

CITY OF GRANTS PASS
 COUNCIL AGENDA
 October 5, 2016
 6 p.m. City Council Meeting
 Council Chambers - 101 N.W. "A" Street



MAYOR: Darin Fowler

CITY COUNCIL MEMBERS:

<i>Ward 1</i>	<i>Ward 2</i>	<i>Ward 3</i>	<i>Ward 4</i>
Dan DeYoung Roy Lindsay	Valerie Lovelace Rick Riker	Ken Hannum Dennis Roler	Vacant Vacant

Invocation

Flag Salute

Roll Call

Proclamation: Family History Month
 Domestic Violence Awareness Month

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. PUBLIC HEARINGS
 - a. Ordinance extending Advance Finance District TR4234 for public sanitary sewer, storm drain, road and water improvements in Gladiola Drive. **Pgs. 1-12**

3. 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 for the Rogue River Avenue Sidewalk Infill, a local government improvement project; Project No. TR6118. **Pgs. 13-16**
- b. Resolution authorizing the City Manager to enter into a contract for the Fruitdale Creek – Hamilton Lane Trail, a local government improvement project; Project No. TR4179. **Pgs. 17-24**
- c. Resolution authorizing the City Manager to enter into a contract for the NE C Street Water Main Relocation; Project No. WA6249. **Pgs. 25-30**
- d. Resolution establishing the performance evaluation criteria and evaluation schedule for the City Manager. **Pgs. 31-46**
- e. Motion approving the minutes of the City Council meeting of September 21, 2016. **Pgs. 47-52**
- f. Motion acknowledging the minutes of the Bikeways and Walkways Committee meeting of August 9, 2016. **Pgs. 53-56**
- g. Motion acknowledging the minutes of the Urban Area Planning Commission meeting of August 24, 2016. **Pgs. 57-60**
- h. Motion acknowledging the minutes of the Historical Buildings and Sites Commission meeting of July 28, 2016. **Pgs. 61-64**
- i. Motion acknowledging the minutes of the Committee on Public Art meeting of August 9, 2016. **Pgs. 65-68**

4. COUNCIL ACTION

- a. Ordinance amending Grants Pass Municipal Code Chapter 5.12 by adding Sections 5.12.121 through 5.12.128 Chronic Nuisance Property. **Pgs. 69-87**

5. MATTERS FROM MAYOR, COUNCIL AND STAFF

- a. Review Mayor/Council emails. None.
- b. Committee Liaison reports.
- c. Committee Motions. None.

6. 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

7. 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.

Ordinance extending Advance Finance District
TR4234 for public sanitary sewer, storm drain,
Item: road and water improvements in Gladiola Drive.

Date: October 5, 2016

SUBJECT AND SUMMARY:

The City installed public sanitary sewer, storm drain, road, and water improvements in Gladiola Drive, which benefited adjacent properties in 2001. Pursuant to Ordinance No. 4501 of the City of Grants Pass, adopted January 18, 1984, the City Council determined that the improvements be recognized as an Advance Finance District (AFD) and that a portion of the costs were reimbursable by those properties to be specifically benefited by the improvements. Pursuant to Ordinance No. 5083 adopted on October 17, 2001, the Council created an Advance Finance District (known as Advance Finance District TR4234) which includes all of the properties described on the map marked Exhibit "A". The District continued for a period of ten (10) years with the ability to extend the District for ten (10) additional years with two five (5) year extensions.

A public hearing needs to occur followed by consideration of an extending ordinance. If approved, this ordinance would extend the public installed Advance Finance District for an additional five (5) years and assist in reimbursing the project.

RELATIONSHIP TO COUNCIL GOALS:

This supports the Council's goals to maintain, operate and expand **INFRASTRUCTURE** to meet community needs by ensuring our sewer, storm drain, street and water facility infrastructure needs are met in a fiscally sound, efficient, and regulatory compliant manner and providing cooperative shared **LEADERSHIP** involving Council, Staff and Community by maintaining the fiscal health of City government.

CALL TO ACTION SCHEDULE:

Extending Ordinance No. 5549 will expire on October 17, 2016. A decision to adopt a new five (5) year extension ordinance or let the current ordinance expire will need to be completed prior to this expiration date. Call to action schedule: October 5, 2016.

BACKGROUND:

The City Council adopted Ordinance No. 5083 in October of 2001 notifying property owners along Gladiola Drive that an AFD had been formed for the installed improvements.

ITEM: 2.a. ORDINANCE EXTENDING ADVANCE FINANCE DISTRICT TR4234
FOR PUBLIC SANITARY SEWER, STORM DRAIN, ROAD AND WATER
IMPROVEMENTS IN GLADIOLA DRIVE.

Staff Report (continued):

The original amount of reimbursement was as set forth in Exhibit "B". Repayment would include annual simple interest increases at a rate of four percent (4%) for the first ten (10) year term and would be due and payable upon the following conditions:

- Sanitary Sewer Service – when application for connection to the sewer system is made.
- Storm Drain System – when a development permit is issued or when a building permit is issued for an expansion of 50% or more.
- Water Service – when application for connection to the water system is made.
- Road – when a development permit is issued or when a building permit is issued for an expansion of 50% or more.

The first extension reduced the interest rate to 1.21% for assessment amounts for the next five years (Exhibit "C").

This five-year extension will have an interest rate of 0.00%; assessment amounts will be as shown on the attached Exhibit "D".

Monies collected for the Advance Finance District TR4234 shall be distributed as follows (Exhibit "E"):

- | | |
|---|-------|
| • Northridge Construction & Development | 21.5% |
| • City of Grants Pass | 68.9% |
| • School District No. 7 | 9.6% |

Of the original eight (8) properties which owed \$107,341 in October, 2001, there are now five (5) properties which owe approximately \$79,520.08 in principal and accrued interest. The first five-year extension term of the Advance Finance District is set to expire on October 17, 2016 unless further extended by Council.

In accordance with Municipal Code Chapter 9.40, the City gave regular notice of the hearing to property owners on the extension of AFD No. TR4234 and the updated assessments to be levied in the District. This hearing allows for public comment and questions. A public hearing must be held prior to adoption of the extending ordinance.

After the public hearing, staff recommends that Council adopt the extending final ordinance for improvements installed in Gladiola Drive. Sanitary Sewer, Storm Drain, Road and Water Improvements were installed as part of this project.

COST IMPLICATION:

The funds collected under this ordinance, which are to come to the City of Grants Pass, will go back into the appropriate sewer, storm drain, road or water fund, which paid for the original improvements.

Staff Report (continued):

ALTERNATIVES:

- The Council can adopt the ordinance extending the period for repayment of the funds for an additional five years; or
 - The Council can take no action in regards to the requested extension allowing the Advance Finance District to expire; or
 - Revise the extending ordinance as Council deems appropriate.
-

RECOMMENDED ACTION:

It is recommended the Council extend the Advance Finance District TR4234 for public sanitary sewer, storm drain, road, and water improvements in Gladiola Drive for another five years.

POTENTIAL MOTION:

I move to approve the Ordinance extending the Advance Finance District TR4234 for public sanitary sewer, storm drain, road, and water improvements in Gladiola Drive.

ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS EXTENDING ADVANCE FINANCE DISTRICT NO. TR4234 FOR PUBLIC SANITARY SEWER, STORM DRAIN, ROAD AND WATER IMPROVEMENTS IN GLADIOLA DRIVE.

WHEREAS:

1. Certain public sanitary sewer, storm drain, road and water improvements have been installed in Gladiola Drive which could benefit adjacent properties heretofore not served by sewer, storm, road or water improvements; and
2. Pursuant to Ordinance No. 4501 of the City of Grants Pass, adopted January 18, 1984, the City Council determined that the improvements be recognized as an Advance Finance District and that a portion of the cost thereof are reimbursable by those properties to be specifically benefitted by said improvements; and
3. Pursuant to Ordinance No. 5083 of the City of Grants Pass, adopted October 17, 2001 the Council determined there is created an Advance Finance District and said District shall be known as Advance Finance District TR4234 which includes all the properties described on the attached map marked Exhibit "A"; and
4. Pursuant to Ordinance No. 5549 of the City of Grants Pass, adopted October 5, 2011 the Council granted a five (5) year extension for Advance Finance District TR4234 which included all the properties described on the attached map marked Exhibit "A"; and
5. The original amount of the reimbursement was set forth in Exhibit "B", 5-year extension amounts shown in Exhibit "C", and current additional 5-year extension amounts shown in Exhibit "D" and was based upon a prorated share of the cost of the public improvements divided by the total front footage and total acreage of properties in the Advance Finance District; and
6. The Council further determined that the properties to be specifically benefitted by said improvements in Gladiola Drive shall be those requesting water or sewer service, when a development permit is issued or when a building permit is issued for an expansion of 50% or more; and
7. The Council further determined the reimbursement shall be increased by four percent (4%) annual simple interest for the first ten (10) years and 1.21% annual simple interest for the first five (5) year extension; and
8. The Council further determined payment in full of the original amount and accrued interest shall be due and payable in full when an owner of such property identified in Exhibit "B" shall request water or sewer service, when a development permit is issued or when a building permit is issued for an expansion of 50% or more, from the improvements installed in Gladiola Drive; and
9. Pursuant to Ordinance No. 4501 of the City of Grants Pass, adopted January 20, 1984 the Council established that Advance Finance Districts shall be limited to a

ten (10) year time period with the ability to extend the district for ten (10) years with two five (5) year extensions; and

10. Of the original eight (8) properties which owed \$107,341 in October 2001, there are now five (5) properties which owe approximately \$79,520.08 in principal and accrued interest; and
11. In accordance with Municipal Code Chapter 9.40, the City gave regular notice of the hearing on the intent to extend Advance Finance District No. TR4234, which pertained to the installation of sanitary sewer, storm drain, road, and water improvements in Gladiola Drive and the final assessments with interest to be levied in the District; and
12. The original term of the Advance Finance District is set to expire on October 17, 2016 unless further extended by Council.

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

Section 1. The City Council hereby finds and determines the public sanitary sewer, storm drain, road and water improvements installed in Gladiola Drive are recognized as an Advance Finance Improvement and a portion of the costs thereof are reimbursable by those properties benefitting by said improvements.

Section 2. The Council hereby determines Advance Finance District TR4234 includes all of the properties described on the map marked Exhibit "A", which is attached hereto and incorporated herein. Said District shall be extended for another period of five (5) years. This is the final extension term allowed by ordinance.

Section 3. The amount of reimbursement for those properties which have not paid to date shall be as set forth in Exhibit "D".

Section 4. The Council further determines the public sanitary sewer, storm drain, road and water improvements were an investment by public and private sector funds and repayment from benefitting users will include annual simple interest increases at a rate of 4% from the date of adoption for this ordinance for the first ten (10) years of the Advance Finance District and will include annual simple interest increases at a rate of 1.21% for the next five (5) year period. Interest amounts have been calculated and are included in the assessments listed on Exhibit "D". No additional interest will be collected for this additional 5-year extension. The monies collected will be distributed as set forth in Exhibit "E".

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 5th day of October, 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 October 2016.

Darin Fowler, Mayor

ATTEST:

Karen Frerk, City Recorder

Date submitted to Mayor: _____

Approved as to Form, Mark Bartholomew, City Attorney  _____

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS PASS EXTENDING ADVANCE FINANCE
DISTRICT NO. TR4234 FOR PUBLIC SANITARY SEWER, STORM DRAIN, ROAD AND WATER IMPROVEMENTS
IN GLADIOLA DRIVE.



GLADIOLA DRIVE AFD
Sewer, Storm Drain, Road
and Water Improvements

Project No. TR4234

Exhibit 'A'

LEGEND

-  Tax Parcels
-  Gladiola AFD Boundary
-  Railroads



CITY OF GRANTS PASS

Parks & Community Development Dept.

101 Northwest "A" Street

Grants Pass, OR 97526

Phone: (541) 450-6060

Fax: (541) 476-9218

Web: www.grantspassoregon.gov

GPGIS - 09/13/2016



ORIGINAL ASSESSMENTS

GLADIOLA ADVANCED FINANCE DISTRICT

Exhibit "B"

PROPERTY OWNER	MAP & TAX LOT #	FRONT FOOTAGE	ACRGE	ZONING	TOTAL Assessment	Assessment Storm Drain	Assessment Water	Assessment Road	Assessment Sewer
Lonnie Dillard** 1961 SE N Street Grants Pass OR 97526-4033	36-5-21-13/300	94	0.92	M1	\$18,153.00	\$4,041.00	\$2,902.00	\$6,228.00	\$4,981.00
David G Jr. & John S Beatie 222 Twin Bridges Road Gold Hill OR 97525	36-05-21-13/500	83.5	0.90	M1	\$17,760.00	\$3,957.00	\$2,842.00	\$6,101.00	\$4,859.00
Robert A & Chripina McDonald 1100 SE Gladiala Dr Grants Pass OR 97526	36-05-21-13/600	83.5	0.65	M1	\$15,379.00	\$3,421.00	\$2,457.00	\$5,274.00	\$4,227.00
Anthony L. & Janice S Hecker 3593 Rogue River Hwy Grants Pass OR 97527-4663	36-05-21-13/800	80	0.60	R18	\$10,526.00	\$3,229.00	\$2,319.00	\$4,978.00	
Mary Ford Hamilton & Susan Britton 3435 Boardman Klamath Falls OR 97603	36-05-21-13/900	93	0.72	R18	\$12,393.00	\$3,802.00	\$2,731.00	\$5,861.00	
Mary Ford Hamilton & Susan Britton 3435 Boardman Klamath Falls OR 97603	36-05-21-13/1000	67	0.67	R18	\$11,569.00	\$3,549.00	\$2,549.00	\$5,471.00	
Patricia L Wallace PO Box 233 Grants Pass OR 97528	36-5-21-13/1100	20	0.52	R18	\$5,219.00	\$1,601.00	\$1,150.00	\$2,468.00	
Patricia L Wallace PO Box 233 Grants Pass OR 97528	36-5-21-13/1500	165	0.47	R18	\$16,342.00	\$5,013.00	\$3,601.00	\$7,728.00	
Totals		Front footage	Acres		107,341.00	28,613.00	20,551.00	44,110.00	14,067.00
		Total Improvements Cost							
		\$107,341.00							

**Note: Acreage reduced because the property will be in another district for the balance of Gladiala.

FIRST 5-YEAR EXTENSION ASSESSMENTS

PUBLIC SANITARY SEWER, STORM DRAIN, ROAD AND WATER IMPROVEMENTS AFD TR4234 GLADIOLA DRIVE Exhibit "C"

