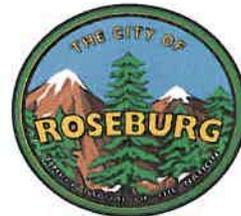


ROSEBURG CITY COUNCIL AGENDA – OCTOBER 8, 2018
City Council Chambers, City Hall
900 S. E. Douglas Avenue, Roseburg, OR 97470



7:00 p.m. - Regular Meeting

1. **Call to Order – Mayor Larry Rich**
2. **Pledge of Allegiance**
3. **Roll Call**

Alison Eggers	Linda Fisher-Fowler	Ashley Hicks	Steve Kaser
John McDonald	Brian Prawitz	Tom Ryan	Andrea Zielinski
4. **Mayor Reports**
5. **Commission Reports/Council Ward Reports**
6. **Audience Participation – See Information on the Reverse**
7. **Consent Agenda**
 - A. Minutes of Work Study Meeting of September 24, 2018
 - B. Minutes of Regular Meeting of September 24, 2018
 - C. November 12, 2018 Meeting Cancellation
 - D. December 24, 2018 Meeting Cancellation
 - E. OLCC New Outlet – Aroy, LLC located at 1350 NE Stephens Street, Suite 24
8. **Ordinances**
 - A. Ordinance No. 3512 – Telecommunications Franchise to Star2Star Communications, LLC, First and Second Reading
 - B. Ordinance No. 3513 – Proposed Code Amendment Regarding Prohibited Camping, First and Second Reading
9. **Department Items**
 - A. Authorization to Apply for Critical Oregon Airport Relief Grants
10. **Informational**
 - A. Activity Report
11. **Items from Mayor, City Council**
12. **Adjournment**
13. **Executive Session ORS 192.660(2)**

***** AMERICANS WITH DISABILITIES ACT NOTICE *****

Please contact the City Recorder's Office, Roseburg City Hall, 900 SE Douglas, Roseburg, OR 97470-3397 (Phone 541-492-6866) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TDD users please call Oregon Telecommunications Relay Service at 1-800-735-2900.

AUDIENCE PARTICIPATION INFORMATION

The Roseburg City Council welcomes and encourages participation by citizens at all our meetings, with the exception of Executive Sessions, which, by state law, are closed to the public. To allow Council to deal with business on the agenda in a timely fashion, we ask that anyone wishing to address the Council follow these simple guidelines:

Persons addressing the Council must state their name and address for the record, including whether or not they are a resident of the City of Roseburg. All remarks shall be directed to the entire City Council. The Council reserves the right to delay any action requested until they are fully informed on the matter.

TIME LIMITATIONS

With the exception of public hearings, each speaker will be allotted a total of 6 minutes. At the 4-minute mark, a warning bell will sound at which point the Mayor will remind the speaker there are only 2 minutes left. All testimony given shall be new and shall not have been previously presented to Council.

CITIZEN PARTICIPATION – AGENDA ITEMS

Anyone wishing to speak regarding an item on the agenda may do so when Council addresses that item. If you wish to address an item on the Consent Agenda, please do so under “Audience Participation.” For other items on the agenda, discussion typically begins with a staff report, followed by questions from Council. If you would like to comment on a particular item, please raise your hand after the Council question period on that item.

CITIZEN PARTICIPATION – NON-AGENDA ITEMS

We also allow the opportunity for citizens to speak to the Council on matters not on this evening’s agenda on items of a brief nature. A total of 30 minutes shall be allocated for this portion of the meeting.

If a matter presented to Council is of a complex nature, the Mayor or a majority of Council may:

1. Postpone the public comments to “Items From Mayor, Councilors or City Manager” after completion of the Council’s business agenda, or
2. Schedule the matter for continued discussion at a future Council meeting.

The Mayor and City Council reserve the right to respond to audience comments after the audience participation portion of the meeting has been closed.

Thank you for attending our meeting – Please come again.

The City Council meetings are aired live on Charter Communications Cable Channel 191 and rebroadcast on the following Tuesday evening at 7:00 p.m. Video replays and the full agenda packet are also available on the City’s website: www.cityofroseburg.org.



**MINUTES OF THE WORK STUDY MEETING
OF THE ROSEBURG CITY COUNCIL
SEPTEMBER 24, 2018**

Mayor Larry Rich called the Work Study meeting of the Roseburg City Council to order at 6:36 p.m. on September 24, 2018 in the City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon.

ROLL CALL

Present: Councilors Alison Eggers, Linda Fisher-Fowler, Ashley Hicks, Brian Prawitz, Steve Kaser, John McDonald and Tom Ryan.

Absent: Councilor Andrea Zielinski.

Others Present: City Manager Lance Colley, City Recorder Amy Sowa, City Attorney Bruce Coalwell, Community Development Director Stuart Cowie, Human Resources Director John VanWinkle, Public Works Director Nikki Messenger, Finance Director Ron Harker, Library Director Kris Wiley, Police Chief Gary Klopfenstein, Fire Chief Gary Garrisi, Management Assistant Koree Tate, Management Assistant Shy Chapman, Carisa Cegavske of the News Review and Kyle Bailey of KQEN.

URBAN GROWTH BOUNDARY SWAP

Mr. Cowie explained the City was proposing to initiate an Urban Growth Boundary (UGB) swap process. The City has been approached by two property owners who have a significant amount of land within the UGB, but face substantial development constraints involving the properties, and have asked to be de-annexed and removed from the City limits and UGB. The City proposes that the acreage removed from the de-annexed property be used to expand the UGB into the Charter Oaks area through what is referred to as a UGB swap in which little to no net increase occurs in the amount of density between the properties removed and the properties taken into the UGB.

Significant discussion with the Department of State Lands and affected City Departments has occurred to determine the feasibility of this process. The UGB in conjunction with the Roseburg Urban Area Comprehensive Plan (Comp Plan) is designed to provide urban levels of services such as water, sewer, fire, police, etc. promoting development within the UGB and controlling growth to limit urban sprawl into surrounding Farm and Forest lands. The boundary and plan were adopted in 1983 and have been updated periodically since then. Elements of the Comp Plan have been updated such as the Water Master Plan to determine a logical extension of City water to lands within the UGB. Sewer service was consolidated under the Roseburg Urban Sanitary Authority (RUSA), a separate district providing sewer to properties within the UGB.

The City of Roseburg's UGB originally encompassed areas up to an elevation of 610 feet, the limits of water service and incorporated areas served by the Oregon Water Company, which was, later purchased by the City of Roseburg, and sewer services consolidated as RUSA. Although preliminary UGB maps circa 1982 included the Charter Oaks area within the UGB, it was removed prior to adoption in 1983. As development occurred and water, sewer, and transportation master plans were adopted it became evident the original bounds of the UGB included properties that were not feasible to develop at an urban level and excluded sites that would be a more logical extension of the urban area.

In order to address these issues, the City underwent a Buildable Lands Inventory (BLI) and Economic Needs Analysis (ENA) process in 2006 to look at how much of what types of land were available to provide for job growth and housing for a growing population. Part of the process looked at sites adjacent to the current UGB, which provide for potential urban expansion as well as those sites within the UGB that were unlikely to be developed at urban densities.

The City studied its supply of developable lands versus the demand for sites to accommodate projected jobs and population growth. This analysis also looked at constraints to development not fully explored during the original UGB process. This resulted in a quantified need for up to 1,200 acres of vacant residential property able to accommodate urban density. Unfortunately, the BLI was never adopted; however, a UGB expansion process was initiated as a result.

In 2008, the UGB Expansion Study identified five suitable areas, which were evaluated for consistency with Oregon Revised Statutes (ORS) requirements, Statewide Planning Goals, and City UGB Policies. The five alternative UGB expansion areas considered were:

DC Forest Products/Jackson Ranch – north of the river adjacent to Interstate 5;

Newton Creek/Winchester Ridge – northeast near UGB between Newton Creek and Costco;

Diamond Lake/Parrott Creek – south of Diamond Lake, between Ramp and Parrott Canyons;

Charter Oaks – west of Hucrest to the river;

Garden Valley – north of Garden Valley Boulevard near Riversdale and Darley Drive.

Specific Statewide Planning Goals were addressed in order to assess the feasibility and cost of providing water, sanitary sewer and storm sewer services to each expansion alternative. In addition, other factors concerning natural resources and natural hazards involving slopes, wetlands, stream corridors, floodplains, resource uses and wildlife habitat (for special status species) were inventoried, considered and evaluated within the context of each expansion alternative. Based on the analysis conducted of the five expansion areas the Charter Oaks area was selected. The 2008 UGB Expansion Study was never finalized as a result of concerns involving neighbors within the Charter Oaks area and the Average Annual Growth Rate provided at the time necessary to justify expansion of the UGB.

Recently, two property owners (Serafin & Atkinson), each with large parcels that cannot feasibly be serviced or developed at urban density, approached the Community Development Department to discuss removing their properties from the City limits and the UGB. De-annexation and adoption of a County rural residential zoning designation would be advantageous for them, as it would allow them to develop at a much lower density, with wells for water, septic systems, and limited public safety services. A topographic map of both property areas, Serafin – about 190 acres at the easterly end of Newton Creek, and Atkinson – about 90 acres north and west of Garden Valley and Kline, shows the difficulty of developing streets, water, and sewer to city requirements.

Although some property owners in the Charter Oaks area historically resisted being included in the UGB, recently numerous property owners have requested annexation to the city limits; this is currently not possible as the sites are outside the UGB. Preliminary estimates put developable residential acreage in the area at about 169 acres. Removal of unserviceable acreages and annexing in the Charter Oaks UGB Expansion Area would allow the city to incorporate additional acreage ready for development at urban levels while maintaining its UGB at current size. The area determined to be least constrained by slopes, and most fit for water and sewer improvements during future UGB expansion was Charter Oaks. Containing approximately 169 acres, admittedly with floodplain overlay, but gentle slopes, Charter Oaks represents a large portion of needed property suitable for single-family residential development.

Statewide Planning Goals, administered by the Department of Land Conservation and Development (DLCD), were put in place to limit urban expansion into rural properties and as such expanding an Urban Growth Boundary is an arduous process. Fortunately, the proposal represents a swap with no net increase in acreage density, rather than just a request to expand the UGB. UGB's represent a good guess at which lands can be developed at urban levels, but are never perfect. DLCD recognizes that with new studies and projected growth, cities should determine for themselves where that growth takes place.

Removal of the sites above upon request of the owners frees up about 280 acres and estimates of Charter Oaks properties available for inclusion in the UGB is about 169 acres after factoring density calculations based on slope, floodway and existing development. Areas to be added or removed from the City UGB require an amendment of the UGB and RUSA boundaries as well as identification of appropriate City or Douglas County Comprehensive Plan Designations and future zoning of affected properties. Effective long-range planning for the area benefits all parties.

Mr. Colley added this project would require many steps beginning with communication and public meetings to work with residents in the area. Mr. Coalwell confirmed this would take a lot of staff time, going before the Planning Commission and then coming back to Council. He asked Council to abstain from discussing information publicly to ensure transparency with the process.

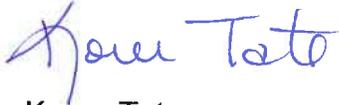
Councilor Hicks asked why the Ramp Canyon area was not chosen since it would be near the recently adopted Diamond Lake Urban Renewal area. Mr. Cowie explained Ramp Canyon was not chosen during previous research. Much of the area is sloped and the City ultimately decided to go a different direction that provided more usable land for housing development. Mr. Colley added the Charter Oaks area was the highest value of property, which helped with the decision. Councilor Hicks was concerned the area would further exacerbate traffic congestions and deteriorate the roadways.

In response to Councilor Kaser, Mr. Cowie stated the first step is to start with public input by holding neighborhood meetings. It is important to provide citizens with all necessary information regarding their potential impact. In response to further questions, Mr. Cowie explained the residents within the UGB pay County taxes and would end up paying City taxes once annexed. The goal is to annex people logically, providing an extension of services and increasing housing opportunities for the current needs of the area. Councilor McDonald expressed this was a golden window and the City should take advantage of the opportunity.

Mr. Cowie concluded that fortunately, Sutherlin just completed a similar and successful UGB Swap and will be a resource to pattern after for the upcoming process. Council agreed and directed Staff to proceed with the outline given for taking the necessary steps for a potential UGB Swap.

ADJOURN

The meeting adjourned at 7:15 p.m.



Koree Tate
Management Assistant

09/10/18

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL MEETING
September 24, 2018**

Mayor Larry Rich called the regular meeting of the Roseburg City Council to order at 7:20 p.m. on September 24, 2018 in the City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon. Councilor Fisher-Fowler led the Pledge of Allegiance.

ROLL CALL

Present: Councilors Alison Eggers, Linda Fisher-Fowler, Ashley Hicks, John McDonald, Brian Prawitz, Steve Kaser and Tom Ryan.

Absent: Councilor Andrea Zielinski

Others present: City Manager Lance Colley, City Recorder Amy Sowa, City Attorney Bruce Coalwell, Human Resources Director John VanWinkle, Fire Chief Gary Garrisi, Community Development Director Stuart Cowie, Police Chief Gary Klopfenstein, Public Works Director Nikki Messenger, Library Director Kris Wiley, Management Assistant Koree Tate, Management Assistant Shy Chapman, Carisa Cegavske of the News Review and Kyle Bailey of KQEN.

MAYOR REPORTS

Mayor Rich proclaimed October 10, 2018 as Walk and Bike to School Day and encouraged citizens to participate in the event. Green Elementary Principal, Amy Rodriguez, accepted the proclamation and thanked Council for recognizing the importance of the event. Green Elementary is a Blue Zone school and she expressed the importance for students to feel safe to walk or bike to school. Mr. Colley thanked Blue Zones Umpqua and Roseburg Public Schools for participating. Mayor Rich asked Council to contact Staff if they were interested in attending and providing assistance at one of the local schools.

