continue the suspension for as long as the reason for the suspension exists or until a decision by the appellate authority on an appeal regarding the suspension concludes the matter.

4.21.120 Penalties

In addition to the suspension or revocation of any license hereunder, any licensee, firm, corporation, association or person(s) associated with licensee who violates any provision of this ordinance, may, upon conviction, be fined in the amount not to exceed Five Hundred Dollars ($500.00) for each violation. Each day that a violation is permitted to occur is considered a separate violation.

4.21.130 Savings Clause

If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance; it is hereby expressly declared that every other section, subsection, provision, clause or paragraph of this ordinance enacted, irrespective of the enactment or validity of the portion hereof declared to be unconstitutional or invalid, is valid.

Item: Ordinance amending City of Grants Pass Municipal Code Chapter 6.02 Traffic Administration.

Date: May 4, 2016

SUBJECT AND SUMMARY:

The proposal is an ordinance that would amend Chapter 6.02 Traffic Administration regarding review and process of traffic violation appeals. The review authority is currently assigned to the Community Development Director. The amendment will assign the authority to the City Manager or appointee for review and determination.

RELATIONSHIP TO COUNCIL GOALS:

This supports Council's goals to **KEEP CITIZENS SAFE** by providing clarity for traffic regulation enforcement.

CALL TO ACTION SCHEDULE:

Call to action schedule: N/A.

BACKGROUND:

Section 6.020.010 ~ Municipal Traffic Authority of the Municipal Code states that the City Council shall exercise all municipal traffic authority for the City (subject to State Laws). Section 6.02.020 states the City Manager has the authority to regulate all parking on City Streets. Section 6.02.30 then places the review/appeal authority for traffic violations under the Community Development Director. Placing the authority to review traffic violations on the Community Development Director is in conflict with the previous sections which keep the authority for traffic regulations under the City's Administration. The proposed amendment will reassign the appeal authority to the City Manager (or their designee).

COST IMPLICATION:

None.

Staff Report (continued):

ALTERNATIVES:

1) Approve the ordinance as proposed;

2) Modify the ordinance and adopt with additional changes; or

3) Reject the amendments as proposed.

RECOMMENDED ACTION:

It is recommended the Council approve the ordinance.

POTENTIAL MOTION:

I move to approve the Ordinance amending Chapter 6.02.030 of the City of Grants Pass Municipal Code.

EXHIBIT A

Chapter 6.02

TRAFFIC ADMINISTRATION

Sections:

6.02.010 Municipal Traffic Authority.
6.02.020 Duties of City Manager.
6.02.030 Authority of ~~Community Development Director~~ *City Manager*.
6.02.040 Installation of Temporary Traffic Control Devices.
6.02.050 Traffic Control Standards.
6.02.060 Enforcement Authority.

6.02.030 Authority of ~~Community Development Director~~ *City Manager*.

When a person notifies the ~~Community Development Director~~ *City Manager* that the person is appealing or contesting a violation of the GPUTC, the ~~Director~~ *City Manager or his/her appointee* is authorized to consider the information provided by the person and to reduce the fine, delinquent charges, and collection fee, if in the opinion of the ~~Director~~ *City Manager or his/her appointee* the totality of circumstances justify a reduction. Any further appeal or contesting of the violation, fine, delinquent charges, or collection fee shall be pursued through the appropriate court.

ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS AMENDING THE CITY OF GRANTS PASS MUNICIPAL CODE CHAPTER 6.02 TRAFFIC ADMINISTRATION.

WHEREAS:

1. Title 6 of the City of Grants Pass Municipal Code was most recently revised on November 15, 2015; and

2. It is appropriate to review and make modifications to Code provisions from time to time in order to clarify review authority and procedures; and

3. The proposed amendment is consistent with enhancing a safe and secure environment for the City of Grants Pass; and

4. The proposed amendment to the traffic administration regulations are in keeping with the goals of the City Council.

NOW, THEREFORE, THE CITY OF GRANTS PASS HEREBY ORDAINS:

Section 1. The City hereby adopts the proposed amendments to Chapter 6.02 Traffic Administration of the Grants Pass Municipal Code as set forth in Exhibit 1.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 4th day of May 2016, with the following specific roll call vote:

AYES:

NAYS: **ABSTAIN:** **ABSENT:**

SUBMITTED to and _____ by the Mayor of the City of Grants Pass, Oregon, this _____ day of May 2016.

_____
Darin Fowler, Mayor

ATTEST:

_____ Date submitted to Mayor: _____
Karen Frerk, City Recorder

Approved as to Form, Mark Bartholomew, City Attorney _____

EXHIBIT 1

Chapter 6.02

TRAFFIC ADMINISTRATION

Sections:

6.02.010 Municipal Traffic Authority.
6.02.020 Duties of City Manager.
6.02.030 Authority of City Manager.
6.02.040 Installation of Temporary Traffic Control Devices.
6.02.050 Traffic Control Standards.
6.02.060 Enforcement Authority.

6.02.030 Authority of City Manager.

When a person notifies the City Manager that the person is appealing or contesting a violation of the GPUTC, the City Manager or his/her appointee is authorized to consider the information provided by the person and to reduce the fine, delinquent charges, and collection fee, if in the opinion of the City Manager or his/her appointee the totality of circumstances justify a reduction. Any further appeal or contesting of the violation, fine, delinquent charges, or collection fee shall be pursued through the appropriate court.