Developer: City of Grants Pass

* = Change of Ownership Since Adoption of Ord. No. 5083 on 10/17/01

** = Note: Acreage reduced because the property will be in another district for the balance of Gladiola

PROPERTY OWNER	MAP & TAX LOT # / SITUS ADDRESS	FRONT FOOTAGE	ACREAGE	ZONING	TOTAL ASSESSMENT	ASSESSMENT STORM DRAIN	ASSESSMENT WATER	ASSESSMENT ROAD	ASSESSMENT SEWER
Dillard, Lonnie Lawrence & Dillard, Iris Ruth 961 SE Gladiola Drive Grants Pass, OR 97526	36-05-21-13/300 961 SE Gladiola Drive	94	0.82	M1	\$13,172.00	\$4,041.00	\$2,902.00	\$6,229.00	\$0.00
Hart Trust, P Chris 1100 SE Gladiola Drive Grants Pass, OR 97526	36-05-21-13/600 1100 SE Gladiola Drive	83.5	0.65	M1	\$15,379.00	\$3,421.00	\$2,457.00	\$5,274.00	\$4,227.00
Hecker, Anthony L & Hecker, Janice S 3593 Rogue River Highway Grants Pass, OR 97527-4663	36-05-21-13/800 1150 SE Gladiola Drive	80	0.60	R18	\$10,526.00	\$3,229.00	\$2,319.00	\$4,978.00	\$0.00
Wallace, Patricia L PO Box 233 Grants Pass, OR 97528	36-05-21-13/1100 1234 SE Gladiola Drive	20	0.52	R18	\$5,219.00	\$1,601.00	\$1,150.00	\$2,468.00	\$0.00
Svitenko, Lewis C & Svitenko, Elizabeth F PO Box 7 Wolf Creek, OR 97497	36-05-21-13/1500 1250 SE Gladiola Drive	165	0.47	R18	\$16,342.00	\$5,013.00	\$3,601.00	\$7,728.00	\$0.00
Totals		442.5	3.06	NA	\$50,638.00	\$17,305.00	\$12,429.00	\$26,677.00	\$4,227.00

**GLADIOLA DRIVE
PUBLIC SANITARY SEWER, STORM DRAIN, ROAD AND WATER IMPROVEMENTS AFD
TR4234
Exhibit "D"**

Developer: City of Grants Pass

* = Change of Ownership Since Adoption of Ord. No. 5083 on 10/17/01

** = Change of Ownership Since Adoption of Extending Ordinance No. 5549 on 10/05/11

*** = Note: Acreage reduced because the property will be in another district for the balance of Gladiola

PROPERTY OWNER	MAP & TAX LOT # / SITUS ADDRESS	FRONT FOOTAGE	ACREAGE	ZONING	TOTAL ASSESSMENT WITH ACCRUED INTEREST	ASSESSMENT STORM DRAIN WITH ACCRUED INTEREST	ASSESSMENT WATER WITH ACCRUED INTEREST	ASSESSMENT ROAD WITH ACCRUED INTEREST	ASSESSMENT SEWER WITH ACCRUED INTEREST
*** Dillard, Lonnie Lawrence & Iris Ruth 961 SE Gladiola Drive Grants Pass, OR 97526	36-05-21-AC/000300 961 SE Gladiola Drive	94	0.82	M1	\$19,560.14	\$6,000.80	\$4,309.41	\$9,249.93	\$0.00
* Hart Trust, P Chris 1/4 Hart, P Chris Trustee 1100 SE Gladiola Drive Grants Pass, OR 97526	36-05-21-AC/000600 1100 SE Gladiola Drive	83.5	0.65	M1	\$22,837.49	\$5,080.11	\$3,648.59	\$7,831.78	\$6,277.01
** Hecker Family LLC 3593 Rogue River Highway Grants Pass, OR 97527	36-05-21-AC/000800 1150 SE Gladiola Drive	80	0.60	R18	\$15,630.89	\$4,795.00	\$3,443.67	\$7,392.22	\$0.00
** Faszer, Dwight D & Lana E 1634 NE Beverly Drive Grants Pass, OR 97526	36-05-21-AC/001100 1234 SE Gladiola Drive	86	0.67	R18	\$7,750.11	\$2,377.45	\$1,707.73	\$3,664.93	\$0.00
* Svitenko, Lewis C & Elizabeth F PO Box 7 Wolf Creek, OR 97497	36-05-21-AC/001500 1250 SE Gladiola Drive	99	0.32	R18	\$13,741.45	\$4,215.29	\$3,027.95	\$6,498.21	\$0.00
Totals		442.5	3.06	NA	\$79,520.08	\$22,468.65	\$16,137.35	\$34,637.07	\$6,277.01

GLADIOLA ADVANCE FINANCE DISTRICT
EXHIBIT "E"

Monies collected for the Gladiola Advance Finance District shall be distributed as follows:

Collected prior to December 31, 2008

Northridge Construction & Development	21.5%
City of Grants Pass	37.8%
Redevelopment Agency	31.1%
School District #7	9.6%

Collected after December 31, 2008

Northridge Construction & Development	21.5%
City of Grants Pass	68.9%
School District #7	9.6%

Resolution authorizing the City Manager to enter into a contract for the Rogue River Avenue Sidewalk Infill, a local government improvement project; Project No. TR6118.

Date: October 5, 2016

SUBJECT AND SUMMARY:

This project will install sidewalks and wheelchair ramps on Rogue River Avenue between 5th Street and Cottonwood Street.

RELATIONSHIP TO COUNCIL GOALS:

This supports the Council's goals of **KEEP CITIZENS SAFE** and **INFRASTRUCTURE** by installing sidewalks and wheelchair ramps in an area where none currently exist.

CALL TO ACTION SCHEDULE:

A notice of intent to award letter was issued by the Engineering Division on August 29, 2016. At its September 19, 2016 workshop, Council directed staff to move forward with the project. Call to action schedule: October 5, 2016.

BACKGROUND:

This project will include approximately 17,400 square feet of new sidewalk, 7,400 square feet of driveway approaches and 13 new wheelchair ramps.

Bids for the work were advertised on the City's website, in the Grants Pass Daily Courier and the in Daily Journal of Commerce. The bid opening for this project was August 25, 2016. One bid was received in the amount of \$416,925.00.

The lowest responsive bidder is KOGAP Enterprises, Inc., at \$416,925.00. This bid is above the Engineers Estimate of \$297,365.50. The discrepancy between the Engineers Estimate and the contractor's bid is due to concrete prices escalating substantially during this construction season due to heavy activity. This situation was not reflected in the Engineers Estimate. Staff recommends awarding the bid to KOGAP Enterprises, Inc.

ITEM: 3.a. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE ROGUE RIVER AVENUE SIDEWALK INFILL, A LOCAL GOVERNMENT IMPROVEMENT PROJECT; PROJECT NO. TR6118.

Staff Report (continued):

COST IMPLICATION:

Revenue sources: The project will be funded by monies received from Gas Tax and Congestion Mitigation and Air Quality (CMAQ) Grant Funds through the Federal Transit Authority. The City will be providing a 10.27% match.

This project is budgeted and funded under Project No. TR6118 in the Transportation Capital Construction Fund.

ALTERNATIVES:

Two options are available:

- 1) Make the improvements to Rogue River Avenue as proposed and award the contract to the lowest bidder; or
 - 2) Reject the bid and delay the improvements to Rogue River Avenue until a future date.
-

RECOMMENDED ACTION:

It is recommended the contract for the Rogue River Avenue Sidewalk Infill; Project No. TR6118, be awarded to the lowest responsive bidder, KOGAP Enterprises, Inc.

POTENTIAL MOTION:

I move to adopt the resolution authorizing the award of the contract to KOGAP Enterprises, Inc. for the Rogue River Sidewalk Infill.

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR ROGUE RIVER SIDEWALK INFILL, A LOCAL GOVERNMENT IMPROVEMENT PROJECT; PROJECT NO. TR6118.

WHEREAS:

1. The City of Grants Pass advertised and received 1 bid for construction of the Rogue River Avenue Sidewalk Infill; and
2. The bid from KOGAP, Enterprises, Inc., has been determined to be the lowest responsive bid, its bid is complete and responsive; and
3. The City of Grants Pass has sufficient funds for the project within the Transportation Capital Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grants Pass that the City Manager is authorized to contract with KOGAP Enterprises, Inc., for a local government improvement project, the work as described in the contract documents entitled, "Rogue River Avenue Sidewalk Infill" in the amount of \$416,925.00, which the bid tab 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 5th day of October, 2016.

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

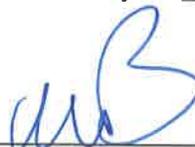
Darin Fowler, Mayor

ATTEST:

Karen Frerk, City Recorder

Date submitted to Mayor: _____

Approved as to Form, Mark Bartholomew, City Attorney



City of Grants Pass
Rogue River Avenue Sidewalk Infill
Project No. TR6118



BID SUMMARY

Item No.	Description of Item	Bidder		City of Grants Pass (Engineers Estimate)		KOGAP Enterprises, Inc.	
		Address	Unit	Unit Price	Amount	Unit Price	Amount
1	Mobilization	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	1 LS	\$25,000.00	\$25,000.00	\$50,000.00	\$50,000.00
2	Work Zone Traffic Control, includes TCD, TCM and TCP	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	1 LS	\$5,000.00	\$5,000.00	\$5,500.00	\$5,500.00
3	Erosion & Sediment Control	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	1 LS	\$2,500.00	\$2,500.00	\$1,600.00	\$1,600.00
4	Removal of Structures and Obstructions	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	1 LS	\$13,000.00	\$13,000.00	\$12,500.00	\$12,500.00
5	Cleaning and Grubbing	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	1 LS	\$15,000.00	\$15,000.00	\$3,560.00	\$3,560.00
6	General Earthwork (Excavation)	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	1 LS	\$4,000.00	\$4,000.00	\$24,000.00	\$24,000.00
7	Connect Existing Storm Drain Pipe Through Curb	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	13 LS	\$125.00	\$1,625.00	\$50.00	\$650.00
8	Concrete Inlet, Type "B"	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	1 LS	\$1,800.00	\$1,800.00	\$1,600.00	\$1,600.00
9	Minor Adjustment of Manholes (and Cleanouts)	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	4 LS	\$500.00	\$2,000.00	\$400.00	\$1,600.00
10	Adjust Water Meter Boxes	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	55 EA	\$100.00	\$5,500.00	\$100.00	\$5,500.00
11	Aggregate Base Course (Driveway)	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	50 TN	\$25.00	\$1,250.00	\$20.00	\$1,000.00
12	Asphalt Pavement	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	60 TN	\$130.00	\$7,800.00	\$175.00	\$10,500.00
13	Asphalt Pavement (Driveway)	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	30 TN	\$120.00	\$3,600.00	\$185.00	\$5,550.00
14	Concrete Curb & Gutter, Type "A" (Match Existing)	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	1804 LF	\$14.00	\$25,256.00	\$22.00	\$39,688.00
15	Concrete Sidewalk (Match Existing)	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	17373 SF	\$4.50	\$78,178.50	\$6.00	\$104,238.00
16	Concrete Sidewalk Ramp with Truncated Domes (Yellow)	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	13 EA	\$1,000.00	\$13,000.00	\$1,650.00	\$21,450.00
17	Concrete Residential Driveway Apron	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	7414 SF	\$6.50	\$48,191.00	\$8.50	\$63,019.00
18	Concrete Commercial Driveway Apron	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	292 SF	\$7.50	\$2,190.00	\$10.00	\$2,920.00
19	Concrete Residential Driveway	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	1440 SF	\$5.00	\$7,200.00	\$7.00	\$10,080.00
20	Remove and Replace Wood Fence	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	380 LF	\$30.00	\$11,400.00	\$28.50	\$10,830.00
21	Remove and Replace Vinyl Fence	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	140 EA	\$35.00	\$4,900.00	\$44.00	\$6,160.00
22	Install 4 foot Green Vinyl Chain Link Fencing and Green Posts	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	155 LF	\$25.00	\$3,875.00	\$48.00	\$7,440.00
23	Install Multiple Mailbox Supports and Mailboxes	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	17 EA	\$300.00	\$5,100.00	\$480.00	\$8,160.00
24	Install Single Mailbox Support and Mailbox	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	2 EA	\$200.00	\$400.00	\$260.00	\$520.00
25	Landscape Restoration	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	1 LS	\$2,500.00	\$2,500.00	\$10,000.00	\$10,000.00
26	Monolithic Retaining Wall	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	300 SF	\$15.00	\$4,500.00	\$20.00	\$6,000.00
27	Segmental Stackable Retaining Wall	101 NW Front Street Grants Pass, OR 97526 (541) 460-6060	130 SF	\$20.00	\$2,600.00	\$22.00	\$2,860.00
TOTAL (BID ITEMS 1-27)					\$297,365.50		\$416,925.00

BIDS WERE OPENED ON 06/25/16 AT 3:05 PM IN THE CITY OF GRANTS PASS CITY MANAGERS CONFERENCE ROOM.

Resolution authorizing the City Manager to enter into a contract for the Fruitdale Creek – Hamilton Lane Trail, a local government improvement project; Project No. TR4179. Date: October 5, 2016

SUBJECT AND SUMMARY:

This project will install the final section of Fruitdale Creek Trail between Fruitdale Drive and Hamilton Lane.

RELATIONSHIP TO COUNCIL GOALS:

This supports the Council's goals to maintain, operate, and expand our **INFRASTRUCTURE** to meet community needs.

CALL TO ACTION SCHEDULE:

A notice of intent to award letter was issued by the Engineering Division on August 3, 2016. City Council has 30 days to award the bid. Regular call to action schedule: September 2, 2016. However, ROBCO, Inc. has agreed to wait for Council action on the project. At its September 19, 2016 workshop, Council directed staff to move forward with the project. Revised call to action schedule: October 5, 2016.

BACKGROUND:

The project will consist of the installation of approximately 500 lineal feet of 8' wide pedestrian path. Also included will be a new bridge, retrofitting an existing bridge, miscellaneous storm drain improvements and the installation of a Rapid Rectangular Flashing Beacon system to provide for safe pedestrian crossing at Hamilton Lane.

Bids for the work were advertised on the City's website, in the Grants Pass Daily Courier, and in the Daily Journal of Commerce. The bid opening for this project was July 28, 2016. Four bids were received, ranging from \$300,855.00 to \$394,278.00 (one bid was deemed non-responsive).

The lowest responsible bidder is ROBCO, Inc. at \$300,855.00. This bid is above the Engineers Estimate of \$199,875.75. Due to the fact that the bid exceeded funds available, City staff has negotiated a 'value engineering' price with ROBCO, Inc. The agreed upon price to complete the project in kind is \$226,823.00. The value engineering involved includes utilizing bridge beams from another bridge project, elimination of a large retaining wall, recycling railings from a City parking lot project and minor modifications to other assorted bid items. Staff recommends awarding the bid to ROBCO, Inc.

ITEM: 3.b. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE ELMER NELSON LANE BRIDGE, A LOCAL GOVERNMENT IMPROVEMENT PROJECT; PROJECT NO. TR4719.

Staff Report (continued):

COST IMPLICATION:

Revenue Source: This project is budgeted and funded under Project No. TR4917 in the Transportation Capital Construction Fund.