CITY MANAGER RECRUITMENT PROCESS

Mr. VanWinkle reported he met with Mayor Rich and Councilor Ryan to review the recruitment process after Mr. Colley's retirement announcement during the previous meeting. Mr. VanWinkle suggested working with a recruiter to handle outreach for candidates to fill the City Manager position. The recruiter would handle marketing, outreach, initial screening and then provide the final top candidates for Staff and Council to interview. After reviewing three recruitment agencies, it was determined Protham was the recommended company who is prominent in the region.

Mr. VanWinkle provided the timeline to prepare a profile by October 1, 2018 to advertise the position and close recruitment the week of November 12, 2018. Interviews would be scheduled in December or early January to find the best candidate to potentially start mid-February or the beginning of March 2019. In response to Councilor Hicks, Mr. VanWinkle stated the number of applicants to interview would be dependent on the number of applications received. Typically, five or six candidates are chosen for final interviews. Councilor Hicks asked if the City was required to hire the recruitment company with the lowest bid. Mr. VanWinkle explained the City has had good experiences with the firm. Mr. Colley added Protham handled the recent City Recorder recruitment and they are used to handle high-level positions within Oregon government. Other companies were used in the past who proved less efficient. In response to Councilor Hicks, Mr. VanWinkle confirmed the company uses multiple methods of

recruitment and have contacts across the country. It is their job to know who is looking for work and the landscape to fill a position better than local efforts. Councilor Ryan moved to direct Staff to contract with the Protham Company to facilitate the initial stages of the City Manager hiring process. Motion was seconded by Councilor McDonald and unanimously approved.

COMMISSION REPORTS/COUNCIL WARD REPORTS

Councilor Eggers reported the Parks Commission met and discussed the proposed naming policy for Legion Field. The October meeting will be in a special offsite location and announced soon. Councilors Ryan and Prawitz attended a MedCom meeting. During the meeting, they reviewed FireMed recruiting, potential ambulance rate and opening a part-time MedCom manager position.

Councilor Prawitz provided a Ward report and thanked the City and Adapt for their efforts in clearing the undergrowth next to the Adapt parking lot down to the bridge area by Laurelwood to help deter illegal camping. Councilor Kaser had a Public Works Commission Meeting where they reviewed current projects that will be completed soon.

CONSENT AGENDA

Councilor Ryan moved to approve the minutes of the regular Meeting of September 10, 2018. Motion was seconded by Councilor McDonald and unanimously approved.

ORDINANCE NO. 3509 – TRANSIENT LODGING, SECOND READING

Ms. Sowa read Ordinance No. 3509, entitled, “An Ordinance Amending Subsection 9.16.005 of the Roseburg Municipal Code Regarding Transient Lodging” for the second time. Councilor Ryan moved to adopt Ordinance No. 3509. Motion was seconded by Councilor Hicks. Roll call vote was taken and motion carried unanimously. Mayor Rich declared the adoption of Ordinance No. 3509.

ORDINANCE NO. 3510 – GOVERNMENT EXEMPTIONS AT THE ROSEBURG REGIONAL AIRPORT, SECOND READING

Ms. Sowa read Ordinance No. 3510, entitled, “An Ordinance Amending Roseburg Municipal Code Subsection 3.22.020 Regarding Government Exemptions at the Roseburg Regional Airport” for the second time. Councilor Hicks moved to adopt Ordinance No. 3510. Motion was seconded by Councilor Fisher-Fowler. Roll call vote was taken and motion carried unanimously. Mayor Rich declared the adoption of Ordinance No. 3510.

ORDINANCE NO. 3511 – UNLAWFUL SMOKING, SECOND READING

Ms. Sowa read Ordinance No. 3511, entitled, “An Ordinance Amending Section 7.02.170 of the Roseburg Municipal Code Regarding Unlawful Smoking” for the second time. Councilor Ryan moved to adopt Ordinance No. 3511. Motion was seconded by Councilor Prawitz. Roll call vote was taken and motion carried unanimously. Mayor Rich declared the adoption of Ordinance No. 3511.

RESOLUTION NO. 2018-22 - LIBRARY POLICIES AND PROCEDURES

Ms. Wiley reported the Roseburg Public Library is currently under renovation and scheduled to open to the public in late October or early November of this year. City staff went through the process to become recognized by the State Library as a legally established public library, and

has drafted policies based on best practices from other Oregon libraries and the American Library Association.

The proposed Library policies provide a framework for the Library to offer quality service to all patrons and ensure a safe and enjoyable place for all to visit and enjoy the Library's services and programming. In addition, it is appropriate for the Library to establish fees for the following: Library cards for those patrons living outside the City limits; items from the Library that have been lost or damaged by patrons; and miscellaneous costs for additional services including, but not limited to, copying charges, earbuds, and interlibrary loans. In response to Mayor Rich, Ms. Wiley explained transitional library cards would be for those without a permanent address and would be reviewed if someone were to reapply after the initial three-month period. Mayor Rich asked for clarification regarding the number of books a person could check out, restrictions and late fees. Ms. Wiley confirmed it was standard practice for libraries to allow patrons to borrow up to fifty items. If someone loses a book, a bill is sent to pay for the replacement of the lost item. No refunds will be available once payment is posted. Some situations may be unique and could be reviewed on an individual basis.

In response to Councilor Ryan, the proposed rules were developed after reviewing other libraries around the State. The Library Commission voted unanimously to approve the policies as presented. Councilor Kaser asked for information regarding a lost book that is considered rare or hard to find. Ms. Wiley explained the fee would help replace lost items and if it were not replaceable, a similar item would be purchased. Councilor Kaser added that Eugene charges patrons \$130.00 a year for those who do not live within the city limits and thought the proposed fee for Roseburg may not be high enough. Mr. Colley explained they reviewed what other libraries were charging and wanted to have a reasonable amount offered for the area.

Councilor Prawitz stated he liked the idea that any student within the school district boundary would have free access to the library and thought the policies created reduced barriers for access to the library. In response to Mayor Rich, Ms. Wiley reported the computer system would allow them to schedule reminders and send statements for yearly renewal fees. The system can also notify staff when someone checks out material and a renewal or fee is on file. Councilor Prawitz moved to adopt Resolution No. 2018-22, entitled, "A Resolution Implementing City of Roseburg Public Library Policies." Motion was seconded by Councilor Hicks and unanimously approved.

RESOLUTION NO. 2018-23 LIBRARY FEES

Ms. Wiley previously reported that to ensure the Library is able to open and provide quality service to its patrons, it was important to establish policies and fees. Councilor Prawitz moved to adopt Resolution No. 2018-23, entitled, "A Resolution Establishing Fees for the Roseburg Public Library." Motion was seconded by Councilor Hicks and unanimously approved.

SAFE ROUTE TO SCHOOLS GRANT APPLICATION AUTHORIZATION

Ms. Messenger stated that in 2017, the Oregon Legislature passed House Bill 2017, which included dedicated funding for a statewide Safe Routes to School (SRTS) Program. For the current biennium, \$16 million has been programmed in the competitive infrastructure grant program. ODOT is currently accepting grant applications for projects intended to reduce barriers for students walking and biking to schools. For the first round of funding, the emphasis

is on providing improvements within a one-mile radius of a Title I school. If the project serves a Title I school, the matching fund requirement is reduced from 40 percent to 20 percent for this grant cycle. A Title I school is one in which children from low income families make up at least 40% of enrollment. Eastwood Elementary School is at 68.1%.

Staff is proposing to submit an application for an improvement project on Douglas Avenue east of Deer Creek. Douglas Avenue is currently a narrow street with no shoulders on either side. Improvements may include curb, gutter, sidewalks, bike lanes, street lighting and an enhanced crosswalk treatment near Eastwood Park. The intent would be to provide a safe pedestrian route to the multi-use path that runs along the east side of Eastwood Park to a pedestrian bridge that crosses Deer Creek and connects to the elementary school.

As part of the Blue Zones Project, the Built Environment Committee has been supporting this project. Blue Zones is funding a consultant to prepare a SRTS Action Plan and to assist in putting the grant application together. The maximum SRTS grant amount is \$2 million, which will require the project to be scaled down. With a twenty percent grant match, the City's portion could be \$400,000. In addition, this area and project have been included in the recently adopted Diamond Lake Urban Renewal Plan. In response to Mayor Rich, Ms. Messenger explained the grant application was due by October 15, 2018 and would most likely begin work in 2020 due to the length of time to review all the materials submitted. Councilor McDonald added this opportunity will not be the last and ODOT was working to continue and grow the program. Councilor Kaser moved to authorize submission of a grant application for the Safe Routes to School Program for improvements to Douglas Avenue. Motion was seconded by Councilor Hicks and unanimously approved.

POLICE OFFICER RECRUITING AND HIRING

Mr. VanWinkle explained Council had heard comments during audience participation at the August 22, 2018 Council Meeting regarding the recruiting and hiring of Police Officers for the Roseburg Police Department. Mr. Klopfenstein and VanWinkle provided a brief overview of current processes in place to recruit, hire, train and certify new police officers. Mr. VanWinkle added that recruitment is handled through the City website, newspaper, schools, criminal justice programs and social media. Current officers provide outreach to people who have expressed interest in becoming a police officer. The department has experienced success with lateral positions from other agencies. Incentive packages are now offered to help transition those who make the decision to move laterally to Roseburg.

Recruitment is difficult across the country with a limited job market. Roseburg has high standards and is looking for individuals who can meet our expectations. Mr. Klopfenstein discussed the process for a new officer after the interview process, background check and offer for employment. Initially, a new officer will be sworn in, complete hiring paperwork, obtain law enforcement data system certification, review the police manual, have first aid training and complete a series of online trainings. He stated new hires would go through four weeks of evaluation to observe their performance and interaction with other officers and the public. The goal is to have new hires complete the thirty-eight week process, including the Police Academy, and be able to go out and handle calls on their own.

Mr. VanWinkle shared the officers are subject to an eighteen month probation to ensure all steps are complete. In response to Councilor Fisher-Fowler, Mr. Klopfenstein added there are different officer trainers for the different shifts. They try to keep one team together throughout their shifts, which has been changed to a three month rotation. Teams can consist of five to seven people. Mayor Rich wanted to know how many complete the program. Mr. Klopfenstein explained the average is one out of four people do not finish the program. The program is designed to see how someone can hold up under pressure and interact with peers, which are things that will be either a person's downfall or success. Councilor Eggers praised Mr. Klopfenstein for doing a great job and that being short-staffed is a lot to undertake and hard to keep up morale.

Councilor Hicks posed the question regarding School Resource Officers (SRO) and if they were necessary when the department was experiencing a shortage. Mr. Colley confirmed the SRO positions were contracted by the Glide and Roseburg School Districts who pay for the positions to make sure there is a positive interaction with the police department. From a community policing standpoint, these positions were highly important. Mr. Klopfenstein added the SRO's can and have been pulled to assist with other situations when needed. Councilor Hicks wanted to know if volunteers or veterans could fill the position. Unless overfilled, she felt the value to the public was more than working with the schools. Mr. Klopfenstein explained the SRO's were not always on school grounds and handle other calls. The position requires a valid basic certificate from the Oregon Department on Public Safety Standards and Training (DPSST), non-probationary police officer and knowledge of laws, statues and regulations.

STORAGE AREA NETWORK ACQUISITION (SAN)

Mr. Harker advised the current SAN is on a third party support contract and scheduled for replacement. The SAN provides all of the storage requirements of the various servers utilized by the city; consequently, the system is a mission critical component of the city's IT Network. Replacement of the SAN is budgeted in the current fiscal year with an appropriation of \$66,000.

Third party support contracts are utilized when equipment exceed warranty and replacement parts become difficult to obtain. Under third party support agreements the provider may replace parts with any parts they deem suitable including previously used or refurbished parts. Currently the City contracts with Park Place for these services on its SAN; the contract is for \$1,100 and only covers two of the three nodes (a node is an array that includes multiple drives in the unit). The quote from CXtec satisfies the replacement requirements for the SAN and is less than the budgeted appropriation.

Councilor Hicks wanted information in reference to the price difference of quotes received. Mr. Harker explained CXtec uses a combination of drive that enable the price to be lower than others. It will increase the speed and he felt comfortable choosing this company for the service they provide. In response to Councilor Hicks, Mr. Harker confirmed the broadcast system used for Council meetings was a completely different system and would cost upwards of \$50,000 or more to update the equipment to provide a higher quality. Councilor Ryan moved to approve the bid award of SAN equipment through CXtec in the amount not to exceed \$65,118.00. Motion was seconded by Councilor Fisher-Fowler and unanimously approved.

VEHICLE FOR HIRE SERVICES UPDATE

Ms. Sowa provided an update that upon receipt of the adopted ordinance and application forms, both Uber and Lyft notified staff that they will not apply to provide vehicle for hire services in Roseburg. The concerns from Uber included the City issued driver's permit and vehicle inspection requirements, neither of which they objected to in earlier conversations. They suggested we consider becoming part of the Eugene/Springfield service area, or adopt the City of Eugene's ordinance and rules.

The concerns from Lyft were the City background checks and driver's permit application. They asked that the City draft their ordinance to match the City of Medford. Two driver applications had been received without any concerns for the requirements. It seems as though the companies have the concerns, not the drivers. In response to Mayor Rich, Ms. Sowa explained Eugene requires a certification card with similar requirements as the Roseburg Driver's Permit. Uber did not want Roseburg to have a stand-alone ordinance or assign someone to service the area given the small population.

Mayor Rich questioned the number of years the companies use when providing a background check. Ms. Sowa explained both companies only check for the last seven years. Mr. Coalwell added that during his conversation with Lyft, they stated it would be a complete redline unless Roseburg decided to comply with their seven-year rule. He advised this would be a major policy change to meet that requirement. Councilor Prawitz stated the citizens in Roseburg are requesting the ride share service and in his opinion, if it is easier to fall in line with what Eugene does to have Uber come to town then that is what the City should review to accomplish. Mr. Coalwell added the ordinance was drafted with the intention to be applicable to both vehicle for hire services and taxi companies. If the City allowed Uber drivers from Eugene to service Roseburg, the Municipal Code would need amended and criminal background requirements changed. There would be a policy disconnect if Council changed the ordinance for one type of business and not others.

Mayor Rich said he understood why Uber and Lyft wanted to keep the program uniform across the State, but was concerned with their background practices. In response to Councilor Fisher-Fowler, Ms. Sowa confirmed that although Lyft is operational in Eugene, they expressed concern with their requirements. Ms. Sowa added she would verify with other cities who have ride share services to determine the type of requirements. Councilor Prawitz wanted to know the process if the City became part of the Eugene licensing process. Mr. Coalwell explained the Municipal Code would need amended, remove the requirement regarding the Roseburg process and go back to square one to determine if there would be a code regarding taxi service.

In response to Councilor Hicks, Mr. Colley reiterated Council asked to have safety checks, permits and backgrounds. After many discussions, Staff created the ordinance following all suggested guidelines with the intent to allow vehicle for hire services in Roseburg. Changing adopted ordinances now will have implications that will need discussed and Council will need to provide specific direction. Councilor Ryan added he and Councilor Kaser were amenable to revisiting the discussion to shorten the length of time for background checks. Councilor Kaser was concerned about the type of felonies someone might be denied for with Uber. Ms. Sowa explained sexual assault and driving while intoxicated were the main offenses that would keep someone from becoming an Uber driver. Councilor Kaser requested Staff to determine what is allowed and their limitations for driver applicants.

Councilor Hicks reminded Council that Uber was operating in the area before the previous City Recorder sent a letter stating they were in violation of the Municipal Code. She said that took away resources and what the community wanted. Mayor Rich said he would like to have the process done right and did not mind taking the time to follow rules. Councilor Hicks added Uber and Lyft are multi-million dollar national companies that have been doing business well for quite some time. Mayor Rich was concerned as to why they were unwilling to follow the rules. Councilor Hicks said that by holding up the process, it was her opinion the City was doing a disservice to the constituents.

In response to Councilor Fisher-Fowler, Ms. Sowa explained that taxi companies are included as public passenger vehicles in Eugene, but Medford did not have taxi service regulations in place prior. Councilor Hicks did not see why service areas could not overlap and allow drivers to come from outside areas. After further discussion, Council directed Staff to obtain further information from other cities and negotiate with Uber and Lyft to begin service in Roseburg.

LEGION FIELD IMPROVEMENT PROPOSAL & EXEMPTION FROM NAMING POLICY

Ms. Messenger reported this item was discussed extensively at the September 19th Special Parks Commission Meeting. In June 2017, Legion representative submitted a proposal to replace the grass at Legion Field with artificial turf. The proposal received preliminary approval from the Commission and Council with the condition that all funding for the project must be secured prior to construction beginning. Since that time, the project has been fairly quiet while Legion worked on developing funding and usage partnerships.

On August 29th, Staff met with representatives from Umpqua Community College and Legion to discuss new details regarding the turf project. There were two things that were primarily discussed. The first is that both Umpqua Valley Christian School (UVC) and Umpqua Community College (UCC) want the ability to use the field space and would participate in the fundraising and pay a user fee to Legion for use of the field. The second is that the group would like an exemption from the current naming policy in order to provide naming rights as part of their fundraising efforts.

The agreement allows for use by others. Use by UCC fits within the requirements. In order to facilitate usage for all four entities and meet the requirements of the agreement with the City, Legion is proposing that all four partners enter into a memorandum of understanding outlining the conditions related to usage. As outlined in the MOU, during the season when Legion is not playing, Roseburg High School (RHS) will have first priority, UVC will have second priority and UCC will have third.

The City's adopted Park Naming Policy requires at least 15% of the project cost or \$300,000.00 as the minimum dollar amount for the naming of a park or amenity. The total cost estimate for the project is \$715,000.00. Under the current policy, this would require a monetary donation of \$357,500.00 in order to name/rename the field. While the facility will remain Bill Gray Stadium, the partners seeking to turf the field are seeking an exemption to this policy and are requesting approval of the new naming rights changes.

Regarding naming rights for the Field, there would be a term of 6 years at \$25,000.00 a year in exchange for associating the sponsor's name with the field. This package will include inserting the sponsor's name or logo in the turf behind home plate and using the sponsor's name when referring to the field. Regarding naming rights for Dugouts and Press Box, there would be a term of 6 years at \$4,000.00 a year for adding the sponsor's name or logo to the top of the dugouts and the front of the press box. Regarding naming rights for On-deck Circles, there would be a term of 6 years at \$1,000.00 a year including the sponsor's name or logo in the on-deck circles. Legion would like to begin the project as soon as possible. As such, they are eager to get direction regarding the naming proposal so they may begin fundraising. Legion hopes to start construction this fall.

Since the project had become more complex than simply Legion fundraising and constructing turf, Staff recommended that a separate agreement regarding the project be negotiated and executed. The agreement would outline conditions that the Commission or City Council may deem appropriate.

Ms. Messenger explained the Legion is looking to move forward quickly with the stipulation that naming be appropriate for youth and items that could legally be sold to youth. In response to Councilor Ryan, Ms. Messenger confirmed Legion maintains the field and handles the schedule, but the City owns the property. Mayor Rich wanted to know what would happen if after the first six year term, no one came forward to pay for advertising. Mr. Colley explained that is a concern the Legion would have to consider. Before fundraising could proceed, the Legion must secure a loan to complete the project in preparation of a budget shortfall. It had been clearly stated the field and turf would not be collateral; therefore, proof of funds available is necessary to move forward. In response to Councilor Ryan, Mr. Colley stated the Legion could postpone the project for next year if they do not acquire enough funds to proceed.

Councilor Kaser asked for information pertaining to current naming rights. Ms. Messenger advised the Legion controls the space currently for banners. As a general rule of the parks system, advertising billboards are not allowed. Current banners are internal facing to avoid public spaces from being occupied. In response to Councilor Kaser, Jeff Admire, American Legion Commissioner, confirmed they currently do not advertise tobacco or alcohol businesses and have been receiving sponsorship offers to work towards adding turf to the field. Craig Jackson, UCC Athletic Director, further explained that by updating the naming rights, it allows another source of income. Mr. Admire added the stadium would continue to be named Bill Gray Stadium; it is the field and other areas that will have name options.

Councilor Eggers moved to approve an exemption to the naming rights policy for the American Legion Baseball Commission's turf fundraising project as outlined in the Parks Commission memo dated September 19, 2018 with the stipulation that naming rights are only offered to companies that market products that are appropriate for and can be legally sold to youth. Motion was seconded by Councilor Prawitz and unanimously approved.

ITEMS FROM MAYOR, COUNCIL AND CITY MANAGER

Councilor Hicks attended the Second Chance Tour at the Douglas County Fairgrounds on September 19, 2018. The tour was geared towards employers letting them learn about the program and incentives for those who need a second chance. She heard from speakers who

10/08/2018

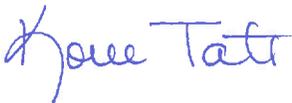
had past criminal records, but turned their life around and were hired. A barrier she discovered is the hardship for people to obtain identification, birth certificates or passports that are needed to move forward in life.

Councilor Hicks is planning to attend the annual League of Oregon Cities conference that will have information for housing and incentives, homeless solutions and to work with other elected officials across the state. She also reminded Council about the South Umpqua River cleanup scheduled for September 29, 2018. Volunteers will use a Solve trash bag and work on the trails along the river. If a photo or video is shared, she suggested adding a hash tag called, "solvethistogether" to be entered to win a prize.

Councilor Prawitz thanked those who attended the K9s in the Grapevines and the Challenge of the Heroes events. He invited others to attend an informational luncheon scheduled at the Public Safety Center on September 26, 2018 regarding HB 2017. Umpqua Transit is working to educate the public about funding changes coming from the state and how it will impact public transportation in Douglas County.

ADJOURNMENT

The meeting adjourned at 9:39 p.m.



Koree Tate
Management Assistant

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

CONSENT AGENDA C

10/08/2018

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10/1/18



NOVEMBER 12, 2018 - MEETING CANCELLATION

Meeting Date: October 8, 2018
Department: Administration
www.cityofroseburg.org

Agenda Section: Consent Agenda
Staff Contact: Koree Tate
Contact Telephone Number: 492-6866

ISSUE STATEMENT AND SUMMARY

Inasmuch as the November 12, 2018, City Council meeting falls on Veterans Day observance, Council is asked to consider canceling that meeting.

BACKGROUND

A. Council Action History. Although the City Council has not discussed the meeting cancellation this year, historically the City Council has cancelled meetings which occur either on, directly prior to or immediately after a national holiday.

B. Analysis. Inasmuch as Councilors and Staff Members oftentimes travel during holiday periods, it may be difficult to attain a quorum for meetings within that time frame. Therefore, any meetings regularly scheduled during holiday periods have been cancelled. At this time, Staff does not anticipate any pressing issues which would require two meetings in May. The option can always be held open to call a special meeting if the need arises.

C. Financial and/or Resource Considerations. n/a

D. Timing Issues. In the event the City Council wishes to cancel the meeting, action should be taken at this time in order to properly schedule agenda matters for Council attention and to notify the news media and interested parties of the cancellation.

COUNCIL OPTIONS

1. Cancel the first meeting in November with the option of calling for a special meeting should the need arise.
2. Reschedule the meeting for another date.

STAFF RECOMMENDATION

Staff recommends the City Council cancel the November 12, 2018, City Council meeting.

SUGGESTED MOTION

I MOVE TO CANCEL THE NOVEMBER 12, 2018 COUNCIL MEETING, RESERVING THE OPTION TO CALL A SPECIAL MEETING SHOULD THE NEED ARISE.

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

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10/1/18

CONSENT AGENDA D
10/8/2018



December 24, 2018 - MEETING CANCELLATION

Meeting Date: October 8, 2018
Department: Administration
www.cityofroseburg.org

Agenda Section: Consent Agenda
Staff Contact: Koree Tate
Contact Telephone Number: 492-6866

ISSUE STATEMENT AND SUMMARY

Inasmuch as the December 24, 2018, City Council meeting falls on Christmas Eve, Council is asked to consider canceling that meeting.

BACKGROUND

- A. Council Action History.** Although the City Council has not discussed the meeting cancellation this year, historically the City Council has cancelled meetings which occur either on, directly prior to or immediately after a national holiday.
- B. Analysis.** Inasmuch as Councilors and Staff Members oftentimes travel during holiday periods, it may be difficult to attain a quorum for meetings within that time frame. Therefore, any meetings regularly scheduled during holiday periods have been cancelled. At this time, Staff does not anticipate any pressing issues which would require two meetings in May. The option can always be held open to call a special meeting if the need arises.
- C. Financial and/or Resource Considerations.** n/a
- D. Timing Issues.** In the event the City Council wishes to cancel the meeting, action should be taken at this time in order to properly schedule agenda matters for Council attention and to notify the news media and interested parties of the cancellation.

COUNCIL OPTIONS

1. Cancel the second meeting in December with the option of calling for a special meeting should the need arise.
2. Reschedule the meeting for another date.

STAFF RECOMMENDATION

Staff recommends the City Council cancel the December 24, 2018, City Council meeting.

SUGGESTED MOTION

I MOVE TO CANCEL THE DECEMBER 24, 2018 COUNCIL MEETING, RESERVING THE OPTION TO CALL A SPECIAL MEETING SHOULD THE NEED ARISE.

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10/11/18

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



OLCC APPLICATION – NEW OUTLET Aroy, LLC – 1350 NE Stephens Street, Suite 24

Meeting Date: October 8, 2018
Department: City Manager's Office
www.cityofroseburg.org

Agenda Section: Consent Agenda
Staff Contact: Koree Tate
Contact Telephone Number: 492-6866

ISSUE STATEMENT AND SUMMARY

Roseburg Municipal Code Chapter 9.12 requires staff review of all applications submitted to the Oregon Liquor Control Commission for a license to sell alcoholic beverages within the City. Upon completion of staff review, the City Recorder is required to submit the application and a recommendation concerning endorsement to the Council for its consideration.

BACKGROUND

OLCC has received an application from Ryan Walker with Aroy, LLC located at 1350 NE Stephens Street, Suite 24 as a new outlet granted for "Full On-Premises, Commercial."

- A. Council Action History.** Chapter 9.12 requires Council to make a recommendation to OLCC on the approval or denial of all liquor license applications submitted by any establishment located inside City limits.
- B. Analysis.** The Police Department conducted a background investigation on the applicant and found no reason to deny the application.
- C. Financial and/or Resource Considerations.** The applicant has paid the appropriate fee for City review of the application.
- D. Timing Issues.** The applicant is requesting endorsement from the Council for immediate submittal to OLCC.

COUNCIL OPTIONS

Council may recommend OLCC approval of the application as submitted or recommend denial based on OLCC criteria.

STAFF RECOMMENDATION

Staff recommends Council approval of the application as submitted.

SUGGESTED MOTION

"I MOVE TO RECOMMEND APPROVAL OF THE OLCC NEW OUTLET APPLICATION FOR AROY, LLC AT 1350 NE STEPHENS STREET, SUITE 24 IN ROSEBURG, OREGON.

ATTACHMENTS

A. Subject Application

cc: License Applicant w/copy of agenda
Jonathan Crowl, OLCC Representative



LIQUOR LICENSE APPLICATION

LICENSE FEE: Do not include the license fee with the application (the license fee will be collected at a later time).