ALTERNATIVES:

Two options are available:

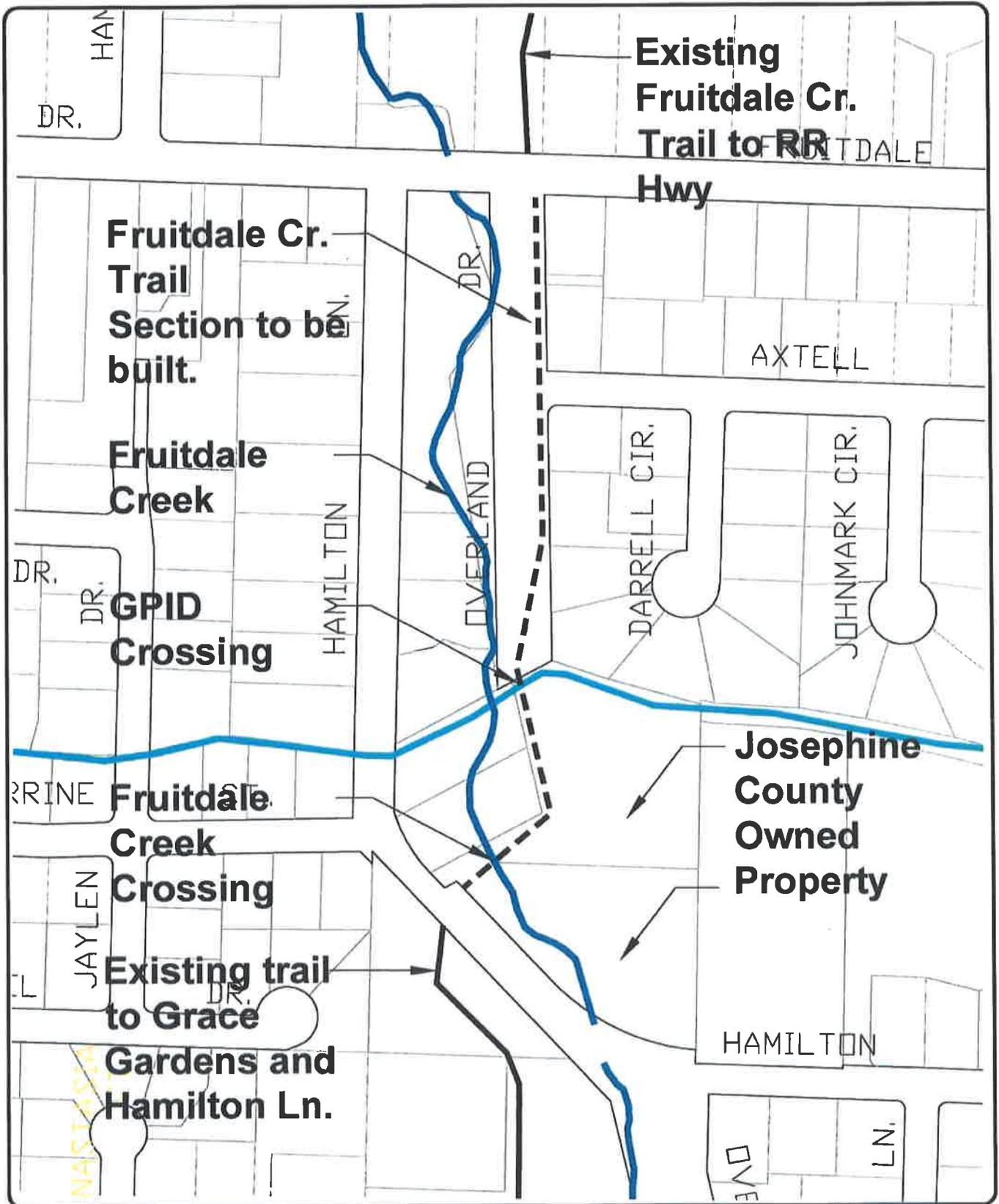
- 1) Perform the installation of the Fruitdale Creek – Hamilton Lane Trail and award the contract to the lowest bidder; or
 - 2) Reject all bids and delay the improvements until a future date.
-

RECOMMENDED ACTION:

It is recommended the contract for the Fruitdale Creek – Hamilton Lane Trail, Project No. TR4719, be awarded to the lowest responsible bidder, ROBCO, Inc.

POTENTIAL MOTION:

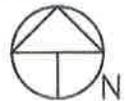
I move to adopt the resolution authorizing the award of the contract to ROBCO, Inc. for the Fruitdale Creek – Hamilton Lane Trail.



**City of
Grants Pass**

DATE 5-15-15
 DWN FMS
 DES _____
 REV _____

City of Grants Pass
 Fruitdale Creek Trail
 Phase 3
 Vicinity Map



1" = 200'

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE FRUITDALE CREEK – HAMILTON LANE TRAIL, A LOCAL GOVERNMENT IMPROVEMENT PROJECT; PROJECT NO. TR4719.

WHEREAS:

1. The City of Grants Pass advertised and received 4 bids (1 deemed non-responsive) for construction of the Fruitdale Creek - Hamilton Lane Trail; and
2. The bid from ROBCO, Inc. has been determined to be the lowest responsible bid; its bid is complete and responsive; and
3. The City of Grants Pass has sufficient funds for the project within the Transportation Capital Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grants Pass that the City Manager is authorized to contract with ROBCO, Inc. for a local government improvement project, the work as described in the contract documents entitled, "Fruitdale Creek – Hamilton Lane Trail; Project No. TR4719" in the amount of \$226,823.00 which the modified bid tab 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 5th day of October, 2016.

SUBMITTED to and _____ by the Mayor of the City of Grants Pass, Oregon, this _____ day of October, 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 _____



ROBCO. INC.

P.O. Box 1570 • Grants Pass, Oregon 97528 • (541) 476-2132 • FAX: (541) 476-7514

August 10, 2016

City of Grants Pass
Engineering Department
101 NW 'A' St.
Grants Pass, Oregon 97526

Re: Fruitdale-Hamilton Trail Revised Bid Schedule #2

Fred,

The following is a description of the revised bid pricing for the above City of Grants Pass project. Also, attach is a revised bid schedule with the associated pricing. The modified pricing is based on Robco's discussion with yourself, Suzette Brown and Timber Mtn. Construction on how we can get the project closer to the city's budget for the project. The description of the modifications are as follows;

1. As per our discussion, I have deleted the stripping items entirely. The city crews would perform this work after the project is completed. This also lowers the cost of Bid Item #2, Work Zone Traffic Control, eliminating one day of flagging. So, Bid Item # 2 is modified and Bid Items #28 thru #31 is deleted from the contract.
2. As per our discussion, I have deleted Bid Item #22, Retaining Wall, Cast in Place. Robco would, in the place of a retaining wall, Clear and Excavate the area where the wall would have been constructed, by properly sloping and benching the bank. This would add to the cost of Bid Item #6 and #7 a little due to the added Clearing and Excavation, but have significant savings by eliminating the Retaining Wall and Backfill.
3. As per our discussion, I have deleted Bid Item #33, Topsoil. We can utilize the dirt that is present onsite to safely slope and seed the path without the topsoil added.
4. Timber Mtn. Construction presented a major cost saving alternate to the bridge design that would eliminate the original bridge design and replace it with a simple bridge design that they have constructed for numerous clients throughout the valley. This design would be engineered by the registered engineer that they use for their other projects and would be rated to well above the loading that would be utilizing the bridge. Robco would slightly realign the path to eliminate the skew in the bridge. Timber Mtn. would then excavate and install precast bridge footings, thus eliminating the elaborate footing and wing wall design that was included in the original design. The bridge would be slightly longer than the original design, thus eliminating most of the work in the canal. We would still Rip Rap the Canal to ensure stability during high water events. The Decking would stay the same as the original design. Timber Mtn. would utilize railing recycled from other projects that the city has in their yard, powder coat them and install them on both bridges. The other significant savings is on the steel beams. Timber Mt. would recycle the steel beams they pulled off the bridge they are replacing on the Elmer Nelson Bridge replacement project and utilize them on the pedestrian bridge. This proposed bridge design would have a significant cost savings to the project. The engineering costs were added to

ROBCO. INC.

PO. Box 1570 • Grants Pass, Oregon 97528 • (541) 476-2132 • FAX: (541) 476-7514

the Mobilization Bid Item #1, the bridge savings would be realized in Bid Items #15 thru #21. I have included a rough drawing of the changes proposed by Timber Mtn.

The savings I have described above would lower the contract amount by \$74,032.00, would make major changes to the original bridge design, but the path design would stay pretty much the same as the original alignment and grades. The price as presented is a sound, constructible price that we are confident we can give the city a quality finished project. If you have any questions or need any further information, please give me a call @ (541) 660-8504.

Sincerely,



Eric Robertson
Robco, Inc.

**City of Grants Pass
Fruitdale Creek - Hamilton Lane Trail
Project No. TR4719**

BID SUMMARY



Item No.	Description of Item	Bidder		City of Grants Pass (Engineers Estimate)		Robco, Inc.		KOGAP Enterprises, Inc.		Legacy Contractor, Inc.		PCR, Inc.¹	
		Address	Phone	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Mobilization	CSZ	NA	\$12,000.00	\$12,000.00	\$24,846.00	\$24,846.00	\$40,000.00	\$40,000.00	\$38,600.00	\$38,600.00	\$39,000.00	\$39,000.00
2	Work Zone Traffic Control, Complete	LS	NA	\$4,950.00	\$4,950.00	\$5,300.00	\$5,300.00	\$1,200.00	\$1,200.00	\$12,500.00	\$12,500.00	\$25,000.00	\$25,000.00
3	Temporary Water Management	LS	NA	\$5,500.00	\$5,500.00	\$8,250.00	\$8,250.00	\$5,000.00	\$5,000.00	\$9,350.00	\$9,350.00	\$25,250.00	\$25,250.00
4	Erosion Control	LS	NA	\$2,750.00	\$2,750.00	\$4,500.00	\$4,500.00	\$7,000.00	\$7,000.00	\$16,500.00	\$16,500.00	\$11,500.00	\$11,500.00
5	Removal of Structures and Obstructions	LS	NA	\$5,500.00	\$5,500.00	\$4,380.00	\$4,380.00	\$4,500.00	\$4,500.00	\$12,000.00	\$12,000.00	\$30,000.00	\$30,000.00
6	Cleaning and Grubbing	LS	NA	\$2,750.00	\$2,750.00	\$12,150.00	\$12,150.00	\$5,700.00	\$5,700.00	\$28,500.00	\$28,500.00	\$2,320.00	\$2,320.00
7	Embankment In Place	LS	NA	\$6,930.00	\$6,930.00	\$19,500.00	\$19,500.00	\$7,500.00	\$7,500.00	\$14,500.00	\$14,500.00	\$6,500.00	\$6,500.00
8	Subgrade Geotextile	2300 SY	NA	\$1.65	\$3,795.00	\$0.51	\$1,173.00	\$1.50	\$3,450.00	\$1.35	\$3,105.00	\$0.66	\$1,518.00
9	Foundation Geogrid	80 SY	NA	\$5.50	\$440.00	\$56.00	\$4,480.00	\$2.00	\$160.00	\$11.00	\$880.00	\$11.00	\$880.00
10	Riprap Geotextile, Type 1	50 SY	NA	\$2.20	\$110.00	\$16.50	\$825.00	\$2.00	\$100.00	\$4.50	\$225.00	\$2.80	\$140.00
11	Loose Riprap, Class 200	91 TN	NA	\$36.50	\$3,321.50	\$48.00	\$4,368.00	\$35.00	\$3,185.00	\$42.00	\$3,822.00	\$34.00	\$3,094.00
12	12" HDPE Pipe, 0'-5' Depth	20 FT	NA	\$66.00	\$1,320.00	\$78.00	\$1,560.00	\$47.00	\$940.00	\$82.75	\$1,655.00	\$73.00	\$1,460.00
13	3" PVC Pipe, 0'-5' Depth	60 FT	NA	\$44.00	\$2,640.00	\$4.00	\$240.00	\$6.00	\$360.00	\$20.00	\$1,200.00	\$28.00	\$1,680.00
14	Concrete Inlets, Type 'G'	1 EA	NA	\$1,550.00	\$1,550.00	\$1,300.00	\$1,300.00	\$1,675.00	\$1,675.00	\$1,850.00	\$1,850.00	\$1,750.00	\$1,750.00
15	Structure Excavation (Bridge Abutments/Wing Walls)	1 LS	NA	\$5,445.00	\$5,445.00	\$4,490.00	\$4,490.00	\$6,400.00	\$6,400.00	\$6,500.00	\$6,500.00	\$1,950.00	\$1,950.00
16	Granular Structure Backfill (Bridge Abutments/Wing Walls)	1 LS	NA	\$4,950.00	\$4,950.00	\$6,735.00	\$6,735.00	\$4,800.00	\$4,800.00	\$12,375.00	\$12,375.00	\$4,200.00	\$4,200.00
17	Reinforcement	1 LS	NA	\$4,686.00	\$4,686.00	\$4,490.00	\$4,490.00	\$8,500.00	\$8,500.00	\$4,500.00	\$4,500.00	\$10,000.00	\$10,000.00
18	General Structural Concrete, Class 3500	20 CY	NA	\$660.00	\$13,200.00	\$1,038.00	\$20,760.00	\$2,920.00	\$58,400.00	\$850.00	\$850.00	\$861.00	\$17,220.00
19	Steel Rolled Beam	1 LS	NA	\$4,950.00	\$4,950.00	\$24,686.00	\$24,686.00	\$14,560.00	\$14,560.00	\$36,250.00	\$36,250.00	\$45,000.00	\$45,000.00
20	Timber and Lumber	1.5 MFBM	NA	\$1,485.00	\$2,227.50	\$6,510.00	\$9,765.00	\$6,750.00	\$10,125.00	\$6,450.00	\$9,675.00	\$3,800.00	\$5,700.00
21	Bridge Rails	1 LS	NA	\$3,300.00	\$3,300.00	\$24,135.00	\$24,135.00	\$12,700.00	\$12,700.00	\$26,765.00	\$26,765.00	\$40,000.00	\$40,000.00
22	Retaining Wall, Cast-In-Place Concrete	1 LS	NA	\$12,320.00	\$12,320.00	\$20,222.00	\$20,222.00	\$20,000.00	\$20,000.00	\$35,250.00	\$35,250.00	\$30,000.00	\$30,000.00

**City of Grants Pass
Fruitdale Creek - Hamilton Lane Trail
Project No. TR4719**

BID SUMMARY



Item No.	Description of Item	Bidder		City of Grants Pass (Engineers Estimate)		Robco, Inc.		KOGAP Enterprises, Inc.		Legacy Contractor, Inc.		PCR, Inc.¹	
		Address	Unit	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
23	3/4"-0" Aggregate Base	CSZ	TN	\$27.50	\$22,000.00	\$26.50	\$21,200.00	\$26.00	\$20,800.00	\$20.50	\$16,400.00	\$24.00	\$19,200.00
24	4"-0" Aggregate Base	CSZ	TN	\$22.25	\$6,608.25	\$17.50	\$5,197.50	\$29.00	\$8,613.00	\$21.00	\$6,237.00	\$24.00	\$7,128.00
25	Level 2, 1/2" Dense ACP Mixture	CSZ	TN	\$120.00	\$27,600.00	\$100.00	\$23,000.00	\$93.00	\$21,390.00	\$108.00	\$24,840.00	\$134.00	\$30,820.00
26	Concrete Curbs, Type 'A'	CSZ	FT	\$27.50	\$8,112.50	\$16.50	\$4,867.50	\$22.00	\$6,490.00	\$18.00	\$5,310.00	\$22.00	\$6,490.00
27	Removable Bollards	CSZ	EA	\$330.00	\$1,650.00	\$683.00	\$3,415.00	\$500.00	\$2,500.00	\$1,100.00	\$5,500.00	\$500.00	\$2,500.00
28	4" White Striping (Durable)	CSZ	FT	\$3.30	\$297.00	\$11.25	\$1,012.50	\$3.25	\$292.50	\$2.00	\$180.00	\$9.80	\$882.00
29	4" Yellow Striping (Durable)	CSZ	FT	\$3.30	\$429.00	\$11.25	\$1,462.50	\$3.25	\$422.50	\$2.00	\$260.00	\$9.80	\$1,274.00
30	4" Yellow Broken Striping (Durable)	CSZ	FT	\$3.30	\$115.50	\$11.00	\$385.00	\$4.00	\$140.00	\$2.00	\$70.00	\$9.80	\$343.00
31	Pavement Bar, Type 'B-HS'	CSZ	SF	\$7.70	\$2,733.50	\$11.00	\$3,905.00	\$10.00	\$3,550.00	\$5.00	\$1,775.00	\$9.80	\$3,479.00
32	Pole Foundations	CSZ	LS	\$1,500.00	\$1,500.00	\$1,600.00	\$1,600.00	\$1,800.00	\$1,800.00	\$1,500.00	\$1,500.00	\$1,400.00	\$1,400.00
33	Topsoil	CSZ	CY	\$35.00	\$2,625.00	\$53.00	\$3,975.00	\$60.00	\$4,500.00	\$68.00	\$5,100.00	\$42.00	\$3,150.00
34	6 Foot Cedar Wood Fence	CSZ	FT	\$33.00	\$19,470.00	\$33.00	\$19,470.00	\$30.00	\$17,700.00	\$30.00	\$17,700.00	\$16.00	\$9,440.00
35	6 Foot Double Gates (Cedar)	CSZ	EA	\$550.00	\$1,100.00	\$1,400.00	\$2,800.00	\$1,250.00	\$2,500.00	\$1,300.00	\$2,600.00	\$600.00	\$1,200.00
36	Irrigation System	CSZ	LS	\$1,000.00	\$1,000.00	\$400.00	\$400.00	\$1,000.00	\$1,000.00	\$7,000.00	\$7,000.00	\$2,810.00	\$2,810.00
				TOTAL (BID ITEMS 1-36)		\$300,855.00		\$307,953.00		\$387,474.00		\$394,278.00	

BIDS WERE OPENED ON 07/28/16 AT 3:05 PM IN THE CITY OF GRANTS PASS CITY MANAGERS CONFERENCE ROOM.

¹ The Bid Submitted by PCR, Inc. has been deemed Non-Responsive. Addendum No. 1 was not Acknowledged.

Resolution authorizing the City Manager to
enter into a contract for the NE C Street Water
Item: Main Relocation; Project No. WA6249.

Date: October 5, 2016

SUBJECT AND SUMMARY:

This project will install approximately 645 LF of 12" ductile iron water pipe in D and 8th streets and replace 420 LF of defective sewer main in the alley between C and D streets and 7th Street and the east end of C Street.

RELATIONSHIP TO COUNCIL GOALS:

This action implements the Council's goal to maintain, operate and expand our **INFRASTRUCTURE** to meet community needs.

CALL TO ACTION SCHEDULE:

The notice of intent to award letter was issued on September 9, 2016. The Engineering Division has 30 days to award the project. Call to action schedule: October 5, 2016.

BACKGROUND:

This project will eliminate water mains crossing private property by looping mains of the appropriate service levels in the above mentioned areas with new 12" ductile iron pipe. This main installation will also increase fire and domestic water flows. A sewer main in poor condition in the alley between C and D streets and 7th Street and the end of C Street will also be replaced.

Bids for the work was advertised on the City's Website, the Grants Pass Daily Courier and the Daily Journal of Commerce. The bid opening for this project was September 8, 2016. Four bids were received, ranging from \$252,330 to \$324,601.

The lowest responsible bidder is KOGAP Enterprises, Inc. at \$252,330. This bid is below the Engineers Estimate of \$299,833.60 and Staff recommends awarding the bid to KOGAP Enterprises, Inc.

COST IMPLICATION:

Revenue Source: This project is budgeted and funded as part of WA6249 Water Main Relocation in the Water Capital Fund.

ALTERNATIVES:

The preferred alternative is to install the water main lines as proposed.

The second alternative to the water main replacement is to leave the existing mains in place crossing private property.

ITEM: 3.c. RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR THE NE C STREET WATER MAIN RELOCATION; PROJECT NO. WA6249.

Staff Report (continued):

RECOMMENDED ACTION:

It is recommended the contract for the NE C Street Water Main Relocation; Project No. WA6249 be awarded to the lowest responsible bidder, KOGAP Enterprises, Inc.

POTENTIAL MOTION:

I move to authorize the City Manager to enter into a contract with KOGAP Enterprises, Inc.

RESOLUTION NO.

**A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS
AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR
THE NE C STREET WATER MAIN RELOCATION; PROJECT NO. WA6249.**

WHEREAS:

1. The City of Grants Pass advertised and received 4 bids for construction of the NE C Street Water Main Relocation; Project No. WA6249; and
2. The bid from KOGAP Enterprises, Inc. has been determined to be the lowest responsible bid, its bid is complete and responsive; and
3. The City of Grants Pass has sufficient funds for the project within the Water Fund.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grants Pass that the City Manager is authorized to contract with KOGAP Enterprises, Inc. for the work as described in the contract documents entitled the NE C Street Water Main Relocation; Project No. WA6249; in the amount of \$252,330, which the bid tab 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 5th day of October, 2016.

SUBMITTED to and _____ by the Mayor of the City of Grants Pass, Oregon, this _____ day of October, 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



City of Grants Pass
"C" Street Water Main Relocation
Project No. WA6249



BID SUMMARY

Item No.	Description of Item	Quantity	Unit	City of Grants Pass (Engineers Estimate)		KOGAP Enterprises, Inc.		Pair-A-Dice Contracting, LLC		Timber Mountain Construction, Inc.		Emery & Sons Construction Group	
				Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
1	Mobilization, move in of equipment and materials per APWA/ODOT Sec. 00210, complete.	1	LS	\$25,000.00	\$25,000.00	\$39,000.00	\$39,000.00	\$21,000.00	\$21,000.00	\$25,000.00	\$25,000.00	\$37,500.00	\$37,500.00
2	Work Zone Traffic Control, includes TCD, TCM and TCP per approved plans, M.U.T.C.D., and APWA/ODOT Sec. 00225 and 00225.90 (b), complete.	1	LS	\$7,500.00	\$7,500.00	\$5,500.00	\$5,500.00	\$5,500.00	\$5,500.00	\$5,700.00	\$5,700.00	\$9,250.00	\$9,250.00
3	Erosion & Sediment Control, per approved plans and APWA/ODOT Sec. 00280.00 Inlet Protection, Dust Control, Sediment Fence, Biofilter Bags, installed, complete.	1	LS	\$1,000.00	\$1,000.00	\$200.00	\$200.00	\$500.00	\$500.00	\$350.00	\$350.00	\$2,250.00	\$2,250.00
4	Asphalt Pavement Cuffing for "T" Patch, per approved plans and APWA/ODOT Sec. 00310, 00405.48(c) and 00290.20(c) (Hazardous Waste), complete.	1320	LF	\$2.00	\$2,640.00	\$2.00	\$2,640.00	\$1.50	\$1,980.00	\$4.00	\$5,280.00	\$3.25	\$4,290.00
5	Cold Plane Pavement Removal, per approved plans and per APWA/ODOT Sec. 00620 "Cold Plane Pavement Removal, 2" thickness, complete.	3452	SF	\$0.30	\$1,035.60	\$2.50	\$8,630.00	\$1.00	\$3,452.00	\$0.80	\$2,761.60	\$2.00	\$6,904.00
6	Removal of Structures and Obstructions, includes removal and proper disposal of existing AC, curb & gutter and sidewalk and saw cutting or other methods of cutting pavement, per approved plans and APWA/ODOT Sec. 00310 and 00291.20(G), (Hazardous Waste), complete.	1	LS	\$15,000.00	\$15,000.00	\$1,600.00	\$1,600.00	\$6,250.00	\$6,250.00	\$4,000.00	\$4,000.00	\$1,000.00	\$1,000.00
7	General Earthwork (Excavation), per approved plans and APWA/ODOT Section. 00330.	1	LS	\$1,500.00	\$1,500.00	\$2,000.00	\$2,000.00	\$3,000.00	\$3,000.00	\$2,300.00	\$2,300.00	\$3,000.00	\$3,000.00
8	Concrete Inlet, Type "G-2MA", per GPSD #114, approved plans and APWA/ODOT Sec. 00470. Includes excavation, backfill and all pipe connections, installed, complete.	1	EA	\$1,500.00	\$1,500.00	\$1,620.00	\$1,620.00	\$1,450.00	\$1,450.00	\$1,900.00	\$1,900.00	\$2,400.00	\$2,400.00
9	Concrete Inlet, Type "B", per GPSD #103, approved plans and APWA/ODOT Sec. 00470. Includes excavation, backfill and all pipe connections, installed, complete.	1	EA	\$1,500.00	\$1,500.00	\$1,620.00	\$1,620.00	\$1,400.00	\$1,400.00	\$2,000.00	\$2,000.00	\$2,200.00	\$2,200.00
10	Install 6" PVC Storm Drain Pipe, per approved plans and APWA/ODOT Sec. 00445. Includes connection to inlet, trench excavation, bedding and compacted backfill per APWA/ODOT Sec. 00405, installed, complete.	22	LF	\$18.00	\$396.00	\$28.00	\$616.00	\$21.00	\$462.00	\$55.00	\$1,210.00	\$91.00	\$2,002.00
11	48" Eccentric Sanitary Sewer Manhole, per approved plans and GPSD #301 and APWA/ODOT Sec. 00470. Includes manhole excavation, bedding and compacted backfill per APWA/ODOT Sec. 00405, adjustment to finish grade, concrete collars and pipe connections, installed, complete.	1	EA	\$3,000.00	\$3,000.00	\$2,740.00	\$2,740.00	\$3,250.00	\$3,250.00	\$3,000.00	\$3,000.00	\$4,650.00	\$4,650.00
12	Connect to existing Sanitary Sewer, per approved plans, APWA/ODOT Sec. 00470. Includes excavation, bedding and compacted backfill, per APWA/ODOT Sec. 00405, reduce, pipe connections, installed, complete.	1	EA	\$500.00	\$500.00	\$380.00	\$380.00	\$1,200.00	\$1,200.00	\$150.00	\$150.00	\$650.00	\$650.00
13	8" Sanitary Sewer Main, PVC 3034, per approved plans and, GPSD #304 and APWA/ODOT Sec. 00445. Includes pipe, trench excavation, bedding and backfill per GPSD #107 and APWA/ODOT Sec. 00405, installed, complete.	300	LF	\$80.00	\$24,000.00	\$80.00	\$24,000.00	\$100.00	\$30,000.00	\$70.00	\$21,000.00	\$89.00	\$26,700.00
14	8" Sanitary Sewer Main, PVC C-300, per approved plans and, GPSD #304 and APWA/ODOT Sec. 00445. Includes pipe, trench excavation, bedding and backfill per GPSD #107 and APWA/ODOT Sec. 00405, installed, complete.	420	EA	\$85.00	\$35,700.00	\$60.00	\$25,200.00	\$72.00	\$30,240.00	\$70.00	\$29,400.00	\$74.00	\$31,080.00
15	Sanitary Sewer Cleanout, per approved plans and APWA/ODOT Sec. 00445, includes, cleanout, trench excavation, bedding, and backfill, per GPSD #303 and APWA/ODOT Sec. 00405, installed, complete.	1	EA	\$800.00	\$800.00	\$520.00	\$520.00	\$750.00	\$750.00	\$450.00	\$450.00	\$600.00	\$600.00
16	4" Sanitary Sewer Lateral, per approved plans and APWA/ODOT Sec. 00445, includes, pipe, trench excavation, bedding, backfill and cleanouts, per GPSD #107 and APWA/ODOT Sec. 00405, installed, complete to ROW.	25	EA	\$1,500.00	\$37,500.00	\$935.00	\$23,375.00	\$1,350.00	\$33,750.00	\$1,500.00	\$37,500.00	\$1,500.00	\$37,500.00

City of Grants Pass
"C" Street Water Main Relocation
 Project No. WA6249

BID SUMMARY



Item No.	Description of Item	Quantity	Unit	City of Grants Pass (Eightness Estimate)		KOGAP Enterprises, Inc.		Pair-A-Dice Contracting, LLC		Timber Mountain Construction, Inc.		Emery & Sons Construction Group, Inc.	
				Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount	Unit Price	Amount
17	Aggregate Base Course, 8" thickness of 3/4"-0 aggregate, compacted in place, per approved plans and APWA/ODOT Section 00640, 00641 and 02650. Installed complete.	185	TN	\$25.00	\$4,625.00	\$26.00	\$4,810.00	\$30.00	\$5,550.00	\$28.00	\$5,180.00	\$30.00	\$5,550.00
18	Asphalt Pavement, 1/2" dense, Level 2 mix, 3" compacted thickness, for "T" patch for trench restoration, per APWA/ODOT Sec. 00744 and GPSD #107-A. Includes any minor valve or manhole adjustments, installed, complete.	160	TN	\$95.00	\$15,200.00	\$106.00	\$16,960.00	\$100.00	\$16,000.00	\$103.00	\$16,480.00	\$125.00	\$20,000.00
19	Asphalt Pavement (Alley and Driveway), 1/2" dense, Level 2 mix, 3" compacted thickness, per APWA/ODOT Sec. 00744 and GPSD #107-A. Includes any minor valve or manhole adjustments, installed, complete.	75	TN	\$90.00	\$6,750.00	\$110.00	\$8,250.00	\$95.00	\$7,125.00	\$103.00	\$7,725.00	\$135.00	\$10,125.00
20	Asphalt Concrete Pavement, 1 1/2" dense, Level 2 mix, 2" compacted thickness, for asphalt inlay, per APWA/ODOT Sec. 00744. Installed, complete.	65	TN	\$85.00	\$5,525.00	\$95.00	\$6,175.00	\$95.00	\$6,175.00	\$99.00	\$6,435.00	\$100.00	\$6,500.00
21	Concrete Curb & Gutter, Type "A" (Match Existing), per approved plans, GPSD #102 and APWA/ODOT Sec. 00759. Installed, complete.	76	LF	\$30.00	\$2,280.00	\$29.00	\$2,204.00	\$24.00	\$1,824.00	\$34.00	\$2,584.00	\$63.00	\$4,788.00
22	Concrete Alley Valley Gutter, per approved plans, GPSD #109 and APWA/ODOT Sec. 00759. Installed, complete.	1025	SF	\$15.00	\$15,375.00	\$9.00	\$9,225.00	\$7.50	\$7,687.50	\$8.50	\$8,712.50	\$17.00	\$17,425.00
23	Concrete Street Valley Gutter, per approved plans, GPSD #108, detail 1/2 and APWA/ODOT Sec. 00759. Installed, complete.	26	SF	\$30.00	\$780.00	\$25.00	\$650.00	\$7.50	\$195.00	\$31.00	\$806.00	\$50.00	\$1,300.00
24	Concrete Sidewalk (Match Existing), per approved plans, GPSD #106-A and APWA/ODOT Sec. 00759. Installed, complete.	72	SF	\$5.00	\$360.00	\$7.00	\$504.00	\$5.00	\$360.00	\$9.00	\$648.00	\$10.00	\$720.00
25	Concrete Residential Driveway Apron (Match Existing), per approved plans, GPSD #104-A and APWA/ODOT Sec. 00759. Installed, complete.	158	SF	\$9.00	\$1,422.00	\$9.00	\$1,422.00	\$7.50	\$1,185.00	\$9.00	\$1,422.00	\$14.00	\$2,212.00
26	Concrete Commercial Driveway Apron (Match Existing), per approved plans, GPSD #105-A and APWA/ODOT Sec. 00759. Installed, complete.	169	SF	\$12.00	\$2,028.00	\$11.00	\$1,859.00	\$8.50	\$1,436.50	\$10.00	\$1,690.00	\$20.00	\$3,380.00
27	1 1/2" Water Pipe and Fittings, C182 Ductile Iron, per approved plans and GPSD #304 and APWA/ODOT Sec. 00445. Includes pipe, fittings, valves, trench excavation, bedding and backfill per GPSD #107 and APWA/ODOT Sec. 00405. Installed, complete.	645	LF	\$135.00	\$87,075.00	\$94.00	\$60,630.00	\$98.00	\$63,210.00	\$125.00	\$80,625.00	\$125.00	\$80,625.00
				Total (Bid Items 1-27):		\$252,330.00		\$254,932.00		\$274,309.10		\$324,601.00	

BIDS WERE OPENED ON 9/8/16 AT 3:05 PM IN THE CITY OF GRANTS PASS CITY MANAGER'S CONFERENCE ROOM.