APPLICATION: Application is being made for:

- Brewery
- Brewery-Public House
- Distillery
- Full On-Premises, Commercial
- Full On-Premises, Caterer
- Full On-Premises, Passenger Carrier
- Full On-Premises, Other Public Location
- Full On-Premises, Nonprofit Private Club
- Full On-Premises, For-Profit Private Club
- Grower Sales Privilege
- Limited On-Premises
- Off-Premises
- Off-Premises with Fuel Pumps
- Warehouse
- Wholesale Malt Beverage & Wine (WMBW)
- Winery

CITY AND COUNTY USE ONLY

Date application received _____

Name of City or County _____

Recommends this license be ___ Granted ___ Denied

By _____

Date _____

OLCC USE

Application received by AW

Date 09/14/18

License Action: New Outlet

1. LEGAL ENTITY (example: corporation or LLC) or INDIVIDUAL(S) applying for the license:

Applicant #1 <u>Ryan Walker</u>	Applicant #2 <u>Chhean Chhoeun</u>
Applicant #3	Applicant #4

2. Trade Name of the Business (the name customers will see):
Aroy LLC

3. Business Location: Number and Street 1350 NE Stephens St Ste 24

City <u>Roseburg</u>	County <u>Douglas</u>	ZIP <u>97470</u>
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4. Is the business at this location currently licensed by the OLCC? Yes No

5. Mailing Address (where the OLCC will send your mail):

PO Box, Number, Street, Rural Route 1350 NE Stephens St Ste 24

City <u>Roseburg</u>	State <u>OR</u>	ZIP <u>97470</u>
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6. Phone Number of the Business Location: 541-832-5555

7. Contact Person for this Application:

Name <u>Ryan Walker</u>	Phone Number <u>541-643-1365</u>
Mailing Address, City, State, ZIP <u>172 SE Gregory Dr, Winston, OR 97496</u>	
Email <u>aroythai@yahoo.com</u>	

I understand that marijuana (such as use, consumption, ingestion, inhalation, samples, give-away, sale, etc.) is prohibited on the licensed premises.

Signature of Applicant #1 <u>Ryan Walker</u> <u>7/23/2018</u>	Signature of Applicant #2 <u>Chhean Chhoeun</u> <u>07/23/2018</u>
Signature of Applicant #3	Signature of Applicant #4

ORDINANCES A
10/08/2018



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

ORDINANCE GRANTING A TELECOMMUNICATIONS FRANCHISE TO STAR2STAR COMMUNICATIONS, LLC

Meeting Date: October 8, 2018

Agenda Section: ORDINANCES

Department: City Recorder

Staff Contact: Amy L. Sowa

www.cityofroseburg.org

Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

The City has received an application for a telecommunication franchise from Star2Star Communications, LLC located in Sarasota, Florida.

BACKGROUND

A. Council Action History. Council has not acted on this particular application.

B. Analysis. The subject application and application processing fee was received on September 24, 2018. Service to Roseburg customers began on July 1, 2018. Therefore the provider has requested that the franchise agreement be granted effective retroactively to July 1, 2018.

C. Financial and/or Resource Considerations. Under our definitions of telecommunications "provider" and telecommunication "service", Star2Star Communications, LLC is required to pay a franchise fee of 5% of the gross revenues derived from customers within the City.

D. Timing Issues. As noted above, Star2Star Communications LLC began serving Roseburg in July 1, 2018; therefore the franchise needs to be made effective retroactively to that date. Such effective date will make the initial term of the franchise 2 years and 6 months, with an expiration date of December 31, 2020. The ordinance will also allow renewal options of three years each, for a total of five terms.

STAFF RECOMMENDATION Staff recommends that Council proceed with first reading of the ordinance, followed by second reading and adoption at the October 8, 2018 meeting in order to avoid further delay in granting the franchise.

SUGGESTED MOTION If Council concurs with Staff's recommendation, Council will need to request first reading of the ordinance granting a telecommunications franchise to Star2Star Communications LLC, effective July 1, 2018, after which the following motions would be appropriate:

10/08/2018

#1 *"I MOVE TO SUSPEND THE RULES AND PROCEED WITH SECOND READING OF ORDINANCE NO. 3512, GRANTING A TELECOMMUNICATIONS FRANCHISE TO STAR2STAR COMMUNICATIONS LLC, EFFECTIVE RETROACTIVELY TO JULY 1, 2018."*

#2 *"I MOVE TO ADOPT ORDINANCE NO. 3512."*

ATTACHMENTS Proposed Ordinance

cc: Star2Star Communications LLC, 600 Tallevast Rd, Ste 202, Sarasota, FL 34243
Subject Franchise File

ORDINANCE NO. 3512

**AN ORDINANCE GRANTING A TELECOMMUNICATION FRANCHISE
TO STAR2STAR COMMUNICATIONS, LLC EFFECTIVE
RETROACTIVELY ON JULY 1, 2018**

SECTION 1. Grant of Franchise. The City of Roseburg, hereinafter called "City", hereby grants Star2Star Communications, LLC, hereinafter called "Franchisee", the non-exclusive right to use and occupy all public ways within the Franchise Territory, solely for the purposes described herein, for a period of two years and six months, retroactively beginning July 1, 2018 and ending December 31, 2020 following Franchisee's acceptance of the Franchise as provided in Section 11 of this Ordinance.

SECTION 2. Incorporation of Roseburg Municipal Code. This Franchise is granted pursuant to Chapter 9.25 of the Roseburg Municipal Code ("RMC"), entitled "Telecommunications Providers", and shall be interpreted to include all provisions of Chapter 9.25, as it now exists and as it may be amended during the term of the Franchise, and all other provisions of the Roseburg Municipal Code and City regulations with which Chapter 9.25 requires compliance, as if set forth in writing herein. A copy of Chapter 9.25, as it exists and is in effect on the effective date of this Franchise, is attached to this Franchise as Exhibit "A". It shall be the responsibility of the Franchisee to keep itself informed of any amendments to applicable provisions of the Roseburg Municipal Code and all related regulations.

SECTION 3. Amendment and Renewal. The Franchise granted by this Ordinance may be amended in accordance with RMC 9.25.120 and may be renewed in accordance with RMC 9.25.100.

SECTION 4. Franchise Territory. The "Franchise Territory" is all territory within the boundaries of the City of Roseburg, as currently existing or as the boundaries may be adjusted during the term of this Franchise.

SECTION 5. Services to be Provided. Franchisee shall provide telecommunications services as authorized by law to residents, businesses and other entities within the City of Roseburg.

SECTION 6. Franchise Fees. Franchise fees shall be based on Franchisee's annual use of the City's public ways, as provided below:

- A. Fee Base.** For the privileges granted by this Franchise, Franchisee shall pay five percent (5%) of its gross revenue derived from services provided to

customers within the City limits of Roseburg.

B. Payment. All payments due hereunder shall be paid to the City of Roseburg by check or money order delivered to the address of the City for notices as set forth herein.

C. Due Date. Franchise fees shall be paid to the City on a quarterly basis, based on the revenues derived from the quarter just passed, not more than 30 days following the end of each quarter.

D. Late Fee. If Franchisee fails to pay the Franchise fee when due, Franchisee shall be charged a penalty of ten percent (10%), and the legal rate of interest established by state statute on the unpaid balance.

SECTION 7. Notices and Authorized Representatives.

A. Except for emergency notification of Franchisee, all notices or other communications between the parties shall be deemed delivered when made by certified United States mail or confirmed express courier delivery to the following persons and locations:

If to City:

City of Roseburg
ATTN: Amy L. Sowa, City Recorder
900 SE Douglas
Roseburg, OR 97470
E-mail: asowa@cityofroseburg.org
Phone: 541-492-6866

If to Franchisee:

Star2Star Communications, LLC
ATTN: Lynn Brusky
600 Tallevast Rd, Ste 202
Sarasota, FL 34243
E-mail: tax@star2star.com
Phone: 941-234-0001

Either party may change the identity of its authorized representative(s) or its address or phone number for notice purposes by delivering written notice of the change to the other party.

B. In case of an emergency that causes or requires interruption of service, City shall give Franchisee emergency notification by hand delivery or telephone, as appropriate to the nature of the emergency, to the following:

Contact Person's Name: Lynn Brusky
Mailing Address: 600 Tallevast Rd, Ste 202, Sarasota, FL 34243
Telephone: 941-234-0001

SECTION 8. Location, Relocation and/or Removal of Facilities. RMC Chapter 4.02, along with RMC Sections 9.25.290 – 9.25.320, sets forth the conditions for the

construction, installation, location, relocation and removal of Franchisee's facilities. There are no exceptions or additions to these regulations unless Franchisee is exempted by statute.

SECTION 9. Representation and Warranty of Franchisee. By executing this document, Franchisee represents and warrants that it is familiar with all provisions of this Franchise, including those contained in this Ordinance, and that it accepts and agrees to be bound by all terms, conditions and provisions set forth herein.

SECTION 10. Franchise Effective Date. Franchisee submitted an application requesting a telecommunications franchise and paid the application processing fee on September 24, 2018 and began serving Roseburg customers on July 1, 2018. The Roseburg City Council approved such request at its meeting on October 8, 2018; and hereby authorizes this Franchise to take effect retroactively on July 1, 2018 and expire on December 31, 2020, provided Franchisee satisfies the acceptance requirements of Section 11 of this Ordinance.

SECTION 11. Acceptance of Franchise. Upon receipt of this Ordinance, Franchisee shall sign in the space below to indicate its unconditional acceptance of the terms and conditions upon which City has offered the Franchise described herein, and immediately return such acceptance to the City. If Franchisee fails to accept the Franchise and return acceptance to City within 30 days of the adoption of this Ordinance, this Ordinance and the Franchise granted herein shall become void and have no force or effect.

ADOPTED BY THE CITY COUNCIL ON THIS 8TH DAY OF OCTOBER, 2018.

APPROVED BY THE MAYOR ON THIS 8TH DAY OF OCTOBER, 2018.

MAYOR

Larry Rich

ATTEST:

Amy L. Sowa, City Recorder

ORDINANCE NO. 3512 – Page 3

(Franchisee's Acceptance on Following Page)

ORDINANCES A
ATTACHMENT #1

FRANCHISEE'S ACCEPTANCE OF ORDINANCE NO._____. This Ordinance is hereby accepted by Star2Star Communications, LLC on this ____ day of _____, 2018.

By: _____
(Signature)

Name: _____
(Printed)

Title: _____

Date: _____

State of _____)

) ss.

County of _____)

This acceptance was signed before me on _____, 2018
by, _____ as _____ of Star2Star Communications,
LLC.

Notary Public for _____
Name: _____
My commission expires on: _____

.....
Acceptance received by City Recorder on _____, 2018.

Amy L. Sowa, City Recorder

ORDINANCE NO. 3512 – EXHIBIT "A"

ROSEBURG MUNICIPAL CODE CHAPTER 9.25 - TELECOMMUNICATIONS PROVIDERS

Sections:

- 9.25.005 Definitions.
- 9.25.010 Purpose.
- 9.25.020 Jurisdiction and management of the public way.
- 9.25.030 Regulatory fees and compensation not a tax.
- 9.25.040 Overview of franchise requirements.
- 9.25.050 Reserved.
- 9.25.060 Application.
- 9.25.070 Application review fee.
- 9.25.080 Determination by the City.
- 9.25.090 Rights granted.
- 9.25.100 Term and renewal of franchises.
- 9.25.110 Franchise Fee.
- 9.25.115 Operation without a franchise.
- 9.25.120 Amendment of franchise.
- 9.25.130 Reserved.
- 9.25.140 Reserved.
- 9.25.150 Obligation to cure as a condition of renewal.
- 9.25.160 Assignments or transfers of system or franchise.
- 9.25.170 Revocation or termination of franchise.
- 9.25.180 Notice and duty to cure.
- 9.25.190 Hearing.
- 9.25.200 Standards for revocation or lesser sanctions.
- 9.25.210 General construction and location of facilities in the public way.
- 9.25.220 Construction codes.
- 9.25.230 Construction permits.
- 9.25.240 Applicant's verification.
- 9.25.250 Construction schedule.
- 9.25.260 Coordination of construction activities.
- 9.25.270 Noncomplying work.
- 9.25.280 As-built drawings.
- 9.25.290 Location of facilities.
- 9.25.300 Interference with the public way.
- 9.25.310 Relocation or removal of facilities.
- 9.25.320 Removal of unauthorized facilities.
- 9.25.330 General franchise provisions--Facilities.
- 9.25.340 Damage to grantee's facilities.
- 9.25.350 Duty to provide information.
- 9.25.360 Service to the City.
- 9.25.370 Cable franchise.
- 9.25.380 Leased capacity.
- 9.25.390 Grantee insurance.
- 9.25.400 General indemnification.
- 9.25.410 Performance surety.
- 9.25.420 Consent.
- 9.25.430 Confidentiality.
- 9.25.440 Governing law--Venue.
- 9.25.450 Written agreement.
- 9.25.460 Nonexclusive grant.
- 9.25.470 Severability and preemption.
- 9.25.480 Other remedies.
- 9.25.490 Compliance with laws.
- 9.25.500 Application to existing ordinances and agreements.

9.25.005 Definitions. For the purpose of this Chapter, the following terms, phrases, words and their derivations, shall have the meanings given herein. Terms not defined in this Section shall be interpreted in accordance with Chapter 1.04 of this Code. Terms not defined in this Section or in Chapter 1.04 of this Code, shall be given the meaning set forth in the Communications Policy Act of 1934, as amended, the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992 and the Telecommunications Act of 1996. If not defined there, the words shall be given their common and ordinary meaning. Definitions for this Chapter are as follows:

"Cable service" means the one-way transmission to subscribers of video programming, or other video, audio or data service using the same means of transmission as used to transmit video programming; and subscriber interaction, if any, which is required for the selection or use of such video programming or other programming service.

"City property" means and includes all real property owned by the City, other than the public way and utility easements as those are defined herein.

"Conduit" means any structure, or portion thereof, containing one or more ducts, conduits, manholes, handholds, bolts or other facilities used for any telegraph, telephone, cable television, electrical or communications conductors or cable facilities.

"Construction" means any activity in the public way resulting in physical change thereto, including excavation or placement of structures, but excluding routine maintenance or repair of existing facilities.

"Control" means actual working control in whatever manner exercised.

"Customer" means both the end user of telecommunications services in the City and any person that acquires telecommunications services, bandwidth or other form of capacity for its own to use or for resale in the City.