¹ Bid Submitted by Emery & Son Construction Group has been Deemed Non-Responsive due to Failure to Submit First-Tier Subcontractor Disclosure Form.

Resolution establishing the performance
evaluation criteria and evaluation schedule for
Item: the City Manager.

Date: October 5, 2016

SUBJECT AND SUMMARY:

The purpose of the evaluation is to provide the City Manager feedback on their performance and to identify areas in which improvement may be needed; to clarify and strengthen the relationship between the Manager and the Council; and to identify performance objectives for the City Manager.

RELATIONSHIP TO COUNCIL GOALS:

This supports Council's goal of **LEADERSHIP** by continuing a clear and consistent process and form for the evaluation of the City Manager.

CALL TO ACTION SCHEUDLE:

The City Manager's evaluation process is conducted each year in November. Call to action schedule: October 5, 2016.

BACKGROUND:

In 2012, the Council, through a subcommittee of three Council members, approved the performance evaluation criteria of the City Manager. This evaluation form contains seven categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category and also contains a provision for entering narrative comments that Council believes is appropriate and pertinent to the rating period.

All evaluations will be compiled and results will be presented at the evaluation meeting. The City Manager shall be provided a copy of the results and have an opportunity to review the individual evaluations and discuss them with the evaluator prior to the formal evaluation.

COST IMPLICATION:

None.

ALTERNATIVES:

Council can choose to adopt the evaluation form and process; or
Council can choose not to adopt the process.

ITEM: 3.d. RESOLUTION ESTABLISHING THE PERFORMANCE EVALUATION
CRITERIA AND EVALUATION SCHEDULE FOR THE CITY MANAGER.

Staff Report (continued):

RECOMMENDED ACTION:

Staff recommends the Council approve the form and process.

POTENTIAL MOTION:

I move to adopt the form and process for the evaluation of the City Manager.

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF GRANTS PASS ESTABLISHING THE PERFORMANCE EVALUATION CRITERIA AND EVALUATION SCHEDULE FOR THE CITY MANAGER.

WHEREAS:

1. The Council is responsible for the evaluation of the City Manager's performance; and
2. The Council desires to follow an efficient, concise, and constructive model to complete the City Manager's evaluation.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Grants Pass adopts the City Manager performance evaluation criteria, attached as Exhibit 'A' as the evaluation schedule, attached as Exhibit 'B'.

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 5th day of October 2016.

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



City of Grants Pass

City Manager Performance Evaluation

Aaron K. Cubic

Evaluation period: December 2015 to November 2016

City Councilor's Name

Each Council member should complete this evaluation form, sign it in the space below, and return it to Karen Freck. The deadline for submitting this performance evaluation is November 2, 2016. Evaluations will be compiled and copies will be provided at the evaluation meeting.

Council Member's Signature

Date Submitted

INSTRUCTIONS: This evaluation form contains seven categories of evaluation criteria. Each category contains a statement to describe a behavior standard in that category. For each statement, use the following scale to indicate your rating of the City Manager's performance.

4.3 - 5 = Outstanding: Work performance far exceeds all expectations of the position. Demonstrates strong expertise within key areas of responsibilities.

3.4 - 4.2 = Exceeds Expectations: Occasionally or frequently exceeds performance expectations of the position, but has not achieved an overall level of outstanding performance.

2.5 - 3.3 = Meets Expectations: Meets expectations of the position and is competent in the performance of responsibilities.

1.6 - 2.4 = Improvement Needed: Work performance does not consistently meet the standards of the position. Serious effort is needed to improve performance and will require additional training or assistance to fully achieve expectations.

Below 1.6 = Unsatisfactory: Performance is well below expectations in most areas of responsibility. Serious performance deficiencies which prohibit adequate performance in the position. Performance at this level cannot be allowed to continue.

NA = Not Observed: Performance was not observed during this evaluation period.

Any item left blank will be interpreted as a score of "3 = Average."

Please provide clarification with observed specifics with a rating of (5, 2 or 1).

This evaluation form also contains a provision for entering narrative comments, including an opportunity to enter responses to specific questions and an opportunity to list any comments you believe appropriate and pertinent to the rating period. Please write legibly. Leave all pages of this evaluation form attached. Initial each page. Sign and date the cover page. On the date space of the cover page, enter the date the evaluation form was submitted. All evaluations will be compiled and results will be presented at the evaluation meeting. The Manager shall be provided a copy of the results and have an opportunity to review the individual evaluations and discuss them with the evaluator prior to the formal evaluation.

Page 2 of 11 Initials _____

**CITY WORKPLAN, GOALS AND
POLICY EXECUTION**

Rate the effectiveness of the City Manager in managing resources to achieve Councils priorities; and the ability to participate in discussion, while not participating in decision-making; providing staff reports, workshops and similar environments with policy options; offering recommendations and being familiar with the potential policy ramifications and options.

Descriptive Statements	Rating	General Comments
Ensures that the Work Plan addresses the City Council's goals and objectives		
Keeps Council advised of Work Plan achievements		
Implements policy actions in accordance with the intent of the Council		
Offers workable alternatives to Council for changes in law or policy when an existing policy or ordinance is no longer practical		
Supports the actions of the Council after a decision has been reached		
NA = Not Observed, 1 = Unsatisfactory, 2 = Improvement Needed, 3 = Meets Expectations, 4 = Exceeds Expectations, 5 = Outstanding		
List notes or comments that support the overall rating on the City Work Plan and Goals		
Add the values from above and enter the subtotal ____ ÷ 5 = ____ score for this category.		

SCORING SUMMARY

SECTION	AVERAGE SCORES
<i>Leadership</i>	
<i>Fiscal Management and Budgeting</i>	
<i>Service Delivery and Administration</i>	
<i>Citizen and Community Relations</i>	
<i>Personal and Professional Qualities</i>	
<i>City Council Relations</i>	
<i>City Work Plan, Goals and Policy Execution</i>	
<i>Grand Total of Average Scores</i>	
<i>Overall Average Score (Grand Total of Average Scores divided by 7)</i>	

City Manager Evaluation Calendar

October 5	Adoption of the Evaluation Criteria and Calendar.
October 10	Distribution of evaluation packet.
Oct. 18-Oct. 28	Schedule Council one-on-one meetings with City Manager.
November 2	Evaluations returned to City Recorder.
November 16	City Manager Evaluation in Executive Session.
December 7	Council and City Manager formally accept evaluation and any compensation adjustments.

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: DeYoung, Hannum, Lindsay, Lovelace, Riker, Roler. Also present and representing the City were City Manager Cubic, Assistant City Manager Reeves, Finance Director Meredith, Public Safety Director Landis, Parks & Community Development Director Glover, Public Works Director Canady, City Attorney Mark Bartholomew, and City Recorder Frerk.

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

1. PUBLIC COMMENT:
2. PUBLIC HEARINGS

Legislative

- a. Ordinance adopting Addendum 2 to the Public Facilities Element of the Comprehensive Plan.

ORDINANCE NO. 16-5696

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

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

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

- b. Ordinance amending Articles 2, 10 and 19 of the Development Code.

ORDINANCE NO. 16-5697

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": DeYoung, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. 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": DeYoung, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed. The ordinance is read.

Councilor Riker 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: DeYoung – 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 an Accounts Payable Specialist position in the Finance Department and amend the Classification Plan.

RESOLUTION NO. 16-6465

Councilor DeYoung moved and Councilor Lindsay seconded that Resolution 16-6465 be adopted and the vote resulted as follows: "Ayes": DeYoung, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The resolution is adopted.

- b. Resolution authorizing the closure of "D" Street between 'G' and 6th and 7th streets for the River Valley Fall Family Festival.

RESOLUTION NO. 16-6466

Councilor DeYoung moved and Councilor Lindsay seconded that Resolution 16-6466 be adopted and the vote resulted as follows: "Ayes": DeYoung, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The resolution is adopted.

- c. Resolution authorizing the City Manager to enter into a contract for the Hefley Street Storm Drain, a local government improvement project; Project No. TR1050.

RESOLUTION NO. 16-6467

Councilor DeYoung moved and Councilor Lindsay seconded that Resolution 16-6467 be adopted and the vote resulted as follows: "Ayes": DeYoung, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The resolution is adopted.

- d. Resolution authorizing the City Manager to execute Amendment 01 to an existing traffic signal maintenance agreement.

RESOLUTION NO. 16-6468

Councilor DeYoung moved and Councilor Lindsay seconded that Resolution 16-6468 be adopted and the vote resulted as follows: "Ayes": DeYoung, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The resolution is adopted.

- e. Resolution authorizing the City Manager to adjust the salary schedules for non-bargaining employees.

RESOLUTION NO. 16-6469

Councilor DeYoung moved and Councilor Lindsay seconded that Resolution 16-6469 be adopted and the vote resulted as follows: "Ayes": DeYoung, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The resolution is adopted.

- f. Motion approving the minutes of the City Council meeting of September 7, 2016.

Councilor DeYoung moved and Councilor Lindsay seconded that the minutes of the City Council meeting of September 7, 2016 be approved and the vote resulted as follows: "Ayes": DeYoung, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

- g. Motion acknowledging the minutes of the Historical Buildings and Sites Commission meeting of May 19, 2016.

Councilor DeYoung moved and Councilor Lindsay seconded that the minutes of the Historical Buildings and Sites Commission meeting of May 19, 2016 be approved and the vote resulted as follows: "Ayes": DeYoung, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

- h. Motion acknowledging the minutes of the Budget Committee meeting of May 3, 2016.

Councilor DeYoung moved and Councilor Lindsay seconded that the minutes of the Budget Committee meeting of May 3, 2016 be approved and the vote resulted as follows: "Ayes": DeYoung, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

- i. Motion acknowledging the minutes of the Budget Committee meeting of May 10, 2016.

Councilor DeYoung moved and Councilor Lindsay seconded that the minutes of the Budget Committee meeting of May 10, 2016 be approved and the vote resulted as follows: "Ayes": DeYoung, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

- j. Motion acknowledging the minutes of the Budget Committee meeting of May 12, 2016.

Councilor DeYoung moved and Councilor Lindsay seconded that the minutes of the Budget Committee meeting of May 12, 2016 be approved and the vote resulted as follows: "Ayes": DeYoung, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

- k. Motion acknowledging the minutes of the Budget Committee meeting of May 17, 2016.

Councilor DeYoung moved and Councilor Lindsay seconded that the minutes of the Budget Committee meeting of May 17, 2016 be approved and the vote resulted as follows: "Ayes": DeYoung, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

- l. Motion acknowledging the minutes of the Urban Tree Advisory meeting of August 8, 2016.

Councilor DeYoung moved and Councilor Lindsay seconded that the minutes of the Urban Tree Advisory meeting of August 8, 2016 be approved and the vote resulted as follows: "Ayes": DeYoung, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

- m. Motion acknowledging the minutes of the Parks Advisory Board meeting of August 11, 2016.

Councilor DeYoung moved and Councilor Lindsay seconded that the minutes of the Parks Advisory Board meeting of August 11, 2016 be approved and the vote resulted as follows: "Ayes": DeYoung, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

4. APPOINTMENTS:

- a. Appoint four members to the Urban Tree Advisory Committee.

Councilor Riker moved and Councilor Lindsay seconded to appoint Michelle Keip, Daniel McBerty, William Reinert and Jeff Soash to the Urban Tree Advisory Committee and the vote resulted as follows: "Ayes": DeYoung, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

5. MATTERS FROM MAYOR, COUNCIL AND STAFF:

- a. Review Mayor/Council emails.

None.

- b. Committee Liaison reports.

- c. Committee Motions.

1. Board member Still moved and Board Member Chapman seconded to not consider 188 SE Grandview Avenue property (.4 acres) for a future park. The vote resulted as follows: "Ayes": Board Members Battersby, Szewc, Cartmell, Kuhlman, Still, Reinert and Chapman. "Nays": None. Abstain: None. Absent: Matti. The motion passed.

6. COUNCIL ACTION:

- a. Motion allowing the sale and consumption of alcohol in association with the Art Along the Rogue event.

Councilor Lindsay moved and Councilor Lovelace seconded to allow the sale and consumption of alcohol in association with the Art Along the Rogue event and the vote resulted as follows: "Ayes": DeYoung, Hannum, Lindsay, Lovelace, Riker and Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

7. EXECUTIVE SESSION: Yes (h) With city attorney re: rights/duties, current-likely litigation.

MOTION

It was moved by Councilor Lindsay and seconded by Councilor Hannum to enter into executive session and the vote resulted as follows: "Ayes": DeYoung, Goodwin, Hannum, Lindsay, Riker, Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

MOTION

It was moved by Councilor Lindsay and seconded by Councilor Lovelace to leave executive session and the vote resulted as follows: "Ayes": DeYoung, Goodwin, Hannum, Lindsay, Riker, Roler. "Nays": None. Abstain: None. Absent: None. The motion passed.

8. ADJOURN:

There being no further business to come before the Council, Mayor Fowler adjourned the meeting at 8:13 p.m.

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

City Recorder

BIKEWAYS AND WALKWAYS COMMITTEE
Meeting Minutes – August 9, 2016 at 12:00 PM
Courtyard Conference Room

Member Attendance:

Paul Hart (Vice Chair)
Dana Christensen (Co-Vice Chair)
Leslie Orr (Co-Vice Chair)
Ken Behymer – Absent
Chip Dennerlein
Larry Turpen – Absent
Cliff Kuhlman
Mark Lansing - Absent
Mark Acosta
Bob Lange - Absent

City/Staff/Council Liaisons:

Fred Saunders (PCD Senior Planner) – Absent
Rob Brandes (JoCo Public Works) – Absent
Dan Dorrell (ODOT) – Absent
Valerie Lovelace (City Council) – Arrived late
Keith Heck (County Commissioner)

Guests:

Ed Burke (Public Safety)

I. Business – Continuing

A. Approval of Minutes – May 10, 2016 and July 12, 2016

MOTION/VOTE

Committee Member Orr moved and Committee Member Dennerlein seconded the motion to approve the minutes from the May 10, 2016 as presented. The vote resulted as follows: “AYES”: Committee Members Hart, Dennerlein, Kuhlman, Orr, Acosta, and Christensen. “NAYS”: None. Abstain: None. Absent: Committee Members Behymer, Turpen, Lansing, and Lange. The motion passed.

MOTION/VOTE

Committee Member Dennerlein moved and Committee Member Orr seconded the motion to approve the minutes from the July 12, 2016 as presented. The vote resulted as follows: “AYES”: Committee Members Hart, Dennerlein, Kuhlman, Orr, Acosta, and Christensen. “NAYS”: None. Abstain: None. Absent: Committee Members Behymer, Turpen, Lansing, and Lange. The motion passed.