"Duct" means a single enclosed raceway for conductors or cable.

"Emergency" has the meaning provided in ORS 401.025.

"Franchise" means a license from the City which grants a privilege to occupy the public way and utility easements within the City for a dedicated purpose, for specific compensation and for a specified period of time.

"Grantee" means the person to whom or the entity to which a telecommunications franchise is granted by the City, including both telecommunication carriers and non-carrier providers.

"Gross revenue" means all revenue earned by a telecommunications provider from operations within the City, including but not limited to service to customers located within the City and other persons who use the grantee's facilities within the City to provide service to customers. A person that sells capacity or bandwidth to another telecommunications provider, as described in section 9.25.380, may deduct the income received in that transaction from its gross revenue for purposes of calculating the franchise fee described in section 9.25.110

"Non-carrier provider" means a telecommunications provider that is not also classified as a telecommunications carrier. It includes but is not limited to providers that install, own or lease facilities in the public way and providers that acquire bandwidth or other capacity to resell or provide service directly to customers in the City. "Non-carrier provider" includes several different types of telecommunications providers, including but is not limited to providers often known as competitive local exchange carriers, resellers and long-haul providers.

"Person" means an individual, corporation, company, association, joint stock company or association, firm, partnership or limited liability company.

"Private telecommunications network" means a system, including the construction, maintenance or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a person for their use and not for resale, directly or indirectly. "Private telecommunications network" includes services provided by the State of Oregon pursuant to ORS 190.240 and 283.140.

"Public way" includes, but is not limited to, any street, road, bridge, alley, sidewalk, trail, path and utility easement, including the subsurface under and air space over these areas. This definition applies only to the extent of the City's right or authority to grant a franchise to occupy and use such areas for telecommunications facilities. "Public way" does not include City-owned buildings, parks or other property.

"Telecommunications Act" means the Communication Policy Act of 1934, as amended by subsequent enactments including the Telecommunications Act of 1996 (47 U.S.C. sec. 151 et seq.) and as hereafter amended.

"Telecommunications carrier" means a telecommunications provider that is a telecommunication utility as defined in ORS 759.005 or successor statutes or a cooperative corporation formed under ORS Chapter 62 that provides telecommunications service as defined in ORS 759.005 or successor statutes. It is often known as the incumbent local exchange carrier.

"Telecommunications facilities" means the plant and equipment, other than customer premises equipment, including but not limited to line, pipe, wire cable, fiber, etc. occupying the public way, used, designed or intended for use by a telecommunications provider to provide telecommunications services.

"Telecommunications provider" means: (1) any person that provides telecommunications services to any person or premises within the City, including both telecommunication carriers and non-carrier providers; (2) any person that directly or indirectly owns, leases, operates, manages, or otherwise controls telecommunications facilities which occupy public way within the City; (3) any person that is directly or indirectly owned or controlled by any person described in this definition; and includes every person that directly or indirectly owns, controls, operates or manages plant, equipment or property within the City which is used, or to be used for the purpose of offering telecommunication services. For purposes of this definition, "owns" or "controls" means that one person or entity owns more than 25% of the stock or assets or has more than 25% common partners, directors or owners with another entity. In addition, any person that leases, purchases or otherwise receives telecommunications service or use of a telecommunications facility for less than a reasonable price, so as to create a reasonable inference that the two parties did not deal at arm's length, shall be deemed to be owned or controlled by the second party.

"Telecommunications service" means the providing or offering for rent, sale or lease, or in exchange for other value received, of the transmittal of voice, data, image, graphic and video programming or any other information between or among points by wire, cable, fiber optics, or by laser, microwave, radio, satellite or similar wireless facilities, with or without benefit of any closed transmission medium and without regard to the nature of the transmission protocol employed, but does not include: (1) cable television services; (2) private telecommunications network services; (3) over-the-air radio or television broadcasting to the public-at-large from facilities licensed by the Federal Communications Commission or any successor thereto; (4) direct-to-home satellite service within the meaning of Section 602 of the Telecommunications Act of 1996; (5) services provided solely for the purpose of providing internet service to the customer; (6) public safety radio systems; (7) mobile service within the meaning of 47 U.S.C. Section 153(33) (2012); and services to devices exclusively utilizing electromagnetic spectrum unlicensed by the Federal Communications Commission.

"Telecommunications System" see "Telecommunication facilities" above.

"Telecommunications Utility" has the same meaning as given in ORS 759.005(1).

"Utility easement" means any easement granted to or owned by the City and acquired, established, dedicated or devoted for public utility purposes.

"Utility facilities" means the plant, equipment and property, including but not limited to the poles, pipes, mains, conduits, ducts, cable, wires, plant and equipment located under, on, or above the surface of the ground within the public right of way of the City and used or to be used for the purpose of providing utility or telecommunication services. (Ord. 3460, 2016)

9.25.010 Purpose. The purpose and intent of this Chapter are to:

- A.** Respond to increased use of the public way by telecommunication providers and to technological advances in the telecommunications industry;
- B.** Comply with the 1996 Telecommunications Act as it applies to local governments, telecommunications providers and the services those providers offer;
- C.** Encourage the provision of advanced and competitive telecommunications services on the widest possible basis to businesses, institutions and residents of the City on a competitively neutral basis;
- D.** Permit and manage reasonable access to the public way of the City for telecommunications purposes on a competitively neutral basis and conserve the limited physical capacity of the public way held in trust by the City;
- E.** Assure that the City's current and ongoing costs of granting and regulating private access to and the use of the public way are fully compensated by the persons seeking such access and causing such costs;
- F.** Recognize the public way as a valuable City asset and secure fair and reasonable compensation to the City and its residents for permitting private use of the public way and for physical damage and aesthetic harm to the public way from construction and installation of facilities in the public way;
- G.** Assure that all telecommunications providers occupying the public way with telecommunication facilities obtain a franchise and comply with the ordinances, rules and regulations of the City;
- H.** Enable the City to discharge its public trust consistent with the rapidly evolving federal and state regulatory policies, industry competition and technological development; and
- I.** Assure telecommunications providers that investing in infrastructure in the City is a secure and wise investment, while reserving to the City the ability to respond to new developments in the industry at the time of franchise renewal and by amending its ordinances.
- J.** Recognize that the City's grant of a franchise is in the nature of a license in exchange for a fee, rather than a contract.

(Ord. 3133 § 2, 2003; Ord. 3063 § 2, 2000) (Ord. 3294, § 2, 12-8-2008)

9.25.020 Jurisdiction and management of the public way.

- A.** The City has jurisdiction and exercises regulatory management over the public way whether the City has a fee, easement or other legal interest in the public way and whether the legal interest was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.
- B.** No person may occupy or encroach on a public way or other City property without the permission of the City. The City grants permission to use public way by franchises and permits.
- C.** The City retains the right and privilege to cut or move any telecommunications facilities located within the public way as the City may determine to be necessary, appropriate or useful in response to a public health or safety emergency.

(Ord. 3063 § 2, 2000)

9.25.030 Regulatory fees and compensation not a tax. The fees provided for in this chapter and any compensation charged and paid for use of the public way provided for in this Chapter are not a tax and are separate from, and in addition to, any and all federal, state, local and City charges as may be levied, imposed or due from a telecommunications provider, its customers or subscribers, or on account of the lease, sale, delivery or transmission of telecommunications services. (Ord. 3063 § 2, 2000)

9.25.040 Overview of franchise requirements.

- A.** All telecommunications providers who occupy the public way in the City or provide telecommunications services to customers in the City must obtain a franchise from the City. For purposes

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of this Section, "occupy" the public way means to own, lease, rent or possess the right to make physical changes to a telecommunications facility in the public way

B. A telecommunications provider that holds a current, valid franchise from the City may continue to provide the services authorized by its franchise for the duration of the current term of the franchise.

C. Nothing in this Chapter is intended to override state or federal law, and any provision that would conflict with state or federal law if applied to a particular grantee shall be unenforceable to the extent of the conflict and only to that extent.

(Ord. 3294, § 3, 12-8-2008) (Ord. 3133 § 3, 2003; Ord. 3063 § 2, 2000)

9.25.050 Reserved.

Editor's note: Ord. No. 3294, § 4, adopted Dec. 8, 2008, repealed § 9.25.050, which pertained to Telecommunications franchise and derived from Ord. 3063 § 2, 2000 and Ord. 3133 § 5, 2003. See also the Code Comparative Table and Disposition List.

9.25.060 Application. Any person that desires a telecommunications franchise shall file with the City Recorder an application which includes the following information:

A. The identity and legal status of the applicant, including the name, address and telephone number of the duly authorized officer, agent or employee responsible for the accuracy of the information required on the application and the duly authorized officer, agent or employee to be contacted in case of an emergency.

B. A description of the type of telecommunications services that are to be offered or provided by the applicant to customers within the City; a description of the general types and locations of telecommunication facilities that the applicant currently owns or leases within the City; and a description of the general types and locations of telecommunication facilities that the applicant intends to construct within the City within two years of obtaining a franchise.

C. Engineering plans, specifications and a network map of the facilities located within the public rights of way in the City, including the location and route requested for applicant's proposed telecommunications facilities. The City may require the information to be provided in electronic form readable by City computers or may specify another format.

D. The area or areas of the City the applicant desires to serve and a preliminary construction schedule for build-out to the entire franchise area.

E. Information to establish that the applicant has obtained all other governmental approvals and permits to construct and operate the facilities and to offer or provide the telecommunications services proposed including, but not limited to, the appropriate license from the Oregon Public Utility Commission (PUC) or the Federal Communication Commission (FCC).

F. An accurate map showing the location of any existing telecommunications facilities, if any, in the City that applicant intends to use or lease.

(Ord. 3294, § 5, 12-8-2008) (Ord. 3133 § 6, 2003; Ord. 3070 § 2, 2000)

9.25.070 Application review fee. An application review fee as set by Council resolution shall be paid to the City as part of the application filed pursuant to the above Section 9.25.060. (Ord. 3133 § 7, 2003; Ord. 3070 § 3, 2000)

9.25.080 Determination by the City. The City shall issue a written determination granting or denying the application in whole or in part. If the application is denied, the written determination shall include the reasons for denial. A denial may be appealed to the City Council which shall resolve the appeal in the manner provided in Section 9.25.190. (Ord. 3133 § 8, 2003; Ord. 3063 § 2, 2000)

9.25.090 Rights granted. No franchise granted pursuant to this Chapter shall convey any right, title or interest in the public way, but shall be deemed a grant to use and occupy the public way for the limited purposes and term and upon the conditions stated in the franchise agreement. (Ord. 3133 § 9, 2003; Ord. 3063 § 2, 2000)

9.25.100 Term and renewal of franchises.

A. Unless otherwise specified in a franchise agreement, a telecommunications franchise granted hereunder shall be in effect for an initial term of three years. Subject to conditions stated in this Code and

unless otherwise specified in a franchise agreement, telecommunication franchises shall be automatically renewed for additional three-year terms, running from the anniversary of the grant of the initial franchise, up to a total of five terms including the initial term. A grantee desiring termination of a franchise after the initial term, but prior to any such renewal(s), must provide the City with written notice of such intent to terminate certifying that it will no longer be providing telecommunication services within the City of Roseburg at least 30 days prior to the date of renewal of said franchise.

B. A grantee shall be entitled to automatic renewal of its franchise for additional three-year terms, up to a total of five terms including the initial term, subject to and contingent upon the following conditions:

1. In the City's judgment, the public way has sufficient capacity to accommodate the grantee's existing and proposed facilities;
2. The grantee continues to meet the legal requirements for providing service in the City;
3. The grantee has complied with all the requirements of this Chapter and its franchise;
4. Applicable federal, state and local laws, rules and policies allow the grantee to continue its operations in the City;
5. The grantee agrees to comply with such additional requirements as may be imposed under Subsection C. of this Section.

C. As a condition of each automatic renewal of a franchise, the City, upon written notice provided to the grantee at least sixty (60) days prior to the renewal date, may require the grantee to:

1. Pay additional compensation, or pay compensation calculated in a different manner, for the rights granted by the franchise. Any additional or new compensation requirement shall be consistent with the requirements imposed on other similarly situated grantees at the time of renewal.
2. Comply with any amendments to this Chapter or other applicable provisions of this Code that the City has adopted since the franchise was granted.
3. Agree to amendments to the franchise based on changes to state or federal law; and
4. Execute a modification agreement setting forth all such amended terms of the franchise.

D. After the term of the initial franchise and maximum renewals provided for in this Section have expired, a grantee must apply for a new franchise under the same terms and conditions as apply to new franchise applications at the time and pay a fee as set by Council resolution to cover the cost of the City's review of the application. An application for a new franchise must be submitted not less than 180 days prior to expiration of the existing franchise and must contain the following information:

1. The information required pursuant to Section 9.25.060 of this Chapter; and
2. Any information required pursuant to the franchise agreement between the City and the grantee.

(Ord. No. 3353, § 1, 7-26-2010) (Ord. 3133 § 12, 2003; Ord. 3063 § 2, 2000)

9.25.110 Franchise Fee. Each grantee shall pay to the City a franchise fee as follows:

A. A telecommunications carrier shall pay seven percent (7%) of its gross revenue derived from exchange access services, as defined in ORS 401.710 or a successor statute, less net uncollectibles from such revenue. The fee shall be paid to the City on a quarterly basis, based on the revenues derived from the quarter just passed, not more than 30 days following the end of the quarter.

B. A non-carrier provider that serves customers in the City shall pay five per cent (5%) of its gross revenue. The fee shall be paid to the City on a quarterly basis, based on the revenues derived from the quarter just passed, not more than thirty (30) days following the end of the quarter.

C. A non-carrier provider that occupies the public way but has no customers in the City shall pay an annual fee of two dollars (\$2.00) for each linear foot of the public way occupied by its facilities. The fee shall be adjusted annually in accordance with the Consumer Price Index for Portland, Oregon. The fee shall be paid by January 31 of each year, based on the linear feet of public way occupied by grantees facilities as of December 31 of the prior year. For the year in which grantee first obtains a franchise, the fee may be prorated on a monthly basis from the date of issuance of a permit to construct facilities in the public way, to December 31 of said year. Such proration shall not be applied in subsequent years.

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D. A person that holds a franchise for a private communications network shall pay an annual fee of two dollars (\$2.00) for each linear foot of the public way occupied by its facilities. The fee shall be adjusted annually in accordance with the Consumer Price Index for Portland, Oregon. The fee shall be paid by January 31 of each year, based on the linear feet of public way occupied by grantee's facilities as of December 31 of the prior year. For the year in which grantee first obtains a franchise, the fee may be prorated on a monthly basis from the date of issuance of a permit to construct facilities in the public way, to December 31 of said year.

E. A telecommunications provider that serves customers in the City and, on the effective date of this ordinance, holds a valid franchise authorizing it to occupy the public way and pay a fee by the linear foot, may, until the expiration of the current term of such franchise, continue to pay at the per-foot fee set by Council resolution in effect at the time this Ordinance is adopted, as adjusted for inflation, or may elect to pay a fee calculated according to Paragraph B of this section

F. Any grantee that fails to pay the franchise fee when due, shall be charged a penalty of ten percent and the legal rate of interest established by state statute, on such unpaid balance.
(Ord. 3294, § 6, 12-8-2008)

9.25.115 Operation without a franchise. A telecommunications provider that occupies the public way without a franchise, provides services to customers in the City without a franchise or provides services not authorized by its franchise shall pay the City a fee of six per cent (6%) of gross revenues, plus interest and penalties as described in section 9.25.110F. (Ord. 3294, § 7, 12-8-2008)

9.25.120 Amendment of franchise. Conditions for amending a franchise are as follows:

A. If any grantee desires to extend or locate its telecommunications facilities in a public way of the City which is not included in a franchise previously granted by the City, an amendment to the franchise will be required.

B. If the City orders a grantee to locate or relocate its telecommunications facilities in a public way not included in a previously granted franchise, the City shall grant an automatic amendment without an additional fee.

C. An amended franchise shall be required of any grantee that desires to provide a different type of a service (e.g., cable, telephony) which was not included in a franchise previously granted by the City. An amendment to a franchise will not be required if a grantee adds new or enhanced services of the same type authorized by its existing franchise - e.g., a cable service provider offers digital music service as well as video, or a telephonic service provider adds features like call waiting, call forwarding or caller i.d.
(Ord. 3133 § 13, 2003; Ord. 3063 § 2, 2000)

9.25.130 Reserved.

Editor's note: Ord. No. 3353, § 2, adopted July 26, 2010, repealed § 9.25.130, which pertained to renewal applications and derived from Ord. 3133 § 14, 2003; Ord. 3063 § 2, 2000.

9.25.140 Reserved.

Editor's note: Ord. No. 3353, § 2, adopted July 26, 2010, repealed § 9.25.140, which pertained to renewal of franchise and derived from Ord. 3133 § 15, 2003; Ord. 3063 § 2, 2000.

9.25.150 Obligation to cure as a condition of renewal. No franchise shall be renewed until any and all ongoing violations or defaults in the grantee's performance of the franchise, or of the requirements of this Chapter, have been cured, or a plan detailing the corrective action to be taken by the grantee has been approved by the City. (Ord. 3133 § 16, 2003; Ord. 3063 § 2, 2000)

9.25.160 Assignments or transfers of system or franchise. Ownership or control of a majority interest in a telecommunications franchise may not, directly or indirectly, be transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the grantee, by operation of law or otherwise, without the prior consent of the City, which consent shall not be unreasonably withheld or delayed. The City may attach reasonable conditions to its consent, such as, but not limited to:

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- A. Grantee and the proposed assignee or transferee of the franchise or system shall agree, in writing, to assume and abide by all of the provisions of the franchise.
- B. The approval shall be effective only when the assignee or transferee has demonstrated that it has the legal, technical, financial and other qualifications required by law to own, hold and operate the telecommunications system pursuant to this Chapter.
- C. Unless otherwise provided in a franchise agreement, the grantee shall reimburse the City for all direct and indirect fees, costs and expenses reasonably incurred by the City in considering a request to transfer or assign a telecommunications franchise, including the reasonable cost of the professional consultation on legal, technical or financial issues related to the transfer or assignment.
(Ord. 3133 § 17, 2003; Ord. 3063 § 2, 2000)

9.25.170 Revocation or termination of franchise. A franchise to use or occupy public way of the City may be revoked for any of the following reasons:

- A. Construction or operation in the City or in the public way of the City without a construction permit.
- B. Construction or operation at an unauthorized location.
- C. Failure to comply with Section 9.25.160 herein with respect to sale, transfer or assignment of a telecommunications system or franchise.
- D. Misrepresentation by or on behalf of a grantee in any application to the City.
- E. Abandonment of telecommunications facilities in the public way.
- F. Failure to relocate or remove facilities as required in this Chapter.
- G. Failure to pay taxes, compensation, fees or costs when and as due the City under this Chapter.
- H. Insolvency or bankruptcy of the grantee.
- I. Violation of a material provision of this Chapter.
- J. Violation of a material term of a franchise agreement.
(Ord. 3133 § 18, 2003; Ord. 3063 § 2, 2000)

9.25.180 Notice and duty to cure. In the event that the City believes that grounds exist for revocation of a franchise, the City shall give the grantee written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the grantee a reasonable period of time, not exceeding thirty (30) days, to furnish evidence that:

- A. Corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
- B. The allegation of a violation or noncompliance is incorrect; and/or
- C. It would be in the public interest to impose some penalty or sanction less than revocation.
(Ord. 3133 § 19, 2003; Ord. 3063 § 2, 2000)

9.25.190 Hearing. In the event that a grantee fails to provide evidence reasonably satisfactory to the City as provided in Section 9.25.180, the City Manager shall refer the apparent violation or noncompliance to the City Council. The City Council shall provide the grantee with notice and a reasonable opportunity to be heard concerning the matter. The hearing may be before the City Council, or at its discretion, the Council may appoint a hearings official to receive evidence and arguments and to prepare a report to the Council.
(Ord. 3133 § 20, 2003; Ord. 3063 § 2, 2000)

9.25.200 Standards for revocation or lesser sanctions. If persuaded that the grantee has violated or failed to comply with material provisions of this Chapter or a franchise agreement, the City Council shall determine whether to revoke the franchise, or to establish some lesser sanction and cure, considering the nature, circumstances, extent and gravity of the violation as reflected by one or more of the following factors:

- A. The misconduct was egregious.
- B. Substantial harm resulted.
- C. The violation was intentional.
- D. There is a history of prior violations of the same or other requirements.
- E. There is a history of overall compliance.
- F. The violation was voluntarily disclosed, admitted or cured.
- G. Any other fact or circumstance that, in the City Council's judgment, is relevant to the severity of the violations.

(Ord. 3133 § 21, 2003: Ord. 3063 § 2, 2000)

9.25.210 General construction and location of facilities in the public way. No person, telecommunications provider or grantee shall commence or continue with the construction, installation or operation of telecommunication facilities in a public way except as provided in Sections 9.25.220 through 9.25.320, and in compliance with Chapter 4.02 of this Code and the applicable rules of the City. (Ord. 3133 § 22, 2003: Ord. 3063 § 2, 2000)

9.25.220 Construction codes. Telecommunications facilities shall be constructed, installed, operated and maintained in accordance with all applicable federal, state and local codes, rules and regulations, including the National Electrical Code and the National Electrical Safety Code. (Ord. 3133 § 23, 2003: Ord. 3063 § 2, 2000)

9.25.230 Construction permits. No person, telecommunications provider or grantee shall construct or install any telecommunications facilities in a public way without first obtaining a permit and paying the fees required by Chapter 4.02 of this Code. No permit shall be issued for the construction or installation of telecommunications facilities in a public way unless the person or telecommunications provider has first applied for and received a franchise pursuant to this Chapter. (Ord. 3133 § 24, 2003: Ord. 3063 § 2, 2000)

9.25.240 Applicant's verification. All construction permit applications shall be accompanied by the verification of a registered professional engineer, or other qualified and duly authorized representative of the applicant, that the drawings, plans and specifications submitted with the application comply with applicable technical codes, rules and regulations. (Ord. 3133 § 25, 2003: Ord. 3063 § 2, 2000)

9.25.250 Construction schedule. All construction permit applications shall be accompanied by a written construction schedule, which shall include a deadline for completion of construction. The construction schedule is subject to approval by the City's Public Works Director. The grantee shall promptly complete all construction activities so as to minimize disruption of the public way and other public and private property. All construction work within the public way, including restoration, must be completed within 90 days of the date of issuance of the construction permit unless an extension or an alternate schedule has been approved by the City's Public Works Director. (Ord. 3133 § 26, 2003: Ord. 3063 § 2, 2000)

9.25.260 Coordination of construction activities. All grantees are required to make a good faith effort to cooperate with the City, including, but not limited to the following:

A. By January 1 of each year, grantees shall provide the City with a schedule of their proposed construction activities in, around, or that may affect, the public way;

B. Non-carrier providers shall also provide the City with a written statement certifying the number of linear feet of public way occupied by their facilities as of December 31st of the prior year;

C. If requested by the City, each grantee shall meet with the City annually or as determined by the City, to schedule and coordinate construction in the public way. At that time, the City will provide available information on plans for local, state and/or federal construction projects; and

D. All construction locations, activities and schedules shall be coordinated, as ordered by the Public Works Director or his designee, to minimize public inconvenience, disruption or damage.

(Ord. 3133 § 27, 2003: Ord. 3063 § 2, 2000)

9.25.270 Noncomplying work. Within sixty (60) days following written notice from the City to remove the facilities, which notice shall not be issued until the grantee has had a reasonable opportunity, not to exceed sixty (60) days, to correct noncomplying conditions, all work which does not comply with the construction permit, the approved or corrected plans and specifications for the work, or the requirements of this Chapter, shall be removed at the sole expense of the grantee. (Ord. 3133 § 28, 2003: Ord. 3063 § 2, 2000)

9.25.280 As-built drawings. If requested by the city, the grantee shall furnish the City with two (2) complete sets of plans drawn to scale and certified to the City as accurately depicting the location of all telecommunications facilities constructed pursuant to the construction permit. These plans shall be submitted to the City's Public Works Director or designee within sixty (60) days after completion of construction, in a format acceptable to the City. (Ord. 3133 § 29, 2003: Ord. 3063 § 2, 2000)

9.25.290 Location of facilities. All facilities located within the public way shall be constructed, installed and located in accordance with the following terms and conditions, unless otherwise specified in a franchise agreement:

A. Wherever existing electric utilities, cable facilities and telecommunication facilities are located underground within a public way of the City, a grantee with permission to occupy the same public way must also locate its telecommunications facilities underground.

B. Whenever all new or existing electric utilities, cable facilities or telecommunications facilities are located or relocated underground within a public way of the City, a grantee that currently occupies the same public way shall relocate its facilities underground concurrently with the other affected utilities to minimize disruption of the public way, absent extraordinary circumstances or undue hardship as determined by the City's Public Works Director and consistent with applicable state and federal law.

C. The Public Works Director may require grantees to coordinate construction schedules and to co-locate facilities in the public way where the coordination or co-location requirements do not unreasonably interfere with any of the grantees' operations. The Public Works Director shall require a co-locating grantee to provide reasonable compensation to another grantee whose facilities it shares if necessary or appropriate to prevent unjust enrichment of the co-locating grantee.

(Ord. 3133 § 30, 2003; Ord. 3063 § 2, 2000)

9.25.300 Interference with the public way. No grantee may locate or maintain its telecommunications facilities so as to unreasonably interfere with the use of the public way by the City, by the general public or by other persons authorized to use or be present in or upon the public way. All use of the public way shall be consistent with Chapter 4.02 of this Code and applicable rules and policies. (Ord. 3133 § 31, 2003; Ord. 3063 § 2, 2000)

9.25.310 Relocation or removal of facilities. Within sixty (60) days following written notice from the City or such shorter time as the City may prescribe because of an emergency, a grantee shall, at no expense to the City, temporarily or permanently remove, relocate, change or alter the position of any telecommunications facilities within the public way whenever the City shall have determined that such removal, relocation, change or alteration is reasonably necessary for:

A. The construction, repair, maintenance or installation of any City or other public improvements in the public way.

B. The operations of the City or other governmental entity in the public way.

C. The public interest.

(Ord. 3133 § 32, 2003; Ord. 3063 § 2, 2000)

9.25.320 Removal of unauthorized facilities. Within sixty (60) days following written notice from the City, any grantee, telecommunications provider, or other person that owns, controls or maintains any unauthorized telecommunications system, facility, or related appurtenances within the public way of the City shall, at its own expense, remove such facilities or appurtenances from the public way of the City. A telecommunications system or facility is unauthorized and subject to removal in the following circumstances:

A. One year after the expiration or termination of a telecommunications franchise previously granted to this Chapter.

B. Upon abandonment of a telecommunications facility within the public way of the City. A telecommunications facility will be considered abandoned when it is deactivated, out of service, or not used for its intended and authorized purpose for a period of ninety (90) days or longer. Such facility will not be considered abandoned if it is temporarily out of service for repairs, upgrading or replacement or is an addition to or expansion of a telecommunications facility in use, which addition or expansion has been installed to provide excess capacity to serve future needs.

C. If the telecommunications system or facility was constructed or installed without the appropriate prior authority at the time of installation.

D. If the telecommunications system or facility was constructed or installed at a location not permitted by the grantee's telecommunications franchise or other legally sufficient permit.