B. Bike Rodeo discussion

- The tentative date for the bike rodeo is October 15th.
- The rodeo will coincide with the Home Depot Safety Fair with bike safety being one component.
- Lesley will confirm the date with Lesley Donaghy and ask what needs to be done before the date is confirmed.
- Once there is a confirmation on the date volunteers will be needed.

C. Updates From Staff/Liaison and questions for Staff/Liaison

1. City

- City liaison absent.

2. County

- County liaison absent.

3. ODOT

- ODOT liaison absent.

4. Public Safety

- Public Safety has scheduled pedestrian safety enforcement for the first week of school in September.
- It is planned for North Middle School and Highland, generally is has been held at the High School but they wanted to spread it out.
- Public Safety will put out a press release before and after with results. It will be filmed and all of the distances will be premeasured. There will be a class to have everything outlined for the officers prior to the enforcement day being held.
- Ed is pushing for a pedestrian safety month, he will be sending out a memo to look for those specific violations. Last month was traffic lights and stop signs.
- The new school marshal program will be starting next school year with three officers. They will be paid through public safety but will be considered school employees. They will mainly be there for school security.
- Valerie and Cliff will talk to district about having pedestrian safety with their officers
- The committee had a discussion about red light cameras.

II. Items noted for liaisons

- There was a wreck at New Hope and Williams Hwy, there is still glass everywhere that needs to be addressed.
- The multi-use path behind the fairgrounds has an automobile barrier that has a curved portion that hooks into the bike path. It needs to be bend back or moved.
- It had previously been requested that M St, down N St to the end of Agness needed to be swept. It appears that they did but it left larger rocks. 7th St to the Parkway on M St needs to be swept; there is a lot of glass heading east.
- The committee would like to investigate putting a crosswalk in by the post office at the top of town in the Hillcrest and Washington area.
- The committee had a discussion on the increase in traffic in the Hillcrest/Vine/Hawthorne area.
- The committee had a discussion on oversized vehicle parking.

III. Business – New

- There may still be a vacancy that needs to be filled; Valerie thought they appointed a new person and will confirm.
- It was requested that if another person is needed to let the committee know and they will reach out to friends.

- The Allen Creek expansion is nice and big and is starting to come together.
- The bike path behind Allendale School looks great, the committee would like it to be noted that they appreciate the follow through and would like to thank Fred.
- The committee mentioned it is nice to see a number of projects where bike and pedestrian safety are built into the core of the project.

Next meeting date: September 13, 2016 at 12:00 pm in the Courtyard Conference Room

These minutes were prepared by Carlie Paulsen, Administration Department, City of Grants Pass.

URBAN AREA PLANNING COMMISSION

MEETING MINUTES

August 24, 2016 – 6:00 P.M.

Council Chambers

1. ROLL CALL:

The Urban Area Planning Commission met in regular session on the above date with Chair Gerard Fitzgerald presiding. Vice Chair Jim Coulter and Commissioners Loree Arthur, David Kellenbeck, Lois MacMillan, Blair McIntire, Robert Wiegand, and Dan McVay were present. Also present and representing the City was Parks & Community Development (hereafter: PCD) Lora Glover and City Council Liaison Rick Riker.

2. ITEMS FROM THE PUBLIC: None.

3. CONSENT AGENDA:

a. MINUTES: August 10, 2016

Pg. 1-6

b. FINDINGS OF FACT:

MOTION/VOTE

Commissioner MacMillan moved and Commissioner Kellenbeck seconded the motion to approve the minutes from August 10, 2016 as presented. The vote resulted as follows:

“AYES”: Chair Fitzgerald, Vice Chair Coulter, and Commissioners McVay, Arthur, Kellenbeck, and MacMillan. **“NAYS”:** None. **Abstain:** McIntire and Wiegand. **Absent:** None.

The motion passed.

4. PUBLIC HEARINGS:

**a. 104-00105-16 & 301-00110-16 – Lincoln/Lower River Road Subdivision
Tentative Plan & Major Variance – Staff Report Pg. 7-40**

- Chair Fitzgerald stated, at this time I will open the public hearing to consider Application 104-00105-16 & 301-00110-16 – Lincoln/Lower River Road

Subdivision Tentative Plan & Major Variance. We will begin the hearing with a staff report followed by a presentation by the applicant, statements by persons in favor of the application, statements by persons in opposition to the application, and an opportunity for additional comments by the applicant and staff. After that has occurred, the public comment portion will be closed and the matter will be discussed and acted upon by the Commission. Is there anyone present who wishes to challenge the authority of the Commission to consider this matter? Seeing none do any Commissioners wish to abstain from participating in this hearing or declare a potential conflict of interest? Seeing none are there any Commissioners who wish to disclose discussions, contacts, or other ex parte information they have received prior to this meeting regarding this application? Seeing none in this hearing the decision of the Commission will be based on specific criteria which are set forth in the development code. All testimony which apply in this case are noted in the staff report. If you would like a copy of the staff report please let us know and we will try and get you one. It is important to remember if you fail to raise an issue with enough detail to afford the Commission and the parties an opportunity to respond to the issue you'll not be able to appeal to the Land Use Board of Appeals based on that issue. The hearing will now proceed with a report from staff.

- Lora gave the staff report.
- At this time the audio was lost due to equipment failure. The motions and final decisions were able to be attained from staff notes.

MOTION/VOTE

Commissioner MacMillan moved and Commissioner Kellenback seconded the motion to approve application 104-00105-16 & 301-00110-16 – Lincoln/Lower River Road Subdivision Major Variance. The vote resulted as follows: “AYES”: Chair Fitzgerald, Vice Chair Coulter, and Commissioners McVay, Arthur, and Kellenbeck. “NAYS”: None. Abstain: None. Absent: Commissioners MacMillan, McIntire, and Wiegand.

The motion passed.

MOTION/VOTE

Commissioner Kellenbeck moved and Commissioner McIntire seconded the motion to approve application 104-00105-16 & 301-00110-16 – Lincoln/Lower River Road Subdivision Tentative Plan. The vote resulted as follows: “AYES”: Chair Fitzgerald, Vice Chair Coulter, and Commissioners McVay, Arthur, and Kellenbeck. “NAYS”: None. Abstain: None. Absent: Commissioners MacMillan, McIntire, and Wiegand.

The motion passed.

- b. 104-00104-16 & 301-00109-16 – Pinnacles Estates Subdivision Tentative Plan & Major Variance – Staff Report Pg. 75-134**

MOTION/VOTE

Commissioner MacMillan moved and Commissioner Kellenback seconded the motion to approve application 104-00104-16 & 301-00109-16 – Pinnacles Estates Subdivision Major Variance. The vote resulted as follows: “AYES”: Chair Fitzgerald, Vice Chair Coulter, and Commissioners McVay, Arthur, and Kellenbeck. “NAYS”: None. Abstain: None. Absent: Commissioners MacMillan, McIntire, and Wiegand.

The motion passed.

MOTION/VOTE

Commissioner MacMillan moved and Commissioner Kellenback seconded the motion to approve application 104-00104-16 & 301-00109-16 – Pinnacles Estates Subdivision Tentative Plan. The vote resulted as follows: “AYES”: Chair Fitzgerald, Vice Chair Coulter, and Commissioners McVay, Arthur, and Kellenbeck. “NAYS”: None. Abstain: None. Absent: Commissioners MacMillan, McIntire, and Wiegand.

The motion passed.

5. OTHER ITEMS/STAFF DISCUSSION:

- Audio lost due to equipment failure.

6. ITEMS FROM COMMISSIONERS:

- Audio lost due to equipment failure.

7. ADJOURNMENT:

Chair Fitzgerald adjourned the meeting at 8:52 P.M.

Next Meeting: September 14, 2016



Gerard Fitzgerald, Chair
Urban Area Planning Commission

9/14 2016

Date

These minutes were prepared by Carlie Paulsen, Administration Department, City of Grants Pass.

**HISTORICAL BUILDINGS AND SITES COMMISSION
MEETING MINUTES
July 28, 2016 – 6:00 P.M.
Courtyard Conference Room**

A. ROLL CALL:

The Historical Buildings and Sites Commission met in regular session on the above date with Chair Ward Warren presiding. Vice Chair Dan McBerty and Commissioners Arden McConnell, Virginia Ford, Shirley Holzinger were present. Commissioner Marshbank arrived late. Also present was City Council Liaison Dennis Roler and representing the City staff was Parks & Community Development (hereafter: PCD) Planner Justin Gindlesperger.

B. APPROVAL OF MINUTES:

- **May 19, 2016**

Pg. 1-8

MOTION/VOTE

Commissioner Warren moved and Commissioner McConnell seconded the motion to approve the minutes from May 19, 2016 as presented. The vote resulted as follows: “AYES”: Chair Warren, Vice Chair McBerty, and Commissioners McConnell, Holzinger, and Ford. “NAYS”: None. Abstain: None. Absent: Marshbank. The motion passed.

C. Discussion on Promotions and Murals

- Commissioner Warren shared a handout of the current guidelines with the commissioners.
- Dennis Dreher came to present to the commission. He stated that the last approval process for the Garden Valley mural went well but they would like to streamline the approval process as they didn't know quite what to expect moving into the process.
- Dennis shared a handout of what he had worked on with his COPA subcommittee.
- The guidelines they are looking for from COPA are; is the artist skilled, is the context fitting, is the art relevant, does the scale fit, technical issues (such as paint quality, sealant, etc), the design, and funding.

- COPA would like to combine the process to have one application for the historic district that will cover both COPA and HBSC.
- Dennis let the commission know that COPA is currently looking at adding art to the various city parking lots, this may eventually turn into an approval for any art in the historic district rather than just murals.
- The Napa building is getting a mural, however they were an opt-out. The theme they are moving forward with is an old cars scene.
- Justin clarified that if the mural has advertisement it will be reviewed through PDC as a sign, if it does not it will be reviewed through admin as a mural by Dave Reeves.
- The commission let Dennis know that they want to discuss having contracts as an option where applicable.
- Dennis was asked about any possible restorations of current murals. He believes that is an excellent idea. He let the commission know that COPA is currently looking for funding to repair and restore existing pieces.
- Commissioner Warren let Dennis know that some of the guidelines they would like to see would be looking at placement and size, real historical events, places, or scenes would be preferred especially in the historic district.
- Historic advisement would be allowed as it existed and if it existed locally. (ei – old Pepsi bottle that was available in this area)
- The commission would like to see that the art content is consistent with the age of the building.
- They would like to see the historic color palette used and colors would need to be specified in the application at the time of review.
- Dennis expressed concern that limiting the colors to only colors within the historic palette will not work as that isn't the typical process for artists. The commission will have to discuss the wording in further depth to find something that will limit the colors choices without making it impossible for the artists.
- The commission would like to see accurate representation of dimensions and detailed sketches on the application.

- Dennis asked if portable murals might be allowed in the historic district. Commissioner Warren stated that he wouldn't see a problem with portable murals as long as they met the criteria for murals within the historic district.
- The commission would like to see a timeframe and a contract for each mural.
- Dennis asked if they could request that the murals be completely funded before they start.
- The commission would like to see the inventory COPA is currently working on available to the public for a walking map of sorts. Dennis let the commission know that Tourism already has something of that sorts available. COPA will give them the updated information to provide to the public.

D. Items from Staff

- The next meeting is the 18th of August – there will be a public hearing. The Taqueria would like to redo their façade.

E. Items from Public

- None.

F. Items from Commissioners

- Commissioner Warren let the commission know that there was a misunderstanding between the group and Jon Bowen. Jon needs the list of the buildings for the map. Commissioner Warren asked Commissioner Holzinger if she could draft a short description of the significant buildings that will be on the walking map.
- Commissioner Warren will go back to KAJO and discuss the now expanded district as a follow-up to the talk he gave prior to the expansion.
- The commission would like an update from staff on what has been approved on the improvements for the Wing building and the sign Lora was going to investigate from a previous meeting.
- Commissioners McConnell and Ford suggested the Elks Club (built in the 1950s and it is a mid-century modern), the Diversion dam, the Caveman Bridge, Fruitdale Grange, Riverside School, Riverside Park (City Autocamp in the early 1900s), the Grants Pass Pharmacy, Croxton Memorial Park, and the Granite Hill Cemetery to be added as landmarks.

- Commissioner Warren requested dates for all of the proposed locations.
- It was suggested to also draft a few sentences as to why they need to be landmarks to present to Council.
- Landmarks to be removed are as follows; 1508 A Street is now a vacant lot, 1612 NW A Street historic building replaced, 532 SW G Street historic building replaced, 99 Fruitdale historic building replaced, 129 SE G is now a parking lot, 140 SW H Street is now a parking lot, 203 SW Oak is a vacant lot, 717 NW 8th Street is now a vacant lot, 761 NE 12th Street historic building replaced.
- Commissioner Warren asked Arden to compare a list he found online of landmarks to the list Lora supplied to the commission.
- It was determined that Granite Hill is not within City limits.
- Commissioner Warren would like an update from staff on the Redwood Empire sign.
- Commissioner Warren would like to meet with Commissioner Holzinger to go over mural standards.
- Commissioners McConnell and Ford are going to meet up and complete the landmark list for the August 18th meeting.
- The commission asked for an update from staff on the certified local governments designation.
- Commissioner McConnell requested that the commission discuss the designation of midcentury modern as it is becoming more popular. This item will be placed on a future agenda.
- The audio recording of the July 28, 2016 HBSC meeting cut out approximately 10 minutes prior to adjournment.

G. Adjournment

Next meeting: August 18, 2016

These minutes were prepared by Carlie Paulsen, Administration Department, City of Grants Pass.

COMMITTEE ON PUBLIC ART
Meeting Minutes – August 9, 2016 at 5:30 pm
Courtyard Conference Room

Committee Members:

Dennis Dreher (Co-Chair)
Dennis Hatch (Co-Chair) - absent
Jill Smith - absent
Cara Vincent
Al Devine
Cynthia Charat
Cal Kenney
Bee Bantug – arrived late
Julie Imhof – arrived late

City/Staff/Council Liaisons:

Susan Seereiter (City Business Advocate)

Guests:

Jon Bowen

1. Introductions

2. Review/Approval of Minutes (July 12, 2016 Meeting)

Committee Member Kenney moved and Committee Member Vincent seconded the motion to approve the minutes from July 12, 2016 as amended. The vote resulted as follows: “AYES”: Committee Members Dreher, Vincent, Kenney, Devine, and Charat. “NAYS”: None. Abstain: None. Absent: Hatch, Bantug, Imhof, and Smith. The motion passed.

3. Jon Bowen – Art Along the Rogue

- Jon came to discuss a few items including portable murals. He would like to use Art Along the Rogue as an opportunity to kick off the concept.
- Jon with COPA's help will be putting out a call to artists for portable murals to be done at Art Along the Rogue. They are seeking at least two artists.
- The committee discussed what the preference for a standard size would be. Options discussed were 4x4, 4x6, and 4x8.
- Once a standard size has been chosen brackets can be put in place to switch out art at any time. The concept is to put the murals in the alley ways in the Historic District and potentially in empty store fronts.
- Dennis D offered to send the format for the call to artists to Jon.
- It was stated that Bob Edding may have recommendations for artists.
- The committee had a discussion on appropriate themes.
- The committee had a discussion on potential funding
- The committee and Jon had a discussion on “Pop-up” galleries. The concept is to have a non-profit, the museum, sponsor a temporary lease at a greatly reduced rate for mini galleries to be placed in vacant buildings. The land owners can then write off the balance of the reduced rate until the building can be leased by a new business.