(Ord. 3133 § 33, 2003; Ord. 3063 § 2, 2000)

9.25.330 General franchise provisions--Facilities. Upon request, each grantee shall provide the City with an accurate map or maps certifying the location of all of the grantee's telecommunications facilities within the public way. Each grantee shall provide updated maps annually. Non-carrier providers shall also provide a written certification of the total linear feet of public way occupied by its facilities as of December 31st of the prior year, or as of any date requested by the City. (Ord. 3133 § 34, 2003; Ord. 3063 § 2, 2000)

9.25.340 Damage to grantee's facilities. Unless directly and proximately caused by willful, intentional or malicious acts by the City, the City shall not be liable for any damage to or loss of any telecommunications facility within the public way of the City as a result of or in connection with any public works, public improvements, construction, excavation, grading, filling, or work of any kind in the public way by or on behalf of the City, or for any consequential losses resulting directly or indirectly therefrom. (Ord. 3133 § 35, 2003; Ord. 3063 § 2, 2000)

9.25.350 Duty to provide information. Within ten (10) business days of a written request from the City, each grantee shall furnish the City with information sufficient to demonstrate that grantee has complied with all requirements of this Chapter. All books, records, maps and other documents, maintained by the grantee with respect to its facilities within the public way shall be made available for inspection by the City at reasonable times and intervals. (Ord. 3133 § 36, 2003; Ord. 3063 § 2, 2000)

9.25.360 Service to the City. If the City contracts with the grantee for the use of telecommunications facilities, telecommunication services, installation or maintenance, the grantee shall charge the grantee's most favorable rate offered at the time of the request charged to similar users within Oregon for a similar volume of service, subject to any grantee's tariffs or price lists on file with the Oregon Public Utilities Commission. With the City's permission, the grantee may deduct the applicable charges from fee payments. Other terms and conditions of such services may be specified in a separate agreement between the City and the grantee. (Ord. 3133 § 37, 2003; Ord. 3063 § 2, 2000)

9.25.370 Cable franchise. Any person, persons or entity providing cable service exclusively shall be subject to the cable franchise requirements in Chapter 9.10 of this Code rather than the requirements of this Chapter. (Ord. 3133 § 38, 2003; Ord. 3063 § 2, 2000)

9.25.380 Leased capacity. A grantee shall have the right, without prior City approval, to offer or provide capacity or bandwidth to another telecommunications provider for resale or service to end-user customers; provided that the grantee shall notify the City that such lease or agreement has been granted to a customer or lessee. The person who acquires capacity or bandwidth in such arrangement also must obtain a franchise and pay franchise fees as provided in this Chapter. (Ord. 3133 § 39, 2003; Ord. 3063 § 2, 2000) (Ord. 3294, § 8, 12-8-2008)

9.25.390 Grantee insurance. Unless otherwise provided in a franchise agreement, each grantee shall, as a condition of the franchise, secure and maintain the following liability insurance policies insuring both the grantee and the City, and its elected and appointed officers, officials, agents and employees as coinsured:

A. (1) Comprehensive general liability insurance with limits not less than three million dollars (\$3,000,000) for bodily injury or death to each person; **(2)** three million dollars (\$3,000,000) for property damage resulting from any one accident; and **(3)** three million dollars (\$3,000,000) for all other types of liability.

B. Automobile liability for owned, non-owned and hired vehicles with a limit of one million dollars (\$1,000,000) for each person and three million dollars (\$3,000,000) for each accident.

C. Workers' compensation within statutory limits and employer's liability insurance with limits of not less than one million dollars (\$1,000,000).

D. Comprehensive form premises-operations, explosions and collapse hazard, underground hazard and products completed hazard with limits of not less than three million dollars (\$3,000,000).

E. The liability insurance policies required by this Section shall be maintained by the grantee throughout the term of the telecommunications franchise, and such other period of time during which the grantee is operating without a franchise hereunder, or is engaged in the removal of its telecommunications facilities. Each such insurance policy shall contain the following endorsement:

"It is hereby understood and agreed that this policy may not be canceled nor the intention not to renew be stated until ninety (90) days after receipt by the City of Roseburg, by registered mail, of a written notice addressed to the City Recorder of such intent to cancel or not to renew."

F. Within sixty (60) days after receipt by the City of said notice, and in no event later than thirty (30) days prior to said cancellation, the grantee shall obtain and furnish to the City evidence that grantee meets requirements of this Section.

G. As an alternative to the insurance requirements contained herein, a grantee may provide evidence of self-insurance subject to review and acceptance by the City.
(Ord. 3133 § 40, 2003; Ord. 3063 § 2, 2000)

9.25.400 General indemnification. To the extent permitted by law, each grantee shall defend, indemnify and hold the City and its officers, employees, agents and representatives harmless from and against any and all damages, losses and expenses, including reasonable attorney's fees and costs of suit or defense, arising out of, resulting from or alleged to arise out of or result from the negligent, careless or wrongful acts, omissions, failures to act or misconduct of the grantee or its affiliates, officers, employees, agents, contractors or subcontractors in the construction, operation, maintenance, repair or removal of its telecommunication facilities, and in providing or offering telecommunications services over the facilities or network, whether such acts or omissions are authorized, allowed or prohibited by this Chapter or by a franchise agreement made or entered into pursuant to this Chapter. (Ord. 3133 § 41, 2003; Ord. 3063 § 2, 2000)

9.25.410 Performance surety. Before a franchise granted pursuant to this Chapter is effective, and as necessary thereafter, the grantee shall provide a performance bond, in form and substance acceptable to the City, as security for the full and complete performance of a franchise granted under this Chapter, including any costs, expenses, damages or loss the City pays or incurs because of any failure attributable to the grantee to comply with the codes, ordinances, rules, regulations or permits of the City. This obligation is in addition to the performance surety required by Chapter 4.02 of this Code. (Ord. 3133 § 42, 2003; Ord. 3063 § 2, 2000)

9.25.420 Consent. Wherever the consent of either the City or of the grantee is specifically required by this Chapter, or in a franchise granted, such consent will not be unreasonably withheld. (Ord. 3133 § 43, 2003; Ord. 3063 § 2, 2000)

9.25.430 Confidentiality. The City agrees to use its best efforts to preserve the confidentiality of trade secrets or other information that reasonably may be deemed confidential, as requested by a grantee, to the extent permitted by the Oregon Public Records Law and to the extent consistent with other provisions of this Chapter. (Ord. 3133 § 44, 2003; Ord. 3063 § 2, 2000)

9.25.440 Governing law--Venue. Any franchise granted under this Chapter is subject to the provisions of the Constitution and laws of the United States, and the State of Oregon and the ordinances and Charter of the City. Any action or suit pertaining to rights and obligations arising from this Chapter or any franchise or permit granted pursuant to this Chapter or Chapter 4.02 of this Code shall be filed in the Circuit Court of Douglas County, Oregon. (Ord. 3133 § 45, 2003; Ord. 3063 § 2, 2000)

9.25.450 Written agreement. No franchise shall be granted hereunder unless the agreement is in writing. (Ord. 3133 § 46, 2003; Ord. 3063 § 2, 2000)

9.25.460 Nonexclusive grant. No franchise granted under this Chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public rights of way of the City for delivery of telecommunications services or any other purposes. (Ord. 3133 § 47, 2003; Ord. 3063 § 2, 2000)

9.25.470 Severability and preemption. If any article, section, subsection, sentence, clause, phrase, term, provision, condition, covenant or portion of this Chapter is for any reason held to be invalid or unenforceable by any court of competent jurisdiction, or superseded by state or federal legislation, rules, regulations or decisions, the remainder of the Chapter shall not be affected thereby but shall be deemed as a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions

ORDINANCES A
EXHIBIT "A"

hereof, and each remaining section, subsection, sentence, clause, phrase, provision, condition, covenant and portion of this Chapter shall be valid and enforceable to the fullest extent permitted by law. In the event that federal or state laws, rules or regulations preempt a provision or limit the enforceability of a provision of this Chapter, then the provision shall be read to be preempted to the extent and/or the time required by law. In the event such federal or state law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed so that the provision hereof that had been preempted is no long preempted, such provision shall thereupon return to full force and effect, and shall thereafter be binding, without the requirement of further action on the part of the City, and any amendments hereto. (Ord. 3133 § 48, 2003: Ord. 3063 § 2, 2000)

9.25.480 Other remedies. Nothing in this Chapter shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Chapter. (Ord. 3133 § 49, 2003: Ord. 3063 § 2, 2000)

9.25.490 Compliance with laws. Any grantee under this Chapter shall comply with all federal and state laws and regulations, including regulations of any administrative agency thereof, as well as all ordinances, resolutions, rules and regulations of the City heretofore or hereafter adopted or established during the entire term any franchise granted under this Chapter, which are relevant and relate to the construction, maintenance and operation of a telecommunications system. (Ord. 3133 § 50, 2003: Ord. 3063 § 2, 2000)

9.25.500 Application to existing ordinances and agreements. To the extent that this chapter is not in conflict with and can be implemented with existing ordinances and franchise agreements, this Chapter shall apply to all existing ordinances and franchise agreements for use of the public right of way for telecommunications. (Ord. 3133 § 51, 2003: Ord. 3063 § 2, 2000)

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ORDINANCES B
10/08/2018



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY

PROPOSED CODE AMENDMENT REGARDING PROHIBITED CAMPING

Meeting Date: October 8, 2018
Department: City Recorder
www.cityofroseburg.org

Agenda Section: Ordinances
Staff Contact: Gary Klopfenstein
Contact Telephone Number: 541-492-6760

ISSUE STATEMENT AND SUMMARY

The Council is asked to consider adding language that would ensure prohibited camping would be prosecuted as a violation rather than a criminal charge.

BACKGROUND

A. Council Action History. Currently, the Roseburg Municipal Code includes a section on prohibited camping, classifying it as both a crime and a violation.

B. Analysis.

Recently, the 9th U.S. Circuit Court of Appeals ruled that criminally prosecuting individuals for sleeping in public places is a violation of the U.S. Constitution's Eighth Amendment if there isn't adequate space available; additionally, that shelter space cannot have religious requirements as a condition to stay there. The City's current practice is to cite and release individuals sleeping on public property and treat the citations as a violation only rather than pursue criminal charges. This is not clearly outlined in the Roseburg Municipal Code (RMC).

Staff has prepared an ordinance that would incorporate language needed to clarify that prohibited camping would be a violation and not a criminal offense. The ordinance addresses the concern of the recent 9th U.S. Circuit Court of Appeals ruling.

Staff has also made some housekeeping updates regarding definitions and the reference to the Land Use Regulations.

C. Financial and/or Resource Considerations. There are no financial impacts in adopting this amendment.

D. Timing Issues. There are no timing issues. However, the 9th Circuit ruling is now binding precedent in Oregon.

COUNCIL OPTIONS

STAFF RECOMMENDATION

Staff recommends the City Council suspend the rules and proceed with second reading of the proposed ordinance, and adopt it as an emergency.

SUGGESTED MOTIONS (two separate motions)

“I move to suspend the rules and proceed with second reading.”

“I move to ADOPT ORDINANCE NO. 3513, DECLARING AN EMERGENCY”

ATTACHMENTS

Attachment #1 - Proposed Ordinance

ORDINANCE NO. 3513

AN ORDINANCE AMENDING SECTIONS 7.02.100 OF THE ROSEBURG MUNICIPAL CODE REGARDING PROHIBITED CAMPING AND DECLARING AN EMERGENCY

WHEREAS, Chapter 98.21.1, Section (2) of the Roseburg City Charter provides:

The City has all powers that the constitution or laws of the United States or of this state expressly or impliedly grant or allow cities, as fully as if this Charter specifically stated each of those powers.

NOW, THEREFORE, THE CITY OF ROSEBURG ORDAINS AS FOLLOWS:

SECTION 1. Section 7.02.100 Roseburg Municipal Code is hereby amended to read as follows:

7.02.100 - Prohibited camping.

A. As used in this Section:

1. "To camp" means to set up or to remain in or at a campsite.
2. "Campsite" means any place where any bedding, sleeping bag or other sleeping matter, or any stove or fire, is placed, established or maintained, whether or not such place incorporates the use of any tent, lean-to, shack or any other structure erected or maintained for shelter, or any vehicle or part thereof.
3. ~~"Trailer coach" means any vehicle used or maintained for use as a conveyance upon highways or City streets, so designed and so constructed as to permit occupancy thereof as a temporary dwelling or sleeping place for one or more persons, having no other foundation than wheels or jacks.~~ "Recreational Vehicle (RV) or Camping Vehicle" means either a vacation trailer or a self-propelled vehicle or structure equipped with wheels for highway use and that is intended for human occupancy and is being used for vacation and recreational purposes, but not for residential purposes, and is equipped with plumbing, sink or toilet.

- B. Except by permit issued by the Parks Department for camping in a City park, it is unlawful to camp in or upon any sidewalk, street, alley, lane, public right-of-way or any other place to which the general public has access, or under any bridgeway or viaduct.
- C. No ~~trailer coach~~ RV or campsite shall be used or occupied on any tract of ground within the corporate limits of the City except as provided in this Section.
- D. No person shall use or occupy any ~~trailer coach~~ RV or campsite for more than forty-eight hours on the premises of any occupied dwelling or on any lot which is not part of the premises of any occupied dwelling, unless a permit therefor shall have been first obtained as prescribed in the Land Use and Development Ordinance, nor shall

any person permit such use or occupancy unless the occupant of the ~~trailer coach RV~~ or camp has obtained a permit therefor.

E. Exception. Overnight use of a camping vehicle or recreational vehicle (RV) as defined in ORS 446.310 (~~32~~) shall be allowed outside of a permitted or authorized campground, without a permit, provided the following conditions exist and are complied with:

1. The subject location is within a General Commercial (C-3) zoning district and contains a developed permitted use pursuant to ~~the Roseburg Land Use and Development Ordinance Section 3.18.050-Roseburg Municipal Code Subsection 12.04.010.~~
2. The property owner or lessee registers the subject location with the community development department and no fee is charged to the users;
3. The subject location is not within 500 feet of a residential structure;
4. The length of stay is limited to 48 hours;
5. The camping vehicle or RV unit is self-contained;
6. Generators shall not be used between the hours of 10:00 p.m. and 6:00 a.m.;
7. The area designated for overnight use is paved with an asphalt or concrete surface;
8. The owner of the property where the overnight parking occurs has obtained the necessary permits or licenses, if any are required, from other governmental agencies.

F. ~~Any person who violates this Section [7.02.100] shall be punished, upon conviction, by a fine of not more than \$250 for each violation. Conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime.~~

Section 2. All other Sections and Subsections of Chapter 7.02.100 of the Roseburg Municipal Code remain in full force and effect as written.

Section 3. The emergency clause for this ordinance is necessary to address the concerns of the recent 9th U.S. Circuit Court of Appeals ruling to preserve the peace, health and safety of the city.

Section 4. Effective Date: This ordinance will take effect immediately upon adoption by the Council.

ADOPTED BY THE ROSEBURG CITY COUNCIL THIS 8TH DAY OF OCTOBER, 2018.

APPROVED BY THE MAYOR THIS 8TH DAY OF OCTOBER, 2018.

LARRY RICH, MAYOR

ATTEST:

AMY L. SOWA, CITY RECORDER

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10/1/18

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



Authorization to Apply for Critical Oregon Airport Relief Grants

Meeting Date: October 8, 2018
Department: Public Works
www.cityofroseburg.org

Agenda Section: Department Items
Staff Contact: Nikki Messenger
Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

The Oregon Department of Aviation is accepting applications for its Critical Oregon Airport Relief (COAR) grant program. The issue for the City Council is whether to authorize the submission of two grant applications.

BACKGROUND

A. Council Action History. None

B. Analysis. The Oregon Department of Aviation has issued a request for applications for the FY2019 COAR grant program. This program allows airports to seek assistance in meeting their ten percent match requirements for FAA grants. The COAR program can be utilized for up to ninety percent of the local match requirement.

The City recently received an FAA grant for \$200,000 to complete the obstruction mitigation project. This grant has a match requirement of \$22,222. Staff anticipates receiving a grant in FY19 to replace the runway lighting and related items. The preliminary programmed grant amount for the electrical project is \$660,000 which requires a City match of \$73,333.

C. Financial and/or Resource Considerations. Staff is proposing to apply for two grants. The COAR program requires a ten percent match. If the FAA and COAR grants are both awarded, the funding breakdown would be as follows:

	<u>Total</u>	<u>FAA</u>	<u>COAR</u>	<u>City/UR</u>
Obstruction Removal/Lighting	\$222,222	\$200,000	\$20,000	\$2,222
Runway Electrical	\$733,333	\$660,000	\$66,000	\$7,333
<i>Total</i>	\$955,555	\$860,000	\$86,000	\$9,555

Without the COAR grants, the Airport and/or Urban Renewal would be responsible for \$95,555.

D. Timing Issues. The grant applications are due October 15, 2018.

COUNCIL OPTIONS

Council has the following options:

1. Authorize the submission of two grant applications to the ODA for the COAR program;
or
2. Direct staff to not apply for the funding.

STAFF RECOMMENDATION

Staff recommends applying for two COAR grants. The Airport Commission will discuss these grant applications at their October 4th special meeting. Staff will report the results of the Commission's discussion.

SUGGESTED MOTION

I move to authorize the submission of two grant applications to the Oregon Department of Aviation's COAR Program.

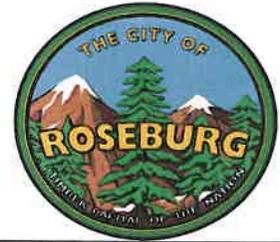
ATTACHMENTS

None

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INFORMATIONAL A
10/08/2018

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



ACTIVITY REPORT

Meeting Date: October 8, 2018
Department: City Manager
www.cityofroseburg.org

Agenda Section: City Manager Reports
Staff Contact: C. Lance Colley
Contact Telephone Number: 492-6866

ISSUE STATEMENT AND SUMMARY

At each meeting I will provide the City Council with a report on the activities of the City, along with an update on operational/personnel related issues which may be of interest to the Council. These reports shall be strictly informational and will not require any action on the Council's part. The reports are intended to provide a mechanism to solicit feedback and enhance communication between the Council, City Manager and City Staff. For your October 8, 2018, meeting, I provide the following items:

- Department Head Meeting Agendas
- Tentative Future Council Agenda Items
- City Manager Weekly Messages



Agenda
Department Head Meeting
City Hall Conference Room
October 1, 2018 - 10:00 a.m.

1. Review October 8, 2018 City Council Meeting Agenda
2. Review Tentative Future Council Meeting Agendas
3. Documents/Grants Signing
4. Department Items
 - a. Outlook storage retention policy (RH)
 - b. Grant check lists – accounts and processing (RH)
5. Employee Work Anniversaries
 - a. Pat Moore, Police Department – 25 years
 - b. Jeremy Pieske, Water Treatment Plant – 15 years

*Flu Clinic Sign-Ups Open. Clinic is October 4th from 8:00 – 10:00 a.m.

*October 15, 2018 Chamber Luncheon featuring Roseburg City Council Candidates



Agenda
Department Head Meeting
City Hall Conference Room
September 25, 2018 - 10:00 a.m.

1. Review September 24, 2018 City Council Meeting Synopsis
2. Review October 10, 2018 City Council Meeting Agenda
3. Review Tentative Future Council Meeting Agendas
4. Documents/Grants Signing
5. Department Items
 - Special Event Applications (AS)
 - a. Horse Carriage Question for December 1 event (KT)
 - Bike & Walk to School Day Request (KT)

*Flu Clinic Sign-Ups Open. Clinic is October 4th from 8:00 – 10:00 a.m.

TENTATIVE FUTURE COUNCIL AGENDA

Unscheduled

- Airport Fees for Fire Agency Services
- Business Registration Background Checks Discussion
- RMC 5.04 Amendment - Water Rules and Regulations
- Umpqua Basin Urban Services Agreement
- Special Work Study – Visitor’s Center Contract/Tourism Promotion

October 22, 2018

Council Reports

- A. Parks Commission Resignation – Bob Cotterell

Consent Agenda

- A. Minutes of October 8, 2018

Special Presentation

- A. Downtown Roseburg Association Annual Report

Public Hearing

- A. Land Use Regulation Proposed Amendments

Ordinance

- A. Ordinance No. ____ - Proposed Code Amendment Regarding Enhanced Law Enforcement Areas and to Include City Parks, First Reading

Resolution

- A. Resolution No. 2018-24 – Authorizing Eminent Domain

Department Items

- A. Engineer Task Order Authorization for Runway Electrical Project
- B. Tennis Center Initial Concept
- C. Authorization to Apply for Fire Grant

Informational

- A. Activity Report – Municipal Court & Financial Quarterly Reports

November 26, 2018

Consent Agenda

- A. Minutes of October 22, 2018

Ordinance

- A. Ordinance No. ____ - Proposed Code Amendment Regarding Enhanced Law Enforcement Areas and to Include City Parks, Second Reading

Department Items

- A. Engineering Services Contract for West Avenue Water Main Extension
- B. Water Treatment Plant Contract for Chlorine Generation

Informational

- A. Activity Report

Executive Session

- A. Municipal Judge Evaluation

December 10, 2018

Consent Agenda

- A. Minutes of November 26, 2018

Informational

- A. Activity Report

January 14, 2019

Mayor Reports

- A. State of the City Address
- B. Commission Chair Appointments
- C. Commission Appointments

Council Reports

- A. Election of Council President
- B. Planning Commission Appointments

Consent Agenda

- A. Minutes of December 10, 2018

Informational

- A. Activity Report

January 28, 2019

Consent Agenda

- A. Minutes of January 14, 2019

Department Items

- A. The Partnership Annual Report
- B. Municipal Court Quarterly Reports

Informational

- A. Activity Report
- B. Distribution of CAFR and PAFR

February 11, 2019

Special Presentation

- A. CAFR Review – Auditor Jeff Cooley
- B. Quarterly Report – Quarter Ended December 31, 2018
- C. 2019-2020 Budget Calendar

Consent Agenda

- A. Minutes of January 28, 2019

Informational

- A. Activity Report

February 25, 2019

Consent Agenda

- A. Minutes of February 11, 2019

Informational

- A. Activity Report

March 11, 2019

Consent Agenda

- A. Minutes of February 25, 2019

Informational

- A. Activity Report

March 25, 2019

Mayor Report

- A. Child Abuse Prevention Month Proclamation

Consent Agenda

- A. Minutes of March 11, 2019

Informational

- A. Activity Report

April 8, 2019

Mayor Report

- A. Volunteer Recognition Month Proclamation
- B. Arbor Day Proclamation

Consent Agenda

- A. Minutes of March 25, 2019
- B. Cancel May 27, 2019 Meeting
- C. 2019 OLCC License Renewal Endorsement

Informational

- A. Activity Report

April 22, 2019

Consent Agenda

- A. Minutes of April 8, 2019

Informational

- A. Activity Report
- B. Finance and Municipal Court Quarterly Reports

May 13, 2019

Consent Agenda

- A. Minutes of April 22, 2019
- B. Annual Fee Adjustments
 - Resolution No. 2019-__ - General Fees
 - Resolution No. 2019-__ - Water Related Fees

Informational

- A. Activity Report

June 10, 2019

Mayor Reports

- A. Camp Millennium Week Proclamation

Consent Agenda

- A. Minutes of May 13, 2019

Public Hearing

- A. 2019-2020 Budget Adoption – Resolution No. 2019- ____

Informational

- A. Activity Report

June 24, 2018

Consent Agenda

- A. Minutes of June 10, 2019

Informational

- A. Activity Report

July 8, 2019

Consent Agenda

- A. Minutes of June 24, 2019

Informational

- A. Activity Report

July 22, 2019

Consent Agenda

- A. Minutes of July 8, 2019

Department Items

- A. Municipal Court Update

Informational

- A. Activity Report
- B. Financial Quarterly Report

August 12, 2019

Consent Agenda

- A. Minutes of July 22, 2019

Informational

- A. Activity Report

Executive Session

- A. City Manager Quarterly Evaluation

August 26, 2019

Consent Agenda

- A. Minutes of August 12, 2019

Informational

- A. Activity Report

September 9, 2019

Consent Agenda

- A. Minutes of August 26, 2019

Informational

- B. Activity Report

September 23, 2019

Council Reports

- A. Implementation of Annual City Manager Performance Evaluation

Consent Agenda

- A. Minutes of September 9, 2019

Informational

- A. Activity Report

October 14, 2019

Consent Agenda

- A. Minutes of September 23, 2019
- B. Cancellation of November 11, 2019 Meeting
- C. Cancellation of December 23, 2019 Meeting

Informational

- A. Activity Report

October 28, 2019

Consent Agenda

- A. Minutes of October 14, 2019

Informational

- A. Activity Report
- B. Municipal Court Quarterly Report
- C. Financial Quarterly Report

Friday September 21, 2018

Good Friday afternoon everyone! According to the calendar summer will end tomorrow but it looks like summer weather will return shortly after. The forecast is for temperatures in the high 80's and low 90's again next week! There are some very critical items on your agenda for Monday night. First, we have a Work Study scheduled for 6:30 p.m. to talk about an Urban Growth Boundary (UGB) swap. That term is likely not familiar to most of you, as until recently, it was not that familiar to staff. We were recently approached by a couple of property owners who own almost 300 acres of property inside the current UGB which is not developable to City standard because of the slope and terrain. They would like to have their property removed from the UGB which in turn would allow us to add some property. Given Council's commitment to housing, it makes sense to try to add property back into the UGB that will provide for more easily developable property and make more land available for development. Please see the agenda item for the Work Study in your packet.



The next item on the agenda will be Mayor Rich and John VanWinkle providing an update to you on a proposed process to move forward immediately with your City Manager recruitment process. Under resolutions, there are two actions requested. The first is to adopt the Library Policies and Procedures (Library Rules) and the second will be to adopt the Library fee schedule. The policies to be adopted by Council represent those that provide a framework for the Library to operate, provide services and provide materials to our constituents in accordance with standards set by the American Library Association, the State of Oregon, and best practices. Included in the policy section for adoption are the circulation, collection, programming, and rules of conduct. The "Policies" were reviewed extensively by your Library Commission and were recommended unanimously for adoption by Council along with the fee schedule. Staff would like to thank the Library Commission for their hard work in helping us get to this point where Council can consider the policies as we move towards opening in the near future.

The final Council agenda item I would like to point out is the final department item, Legion Field Improvement Proposal. In June of 2017, Council approved a request by the American Legion to turf Legion Field. They were informed at the time that before they would be allowed to start, they would need to raise all monies necessary to complete the project. American Legion is now working with Roseburg Public Schools, Umpqua Valley Christian School, and Umpqua Community College to put together a fundraising program to raise the money. One of their proposals was to provide funders with temporary "naming" or "advertising" rights for up to six year periods in exchange for six-year funding pledges. That was not in conformance with our existing Park policies, so they approached the Park Commission about an exemption for Legion Field fundraising. The entire packet of information provided to the Park Commission is included in your packet and they did recommend that American Legion receive an exemption.

Staff attended meetings of the Partnership for Economic Development, the Douglas Community Library Association, Park Commission, Historic Resources Review tour of the Bell Sisters Flats and a webinar on HB 4006, a Housing bill passed during the last session that will require significant work on our part to comply with new requirements related to low and moderate income housing. A number of our Department Heads were also involved in training and meetings out of the office this week.

Lastly, I would like to thank Chief Klopfenstein and Chief Garrisi for their participation in the Challenge of the Heroes along with many of their staff. Challenge is a fundraising effort for Mercy Foundation Up2UsNow child abuse prevention projects in our community. Once again, this year a number of our Police and Fire personnel as well as our Public Safety leadership team stepped up to volunteer their time and efforts to the cause in our community. Special thanks to all who volunteered to participate in this event and thanks to all who attended and "tipped" the Heroes to make the fundraiser a success. Nicely done everyone!



Have a great weekend everyone.

Go Ducks!