- The committee had a discussion on the inclusion of additional performing arts at Art Along the Rogue.
- Jon let it be known that he would like to see art instruction and demonstrations included at Art Along the Rogue.
- Jon let the committee know that he was interested in the idea of having the City Art Show at the Visitor Center but it would need approval by Council.

4. Comments: Chairs, Council Liaison and Staff Liaison

- Dennis D let the committee know that they talked with Scott about the grant from last meeting. It is possible to get up to \$200,000 in matching funds from what is spent on the H St redevelopment.
- The committee had a discussion on possible ideas for the plaza area.

5. Subcommittee updates

a. Inventory/Catalog

- Cara continued working on compiling a master spreadsheet with the information gathered by the subcommittee.
- She will email everything she has worked on so far to Dennis H.
- It was mentioned to include the new art on Mill and E Street, a fiberglass panther by Bob Edding.
- Cara gave her official resignation letter to the committee; she will be moving to attend college.

b. 5th and H Development

- There is a possibility of Bob Edding making a fiberglass art piece that will be more cost effective than the bronze. It could last up to 20 years.
- Peter Sedlow has expressed interest in submitting a proposal.
- Dennis D will confirm that the call to artist he sent out is the current one.

c. City Employee Art Show

Committee Member Imhof moved and Committee Member Kenney seconded the motion to recommend to City Council that the City/Committee Art Show be held at the Visitor Center. The vote resulted as follows: "AYES": Committee Members Dreher, Vincent, Kenney, Devine, Charat, Imhof, and Bantug. "NAYS": None. Abstain: None. Absent: Hatch and Smith. The motion passed.

d. Mural of the Month

- The meeting to decide where the grants for next year will go will happen in about a month and a half. They are trying to get the applications online for easier use.

e. Empty Storefronts

- Discussed with Jon earlier in the meeting.

f. Guidelines

- Dennis D went to the HBSC and formulated the important points.
- Bee and Dennis D are going to work on this and would like to have something drafted by next meeting.

g. Owl Mural Plaque

- None.

6. Other CoPA Business

- The committee had a brief discussion about the deer sculpture that they visited at RCC.

Next Meeting: September 13, 2016 5:30PM Courtyard Conference Room

These minutes were prepared by Carlie Paulsen, Administration Department, City of Grants Pass.

Ordinance amending Grants Pass Municipal
Code Chapter 5.12 by adding Sections
5.12.121 through 5.12.128 Chronic Nuisance
Property.

Item:

Date: October 5, 2016

SUBJECT AND SUMMARY:

This ordinance provides a remedy to cite and abate owners or tenants of chronic nuisance properties.

RELATIONSHIP TO COUNCIL GOALS:

This supports Council's goal of **KEEP CITIZENS SAFE** by enhancing the Department of Public Safety's ability to combat chronic nuisance activity.

CALL TO ACTION SCHEDULE:

Call to action schedule: N/A

BACKGROUND:

The City has a nuisance ordinance, which generally addresses health-related issues, such as weeds, garbage accumulation, etc. The City does not have a chronic nuisance ordinance, which can be used to combat crimes or violations associated with a particular property. A problem property is deleterious to the surrounding neighborhood. A chronic nuisance ordinance would allow the City to fine the person in charge of the property, as well as initiate legal proceedings to request a judge to order the property vacated until the nuisance is abated.

Generally, in order for a property to become a chronic nuisance, three or more crimes or violations of the Grants Pass Municipal Code have to have occurred in association with a property within a 30 day period (or four or more in a 90 day period or five or more in one year).

COST IMPLICATION:

Existing staff resources are already dedicated to responding to calls that could be nuisance properties under the proposed ordinance. The chronic nuisance ordinance provides for fines and closure of the affected property.

ALTERNATIVES:

Revise the proposed ordinance or decline to adopt a chronic nuisance ordinance.

ITEM: 4.a. ORDINANCE AMENDING GRANTS PASS MUNICIPAL CODE
CHAPTER 5.12 BY ADDING SECTIONS 5.12.121 THROUGH 5.12.128
CHRONIC NUISANCE PROPERTY.

Staff Report (continued):

RECOMMENDED ACTION:

Staff recommends Council approve the ordinance.

POTENTIAL MOTION:

I move to adopt the chronic nuisance ordinance.

Chapter 5.12

NUISANCES

Sections:

- 5.12.010 Definitions.
- 5.12.020 Nuisances Affecting the Public Health.
- 5.12.030 Abandoned Ice Boxes.
- 5.12.040 Attractive Nuisances.
- 5.12.050 Weed, Grass, Snow and Ice Removal. (Ord. 5380 § 18, 2006)
- 5.12.060 Weeds and Noxious Growth.
- 5.12.070 Scattering Rubbish. (Ord. 5379 § 18, 2006)
- 5.12.075 Burning Rubbish (Ord. 5379 § 18, 2006)
- 5.12.080 Fences.
- 5.12.090 Drainage of Surface Waters.
- 5.12.100 Radio and Television Interference.
- 5.12.110 Unnecessary Noise.
- 5.12.115 Graffiti. (Ord. 4786 §1, 1994)
- 5.12.120 Commercial Notices and Advertisements.
- 5.12.121 Chronic Nuisance Property.**
- 5.12.122 Violation.**
- 5.12.123 Procedure.**
- 5.12.124 Burden of Proof; Defenses; Mitigation of Civil Penalty.**
- 5.12.125 Closure During Pendency of Action; Emergency Closure.**
- 5.12.126 Commencement of Actions; Remedies.**
- 5.12.127 Enforcement.**
- 5.12.128 Severability.**
- 5.12.130 Declaration of Nuisance.
- 5.12.140 Abatement--Notice.
- 5.12.150 Abatement--By Owner.
- 5.12.160 Abatement--By City.
- 5.12.170 Abatement--Assessment of Costs.
- 5.12.180 Summary Abatement.
- 5.12.200 Separate Violations.

5.12.121 Chronic Nuisance Property.

- A. The City, by virtue of its authority to protect the health, safety and welfare of the community, has the power to abate a public nuisance by way of an injunctive decree or order and to impose a penalty upon the person or persons responsible for creating or maintaining a public nuisance.
- B. The abatement of a single nuisance is ineffective in protecting the health, safety and welfare of the community at large when conditions or activities related to the use of property give rise to a series of public nuisance over time.
- C. A process and means to hold property owners accountable for adverse conditions and activities that repeatedly occur in connection with their property is needed to help maintain and improve the quality of life in the City.
- D. Pursuant to the City's regulatory authority to help maintain and improve the quality of life in the City, this Section is enacted to establish the rights, duties and procedures necessary to hold property owners and persons in charge of property accountable for adverse conditions and activities that repeatedly occur in connection with their property.

For purposes of Sections 5.12.121 through 5.12.128, the following words and phrases shall have the meanings as set forth below:

Chronic Nuisance Property: When the Public Safety Department has reasonable grounds to believe any combination of nuisance activities has occurred at or near a subject premises:

- Three or more of the nuisance activities listed below have occurred at or near the premises during any 30-day period; or
- Four or more of the nuisance activities listed below have occurred at or near a premises during any 90-day period; or
- Five or more of the nuisance activities listed below have occurred at or near a premises during any 365-day period.

Nuisance Activities: Any of the following activities, behaviors, or criminal conduct:

1. Harassment as defined in ORS 166.065(1)(a);
2. Intimidation as provided in ORS 166.155 through 166.165;
3. Disorderly conduct as provided in ORS 166.025;
4. Assault or menacing as provided in ORS 163.160, ORS 163.165, ORS 163.175, ORS 163.185, or ORS 163.190;
5. Sexual abuse, contributing to the delinquency of a minor, or sexual misconduct as provided in ORS 163.415, ORS 163.425, ORS 163.427, ORS 163.435 or ORS 163.445;
6. Public indecency as provided in ORS 163.465;
7. Prostitution or related offenses as provided in ORS 167.007, 167.012, and ORS 167.017;

8. Alcoholic liquor violations as provided in ORS 471.105 through 471.482 or Grants Pass Code 5.68;
9. Theft as provided in ORS 164.015 through 164.140;
10. Arson or related offenses as provided in ORS 164.315 through 164.335;
11. Possession, manufacture, or delivery of a controlled substance or related offenses as provided in ORS 167.203, ORS 475.005 to 475.285, 475.940 to 475.980;
12. Illegal gambling as provided in ORS 167.117, ORS 167.122, and ORS 167.127;
13. Criminal mischief as provided in ORS 164.345 through 164.365; any attempt to commit (as defined by ORS 161.405), or conspiracy to commit (as defined by ORS 161.455), any of the above offenses;
14. Discharge of a firearm as provided in ORS 166.220 or Grants Pass Code 5.32;
15. Unlawful operation of sound producing or reproducing equipment or unnecessary noise as provided in Grants Pass Code 5.12.110; unlawful drinking in public as provided in Grants Pass Code 5.68.
16. Any other violation of the Grants Pass Code.

Control: The ability to regulate, restrain, dominate, counteract or govern conduct that occurs on a property.

Person in Charge: Any person, in actual or constructive possession of a property, including but not limited to, an owner, occupant, or tenant.

Permit: To suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

Person: Any natural person, agent, association, firm, partnership or corporation capable of owning, occupying or using property in the City of Grants Pass.

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

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

5.12.122 Violation.

- A. Any property within the City of Grants Pass which is a chronic nuisance property is in violation of these provisions and subject to the remedies prescribed.
- B. Any person in charge who permits property to be a chronic nuisance property shall be in violation of these provisions and subject to the remedies prescribed.

5.12.123 Procedure.

- A. When the Public Safety Department receives two or more police reports documenting the occurrence of a nuisance activity on or within 200 feet of a property within the City, the Public Safety Department shall independently review such reports to determine whether they describe any acts enumerated under Nuisance Activities above. Following such review, the Public Safety Department may notify the person in charge in writing that the property is in danger of becoming a chronic nuisance property. The notice shall contain the following information:
 - 1. The street address or a legal description sufficient for identification of the property.
 - 2. A statement that the Public Safety Department has information that the property may be a chronic nuisance property, with a concise description of the nuisance activities that may exist, or that have occurred. The Public Safety Department shall offer the person in charge an opportunity to propose a course of action that the Public Safety Department agrees will abate the nuisance activities giving rise to the violation.
 - 3. Demand that the person in charge respond to the Public Safety Department within ten (10) days to discuss the nuisance activities.
- B. After notification of Nuisance Activities to a person in charge, when the Public Safety Department receives a police report documenting the occurrence of a third nuisance activity at or within 200 feet of a property and determines that the property has become a chronic nuisance property, the Public Safety Department shall notify the person in charge in writing that the property has been determined to be a chronic nuisance property. The notice shall contain the following information:
 - 1. The street address or a legal description sufficient for identification of the property.
 - 2. A statement that the Public Safety Department has determined the property to be a chronic nuisance property with a concise description of the nuisance activities leading to the Public Safety

Department's findings.

3. Demand that the person in charge respond within ten (10) days to the contact person designated by the Public Safety Department and propose a course of action that the Public Safety Department agrees will abate the nuisance activities giving rise to the violation.
 4. Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the person in charge at the address of the property, or such other place which is likely to give the person in charge notice of the determination by the Public Safety Department.
 5. A copy of the notice shall be served on the owner at such address as shown on the tax rolls of the county, and/or the occupant at the address of the property, if these persons are different than the person in charge, and shall be made either personally or by first class mail, postage prepaid.
 6. A copy of the notice shall also be posted at the property if ten days has elapsed from the service or mailing of the notice to the person in charge and the person in charge has not contacted the contact person designated by the Public Safety Department.
 7. The failure of any person to receive notice that the property may be a chronic nuisance property shall not invalidate or otherwise affect the proceedings under these provisions.
- C. If after the notification, but prior to the commencement of legal proceedings by the City pursuant to these provisions, a person in charge stipulates to the Public Safety Department that the person in charge will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation, the Public Safety Department may agree to postpone legal proceedings for a period of not less than ten (10) or more than thirty (30) days.
- D. Concurrent with any notification procedures set forth above, the Public Safety Department shall send copies of the notice, as well as any other documentation which supports legal proceedings against the property, to the City Attorney.

5.12.124 Burden of Proof; Defenses; Mitigation of Civil Penalty.

- A. In an action for a chronic nuisance property, the City shall have the initial burden of proof to show by a preponderance of the evidence that the property is a chronic nuisance property. It is not necessary to obtain convictions for nuisance activities to support a finding that a property is a chronic nuisance property.

- B. It is a defense to an action for a chronic nuisance property that the person in charge at all material times could not, in the exercise of reasonable care or diligence, determine that the property had become a chronic nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the determination that the property is a chronic nuisance property. Notwithstanding the foregoing, landlords are responsible for the conduct of their tenants.

- C. In establishing the amount of any civil penalty requested, the Court may consider any of the following factors and shall cite those found applicable:
 - 1. The actions taken by the person in charge to mitigate or correct the nuisance activities at the property;
 - 2. The financial condition of the person in charge;
 - 3. Whether the problem at the property was repeated or continuous;
 - 4. The magnitude or gravity of the problem;
 - 5. The cooperativeness of the person in charge with the city;
 - 6. The cost of the City of investigating and correcting or attempting to correct the nuisance activities.
 - 7. Any other factor deemed by the Court to be relevant.

5.12.125 Closure During Pendency of Action; Emergency Closures.

Any emergency closure proceeding initiated under this provision shall be based on evidence showing that nuisance activities have occurred on the property and that emergency action is necessary to avoid an immediate threat to public welfare and safety. Proceedings to obtain an order of emergency closure shall be governed by the provisions of Oregon Rules of Civil Procedure (ORCP) 79 for obtaining temporary restraining orders. In such an event the notification procedures set forth above need not be complied with.

5.12.126 Commencement of Actions; Remedies.

- A. The City Manager may authorize the City Attorney to commence legal proceedings in a court of competent jurisdiction to enjoin or abate a chronic nuisance property and to seek closure, the imposition of civil penalties against any or all of the persons in charge thereof, and any such other relief deemed appropriate.

- B. If after the commencement but prior to the trial of any action or suit brought by the City, a person in charge of chronic nuisance property stipulates to the City that he or she will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation,

the City may agree to stay proceedings for a period of not less than ten (10) or more than sixty (60) days, except in the case of nuisance activity involving drugs where a search warrant was executed at the property. The person in charge or the City may thereafter petition the court for such additional periods of time as may be necessary to complete the action(s) to abate the nuisance activities. However, in the event that the City reasonably believes the person in charge of a property is not diligently pursuing the action(s) necessary to abate the nuisance activities, the City may apply to the court for release from the stay and may seek such relief as is deemed appropriate.

- C. In the event a court determines property to be a chronic nuisance property, the court shall order that the property be closed and secured against all access, use and occupancy for a period of not less than six (6) months, nor more than one (1) year. The court shall retain jurisdiction during any period of closure. The person in charge may petition the court for an order reducing the period of closure if the person in charge and the City stipulate that the nuisance has been and will continue to be abated.
- D. If a property is found to be a chronic nuisance property, the person in charge of the chronic nuisance property is subject to a civil penalty of up to \$100 per day for each day nuisance activities occurred on the property following notice.
- E. The provisions of Section 5.12.121 through 5.12.128 are separate and distinct remedies from those specified in Sections 5.12.130 through 5.12.170. Nothing in these provisions shall require any conviction for criminal activities prior to the commencement of any action provided herein.

5.12.127 Enforcement.

- A. The court may authorize the City to physically secure the property against all access, use or occupancy in the event that the person in charge fails to do so within the time specified by the court. In the event that the City is authorized to secure the property, all costs reasonably incurred by the City to physically secure the property shall be paid to the City by the person in charge and may be included in the City's money judgment. As used in this section, all costs mean those costs actually incurred by the City for physically securing the property, as well as tenant relocation costs pursuant to this section.
- B. The City department(s) physically securing the property shall prepare a statement of costs and the City shall thereafter submit that statement to the court for its review. If no objection to the statement is made within the period prescribed by ORCP 68, the statement of costs shall be included in the City's money judgment.
- C. Judgments imposed by this chapter shall bear interest at the rate of nine

percent (9%) per year from the date the judgment is entered.

- D. Any person who is assessed the costs of physically securing the property by the court shall be personally liable for the payment thereof to the City.
- E. The person in charge shall pay reasonable relocation costs of a tenant if, without actual notice, the tenant moved into the property after either:
 - 1. A person in charge received a notice from the Public Safety Department's determination that the property may be a chronic nuisance property; or
 - 2. A person in charge received notice of an action brought to close a chronic nuisance property.

5.12.128 Severability.

The provisions of Sections 5.12.121 through 5.12.127 are intended to be consistent with any applicable provisions of state law. If any provision or its application to any person, or circumstances is held to be invalid for any reason, the remainder of these provisions, or the application of them to other persons or circumstances shall not in any way be affected.

ORDINANCE NO.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GRANTS AMENDING GRANTS PASS MUNICIPAL CODE CHAPTER 5.12 BY ADDING SECTIONS 5.12.121 THROUGH 5.12.128 CHRONIC NUISANCE PROPERTY.

WHEREAS:

1. Chronic nuisance properties diminish the quality of life and the property values in the neighborhoods in which they exist; and
2. A chronic nuisance ordinance will provide the City with an additional enforcement mechanism to ensure compliance with the Grants Pass Municipal Code and Oregon law.

NOW, THEREFORE, THE CITY OF GRANTS PASS HEREBY ORDAINS: The Grants Pass Municipal Code Chapter 5.12 is hereby amended to add Sections 5.12.121 through 5.12.128 as set forth in Exhibit 'A'.

ADOPTED by the Council of the City of Grants Pass, Oregon, in regular session this 5th day October 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 October 2016.

Darin Fowler, Mayor

ATTEST:

Karen Frerk, City Recorder

Date submitted to Mayor: _____

Approved as to Form, Mark Bartholomew, City Attorney _____



Chapter 5.12

NUISANCES

Sections:

5.12.010	Definitions	
5.12.020	Nuisances Affecting the Public Health	
5.12.030	Abandoned Ice Boxes	
5.12.040	Attractive Nuisances	
5.12.050	Weed, Grass, Snow and Ice Removal	
5.12.060	Weeds and Noxious Growth	
5.12.070	Scattering Rubbish	
5.12.075	Burning Rubbish	
5.12.080	Fences	
5.12.090	Drainage of Surface Waters	
5.12.100	Radio and Television Interference	
5.12.110	Unnecessary Noise	
5.12.115	Graffiti	
5.12.120	Commercial Notices and Advertisements	
5.12.121	Chronic Nuisance Property	
5.12.122	Violation	
5.12.123	Procedure	
5.12.124	Burden of Proof; Defenses; Mitigation of Civil Penalty	
5.12.125	Closure During Pendency of Action; Emergency Closure	
5.12.126	Commencement of Actions; Remedies	
5.12.127	Enforcement	
5.12.128	Severability	
5.12.130	Declaration of Nuisance	
5.12.140	Abatement--Notice	
5.12.150	Abatement--By Owner	
5.12.160	Abatement--By City	
5.12.170	Abatement--Assessment of Costs	
5.12.180	Summary Abatement	
5.12.200	Separate	Violations

5.12.121 Chronic Nuisance Property

- A. The City, by virtue of its authority to protect the health, safety and welfare of the community, has the power to abate a public nuisance by way of an injunctive decree or order and to impose a penalty upon the person or persons responsible for creating or maintaining a public nuisance.
- B. The abatement of a single nuisance is ineffective in protecting the health, safety and welfare of the community at large when conditions or activities related to the use of property give rise to a series of public nuisance over time.
- C. A process and means to hold property owners accountable for adverse conditions and activities that repeatedly occur in connection with their property is needed to help maintain and improve the quality of life in the City.
- D. Pursuant to the City's regulatory authority to help maintain and improve the quality of life in the City, this Section is enacted to establish the rights, duties and procedures necessary to hold property owners and persons in charge of property accountable for adverse conditions and activities that repeatedly occur in connection with their property.

For purposes of Sections 5.12.121 through 5.12.128, the following words and phrases shall have the meanings as set forth below:

Chronic Nuisance Property: When the Public Safety Department has reasonable grounds to believe any combination of nuisance activities has occurred at or near a subject premises:

- Three or more of the nuisance activities listed below have occurred at or near the premises during any 30-day period; or
- Four or more of the nuisance activities listed below have occurred at or near a premises during any 90-day period; or
- Five or more of the nuisance activities listed below have occurred at or near a premises during any 365-day period.

Nuisance Activities: Any of the following activities, behaviors, or criminal conduct:

1. Harassment as defined in ORS 166.065(1)(a);
2. Intimidation as provided in ORS 166.155 through 166.165;
3. Disorderly conduct as provided in ORS 166.025;
4. Assault or menacing as provided in ORS 163.160, ORS 163.165, ORS 163.175, ORS 163.185, or ORS 163.190;
5. Sexual abuse, contributing to the delinquency of a minor, or sexual misconduct as provided in ORS 163.415, ORS 163.425, ORS 163.427, ORS 163.435 or ORS 163.445;
6. Public indecency as provided in ORS 163.465;
7. Prostitution or related offenses as provided in ORS 167.007, 167.012, and ORS 167.017;

8. Alcoholic liquor violations as provided in ORS 471.105 through 471.482 or Grants Pass Code 5.68;
9. Theft as provided in ORS 164.015 through 164.140;
10. Arson or related offenses as provided in ORS 164.315 through 164.335;
11. Possession, manufacture, or delivery of a controlled substance or related offenses as provided in ORS 167.203, ORS 475.005 to 475.285, 475.940 to 475.980;
12. Illegal gambling as provided in ORS 167.117, ORS 167.122, and ORS 167.127;
13. Criminal mischief as provided in ORS 164.345 through 164.365; any attempt to commit (as defined by ORS 161.405), or conspiracy to commit (as defined by ORS 161.455), any of the above offenses;
14. Discharge of a firearm as provided in ORS 166.220 or Grants Pass Code 5.32;
15. Unlawful operation of sound producing or reproducing equipment or unnecessary noise as provided in Grants Pass Code 5.12.110; unlawful drinking in public as provided in Grants Pass Code 5.68.
16. Any other violation of the Grants Pass Code.

Control: The ability to regulate, restrain, dominate, counteract or govern conduct that occurs on a property.

Person in Charge: Any person, in actual or constructive possession of a property, including but not limited to, an owner, occupant, or tenant.

Permit: To suffer, allow, consent to, acquiesce by failure to prevent, or expressly assent or agree to the doing of an act.

Person: Any natural person, agent, association, firm, partnership or corporation capable of owning, occupying or using property in the City of Grants Pass.

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

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

5.12.122 Violation

- A. Any property within the City of Grants Pass which is a chronic nuisance property is in violation of these provisions and subject to the remedies prescribed.
- B. Any person in charge who permits property to be a chronic nuisance property shall be in violation of these provisions and subject to the remedies prescribed.

5.12.123 Procedure

- A. When the Public Safety Department receives two or more police reports documenting the occurrence of a nuisance activity on or within 200 feet of a property within the City, the Public Safety Department shall independently review such reports to determine whether they describe any acts enumerated under Nuisance Activities above. Following such review, the Public Safety Department may notify the person in charge in writing that the property is in danger of becoming a chronic nuisance property. The notice shall contain the following information:
 - 1. The street address or a legal description sufficient for identification of the property.
 - 2. A statement that the Public Safety Department has information that the property may be a chronic nuisance property, with a concise description of the nuisance activities that may exist, or that have occurred. The Public Safety Department shall offer the person in charge an opportunity to propose a course of action that the Public Safety Department agrees will abate the nuisance activities giving rise to the violation.
 - 3. Demand that the person in charge respond to the Public Safety Department within ten (10) days to discuss the nuisance activities.
- B. After notification of Nuisance Activities to a person in charge, when the Public Safety Department receives a police report documenting the occurrence of a third nuisance activity at or within 200 feet of a property and determines that the property has become a chronic nuisance property, the Public Safety Department shall notify the person in charge in writing that the property has been determined to be a chronic nuisance property. The notice shall contain the following information:
 - 1. The street address or a legal description sufficient for identification of the property.
 - 2. A statement that the Public Safety Department has determined the property to be a chronic nuisance property with a concise description of the nuisance activities leading to the Public Safety

Department's findings.

3. Demand that the person in charge respond within ten (10) days to the contact person designated by the Public Safety Department and propose a course of action that the Public Safety Department agrees will abate the nuisance activities giving rise to the violation.
 4. Service shall be made either personally or by first class mail, postage prepaid, return receipt requested, addressed to the person in charge at the address of the property, or such other place which is likely to give the person in charge notice of the determination by the Public Safety Department.
 5. A copy of the notice shall be served on the owner at such address as shown on the tax rolls of the county, and/or the occupant at the address of the property, if these persons are different than the person in charge, and shall be made either personally or by first class mail, postage prepaid.
 6. A copy of the notice shall also be posted at the property if ten days has elapsed from the service or mailing of the notice to the person in charge and the person in charge has not contacted the contact person designated by the Public Safety Department.
 7. The failure of any person to receive notice that the property may be a chronic nuisance property shall not invalidate or otherwise affect the proceedings under these provisions.
- C. If after the notification, but prior to the commencement of legal proceedings by the City pursuant to these provisions, a person in charge stipulates to the Public Safety Department that the person in charge will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation, the Public Safety Department may agree to postpone legal proceedings for a period of not less than ten (10) or more than thirty (30) days.
- D. Concurrent with any notification procedures set forth above, the Public Safety Department shall send copies of the notice, as well as any other documentation which supports legal proceedings against the property, to the City Attorney.

5.12.124 Burden of Proof; Defenses; Mitigation of Civil Penalty

- A. In an action for a chronic nuisance property, the City shall have the initial burden of proof to show by a preponderance of the evidence that the property is a chronic nuisance property. It is not necessary to obtain convictions for nuisance activities to support a finding that a property is a chronic nuisance property.

- B. It is a defense to an action for a chronic nuisance property that the person in charge at all material times could not, in the exercise of reasonable care or diligence, determine that the property had become a chronic nuisance property, or could not, in spite of the exercise of reasonable care and diligence, control the conduct leading to the determination that the property is a chronic nuisance property. Notwithstanding the foregoing, landlords are responsible for the conduct of their tenants.

- C. In establishing the amount of any civil penalty requested, the Court may consider any of the following factors and shall cite those found applicable:
 - 1. The actions taken by the person in charge to mitigate or correct the nuisance activities at the property;
 - 2. The financial condition of the person in charge;
 - 3. Whether the problem at the property was repeated or continuous;
 - 4. The magnitude or gravity of the problem;
 - 5. The cooperativeness of the person in charge with the city;
 - 6. The cost of the City of investigating and correcting or attempting to correct the nuisance activities.

 - 7. Any other factor deemed by the Court to be relevant.

5.12.125 Closure During Pendency of Action; Emergency Closures

Any emergency closure proceeding initiated under this provision shall be based on evidence showing that nuisance activities have occurred on the property and that emergency action is necessary to avoid an immediate threat to public welfare and safety. Proceedings to obtain an order of emergency closure shall be governed by the provisions of Oregon Rules of Civil Procedure (ORCP) 79 for obtaining temporary restraining orders. In such an event the notification procedures set forth above need not be complied with.

5.12.126 Commencement of Actions; Remedies

- A. The City Manager may authorize the City Attorney to commence legal proceedings in a court of competent jurisdiction to enjoin or abate a chronic nuisance property and to seek closure, the imposition of civil penalties against any or all of the persons in charge thereof, and any such other relief deemed appropriate.

- B. If after the commencement but prior to the trial of any action or suit brought by the City, a person in charge of chronic nuisance property stipulates to the City that he or she will pursue a course of action the parties agree will abate the nuisance activities giving rise to the violation,

the City may agree to stay proceedings for a period of not less than ten (10) or more than sixty (60) days, except in the case of nuisance activity involving drugs where a search warrant was executed at the property. The person in charge or the City may thereafter petition the court for such additional periods of time as may be necessary to complete the action(s) to abate the nuisance activities. However, in the event that the City reasonably believes the person in charge of a property is not diligently pursuing the action(s) necessary to abate the nuisance activities, the City may apply to the court for release from the stay and may seek such relief as is deemed appropriate.

- C. In the event a court determines property to be a chronic nuisance property, the court shall order that the property be closed and secured against all access, use and occupancy for a period of not less than six (6) months, nor more than one (1) year. The court shall retain jurisdiction during any period of closure. The person in charge may petition the court for an order reducing the period of closure if the person in charge and the City stipulate that the nuisance has been and will continue to be abated.
- D. If a property is found to be a chronic nuisance property, the person in charge of the chronic nuisance property is subject to a civil penalty of up to \$100 per day for each day nuisance activities occurred on the property following notice.
- E. The provisions of Section 5.12.121 through 5.12.128 are separate and distinct remedies from those specified in Sections 5.12.130 through 5.12.170. Nothing in these provisions shall require any conviction for criminal activities prior to the commencement of any action provided herein.

5.12.127 Enforcement

- A. The court may authorize the City to physically secure the property against all access, use or occupancy in the event that the person in charge fails to do so within the time specified by the court. In the event that the City is authorized to secure the property, all costs reasonably incurred by the City to physically secure the property shall be paid to the City by the person in charge and may be included in the City's money judgment. As used in this section, all costs mean those costs actually incurred by the City for physically securing the property, as well as tenant relocation costs pursuant to this section.
- B. The City department(s) physically securing the property shall prepare a statement of costs and the City shall thereafter submit that statement to the court for its review. If no objection to the statement is made within the period prescribed by ORCP 68, the statement of costs shall be included in the City's money judgment.
- C. Judgments imposed by this chapter shall bear interest at the rate of nine

percent (9%) per year from the date the judgment is entered.

- D. Any person who is assessed the costs of physically securing the property by the court shall be personally liable for the payment thereof to the City.
- E. The person in charge shall pay reasonable relocation costs of a tenant if, without actual notice, the tenant moved into the property after either:
 - 1. A person in charge received a notice from the Public Safety Department's determination that the property may be a chronic nuisance property; or
 - 2. A person in charge received notice of an action brought to close a chronic nuisance property.

5.12.128 Severability

The provisions of Sections 5.12.121 through 5.12.127 are intended to be consistent with any applicable provisions of state law. If any provision or its application to any person, or circumstances is held to be invalid for any reason, the remainder of these provisions, or the application of them to other persons or circumstances shall not in any way be affected.